

# PARLIAMENT OF KENYA

## THE SENATE

## THE HANSARD

**Tuesday, 18<sup>th</sup> November, 2014**

*The House met at the Senate Chamber,  
Parliament Buildings, at 2.30 p.m.*

*[The Deputy Speaker (Sen. Kembi-Gitura) in the Chair]*

### PRAYERS

### STATEMENTS

#### STATUS OF REVENUE COLLECTIONS IN MARA TRIANGLE AND MAASAI MARA GAME RESERVES

**Sen. Ntutu:** Thank you, Mr. Deputy Speaker, Sir. I rise to seek a Statement from the Chairperson of the Standing Committee on County Public Accounts and Investments Committee (CPAIC) on the position of revenue collection in both Mara Triangle and Maasai Mara Game Reserve. It is without a doubt that the Mara Conservancy who are collecting revenue on behalf of Narok County Government in Mara Triangle and Kenya Airports Parking Services (KAPS) Limited which is also collecting revenue on the other side of the Maasai Mara Game Reserve are directly banking that money into their own private accounts and as well deducting their contracted cost being 45 percent and 6.5 percent respectively from source before remitting the balance to the county revenue account. Despite the fact that these two collecting agents; Mara Conservancy and KAPS, are collecting revenue on behalf of the people of Narok County, revenue records at source are guarded with utmost secrecy.

I am seeking the following clarifications:-

(1) Has Narok County Government complied with Article 207(1) of the Constitution which stipulates the procedure for banking and the management of public funds?

(2) Does the Narok County Government internal audit office and Committee exist?

(3) How much park fees has Olololo Game Ranch collected so far from the guest lodging at Kichwa Tembo Lodge and Skyship Balloon Safaris landing fees since March 2013 to date?

Thank you, Mr. Speaker, Sir.

**The Deputy Speaker** (Sen. Kembi-Gitura): The Chairman of the CPAIC?

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Anybody from that Committee?

**Sen. Khaniri:** Thank you, Mr. Deputy Speaker, Sir. I am a Member of that Committee. We undertake to give a response to the Statement in two weeks if it will be possible and it is okay with you.

**The Deputy Speaker** (Sen. Kembi-Gitura): Will two weeks be okay with you?

**Sen. Ntutu:** Yes.

**The Deputy Speaker** (Sen. Kembi-Gitura): Going by the calendar, we shall be on recess at that time. Can I ask that this Statement to be given on Tuesday, 2<sup>nd</sup> December, 2014 or at least come back to the House on that day and give us an indication because as you know – unless the calendar changes – we should be on recess on the Thursday, 4<sup>th</sup> December, 2014?

**Sen. Khaniri:** Mr. Deputy Speaker, Sir, two weeks from today takes us to Tuesday, 2<sup>nd</sup> December, 2014.

**The Deputy Speaker** (Sen. Kembi-Gitura): Does it?

**Sen. Khaniri:** Yes, it does. So, we will give the Statement on Tuesday, 2<sup>nd</sup> December, 2014.

**The Deputy Speaker** (Sen. Kembi-Gitura): Thank you very much, Sen. Khaniri. Sen. Gwendo, are you seeking a Statement or expecting one?

**Sen. Gwendo:** Mr. Deputy Speaker, Sir, I am expecting a Statement.

**The Deputy Speaker** (Sen. Kembi-Gitura): From the Chairperson of the Standing Committee on Agriculture, Livestock and Fisheries?

**Sen. Gwendo:** Mr. Deputy Speaker, Sir, from the Chairperson of the Committee on Lands and Natural Resources.

PLIGHT OF FARMERS IN NYAMTHOWI AND KOLWA  
CENTRAL LOCATION IN KISUMU COUNTY

**Sen. Khaniri:** Mr. Deputy Speaker, Sir, although the Statement in the Order Paper is listed under the Ministry of Agriculture, Livestock and Fisheries, when it was sought, it was directed to my Committee; the Committee on Lands and Natural Resources. I undertook that we will give a Statement in four weeks, which I was granted by the Speaker, due to the nature of the Statement because it is cross cutting three Ministries; the Ministry of Transport and Infrastructure, Ministry of Lands, Housing and Urban Development and the Ministry of Environment, Water and Natural Resources.

I asked for four weeks which I was granted by the Speaker. The four weeks are elapsing on Thursday this week, 20<sup>th</sup> November, 2014. We have since received a response from the Ministry of Transport and Infrastructure yesterday. The Ministry of Lands, Housing and Urban Development gave us their response today. As I was just walking into the Chamber, we received the final reply from the Ministry of Environment, Water and Natural Resources.

We will have to compile a single Statement. I want to undertake that I will go by the time that was given to me.

DESTRUCTION OF INSULIN MEANT FOR  
CHILDREN WITH DIABETES

**Sen. (Dr.) Kuti:** Mr. Deputy Speaker, Sir, Sen. Martha Wangari had sought a Statement on the destruction of insulin meant for children with diabetes.

First, I would like to begin by apologizing that this answer has taken so long because it had to go from one Ministry to another. Initially, it was a question of the Ministry of Health. However, since the destruction happened at the point of import, which is Jomo Kenyatta International Airport (JKIA), the Kenya Revenue Authority (KRA) became the institution to answer this question. I now have the answer.

**The Deputy Speaker** (Sen. Kembi-Gitura): Sen. (Dr.) Kuti, I notice that Sen. Wangari is not here. She is the one who had sought the Statement. I appreciate that the Statement is now the property of the House. Does she have a copy? Does she know the Statement is being brought this afternoon? I know she has been very persistent on the issuance of the Statement.

**Sen. (Dr.) Kuti:** Mr. Deputy Speaker, Sir, this matter was discussed last Thursday. You had ruled that it be brought today. Just before the House began, I met the Senator and asked her to get the answer from the Journals Office. She is fully aware that I am answering this question today.

**The Deputy Speaker** (Sen. Kembi-Gitura): Strictly speaking there is nothing to stop you from giving the Statement today. I was just wondering, she has been so passionate about it, I am surprised that she is not in the House to receive the Statement, if she knew about it. Would you insist on giving it now or is it possible for you to give it tomorrow or Thursday? Would it make too much difference for you?

**Sen. (Dr.) Kuti:** Mr. Deputy Speaker, Sir, this matter was a big issue in this House. It is the property of the House. We have been put under a lot of pressure to get this reply. It is unfortunate that on the day that we are ready to deliver the Statement, even after I have informed her, she is not in.

**Sen. Khaniri:** On a point of order, Mr. Deputy Speaker, Sir. I am seeking your indulgence. I have just spoken to Sen. Wangari; she is making her way here. If there are any other Statements, we can come to this one towards the end of Statements.

**The Deputy Speaker** (Sen. Kembi-Gitura): We cannot wait for her. In any event, I do not believe there are other Statements. I am just seeking the indulgence of Sen. (Dr.) Kuti, if he could issue the Statement tomorrow. I am the one who started by saying that this is now the property of the House. I appreciate that. Considering that she has been very persistent about it, may I request that you give this Statement tomorrow?

**Sen. (Dr.) Kuti:** Okay, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. Kembi-Gitura): Thank you, Senator. I appreciate that. Who is Temporary Five?

PROPOSED ALLOCATION OF LAND AT KANYANYOONI TO THE  
NATIONAL INTELLIGENCE SERVICE IN KITUI COUNTY

**Sen. Musila:** It is me, Mr. Deputy Speaker, Sir. I stand on a point of order because two months ago, I requested a Statement on the issue of land in Kitui County. The Committee was given the work to investigate the matter. In fact, they investigated the matter because they summoned me and the Governor of Kitui County. We gave our evidence. Could I ask the Committee when they will give us the report? I think they have done the investigations.

**The Deputy Speaker** (Sen. Kembi-Gitura): Which Committee?

**Sen. Musila:** The Committee on Land and Natural Resources.

**The Deputy Speaker** (Sen. Kembi-Gitura): Sen. Khaniri, is that your Committee?

**Sen. Khaniri:** Mr. Deputy Speaker, Sir, yes, indeed, it is my Committee. I am glad that the hon. Senator appreciates that we have been working so hard to give a comprehensive statement. We have had a series of meetings with the stakeholders. We have had a meeting with him, his Senator and Governor. We have also had a meeting with the National Lands Commission (NLC) and the Cabinet Secretary for Land, Housing and Urban Development. We are waiting for a final response from the NLC who were supposed to appear before our Committee last week on Thursday. Unfortunately, the Chairman had travelled. We have scheduled the meeting for this week, Thursday, to get the final submission from the NLC before we can draw the final report. In fact, it is not a Statement, we are bringing a full report on the matter.

**The Deputy Speaker** (Sen. Kembi-Gitura): Did you say Thursday? Did you give an indication of the date?

**Sen. Khaniri:** Mr. Deputy Speaker, Sir, Thursday is when we are meeting the National Lands Commission. I request for next week.

**The Deputy Speaker** (Sen. Kembi-Gitura): Next week on Tuesday or Thursday?

**Sen. Khaniri:** Make it Thursday, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. Kembi-Gitura): What do you have to say, Sen. Musila?

**Sen. Musila:** Much obliged, Mr. Deputy Speaker, Sir. I have no problem with Thursday, next week.

**The Deputy Speaker** (Sen. Kembi-Gitura): That will be 27<sup>th</sup> November, 2014. Do we have any more statements? Let us move on to the next Order.

COMMUNICATION FROM THE CHAIR

REORGANIZATION OF BUSINESS ON THE  
ORDER PAPER

**The Deputy Speaker** (Sen. Kembi-Gitura): Hon. Senators, I will proceed under Standing Order No.39 and reorganize the business as listed on the Order Paper.

Reorganisation is as follows: I will defer Orders No.8, 9, 10, 11, 12, 13 and 14. We will proceed with Order No.15

### COMMITTEE OF THE WHOLE

THE PUBLIC PROCUREMENT AND DISPOSAL (AMENDMENT) BILL  
(NATIONAL ASSEMBLY BILL NO.31 OF 2013)

*(Committee of the Whole deferred)*

### BILLS

*Second Reading*

THE NATIONAL YOUTH SERVICE (AMENDMENT) BILL,  
(SENATE BILL NO.26 OF 2014)

*(Sen. Elachi on 6.11.2014)*

*(Bill deferred)*

*Second Reading*

THE POTATO PRODUCE AND MARKETING BILL  
(SENATE BILL NO.22 OF 2014)

*(Bill Deferred)*

*Second Reading*

THE PUBLIC APPOINTMENTS (COUNTY ASSEMBLIES  
APPROVAL) BILL, (SENATE BILL NO.20 OF 2014)

*(Bill Deferred)*

*Second Reading*

THE STATUTE LAW MISCELLANEOUS AMENDMENTS)  
(NO.2) BILL, 2013 (NATIONAL ASSEMBLY BILL  
NO.33 OF 2013)

*(Bill Deferred)*

*Second Reading*

THE COUNTY ASSEMBLIES SERVICES BILL,  
(SENATE BILL NO. 27 OF 2014)

*(Bill deferred)*

*Second Reading*

THE PUBLIC FUNDRAISING BILL,  
(SENATE BILL NO. 28 OF 2014)

*(Bill Deferred)*

Next Order!

*Second Reading*

THE NATIONAL POLICE SERVICE (AMENDMENT) BILL,  
(SENATE BILL NO. 29 OF 2014)

**The Deputy Speaker** (Sen. Kembi-Gitura): Sen. (Prof.) Lonyangapuo, you may proceed. You are moving the Bill, are you not?

**Sen. (Prof.) Lonyangapuo:** Yes, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. Kembi-Gitura): You can move it from the Dispatch Table.

*(Sen. (Prof.) Lonyangapuo moved to the Dispatch Table)*

**Sen. (Prof.) Lonyangapuo:** Mr. Deputy Speaker, Sir, I beg to move that the National Police Service (Amendment) Bill, (Senate Bill No. 29 of 2014) be now read a Second Time.

This Bill is on the National Police reservists who are captured in the original Act, in particular Section 110 of the National Police Service Act. The National Police Reservists, as currently constituted, in this section, it is written that the National Police Reservists (NPRs) are the people who are supposed to work and the criteria of identifying them is also identified. However, they are not supposed to be in the Kenya disciplined forces at the moment.

Mr. Deputy Speaker, Sir, you will allow me to read a part of this Act before I move on. Section 110(3) of the National Police Service Act states:-

“The Reserve may be deployed in Kenya to assist the Kenya Police Service or the Administration Police Service in their respective mandates including-

- (a) maintenance of law and order;
- (b) preservation of peace;

- (c) protection of life and property;
- (d) prevention and detection of crime;
- (e) apprehension of offenders; and
- (f) enforcement of all laws and regulations with which the Service is charged.”

Although they are formerly recognized in the revised National Police Service Act, what is lacking is the identification that these people need to be given such training as they require to do their work suitably. The Commission has enumerated many things that need to be done, for example, they must be above 18 years of age and must be trusted to be given a gun. However, no proper laid down procedures and programmes of how they are trained is ever mentioned. It also does not say the number of such persons and where they are supposed to be recruited from. It also does not state the relationship between the police and the chiefs who are on the ground. The Act does not also talk about what level of remuneration or compensation is ever given to anybody who has been trusted and entrusted with a Government firearm.

To this extent, you find some people who are currently serving as police reservists within Kenya and particularly those areas which are prone to cattle rustling---. These persons have done a commendable job in maintaining peace and order. However, you note that they are just given a gun and bullets but there is no proper storage of that gun. They are not told where to keep them; they are just kept in their houses. Those who are pastoralists, who migrate from place to place, end up moving with them. Nobody knows if the guns are ever utilized properly.

Those of us who come from the pastoralist areas know the benefits that these people have really provided. However, they are not given any remuneration. What do they get per month for carrying a weapon entrusted by the people of Kenya? We do not know what they eat and how they benefit from this. We propose in the Bill that these persons be given some kind of an allowance. That allowance can come in any form, compensation or expense. In the Act, it is indicated that any such expense may be occasioned in the implementation of Section 110 which has been revised or amended.

Section 117A (1) and (2) provides that:-

“Any expenses that may be occasioned in the implementation of sections 110 and 115 of this Act shall be provided from:-

- (a) such gifts, grants or donations as may be given;
- (b) such monies as may, in the future, be provided by the National Assembly for defraying the expenses incurred in the implementation of this Act; and
- (c) such other monies that may lawfully accrue in the discharge of the functions under this Act, not being monies accruing from pursuant to Article 114 of the Constitution.

(2) There may be established a fund which shall consist of the monies specified under subsection (1).”

Section 117(B) further provides that:-

“For the avoidance of doubt, nothing in Section 117A is intended to or may be construed as providing for or dealing with-

- (a) taxes;

(b) the imposition of charges on a public fund or the variation or repeal of any of those charges;”

Mr. Deputy Speaker, Sir, noting that for over 30 years, these persons have always been utilized by the people of Kenya, can we formally capture and get hold of them? Like the current problem happening in Baringo County where we have an ongoing operation, the people who have become of significant help to the police and the Kenya Defence Forces (KDF) are the Kenya Police Reservists (KPRs) who know the terrain and the geography of the areas and work closely with the people. The only challenge we have in the current active area; that is in Baringo, the sub-county of Tiaty Constituency, there is no single police reservist engaged. The police reservists would have played a crucial role there. That is why you find that the level of lawlessness is more pronounced in that sub-county than in the other neighbouring constituencies or counties. In West Pokot County, we have a few Kenya police reservists. That is why the cattle rustling menace is a bit lower. In Turkana and Samburu counties, it is the same. Where we have this problem in Baringo, we do not have the Kenya police reservists. We need to see the benefits that have always accrued by having these people.

In my county, at the border of West Pokot and Turkana counties, the people who have maintained peace and given us significant security there are the Kenya police reservists on both sides. By recognizing them here and having to give them proper training, say, going for two or three months training using, for example, the National Youth Service (NYS) facilities, these people can assist a lot.

I remember, currently as they are, whenever a cattle raid is reported, these are the first people who go after the bandits. If we, as a Government, have enjoyed seeing the fruits of these people, how much does it cost us to make them formal and give them something to “eat” when they are protecting us?

What we also need to recognize as we consider this amendment, is how do we recruit these people? Who identifies the young men who are given the guns? Which procedure is used? It is not indicated here. You find that there must be a clear procedure of how they are identified. We also do not use them as required, how can you recruit Kenya Police Reservists (KPR) from, for example, West Pokot County where we have a dominant community called Pokot alone to serve their people? When you go to Turkana County- I am using the two counties as an example because I come from that region, - you recruit people from Turkana County who are of Turkana origin alone and they stay with their people.

We need to upgrade further, just like it is done in Uganda. At the border of Kenya and Uganda, there are police reservists who come from various communities that live around. They are recruited and put in a camp just like we have the General Service Unit (GSU) or Anti-Stock Theft. If we are expecting this problem to end in the North Rift, like where I come from, we would expect that the Government trains or re-trains the current KPRs who are active or on duty. Then, identify a common area where some from Turkana and West Pokot can be brought and re-trained together until when a hot spot is found where they can be put and they do surveillance.

Normally, like in Uganda, the person in-charge of them is a trained GSU or Anti-Stock Theft officer who stays in the same camp with them. They can even be assigned a



car so that when they do their surveillance in the night or during the day, with this rough terrain where these other officers will not be able to identify and move around, noting also that we do not have better roads for some of the vehicles that our officers use, we will have a highly reduced kind of banditry or cattle rustling taking place. We can have as many camps as we can and these camps are mobile.

If we find an active route which is regularly used by criminals and bandits, where they think our usual officers, GSU or police do not know those routes, we post those people there. What will they be eating in the camp? Just like we feed the police and the GSU, that is the way these people will be given food. That is why we are proposing a kind of a honoraria where their children and their families can be able to get food and buy sugar. I may concentrate on the pastoralist region, sometimes, the Government gives out relief food like it is happening in the northern Kenya because of the drought but nobody remembers these ones. The families are taken care of but the ones carrying the weapons and protecting people are not given anything.

In Baragoi, where the problem happened last year and a few incidences are still happening now, if we were able to get KPR from the Samburu community and from Turkana and they are trained to stay together-Bandits fear attacking “themselves” if I may be allowed to use that terminology, they do not. So, if they work closely, these incidences and the same we saw where some bandits just wake to trap officers along the road who are on duty, will not occur because the KPRs, who are locals, will be able to trap them or alert the authorities that something is happening.

If you remember, there was a time we had serious problems along the Kenya – Uganda border, where the Karamajong of Uganda, Turkana and Pokot were having nightmares. Today, you can walk among the three communities and find that we have sealed a lot of peace - I was there over the weekend and there is a lot of businesses coming up and now schools and other businesses thrive there because there is peace. This is because of coming up with a strategy. One factor that can contribute heavily to the restoration and maintenance of peace is using the local community.

Our Constitution or the National Police Service Act has for the first time recognized the National Police Reservists but they did not go further to say when they are here, just like paying a police officer salary per month, what honoraria do you give this one? That is just what is missing here so is training, uniforms and so on. Sometimes, some are killed. I read today that three KPRs were killed in Isiolo yesterday. There was banditry around there. When this person is killed, his family will be left without the head. How are they compensated? He died in the line of duty, carrying an official Government arm, but after that, he is just forgotten just like that.

This is what we need to consider in this Bill, that as soon as they are captured here, we will be able to train these people and be able to utilize and use their local expertise in bringing peace and order. I know KPRs can be used anywhere in Kenya. The problems we are seeing in Mombasa at the moment, if we had KPRs, some of these incidences that we see would easily come down drastically in the manner in which they are occurring, mainly because these reservists stay with the people in the villages or in the estates.

As at now in Kenya, we need to try all available techniques to make sure that we secure the peace of our people. KPRs will be one unit that will eliminate cattle rustling completely in Kenya if we engage them and use them. *Wazees* or elders in the villages and chiefs as well as the District Commissioners (DCs) are now in the new dispensation in the county governments. If they work together to know which persons can be engaged in this type of sensitive assignment, we may be able to reduce this. Further, so that our army is not always called from their official duty. They are supposed to guard the territories of Republic of Kenya from the neighboring countries.

Right now, there is no factory manufacturing guns in Kenya. There is no outlet inside here, they do not use airplanes and they do not come through the airport. They come through the porous borders. That is where our very highly trained Kenya Defence Forces (KDF) officers must stay put between the border of Kenya and Somalia at every step they are. I will continue using the example of Uganda. You will find that in a stretch of almost 600 kilometres from the border with Kenya, there is a big army camp after every 10 or 20 kilometres. The Kenya Police Reservists (KPRs) should work closely with them and should there be any information to be forwarded, the other camps can give them.

Mr. Deputy Speaker, Sir, we also have problems on the border of Kenya with Ethiopia and South Sudan. That is why we keep mentioning that this is where the illegal firearms come from. If the Kenya Defence Force (KDF) could work with the KPRs, they will be able to know those who trade in illegal arms.

Mr. Deputy Speaker, Sir, last year, we brought a similar Motion to the Floor of this House and it was agreed unanimously that there is need for the KPRs to complement our current security officers. I heard one speaker say that there are KPRs who misuse firearms and rob other people. What became of the training and monitoring of the use of firearms? How can you give out a gun and disappear? They need to be monitored. One incident should not lead us to say that we do not need KPRs. We also have police officers who sometimes misuse their own guns. Can we then condemn the entire police force for the mistake of some officers? Serious surveillance on how they use these guns is essential.

Regarding the incident that occurred recently, there was no communication whatsoever. Mobile phones and other communication gadgets do not work in that area. Therefore, the national Government and the county government should work together and identify sites to mount communication boosters. This will make it easy to track some of the incidences that happen. It is a shame that there are places with no network connection at all. Some people have to climb mountains and trees in order to communicate. The Government needs to work with Safaricom and other mobile service providers to ensure that there is network coverage. This will enable the KPRs to easily report any incidents that they cannot handle. They can call the nearest police station, General Service Unit (GSU) camp or reach senior officers like the County Commissioners, Deputy County Commissioners or even the office of the Cabinet Secretary.

Mr. Deputy Speaker, Sir, in a nutshell, the KPRs are needed in Kenya now more than ever before, looking at the threats from every corner of the country. We even have youth who are being radicalized. Therefore, there is need to have people who can work

closely with them and know what is happening. The old culture of cattle rustling should be stopped in the areas where it is happening. But as this goes on, we also need to open up the areas. It is a shame that in order to reach some of the areas, you need a helicopter. Not all of us can afford a helicopter in order to reach all people. I have a neighbour called Sen. Munyes who was forced to sell all his property in order to buy a small aeroplane to enable him reach all his people. This is because the roads are impassable. The road network is a big challenge, although I know that there is some money that has gone to counties.

Mr. Deputy Speaker, Sir, we cannot compromise the security of our people. It does not matter how the national Government will work with the county governments, as long as the people of Kenya have peace. Kenyans should be sure of waking up the following day and continuing with their daily duties.

Mr. Deputy Speaker, Sir, this amendment also concerns counties. Under Part II of the Fourth Schedule of the Constitution, county governments are mandated to execute various functions, including agriculture, county health services, cultural activities, county transport, implementation of specific national Government policies, natural resources and environmental conservation. It is clear that these county government functions are performed better in an environment where there is enhanced security. For that reason, the KPRs will play a crucial role in making sure that these functions are achieved. In this respect, this Bill provides for an improved facilitation and compensation for KPRs. The Bill, therefore, concerns counties in accordance with Article 110 (1) (a) of the Constitution, in that it contains provisions that affect the functions and powers of the county governments, as set out in the Fourth Schedule.

Mr. Deputy Speaker, Sir, this Bill will secure our people. Coming from a region where insecurity is a threat to every development, arising from theft of animals, I can assure this House that if this unit is deployed to my county, what happened recently will not recur. If it happens, it will be a small incident that can happen anywhere else.

Mr. Deputy Speaker, Sir, I beg to move. My colleague, Sen. G.G Kariuki, was supposed to second the Bill, but he has walked out. I, therefore, call upon Sen. Ndiema to second the Bill.

**Sen. Ndiema:** Mr. Deputy Speaker, Sir, I am willing to step in the place of Sen. G. G. Kariuki and second this Bill, which is very timely, especially in view of what we, as a country, today are experiencing, particularly in the rural areas.

Mr. Deputy Speaker, Sir, it is good that the Act now recognizes the role of the police service. Any country that has good security arrangements has such an arrangement of police reservists. So, it is not a peculiar thing to Kenya, but something that is practised worldwide. The need for enhancing the services of the KPRs in our country is ever more urgent now, in view of the fact that there is a recognized need for community policing. I believe that in the police reforms, the need for community policing is paramount.

In the past, community policing was done by a force or institutions comprising of chiefs and their assistants. They were supported very strongly by the Acts representing the law then – the Chief’s Act, which has since been repealed – and the Administration Police which was earlier called “tribal police”.

Mr. Deputy Speaker, Sir, Administration Police was operating in a manner as if it was a community police unit. It was the chiefs who identified young people who could be recruited. These people had knowledge of the terrain, the local language and culture and knew each and every person within the community. These are the people who worked under the chiefs. Ideally, the chief was the commander of that unit. The chief then had an enforcement arm to enforce whatever security concerns the government wanted.

Mr. Deputy Speaker, Sir, with the new Constitution now, the two arms of the police have been merged and are no longer under the chief, County Commissioner or Sub-County Commissioner. As we are all aware, the recruitment of Administration Police (AP) and their deployment is no longer a local arrangement but a national one. They are also posted anywhere within the country. The frequency in which they are posted makes them handicapped in terms of knowledge of the environment in which they are working. Therefore, when they are posted to do an operation, they have no knowledge of that area. They are not even able to gather enough intelligence to effectively discharge their duties.

Mr. Deputy Speaker, Sir, this brings us to the need for police reservists to be recruited in place of the APs. In Trans Nzoia, which borders West Pokot, we have police reservists. I assure you that these are the young men who have kept the peace that we are now enjoying. These are volunteers who have worked without any remuneration, whatsoever, from the Government. It is just right that anybody who provides a service is prepared and facilitated to effectively provide that service especially when it is a matter of security of the country, the people and their property.

Mr. Deputy Speaker, Sir, some of these good young people have very little training on how to handle operations including firearms. It is time that proper curriculum for training is developed so that they are trained on various issues that concern security, in particular; discipline, human rights issues, use of fire arms and last but not least, patriotism. They should also be trained on how to be mindful of the neighbouring community so that they know they are just as Kenyan as they are and that they need their protection and assistance. In such training, they should not be isolated; they should be trained like any other disciplined forces in a centralised location, be it Embakasi Administration Police Training College or the Police Training College in Kiganjo. They should be taken there and mixed so that they get to appreciate and learn to co-exist and work together with other Kenyans.

Mr. Deputy Speaker, Sir, they also need to be facilitated in terms of communication. We are surprised that sometimes when operations are being carried out by County Commissioners and commanders in the field, officers do not give information as to their whereabouts and what is happening on the ground because of lack of communication. What happened to communication? When we did not have Safaricom and other mobile service providers, police used to communicate through radio calls and so forth. It is very important for communication to be enhanced not only for the police reservists but for the entire force.

Mr. Deputy Speaker, Sir, transport and means of communication should also be looked into. I believe if our policemen were properly trained and equipped with armoured vehicles, perhaps there would be no need to call the army from the barracks to come and

intervene. It is high time we recognized that bandits and terrorists are also very well trained and use very sophisticated weapons. Therefore, our police force should be equipped and kitted to be able to handle all situations including those ones.

Mr. Deputy Speaker, Sir, the KPR is not only important or vital in a rural setting but also in urban areas where we now have very many incidences of terrorism, robbery and so forth. We need them. Perhaps if we had them in good number and very well equipped, we would not even need the *Nyumba Kumi* Initiative.

Mr. Deputy Speaker, Sir, the neighbouring countries have managed to restore peace where they were once worse than us. It would be useful if sometimes, in the spirit of the East African Community (EAC), we could learn from each other how we can handle banditry. These arms are being moved across borders and even bandits themselves are crossing our borders.

Mr. Deputy Speaker, Sir, let me end by saying that it is timely that this amendment is brought so that KPRs are recognized in terms of training and remuneration.

With those few remarks, I second.

**The Deputy Speaker** (Sen. Kembi-Gitura): Thank you, hon. Senators. I now propose the question.

*(Question proposed)*

**Sen. Ongoro:** Thank you Mr. Deputy Speaker, Sir. I rise to support this amendment. If you read the original Act – I am referring to Section 110 of the National Police Act – you will find it amazing that it recognizes the existence of police reservists. However, it does not recommend that they be recognized as members of the disciplined forces.

Mr. Deputy Speaker, Sir, this brings us to the big question which I believe, considering the recent events in the country, is in the minds of all Kenyans. The big question is: How do you entrust a person with a firearm which has the capacity to take life but you do not accompany that capacity with ensuring that this person has got adequate capacity to make good decisions? You do not ensure that this person carrying a firearm has all his welfare issues taken care of and you do not engage him in a structured format that ensures close supervision.

Mr. Deputy Speaker, Sir, I think some problems are self-inflicted. We cannot continue with this obtaining scenario. Anybody who is licensed by the Government to carry a firearm - and if the Government has accepted the existence of police reservists and given them firearms – then it is obligated to ensure that these people are adequately trained, their welfare issues are taken off and they are supervised closely so that we know who is owning which gun at what time and how many bullets have been supplied and used to ensure we sustain accountability.

In this kind of scenario that we find ourselves in as a country, other questions also beg a lot of answers. For example, what is the age limit of people who qualify to be recruited as reservists? Who conducts their recruitment? How do we ensure regional and ethnic balance especially in cosmopolitan areas? Who does the follow up on their activities? What happens when these people die or get injured in the line of duty? Do they

take care of themselves while they are executing a mandate given to them by the Government? But if they die or they are injured in the line of duty, they are left to cater for themselves.

It has been said that a hungry man is an angry man. Therefore, it beats logic for the Government to supply the reservists with firearms and bullets then refuse to ensure that their welfare issues are taken care of. When this hungry man who is angry sees a cow loitering around and he has not eaten for four days and decides to make meat out of it, he is arrested or you send police to go and kill them. Let us be reasonable; if you do not have the intention of taking good care of a person, then also ensure that he does not have a lethal equipment like a firearm. These people have given their lives to duty and we have seen that where the Government has miserably failed over the years to control issues such as cattle rustling, these reservists have done a commendable job.

Since they are doing a commendable job, we should applaud, give them facilitation, conduct periodic in-house training for them, ensure that they have a constant, licensed, authorized supply of firearms and bullets to avoid illegalities, ensure that if one of them dies in the line of duty, the rest should remain encouraged to carry on with the same execution of that mandate. This will happen when they see the manner in which the dependants of the person who has lost his life are taken care of.

Mr. Deputy Speaker, Sir, these people need an insurance policy that does not only take care of themselves but also of their families. I do not see which line we are trying to draw between this group of people who are actually executing the same mandate as the disciplined forces and the disciplined forces who are locked in barracks somewhere when other Kenyans are executing their mandate. Therefore, let us not have double standards when these people are carrying firearms which the people in the barracks have. This firearm has the same capacity to kill just like the firearm in the barracks or in the police station. Now that they are carrying a firearm and have the capacity to do the same thing, let us treat them the same, otherwise withdraw the firearms.

If we continue to allow and recognize the existence of reservists, then we must conduct a thorough audit to know who is a reservist. We must also find a way of carrying out physical identification so that in case of armed conflict, we are able to visually know who is a reservist and who is an attacker. Most importantly, I want to support very strongly that the welfare of this very important category of Kenyans be taken care of so that they can continue executing their mandate in a manner that is beneficial, not just to the host communities but to the Government by extension bearing in mind that most of the places the reservists have undertaken, a lot of duties happen to be areas classified as hardship areas. These are areas where even those who are trained, earning a salary and their welfare issues are taken care of, do not want to be posted to. This group of people is already familiar with those harsh climatic conditions, they are familiar with the terrain and are ready to put their lives on the line.

When the Government uses the people within the community, it helps to save on demand on accommodation allowance because they operate from their homes. Therefore, it is much cheaper to maintain them in those areas if only we could have a structured format of engagement that allows them to have some form of facilitation, identification, welfare and appreciation when they lose their lives.

Mr. Deputy Speaker, Sir, it is very interesting because we have reservists from all parts of the country but of particular interest are those from northern Kenya. I have taken note of this particular group of people who are naturally warriors. They are very bold and courageous and need a little of polish up, a firearm and welfare. By doing so, we shall have an established, coordinated kind of silent army. We also need to allow them know the hierarchy of command in their area of operation so that they can engage effectively. Some of these incidents we have been witnessing show lack of coordination, lack of adequate information and so on.

Mr. Deputy Speaker, Sir, I want to stop because I do not want to repeat myself but I stop very strongly say that so long we continue as a nation to recognize the existence of police reservists, they qualify to access all welfare facilities that are accorded to all disciplined forces.

With those few remarks, I beg to support.

**Sen. Leshore:** Mr. Deputy Speaker, Sir, this Bill has come at an appropriate time. Those of us who come from cattle rustling prone areas value the work of reservists. In other words, we call them home-guards. In places where there are home-guards, incidents of cattle rustling have gone down. Therefore, I support the Bill so that these young people; the reservists, must be compensated, trained properly, well equipped and given the necessary tools to support them. The reservists know the terrain, the suffering that people undergo, the trend where cattle are moved from during the dry and the rainy seasons. They know everything and persevere a lot. I support what my colleagues have said that we have to do something about these young people because we appreciate their efforts.

*[The Deputy Speaker (Sen. Kembi-Gitura) left the Chair]*

*[The Temporary Speaker (Sen. (Dr.) Machage) took the Chair]*

It is time that the National Police Service recognised these young people and gave them the necessary support to perform their duties to the best of their ability. When I was a Member of Parliament (MP) for Samburu East, I sympathised with most of the reservists; some wore torn clothing and dressed as if they were poachers. This is because they borrowed one part of the uniform from the military, another from the police and the other one from the Kenya Wildlife Service (KWS). One finds it strange when he or she meets them because you would think they are bandits. On the other hand, if they are given proper training, discipline, uniform and a little compensation, I do not want to say full salary; this is because once this is done, all the Pokots, Samburus, Turkanas, Somalis and Boranas will come to be recruited as KPRs. Let us see how we can appreciate their efforts by recognising them, by giving them proper skills and education.

With those kind words from Sen. (Prof.) Lonyangapuo about the reservists, I support him fully. This Bill must be fast tracked so that by early next year, reservists can get even a token. This is because they have done a lot of work; most of them have lost their lives in cattle rustling areas. Where I live in Nairobi, we have got reservists and when one or two incidents happen, one finds them on time even before the policemen

arrive. They are faster than policemen. If we enhance their communication skills, a lot of these vices happening in our country will go down.

Mr. Temporary Speaker Sir, in Israel, the people who normally fight are the reservists. They can mobilize over 100,000 reservists within a day. I think we should emulate them. We do not have to give them thanks all the time but as one of my colleagues said; that we put them in camps, we do not need to put them there. We should construct armories so that in case of an incident, they can rush and get armed. They will get communication and vehicles when incidents happen. Reservists are the backbone of the security of Israel. We do not have to send our military forces all the time when we have reservists. This is especially so in our areas where the terrain is bad. We need reservists because they know how to negotiate the rough terrain.

It is unfortunate that we lost quite a number of our soldiers in Kapedo but the situation could have been better if the reservists were sent there because they know the bandits and the terrain. If we had armed them properly with skills, they would not have had that tragedy. Also in Baragoi, we lost quite a number of our soldiers because they did not understand the terrain. Most of our young soldiers in the Regular Police, the Administration Police and even the Kenya Defence Forces, are young boys who have just completed Form Four. They have never faced even a lion or a hyena in the bush, or even walked 10 kilometers on foot. Reservists are the ideal people to negotiate those terrains. I fully support this Bill and want to see how much the National Police Service can give these young people. They must conduct training first, supply them with necessary weapons, vehicles, communication and uniform.

With those few remarks, I fully support the Bill.

**The Senate Minority Leader** (Sen. Wetangula): Mr. Temporary Speaker, Sir, I thank you for allowing me to contribute to this Bill. I congratulate the distinguished Senator for West Pokot who has brought this Bill; first through a Motion, then the Bill which he prosecuted efficiently and ably before the Committee on National Security and Foreign Relations where Sen. G.G Kariuki, other Senators and I are Members.

In this country, we have words or titles that are used interchangeably. Police reservists and home-guards in some places appear to mean the same thing, I stand guided. This Bill is important to the extent that it seeks to institutionalize, professionalize and put some level of command to the police reservists who hitherto have been operating in a very disjointed manner. This country is facing a lot of challenges at the security front. You can count literally everywhere where the policing authorities are probably not meeting the expectations of Kenyans, are totally overwhelmed or they do not have the facilities to do the job. How else would you explain, in the last two or three weeks, there have been more than ten incidences reported in the media of attacks on our armed security and even installations? How do you explain young Kenyans with machetes taking courage to raid military barracks? When we were growing up, everybody knew that a military barrack was a no-go zone. Young men with machetes not only wrecked and raided a military barracks but also killed one military officer and walked away. Look at the Kapedo issue.

In fact, the police management must be held to account. How do you take young police recruits, hardly a year in the service, six months to be exact, and send them to a



terrain that is difficult where you need the most experienced police officers to operate? How do you put them in a truck, ill equipped with no information and rudderless? They all fell into the hands of thugs and were put to death. We then started eulogising them, saying that they had a left a gap that will never be filled and saying that they had a promising career. If they had a promising career, why did you put them in the line of danger to curtail their careers?

In the old days, the idea of home guards and reservists used to be applied in the Arid and Semi Arid Lands (ASAL) areas where population is spatial and where there are serious challenges of the terrain to curb cattle rustling. This is no longer the case. Crime in this country has become very sophisticated at every level that you cannot rely on one or two home guards to protect our population.

As you can see, crime has permeated our society to an extent that even when electoral officials were receiving bribes from the UK, they were calling it “chicken” or *ingokho*. That is where things have reached. It is no longer some little tea but *ingokho*. That is the name of the bribe.

**Sen. Muthama:** On a point of order, Mr. Temporary Speaker, Sir. I do not want to challenge my leader. However, as a matter of concern, he talked about “*ingoko*” without “tea.” What is “*ingoko*” in terms of parliamentary language? Is he in order to tell us things that we do not understand?

**The Temporary Speaker** (Sen. (Dr.) Machage): You have already challenged him despite your language. Could you tell us what *ingokho* is?

**The Senate Minority Leader** (Sen. Wetangula): Mr. Temporary Speaker, Sir, first, it is not called *ingoko*. It is known as *ingokho*. *Ingokho* means chicken. Even where English is the commonly used language, you can use a word in a different language even if you are writing and put it in quotes to explain it. I started by talking about chicken and then said *ingokho*. *Ingokho* is a delicacy among the Luhya community.

Mr. Temporary Speaker, Sir, these days, when cattle rustlers go to rustle, this is not about an issue of a few young men going to steal a few cows to marry and pay dowry. It is big business. They come like an army, heavily armed, carrying dangerous weapons. If you go to Turkana, Pokot and Marsabit, you will find that while the police have G3s, the bandits move around with the AK-47s. These are more sophisticated weapons.

As you saw in the incident of Mpeketoni and other areas, these fellows walk in, disarm the police and do what they want. Why are we looking for reservists to augment to the police? I believe that is the philosophy behind the Professor’s thinking.

In the old days, people used to join the police to pursue a profession. People would finish school and could then join the tribal police, mainstream police, the GSU and so on. These days, the police profession has been hijacked by big people. When children are unable to go through school, they push them to the police. When children are not coping with life at home, they are pushed to join the police. When they are recruiting, corruption permeates the entire process so much. People are not joining the police for the purpose and passion to become policemen and police women. They are going there to earn a living and because it is a job.

We have a demoralised police force today. You have seen policemen turning on each other and shooting each other. A police officer is recruited, posted to a difficult

terrain and resigns even before he has moved on. That is why this Bill is very important. We have areas where we need proper police. You cannot keep law and order without intelligence. It is locals who are capable of gathering intelligence and helping in maintaining law and order.

If you look at the proposed Clause 110 on page 510, you will see that the proposer defines that the police reservist will also be involved in the following; “maintenance of law and order, preservation of peace, protection of life and property and above all, prevention and detection of crime.”

There is a lot of intelligence out there. People who live in difficult terrains, somehow can tell, when a raid to steal their livestock is being planned more than 100 kilometres away and they happen to get information. However, if 100 raiders are coming, what would two police reservists with two G3s do? They would do nothing.

Secondly, the current reservists are not remunerated.

*(Sen. Mungai walked in without bowing at the Bar)*

**The Temporary Speaker** (Sen. (Dr.) Machage): Order, Sen. Mungai. Bow at the bar; that is the rule.

*(Sen. Mungai went back and bowed at the Bar)*

**The Senate Minority Leader** (Sen. Wetangula); Mr. Temporary Speaker, Sir, the Senator has been absent from this Senate; he has forgotten what is required in terms of rules.

**The Temporary Speaker** (Sen. (Dr.) Machage): Order, Sen. Wetangula.

**The Senate Minority Leader** (Sen. Wetangula): Mr. Temporary Speaker, Sir, detection of crime is very critical. In the previous arrangements – I hope that this Senate will pass this Bill and that it will go to the Lower House and be passed as well – nobody cares about the current reservists. Nobody rewards them and nobody says anything about them. They have no uniform; boots and the guns they carry are at times given to them by the Government. At times, they rely on bullets they pick from here and there. We must now standardise.

A police reservist or home-guard recognised by law is as good as any other police officer. They must be given uniforms even if they are not going to be put on payroll as the Bill suggests. However, they must be given some form of allowances. There should be some maintenance of their weapons; some armoury of sorts. In fact, they should be reporting to the nearest police station in terms of protection, storage of their arms and equipment in terms of work.

When you go to a village in Laikipia or elsewhere, pick reservists, give them guns and forget that they exist, some of them are tempted to think that they have been given the guns to earn a living. They turn the guns to communities and become the criminals that we are trying to fight. Why would anybody and his family go hungry when the Government has given him a gun, bullets but does not get paid? He may start thinking how he will use the gun to raid and carry out poaching once they realise that elephant

tasks make a lot of money. They shoot the elephants, remove the tasks and sell among other things. We are now recognising and bringing them into the body fabric of the police force. This is very critical.

Mr. Temporary Speaker, Sir, we do not want to see, after this Bill has been passed and assented to, that we have police reservists only limited to Arid and Semi-Arid Lands (ASAL) areas as it has been the case before. Even the so-called high potential or high density areas have such serious security challenges that it is necessary to have reservists because they live with the people. If they are empowered and trained, particularly, I want to emphasis, and at Committee Stage I hope the presenter of the Bill will look at the parameters of training: Train the reservists on the respect and observance of human rights; train them on the respect and the protection of private property; train them on the respect and sanctity of the woman in our society; that protect women, protect children; train them to understand that there is law and order and they have to respect the chain of command in the police force.

Mr. Speaker, Sir, I want to see reservists in Kirinyaga, Bungoma and Kakamega doing a good job because according to the United Nations Development Programme (UNDP), Kenya is one of the least policed countries in the world. We do not have enough policemen in this country. That is why you find in the villages, two policemen are sent to go and arrest a gang of a hundred people. If they are already called a gang, how can two policemen arrest them? To add on that, the gang by its very nature is criminal, violent and perhaps capable of taking the law in their own hands and causing serious damage and maiming people. Then you send two policemen, with two guns, with 12 bullets in each. Even if they shoot all the bullets, how many can they kill out of a hundred?

Mr. Temporary Speaker, Sir, that is why we must have spots of responsible law enforcement officers who will make sure that the population is safe, people work, they earn and enjoy what they have earned. Of course, not those who are eating chicken from London, because those are not earning.

Mr. Temporary Speaker, Sir, this Bill wants us to train them and give them uniform. I agree to this and it should not be uniform that you give them one pair once and they wear it all through until it is tatters, before you remember there is a reservist in Bomet and you have to send another pair of uniform. They should be given decent uniform and as reservists, their uniform should distinguish them from the regular police so that people can know who they are dealing with, but they fall under the same command.

Mr. Temporary Speaker, Sir, the Bill suggest they must be given firearms. Firearms must go hand in hand with infrastructure for firearms. These are armories and there is no point giving somebody two or three guns and bullets but you expect them to go and keep them in some grass-thatched hut where anybody can walk in and walk away with those arms.

Mr. Temporary Speaker, Sir, the Bill provides for other facilities that may be necessary for the execution of the mandate of the reservists. What are these other facilities? I expect the sponsor of this Bill to ask that these reservists also have access to rudimentary means of transport. For example, the Government can afford to give each

reservist in high density areas a tool like a motorbike so that they can maneuver very easily within the difficult terrains that we have. Vehicles, where necessary, if it is a place like Nairobi but if it is in a village in Nyeri, Bungoma or Trans Nzoia, a motorbike will help a reservist to move quickly from one place to another. I suggest that the Government should and must provide these equipment. I am saying this because when you look at what is happening in our country, for example, look at the coast region today from Lamu to Vanga, 200 hotels have been closed and people have gone home from employment.

Mr. Temporary Speaker, Sir, we have been in Mombasa as a Senate a few times. You go to one of the high end hotels in this country; the Serena Beach Hotel. When you look around, how many tourists do you see? Five, six, that is about all. If Serena Beach Hotel can have five or six tourists, you can expect what the low end hotels have. That is a serious blow to our economy and it rests at nowhere but at the altar of security. Yesterday, Mombasa was a battle ground. A friend of mine who was supposed to travel to Nairobi from Mombasa at 10.00 a. m. could not get a flight because there was no access to the airport. There was a serious battle going on between the police and the youth.

Our police must be told in very clear terms that they will never fight crime and win with brute force. You cannot. Criminals get emboldened, hardened and become even more vicious when you unleash terror on them in the manner we are seeing in Mombasa. What happened to intelligence? Why are we not infiltrating these young men and picking out a few ring leaders and teaching them that what they are doing is wrong? These are our sons; these are our children. When you go into a mosque, for whatever reason, and attack, shoot and kill, those who scamper out and flee go to regroup and think of how to avenge and revenge. This is not the way our country must go.

As we speak on this Bill, the National Intelligence Service (NIS) must pull up their socks. It is not enough for NIS to churn out reports everyday and send to a select few; claiming that there is an imminent attack without telling us from which direction; Mungiki is regrouping, and they do not tell us why they are regrouping; Chinkororo are mutating into something more dangerous but they do not tell us where they are. They are just engaging in *bahati nasibu* game; just throwing bits and pieces of speculation.

Mr. Temporary Speaker, Sir, a proper intelligence service is key, and NIS is remunerated heavily. This financial year alone, they were given Kshs23billion. Their recurrent expenditure is only Kshs2.8billion. The rest of the money must keep Kenyans safe. They must know where the criminals are hiding, what they are conspiring to do, how they want to do it and then alert other agencies to deal with the situation. When we see houses of worship being attacked and adulterated as it were, because I would not want under whatever circumstances the police to raid my church or your mosque. There are better ways of going about this and if you have reservists that Sen. (Prof.) Lonyangapuo wants to bring, they can be part of those youths who can then help and tell the agencies something is going on here. This is because, in every gathering, there is a Judas. You cannot fail to get a Judas in every gathering. Even Jesus had only twelve disciples but one of them turned out to be a Judas.

There is no conspiracy without a leakage. If you are looking for information, you will get it. That is why we are being told today what the IEBC did with some people in

London. It will always leak! So, if the National Intelligence Service – I hope they are listening to us – were working, some of the things we are seeing would not be happening. How would a gang kill 21 policemen without anybody knowing in advance? The people who killed those boys in Kapedo were not two, three or four; they were a gang. How could what happened in Mpeketoni happen with a police force and an intelligent service? It did not happen once or twice; those guys continued raiding with impunity and walking away.

In the old days – Sen. (Dr.) Khalwale can bear witness to this – we used to have a criminal gang from Uganda called kondos. They were so daring that they would send you information in advance; Sen. (Dr.) Machage, we shall be visiting you. True, the day they have said, they will turn up, chop you into pieces, put you in a sack and leave. Then they will send the same message to somebody else. The Government at the time had no will to tackle the *kondos* until Idi Amin came to power and infiltrated them and cleared them. If you want to know the value of intelligence, you should look at what has happened to Turkey.

Mr. Temporary Speaker, Sir, for a long time since the days of Kemal Ataturk, the Turkish Army had a grip on the politics of Turkey. When they are not overthrowing civilians, they are killing them and when a civilian does something wrong, the generals will just call you as a prime minister and order you to resign and go. The current President of Turkey was a prime minister and he infiltrated the army and gathered intelligence, carefully and ceaselessly for three years, saying nothing, doing nothing. Now all the generals are in jail. All those conspirators who had gripped the politics in Turkey are all in jail and Turkey has now liberated itself from the clutches of the army and now a civilian authority is in control. That is the value of intelligence.

If you go to America which every Kenyan likes quoting, they trust more and invest more in intelligence than any other operations. The other operations come at the tail end. Whether it is killing Bin Laden or kidnapping President Noriega, or attempting to kill Fidel Castro, it is the intelligence that does it. We are painstakingly saying this and the distinguished Senator sitting in front of me is a former security Minister and he knows that if you do not have your security right, forget that you have a country. You can do whatever you are doing; you can discover oil, uranium and go to the moon, but if your security is not correct, you can forget it. That is why in this country we have been saying over and over that security involves all of us. Insecurity for one is insecurity for all.

If we want our economy to grow to where we want it to be, it will not grow by what is happening at the coast. It will not grow by what is happening in Turkana, Pokot and Moyale. Kenyans in Moyale come and work in their shops and in the evening, they cross over to sleep in Ethiopia because it is safer. How can we have a country like this one? We are busy shouting from the roof tops how we are now the best in Africa. What are we best in? We are preaching things that are not tenable and have no basis.

Mr. Temporary Speaker, Sir, we want a peaceful Kenya. If you cross over in Tanzania, people sit the whole night chatting, playing *karata*, *ubao* and sipping coffee. In Nairobi, we are talking of creating a 24 hour economy. Just stand on Kenyatta Avenue at 5.00 p.m. and see how rapidly shopkeepers close their shops. Everybody is pulling down the chain by 5.00 p.m. How can we have a 24 hour economy when you open at 9.00 a.m.

and close at 5.00 p.m. How will it happen when criminal gangs have taken over our lives? Where are we headed? The oil we are finding in Tukana will come to naught because these same criminal gangs will now hijack every barrel of oil leaving the oil fields and the *mafia* will move in. We live in a country where people worship money. Nobody talks of earning money; everybody talks of making money.

Those who live in the comfort zones know that if you are a decision maker in last ten years or more--- An internal former Permanent Secretary called James Mathenge – I believe Sen. Murungi and Sen. Kagwe remember – was raided by thugs, but what they did, I do not know. You remember the dreaded, my late friend – God rest his soul in eternal peace - John Michuki, they attempted to attack his home. There was even a police commissioner who was attacked somewhere here in Upper Hill. If the Commissioner of Police is not safe, who is safe? You read in the newspapers everyday of policemen being beaten up by youths. What kind of policeman is this who can just be attacked by youths and yet he is trained to protect other people?

Mr. Temporary Speaker, Sir, because these reservists are not going to be on the payroll, and therefore, they will not weigh heavy on the national Budget, the money that is being squandered and splashed around in harambees can best be put in security. It is not enough to stand up and blame the Pokots or the Tukanas because after the blame, so what? When you have a problem, conventional wisdom has it that you do not look for who to blame, but a solution. What is the solution? The solution is lying in this Bill being passed. We want to see a more secure Kenya, a better policed Kenya, a police force that observes human rights, a police force that protects people and their property, a police force that is proud to be a police force.

Some five years ago, I went to Malaysia, and my escort officer who was a police inspector told me that he had left a job as a manager of a bank to go to the police because the police are paid better, they have better housing and have better facilities. In this country, the most downtrodden public servants are the police and the teachers. If you start with the police officers that we are talking about, if you have any relative who is a policeman, you should go to where they live and you will see; five policemen living in one room divided by a piece of cloth and they have families. The small room is divided, not by a wall or a cardboard, but a piece of clothing known as *pasia* and yet you expect them to come out and defend and protect the people.

For a long time, we have heard of many fraudulent schemes in this country to build houses for the police. Everytime you will hear grand plans. “We are going to build 10,000 houses for policemen.” Those 10,000 houses end up in the pockets of people and no house is built. Budgets are made and money is expended, but the police officers continue living the way they do. If they are so demoralized like that, how do we expect them to even do what we expect them to do? That is why you saw the clips on the terror attack on Westgate Mall. The Kenya Defence Force which had gone there to help victims were helping themselves; running away with the loot, literally. You saw it in the clips; I am not inventing this. Why would anybody do that? It is because they are deprived. The police and teachers of this country should be the best paid workers.

Collectively, we carry this responsibility and shame; that a policeman who rides with you in your Mercedes Benz everyday, at the end of day, has to walk home. Recently,

we buried a police officer in my village, in Bungoma, because he was driving a Member of Parliament, who was incredibly mean and could not even give him Kshs100 for bus fare. The Member of the Parliament went to enjoy himself in Ongata Rongai and at some point told the policeman: - "Go home, I do not need you." The boy said: "I have no fare, please, help me." He did not give him any money. The boy boarded a public service vehicle and did not have fare to pay. Those boys clobbered him to death because he did not have fare and we buried him. What happened to the good old days?

**Sen. (Dr.) Khalwale:** On a point of order, Mr. Temporary Speaker, Sir. The Senate Minority Leader has made a very important disclosure that some Members of Parliament mistreat their bodyguards. Since these proceedings are being covered live, members of the public may think that all Members of Parliament or Senators do this. Could he substantiate by stating who this Member of Parliament is that contributed to the death of a patriotic police officer serving the Republic of Kenya?

**The Temporary Speaker** (Sen. (Dr.) Machage): In the context of his presentation, I see nothing that warranted that. But if you wish to do that, you can go ahead.

**The Senate Minority Leader** (Sen. Wetangula): Mr. Temporary Speaker, Sir, let us leave it to lie there. He is a Member of the Lower House and not a Senator. He comes from western Kenya. That is the furthest that I can go. Sen. Boni can then go and find out which Member from western Kenya lost a bodyguard recently.

**The Temporary Speaker** (Sen. (Dr.) Machage): But if Sen. Khalwale so wants, you can always move a substantive Motion.

**The Senate Minority Leader** (Sen. Wetangula): Mr. Temporary Speaker, Sir, the point that I am making is that we must be caring. We must act as leaders even to our subordinates.

Mr. Temporary Speaker, Sir, when we finish with this Bill, I hope that it will go to the National Assembly and be passed. I want to congratulate the Senate because we subject every Bill that we bring here to Article 110 (3) of the Constitution. When we finish, it will be sent dutifully to the National Assembly for consideration. I hope that they also see the point that we are making; that we must supplement and augment our security structures.

Mr. Temporary Speaker, Sir, as I end, I want to give a word of caution to the Jubilee Government. The recent dalliance of using the military in internal issues does not augur well for any country. The Army is for the protection of the territorial integrity of our country, for the protection of the country and people of Kenya against external aggression and whenever they are called upon to go out on international mission to restore peace and security, under the United Nations (UN) and African Union (AU) auspices. When we start deploying our military freely, regularly and recklessly, as we have been doing of late, it is not good for the country. Those who have been misadvising the President - to clad him in military fatigues every other day and try to make him start thinking that he is a military officer - are doing a disservice to this country. It is wrong and dangerous. If they are hearing---

**The Temporary Speaker** (Sen. (Dr.) Machage): Sen. Wetangula, who do you have in mind?

**The Senate Minority Leader** (Sen. Wetangula): In terms of what?

**The Temporary Speaker** (Sen. (Dr.) Machage): Who are you referring to as wearing military uniforms?

**The Senate Minority Leader** (Sen. Wetangula): Mr. Temporary Speaker, Sir, I called them military fatigues. I am sure that you have seen on television and in the newspapers our President wearing military fatigues.

**The Temporary Speaker** (Sen. (Dr.) Machage): Okay. Now I know.

**The Senate Minority Leader** (Sen. Wetangula): Mr. Temporary Speaker, Sir, that is why I was saying that those who are misadvising the President to regularly don military fatigues and make him start thinking that he is a military person, are sending him astray. He is a civilian President. He is the Commander-in-Chief of an army that is subordinated with civilian authority under the Constitution. That is something that any sensible Kenyan will offer free advice in this direction. I see some of my colleagues fidgeting.

**Sen. Kagwe:** On a point of order, Mr. Temporary Speaker, Sir. First and foremost, is the hon. Senator and friend of mine, in order to propose that the President has made any mistake whatsoever by wearing military fatigues, which he is entitled to, as Commander-in-Chief of the Kenya Defence Forces? Secondly, could he identify those who are fidgeting?

**The Senate Minority Leader** (Sen. Wetangula): Mr. Temporary Speaker, Sir, we have a saying in my community that if there is a dog that steals, when you raise a stick, it starts crying before you bring it down. In fact, the Senators who were fidgeting were my distinguished friend from Nyeri and the distinguished nominated Senator from Nairobi, the former Member for Dagoreti.

*(Laughter)*

**Sen. Kagwe:** On a point of order, Mr. Temporary Speaker, Sir. Is the hon. Senator in order to propose that I was fidgeting when, in fact, I was agitated and wanted to rise on a point of order?

**The Senate Minority Leader** (Sen. Wetangula): Mr. Temporary Speaker, Sir, I am sorry to the Senator for understating what he was doing. I thought that he was fidgeting, but he says that he was agitated, which is an aggravated form of fidgeting.

Mr. Temporary Speaker, Sir, we saw the late President Kenyatta once in a long while wear a ceremonial military dress.

**The Temporary Speaker** (Sen. (Dr.) Machage): I will caution you, Sen. Wetangula. If you must discuss the person of the President, then come up with a substantive Motion.

**The Senate Minority Leader** (Sen. Wetangula): Mr. Temporary Speaker, Sir, I am not discussing the person of the President. I am just giving an example.

Former President Moi once or twice wore ceremonial military dresses. But the frequency that we are seeing today is not good. I want to end it there. In my community, we have a saying that the hyena told a stone: “Even if you do not answer me, you have



heard me.” We want to see our military playing the role assigned to them by the Constitution.

Mr. Temporary Speaker, Sir, the last thing that I want to talk about is what is happening in Lamu County. You cannot impose a curfew on a county, paralyze its livelihood, kill its business and sit back and think that it is business as usual. In fact, the imposition of a curfew on Lamu is an admission of failure by the State to provide security. The dirty things that happened in Mpeketoni are testimony of a failed Government. Then you add insult to injury by imposing a curfew.

Mr. Temporary Speaker, Sir, this Senate as the defender and protector of the interest of counties, should in a bi-partisan manner, call upon the Government to pass a resolution to end the curfew in Lamu County. I do not know what the distinguished Senator for Lamu is waiting for. He should have brought a Motion here for us to help him because his people are suffering. He maybe in Jubilee, but his people are suffering. People cannot do business. Lamu is so hot and people open their shops as from 6.00 p.m. However, this is when the curfew is starting. If we have to defend and protect counties, we must start with Lamu.

After this Bill is passed, we should increase the number of reservists to help in improving security situation in Lamu. You cannot have a county in this country under curfew and you have nothing to explain about it. A caring Government would have set up a public inquiry about what happened in Lamu and Kapedo. Instead, we have sent the army in Kapedo. They are carrying out atrocities beyond belief, if what we have been seeing in the media is anything to go by.

Mr. Temporary Speaker, Sir, allow me to support the Bill and welcome back the distinguished Senator for Nakuru County. I do not know where he has been. Welcome, this is where you belong and not out there. We want to see you active here.

I beg to support.

**The Temporary Speaker** (Sen. (Dr.) Machage): Who is temporary three?

Yes, Sen. Karaba.

**Sen. Karaba:** Mr. Temporary Speaker, Sir, thank you for allowing me to support this Bill authored by my friend John from West Pokot County. It is coming at a time when Kenya is crying and everybody is wondering about insecurity in the country. This is a time when everybody would wish to be protected by the Government. Going by what is happening now, the situation is such that people are crying for help and they want peace. This affects areas bordering Uganda, South Sudan, Ethiopia, Somalia and along the coast region. We need to be careful about this issue as we discuss it. We need to be very pertinent as we debate this Bill because it talks about an issue which is close to our hearts. Every time we hear of people dying, shot or kidnapped, but no explanation is forthcoming.

I am saying this as I remember Kirinyaga County where there were rampant kidnappings weekly, but the police could not arrest the culprits. To date, some of the victims have never been found. We are aware that the police are supposed to protect us. However, going by the kind of weapons they have, there is nothing much they can do. Some of their weapon cannot parallel those owned by gangsters. It goes without saying that the competition between armed police and criminal gangs is so immense that

sometimes the police cannot match the kind of machinery owned by criminals. Therefore, we need to have this Bill passed.

Mr. Temporary Speaker, Sir, we have had very ugly cases in some parts of this country. For example, what happened in Kapedo is very fresh in our minds. We have had ugly cases in northern Kenya and other parts of this country. Some of us are afraid to visit those areas due to insecurity. We concentrate in areas where we think there is peace. We would like to have a country where there is free movement of people. We can only guarantee mobility of labour if there is peace in the country. Recently, we saw soldiers dying in Suguta Valley. This is a notorious valley where bandits hide and move with a lot of ease and nothing happens to them. Is it that they are so organized that they cannot be defeated? Is it impossible for Kenyan soldiers to get rid of these gangs? Is it impossible that somebody can quietly be killed and nothing happens? This is what is happening in some parts of Kenya. If insecurity continues, then our lives will be in danger.

Mr. Temporary Speaker, Sir, most of us have had opportunity to go out and we see other people living in peace. You might wonder why some countries have peace despite the large population. For example, China has a population of almost 1.3 billion people and yet there is peace. You can walk in and out of a building and not encounter problems. You cannot witness violence because they are covered by police network.

Mr. Temporary Speaker, Sir, Uganda and Rwanda have a good security network. You cannot do something undesirable and escape unnoticed. This is what we are asking Kenya to do. We have had problems with security in this country for a long time and one wonders what would happen if investors come. There are some people who would invest because they have their own personal police protection and others can afford to operate their own private gangs because they have money and knowledge. This is what might eventually happen.

Mr. Temporary Speaker, Sir, if this continues, how long shall we be alive and what would be the security of our movement in Nairobi, other urban centres and the rural areas? We are afraid. That is why we are here. It is impossible to use “foreign forces” in the sense that you send people in a strange and difficult terrain where they cannot walk or drive and expect them to curb crime. These areas are like Suguta, Kapedo and Mpeketoni. We need to have people who have the knowledge of survival. These are the Kenya Police Reservists (KPRs). This is well catered for in this Bill and it is what we are discussing. If we do not adopt this, we will live in fear and no investor will come to our country. As a result of that, we will end up nose diving when it comes to economic recovery.

This reminds me of a time when America was battling out with Vietnam. The Americans could not conquer Vietnam. The Vietnamese knew where to hide, which tree would shield them from bullets and they knew when to attack. They were used to the heavy torrential tropical rainfall in Vietnam which Americans were not used to. As a result of that, Americans had to surrender to this kind of natural weapon which is the rainfall. We have areas in Kenya where climatic conditions, terrain, nature of communication and even vegetation will not attract some soldiers. Some of our soldiers

are not trained in that combat gear. As a result, they cannot circumvent people who are used to that region.

It is true that it is the wearer of the shoe who knows where it pinches. Therefore, it is people who live in such environmental conditions who know how to survive. These are the people who should be recruited in the KPRs. These are the ones who would know who is who in a community. That is what is happening in Tanzania. As soon as you get to any village in Tanzania, any time, in the first five minutes, the head of the village has already known that there is a visitor in the village. That is what we call the vigilante groups or the *Nyumba Kumi* initiative. The *Nyumba Kumi* initiative in Tanzania is such that you cannot get in without being noticed. People there are loyal to their systems and government. They know who should be protected. They always get to know who is a foreigner in their areas of jurisdiction. This is something that we can borrow. We can borrow the kind of loyalty that is seen in our neighbouring areas because they have had a lot of problems in the past.

Uganda is one of the countries that have suffered. The system of Kondoism started with the fallout of Obote. Those people who were found troubling others were instantly cleared. As a result of that, there was fear gripping every citizen. The place is now quiet. You will be surprised that if you go to Rwanda, you will find the same thing happening. As you travel around, you will discover that people are wary of who you are and where you come from. As a result, there is peace and people live in peaceful atmospheres. This is what the Bill is seeking to register.

The Bill suggests that we should have soldiers in the KPRs who are known by the community in that area; people who are loyal to their community; people who can detect foreigners and their hide outs. These are the people who will help us get out of problems. That is what we should encourage. The encouragement should be seen in this Bill. It should not be taken for granted that there is need to have peace. This is the peace that everybody is crying for.

Even in those terrains, there are animals which can survive longer than others. Those are the animals which survive longer than others. These should be used as a source of income in the areas. Animals like the camels can travel for long distances without taking water. If you take a Friesian cow or Guernsey in those dry areas, they will never survive. That is why we cannot take people who have not lived in harsh conditions to fight bandits who are used to the areas. The bandits are used to the place and can circumvent the environment. These people can walk for long distances without any fear and they know the routes.

When we take inexperienced officers who have trained from the Kiganjo Police Training College for six months to Kapedo or even to North Eastern Kenya where other people are already used to the terrain and everything else, we are committing homicide to the policemen. That is why we need citizens being recruited to maintain security in their said areas. These are the ones who are responsible. They know the hideouts and the kind of terrain these fellows live in. The bombing that is taking place now may be useless because these fellows know where to hide.

It is, therefore, important to use people from the same terrain and environment to protect communities in the said regions for maintenance of peace. If that can first be done

in one or two regions and using the results of that we use a multiplication effect, then we would have peace in this country. We will not have solved the problems in this country if we do not use people from the same region.

**Sen. Abdirahman:** Thank you, Mr. Temporary Speaker, Sir for allowing me to contribute to this very important Bill. I want to thank Sen. (Prof.) Lonyangapuo for proposing this Bill. The Bill is long overdue because the plight of reservists has not been addressed for a long time with regard to recruitment procedures and remuneration.

From the outset, this Bill is a necessity. The Bill is not there because we want to recruit people, standardise their recruitment or give them good remuneration. It is a necessity because the UN estimates the police ratio to the population as one to 1,000 people. Therefore, there is a serious gap in terms of strength in this country.

The principal Act envisaged people serving as the KPRs on voluntary basis. In my own understanding, serving on voluntary basis can only be done on a short term. This can only be done when you have an alternative to secure your livelihood. It is important that we develop a mechanism to ensure reliability in terms of remuneration, career progression and merit within the KPRs. The amendments that are proposed will definitely help us sort out the mess that we have had. The hierarchy in the police, up to the Commission level has completely ignored the plight of the KPRs.

Mr. Temporary Speaker, Sir, colleagues who spoke before me spoke very eloquently about the poor remuneration of these people because the principle Act said that they could be deployed on a short term basis when needed and could be paid a certain amount of allowance that is only determined by the Commission. It was not very clear. Therefore, it is imperative that we are sure of how much we want to pay these people on monthly basis. I listened to Sen. Karaba equating people from other regions to the Friesian cow that cannot live in the high humid areas. I wonder what Kenyans who do not come from the far flung difficult areas like Turkana, Kuria, Pokot, Wajir, Garissa, Mandera would be doing there. They would rather come back so that we recruit sufficient personnel if not in the regular and administration police, but a sufficient number of police reservists who can withstand the difficult terrain because they are ready to do that. I think there has been a serious imbalance.

I am a Member of the Committee on Equal Opportunities. We questioned the Inspector-General of Police and his team when we were trying to look at the ethnic balance in the police service. This is very important because you do not need to recruit people who will not help you out later on. I have no problem with recruiting Kenyans in general, but we should recruit a sufficient number of people that can guarantee the security of people based on ethnic balance and merit. There was even a Senator who said that those were good warriors. I am happy to hear that because they are not good warriors causing insecurity, but good warriors in the enhancement of security in the country.

Mr. Temporary Speaker, Sir, the KPRs will be very instrumental because we have serious and emerging challenges in this country from terrorism to minor acts burglary. We have serious problems, not only in ASAL areas, but even in urban areas, including Nairobi, Mombasa and Lamu. All these areas can be secured if we recruit a sufficient number of police reservists, not on voluntary basis, but on full term employment with a

clear vetting procedure with regard to their conduct, career progression through a standardized recruitment procedure of the KPRs.

I come from a conflict prone region. Many a times, you find communities complaining of imbalance in the number of KPRs. This has created loss of confidence by communities in the Government. It is important for us to know how many people we are going to recruit from every area based on the need. In fact, the KPRs can complement the efforts of the regular police and the administration personnel. Time and again whenever conflicts occur in these areas, the Government and individual leaders have complained about the inability to control the security of these areas and the need for disarmament. You cannot undertake any disarmament exercise in these conflict prone areas without necessarily involving the local people and guaranteeing their security.

Personally, I support the disarmament exercise. However, for us to do so, we require to enhance the security personnel in this country. Since the Government cannot recruit sufficient number of police officers, they should recruit more police reservists. You very well know that court has annulled the recent recruitment of 10,000 police recruits who would by now been undergoing training. It is important for us to take care of this gap.

Mr. Temporary Speaker, Sir, what we have witnessed in recent times, particularly with regard to the raids on mosques is not a good thing for any Government to do. A week ago, I read in the newspapers that the Attorney-General was trying to set regulations for mosques and churches. I actually spoke about it openly and said that places of worship are not places for charitable institutions.

The Government must distinguish between the two; you cannot set any regulation for a place of worship. However, at the same time, I want to call on the Muslim leadership in the country, particularly in the coast region, to take their rightful role in the society. Finding guns, pistols and other dangerous weapons in mosques is something that Islam does not accept at all. Islam is a religion of peace. We must propagate peace and ensure that people live in harmony and ensure that our places of worship are safe. I also call on Government to ensure that they do not persistently talk about radicalization without employing the right strategies.

I thank the Mover of this Bill, which I hope will sail through in both Houses.

**Sen. (Dr.) Zani:** Mr. Temporary Speaker, Sir, let me start by congratulating Sen. (Prof.) Lonyangapuo for the passion that he has for security both within his county and in the country as a whole. He has thought through by bringing the National Police Service (Amendment) Bill in order to be more relevant more targeted and to use a workforce that is already there, that can be harnessed and improved to ensure that security becomes something that we begin to experience rather than something that we talk about.

In Kenya, the average number of police officers is about 70,000 to a population of about 40 million. That translates to about one police man to about 571 people. That is not a very good ratio given the sparse population distribution that we have across the various counties. This makes it very difficult for each of the security measures to be put into place. Considering that of late we have really had a challenge on security matters. We are moving further and further away from the premise that you can actually walk across a street peacefully and not be harassed or attacked. It is even more dangerous for women

given the latest events that are taking place. Ladies can no longer walk within their country freely unaware of when they will be harassed.

We cannot have people being slapped and uncovered right in the midst of everybody when we have security personnel and we live in a free country. The events that took place in Mombasa, Kapedo and the different parts of the country are evidence that we really must move forward in terms of building the capacity of the National Police Service (NPS) and ensuring that they are put on the map so that they can actually do what they are expected to do.

Mr. Temporary Speaker, Sir, from the amendment that Sen. (Prof.) Lonyangpua is bringing, he is suggesting that we move away from voluntarism so that we have police reservists who are already empowered and capacitated to do the work. Today, not enough attention has been paid to them. Over a long period of time, you find people who have experience, but it is *ad hoc* experience. People are just learning on the job without proper training that has taken place. They are just people who are known in their communities without real training, given arms and there is no follow up on how those arms are being used and exactly what their work entails. This makes it very difficult for anybody to hold them accountable and yet there must be an entity that should be able to hold them accountable. As suggested in this Bill, it is the Commission which becomes responsible for vetting and rolling the KPRs so that they can be part and parcel of a clear work force. We should move away from voluntarism and being enrolled without a specific mandate.

The whole idea of vetting is very key in running our affairs. We cannot have people who are in positions of responsibility who have not been vetted because we do not know whether they have criminal records, are pedophiles or murderers. We do not know who they are and how they have been trained. That really puts us in a very dangerous position, where we have different sorts of people who have not been vetted, so that we know exactly what their capacity is. So, the amendment that Sen. (Prof.) Lonyangapua is suggesting to put forward on vetting and enrolling them is very key.

Mr. Temporary Speaker, Sir, the other amendment that he puts across in sub-section 2 is that the Commission shall, not only determine the maximum number of reserve officers, but also move forward to institutionalize the specific roles that they will play within the particular Commission. This is very key and important. I just want to refer to the specific roles which he has mentioned such as training. Not only does he say that this training is just to take off as a one-off event, but regular training. That is very important because you will find people training, but different circumstances prepare people for different things. For example, sometimes people have to be retrained and decongested of the experience that they have had. For example, those who have gone to war and come back need to be taken through counseling and the situations that they are in, so that they can deal with even psychological issues that they have come across in their line of work.

It is shocking that we would have a team of police reservists who do not have uniforms. What is the importance of uniform? It is for identity. It gives you a sense of status and knowledge of your roles and responsibilities, so that at any one time, we have people who know what their role is. That role is portrayed through the use of uniform to those whom they serve. Most of the time that uniform will give you a reference number

and tag. It is possible for you to identify if there is a police officer who has run amok, for example. You can go back and actually identify that police officer by the number and report. If we do not have this sort of identification system, it makes it very easy for anybody to do anything anywhere and get away with it.

The other critical issue in this amendment is on Section 115, on pay and allowances. The principle Act just left it very open; that there will be given any remuneration for their services. However, this particular amendment will ensure that they receive such pay and allowances as may be prescribed by the Commission. You need to plan. You need to know how much you allocate for food, clothes and fees. You need to know how you are going to handle your household responsibilities. You cannot do that when you are working on a mediocre payment system. So, it is very important that this is anchored, as the amendment seeks to do, so that we actually have a system of allowances that are known in advance, have been legalized and very clear. This will ensure that as the officers go about their work, they know exactly what sort of remuneration they expect at the end of it all.

Mr. Temporary Speaker, Sir, the third section which is very critical is on the funds of the services that have been proposed in this particular legislation. That has to do with Section 117 which already exists. So, we know where the funds will come from. The funds are from the National Assembly or such monies as may lawfully be granted. The amendment seeks to extend the breadth so that there are other sources of funding that can be used to actually improve on the remuneration. Given the assumption, I think that initially even what might be available there may not be enough. Therefore, we are looking to expand and consider such issues like grants and donations that might come at various times within the particular force, so that they are thoroughly anchored.

I think the proposed Section 117(a) and (a) is very critical in dealing with the financial and remunerative aspects. The amendment to Section 110(7) of the Act that also changes from “may” to “shall undertake training,” actually makes it a responsibility that the Government is going to take. It is not an either here nor there issue, but an issue that these people have to be trained. Once they are trained, then we can actually expect the sort of service that should come from them.

Through making these various amendments, it is possible for us to begin to aspire to utilize our young people who have not had an opportunity in terms of workforce absorption. Many young people now cannot really get into formal employment because they do not have the money to start projects. However, they have some sort of capability and something that they can give back. They know about the geographical locations and counties where they belong to. In the amendment that the Senator has proposed as “(ba)”, he says:- “Securing country’s border.” This is because the police reservists know about the county borders since most of them have lived in those specific areas. They know what happens within those specific counties. It makes them utilize the knowledge in a meaningful manner that can solve, for example, inter-boundary conflicts or come up with solutions that are very critical for those particular counties. They already know the norms, cultures and way of doing things.

Therefore, it makes it easy for them to contextualize their critical security issues. If they are going to have a strategy within the county or a way to protect themselves and

encourage community policing, for example, within their specific geographical space, then they can actually put this together. But more importantly, there is nothing as much as being given dignity, because you are offering something that is useful and are recognized for it.

According to me, the most important thing in this Bill is that it gives these young people who have been police reservists for a long time the dignity to serve. It equips them with what they need to be able to service. Therefore, it makes it an attractive profession to get into. I am sure that many who have been left out in the standard process, will find themselves in the right place. It gives the young people a chance to serve this country in a capacity where they feel that they have been given the right skills and recognized for exactly what they are doing. That makes it easier to control and actually understand what is expected of them.

Mr. Temporary Speaker, Sir, I want to end by congratulating Sen. (Prof.) Lonyangapuo for the insight that he has put as he amended Sections 110, 115 and 117 of the National Police Service Act. I think that these amendments will go a long way. I think that he has been very tactful about the specific articles and provisions, where he is actually injecting new ideas to actually enhance the NPS.

Mr. Temporary Speaker, Sir, I beg to support.

**Sen. Kagwe:** Mr. Temporary Speaker, Sir, from the outset, I rise to support this Bill and congratulate Sen. (Prof.) Lonyangapuo for introducing it in a very timely manner. If you read a little bit about volunteerism and the whole aspect of reservism, you will find that police reserves actually came to being before the paid police as we understand them today. If you consider that we borrowed this concept from the British after their colonization, you will find that long before we had proper police in the 19<sup>th</sup> Century, the country was served by volunteer police.

Originally they were called “Manor police” because they were appointed by the Lords and were guarding the manors in Britain. The reason I am drawing that background is that there has always been globally for reservist police. If you look at the history of reserves, you will see many countries which embraced reserve police and they come in different forms. Some of them are pure civilians, others are semi-police and others work part time or full time.

Let us think about one of the countries that do not have an army like Switzerland. This country does not have an army. The entire Swiss army are people who serve in different professions. People who serve in Swiss Air are actually in the Swiss Air force. People who drive trucks there, are actually in the Tank Battalion of the Swiss Army. Therefore, integrating people who do normal civilian work with those who serve to defend is not a new concept. In fact, it is something that we should have thought about a long time ago.

Mr. Temporary Speaker, Sir, in the Ninth Parliament we were trying to get people who guard us at night, that is, watchmen or guards, to be trained and given guns so that they can be part of our security apparatus. Even though that did not work at that time, time has come for that to happen. I am glad that in this Bill, the Mover proposes that Kenyans who are going to serve in this would have attained the age of 18 years and volunteer for services and are enrolled reserve police officers. More importantly, is the



fact that they can come from all walks of life and do not have to be in any particular profession.

When you think about the number of military personnel who actually live with us in our own homes and still want to assist us in security, but they cannot do so, because there is no legal infrastructure to enable them to do that. This Bill will do that for them. There are people who have served us very well, they are retired, but they are not tired, and are able to execute responsibilities that they were executing while in the police or military. People who have served in the National Youth Service (NYS) are also very easy to recruit as reservists because they have gone through disciplining processes.

Mr. Temporary Speaker, Sir, what we must be careful about is the current situation where we have bandits operating under the guise of police reservists. These people are criminals, but they would come out at night looking like they are protecting us. However, as a matter of fact, they are the ones who attack us. Therefore, the idea of training and vetting is crucial, not just for what is going to happen in future when we create this force, but what is happening currently.

The Mover is correctly pointing out the aspects of training, insisting there should be a clear method of recruitment, vetting to check the background of those people and so on. We have had police reservists, particularly in Parklands area in Nairobi, who became so trigger happy that they started shooting everybody who was not identifiable to them, especially those who visited areas frequented by members of other races. Therefore, we need to be very careful with this thing.

Mr. Temporary Speaker, Sir, if you go to Uganda, in the evening at 6.00 p.m. you will find a watchman riding his bicycle. On the carrier, he would be carrying a G-3 rifle. They have demystified the whole thing about guns. There are those who think that we need to remove guns from the reservists, I think this is a question of training them so that they are conscious of the fact that a gun is a protective weapon, but it is also dangerous. I put it to Members of this House that if in one street in Buruburu Estate, for example, thugs were aware that every watchman has a rifle, there would be no theft. Nobody wants to die. Therefore, nobody will steal when they know that people have guns. The reason important personalities in this country ask for police protection is not because of the uniform, but because of a gun. This is what protects Sen. Kajwang. A uniform alone is not protection; the man in the uniform has a weapon. The trick is not in the uniform, but in training and arming.

I agree with the previous speakers, including Sen. Wetangula, that there must be infrastructure where these people are able to store those weapons in a manner that they cannot be misused by thieves. What this creates is what Henry Kissinger coined as “detoned” among thieves and protectors. When you know very well that those you are going to steal from can protect themselves or when you know that those who you are going to attack are capable of attacking you back, then you will be in a situation called detoned; where nobody attacks another.

Therefore, I support this move completely. As far as training is concerned, I would urge that a huge aspect of training be humanitarian. The reservists must not become “them” against civilians. They must be part of the civilians so that they can deal with them in a much more inclusive and human manner. However, more importantly,

they must integrate themselves in the community and influence behaviour. I agree with those who are saying that the way to eradicate radicalism in our country is to have a two-frontal approach. First, we must try to influence the youth positively. We must ensure that our youth do not fall in the hands of would-be preachers, sheikhs or whatever other name they go under.

We must also be realistic in these issues when you find that a person has grenades and other weapons hidden in a mosque, a church, a Christian religious education, or Muslim religious institution, I would propose that the police must not be held back by the fact the building has a religious interpretation. Kenyans' lives are at stake; when there is a threat, no matter what institution, the police should move in swiftly and ensure that the place is cleaned up. Whether it is a Sheikh or a priest, they must be arrested and brought to book.

The 18 and 19 year old youths are not the culprits in this issue, but those who train them and radicalize them. The activism we have protects both the innocent and the guilty. When a person behaves in a manner in which some of those Sheikhs have behaved, then it becomes a Muslim issue. This is not a Muslim issue. This is an issue of criminality and treason. When that happens, it should not matter whether a person is a Sheikh, a Bishop or whether an institution is a Mosque or a Church. That should not matter. At the end of the day, the most fundamental responsibility of the Government is to protect human life and, similarly, properties of Kenyans. I agree that there must be a way of making sure that youth are not radicalised. However, whenever it happens, I do not think there should be a choice about what the police should do. The police should not be told to act on the same intelligence that we are saying that they do not have.

We are happy about the new appointment in the NIS. We are very happy that Gen. Kameru is there now. We hope that there will be changes, especially the ones that have been proposed on the Floor of this House. There is no way that we can tell the police not to act on information that they have, for instance, that there are grenades in an institution or a Mosque and then, later on, we blame the same police for not having acted on the intelligence. In this particular case, they acted on intelligence given. Therefore, it is good to appreciate. We should be saying that we are very happy that the police entered that Mosque, took grenades which the following Sunday would, probably, would have killed people in an institution, whether in a church or in another Mosque.

Mr. Temporary Speaker, Sir, let us separate religious issues from criminal issues. Let us not speak in the same sentence to describe religious and criminal people. Those two do not go together. They are not mutually exclusive. Therefore, we should think about helping radicalised individuals. How do we make sure that our sons and daughters are not put in a situation where the police have to deal with them instead of parents dealing with them? The training of these reservists must and should include training to deal with these kinds of issues. This should be training to urge our youth not to get into those kinds of activities. Their mandate must go beyond shooting people. We must train reservists that will work with people and ensure that our citizenry can rise up and become good citizens across the country.

Currently, when you see 200 youth being arrested on one day, you must tell yourself that something is not correct. We have seen, in the former central province, the

whole issue of Mungiki. We know how difficult it has been to eliminate it. Once gangsters take root, it becomes very difficult to eradicate them. That is why I am proposing that this should not be a one sided issue. Sincerely, I propose that the leadership of the coast area, the Senators, Governors and everybody else to come together just like the leadership in central is coming together.

You will recall when the late Bonaya Godana died in North Eastern.

**The Temporary Speaker** (Sen. (Dr.) Machage): Your time is up!

**Sen. Kagwe:** Mr. Temporary Speaker, Sir, I beg to support.

**Sen. (Dr.) Khalwale:** Thank you, Mr. Temporary Speaker, Sir. I rise to support this Bill mainly because over and above the reasons that Sen. (Prof.) Lonyangapuo has justified, I am also persuaded that this is a Motion that will go a long way in boosting the insecurity in our villages, counties and our country in general.

If we are candid enough to accept the reality, the fact is that lack of security has killed the economy of this country. For instance, everywhere you go, the tourism industry which was the number one foreign exchange earner has been killed by insecurity. I will not repeat myself in what is happening in Five Star, Four Star and other hotels at the Coast region as evidenced by what Sen. Wetangula said. These are enough reasons for us to support Senators and Members of the National Assembly who have progressive thinking towards improving our security situation in this country.

Our economy has died. Agriculture is a major player. However, today, if you go to the critical areas of sugar industry, you will find that insecurity has caused it to collapse. What am I talking about? Police officers who man the border points look the other way when contraband sugar is imported into the country at the expense of the local produce. As if that is not enough, lack of security in this country is wiping out the population of our elephants because we do not have sufficient policy to ensure that poachers and criminals are contained. Our economy has collapsed because of insecurity due to terrorism.

We all know that in all border points, we have the Kenya Anti Terrorism Police Unit officers. However, maybe the design of that unit should be changed. For example, if you go to Mandera or Garissa, you should have KPRs who come from the local community working alongside with the regular police together with the anti-terrorist police units. Those are the people who can pick out youth who are participating in *Al Shabaab* who purport to come from the Kenya Somali side when they are non-Somalis.

The issue of policing in places like the US, Great Britain and other areas where it has been successful - I am reminded of a few weeks ago when I was in London - you will not see the military in the streets of London. In fact, you see very few police officers. Why is this? This is because they have succeeded in marrying policing with police intelligence. Therefore, you may have two police officers plying along a street of two kilometres. However, as long as there is sufficient intelligence, through communication, these two officers are adequately prepared when crime is about to take place. It is for this reason that I support this Bill because it is attempting to amend sub section 7 of the National Police Service Act that provides that after someone has joined the KPR, he can be trained.

Mr. Temporary Speaker, Sir, we want that training not just to be limited on how to keep and use a firearm, but also, in fact, principally to improve the aspect of intelligence gathering by KPRs. I want to vehemently disagree with the distinguished Senator from Nyeri when he says that we should all be happy that the police went into those two mosques in Mombasa and did what they did. We cannot all be happy because there was an option. We cannot be happy because during that bungled operation, people were maimed. There was a youth who lost his life. We are all old enough in this Senate, except for a few early risers like Sen. Mutula Kilonzo Jnr., and we should ask ourselves who are these youth? These youth that are being killed extra-judicially are the age mates of our sons.

How would you feel for you to come home and find that your son has been executed? We must say “no” to this. The Kenya Police should have used intelligence in those mosques. If there were 200 youth there, why did you not have about 10 to 20 youth who could have reported to the National Intelligence Service? Why not follow those ones who are the problem and then arrest them at home and arraign them before court? The ones who are now being prepared to join them will realize that their days are numbered.

Mr. Temporary Speaker, Sir, let me comment on two cases of how intelligence works effectively. You will remember while we are in this very Chamber in the last Parliament, Prof. Saitoti stood there at the Dispatch Box and named politicians and business people in this country who are drug traffickers. After Prof. Saitoti died, that thing just went cold completely and yet he had started the trail. Some of us do not know why he died; we do not know whether he died in the hands of terrorists.

As the Jubilee Government, you have been waiting for the American Government to do intelligence for you before you arrest the Akasha sons. Based on what Prof. Saitoti said in this House, we know that those sons are connected to certain politicians. In fact, a few months ago – maybe it passed your attention - those sons met one of the so called Kenyan politicians in Kongowea, let me call him an activist because he has never been in any of the assemblies, and they started a fist fight. They fought until this political activist floored all of them. What were they fighting over if not for the spoils of the drugs that they traffic?

The Americans have demonstrated that if you use intelligence you can crash international drug networks. Similarly, the British have also demonstrated that you can use intelligence to crash international corruption networks. You all know what is going on in the United Kingdom (UK). Where the networks of corruption in Britain that feed or were feeding the corruption networks in this country, went and reached one of our most sacred institutions; the Independent Electoral and Boundaries Commission (IEBC). This country must be made of people with thick skins. Were we not expecting that before 1.00 p.m. today, the Chairman of IEBC, Hassan would have resigned? Has he resigned?

**Hon. Senators:** No!

**Sen. (Dr.) Khalwale:** What is he waiting for? We were expecting that the Cabinet Secretary, Mr. Chirchir would have resigned. How some of us who fought Moi, today with nostalgia miss the 1.00 p.m. news. At least Moi would have sacked those two much as we fought him. We are demanding that the Government must join the international community in bringing the menace of international drug networks to an end.

Mr. Temporary Speaker, Sir, let me speak to the issue of Article 238. Article 238 of the Constitution says that the national security is the protection against internal threats to Kenyans and their sovereignty; its people and their rights. Are rights of Kenyans being protected by the Jubilee Coalition Government? No. Are our freedoms being protected? No. They are even allowing criminals to strip our beautiful girls of Nairobi and Mombasa in the name of protecting morality. What morality does an urchin who lives on the corners of the streets of Nairobi have to claim for him to strip my daughter when she is coming from the university? It is a very big shame.

Is the Jubilee Coalition Government protecting property? No; it has failed. The short and long of all this is that the Jubilee Coalition Government has failed and it must do the honourable thing by resigning and giving us an opportunity to lead our noble Republic; our beautiful country, Kenya, because they are unable. What else do they want? Do they want to see their Cabinet Secretaries being killed for them to know that they have failed to protect the lives of Kenyans?

**Sen. Kagwe:** On a point of order, Mr. Temporary Speaker, Sir. I have heard Sen. (Dr.) Khalwale say severally that the Jubilee Coalition Government has failed and should, therefore, allow somebody to take over the governance of the Republic of Kenya. Would I be in order to suggest that an alternative Government that solves all problems via whips and kicks for their leadership cannot possibly be able to take over our Government?

**The Temporary Speaker** (Sen. (Dr.) Machage): What is really out of order?

**Sen. Kagwe:** Mr. Temporary Speaker, Sir, would I be in order to propose that an alternative Government that beats its Chairman and its leadership; where the only way they resolve a single problem by kicks and blows is not capable of forming a Government?

**The Temporary Speaker** (Sen. (Dr.) Machage): You are out of order! It is only until the next general elections.

**Sen. Muthama:** On a point of order, Mr. Temporary Speaker, Sir. I think I will be in order to inform Sen. Kagwe that the whipping of my leader was actually organized by the same Government that he is defending.

**The Temporary Speaker** (Sen. (Dr.) Machage): Order!

Proceed, Sen. (Dr.) Khalwale.

**Sen. (Dr.) Khalwale:** Mr. Temporary Speaker, Sir, I want to tell Sen. Kagwe that they should go ahead and underrate us, but things change and change is coming. This Government in waiting is the Government that you will serve under as a Member of the Opposition. Things are going to change. There was a time Moi never imagined that we could remove him.

The issue of militarization of the State as evidenced by among others, the perpetual wearing of military fatigue as postulated by Sen. Wetangula; as evidenced by the knee jerk deployment of the military.

In incidences where you need to deploy, at the very best the General Service Unit (GSU) officers, should not be allowed because the Government did it for the first time lawfully. However, subsequent deployments have been against the provisions of this Constitution.

Mr. Temporary Speaker, Sir, I do not know whether the Jubilee Government is waiting for us to move a Motion of Impeachment in this House to impeach---

**The Temporary Speaker** (Sen. (Dr.) Machage): Order!

Please, proceed Sen. Kajwang.

**Sen. (Dr.) Khalwale**: I support.

**The Temporary Speaker** (Sen. (Dr.) Machage): Order Sen. (Dr.) Khalwale!

*(Laughter)*

**Sen. Kajwang**: Thank you, Mr. Temporary Speaker, Sir. I thank Sen. (Prof.) Lonyangapuo for this Bill. It is a Bill that we have been waiting for, for a long time. It is good that the violence, probably, happening in his own county has made him think that we have to do something very drastic to change the way we police our country.

One time, I was invited by the former Prime Minister to accompany him and the then Minister for Water and Irrigation, Hon. Ngilu, to Turkana. When we landed on the shores of Lake Turkana, we found that the Ethiopians – many of them militia – had raided the Turkanas of that area and killed more than 23 Kenyans. The police post which was supposed to protect this area had only five police officers. When we visited the post, they told us that the raiders came in their hundreds and there was no way they could fight. In fact, they ended up giving them food and water because they were overwhelmed. The only government there is the Catholic Church. They are the ones who buried the dead after praying for them, accompanied us to the police post and the ones who could provide intelligence about the security situation in that area. In fact, they could go across to the other side and talk to the militia on the other side so that there would be peace.

Mr. Temporary Speaker, Sir, outside the Catholic Church, we found a group of young people sitting on their traditional stools with their guns. They were the community police officers, what we now call in this Bill, the reservists. They told us that if there was communication, they would have protected the community. However, there was no communication and enough equipment. Even though they had guns, they had very little “software”; that is, the bullets. They were operating as volunteers outside the systems of Government. The Government did not regard them much, yet when push came to shove, they were the ones who could protect our frontier against these ruthless people.

We, as a Government, went to Ethiopia to complain about this. I was one of the Ministers who went there. They told us: “You know, we are not aware, those southern communities are primitive. Ethiopia is a big country and sometimes they do these things without our knowledge”. However, later on, we got intelligence information that actually the Ethiopian Government provides equipment to this militia to protect their villages. What I am trying to say is that, our country is not properly organised in terms of security. At one time, we had the tribal police before we, later on, changed them to the Administration Police (AP). They were stationed at chiefs’ camps, living with the people, knew everybody and contained crime at the grassroots level.

Mr. Temporary Speaker, Sir, when we were working on the new Constitution, we actually pushed very hard for the AP to be attached to the devolved governments, so that their operations would be managed by the devolved governments. They would remain in

the villages where they understand the language, culture and terrain of that area. But people in Jubilee refused and said that this arm of the police would remain as a police force. Now we have two commanders; one commanding the Administration Police and other the Regular Police; both answerable to the Inspector General. This is not helpful because there is no clear demarcation as to what they do. In fact, the aim was that the police would remain as investigators, but the AP would be the enforcers in the villages. It is a pity that we have failed because of a narrow self interest.

This new Constitution provided a very good foundation for this Bill. It says that the county government would organize itself and decentralize its operations in such a way as suitable as possible for its own management of security and all the things that pertain to the welfare of the people. The county governments have already devolved to the sub-counties and decentralized to the ward level. Some of them are moving towards the village level where they should be. But that is being resisted by some people. But if you have a government at the village level- my own ward has been divided already into ten villages – with volunteers like the elders before who used to be in *barazas*, there would be a government there which would take care of the youth that they know. They will deal with the criminals who may come into the village. Security will improve. But we are resisting it and competing with the devolved government, instead of working with it. Security is actually a concurrent responsibility; both of the national Government and devolved government.

We have been talking of two things without anchoring them on any law. We have been talking of community policing, which is something that I do not understand. I just see some policemen dancing with some community elders. It eventually dies because it is not anchored in any law. There is also “*kumi kumi*”, which other than the fact that it has been ordered by the President and we appointed a retired provincial administrator---

**Sen. Wangari:** On a point of order, Mr. Temporary Speaker, Sir. Would I be in order to request that the Senator explains what exactly *kumi kumi* is in the context that he is contributing? Is he in order to use the word “*kumi kumi*” without explaining exactly what it is?

**The Temporary Speaker** (Sen. (Dr.) Machage: If I heard him well, he did not know what it means. So, what do you expect him to explain?

**Sen. Kajwang:** Thank you, Mr. Temporary Speaker, Sir. I am not quite aware, but I hear that under “*kumi kumi*” ten people are organized by Government. That kind of thing without being anchored in any law is useless. That is why we need to marry the devolution structure with the national structure, especially in security, so that the village head who will be heading this government, with his small government or *baraza* of responsible older men and women, probably, even nominated by their own small villagers, sit there to look at all the small matters in the village. They will look into security matters, visitors who came in and they do not know where they came from, people who do not have identity cards, marry without paying dowry, mess up the village or take other people’s wives and cause chaos. They could deal with those small things in the village and bring a lot of harmony. That is why Tanzania is safer than Kenya.

Look at all the communist countries which became socialists, including Ethiopia. Although they threw away communism, they retained something very critical; the

organization of government up to the village level. The reason Somalis do not attack Ethiopia is because every village has a government. It does not cost a lot of money, most of it is volunteer, only that you make sure that there is some security, that some people there can hold guns legally, that they are answerable to the nearest police station and that the officer in that police station will be able to know who did what.

Mr. Temporary Speaker, Sir, I did not know that my time will run out so quickly.

In Migori County where you, Mr. Temporary Speaker, Sir, are the Senator, there was a time when there was a lot of cattle rustling. Villagers organized themselves into something called the *Sungu Sungu* movement. They borrowed it from Tanzania. They decided to be their own security people. Within one, two or three months, there was no cattle rustling because they faced their own brothers and sisters whom they knew were cattle rustlers. They told them: "We know you, can you tell us why you stole from a certain family?" This became something of the past. I do not think Migori County is still suffering from this because it is based on the morality of the village, that we want our village to be safe and you are the one who is harassing us.

I have said that places of worship are not very good places to attack, you attack them intelligently. In India, at one time, Gandhi, the former Prime Minister, who is now deceased, ordered an attack on a mosque. Of course, they dispersed the people who were held up in that mosque, but eventually she was shot by her own body guard because of religious reasons. Her own body guard gave her, at lunch hour, eight bullets and then he surrendered. The reason he did that was that she ordered an attack on a place of worship.

Some of these things get down to the bones. Religious matters are very difficult matters. When you want to attack it, you attack it intelligently, you get to know what the problem is, you use the same members of that religious faith, the same youth to identify to you the bad youths because the Government has those resources. If you have Ksh.23 billion and you can only pay your officers over Ksh.2 billion, what are you doing with the other Ksh.20 billion, which cannot allow you to pay a few young people, a few bar maids, a few touts in matatus, a few people who work in hotels and eateries and get the right information and deal with security issues? You cannot leave security to only the police force as we know it because if you leave it to them, they are too few to deal with these issues.

Mr. Temporary Speaker, Sir, before my time runs out, I want to say this, please, if the Executive listens to us, remove the army from "the Pokot Country". This is not good for the country. It is not good for the community. It does not augur well even in the long run for our country that every time we have a problem, we use the army. It brutalizes a community. In fact, it impoverishes them and destroys their economy. I saw that somebody ordered the killing of cattle. Cattle were shot. They were killed, but not by a bomb. If it was a bomb, we would have said that it landed there wrongly.

However, these were our own army officers shooting cattle. That is to destroy an economy. I understand that the commanding officer comes from the commandants' community. I understand that the commanding officer is a Njemp, a small community in the Samburu tribe. In fact, some cattle have been seen in his own compound. I do not know why he should take other peoples' cattle and keep them in his compound where he is commanding an operation. This kind of person should be taken to jail.



If I get a little more time, there was a Bill that we passed in the last Parliament creating something called the County Policing Authority (CPA). In this authority, the chairman was the governor. The commanding police officer, the District Commissioner (DC) and all other people would sit with intelligence officers in the CPA. As the civilian head of that county, he would then be informed about the situation in that county. We are now saying that the county should deal with its budget, but do not get into security. When people die, they blame the governor. We were almost removing one governor from northern Kenya from office because he did not take care of security.

I also want to say that we should not use excuses of security to destroy economies of other counties. What is happening in Lamu is a destruction of the economy of that place. Has anybody come here to explain to us why the curfew should be extended and why it was even necessary, in the first place? Sooner than later, somebody will order a curfew in the whole of Nairobi or in the whole country; how will we survive? I do not know whether there is any committee in the House concerning security to call the Inspector-General here---

The Temporary Speaker (Sen. (Dr.) Machage): Order! Your time is up!

**Sen. Kajwang:** I support.

**Sen. Wangari:** Mr. Temporary Speaker, Sir, I want to start by congratulating the Mover of this Motion, Sen. (Prof.) Lonyangapuo, noting that he has come a long with it. He started with a Motion that was supported by the majority of the Senators and he has gone ahead to take action by putting it in legislation so that we are able to come up with a legal framework of the engagement of the KPRs.

Mr. Temporary Speaker, Sir, we have said here over and over again, but it still remains a thorn in the flesh in this country. We have not tackled it and we are making blunders everyday regarding security. As I speak, when you look at how easily we are sliding into anarchy, there is a lady who is admitted in Mama Lucy Hospital in Eastlands having been stripped and thoroughly beaten in Kayole Estate last night. If you look at the information going round in social media, it is really discouraging to see that we are now attacking not just the physical, but also the dignity of people.

When you strip a woman naked, you are not just stripping her of her clothes, but of her dignity. I watched a video in Odeon of a woman who is the age of my mother being stripped by very young boys. It is unheard of in an African culture. It is unfortunate that these acts of criminality have been reduced to discussing what women are wearing. We want to cover the real issue of the criminal nature of how these things have happened and hide behind how far my dress should reach and how far I should cover my hair. As a country, this not only affects one side of the divide, but it is an issue of community. These issues are happening right below the noses of our officers and right below the noses of our intelligence. It is unacceptable. It is not acceptable that your daughter cannot walk on the streets wearing a pair of jeans, like it happened in Mombasa. It is despicable. The lady who was stripped in Mombasa, people were actually putting fingers in her private parts. It is shameful.

As a country, if we cannot be assured of our own security, then I do not know what we are supposed to do. These are just a few instances that have come to the fore. I know it has been happening and it is continuing to happen. We are seeing the police, the

intelligence service, the Criminal Investigation Department (CID), the Director of Public Prosecution (DPP) all silent and instead asking who the complainant is in such a casual manner.

Mr. Temporary Speaker, Sir, we should be trying to help the ladies who have been attacked to get psychosocial support. Had they been killed, who would report the crime? There is enough evidence and these institutions cannot hide behind “there is no complainant” phrase. We do not take kindly the casual manner in which they are taking it. We cannot feel safe anymore walking on the streets. I have said before that it has come to a point where even animals in this country are no longer safe. It is that bad. Until we fix security, we cannot talk of becoming a middle income level country when we cannot do business in our country. There comes a time when we need to fix the root cause of the problem.

Mr. Temporary Speaker, Sir, the right to security is in the Constitution. We have a right to be treated with dignity and to own property in peace. We have lacked this in this country. The attacks you are seeing every day be it in Tana River, Meru or Isiolo, are basically getting out of hand. We know the role of each arm of Government. As I speak, even the 10,000 members we had recruited to boost the ratio of police to citizens which should be ideally one policeman to 500 people, has been halted. We still have one policeman to thousands. We have a clear shortage of policemen and people in different formations of the disciplined forces. That is why we must look at how we can complement what already exists.

Mr. Temporary Speaker, Sir, Sen. (Prof.) Lonyangapuo is the one who has brought up this. He comes from an area where he has experienced, first hand, the issues of cattle rustling and insecurity. Last month I read in the newspapers about a man called Awet from Turkana. He had been interviewed on why he became a police reservist. He said his main motivation was to protect his children. He needed a gun to make sure the only school in the area can run because without that they would be attacked. We have heard of a young Pokot boy who was killed and his head chopped off. What we are seeing is basically out of hand. Until we fix it, we will not attain Vision 2030. We are not even making progress.

When will we do the evaluation of the Millennium Development Goals (MDGs)? Come next year, we will see that we are very far from attaining them. You cannot talk of health care and ensuring everyone has an education if a school has to depend on someone with a gun to run. How will we put ourselves on the map again, as a country, and do post evaluation of the MDGs if we cannot even do the basic things?

Mr. Temporary Speaker, Sir, I support this Bill, especially on the training bit of KPRs. It is not a new thing; it has been there since 1948. Getting a legal framework will help in streamlining what we are supposed to see the reservists doing.

I know the Senator for Homa Bay has really spoken about the issue of intelligence. It is only in Nairobi where you meet an intelligence officer. They tell you my name is so and so and I work for the NIS. I do not know where that came from. We have slid very far behind to say that you only need a degree. It is very prestigious for one to join the intelligence service and to brag to people that he works with NIS.

We cannot borrow everything that former President, Moi, did. However, if there is one thing that we should borrow is how intelligence was gathered during his time. We can get cooks and shoe shiners to do intelligence. We must get to a level where we, not only use intelligence officers from the elitists that we are talking about, but we must ensure that we get intelligence information from the source. County Commissioners should know exactly what is happening in each and every ward just by making a phone call. They can do this using someone who hawks brooms or one who works in a hotel. This does not have to be an elite or somebody with a degree. Most important, one should not just go bragging for the sake of it just because they work for the NIS.

Mr. Temporary Speaker, Sir, right now, everything we are doing is a way of reacting or responding to insecurity. However, we are forgetting the intelligence part of it. These things were not planned in a vacuum. They were planned by people. If we want to follow their plans---

**Sen. (Prof.) Lonyangapuo:** On a point of information, Mr. Temporary Speaker, Sir.

**The Temporary Speaker** (Sen. (Dr.) Machage): whom do you want to inform?

**Sen. (Prof.) Lonyangapuo:** Sen. Wangari.

**The Temporary Speaker** (Sen. (Dr.) Machage): Do you want to be informed?

**Sen. Wangari:** Yes, I want to be informed.

**Sen. (Prof.) Lonyangapuo:** I want to inform the Senator that the people we are recruiting in the NIS are children of very top people. This has become like the Public Service Commission (PSC). This is now a recruitment bureau which no longer brings people who will add value, but people who will be employed to enjoy the perks that they will be given.

**Sen. Wangari:** Mr. Temporary Speaker, Sir, the Senator has brought me to my next point. I thank him for that information. We used to hear – those of us who were not there – that there are people who could sit in classrooms in universities gathering intelligence information for the Government. In terms of delivering in what they were doing and being efficient, they were successful. This may not have been positive, but they used to get information. Therefore, we have lost track on the NIS. If we had not, we would not put the KDF in Lamu or Pokot. We would have known these things.

We must also be careful on how we train these people in terms of basic disaster management. One thing we know about reservists is that they are placed where they know best. They should know the geography of an area and where to go when something goes wrong. They should know when something bad is being planned. They should also have some basic training in terms of disaster management so that when there is no network in Kapedo or Baragoi where they cannot reach any communication, they can assist the situation owing to their training.

We also have to make sure that the KPRs have the physical training to be resistant enough to the attacks that are taking place every other day. Most importantly, the vetting bit is very critical. A few months ago, I read something regarding Manderu where a police reservist had shot a 13 year old boy by mistake. The vetting must be very thorough so that we get the right people for the KPRs so that we do not end up with thugs or with people who may infiltrate our systems to know what we are doing. These are people who

have better intelligence gathering. How would we recover from that? We would start to react and fire fight every time. That way, it will ensure that we have the right people. There is, of course, the issue of protection of the identity; the framework where their identity is not really publicized. I do not know how that will be handled under this Bill; that it will not be public information and we can also guard them.

This is because they are usually first in the line of attacks. In fact, yesternight, there was a bandit attack on the Meru-Isiolo border. Four people were killed. Two of them, were police reservists. They actually died in the line of their duty. We must also take very good care to protect their identity through a certain system so that we are able to also guard them and their families.

We, as a country, must also be very careful so that we are not going to protect criminals hiding under decency. I have heard the criminals that are doing all these manner of things on the streets, stripping women, saying that it is decency and morality. A criminal is a criminal whether it is a tout, whether in a church or in a mosque. We must be very careful that we do not hide behind religion, morality, culture and tradition trying to step on the rights of others.

I support.

**Sen. Mutula Kilonzo Jnr.:** Thank you, Mr. Temporary Speaker, Sir. I rise to support this Amendment Bill. After reading it carefully, I think that Sen. (Prof.) Lonyangapuo has done it very intelligently. It is a very well crafted Amendment Bill so that it complies. Somebody is whispering to me that he is a very intelligent professor and I agree.

We cannot talk about this country in the same sentence with the word security. We have had so much insecurity in the recent past than we have ever had since Independence. Sometimes you wonder whether you will wake up and find gangsters just running around town like Al Capone. Therefore, in my contribution that is why I said that Sen. (Prof.) Lonyangapuo was more intelligent in the amendment to Section 110. We have seen in the past that these reservists who are just volunteers have turned into what the Senate Minority Leader calls *kamikazes*; people who are just loose cannons. Shoot to kill, shoot from the hip, operate with arms, nobody knows what they do, they report to nobody, except God. They shoot whoever they want and disappear somewhere into oblivion without any responsibility.

The idea of the amendment, therefore, to Section 110 to include the proposal that these people will no longer be volunteers, that they will be vetted and enrolled in the police service is a clear attempt to ensure that they will not be operating loosely. They have been operating loosely, using weapons reckless, wearing long shirts, untucked and sagging jeans. We want them to be responsible under the National Police Commission (NPC). They would then fall under the rules and conditions that every other police officer as defined under this Act, then is supposed to. Therefore, failure to which they become subject again to the disciplinary processes that are under the Act to that extent.

That is why I said that this amendment is very intelligent because the ambiguity that our Parliament left in Section 110 has created abuse to the extent that these 18 year olds who have guns have been operating loosely. I have an example; a son of one of our senators, Sen. Yusuf Haji, was given a high commendation for the work that he did at the

Westgate Mall. Just imagine that the gentleman was trained in the manner that is proposed in the amendment to Section 110(1). He would have done much better. The only thing that he knew was his animal instincts and a gun. Because of that, that gentleman was able to save lives of children.

As typical Kenyans we forgot about him, he disappeared into the oblivion and became history. We have no method of recognizing people who we should recognize. It is shameful because we should have seconded this man to something like this where he would receive proper training, firearms and uniforms, if necessary, then be able to act as a proper police officer where necessary. I imagine that a gentleman like this would be very useful in an estate where there is crime. Once in a while, while you are asleep, there would be gunshots and people would be running around helter skelter and you would not know who is shooting.

If people like this were trained, they would be able to protect neighbourhoods because this *Nyumba Kumi* Initiative---. It is sad that what the Government takes pride in is just a *Nyumba Kumi* Initiative that makes no sense. It is an intelligence gathering that is shallow and hollow. It is not helping crime because the more you talk about it, the more crime increases. Therefore, the Government should recognize and say it like we should; that the *Nyumba Kumi* Initiative is a waste of time and it is not working. We should get into something similar to what the professor has proposed so that it can be more structured and we have police reservists who are trained. To that extent, I support.

Amendment to Section 115 of the principle Act is even more telling because the fact that this *kamikazes* never used to receive any salaries; they used to operate like gangsters and that is why firearms can be hired in Kenya because who knows where they are. They are all over the place. We have people who are reservists who are carrying firearms; who are volunteers and yet they could actually be the gangsters walking around the City and, probably, in the middle of the night disappear into oblivion and report to nobody. The fact that a person will now be able to collect a salary in the amendment proposed under Section 115 comes with an obligation. The minute you sign on the dotted line, you have collected public funds. You will then be answerable to the public and the Kenyan nation, unlike now where some people in Parklands are reservists, but we do not know what they do when the sun goes down.

Mr. Temporary Speaker, Sir, the amendment to Section 117 is a very clever one. An amendment to Section 117(1)(a), is an effort to ensure that there are funds allocated for this unit which is specifically provided for under Section 115 of the National Police Service Act. It recognizes that you cannot, in fact, create a fund under Article 206 of the Constitution. It is clearly provided for under that article. Sen. (Prof.) Lonyangapuo has then made what I call a very clever amendment by establishing a fund so that then that fund can feed into Section 117 (1)(a).

I am a little worried about gifts under subsection (b). I am asking the Senator to think about it. This is how you get drug lords or the *Al Capones* of this world. The minute you give them this opportunity of giving gifts, you will then give them an opportunity to start rewarding our reservists with nice looking cars like Jaguars and the rest and there will be no end to it because those gifts will not find a way of monitoring.

**The Temporary Speaker** (Sen. (Dr.) Machage): Hon. Senator, it is also your responsibility if you think that there is a part to be amended, for you to bring the amendment at the Third Reading Stage.

**Sen. Mutula Kilonzo Jnr.:** Mr. Temporary Speaker, Sir, I will propose that the word “gifts” be deleted because it leaves room for manipulation by the people who we are trying to tackle. Those are the gangsters who operate in this country as if they own the air, the space and everything else that is below it.

The proposal to amend Section 110(7) is in conformity with the proposed amendments in order to ensure that the people who are recruited are trained. Here, the professor has proposed in mandatory terms that the persons who are now police reservists should be trained as a mandatory requirement.

I support the proposals because it would be a great injustice to the people who are already existing in the service not to be trained, but then continue benefiting by receiving uniforms, weapons and then operating endlessly and without area of jurisdiction. Therefore, the training must be mandatory so that they conform to the persons who would then join the force, be seconded or enrolled as reserved police officers of the NPC. Therefore, the proposal to ensure that these people are trained, wherever they are, report and become part and parcel of the reserved police and are responsible to the NPC. This is in conformity with what we are talking about in terms of security.

Sen. (Prof) Lonyangapuo has made a similar amendment which I disagreed with. He had proposed that village elders be incorporated as members of the national Government for purposes of security. I had objections to that proposal because it goes against this sort of mechanism. Those village elders have nobody to report to, they are collecting money and you do not know what they are doing and some are not trained.

In objecting to the proposal made by Sen. (Prof.) Lonyangapuo in the National Government Coordination Act, therefore, this would serve as an answer to the questions that we are asking. That it is far much better to have a more structured method like this one where people report to a commission, receive allowances, they are trained and receive uniforms and account for them. Currently, we have police reservists who do not know whether they actually report to anybody and whether we know the ammunitions they carry.

If you remember, one of the things that the Waki Commission was grappling with was the fact that we could not match the weapons that were in our armories during that time in Rift Valley with the ammunitions and all those things that were found in Kisumu and other areas where there was post election violence. Why? This is because there are too many of these weapons that are not registered and are in loose hands of people like these ones. Therefore, I am in support of this amendment. One of the methods of ensuring that we do not go back to what the Waki Commission proposed in terms of register of firearms, is to ensure that it is done in the manner that is proposed by Sen. (Prof.) Lonyangapuo in this amendment.

Mr. Speaker, Sir, in terms of resources and in terms of money, we now have made, it is mandatory for the National Assembly, in this proposal, to ensure that there is enough funding for this particular purpose. Let me say this very well and clearly: We treat our police officers in such careless manner that sometimes I wonder why we trust

them with our lives. When we go to sleep in our nice six-by-six beds, we do not ask ourselves, “Where do these people sleep?” Do you know where your bodyguards sleep? They sleep in something called uni-huts. Five families in a uni-hut is a shame.

We should be embarrassed that we walk around with people who are treated in such a dehumanizing manner. In fact, we should ask ourselves why we should not even fight, not only for them to get uniforms and weapons, but also to be treated like human beings. The only way to ensure that they are treated like human beings is to make sure that in their hearts and minds, they sleep well. As they wear the crowns to defend this Republic, they feel comfortable just like you and I when we sleep well at night and switch off lights. We do not know whether they actually switch off their lights, or whether or not, they have lights because they live in squalor conditions. This is what is there, without exceptions.

As we are busy condemning the insecurity in this country, we should ask ourselves the fundamental question; whether the people we have given the mandate to protect us feel comfortable guarding us. Have they left us to the devices of criminals because we have left them to the devices of human nature and the world? We treat them as if we do not care. We just want them to salute and that is it. We are concerned about the security of other people, yet we are not concerned about their welfare and the security of their children, wives and siblings.

Mr. Temporary Speaker, Sir, as we continue looking to secure this nation through these amendments, we must also look at the security of these people, so that they feel that they belong to this country and are part and parcel of us. It is only then that we will have secure people who have well-fed stomachs and are sure that when they sleep at night they will not be rained on. They will wake up early, wear a nice suit and salute when they pick you up and bring you to the Senate.

The amendment to remove the words “voluntarily” and “entitlement to remuneration” will ensure that other than just remunerating them, they will be properly remunerated. This is not just in terms of salaries. We should also ensure that these people live well.

Mr. Temporary Speaker, Sir, I beg to support.

**Sen. Mungai:** Thank you, Mr. Temporary Speaker, Sir, for giving me this opportunity to contribute to this Bill.

This Bill could not have come at a better time. The Professor has apparently felt the pain of his people dying. It is shameful that at this hour, people in Kenya continue killing one another because of issues that can be sorted out. As we talk about the KPRs recruits, I do not agree that someone can be given a gun as a reservist without being trained. There is a difference between a gun and an arrow or spear. For someone that is not trained to be given a gun is in itself suicidal. Therefore, I do not believe that the Government would have allowed someone who is not trained to be given a gun.

The issue of controlling and retraining the reservists is due to the reality that there is more sophistication in the weaponry and methods that are being used by bandits who steal livestock and kill people. Therefore, this particular Bill by Sen. (Prof.) Lonyangapuo is timely.

**The Temporary Speaker** (Sen. (Dr.) Machage): Order! You will have 13 minutes tomorrow.

### ADJOURNMENT

**The Temporary Speaker** (Sen. (Dr.) Machage): Hon. Senators, it is now time for interruption of the business of the House. The House, therefore, stands adjourned until tomorrow, Wednesday 19<sup>th</sup> November, 2014, at 2.30 p.m.

The Senate rose at 6.30 p.m.