

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 28<sup>th</sup> October, 2015

The House met at 9.30 a.m.

*[The Deputy Speaker  
(Hon. (Dr.) Laboso) in the Chair]*

### PRAYERS

### QUORUM

**Hon. Deputy Speaker:** Let us have the doors opened. We need the Quorum Bell to be rung. Can it be rung?

*(The Quorum Bell was rung)*

Hon. Members, we can now begin transacting business.

**Hon. Wakhungu:** On a point of order, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Hon. Wamalwa, you seem to be on a point of order? On which Order?

**Hon. Wakhungu:** Order No. 7.

**Hon. Deputy Speaker:** But we have not reached Order No.7.

### STATEMENTS

#### IDENTITY OF SECURITY PERSONNEL AT PARLIAMENT BUILDINGS

**Hon. Wakhungu:** Hon. Deputy Speaker, I rise to seek your direction pertaining to what is happening at the entrance of Parliament. We have seen some strangers at the entrance of Parliament. Upon further inquiry, we are told that they are National Youth Service (NYS) officers. We know very well that the NYS are not responsible for matters of security. Is Parliament unable to pay competent security officers to serve at the entrance? There are some boys and girls who are wearing red reflector jackets. They have no capacity as far as security is concerned. They are all over Parliament Buildings. It is a security concern. Parliament is a very important institution in this country. We have been having regular police officers and officers from the General Service Unit (GSU) securing the entrances to Parliament Buildings. Many times, we have had cases of insecurity. As Members of Parliament, we want to know whether we are safe. Who are those boys and girls at the entrances of Parliament Buildings? Why are the GSU or the military not present? We need your communication on this matter.

**Hon. Deputy Speaker:** There seems to be an issue with our public address system. My microphone is working. Hon. Charles Njagagua, are you on a point of order?

**Hon. Njagagua:** Hon. Deputy Speaker, I just want to say something on what Hon. Chris Wamalwa has said. The issue he has raised is about the security of Members of Parliament. I have seen those people he is calling “boys” and “girls.” That is a derogatory term in reference to those officers. Whether they are from the NYS or the GSU, they are well-labelled. They have put on orange reflector jackets clearly marked “Parliament Security”. In what statute is it written that Parliament must only be guarded by GSU officers or regular police officers? What we need is security. All of us have been complaining that Parliament and its precincts have not been well secured. When did it become wrong for the leadership of Parliament to improve our security by reinforcing the security that we have had – the Serjeant-at-Arms and the GSU – by adding more security personnel? I do not think the issues that have been raised by Chris Wamalwa should take us an hour or two to deliberate on.

**Hon. Deputy Speaker:** Hon. Members, I do not think we should take up the time set aside for debate to discuss administrative issues. I want to ask Hon. Keynan, who sits in the Parliamentary Service Commission (PSC) to say a word on this matter and leave it at that, because we want to spend the available time on debate. Wednesday mornings are set aside for you, hon. Members, to debate your personal Motions and Bills.

**Hon. Keynan:** Hon. Deputy Speaker, I appreciate the concerns of Members of Parliament.

This issue was deliberated on by the PSC. I can confirm that the officers that you have seen in uniform are employees of the PSC. Hon. Members have severally complained that they have encountered people who are not in uniform stopping them from accessing Parliament. It became very difficult for the staff to identify themselves. Eventually, the Commission decided that the officers should be in uniform; they are the security officers of Parliament. Because of what is happening outside, I want to plead with you to bear with them. It is the Members who raised an issue about uniform. Somebody stops you and you do not know whether he is an officer of Parliament or not. Eventually, the Commission made a decision that all security officers who are employees of Parliament must be in uniform.

In addition, we also have the uniformed security officers. Because of the circumstances, I urge you to bear with them. Those officers are not from the NYS; they are employees of the PSC.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Thank you, Commissioner.

Hon. Members, I do not want us to go into that matter. Please, look at your Order Paper. As you can see, the first Order is on the Parliamentary Service Commission Bill. You will still be able to raise those issues once this Bill comes up for debate in the House. Let us use our time efficiently.

What is your point of order, Hon. Wandayi?

**Hon. Wandayi:** Hon. Deputy Speaker, I have two issues which are not related to what has been clearly explained by the ---

**Hon. Deputy Speaker:** On this same matter?

**Hon. Wandayi:** No, Hon. Deputy Speaker. They are different issues.

**Hon. Deputy Speaker:** You may proceed.

#### SAFEGUARDING INTEGRITY OF NATIONAL EXAMINATIONS

**Hon. Wandaayi:** Hon. Deputy Speaker, the first issue is on the Departmental Committee on Education, Research and Technology. Last week, I raised a matter of serious national importance that touches on the integrity of national examinations. I was then advised by the presiding Speaker to seek leave of the House to move a Motion for Adjournment that afternoon, so that we could discuss the matter. Subsequently, the Motion was rejected by the substantive Speaker. I was then advised by the substantive Speaker to extend the Petition to the Departmental Committee on Education, Research and Technology, so that they could invite the Kenya National Examinations Council (KNEC) to explain to this House what is going on. However, a week later, nothing seems to be happening. More importantly, we read in the media that the ongoing Kenya Certificate of Secondary Education (KCSE) examinations are being stolen all over. More critically, the Chairperson of the Departmental Committee on Education, Research and Technology is reported to have blamed the police for leaking and selling examination papers to candidates.

Hon. Deputy Speaker, this is a matter that is so grave that this House cannot continue to wish it away. The future of the children of this country is at stake. Therefore, we need an emphatic direction from you, so that this Committee can, within a day or so, make a determination on the matter of examination leakages in this country. That is the first issue.

#### CLARIFICATION ON POLICE ARREST OF PARLIAMENTARY STAFF

The second issue is equally grave. We have read in the media that a day or so ago, police officers invaded the precincts of Parliament, arrested some officers of the PSC and arraigned them before a court of law on charges we do not know about. Can we get a clarification from the PSC as to, first, who authorised the police to gain access to the precincts of Parliament? More importantly, can more light be shed on the investigation that led to the arrests? We are made to understand that some “small fish” are being sacrificed on the altar of political expediency, and that the “big fish” are being shielded, given the manner in which the investigations have been conducted. We are informed that the police invaded Parliament Buildings and took away innocent officers of the PSC.

**Hon. Erick Keter:** Thank you, Hon. Deputy Speaker. Hon. Keynan is dealing with issues unprocedurally. Can we handle one issue at a time?

**Hon. Deputy Speaker:** Hon. Keynan, comment on this one.

**Hon. Keynan:** Hon. Deputy Speaker, some of the issues being canvassed are very sensitive. I would like to plead that we rest these issues here and you understand the reason. If there are particular issues either touching on the welfare of members of staff, Members of Parliament, or the institution of Parliament in general, I plead that these issues be addressed in a different forum. I am afraid, where we are seated right now might not serve the purpose at hand. I would like to request that these issues be referred to a *Kamukunji*.

**Hon. Deputy Speaker:** Hon. Members, let us try to give each other a chance. Hon. Lentoimaga.

**Hon. Lentoimaga:** Thank you, Hon. Deputy Speaker. I concur with the Hon. Commissioner, but I would like to revisit the issue on what Hon. Wandaayi raised. When he talks of the “small fish”, is he in order when he has not enough information on this matter? This matter should be left for further investigation then we can discuss it elsewhere, but not here.

**Hon. Deputy Speaker:** Hon. Members, as requested by the commissioner, I intend to close the discussion on this matter on the PSC. All the issues lying therein can be raised some other time.

We have a substantive Motion which is going to come up. We can always have ample time and information once that issue is raised. I am not going in that direction. On the first issue raised by Hon. Wandayi on education, I have been guided that this afternoon we will have some pending reports from three Committees. The Departmental Committee on Education, Research and Technology will shed light on the ongoing issue on examination leakage. We can then ask all our questions at that time. I am told the three Departmental Committees on Education, Research and Technology, Energy, Communication and Information and Defence and Foreign Relations will be giving reports.

**Hon. Kombe:** Hon. Deputy Speaker, I sought a Ministerial statement from the Cabinet Secretary for Land, Housing and Urban Development two years ago. To date, I have not received anything to that effect and my people are suffering. The sold farms continue to destroy vegetation. The Departmental Committee on Lands and that of Environmental and Natural Resources visited them. Unfortunately, I have a feeling that they might have been compromised. They said the report is ready, but it is never available.

**Hon. Deputy Speaker:** Hon. Kombe, let us not have your opinions and feelings until you have interacted with the relevant bodies. You know the system we have adopted. When it is two years down the line, does it mean it has come to the attention of the office of the Leader of the Majority Party? Has it been scheduled for a Tuesday morning?

**Hon. Kombe:** Hon. Deputy Speaker, last week I was in Room 8 and I was told the matter had been taken to the office of the Leader of the Majority Party. It has taken too long to come to this House, or for the CS to come and give answers on the same. It has taken too long.

**Hon. Deputy Speaker:** It has been noted. It is now in the HANSARD. We will do a follow up on how long it has taken. You made your point and it is clear; we have now noted the length of time your matter has taken. I am sure you realise that is one of the Ministries where the substantive CS is not there. Therefore, another CS is standing in for her. I am not trying to give an excuse for them, but trying to see what could be the part of the reasons they have taken some time to respond.

Next Order!

*(Hon. Keynan consulted with several hon. Members)*

Hon. Keynan, you cannot hold another *Kamukunji* on the side. Can you break that meeting, so that we will have a substantive one with everybody?

## BILL

### *First Reading*

#### THE PARLIAMENTARY SERVICE BILL

*(Order for First Reading read - Read the First Time and ordered to be referred to the relevant Departmental Committee)*

## MOTION

## FIREARMS TRACKING AND REGISTRATION SYSTEM

*(Hon. (Dr.) Munyaka on 29.7.2015)*

*(Resumption of Debate interrupted on 29.7.2015)*

**Hon. Deputy Speaker:** Hon. Chachu had a balance of three minutes. If he is not here, then I will give the opportunity to the next person on my list, who happens to be Hon. Joseph Limo.

**Hon. Ganya:** I am here, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** You are sitting in a different place. It is not your chance Hon. Limo, but Hon. Chachu's to finish his three minutes. Hon. Chachu, it is not that anyone is stopping you from sitting where you want. Some people seem to have a preference.

Hon. Members, I am informed that it is Hon. Yusuf Chanzu. From yesterday I seem to be confusing the two of them. I do not know what is happening. Hon. Yusuf Chanzu is the one who had a balance of three minutes. It is not Hon. Chachu.

**Hon. Member:** Hon. Deputy Speaker, Hon. Chanzu is not in.

**Hon. Deputy Speaker:** We will go back to give Hon. Joseph Limo an opportunity to make his contribution.

**Hon. Limo:** Thank you, Hon. Deputy Speaker. I would like to take this chance to contribute to this important Motion, which touches on firearms, an important aspect of security. This country has faced a lot of issues on security. This Motion on tracking and registration system for firearms is very important.

Before I contribute to this Motion, I would like to clearly state that the concern raised in the morning about the security of this House is important. Parliament, as well as other arms of Government, should look for a way of investing more in technology rather than human beings. This is because people who are engaging in insecurity in the country are becoming more sophisticated. If we do not move with technology, we will be overtaken by events. We will be shocked at how they will bring trouble to us. I wish to state clearly that it is time to invest in advanced technology in detecting and tracking firearms, as well as all other aspects of illegal weapons.

We can take an example of what has happened at the Jomo Kenyatta International Airport (JKIA). It is very important. It has made this country one of the best in Africa, where scanning of vehicles and people is done using the latest technology. We need to invest in such kind of technology. For instance, you do not understand how security personnel can detect illegal guns in vehicles. I do not understand the effectiveness we are using by asking people to open their boots and the security personnel searching them using their bare hands. We need to invest in state-of-the-art equipment which detects arms without anybody searching. The equipment should be put in a vehicle and it will detect whether one is carrying firearms. That is very important in detecting illegal firearms.

This Motion, which is seeking to introduce a system which will be used to track both legal and illegal firearms, is very important. It is important to have a system which is electronic

in nature, and which tracks both the location as well as the use of firearms, so that when you are given a firearm to use and you are given a licence for it, you ensure that the firearm is used for the intended purpose. We are worried that most of the guns out there are licensed, yet they are used for illegal purposes. What would stop somebody who has been given a gun legally, from hiring it to other people? This country has become over-populated, and we cannot control the use of firearms if we do not have a proper system.

Therefore, we want to thank Hon. Munyaka for bringing this Motion. We would even have wanted to change it from “urging”. It should be a resolution from this House that this country should have a system of tracking and registration of firearms. This is a very important aspect of security and I want to urge this House to support this Motion. After passing, we should also urge the Executive arm of the Government to ensure this Motion is implemented. We can pass Motions here but at the end of the day, do they help the country? Why have many Motions which are not implemented on time? I wish to urge the Government to ensure that given that this is a very important aspect of security, it should be implemented as soon as we pass it.

I want to urge Members to support it, so that it can help us to control and ensure proper use of firearms. Otherwise, I wish to support and urge the country to ensure that anybody found using firearms in a wrong way, or handling firearms without a licence, is reported. I support and urge the House to also do so.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** The Hon. Shakeel Shabbir.

**Hon. S.S. Ahmed:** Thank you, Hon. Deputy Speaker. This is a Motion which has come at the right time and I want to support it.

There are a lot of guns in this country, and most of them are illegal. Most of these guns are used in robberies and others are hired out. Now there is technology; as you walk past or when you are somewhere in a car, that can detect a gun or firearms. That technology has been kept by some of the more advanced countries and used sparingly. It is very important now that we have smart phones which most Kenyans carry, and they can be identified where they are. It is also important that legal guns be registered. All legal guns must have this tracking system, so that their movement can be tracked.

There are two categories of gun holders. There are private gun holders, who are licensed and there are official gun holders, who are the armed forces. All of these arms need to be tracked but the systems should be different. If the two are tracked together this might cause confusion and give those people who are out to attack this country advantage of knowing where the guns are.

Speaking of these guns, the Central Firearms Bureau (CFB) is trying its very best but with an archaic system. People who are getting licensed to hold guns now have plastic identity cards. The licence fee charged is minimal. To carry a firearm, you pay a minimal fee of Kshs2,000 per year. The firearm charge should be increased and I plead that the charge for holding firearms be increased tenfold.

Then there is the issue of the shot guns. At this moment in time, you find the short-barreled automatic push pump-action shotguns that are used in crimes all over the world being sold legally in this country to farmers or any other person who wants protection. Those are not protection guns. They are guns used for violence and robbery. Most of them are going towards certain areas like the Coast. I think these automatic guns should be banned for private licensed

holders. This is practised all over the world except in America. These automatic guns cannot be used. It is very important that this is done.

In Kisumu we have had crooks who have been hiring guns or taking guns from the armouries. They come up with AK-47 and Uzi guns and these are very sophisticated. We are wondering because some of these guns only belong to the army and the police, and you cannot even get their ammunition, yet we see crooks carrying them. We are wondering how that happens. If we are able to track these guns from the armoury, we will be able to track some of these people. This tracking system should not only track guns but also the gun holder. If the gun holder is in a different location from the gun that he is meant to be holding, then that is a criminal offence.

The final issue that I would like to mention on this score is the proliferation of guns in areas such as Kisumu. We have even heard of bodyguards of one of the Members of Parliament being arrested in Kisumu in a robbery. We wonder how this happens; police officers who are not on duty are now with criminals. Firearms tracking and registration systems must be updated.

Hon. Deputy Speaker, as I said earlier, the Central Firearms Bureau is, unfortunately handicapped. They have archaic systems. They do not even have a computer. They use their own personal computers. We need to revamp the Central Firearms Bureau and give it a bigger budget to make sure that tracking systems are initiated very quickly.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Hon. Cyprian Iringo.

**Hon. Kubai Iringo:** Thank you, Hon. Deputy Speaker for giving me this opportunity to contribute to this Motion.

I rise to support the Motion brought by my colleague, Hon. Victor Munyaka. I strongly support the idea because I think Kenya today is a country where we have more illegal firearms than the legal ones. Given the location we are in and our neighbours who are ever at war, Kenya has been prone and open to proliferation of firearms to the extent that in some parts of this country there are guns in almost every household, and nobody knows how they got them, when and where they are used.

The Government has been saying that the guns will be secured. Currently we do not have that technology to keep stock of these guns. Even the physical exercise of getting guns from those people who have them illegally has become an effort in futility. The Government issues ultimatums, tells the public to return them and gives amnesties but nothing happens. I strongly support the Motion, because if we have a device, or electronic means, where we can trace or locate these guns, at least once a crime has been committed or a firearm is hidden somewhere, it can easily be got. It beats all reasoning in this country today. There are guards even in offices or other places where people frequent. These guards have gadgets to check on guns but I really doubt if they really trace anything. People always walk in and out of hotels and other places with guns and those gadgets do not detect them. Look at even our security systems here in Parliament. A policeman asks you to open the boot and then he looks at it and underneath the carpet or mat you could have something very lethal. I do not think eyes can see below the carpet.

We have put our security in a way that we cannot really be seen to be serious in what we are doing. I strongly believe that this Motion, if passed, will go a long way in trying to arrest some insecurity incidents. It will go a long way in detecting where firearms are. We have so many roadblocks on our roads and I strongly believe that vehicles carrying criminals with firearms usually pass those roadblocks because policemen do not have gadgets to detect if they

are there or not. Some of them could even be tethered under the chassis of the vehicles. The policeman just looks at the people in the vehicle and lets them go. So, an electronic device which can trace these weapons will go a long way in reducing crime and trying to check on those who hold guns illegally.

The Government should put more effort in disarming communities which have guns. We have some parts of this country where a gun is just like a *panga*, or a walking stick. We are told that people should not have illegal guns, but in the newspapers we have seen a young boy carrying an AK47 gun on his shoulder and he is taking care of his father's cows with the same gun, yet we are saying that we are disarming these people. It is laughable. There are areas where it is very serious to be seen with a gun. You are taken to court the following day. However, there are some parts of this country where anybody can walk around with a gun. You can see a woman going to fetch water and on one hand she has a jerrycan while on the other she has a gun. That is why people terrorise others left, right and centre.

As we speak now, we are almost at war in Meru with our neighbours in Isiolo County. This is because we were told to return guns. We had very few which we returned, but our brothers in Isiolo still have them. On Monday, we spent the whole day with the leadership of Isiolo County and Meru County trying to resolve problems, but when we came to Parliament, the following day somebody was killed and cows stolen. Yesterday there was war in my constituency, and people were shooting one another with illegal guns; we are saying that we are in the same country. It is becoming very tricky, especially when we have neighbours who have guns and we have others who only have grazing sticks. Animals of those who do not have guns are stolen every day. It is high time we implemented this system seriously. The Government should make sure that all the illegal guns are returned, and the legal ones are accounted for and they are known where they are. A policeman should not be given a gun and in the evening he gives it to his brother to use to steal and return it the following day. It should be known how it has been used. Even if we do not completely eradicate crime, we will go a long way in reducing the same.

I support the Motion.

**Hon. Deputy Speaker:** Hon. Robert Pukose

**Hon. (Dr.) Pukose:** Thank you, Hon. Deputy Speaker for allowing me to contribute to this Motion on firearms registration system by Hon. Victor Munyaka.

From the outset, I support this Motion that urges the Government to fit all licensed guns held by individuals and disciplined forces with electronic tracking devices and ensure that there is proper and comprehensive registration of all firearms in the country, in order to curb insecurity. Insecurity has been a major issue in this country. We thank the Jubilee Government, which has put a lot of effort in ensuring that Kenyans are safe. The police are doing a good job. Of late even our colleagues in the opposition are quiet now because there is good security in the country. That is where we want to go; every Kenyan should be secure and feel that they can carry out their functions without fear that there is insecurity in the country. That is where this country is going.

A system which will fit electronic tracking systems in all the guns will go a long way in improving the security. All the firearms at the time of being licensed after purchase or issue by the police should be fitted with a tracking system which gives real time updates on where that gun was at the very time when it was fired or where it is kept. This will ensure that people are able to track all the firearms.



The challenge will be what we will do with those guns that are not licensed, including the small arms that are in the hands of criminals and people who are not responsible. That is where the challenge will be because as we are aware, we are surrounded by countries that are unstable. There is proliferation of small arms within this region. That threatens the security.

The Deputy President, together with the Cabinet Secretary for Interior and Co-ordination of National Government, Gen. Nkaissery, visited Turkana County and declared an amnesty for illegal gun owners. All people with guns were told to register the guns. This has happened in other countries.

In Uganda, when President Museveni took over, there were lots of firearms in civilian hands. The Ugandan Government asked everybody to register their guns. The gun owners would also take the guns for servicing within the nearest police stations and military barracks. After all the guns had been registered, everybody felt comfortable and they were able to take their guns for servicing. They were not told to surrender the guns because all of them had been registered.

That is the way we should go, so that guns within insecure areas like Turkana, Pokot border and Samburu are registered. This should be so especially for guns in the hands of the Kenya Police Reservists (KPRs), so that they can be tracked. Similarly, all the guns within the National Police Service and the Kenya Defence Forces need a tracking system.

Over the weekend I complained of outsiders coming to my constituency. People who do not even live in Trans Nzoia are inciting people with the intention of causing violence. These are the issues the police need to look into. Any evidence of insecurity within a community destabilises peace. We have seen cases of post-election violence and cases of insecurity within the Mt. Elgon region and Trans Nzoia. We have also seen tribal clashes occurring in those areas. So, whenever we talk about these things, security agencies must take us very seriously.

Hon. Deputy Speaker, with those few remarks, I support this Motion by Hon. (Dr.) Munyaka. We should fit all the licensed arms with tracking devices.

Thank you.

**Hon. Deputy Speaker:** Hon. Michael Onyura.

**Hon. Onyura:** Thank you very much, Hon. Deputy Speaker. I also support this Motion by Hon. Victor Munyaka. The net effect of this Motion will be to improve the security situation in this country. The Motion raises concerns that have a bearing on security.

Even as I support, I would be surprised that the security agencies in this country, on a matter that is so important like this and fairly of common sense, would be waiting for Parliament to urge them to take an action that they should take as part of their work. In fact, this should be an integral part of the gun laws, or any legislation that regulate arms in this country. I would, indeed, be surprised if such law was not there. We can make the security forces focus a bit more on this issue. We are particularly stressing to these agencies to embrace modern technology as much as possible. Some of these things we are talking about are already happening in other countries. So, when they go out there to benchmark or to learn from best practices, I would be surprised if they have not yet picked up what we are urging them to do.

One of the other things that need to be improved a great deal in terms of mopping up illegally held arms is the use of intelligence. I do not know how much intelligence is being used, but we need to use intelligence and information available in the communities through the *Nyumba Kumi* approach. These are the structures that can be used in gathering information on people with illegal arms and to map out the areas with illegal arms. Those of us who are in the

counties that border other countries, we know that this is a very serious problem that needs maximum attention from the security agencies.

If we can achieve proper registration and proper tracking system using technology, it will be a very good thing for the security of our country. There are rumours that there are legally-held guns that can be hired and used to commit crimes, leave alone the issue of illegal arms. So, the kind of technology that will track firearms will assist in a big way in ensuring that should such a thing happen, the gun used can be tracked.

Gun registration and tracking will also be a deterrent measure. One of the major ways of crime deterrence is if those who want to commit crimes know that they will be caught. This Motion comes at a time when we have alerts regarding insecurity from groups like *Al Shabaab*. The other time I saw in the Press that training has started in certain institutions about how to respond to terrorists. I commend that effort and urge that it be spread as much as possible not only to learning institutions, but also to the ordinary people in the villages.

Once again, I thank Hon. Munyaka for bringing this Motion. I hope that those whom we are addressing will take the contents of the Motion very seriously if they are not doing so already.

Thank you, Hon. Deputy Speaker. I support the Motion.

**Hon. Deputy Speaker:** Hon. Yusuf Hassan.

**Hon. Abdi:** Thank you, Hon. Deputy Speaker. I stand to support the Motion by Hon. Victor Munyaka. This is a very timely Motion coming at a time when we face multiple criminal and violent extremist activities, runaway proliferation of small arms as well as other threats to our security and safety every day. That is why it is important first of all, in support of this Motion, to have a more intensive, more focused and more relentless public campaign and intelligence in order to unearth the large number of firearms that are scattered in many neighbourhoods in our country.

In today's *Daily Nation* there is a report on people who have renounced radicalisation. It clearly shows that there is a lot of military training using firearms that is taking place right under the noses of our security forces. It shows there are neighbourhoods where some of these elements are piling up firearms that could be used to disrupt peace and security.

In addition, there are large numbers of gangs in cities like Nairobi in particular, which use firearms regularly in their activities. Therefore, this is an issue which we must focus on and pay very special attention to. This Motion on tracking and registering firearms will go a long way in fighting criminal activities that take place in our midst. It is important to see where some of the firearms go to by tracking them through a system. As it has been mentioned here, many of the criminals sometimes use legally acquired guns from people who have been given permits to hold firearms. They may be ordinary citizens or members of the security forces. This Motion will allow us to track firearms and take necessary action.

It is also important to sensitise and conscientise the public, particularly now that we have the *Nyumba Kumi* system, to carry out an advocacy or awareness programme within our neighbourhoods. That will make sure that people know the dangers of firearms, and the fact that they can be used to create and carry out criminal and other anti-social activities within communities. Therefore, I would like to support this Motion by Dr. Victor Munyaka.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Hon. Onesmus Njuki.

**Hon. Njuki:** Thank you, Hon. Deputy Speaker for giving me this opportunity to contribute to this Motion.

I also want to thank the Hon. Member of Parliament for Machakos Town, Dr. Victor Munyaka, for coming up with this timely Motion.

Hon. Deputy Speaker, the highest risk of insecurity in this country is normally caused by illegal firearms in the hands of criminals. That is one of the biggest threats to existence of peace in this country. What this Motion seeks to do is to put into implementation a technology that has been with us for some time. It is a technology that we use every day; a technology that is, maybe, a darling to many people. But, it has never been thought it can help in security. The Global Positioning System (GPS) is with us. It is a darling of very many parents. Parents usually put a tracking device in the hands of their children in form of a bangle, so that they can know where the children are. Some spouses are tracking their spouses with gadgets in cars. That is where you buy a car and you fit a tracking device in the car, and you know where your spouse is. Even businessmen have fleets of trucks which they manage by use of the GPS to track where they are.

It has also been used by the insurance companies and the police forces. It is all over. It is with us, even in our phones. Somebody put it there today; it is there and it is in use. But, why have we not used it in tracking guns? There is a gentleman who, through research came up with a gadget he calls "Firearms Telematics". It is an electronic sensor or a microchip, which can be put in any part of the gun, including the barrel or handle. This gadget has the capacity to do so many things. It can show the location of the gun, it can tell when a gun is fired, how many rounds the gun has fired, and it can also tell the direction the gun is pointing. It can give you information when the gun was removed from the holster and all kinds of things. That is a complete solution to some of the crime scenes that we normally try to solve by a lot of arguments in courts; gun specialists normally look at the hole that is made by a gun on a part of a body or building to tell the direction from which it was shot. This technology will solve our problem.

But, if this gadget is fitted in the guns of civilians who are licensed, what is the guarantee that these individuals have security over their lives? This is because it depends on who will be in charge of this system. Will it be the police or a specialised unit? If this information is accessible to everybody or to a wide range of people, then it also becomes a security threat to the people who use it. Those are some of the things that we should look at.

Any technology that is usually implemented through the cyber space is normally a threat to cyber crime. With the kind of cyber security we have at the moment, it is also possible that the system can be hacked and people traced by criminals. Nowadays, one of the biggest threats to cyber security, or cyber bullying, is the extent that we have extortionists who are demand money.

As we talk, my personal computer has been hacked and all my files corrupted. I have been asked by criminals to pay some money, so that they can release my PC. It is as if they have taken it hostage because I cannot do anything on it. So, what will happen when this data gets into the hands of such criminals? Those are some of the things we have to look at even as we support this Bill.

Is it possible that we can have this system implemented among civilians and then we leave out the police? That will be an effort in futility, because most of the guns which are found in crime scenes, unfortunately, are from the hands of rogue policemen. A few minutes ago, the Member of Parliament for Kisumu said that the security man of one of our colleagues was involved in an incident in Kisumu. I was talking to that Hon. Member of Parliament this morning. You will be surprised to know that the gun was found in the hands of the driver and not

the security man. You can imagine of that and the driver is not licensed and has never handled a gun; no wonder he was not able to use it in this case. So, if the system has to be installed in the guns of civilians who are licensed, then it should be implemented in equal measure on all the guns that are used by the police and armed forces. A gun held by security agencies is a gun and should be traced just like any other gun.

We are not just talking about a firearm. It is a gadget on your body that can be traced at any one time. Is there a possibility that people can face harassment? I may be a police officer who works in the unit that tracks guns and I know you have a gun. I can come to you, harass you, and do so many other things. We need to look to what extent the implementation of this very noble idea can infringe on human rights. That, again, is critical.

As I finish, it is one thing coming up with a very good idea on the utility, but the implementation, whether Kenyans accept it and how well it is guarded is another issue. We have had very great ideas in this country. The speed governor, which is supposed to be the solution to the speeding and road carnage is a gadget that is supposed to help us in curbing that problem. But, how often do you find a bus travelling at 130 kilometres per hour yet it has a speedometer? It means somebody tampered with it. Therefore, is there a possibility that even when we have this system in place, there are people who will still tamper with it? Even as we talk about the implementation, we should look at the specialists in the technology, the work force and the technical support to ensure that we have a system that is tamper-proof. This is so that we do not have one that we think is working yet it is just retrogressive. In this particular way, we can solve the problem that has become rampant in the country.

As I conclude, I have to say that Kenya is among the leading countries in terms of embracing technology. Let us use this technology to benefit humanity rather than use it for leisure and those other things we normally use it for.

With those few remarks, I support the Motion. Thank you.

**Hon. Koyi:** Thank you, Hon. Deputy Speaker for giving me the chance to contribute. Firearm tracking is very important to us as a country because there are people who are keeping illegal firearms in their houses and using them to kill innocent Kenyans. We need to have a proper control of firearms. Even uniformed security officers, to me, need to copy the military style of keeping guns. In the military, when an officer is going for duty, he signs for a gun and he must return it immediately after his night duty or whatever other patrol he is assigned to. He should do that without wasting time or lending it to somebody else. The roll call is always checked. It shows that Waluke has signed for a gun for such and such hours. After 12 hours, the gun must be returned to the armoury. It is not like the police who sit with guns for 24 hours every day. Sometimes, they kill each other over some flimsy issues.

Even here in Parliament, we are licensed to use firearms. But many of us are not trained on how to use them. I am saying this because I witnessed an incident at Kisumu International Airport on Sunday when my colleague was trying to keep his gun in a safe position. He shot in the air and alarmed people. People started running away thinking that it was *Al Shabaab*. It was a big shame that a Member of Parliament does not know how to use a gun. So, we need to be trained so as to use guns properly. It is important that arms are tracked because of very many crimes that are occurring. There are people who are bringing in guns from our neighbouring countries. They get them cheaply and use them to harm innocent people. This Motion is very important. I support the Member of Parliament who brought it. All of us should support it because it is going to help this country in so many aspects.

I support. Thank you.

**Hon. Francis Waititu:** Thank you, Hon. Deputy Speaker, for giving me this chance to support a Motion that has been brought by my friend, Hon. Munyaka. It is true that the issue of firearms has been a problem in this country, especially for the people who are licenced. Due to the conflicts that have been happening around our country and, more so, in Somalia, many guns have been brought to the capital City of Nairobi. Guns are sneaked in through the borders of our country. Records show that it is mostly in Eastleigh where there are many illegal guns. Even the Government carried out an operation in Eastleigh and we could see the police recovering many guns in Eastleigh and other parts of Nairobi in broad daylight. It is equally very important for us to support this Motion. I have found out that the people who are licenced to have guns, as the last speaker has said, are not trained on how to use them.

I am a victim! When we had the presidential directive to go and pour illegal liquor in our constituencies, one businessman drew a gun at me. He threatened me with it. I reported the matter to the police and nothing has happened. Just because he is a young man aged 25 years, he thought he could scare me off by removing his gun and pointing it at me. While I support the Government on issuance of licences, it should be careful when issuing licences. That is because most businessmen, after opening small businesses, apply for licences and buy guns. If the Government audited the people who are handling guns today in Africa, Kenya would be among the top countries with the highest number of gun holders. This is not very good for our country.

In central region, according to some reports, we have many young men with guns. Recently, I was in my constituency speaking to the Officer Commanding Police Division (OCPD) and I asked him: "Why do we have so many young men who say that they are businessmen and have guns?"

It is true that we need to be secure in our homes. But when my friend, the late Hon. Muchai passed on, I remember the security personnel around him had guns. If the people who attacked Hon. Muchai were detected all the way from where they were by police, they would not have murdered my friend, Muchai. It is important that we support this Bill because there are many cases in this country of people using illegal firearms. So, I completely support the Motion and ask my colleagues to do the same.

**Hon. Deputy Speaker:** Hon. Gideon Ochanda.

**Hon. Ogolla:** Thank you, Hon. Deputy Speaker---

**Hon. Deputy Speaker:** Now remove your card, Hon. Waititu.

**Hon. Ogolla:** Hon. Deputy Speaker, I want to support this Motion but, a little bit begrudgingly in the understanding that, sometimes, we expose ourselves too much particularly when we are dealing or handling issues like this one. Sometimes, I have a feeling that, maybe our Parliament is exposing our country too much. This is the extent to which I support this Motion, but begrudgingly.

One, as the Motion clearly indicates, if at all there is nothing like this in place, then our security system is run down. We are indicating to the rest of the world that you can come around, walk around with a gun and nobody will detect it. You can go anywhere you want. In terms of that direction, I am seeing that we are exposing our country too much. What goes on is that there have been many attempts. When we are indicating that the Government does not have a clear way of tracking guns and we have had all manner of efforts in place from time to time--- Sometimes, we try to mop up guns in the north but still, it does not end anywhere. What is there

at the moment is that we have more licensed guns being used to commit crimes than even the unlicensed ones that we are talking about.

Sometimes, you compare crime in the north and Nairobi where you want to say that people are civilised and stuff like that. It is not comparable. The guns that are held in the north are making the place much more secure than Nairobi, or any other big cities in the country. That is because of this idea that virtually everybody has a gun. So, even if you have a gun, it does not make sense. At the end of the day, people are secure based on that kind of arrangement. In the rest of the country, many licensed guns are used to commit crimes. Sometimes, we have guns in the right hands, but at the wrong times; or the right guns in the wrong hands. So, our Government, particularly in terms of our security arrangement, really needs to pull up its socks. This is not good.

The world is moving to the direction where crime is getting much more sophisticated. We are still talking about how to check for a gun in a car boot. We are way back. The element of cyber crime, for example, is too much and we cannot compare it with any other. For purposes of handling guns, we really need to do much more if nothing is happening at the moment.

There is movement of guns or small arms across our porous borders. Such guns end up in centres like Nairobi. The main problem here is not in terms of surveillance, but corruption. People are carrying guns in a bus from Garissa to Nairobi undetected. Sometimes they are detected, but they bribe their way through. We need to look at exactly what happens in terms of corruption. It is because of corruption that we have our security or police officers netted. The other day, police officers were netted in Kericho and Nakuru at night. Those are people who are supposed to be on duty turning to be criminals. At that moment, they are officially on duty with licensed guns and they end up robbing people.

If we had a proper way of checking the movement of those guns, and if our Officer Commanding Station (OCSs), for example, would operate like bank managers in terms of taking care of their vault arrangement in the banks, much would be achieved by checking exactly where guns are at each particular time. If you are an OCS in Nakuru and your guns are being used in Kericho when you had released them officially at 6.00 O'clock to go to a road-block somewhere before Njoro, that indicates that a lot of things are not very right.

The other thing which I think is important for us to look at, is the whole issue of doubts. We license or allow some people to carry guns - and this has been mentioned - who, in real sense, should not be having guns. The best way would be to check in terms of how they handle the guns. If that happened, some of the instances that we are hearing about will not be there. I want to acknowledge what Hon. Pukose has talked about; that there was a lot of noise about the insecurity situation in the country. It is a good recognition that now there is quite a bit of calmness. That calmness indicates that the noises that were there were not really in vain. They were useful. When we were insecure as a country, those noises were very useful to us. I want to believe that something had happened. We really need to make sure that this happens throughout. It cannot be temporary. Issues of security do not need to be temporary, the way we look at them in this country.

With that, thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Hon. Paulata Korere.

**Hon. (Ms.) Korere:** Thank you, Hon. Deputy Speaker. I want to thank the Mover of this Motion, Hon. Victor Munyaka. It comes at a time when proliferation of small arms and armed conflict is reaching alarming levels in Kenya. If you look at the pastoralists areas, for example,

pastoralists have spent more money in buying firearms than in taking their children to school. You cannot blame them for that.

If you look at the accepted ratio of policemen to citizens in the pastoral areas, there is no presence of police officers or security agencies in the region. That leaves those people very vulnerable and exposed. As such, they have taken it upon themselves to take care of themselves. But this poses another danger of criminals and armed militia taking advantage of the same. If the Government will invest in tracking those firearms, I want to believe that the citizens of this country will be safer and sanity in the security sector will be realized.

Hon. Deputy Speaker, it is worth noting that in some counties in this country, citizens are living under the mercies of armed militia. For example, in Laikipia, we are living with neighbours who are very hostile, heavily armed and very ruthless. The people of Laikipia, who have enjoyed peace all their lives, now do not know what peace is. This is simply because of the firearms that are in the wrong hands, and that has caused the people massive losses in their investments and their day-to-day businesses. It is worth noting that the lives of ordinary Kenyans, especially women and children, are at a very big risk because of those arms that are in the hands of the wrong people.

At this point, I also want to note that firearms in the wrong hands have been used to even silence the voice of the people. I want to say here categorically, especially to women politicians from northern Kenya and the pastoralists communities, that some cantankerous, ruthless and political scavengers have used those militias to scare women and aspiring politicians from venturing into some places in vote hunting. I am very afraid now that the general elections are just around the corner. It is a tough job for the women politicians who do not have access to those armed militias. I wonder for how long they will keep quiet or finally, they will be forced to also recruit those armed militias, whom we do not know where to get. Some people have no agenda. Sometimes, I wonder whether Jesus will get any pastoralist in this world or the pastoralists will have wiped themselves from the face of this world.

With those many remarks, I want to support the Motion that firearms be tracked, so that sanity and security can be realized in this country.

**Hon. Deputy Speaker:** Hon. Joseph Kahangara.

**Hon. Kahangara:** Thank you, Hon. Deputy Speaker for giving me this opportunity. I rise to support the Motion by Hon. (Dr.) Victor Munyaka.

The Motion is very timely considering that many Kenyans have been killed by armed thugs. Firearms should be used to provide security to Kenyans, but they are getting into the wrong hands and are being used to kill our people. It has become very difficult to arrest the people who commit those crimes. They cannot be arrested because whether the firearms are licensed or otherwise, we do not have a system of tracking. We normally hear that the firearms have been taken to ballistic experts, but the only thing they can tell is the kind of a gun that was used. They are not able to identify the particular owner of the gun. This means that they cannot follow up and make arrests.

Hon. Deputy Speaker, there are people who have been licensed to carry firearms. In many instances - like we have heard from my colleagues - those guns end up in the wrong hands. They are hired out to thugs who commit crimes like robberies and end up killing Kenyans. We have seen the same thing happening with police officers who work for the Government. They are hiring out guns to thugs.

The other guns that we have in this country are the illegal guns which have either been bought from some quarters or come from neighbouring countries with many problems. This means that the provision of Global Positioning Systems (GPS) which Hon. Munyaka is talking about can only be done to the licensed guns. The ones that are being held by officers are the ones that are licensed. We must have another system of tracking illegal guns. How are we able to know that we have illegal guns within the country?

I remember there was a time that police officers at road blocks used to have some gadgets that would show them that a vehicle had firearms. We heard about it. We saw them for some time but after that, we were told that it was a pilot project. But we have not heard anything about them. The reasons border on corruption. When some of those things want to be acquired by the Government, issues of procurement and vested interests have made sure that we are not able to get the gadgets. So, I am in support of what Hon. Munyaka is talking about.

The GPS that we are talking about has already been used successfully by the Kenya Revenue Authority (KRA). We have seen that when goods get into Mombasa, the vehicles that are going to Uganda and Rwanda are fitted with those gadgets. The KRA is able to track those vehicles meaning that the vehicle cannot even deviate from the road that it is supposed to follow. When that happens, they alert the officers within that particular area and the vehicles are arrested. The same thing is happening to lorries that are carrying goods from Kenya. Some would want to dump the goods locally, but because those gadgets have been fitted on those vehicles, the KRA has been able to ensure that, that does not happen. I am only saying this as an example to support that when we have GPS, we will track down. The Government should think of buying other gadgets that we have seen even in areas like Parliament. Let us have gadgets that can detect guns on people and in vehicles moving through roadblocks. That way, we are going to make this country safe.

With those few remarks Hon. Deputy Speaker, I support the Motion.

**Hon. Deputy Speaker:** Hon. Members, Hon. Korir has an amendment which we should prosecute, whether in the affirmative or otherwise, before we proceed. So, can you prosecute your amendment Hon. Korir?

**Hon. Korir:** Hon. Deputy Speaker, I beg to move that the Motion be amended as follows:-

By adding the following words “which shall only be activated upon loss or use of firearm in a criminal activity” after the word “electronic device” on the 11<sup>th</sup> line of the paragraph.

I have brought this amendment because if this Motion is left the way it is, it can be used to endanger the lives of those people who are carrying firearms legally. This Motion is meant for those guns that are acquired and used illegally. If you have a firearm which you are using legally, you do not need to be tracked everywhere you go. We can use the tracking device when you lose your gun or it has been used illegally by somebody else. Otherwise, if we leave it like this, there is a danger whereby criminals will hack into that system like the way *Mhe. Muthomi* had a concern. If a criminal hacks into that system, you can be tracked everywhere you are. A policeman can be tracked everywhere he is, which is wrong. You do not want a policeman to be tracked down by a criminal. You do not want your kids or yourself to be tracked down by a criminal, when you have a gun at home, sitting here or in a bar somewhere.

That device can be used when a gun is lost, for example, like when a policeman was attacked in Mombasa and he lost his gun. You do not need a policeman to go to every house



beating and arresting people trying to find a gun. That would solve the issue of guns being lost or the issue of a bodyguard in Kisumu giving his gun to somebody else. If he gives his gun to somebody else, they can track that gun because it has been used illegally. So, this thing will only be triggered if the gun is illegally used. We can compare it to a black box in a plane. It is only used when a plane is lost or in an accident. So, I am saying this to try and protect our people. We might be trying to pass a good law, but is it good? Is it also going to protect our policemen and make sure that we are shielding those people who have guns legally? The guns that are used out there are not the legal guns. They are illegal guns. How are we going to track those illegal guns if we are only tracking people who have legal guns? How are you going to track a gun from Somalia that has been sneaked into the country and is being used illegally? So, this tracking device will not help solve that problem. We will only solve our problem if a gun is lost or if a gun of a policeman is used illegally. So, I would like to move the amendment.

**Hon. Deputy Speaker:** Do you have a Seconder? Who is going to second you?

**Hon. Korir:** Hon. Bowen.

**Hon. Deputy Speaker:** Okay. Hon. Bowen.

**Hon. Bowen:** Thank you, Hon. Deputy Speaker. I stand to second the amendment by Hon. Korir because tracking here means that you want to find out when a gun is used illegally. In our police force, we have quite a number of specialised units. They comprise of plain clothed policemen, special crime policemen and the Flying Squad. They are so many. If this Motion is going to be implemented the way it is and for instance criminals are able to track the officers, those special crime prevention units or specialised units will not be safe. If we are tracked through guns, we will not be safe. I want to support this amendment. If we amend the Motion as per Hon. Korir's way, it will be okay.

*(Question, that the words to be added be added, proposed)*

**Hon. Deputy Speaker:** Address yourself to the amendment only so that we can dispense of it either way. We can try to use the intervention button. Let us make two or three comments very quickly and then we dispense of it.

Hon. James Ekomwa, are you on the amendment?

**Hon. Ekomwa:** Hon. Deputy Speaker, I want to oppose the amendment because the way they have said it, it can only be tracked during a criminal activity. I want Hon. Wesley, who has brought the amendment, to understand one thing. We are not only tracking those guns when they have committed a crime, but also to prevent crimes from happening. That is one thing that should be so clear. Why do you fear? Gun tracking is supposed to be done by specialised officers in the Government. It is not an issue of just anybody doing the tracking. We should avoid fear of the unknown. If you have a gun and you do not have any intention to commit a crime, why do you fear having it tracked? In Kenya, we have to track all guns, both illegal and legal. Look at what happened at Westgate. When you have a gun in Kenya and you go anywhere, it must be known that a gun of a certain registration number is at a certain destination, so that the Government is aware. That is why the Government has now resolved to register the so-called illegal guns in northern Kenya so that we can track all guns. You cannot track something that you have not registered. What do we do with mobile phones? Why is Safaricom able to track people who are all over the world? The way phones are tracked is the very way guns are supposed to be tracked

in Kenya. That is how we can prevent more crimes. Those people who are afraid have ill-motives. We should not fear. We should track all those guns, both illegal and legal.

Instead of using the words “the House urges”, I thought Hon. Korir would use the words “the House resolves”. This is a very pertinent issue. Even you, Hon. Deputy Speaker, is aware that our security is very important. It is better for us to spend all our resources to ensure that Kenyans are secure by using all the means necessary to secure them. Members of Parliament have been losing their lives all the time. We have guns and so do our people. It is better we decide that everybody should have a gun or we all do without guns. We have to choose one option. The reason why the Government exists is to protect its citizens. If you are not in a position to protect the citizens, then you have no business leading a nation.

I oppose the amendment.

**Hon. Deputy Speaker:** Hon. Enoch Kibunguchy, is your contribution on the amendment?

**Hon. (Dr.) Kibunguchy:** Thank you, Hon. Deputy Speaker. I also stand to oppose the amendment for the very simple reason that Hon. Wesley is trying to premise his amendment on the fact that the system will be hacked into. When we sit here, we cannot work with the understanding that any system we put up is going to be hacked into. We have to work with the understanding that our systems are fool-proof, should be fool-proof and must be fool-proof. If that is the case then, I would say that there is absolutely no need. We should track all guns. Every time a gun is given out and a tracking device is fitted in it, let us know where the gun is at any given time. If we will only follow up those guns after---

**Hon. Deputy Speaker:** Members, you will help us by not trying to monitor the debate. We are trying to give you the best chance we can.

**Hon. (Dr.) Kibunguchy:** If we say that we will only track those guns after a crime has been committed then, as we say in the medical profession, we will be looking at a post-mortem problem. We want to deal with this issue before it happens or during the time it is happening. Systems should be fool-proof. If they are fool-proof, then we do not need to worry that anybody is going to hack into them. We should know where all guns are at any given time, whether they are licensed or given to the police or our security officers.

**Hon. Deputy Speaker:** I only want to give one more Member a chance and then we put the amendment to the vote. We either agree or disagree with it and then we can move on.

Hon. Chidzuga!

**Hon. (Ms.) Chidzuga:** Mhe. Naibu Spika, nimesimama kulipinga tengenezo badilisho hili ambalo Mhe. Korir amependekeza. Nalipinga kwa sababu hatutaki kuwa tunakaa tukiingoja maafa yatokee ili tuyashughulikie. Tunataka tuzuie maafa. Kama itakuwa silaha zifuatiliwe popote zilipo, ni lazima kuwe kumewekwa mikakati. Polisi, jeshi ama kitengo chochote kile cha usalama kinapaswa kuwa na mikakati ya kufuatilia mahali ambako silaha ziko. Hatutaki kungojea mpaka shida itokee ndiyo tuanze kutapatapa.

Nina imani kwamba tukiingiza pesa katika hali ambayo imepangiwa na kusitokee mambo ya ufisadi, tutaweza kuokoa maisha ya Wakenya mahali popote walipo, kuliko vile ambavyo hali iko. Hivi sasa, pesa zinatumika lakini haeleweki zinatufaidi vipi, ilhali watu wanapoteza maisha yao.

Katika maeneo ya ufugaji, kila asubuhi, kuna watu ambao hujitengenezea bunduki. Je, bunduki hizo nazo tuziache? Ni lazima kuwe na mikakati ambayo itatumika kuzitafuta na kutambua mahali ziko. Kama mtu ana bunduki ambayo haikuandikishwa na kujumuishwa kwenye mpangilio huo, ichukuliwe kwamba yeye ni mhalifu. Tusipitishie tengenezo badilisho

ambalo litabadilisha sheria ambayo itatusaidia kuzuia maafa. Tupitishe tengenezo badilisho la kutumika wakati ambapo maafa yametokea. Tukizingatia hali tuliyo nayo katika nchi hii, ni lazima tusimame kidete, kama Waheshimiwa, tutunge sheria ambazo zitamuokoa mwananchi awe salama pahali popote alipo.

**Hon. Deputy Speaker:** We will have the last point of order from Hon. Wesley Korir.

**Hon. (Ms.) Chidzuga:** Kuna watu wengi---

**Hon. Deputy Speaker:** I thought you had finished your contribution, Hon. (Ms.) Chidzuga?

**Hon. (Ms.) Chidzuga:** Naendelea Mhe. Naibu Spika.

Unaweza kusikia kuwa kuna polisi mahala fulani ambaye amepigwa na kunyang'anywa bunduki---

**Hon. Deputy Speaker:** You remember I do not want you to debate. I want us to just address the amendment so that we put it to vote.

**Hon. (Ms.) Chidzuga:** Niko hapo, Mhe. Naibu Spika. Nalipinga tengenezo badilisho hili. Utapata askari wa polisi amepigwa na kunyang'anywa bunduki. Je, ikiwa bunduki hiyo haitafuatiliwa, tutajua pale itakapoangukia? Kwa hivyo, ni lazima tuwe na mikakati ya kusuluhisha mambo haya.

Kwa hayo machache, nalipinga tengenezo badilisho hili.

**Hon. Deputy Speaker:** Let Hon. Wesley say a word on a point of order.

Hon. Members, I want us to go back to the original debate. Let us dispense with this amendment.

**Hon. Korir:** Thank you, Hon. Deputy Speaker. I want this House and my fellow Members of Parliament to understand one thing. If somebody is trying to acquire a gun illegally and then you tell him to put a tracking device on it, do you think he is going to do so? If you read the Motion from the beginning, it talks about victims of crime attributable to stolen and illegally acquired firearms. Those are the firearms that are killing our people. Legally-acquired guns are not killing our people in this country. It is illegally acquired guns from Somalia and Sudan that are killing our people. Do you think somebody will go to Somalia, buy a gun, come over to Kenya and agree to put a tracking device on it when he intends to use the weapon for committing crime? He will not. We will be tracking legally acquired guns, which will forever not be used. That is why I have introduced the statement "if the gun is used for criminal activity". Do not look at it as if I am trying to bring an amendment to prevent tracking of guns because you have already registered it. If you already did so and you own it legally, then you do not need to put a tracking device to track it. However, if it is used illegally or is lost, then we can track the device. Otherwise, my friends, we will be putting the lives of our officers and under-cover police officers at risk.

**Hon. Deputy Speaker:** Hon. Members, Hon. Wesley has had a chance to prosecute his point. The final decision always rests with you. You either agree or disagree.

*(Question, that the words to be added be added,  
put and negatived)*

*(Debate on the original Motion resumed)*

We will go on with our debate as the Motion was presented. I will give Hon. Lentoimaga and Hon. Wanyonyi a chance because they were removed from the system; if they are still interested.

**Hon. Lentoimaga:** Thank you, Hon. Deputy Speaker for giving me this opportunity. I would like to thank Hon. Munyaka for bringing this Motion.

I would like to complain that, sometimes, we pass Motions here but they do not see the light of the day. They are not implemented by the Executive. An example is an amendment we made in the Police Act, on the issue of National Police Reservists, where we brought an amendment to make sure they are paid, trained and issued with registered firearms. Up to this moment, that particular amendment has not been implemented and our people are out there not addressed on the issue we had put in the law.

*(The Deputy Speaker (Hon.  
(Dr.) Laboso left the Chair)*

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

I would like to appeal that if this Motion is passed, the Committee on Implementation should take it up. It is very important to track those firearms; the registered and unregistered ones. In my constituency, we lost almost 50 firearms from the policemen who were massacred on 10<sup>th</sup> November 2012. To date, those firearms have not been recovered. They are used to attack, maim and kill our people. One of the firearms was recovered in Isiolo because of a contact. Police are unable to get those firearms from the people who acquired them forcefully. That is because they do not have a gadget to locate the firearms. This Motion will go a long way in assisting the police and any Government security agencies that would like to recover the firearms when they are snatched from the policemen.

During the Garissa massacre and Kapedo killings, policemen lost firearms. We are unable to track and get those firearms back. They are now used to kill people. We need to put those gadgets in our systems so that we can track them. For the registered gun holders like me and some of the hon. Members here, sometimes we take firearms because it is prestigious. It is dangerous to have a firearm if you are not trained well. Even carrying it around is dangerous because you become a target.

There is a lot of agitation and requests by Members of County Assemblies (MCAs) and County Executive Committees (CECs) to have guns. Everybody wants a gun, but they do not know how they are posing themselves to a very great danger. The training is important. Fitting the tracking device is also important so that you can be detected. In case the firearm is used for wrong purposes rather than protecting yourself, then that particular person can be netted, brought to book, arrested and charged in a court of law. That way, we can minimise the wrong use of guns, which include cattle raiding.

I support this Motion. If passed, I would like to see it implemented.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): I will now give the Floor to Hon. Richard Makenga.

**Hon. Makenga:** Thank you, Hon. Temporary Deputy Speaker, for giving me the opportunity to add my voice to this important Motion.

At the outset, I would like to support the Motion by Hon. Victor Munyaka. This Motion is very important because we have many smaller arms that are handled by criminals. Those arms are landing in the hands of young people in our society. They are the ones who are terrorising people on the road blocks and roads. It is important that this Motion addresses the issue of tracking. If those issues are not addressed, our people will continue to be victimized by criminals. How can we guarantee the safety of our citizens if we cannot ensure that firearms are tracked and the licence holders known? It is important that the owners of those guns are controlled, tracked and their whereabouts known 24 hours a day and seven days a week.

Modern technology is here with us, and we cannot run away from it. We have the General Packet Radio Service (GPRS) tracking system used to monitor vehicles when they are stolen. Why can we not have the same technology used to track the small arms? That would ensure the safety of our citizens. There is nothing wrong having anybody licensed to have a gun, but it is important to know the whereabouts of that person who is holding the gun. Some people hire or give out their guns to be used for criminal activities. It is at this point that we need to know where the gun is being used. It is dangerous not to address this matter. There is proliferation of small arms from our neighbouring countries where there is insecurity to our country. If this is not controlled, it is going to be dangerous. We will continue to expose our people to danger if those firearms are not controlled.

Putting the tracking system is one way of mopping up the unlicensed guns. So, I would still emphasize that modern technology be used in tracking and having records of the small arms. We have the *Al Shabaab* threat surrounding us. It is important that the Global Positioning Systems (GPS) used to monitor arms is put in place so that our people can live in peace.

I support this Motion which is timely, and thank its Mover.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Esther Gathogo.

**Hon. (Ms.) Gathogo:** Ahsante Mhe. Naibu Spika wa Muda kwa kunipa nafasi hii ili niweze kuchangia Hoja hii. Kabla niseme jambo, ningependa kusema kuwa mmesalimiwa na watu wangu wa Ruiru na wakaniambia muendeleo kushikilia Serikali ya Jubilee ambayo ni ya kusema na kutenda. Ahsante Mhe. Naibu Spika wa Muda.

Ningetaka kuunga mkono lakini kabla nifanye hivyo, ningependa kusema watu wengi wana bunduki. Ni vizuri kuongea juu ya bunduki lakini mwananchi akisikia bunduki, anaona kifo ama madharau. Hiyo ni kwa sababu wakati mwingi, hata wale wana bunduki za halali wanafikiria ni nguo ya kitenge ama koti ya pesa nyingi. Wanaonyesha kila mtu kuwa wana bunduki. Tumefika mahali hata mtu akienda kula kwa hoteli pale mashinani, halipi! Mwenye hoteli akimudai pesa, anatoa bunduki na kuiwekea mezani. Kwa hivyo, hata kama tunataka kujua mahali bunduki ziko, ningependa kwa heshima, hata wale wako nazo kihalali, waweze kuzitumia kwa njia nzuri. Kuna wengi ambao wako nazo na wanazitumia vibaya. Wengine wanaibia wale walionazo kihalali. Ningependa ikiwa tutajua mahali ziko, ni vizuri kwa sababu tukiweka mashini ile, kila mtu atajua. Hii itasaidia polisi wetu kwa sababu wakati mwingi katika maeneo Bunge yetu, wakati kumekuwa na ukora kwa nyumba fulani, ni vigumu sana kujua kama mtu ako na bunduki halali, ama amejitengenezea ile ya mbao ya kupiga *ngeta*. Kwa hivyo, nikiunga mkono, ni vizuri tuweze kujua bunduki ngapi tulizonazo ni halali. Tukiendelea hivyo, usalama utaweza kuwa katika nchi yetu ya Kenya.

Ahsante Mhe. Naibu Spika wa Muda.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): I now give the Floor to Hon. Ben Momanyi.

**Hon. Momanyi:** Thank you Hon. Speaker for giving me this chance to contribute to this very noble Motion. I also wish to sincerely thank the Member of Parliament for Machakos Town, Dr. Victor Munyaka, for bringing this Motion at this time. We realize that insecurity is a very serious issue that we have in this country today. Therefore, it is important that we track every firearm so that we can know the exact movements of those firearms and curb some of those incidents that are happening on a daily basis in this country. You find motorcycle riders being notorious and killing motorists on the streets of Nairobi. It is, therefore, important that every firearm in this country has a gadget and it is known exactly where it is at all times.

You will also realize that even legally licensed firearms are also used in committing crimes in this country.

**Hon. (Ms.) Gathogo:** On a point of order, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Just a minute. Do you have a point of order?

**Hon. (Ms.) Gathogo:** Mhe. Naibu Spika wa Muda, sio kwa sababu napenda watu wa *boda boda* sana kwa sababu mimi ni mama wa *boda boda*. Wakati mwingi, mtu wa *boda boda* akiendesha *boda boda*, hawezi kupiga mtu risasi. Mtu aliye na bunduki ndiye atamkodisha. Tafadhali sio mwendeshaji ndio anapiga risasi na sisemi hivyo kwa sababu mimi ni rafiki wa watu wa *boda boda*. Ahsante, Mhe. Naibu Spika wa Muda.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Go ahead.

**Hon. Momanyi:** Hon. Temporary Deputy Speaker, my colleague did not get me clearly. I did not say that *boda boda* riders are the ones who are killing people. I am saying that you will find people with firearms hiring motorcycles and killing people on the streets of Nairobi. It is not, therefore, the *boda boda* riders who are involved in those instances.

As I continue with my contribution, it is important if this Motion is passed, we should have monitoring units even at the constituency level so that we are able to nab those criminals with ease and within a very short time. That way, we will curb the insecurity that is going on in this country.

Thank you for giving me this opportunity to contribute and support Hon. Munyaka in bringing this Motion.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): I now give the Floor to Hon. Lelelit Lati.

**Hon. Lati:** Thank you, Hon. Temporary Deputy Speaker. First of all, I have to admit that I did not know that this is possible - that you can put some gadget into vehicles so that you can track dangerous weapons. I say this because if it is possible, I do not understand why we are late, as a country, to get into that kind of system. Everything that is happening in our country today revolves around those illegal arms that are being used in various ways, including terrorism here in the city, crimes in our big cities, cattle rustling and all other activities that happen outside the cities in the far areas of our country. Our economy is dependent on the perception that is out there about the security that is available in our country. If this is possible, I find that this is serious that we have stayed for this long, just for a Member of this House to think of such a Motion. This is something that our security personnel should be concerned with. The security situation of our country in totality should have moved them to think long time ago before this Motion came to this House. It is a very important thing for our country.

If we consider events like the Baragoi Massacre that happened a few years ago, more than 40 guns were taken away from the Government. If those guns had some tracking device, we

would not be doing guesswork on who is holding those guns. We would have gotten hold of those guns and they would have helped us in many ways. The guns are being circulated and being used to do all things that you see on television about cattle rustling up in the north. We are now not only having illegal guns that are imported or bought from criminals from Somalia, but there are many arms from the Government that have been taken by force by bandits that are now being used in criminal activities among our innocent citizens. It beats logic that this technology is available and our security people have not taken it up to ensure that the safety of our country comes first. I remain in doubt that this is something that is possible. But if it is, then it raises a lot of questions about what our security people are doing in our country. They are not only reactionary, but they are sleeping on their jobs. I hope what we have here today is some new technology somewhere far in the universe that our people in the security sector do not know about. This puts them in a very bad place. Taking into consideration that this is possible, I support this debate. It is a very important step towards helping secure our country.

I hope that the Member who brought this Motion is only processing it to get more ideas so that he can bring a Bill which can be passed and help our country's security, particularly in this time when we are fighting in all fronts. Our good soldiers, the Kenya Defence Forces (KDF), are in Somalia. They are doing everything possible to make sure that our country is secure. We want to help them in every way we can here in the homeland to make sure that our country is secured. Wherever we brand our police as corrupt, we should understand that they are our sons and they do a good job in protecting our people on the roads, in the inner cities and in areas prone to cattle rustling. As citizens and Members of this House, we need to help them to legislate on areas that can help them do their job better. Even those criminals who are being killed every day in the city are sons of this country. Maybe, they are getting into gangs not because they do not have income, but because you can get a gun easily, go and rob somewhere and have a living. If we can have such tracking devices, we do not want to see them being killed. We want to see them going to court and get through the law. Nowadays, every time you see criminals being reported in Kenya, you always see them dead. We do not want to see people dead. We want to take them to court. Somebody even within the Police Service could be taking advantage of us lacking knowledge of those weapons. We have heard stories where a purported criminal is killed because of stealing and yet, he only had a mobile phone. A gun is placed on his head. We want to know where those guns are. Maybe, the police are involved in criminal activities. They are placing guns on innocent people who are Kenyans. Tracking of firearms will get us a long way in knowing where those guns are and who holds them. It will also help us to be law abiding.

I support this Motion. Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): I now give the Floor to Hon. Richard Tong'i.

**Hon. Tong'i:** Thank you, Hon. Temporary Deputy Speaker, for giving me the opportunity to voice my opinion and support this timely Motion that has come to address the concerns of Kenyans, especially at this moment when we are going through very difficult times. Technology has come in handy and it can be used in both negative and positive ways. We are going to embrace technology for the good of the country and the safety of the people. In His word, God tells us that life is sanctified and, therefore, it should be protected at every opportunity that we have to do it. Even when we believe that God should be the ultimate protector, there are things we should do using human technology to ensure that we do whatever it

takes to ensure the safety of the people who have been put under our care in terms of leading them.

We all know that curbing insecurity is a concern for everybody else. It is not enough to have this technology in place and then sit back and say that we have done our part and so, the people of Kenya are safe and secure. We know that we need to do a lot of civic education to educate our people to understand that security starts with them. If we have somebody in the family whose behaviour is not understood, or we know some things that the Government does not know, we have a duty, as Kenyans, to come forth and report to the relevant authorities so that the necessary law can be used to manage those kinds of situations.

With that technology, my humble submission is that we will be able to give watchmen firearms because they are the first line of protection for this country. Most families and businesses, especially the Small and Medium Enterprises (SMEs), have employed watchmen who are only equipped with *rungus* at most. The people who come to steal from those places come fully armed with firearms. There is a case last week in Eastleigh where a watchman was tied with a rope because there is nothing he could have done. The people who came to rob were all armed and it would be stupid and foolhardy for anybody to resist that kind of attempt to steal when you know you are ill equipped to handle armed thugs.

With such technology, we should arm the watchmen of this country. That way, we will be able to control how they use the firearms and deter petty thieves who take advantage of the poor arrangements in terms of security to come and mess our country and give it a bad name - as one which is insecure. No wonder one of the presidential candidates in the United States of America (USA) yesterday quoted Kenya as an example of a failed state because, in his opinion, we are not able to protect our people and we are stealing from ourselves. That was not a good example. When we can enhance security, Kenya will not be given those kinds of examples as a case study of a failed state.

Technology has been used everywhere in the world to ensure security of systems and enabling the system to conform to what the society expects. As a country, we should embrace the new technology. For example, the Global Positioning System (GPS) technology has been used in tracking. We are using it today in Kenya to track goods when they are on transit. We use GPS to track goods which go out of the country. I know some Kenyans have gone a notch higher to even track our partners to know where they are. That is negative use of technology.

It is time we embraced technology in a positive way and for the good of the country. We should ensure that the people of Kenya are safe and protected and, more so, enable the security system in the country, especially watchmen, to be given firearms so that they are more equipped and prepared to handle thieves who break into our homes. They take advantage of the gap in terms of security arrangements. That will complement what the policemen are doing because they can only do so much. One policeman is supposed to protect about 10,000 people in Kenya. That is not humanly possible. The international standards recommend a ratio of one police officer to about 2,000 people. Since our economy cannot sustain that, we could get good technology. If this Motion is developed into a Bill and becomes law, then we will use it to ensure that the people of Kenya are protected.

Hon. Temporary Deputy Speaker, I am grateful that you gave me the opportunity to talk about this wonderful Motion. I support it.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): I give the Floor to Hon (Eng.) John Kiragu.



**Hon. J.K. Chege:** Thank you, Hon. Temporary Deputy Speaker, for giving me the opportunity to air my views on this very important Motion.

First, as a country, it is important for us to note that we are not gun manufacturers. If you look around the whole world, you can see many countries are going through a very frustrating time, particularly USA where guns have been used in schools to kill children. In Sweden, people have been shot on the highway. I can understand the frustrations of my colleagues when they say that they need to track guns.

As much as we would want to say that it is possible, we must also look at the cost. What is the cost of installing a tracking device and maintaining that tracking system? It is important for us to know the cost of a gun. If, for example, fitting a tracking device on a gun will cost more than 10 times the price of the gun, we need to think harder. The difficult question we have in this country is insecurity which arises from the use of guns, axes and *rungus*, like what happened last week in Limuru where people were killed using crude weapons. The challenges we have in the country is slow response by the police. Our police do not have adequate transport facilities and communication equipment up to now. Chiefs and assistant chiefs in most parts of the country are not even armed. Even if they were called to help, they would not respond because they are as miserable as the people they watch over.

The issue of guns is more of who we should give guns and whether we should check their background. There are people in the Defence Forces who should not be given guns because their background is such that they are likely to misuse such weapons. We need to find ways of making sure that guns are given to people who can take care of them.

Our borders have become passages for illegal arms. However, we cannot restrict ourselves to only electronic control. We should allow for any other proven method of detecting guns and making sure that illegal guns do not come into the country. As we discuss this matter, let us also know that for a long time we have had no laboratories to carry out forensic investigations of which gun did what and when. At least, right now the Government is working on the laboratories at the CID Headquarters. Hopefully, when they are fully commissioned, these facilities will be available to this country.

My colleagues asked why the tracking has not been implemented if it is possible. I am yet to hear anybody quoting where this has happened. We have people who are fighting in Iraq, Syria and many other places. I have not heard of this electronic gadget being fitted and used. I have not even heard about it in the United States of America where guns are made; not even in Russia where AK47 are made.

Let us not imagine that we can do things which other superior countries cannot even afford. We assume that if we pass this Motion and recommend what should be done then it will happen. This is a very expensive exercise. As much as we would want to see technology being applied for gun control, it is an expensive thing. It may not be practical. I do not think this system will be fool-proof so that you cannot tamper with it. I support gun control and making sure that our borders are safe, but I cannot see electronic device being the solution for this problem. There are other proven methods which should be adopted for gun control and tracking. I would later consider bringing an amendment so that we also allow the use of other proven methods other than electronic tracking.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): I give the Floor to Hon. Sammy Koech.

**Hon. Koech:** Thank you, Hon. Temporary Deputy Speaker, for giving me an opportunity to contribute to this important Motion by Hon. Victor Munyaka. There are very many guns in the hands of wrong people and many people have suffered as a result of these guns. Personally, I have been attacked twice by people with guns. I thank God for sparing my life.

I support this Motion in the belief that the proposed system will work. Like my colleagues have said, I also have my doubts, but I am supporting the Motion in the belief that the system will work. A tracking system that not only tracks the gun but also tracks the owner is possible to implement. If you track a gun without the owner, then it will not help us.

I oppose the amendment proposed by Hon. Korir because there are very many guns hired and used by criminals. If we only say that we track guns owned by civilians and leave out legal guns, we will be creating business for people owning legal guns because the cost of hiring a gun will go up. I fully support a tracking system that will be fitted in all guns in the country. The cost is irrelevant where the life of a person is involved. If it is possible to fit a tracking device on guns to ensure that innocent lives are saved including those of law enforcement officers, we should not be bothered so much with the cost at this stage.

Hon. Temporary Deputy Speaker, with those few remarks, I fully support this Motion.

Thank you.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): I now give the Floor to Hon. Andrew Mwadime.

**Hon. Mwadime:** Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity. From the outset, I support this Motion.

This is a progressive Motion and not a retrogressive one. At the same time, it is a proactive way rather than a reactive way of dealing with issues of firearms. This is the only way in which we can know genuine firearms and the ones which are not genuine. Movement of arms has become very easy due to porous borders. Guns find their way into our major towns and national parks. That is why cases of crime and poaching have been increasing.

At times, we license guns for the wrong people. The only way to track such guns is through the GPS system because we will have the history of the gun owners. Information technology, together with the *Nyumba Kumi* programme, will enable us know which guns are genuine and which ones are not genuine. Most of the time, crimes occur especially in Turkana, Pokot and the vast Tsavo National Park which is in my constituency. If we do not use this tracking system and the *Nyumba Kumi* Initiative, it will be difficult to track these illegal firearms. The Motion is very important as it is progressive towards knowing the genuine and illegal firearms.

Therefore, I rise to support the Motion the way my colleagues have contributed a lot on it.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): I now give the Floor to Hon. David Gikaria.

**Hon. Gikaria:** Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to support the Motion by Hon. (Dr.) Victor Munyaka.

I am a Member of the Implementation Committee. Looking at the Motion, the way it is framed and the advice that has always come from Hon. Speaker, it means that the Clerk needs to do more as we approach the changing of our Standing Orders. As a Committee, we had proposed that before a Motion is brought to Parliament for debate – we are not trying to gag anybody – it

is important for it to go through the Liaison Committee so that it can look at the implementation aspect.

The Motion as it is raises very many queries. Hon. Korir has tried to bring an amendment to try and talk about the lost firearms only. Very many Motions have been passed in Parliament and my Committee has taken initiative to try and see how the Cabinet Secretary (CS) is supposed to implement them. Illegal arms are in the hands of very many Kenyans in Pokot, Turkana and other areas. It has become very difficult as Hon. Wesley has said to track them. We have very many illegal firearms in the hands of criminals and Kenyans who are not criminals in some areas want to protect themselves because the Government has not been able to protect them. It is important to start thinking about the implementation of most of these things.

Putting those tracking gadgets has some financial implications. These are things we need to look at as Parliament so that we do not become a place where we resolve and urge the Government to do something and it is never done. Part of this Motion says:-

“...acknowledging the need for the mechanism to provide real-time geophysical geographical location and movement of firearms to facilitate recovery of ---”

Hon. Wesley has made it very clear that it should be amended to read: “Stolen firearms and a forensic identification of guns used in crime scenes.” We need to look at the Motion and see what we need to do. You can imagine how many thousands of firearms are out there with the police who are licensed firearms holders and those that are illegal. I could have been licensed but it was stolen. The issue here is when it is used for a criminal offence. That is the most important thing that we need to include.

We need to look into the implementation aspect as we look towards passing this Motion, and it is a good idea. What we were saying with my colleagues here is that, yes, guns can be tracked when they have the device. However, how do you stop a criminal mind from executing their intentions? When most of the criminals want to commit a crime, the most important thing to them is a firearm to be used.

In America and in the western world, everybody can walk into a shop and purchase a firearm and keep it for his protection. Sometimes something happens and they end up using the same firearm for criminal activities. It is important for us to look into how we can stop firearms from being used for criminal activities even when they have tracking devices. For the people who normally give out firearms, it is good to check the firearm when it is returned. The authority should know the history of the firearm. The authority should do some investigations and ensure that they give a firearm to the right person who will not use it for any crime. I am saying this because the other day a pilot decided to kill passengers in a commercial plane. At some point, they tried to stop this person from becoming a pilot because of his mental state, but he ended up becoming a pilot and ended up doing what he did in the plane. As much as we seek security, we also need to give firearms to the right people.

As I support the Motion, we need to be keen when it comes to its implementation. This is because almost two-thirds of the Motions we have passed, the CSs have given us feedback saying it is not possible for them to implement them because of different reasons.

With those few remarks, I am a little bit not sure whether to support this Motion. This is purely because of the implementation aspect of it.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): I now give the Floor to Hon. John Nakara.

**Hon. Nakara:** Thank you, Hon. Temporary Deputy Speaker. I rise to support this Motion.

First of all, this is possible. We can implement it in this country because even our neighbour, Uganda, tells our people from Turkana to leave their guns behind when they go there. This is because that country declared that everybody with an illegal firearm must be arrested.

Hon. Members of Parliament should not make these Motions appear impossible to implement. We must differentiate between the guns issued to the armed forces and those issued to civilians. We must have two tracking methods. We must track the armed forces' guns differently from the civilians' so that we can secure the lives of our policemen and policewomen. If we have one tracking method, we will endanger the lives of our police. We must have two methods of tracking illegal firearms.

We must also tell the sellers of the guns that they must have the details of those who buy guns. Those details must be taken to the police for easy tracking because to some people it is business as usual. They sell guns to anybody without taking their details, therefore, making it very hard to track somebody with an illegal gun. We need to encourage the suppliers and the sellers of guns to make sure that the details of whoever goes to buy a gun are forwarded to the police station for easy tracking. This will help us to control the movement of guns from one place to the other.

Some people go to far areas to commit crimes using guns that have been borrowed or have been taken from their friends. If we have tracking devices, they will make sure that these people are tracked wherever they go with those guns. Sometimes they take guns from Nairobi, go to a nearby town to commit crimes, come back the following day and surrender the guns to their owners.

If we have tracking devices, it will be easy to know that this gun has left Nairobi at a certain time and it has gone to a nearby town at a certain time. We will also know who has been using the gun. This process is going to save lives of people. It is going to bring criminal activities down and control the movement of criminal gangs because they will be monitored.

It will also bring the element of accountability. Any officer who gives out a gun must be accountable. We have read cases where some officers gave their guns to friends to commit crimes and when they are arrested they say they borrowed the guns. In order for us to make our forces disciplined, we must have tracking devices so that if your gun is found to have been used wrongly, you are held accountable and as a result face the law for giving your gun to a criminal or lending it to a friend.

For us who know about guns and whose relatives have lost their lives because of guns, we want this process to be initiated as quickly as possible so that we can save the lives of our people. There are cases where officers go after cattle rustlers in nearby towns and when cattle rustlers are killed, they are found with identification cards belonging to officers in the police force or armed forces. For us to get that culprit, we must have tracking devices so that if you leave police camp with a gun, it will be easy for you to be tracked so that you can be arrested especially when you use that gun to kill people or for cattle rustling.

To promote safety of our people, anybody with a gun must use it at the right place and at the right time. Some people carry guns all over. You will meet somebody in a supermarket or a hotel carrying a gun. So, this motion will make people leave their guns at home and only take them when they are going outside the town or where they feel they are not secure.

i support this motion fully but we need to bring some amendments later on. We need to conceal the tracking from civilians because we need to safeguard the lives of our policemen; a criminal can use the tracking information to know where policemen are and get guns from them.

With those few remarks, I support.

Thank you.

The temporary deputy speaker (hon. (Ms.) Shebesh): I give the floor to hon. Olago Aluoch.

**Hon. Aluoch:** thank you, hon. temporary deputy speaker for the chance to address this very important motion. I want to address an issue that is different from what members have talked about. I appreciate the point that members know the gravity of the issues involved in this motion. The motion has got serious financial implications that must be addressed as hon. members have said. From my experience with motions, this motion only urges the government and it does not compel the government. So, if there is seriousness, then you should look at the financial implications of the motion and convert it into a bill that amends the firearms act. That would have the force of law behind it and it will also look into whether it is financially possible to implement what is being passed here. The important thing is that the central firearms bureau (CFB) that issues licences to firearm holders does not vet those who are supposed to be given licences properly. Where persons have been identified and given licences, they are not properly trained on how to handle firearms.

Early this morning, hon. Waluke talked about an incident at Kisumu airport on Sunday where a member of this house, in an effort to uncock his pistol before putting it in a box before it is taken to the aeroplane, accidentally fired a shot at the airport. That was a clear demonstration of somebody who has been given a gun but has not been trained on how to handle it. The CFB needs to look at that.

The important thing again, is that many licensed firearm holders lose their firearms out of negligence. How many times have we read in the media about hon. members of this house forgetting their firearms in toilets? It has happened several times. What does that mean? it simply means lack of appreciation of the seriousness of what a firearm is. A firearm is not just a gun. If you look at the firearms act, you will see what a firearm is. It is defined. There are several types of guns. What we need to do is to see how we can track firearms properly. I believe if we consult properly with hon. Munyaka on this very serious issue, we should come up with a properly drafted bill. We should also consult the executive.

As it is now, I would not be surprised if even as we debate this motion, the director of cfb is not keen to monitor the progress of this motion because at the end of the day, he or she is under no obligation to implement it. So, if you are serious about this issue which is very important, then we must convert this motion into a bill to amend the firearms act and consult widely with the executive on the financial implications it has on the budget. as it is now, it is a good idea and I support it, but I am afraid that it will remain a good idea on paper and it will not be implemented.

Thank you.

The temporary deputy speaker (hon. (Ms.) Shebesh): I now give the floor to hon. Dawood.

**Hon. Dawood:** thank you, hon. temporary deputy speaker for indulging me. i lost my card. I want to support this motion but it needs a few amendments because it talks about all firearms. We need to make a distinction between illegal and legal arms. It will go a long way if

all firearms within Kenya are registered and tracked. If they are tracked, we will not know what happens with the illegal firearms. This is because they are mainly used in crime. For example, in Meru County, over the past one or two weeks, we have had people coming from Isiolo and killing people in Meru County and nobody wants to take responsibility. If we had a tracking system, we would exactly know who the killers of the people of Meru are. If the government cannot arrest these killers, then the Meru people can arm themselves and use those illegal guns as well. We need protection and we need to get down to this.

Regarding tracking of firearms, hon. Korir has talked about them being used for criminal activities but a gun holder will never say that he is going to use it for criminal activities because it depends on a person's conscience. How will you track a gun when it is being used? Somebody may say he has lost his gun and yet that gun may be tracked to somebody else. I believe we need to think about tracking and know how to go about it. We need to make it easier for people who genuinely need firearms to get them. We have a problem in this country because a gun can be a deterrent as well as a hindrance. Let it be a deterrent so that an armed robber will not shoot you. If you do not have a gun, thugs will shoot you or threaten you. We need to see how we can amend the Firearms Act to make it easy for people who need guns to be issued with them. It may not be like what happens in the USA, where everybody owns a gun.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Your time is up! I give the Floor to Hon. Christine Ombaka.

**Hon. (Ms.) Ombaka:** Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity. I support this Motion, but I still wonder why people do not report when they have guns. People come to this country when they own guns but they do not report that they own guns. I know a few people who are not criminals who have come to the country with guns but do not report that they have guns. There should be tracking so that we know who owns a gun in this country. That does not happen now. Maybe people do not know where to report that they own guns even when they mean well. I also know of a case where a man who owned a gun died and his family kept it. They need to return the gun to the police because the owner has passed on.

I do not know what should be done in this context because people do not know where to report these matters. These are not criminals, but they do not know where to report these issues. That is my observation. Otherwise, tracking of guns is a good thing in order to enhance security in this country. Tracking will address security matters in this country very well. Tracking includes tracking human beings. If you are an international criminal, Interpol will always track you and catch up with you. This is the same way guns should be tracked and owners found.

When tracking guns, we must also track bullets and cartridges that go with them. Sometimes people are shot by mistake and they do not know who has shot them. The bullet is left in the head or elsewhere in the body. We should take the bullet and track the gun that used it. That is also part of what should be addressed here.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): I now give the Floor to the Mover to reply. Yes, Hon. Wamunyinyi.

**Hon. Wamunyinyi:** Thank you very much, Hon. Temporary Deputy Speaker for the opportunity to hold brief to reply on behalf of Hon. Munyaka, who is away on official mission in Japan.

I wish to acknowledge requests by Members who would like to be given two minutes each. With your permission, I will give Hon. M'ruaki and Hon. Lusweti two minutes each.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Make it one minute. I do not think you have the luxury of two minutes.

**Hon. Wamunyinyi:** Okay, I will give one minute to each one of them. The other one is Hon. Maanzo.

**Hon. M'uthari:** Thank you, Hon. Temporary Deputy Speaker. I wish to thank Hon. Wamunyinyi for giving me the minute. I fully support this Motion. As I support, I am very sad because five people from Igembe North have been shot on their farms by cattle rustlers using illegal firearms. So, the Government should be very serious on illegal firearms. It should also provide security to the people.

I condole the families of the people who have been killed, their properties and land destroyed and livestock driven away. The Government must provide security to the people of Igembe North and all the other Kenyans. They should also be given the Kenya Police Reservists (KPRs) by the Government, so that they can protect themselves and their property. The issue of firearms in the wrong hands is a serious matter and I demand that the Government listens to my people, protects them and their property.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Who was the next one?

**Hon. Mukwe:** Thank you, Hon. Temporary Deputy Speaker. I want to support the Motion. In Uganda, watchmen are licensed to carry guns when guarding institutions like banks unlike in Kenya. In Kenya, you will find a watchman guarding a bank with a club and yet terrorists and robbers are armed with firearms. If firearms are fitted with identification gadgets, we will know legal and illegal firearms.

In my constituency, a thug with a gun was cornered and it was found that the gun had been hired from a police station and was being used to terrorise people. Recently, armed persons raided Sichei Area, beat and maimed people using a gun that was hired from a police station. If our guns are going to be fitted with identification gadgets, misuse of guns will be curbed.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Maanzo, you have one minute.

**Hon. Maanzo:** Thank you, Hon. Temporary Deputy Speaker for giving me an opportunity to support this Motion. Tracking of firearms is very important and it is going to help this country know which guns have been stolen, which ones are licensed and which ones are not.

Ordinarily, most of the guns used in crimes have been stolen from people who are licensed to carry guns or people who have been killed by thugs who then run away with the firearms. Tracking will reduce the stealing of firearms. When firearms are used for legal purposes, it is easier to track them if this is done. Tracking firearms will also reduce crime and stop theft of guns. People will know that once you steal a gun, you are likely to be found because it can be tracked using GPS or other electronic systems.

I support this Motion because it is important. Many guns which have been used to commit crime have been borrowed from licensed people such as members of the disciplined forces. If we track guns, officers will be aware that if they give out their gun, they will be traced.

I support this Motion which is very important, but it needs to be converted into a Bill so that we can amend substantively the Firearms Act.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Wind up, Hon. Wamunyinyi.

**Hon. Wamunyinyi:** Thank you, Hon. Temporary Deputy Speaker. I wish to acknowledge all the Members who have contributed to this Motion. I want to assure the House that as we move to the next level, we are going to take into account all the observations and comments that are geared towards improving the format of the Motion when it gets to the next level.

As all of us are aware, the intent and spirit of this Motion is to eventually improve the management, control and be able to track the movement of every gun in this county. For all purposes, this is going to improve the state of security and bring down crime particularly crime that is related to the use of guns.

The laws that are in place need to be strengthened to ensure that the use of guns in this country is controlled and we can monitor everybody who carries a gun from the Defence Forces, the police, civilians and everybody else who is licensed to carry a gun.

Hon. Temporary Deputy Speaker, I am aware that time is up. We are determined to convert this Motion into a Bill. We should make more contributions and ensure that we support security in our country. I am affected. My neighbour, Hon. Lusweti, has just mentioned that in Bungoma, where he and I come from, has had challenges of rampant use of guns from different places, for example, from our neighbours, legal owners and the security apparatus. So, if you have a way of monitoring guns, it will help control usage and the security of our people will be assured.

With those few remarks, I beg to reply.

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Members, we will not put the Question for obvious reasons. So, we move on to the next Order.

DEVELOPMENT OF NATIONAL CURRICULUM FOR EMERGENCY  
TRAINING OF MEDICAL PERSONNEL

**Hon. (Ms.) Musyoka:** Thank you, Hon. Temporary Deputy Speaker.  
I beg to move the following Motion:-

THAT, aware that Article 43(1)(a) and(2) of the Constitution provides for the right to the highest attainable standard of health for every person; further aware that emergency health care is an important component of standard health services; concerned that many lives continue to be lost due to lack of adequate emergency health care and poor response to emergencies in the country; noting that only 13% of public health facilities in the country have basic components to support emergency cases; deeply concerned that emergency patients are exposed to untrained personnel and/or good Samaritans who in most cases worsen the situation; cognizant of the need for the country to have a well-coordinated emergency care system; this House resolves that the Government immediately develops and implements a national curriculum for emergency training of all medical personnel in the country.

Our Constitution provides for the right to the highest attainable standards of health for every person. If you look at emergency services in our country, you will find that there is a lot of inadequacy. The main reason for the poor response, especially in our public health institutions is because of inadequate training. Only about 13 per cent of public health facilities in the country have basic components to support emergency care. In our situation, we have had many stories of



people being handled by good Samaritans when they have accidents and in the process of being moved from one place to another, they have suffered much more than even getting the assistance that they deserve.

The main purpose of having emergency medical services is to provide immediate medical care to those who need it, without which heart attacks and accidents would lead to many more fatalities. Emergency medical services simply exist in order to give us all a better quality of life. Emergency medical services provide and aid medical assistance, from primary response to definitive care involving personnel trained in rescue, stabilisation and transportation.

The benefits of emergency medical services include facilitation of prompt response in emergencies, decrease of mortality and morbidity, especially in trauma cases; decrease of mortality in medical emergencies, improvement of efficiency in healthcare provision, enhancement of ability to handle mass casualties and disasters such as we normally have in our country, and increase in public confidence in healthcare systems.

Just recently, we lost four babies at Kang'undo Hospital immediately after birth. It is my strong belief that if the medical personnel who were handling the new born babies immediately resuscitated them, we could have saved those four babies. It is important that all medical personnel have a clear understanding of how to handle emergencies. We need to have a well coordinated system or mechanism of handling medical emergencies, including transporting critically ill patients from one level of care to the next.

Taking into account the current situation, as far as emergency medical care is concerned in Kenya, and knowing that nobody should be denied emergency medical treatment, it is very important that we have a curriculum whereby all the people handling medical emergencies know exactly what they need to do. Kenya offers no formal training opportunities in the public institutions in the field of emergency medicine as a specialty. Many of the specialists that we have, have been trained outside the country. Most of them are not recognised as specialists. It is important that we have the different levels of medical personnel getting training on emergency care.

Delivery of emergency healthcare in Kenya is quite different from that of well developed countries. However, we can improve in that area since we have the capacity to train and make sure that we have high quality services in this country. Right now, we have many ambulances in the country, with the coming up of the county governments. It is important that those who handle patients in those ambulances know exactly what they are supposed to do. Most emergency centres are staffed by clinical officers and nurses who work independently or alongside medical officers to provide urgent and emergency care to large rural populations. Clinical officers are not physicians but they can be trained so that they can handle emergencies that end up at their facilities before transferring such patients appropriately. We do not have a certification system in our public healthcare system to ensure that clinical officers, nurses and all other cadres of medical personnel are trained on trauma care and emergencies. For us to move from underdevelopment as far as emergency is concerned, we need to institute emergency medical training. We should also have a curriculum appropriate for our medical personnel. None of the public universities or colleges offers any training on emergency medical care.

We have the AAR Health Care, St. John's Ambulance, the Red Cross, and other organisations that offer training. We need a certification by the Ministry of Health so that we have recognized certificate for people who handle emergency cases of patients. They should be highly trained, qualified and have confidence to manage such patients. Establishing a

standardized curriculum, training and method of certification for emergency medical services is fundamental in this country. The standardization of the curriculum, training and certification should cut across various levels of emergency medical services personnel and institutions in this country. We need basic equipment in all public institutions. We should also know people who can handle and manage emergencies accordingly.

Factors that need to be considered include evaluating what we have at the moment and coming up with training programmes and certifications so that our public health institutions are up to date. We should also have a coordinated mechanism of handling emergencies.

The importance of such a curriculum and trained personnel in Kenya cannot be underscored.

I beg to move.

I would like to request Hon. (Dr.) Kibunguchy to second the Motion.

**Hon. (Dr.) Kibunguchy:** Thank you, Hon. Temporary Deputy Speaker. Everybody needs to be addressed by their proper titles. That is what I was reminding her.

I would like to thank my colleague for giving me the opportunity to second this Motion. It is important for us to manage emergencies properly. Why do we want a separate curriculum for this?

In medicine, we have several departments. In each of this, you will get one form of emergency or another. If I may just quote one or two areas, in the field of Orthopaedics, they deal mainly with accidents. We have talked about accidents and they are now everywhere because of *boda boda* mode of transport. They also deal with gun shots wounds and we have just been talking about guns not long ago. You will also have emergencies in the field of Obstetrics where when mothers come to deliver or are due to deliver develop some complications that require immediate attention.

You have emergencies in the field of Paediatrics where my colleague, Hon. (Dr.) Musyoka is an expert. There you will find Dr. Nyikal. You know to be a doctor you have to go to the university for six years.

**Hon. F.K. Wanyonyi:** But I also went to the university.

**Hon. (Dr.) Kibunguchy:** I said six years.

**Hon. Member:** I do not doubt.

**Hon. (Dr.) Kibunguchy:** Thank you. This kind of medical personnel that we are looking at is somebody who can handle emergencies that will arise in all these fields. We now have emerging concerns in this country of heart attacks because of the problems of obesity and poor diet. We are eating junk food and we have problems of diabetes. You will even find young people developing heart attacks. The kind of medical personnel we are talking about is somebody who can handle an emergency case which cuts across all these fields. That is why they need some specialized curriculum to be able to do that.

As we debate this Motion, we know that Article 43(2) of our Constitution is very clear that a person shall not be denied emergency medical treatment. As a country, we have to emphasize this. Recently, it was publicized in the newspapers that a young man who was involved in an accident stayed in an ambulance for 18 hours. I would like to commend the people who were in that ambulance otherwise he could have died much earlier than 18 hours. He was denied treatment and yet that was an emergency case. I know that matter is being handled. It should serve as an example to this country that nobody should be denied emergency medical treatment.

First and foremost, Dr. Susan Musyoki has just talked about ambulances. Now we have ambulances everywhere but most of the ambulances we have in this country that are being bought by the county governments do not qualify to be called ambulances because they do not have basic facilities for resuscitating a patient. We need to have an ambulance that is properly fitted with equipment and has oxygen. Such personnel would be in that ambulance. In case they are transporting a patient and he develops a complication that requires immediate attention, the personnel that we want to train and give specialized training will be available.

The other place that this person should be in is primary hospital. In this country we talk about levels of hospitals. I would say this person should be in Level 3 hospitals going up. These personnel should be there and in every other major hospital.

Before I wind up, I just want to talk about this whole concept of referral system in this country. These people fit there very well. If we have a properly functioning referral system where people are being referred from one level to a slightly higher level of medical care, and knowing that medicine and health are completely devolved--- I would have loved to see a situation where we have a well-equipped central hospital that will work as a referral centre in every constituency. That is in Level 4 hospital. It should be well equipped and well manned with all these people and resuscitation facilities that can be able to save lives.

Hon. Temporary Deputy Speaker I know the Senate has proposed that every county should have a Level 5 hospital. That will serve as the referral centre for that county. I hope governors are listening to me because most of them have ears but they do not hear. I propose that in every ward, we should have a Level 3 health facility so that as we move forward, we can move from Level 3 to Level 4 which is based at the constituency and then Level 5 which will be based at the county. At all those levels we should have very clear communication and transport systems so that we can say that what can be handled at Level 3 can be handled there. If somebody comes with acute asthma, anybody should be able to handle it even at that level. What cannot be handled at Level 3 hospitals can be referred to Level 4 hospitals with clear referral systems. The personnel we would like to train in this Motion are personnel that will be the first contact with a patient at every given level. Whatever cannot be handled at Level 4 can then be referred to Level 5 and so forth.

That is the kind of system I would like us to have and not what is happening at counties where you do not even see what is being done. They spend too much time talking about very many things in the county without knowing that their primary responsibility in this country is health. Health is very vital and it is completely devolved. If they cannot manage health, it will probably get to a point where we, as legislators, will stand and say we need to revert certain functions from the county governments to the national Government.

Since I am seconding this Motion, I will sit down with my colleague and work with her so that this Motion can come up as a Bill. This is because we know not many people implement issues raised in Motions. We want to come up with a Bill so that it can be implemented and go a long way in serving our people with emergency cases.

Hon. Temporary Deputy Speaker, I beg to second.

*(Question proposed)*

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): I give the Floor to Hon. Patrick Wangamati.

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

First, I thank Hon. (Dr.) Susan for bringing this Motion in the House. Everybody has been looking at it. In fact, emergency cases in our hospitals are many and they are unattended. Many of our people die sometimes because of diseases that could have been treated.

I thank Hon. Susan and the Seconder, Hon. Kibunguchy, who has said that the Government needs to look at the health sector again and how it is being handled by the devolved governments.

In Bungoma, where I come from, 20 people died after undergoing operation procedures at the Bungoma Level 4 Hospital. Somebody is admitted to the hospital, he goes for operation and after two days, the hospital says that the patient was not well operated and he needs to be referred to Eldoret. The patient takes three to four days in the referral hospital and dies. Twenty cases have been recorded at the Bungoma Level 4 Hospital. I am wondering whether the situation will continue like that. The Government must do something. If a county government is not working, the national Government must intervene. We cannot sit back and watch people dying the way it is happening in Bungoma. Out of the 20 people who have died, three come from my village. I was surprised.

I also appeal to Hon. Members that there are many things we should look at, as the representatives of the people. Well, changes are being made in this country, particularly in the Ministry of Health, but they are making our people lose lives. We are losing our friends, brothers, sisters and fathers very easily because of the system that we have. Even when a patient is supposed to be referred to another hospital, the amount of money charged by an ambulance is too high. Medical services are becoming too expensive and yet we thought we were taking them closer to the people. Health services are no longer closer to the people.

I was involved in the second liberation. I regret because we advocated for administration services closer to the people and not what we are witnessing. Our people are not serious about health services. I support this Motion. It is important that this House looks at this emergency training as one of the first solutions that we can try to do.

I do not know whether it is in Bungoma alone, but if there are other places where these things are happening as far as the Ministry of Health is concerned, I urge my fellow Members to do something about them.

Thank you, Hon. Temporary Deputy Speaker, for the opportunity. I support this Motion.

### ADJOURNMENT

**The Temporary Deputy Speaker** (Hon. (Ms.) Shebesh): Hon. Members, this Motion will have a balance of two hours and thirty minutes.

The time being 1.00 p.m., this House stands adjourned until this afternoon, at 2.30 p.m.

The House rose at 1.00 p.m.