

# PARLIAMENT OF KENYA

## THE SENATE

### THE HANSARD

Thursday, 16<sup>th</sup> November, 2023

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

*[The Speaker (Hon. Kingi) in the Chair]*

#### PRAYER

#### DETERMINATION OF QUORUM AT COMMENCEMENT OF SITTING

**The Speaker** (Hon. Kingi): Clerk, do we have quorum?

*(The Clerk-at-the-Table consulted with the Speaker)*

Serjeant-at-Arms, kindly, ring the Quorum Bell for 10 minutes.

*(The Quorum Bell was rung)*

Serjeant-at-Arms, I am informed we now have quorum. You may stop the bell.  
Clerk, call the first Order.

*(Sen. (Dr.) Khalwale and Sen. (Dr.) Lelegwe Ltumbesi  
stood up in their places)*

Hon. Senators, kindly take your seats. Sen. (Dr.) Khalwale and Sen. (Dr.) Lelegwe Ltumbesi, take your seats.

#### COMMUNICATIONS FROM THE CHAIR

##### VISITING DELEGATION FROM NAKURU COUNTY ASSEMBLY

Hon. Senators, I wish to acknowledge the presence in the Speaker's Gallery this afternoon, of a visiting delegation from Nakuru County Assembly. The delegation

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comprises 11 members and four officers of the Justice and Legal Affairs Committee, who are on a benchmarking visit with their counterparts in the Senate.

I request each member of the delegation to stand up when called out, so that they may be acknowledged in the Senate tradition-

1. Hon. Antony Kanyere - Chairperson
2. Hon. David Wathiai - Vice-Chairperson
3. Hon. David Muraya
4. Hon. Benard Langat
5. Hon. Anne Wamaitha
6. Hon. Dorcas Gathera
7. Hon. Loise Kagecha
8. Hon. Paul Warege
9. Hon. Francis Kuria
10. Hon. Paul Langat
11. Hon. Elijah Mwangi
12. Ms. Anne Kahunga
13. Ms. Sharon Cherutich
14. Ms. Agnes Wambui
15. Mr. George Gachie

On behalf of the Senate and on my own behalf, I extend a warm welcome and wish you a fruitful visit.

#### VISITING DELEGATIONS FROM VARIOUS COUNTIES

Hon. Senators, I wish to acknowledge the presence in the Speaker's Gallery this afternoon, of a visiting delegation from various county assemblies. The delegation comprises officers from the Serjeant-at-Arms, who are undertaking a training programme at the Centre for Parliamentary Studies and Training (CPST).

I request each officer represented to stand when their county is called out-

1. Narok County
2. Trans Nzoia County
3. Machakos County
4. Garissa County
5. Baringo County
6. Kisii County

Hon. Senators, in our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them. On behalf of the Senate and my own behalf, we wish them a fruitful visit.

*(Applause)*

I do not see the Senator for Nakuru County. Therefore, I will allow the Senate Majority Leader, under one minute, to extend a word of welcome to both delegations.

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**The Senate Majority Leader** (Sen. Cheruiyot): Thank you, Mr. Speaker, Sir. I welcome the visiting delegation of honourable Members from Nakuru County Assembly, my neighbouring county. It is a county at the heart of the Rift Valley, our former province.

It is my sincere hope that they will get the full value of their stay here. I do not see their Senator, but in her absence, we hold fort for her. We appreciate that they have chosen to come and benchmark in the Senate. These are members of the Justice and Legal Affairs Committee.

The Serjeant-at-Arms from various county assemblies are here on training at the prestigious CPST. It is a premium institute in terms of parliamentary affairs training, not only in Kenya or East Africa, but also across the continent and the globe. It will best fit the Serjeant-at-Arms to know that the CPST has signed a partnership and counter training agreements with various universities from across the globe. They include revered and established institutions such as McGill University, all the way from Montreal in Canada; Oxford University and so many other prestigious universities across the globe.

The point I am simply making is that the Serjeant-at-Arms need to appreciate that they are training at a premium institute. The training that you get there is equivalent to what you would have got from any other part of the globe. I welcome them.

I also welcome the MCAs from Nakuru County Assembly. Work hard and strengthen devolution. Your Governor is a former ranking Member of this House. I believe you are enjoying a cordial relationship working together, just as you are doing with your Senator and the rest of the leaders.

Thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): Next Order, Clerk.  
Senate Majority Whip, proceed.

## PAPERS LAID

### REPORT ON FINANCIAL STATEMENTS OF VARIOUS HOSPITALS

**Sen. (Dr.) Khalwale:** Thank you, Mr. Speaker, Sir. I beg to lay the following Papers on the Table of the Senate, today, Thursday, 16<sup>th</sup> November, 2023-

Report of the Auditor-General on the financial statements of Chulaimbo County Level 4 Hospital in Kisumu County Government for the year ended 30<sup>th</sup> June, 2022.

Report of the Auditor-General on the financial statements of Muhoroni County Hospital for the year ended 30<sup>th</sup> June, 2022.

Report of the Auditor-General on the financial statements of Karuri Level 4 Hospital in Kiambu County Government for the year ended 30<sup>th</sup> June, 2022.

Report of the Auditor-General on the financial statement of Lusigetti Level 4 Hospital, County Government of Kiambu for the year ended 30<sup>th</sup> June, 2022.

Report of the Auditor-General on the financial statement of Wangige Level 4 Hospital, County Government of Kiambu, for the year ended 30<sup>th</sup> June, 2022.

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Report of the Auditor-General on the financial statement of Mukurweini Sub-County Hospital, County Government of Nyeri, for the year ended 30<sup>th</sup> June, 2022.

Report of the Auditor-General on the financial statement of Othaya Sub-County Hospital, County Government of Nyeri, for the year ended 30<sup>th</sup> June, 2022.

Report of the Auditor-General on the financial statement of Mt. Kenya Sub-County Level 4 Hospital, County Government of Nyeri, for the year ended 30<sup>th</sup> June, 2022.

Report of the Auditor-General on the financial statement of Nyeri Provincial General Level 5 Hospital, County Government of Nyeri, for the year ended 30<sup>th</sup> June, 2022.

Report of the Auditor-General on the financial statement of Tseikuru Level 4 Hospital, County Government of Kitui, for the year ended 30<sup>th</sup> June, 2022.

Report of the Auditor-General on the financial statement of Zombe Level 4 Hospital, County Government of Kitui, for the year ended 30<sup>th</sup> June, 2022.

Report of the Auditor-General on the financial statement of Kyuso Sub-County Level Four Hospital, County Government of Kitui, for the year ended 30<sup>th</sup> June, 2022.

Report of the Auditor-General on the financial statement of Kitui County Referral Hospital, County Government of Kitui, for the year ended 30<sup>th</sup> June, 2022.

Report of the Auditor-General on the financial statement of Kanyangi Level 4 Hospital, County Government of Kitui, for the year ended 30<sup>th</sup> June, 2022.

Report of the Auditor-General on the financial statement of Mutomo Level 4 Hospital, County Government of Kitui, for the year ended 30<sup>th</sup> June, 2022.

Report of the Auditor-General on the financial statement of Nuu Level 4 Hospital, County Government of Kitui, for the year ended 30<sup>th</sup> June, 2022.

Report of the Auditor-General on the financial statement of Mutitu Sub-County Hospital, County Government of Kitui, for the year ended 30<sup>th</sup> June, 2022.

Report of the Auditor-General on the financial statement of Sigowet Sub-County Level 4 Hospital, County Government of Kericho, for the year ended 30<sup>th</sup> June, 2022.

Report of the Auditor-General on the financial statement of Roret Sub-County Level 4 Hospital, County Government of Kericho, for the year ended 30<sup>th</sup> June, 2022.

Report of the Auditor-General on the financial statement of Kapkatet Sub-County Level 4 Hospital, County Government of Kericho, for the year ended 30<sup>th</sup> June, 2022.

I thank you, Mr. Speaker, Sir.

I table the documents.

*(Sen. (Dr.) Khalwale laid the documents on the Table)*

**The Speaker** (Hon. Kingi): Next Order.

**NOTICE OF MOTION**APPROVAL BY PARLIAMENT FOR DEPLOYMENT  
OF NATIONAL POLICE SERVICE OFFICERS TO  
THE MSS MISSION FOR HAITI

**The Speaker** (Hon. Kingi): Proceed, Chairperson, Standing Committee on National Security, Defence and Foreign Relations.

**Sen. Cheptumo:** Thank you, Mr. Speaker, Sir. I beg give notice of the following Motion-

THAT, taking into consideration the recommendations of the Joint Report of the Departmental Committee on Administration and Internal Security of the National Assembly---

**POINT OF ORDER**DEBATE ON APPROVAL FOR DEPLOYMENT OF  
POLICE SERVICE OFFICERS TO HAITI IS *SUB JUDICE*

**Sen. Osotsi:** On a point of order, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): What is your point of order, Sen. Osotsi?

**Sen. Osotsi:** Thank you, Mr. Speaker, Sir. I rise on Standing Order No. 103 (2), matters *sub judice* or secret, that says-

“A matter shall be considered to be *sub judice* when it refers to active criminal or civil proceedings and discussion of such matter is likely to prejudice its fair determination.”

It goes on, under Standing Order No. 103 (3) (c) and says-

“Civil proceedings shall be deemed to be active when arrangements for hearing, such as settling down a case for trial, have been made, until the proceedings are ended by judgment or discontinuation.”

Mr. Speaker, Sir, the Motion that the hon. Member is giving notice here is already active in court, in a case involving Mr. Ekuru Aukot and others verses the National Security Council and six other respondents, including the Speaker of the National Assembly, who is a fourth respondent and has been served. This matter is undergoing hearing now.

Based on our previous rulings, specifically on the matter involving Sen. Orwoba and Sen. Dullo, where you ruled that a matter that is in court is not subject for debate in this House, we would like your direction on this matter.

(Applause)

**The Speaker** (Hon. Kingi): Thank you, Senator. Hon. Senators, a point of order has been brought up, and I need to rule on it. Sen. Osotsi, you have your Standing Orders with you. Kindly, proceed to read Standing Order No.103 (4).

**Sen. Osotsi:** It reads-

“A Senator alleging that a matter is *sub judice* shall provide evidence to show that paragraph (2) and (3) are applicable.”

Mr. Speaker, Sir, I have the court order with me and all the necessary documentation. I am willing to table it before the House.

*(Applause)*

**The Speaker** (Hon. Kingi): Proceed.

**Sen. Osotsi:** Mr. Speaker, Sir, just give me a minute. With this technology--- I am trying---

**Sen. Sifuna:** On a point of Order, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): The hon. Senator is on a point of order. Hon. Osotsi, go prepare yourself accordingly. As of now, I am going to over-rule your point of order.

Proceed, Chairperson, Standing Committee on National Security, Defence and Foreign Relations.

*(Loud Consultations)*

Hon. Senators, you need to prepare yourselves accordingly when you want to rise on a point of order.

Proceed.

**Sen. Sifuna:** On a point of Order, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): What is your point of order, Sen. Sifuna?

**Sen. Sifuna:** Mr. Speaker, Sir, in all fairness, the very minimum you can do is allow the Senator to prepare that material. Allow him even five minutes. There is no prejudice that will be suffered.

Secondly---

**The Speaker** (Hon. Kingi): Sen. Sifuna, that is exactly what I have said.

**Sen. Sifuna:** I have not completed my point of order. If he is proceeding with the notice---

**The Speaker** (Hon. Kingi): Sen. Sifuna, I am speaking, kindly take your seat.

*(Sen. Cherarkey spoke off record)*

**Sen. Sifuna:** Do not talk to me, *bwana*. Talk to the Speaker.

*(Laughter)*

**The Speaker** (Hon. Kingi): Proceed, Chairperson.

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**Sen. Cheptumo:** Thank you, Mr. Speaker, Sir. I beg to give Notice of the following Motion-

THAT, taking into consideration the recommendations of the Joint Report of the Departmental Committee on Administration and Internal Security of the National Assembly and the Standing Committee on National Security, Defence and Foreign Relations of the Senate regarding the proposed deployment of officers of the National Police Service to the Multinational Security Support (MSS) Mission for Haiti, laid on the Table of the Senate on Wednesday, 15<sup>th</sup> November, 2023, and pursuant to the provisions of Article 240 (8) (a) of the Constitution, the Senate approves the deployment of officers of the National Police Service to the MSS Mission for Haiti.

**The Speaker** (Hon. Kingi): Next Order.

## QUESTIONS AND STATEMENTS

### STATEMENTS

**The Speaker** (Hon. Kingi): Statements pursuant to Standing Order No. 52(1). Hon. Mumma, please proceed.

#### PROPOSED INTRODUCTION OF SERVICE CHARGES AT HUDUMA CENTRES

**Sen. Mumma:** Thank you, Mr. Speaker, Sir.

I rise pursuant to Standing Order No.52(1), to make a statement on a matter of national and general topical concern, namely, the proposed introduction of service charges for accessing Huduma Centres across the country.

Mr. Speaker, Sir, the Huduma Kenya programme was rolled out to provide a wide array of Government services under the roof; Huduma Centres, as a way of conveniently aiding Kenyans in their engagements with the Government. These Centres have, over the years, played a significant role in simplifying and streamlining access to vital Government services, ensuring that citizens, irrespective of their socio-economic standing, receive timely and efficient services.

Mr. Speaker, Sir, these Centres that serve as an initial point of contact for the public to access information on Government services, are staffed with personnel whose salaries are paid by the very taxpayers they serve. It is, therefore, concerning that there is a proposition to impose charges for accessing these centres. This move will not only alienate the majority of our citizens, but also double up as another addition to the financial burden on already overtaxed Kenyans.

Mr. Speaker, Sir, this proposition raises questions regarding the possible diversion of resources that have until now, been allocated to providing services at Huduma Centres. It prompts legitimate queries on transparency and accountability in the application of budgetary allocations towards enabling Huduma Centres to serve their purpose.

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Mr. Speaker, Sir, I am particularly concerned that the service charges will introduce a class approach in accessing Government services, a stratification that is in stark contrast to the spirit of the Constitution of Kenya, which champions equal rights and equitable access to services for all citizens.

I therefore, call upon this honourable House, through the Standing Committee on Labour and Social Welfare, in the spirit of prioritising the interests, rights and needs of Kenyan citizens whom we serve, to investigate these matters, to ensure that Huduma Centres as key advisory bureaus and service delivery centres for citizens, continue to be accessible to all Kenyans without discrimination on the basis of the individual's economic means.

Mr. Speaker, Sir, the Committee should in particular, and as a matter of urgency, investigate the factors prompting the introduction of charges to access Huduma Centres, looking into whether there are plans to divert whatever resources that have been available until now allocated to these Centres.

Secondly, to assess the potential impact of the proposal made by the Cabinet Secretary for Public Service, Performance and Delivery Management on the Kenyan citizenry, especially those residing in remote and marginalised areas.

**The Speaker** (Hon. Kingi): Sen. Cherarkey, please proceed.

#### DEMISE OF APOSTLE (DR.) JOE KAYO

**Sen. Cherarkey:** Thank you, Mr. Speaker, Sir. This is the Senate's Statement on an issue of general topical concern on the demise of Apostle (Dr.) Joe Kayo.

Mr. Speaker, Sir, I rise pursuant to Standing Order No.52(1) to make a Statement on an issue of general topical concern and national importance, namely, the demise of Dr. Joe Kayo, a distinguished spiritual leader and a founder of Deliverance Church of Kenya.

Born on 5<sup>th</sup> May, 1937, in a humble setting and orphaned at 12 years, Apostle (Dr.) Joe Kayo overcame significant adversities, including substance abuse and life-threatening illness. His transformation began in 1957 following a miraculous healing after attending a T.L. Osborn's crusade. This pivotal moment led him to dedicate his life to the Ministry, marking the start of a remarkable journey in faith.

Apostle Kayo's Ministry began in the Coastal part of Kenya, rapidly expanding to Nyanza and beyond. His time in Uganda was instrumental in pioneering the Pentecostal faith. He founded the Deliverance Church of Kenya and Uganda, contributed to the establishment of Juba Pentecostal Church in South Sudan and was instrumental in the growth of the Family of God churches.

His profound influence on the Pentecostal-Charismatic Movement and the Christian Community in East Africa is a testament to his enduring legacy. Apostle (Dr.) John Kayo's life story is a remarkable example of faith, resilience and transformative leadership.

Mr. Speaker, Sir, Dr. Apostle Joe Kayo passed away on 2nd November, 2023, leaving behind his beloved wife, Rose, whom he married in 1961. They have three sons and a multitude of spiritual sons and daughters, multitudes of preachers and Christians

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that he has won to the kingdom of heaven and across the region, who consider him as their spiritual father.

His passing has sent ripples of shock and grief across the region. We know one day we shall meet in heaven. His life and death serve as a poignant reminder of the power of faith to overcome adversity and inspire us.

My deepest condolences as we remember Dr. Apostle Joe Kayo as a beacon of hope and spiritual guidance. I wish the family all the best.

May his soul rest in eternal peace.

**The Speaker** (Hon. Kingi): Sen. (Dr.) Khalwale, please proceed.

CELEBRATION OF KUKHU TERESA MAKHULO  
KHAMATI SHITAKHA SHIMUKA

**Sen. (Dr.) Khalwale:** Mr. Speaker, Sir, I rise pursuant to Standing Order No.52(1) to make a Statement on a matter of national and general topical concern in respect of Kukhu Teresa Makhulo Khamati Shitakha Shimoka.

Mr. Speaker, Sir, on behalf of the people of Western Kenya, Kakamenga County, the people of the greater Ikolomani and on behalf of her greater Shitakha family, and on behalf of all the women of Kenya, I wish to make this Statement in celebration of Kukhu Teresa Makhulo Khamati Shitakha Shimuka.

Mr. Speaker, Sir, this extraordinary woman was born in 1927, today aged 96 years old, at Ivunyighu Village in Idakho, South of Ikolomani Constituency, being the daughter of Mzee Khamati of Vanyighu sub-clan of Idakho.

She joined the three year pre-primary school conducted by nuns of Eregi Convent. On successful completion of the preparatory, the white priest recruited her to Mukumu Primary School, where she studied for eight years.

By this time, she had been adopted by the Catholic Church, who sponsored her to attend Mukumu Teachers Training College. When the Catholic Church grew, it reorganised its institutions, leading to Mukumu Teachers Training College relocating to the current Eregi Teachers Training College and Mukumu Teachers Training College being converted into three institutions, namely, Mukumu Primary School, Mukumu Boys High School, Mukumu Girls High School, St Charles Lwanga High School, St Peter's Seminary and St Elizabeth Mukumu Mission Hospital.

We pride in the fact that Kukhu Teresa Makhulo Khamati Shitakha Shimuka was among the three pioneer girls of the Abakakamega Community, others being; Hellen Miheso who later got married to John Khamati, the brother to Shimuka, Rosa Musungu who later got married to Teresa Makhulo's brother-in-law John Manyonje.

Kukhu Makhulo started her working life as a P3 teacher, teaching at the primary school she had graduated from. She then was transferred to Shibuye Primary School and thereafter moved to Kericho Township Primary School and eventually to Bondeni D.E.B School in Nakuru.

The Colonial Government then saw in her a highly talented young woman and immediately airlifted her to Nottingham University in the United Kingdom (UK) where

she specialized in training of teachers. She then returned to Kenya, worked briefly with the Ministry of Education before being sent for further training to replace the expatriate secretaries working in the civil service of the Colonial Government.

She grew in stature and went on to work for the Central Organisation of Trade Union (COTU). Thereafter, she joined the Mild Coffee Trading Association (MCTA) as the Company Secretary where she built the current Coffee House (KPCU Clean Coffee Warehouse).

Together with Mrs. Jane Kiano they approached President Jomo Kenyatta to begin Maendeleo ya Wanawake where Jane Kiano was the chair and Kukhu Teresa was the Vice Chair. President Kenyatta was so impressed and with the support of his Minister, Dr. Gikonyo Kiano, gave them a plot in the City Centre here and Kshs15 million.

Kukhu Teresa and Mrs. Gikonyo Kiano used this Kshs15 million to build the current Maendeleo ya Wanawake House in Nairobi to completion. Subsequently, after Maendeleo ya Wanawake had grown, attempts were made to grab Maendeleo ya Wanawake building, by parties whose names I will not mention, for the purpose of respect and confidentiality.

However, since Kukhu Teresa Makhulu was a signatory for mandatory purposes, the transfer of the property could not succeed. She refused and saved Maendeleo ya Wanawake House. To her credit and deservedly so, Maendeleo ya Wanawake to date maintains her as a trustee even at her advanced age of 96 years.

Talking to her last week, she told me that she does not mind being airlifted from Kakamega to Nairobi as sometimes they do, to attend business as a trustee.

In 1974, Kukhu Teresa did the unthinkable. She dared to become the MP for the greater Ikolomani. She is the only woman to ever run as an MP in our community to date. She is fondly referred to in our community as Mama Shimuka for this fete.

In that election, needless to say, she came a distant 2<sup>nd</sup> runner-up to Clement Kalani Lubembe and Seth Lugonzo Mwinamo. Today, she lives happily in her home at Shanjelo village in Shinyalu Constituency as a farmer on their eight-acre family land.

It is regrettable that she is currently battling attempts by shadowy people to dispossess her of their only investment, which is the 125 acres of agricultural land at Kipkaren in Turbo Constituency next to Malava Constituency in Kakamega County.

We are appealing to the Maendeleo ya Wanawake fraternity and the County Government of Nairobi City, the Republic of Kenya and the President of Kenya to rename Maendeleo ya Wanawake House in Nairobi to Teresa Shitakha House.

May our good God continue blessing her with many more years. I invite Members who would want to talk to this extra ordinary woman. I promise to bring her to the House when she would be ready to travel, so that she can sit in this House where she wanted to sit in 1974, but she was unable to beat men.

Thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): Request for Statements pursuant to Standing Order No. 53(1).

Sen. Mariam Omar, proceed.

## RELOCATION OF MANDERA AIRSTRIP

**Sen. Mariam Omar:** Thank you, Mr. Speaker, Sir, I rise pursuant to Standing Order No.53 (1), to seek a Statement from the Standing Committee on Roads, Transportation and Housing concerning the relocation of Mandera Airstrip due to safety concerns.

In the Statement, the Committee should-

(1) Elucidate the specific safety hazards posed by the current location of Mandera Airstrip giving an assessment of the risk associated with the short runway, murrum surface runway, encroachments and the potential threats to both aviation and public safety;

(2) Explore feasible alternative locations for Mandera Airstrip that would mitigate the current safety concerns and address exorbitant flight prices citing the potential advantages of relocating the airstrip to a more secure and suitable area, considering factors such as airspace utilization and community impact and;

(3) State any measures implemented by the Ministry of Roads and Transport, Kenya Airports Authority (KAA) and the Kenya Civil Aviation Authority (KCA) to address safety issues and challenges of Mandera, Banisa, Takaba, Elwag, Lafey and Rhamu Airstrips particularly regarding the slippery murrum runway that poses significant safety challenges during heavy rainfall.

Thank you, Mr. Speaker Sir.

**The Speaker** (Hon. Kingi): Sen. Hamida Kibwana?

## DEATH OF ANITA JEPKORIR

*(Statement Dropped)*

Sen. Edwin Sifuna?

CONSTRUCTION AND MAINTENANCE  
WORKS FOR AIRPORTS

**Sen. Sifuna:** Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.53(1), to seek a Statement from the Standing Committee on Roads, Transportation and Housing regarding construction and maintenance works for airports in Kenya, specifically, the Jomo Kenyatta and Kisumu international airports, which have experienced roof leaks and flooding during the heavy rains experienced recently.

In the Statement, the Committee should -

(1) Disclose the identities of contractors who undertook construction and or maintenance works in parts of Jomo Kenyatta and Kisumu international airports that experienced roof leaks and flooding during the heavy rains experienced in the week of 6<sup>th</sup> to 12<sup>th</sup> November 2023, indicating the cost of the works;

(2) Provide the identities of public officers who certified the construction and/or maintenance works as completed, outlining actions taken against those responsible for the certification of poor workmanship;

*(Applause)*

(3) Explain the maintenance protocols in place at the airports, indicating when infrastructure improvements are scheduled to be undertaken to address the leakages and flooding, and finally;

(4) Explain measures put in place to prevent similar occurrences in the future.

I thank you, Mr. Speaker, Sir.

*(Applause)*

**The Speaker** (Hon. Kingi): Sen. Wakoli.

SHORTAGE OF BIRTH CERTIFICATE REGISTRATION  
PAPERS IN BUNGOMA COUNTY

**Sen. Wafula:** Mr. Speaker, Sir, I rise, pursuant to Standing Order No.53(1), to seek a Statement from the Standing Committee on National Security, Defence and Foreign Relations concerning the shortage of birth certificate registration papers in Bungoma County.

In the Statement, the Committee should-

(1) State reasons for the absence of birth certificate printing papers in Bungoma since May, 2023, explaining the measures the Ministry of Interior and National Administration has initiated to ensure the availability of these papers;

(2) Provide a timeline on how long it will take to address and rectify the issue; and,

(3) Outline the long-term strategies put in place by the Ministry to guarantee timely and uninterrupted services related to birth certificate registration for Kenyans in the future.

I thank you

**The Speaker** (Hon. Kingi): Statement pursuant to Standing Order No. 57(1).

Senate Majority Leader, proceed.

BUSINESS FOR THE WEEK COMMENCING  
TUESDAY, 21ST NOVEMBER, 2023

**The Senate Majority Leader** (Sen. Cheruiyot): Mr. Speaker, Sir, pursuant to Standing Order No.57 (1), I hereby present the business of the Senate for the week commencing Tuesday, 21st November, 2023.

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As you are aware, consideration of the regular business of the Senate last week was suspended owing to the consideration of the proposed removal from office, by way of impeachment, of the Governor of Meru County in plenary, on Tuesday, 7th November, 2023 and Wednesday 8th, November, 2023.

It was quickly followed by Address by His Excellency the President to both Houses of Parliament in the National Assembly. Thereafter, regular sittings of the Senate resumed on Tuesday 14th November, 2023.

As such, the Senate needs to complete the pending legislative business as indicated in today's Order Paper at Order Nos.9 and 10 on the Motion of Conferment of City Status to the Municipality of Eldoret and the Second Reading of the Equalisation Fund Appropriation Bill, (Senate Bills No. 30 of 2023), needs to be concluded.

The Equalisation Fund Appropriation Bill, (Senate Bills No.30 of 2023), is a critical financial instrument. Its approval will unlock the release of additional funds to counties to address inequalities arising from the previous unbalanced resource allocation.

In this regard, I urge all Senators to remain in the Chamber this afternoon. The party Whips are to ensure that we have the requisite number of county delegations to achieve the divisions to be undertaken.

Mr. Speaker, Sir, this is the request that I am making to the Whips for both sides of the House, that we raise the requisite delegations to consider these Bills that are actually in the Third Reading. There is one by Sen. Crystal Asige on Persons Living with Disabilities (PwDs) Bill and many others that are of a critical nature, which have stayed on the Order Paper for quite some time.

Mr. Speaker, Sir, it is my hope that we shall dispense of this very important business. Therefore, I urge colleagues Senators to call their colleagues who are not in the House. Remind them how it felt when they appeared before their citizens seeking to be granted the opportunity to represent them in this House.

We should never lose the sense of that feeling and that should send you to this House every Tuesday afternoon at 2.30 p.m., every other Wednesday at 9.30 a.m., and Thursdays at 2.30 p.m., so that you transact business.

In terms of other legislative business that are pending for consideration, there are 27 Bills at the Second Reading stage, including those that have been scheduled in today's Order Paper. I urge the respective Movers of Bills to be available in the House.

Mr. Speaker, Sir, I see a new trend with many of our colleagues, where after a Bill has been placed on the Order Paper and moved for Second Reading, the Movers disappear. If I may ask colleague Senators, who do you expect to support your Bill the next time you bring a proposed legislation to this House, if after the consideration of your Bill you disappear and leave the rest to battle their own? I believe we can do better as a House.

With regards to Petitions, the Senate has so far received 43 petitions, which have been committed to Standing Committees pursuant to Standing Order No.238. Seventeen of these Petitions have been concluded and the reports have been tabled in this House. However, 15 of them are due for reporting by the respective Committees.

I applaud the Standing Committees that have considered Petitions and tabled reports within the 60-days period, as per the provisions of Standing No. 238 (2).

Mr. Speaker, Sir, I have been in this House for a while and there is something I must celebrate about the committees that we have presently. Hardly do we have Petitions concluded within 60 days. Nonetheless, I have seen it happen a number of times in this term of the Senate. In that regard, I wish to congratulate the various committees that have been able to achieve that very rare feat. I urge those who are lagging behind with various petitions from members of the public, to kindly expedite and conclude on them.

Mr. Speaker, Sir, Statements are increasingly being sought pursuant to Standing Order No.53 and others are even issued like we have seen this afternoon in accordance with Standing Order No.52.

I acknowledge the Standing Committee on Roads, Transportation and Housing, for implementing provisions of Standing Order No.56 (1)(a), and issuing a statement during the Senate sitting held on Wednesday, 15<sup>th</sup> November, 2023, on the status of several statements referred to the Committee.

I want to urge other Standing Committee Chairpersons and Members to promptly consider the Statements and report back to the House through the mechanisms provided. Use the provision of this Standing Order to apprise the House of the Statements that are before them.

With respect to Motions, 14 Motions are pending conclusion before the Senate and are accordingly scheduled by the Senate Business Committee (SBC) in the Programme of SBC for each week.

The SBC is conscious of the pending Motions and has taken deliberate steps to prioritise them for debate. For this to happen, I urge the respective Movers to be available in the Chamber whenever their Motions are scheduled in the Order Paper.

Finally, the procedure for Questions is gaining traction as more Senators are filing Questions on various matters. At its meeting held on Tuesday, 14<sup>th</sup> November, 2023, the SBC approved the set of Questions to appear in the Order Paper for the morning sitting of Wednesday, 22<sup>nd</sup> November, 2023, as follows -

Question No.030 to the Cabinet Secretary for Roads and Transport by Sen. Mwenda Gataya Mo Fire, MP, on the status of completion of a stalled Project No.RWC 150/D474 for the construction of a road in Tharaka Nithi County;

Questions No.047 and 048 by Sen. Peris Tobiko. There are two by Sen. James Murango and one by Majority Whip, Sen. (Dr.) Boni Khalwale, on the upgrade of Kakamega Airstrip to an international airport, and so on and so forth. We have a Question by one by Sen. Kathuri Murungi, our Deputy Speaker, with regard to the National Health Insurance Fund (NHIF). Additionally, we have a Question from Sen. James Murango and Sen. Richard Onyonka to the Ministry of Youth Affairs and Sports, on utilisation of public funds in organising and hosting the 2023 World Rally Championship Safari Rally. Consequently, another question is from Sen. Onyonka as well, on the utilisation of funds at the Sports, Arts and Social Development Fund (SASDEF).

Question No.074 is by Sen. Onyonka as well on the Government-to-Government (G-to-G) agreement between Kenya and the Gulf countries for the supply of fuel to Kenya.

I continue to liaise with the Office of the Prime Cabinet Secretary to ensure that our Cabinet Secretaries appear before this House and are held accountable by the representatives of the people gathered here.

In conclusion, let me take this opportunity to commend all hon. Senators for the work done and every effort made to dispense with business both at committee and plenary sittings. However, we are at the tail end of the Second Session and we need to put more effort as our intray is rather full.

I want to address the Whips, Sen. Sifuna and Sen. (Dr.) Khalwale. We have barely three weeks and there are very critical businesses which even as we retreat for the December holidays, it will be difficult to face our electorate and tell them that this business has been before the Senate for all this time and we have not concluded.

I want to plead with all of us that let us use the time properly. Thursday is a working Parliamentary day just like any other. I do not understand why on many occasions, on Thursday afternoons, a time like now, many Members will slowly check out early in advance.

If we could push certain Bills this afternoon, like the ones I had mentioned on Equalisation Fund Appropriation Bill, PwDs Bill and so many others, and target to conclude on the others in the next three weeks, then we will have earned a well-deserved long recess period.

Otherwise, it will be extremely unfortunate if we head to recess with some of the Bills that are addressing very pertinent issues. There are Bills on coffee, tea, sugarcane and so many others lined up on the Order Paper of the House.

I plead with you colleague Senators, led by our Whips, that let us be available in the House; today in the afternoon and the whole of next week. Let us push as hard as possible to conclude this Bill.

I thank you.

**The Speaker** (Hon. Kingi): Next Order.

## MOTION

### APPROVAL BY PARLIAMENT FOR DEPLOYMENT OF NATIONAL POLICE SERVICE OFFICERS TO THE MSS MISSION FOR HAITI

**The Speaker** (Hon. Kingi): Chairperson, Standing Committee on National Security, Defence and Foreign Relations.

What is your point of order?

**POINT OF ORDER**DEBATE ON APPROVAL FOR DEPLOYMENT OF  
POLICE SERVICE OFFICERS TO HAITI IS *SUB JUDICE*

**Sen. Osotsi:** Mr. Speaker, Sir, you had asked me to be ready with my documentation and I am ready to table them.

**The Speaker** (Hon. Kingi): You know that window has long closed. Any other Senator can raise that, but not you.

**Sen. Osotsi:** Mr. Speaker, Sir, this is a serious matter.

**The Speaker** (Hon. Kingi): Exactly. I am saying that any other Senator can raise that point of order.

Sen. Sifuna, proceed. Procedurally, that is how it is supposed to be.

**Sen. Sifuna:** Mr. Speaker, Sir, thank you for that guidance. Pursuant to Standing Order No.103, as Sen. Osotsi had referred the House to, the matter that is coming before the House falls under the category of *sub judice*, matters that cannot be discussed, particularly under Standing Order No.103(3)(c).

As directed by the Speaker, we have here a copy of the court order in Case No.HCCHR Petition No.E389/2023, in which this matter was brought before the courts. We also have copies of an order. I can see the certificate together with further orders. I believe I can table these now.

**The Speaker** (Hon. Kingi): Proceed to do so, Sen. Sifuna.

*(Sen. Sifuna laid the documents on the Table)*

*(Sen. Cheruiyot spoke off record)*

The hon. Senator is on a point of order. Senate Majority Leader, you cannot do that. Can I see copies of the court orders?

Yes, Sen. Methu. What is your point of order?

**Sen. Methu:** Thank you, Mr. Speaker, Sir. I also want to make reference to the same Standing Order that has been referred to by Sen. Sifuna on matters *sub judice*.

Standing Order No.103(2) states-

“A matter shall be considered *sub judice* when it refers to an active criminal or civil proceedings in the discussion and the discussion of such matter is likely to prejudice its fair determination.”

If we were to discuss the Motion that is before us, even if it is before any court of law, that will not prejudice its fair determination. We should not stop dealing with it because the determination of this matter shall not be prejudiced just because we discussed it as a Motion in this House.

**The Speaker** (Hon. Kingi): Sen. Cherarkey.

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**Sen. Cherarkey:** Mr. Speaker, Sir, I rise also under Standing Order Nos.19 and 103 on matters *sub judice*. There is the issue of principality on the separation of powers. I also invite you to look at the Speaker Mati case, the Wambora case and the decision that was given by Speaker Muturi when we were discussing the Nairobi Metropolitan matter at one point.

The hon. Speaker Muturi, in the last Session, and we have the benefit of Sen. Cheptumo who was in the House, ruled that there is no other arm of Government that can injunct another arm of Government. What our brothers are doing is trying to injunct and gag Parliament from discharging its function. If we allow it to fly by the face of the House, it will mean that in future, this House will not be moving. Everything that comes to the House including Bills, Motions and Statements will one way or another affect an individual who will always feel aggrieved and rush to court.

Mr. Speaker, Sir, I request you, as per the Standing Order No.103 and in the principle of the separation of powers and not to derail, to not allow another arm of the Government to injunct this arm of Government.

Standing Order No.103(5)-

“Notwithstanding this Standing Order, the Speaker may allow reference to any matter before the Senate or a Committee.”

My colleagues have said that so long as it is not prejudicial in coming out to a fair determinant matter. My humble submission is that this issue of Haiti is a critical and an important matter. It is not only a Kenyan issue, but is an international issue based on a humanitarian aspect.

Mr. Speaker, Sir, therefore, we cannot let Members of the Minority Side to injunct and derail the aspirations of the great people of Kenya and Haiti. I ask you, in the interests of time, to allow the House to dispense off the Motion, looking at the heavy Order Paper, and dismiss that assertion and point of order with the contempt it deserves, and allow the House to move.

I thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): Sen. Cheruiyot.

**The Senate Majority Leader** (Sen. Cheruiyot): Mr. Speaker, Sir, this is a very straightforward matter and I do not know why we are taking long in making a determination. This is the fourth volume of the Standing Orders of the Senate. If you check Volume I, Volume II and I think even Volume III, you will not find Standing Order No.103. Why is that the case?

It is the case because, previously, your predecessors who had the honour to sit on that Chair have made determinations either way on such matters. There is ruling to the effect that this House cannot be gagged or injuncted by a court order, yet there are instances where in the House, the Speakers have upheld orders that have been brought before us.

Therefore, Mr. Speaker, Sir, in the wisdom of the Committee that reviewed our Standing Orders towards the end of the last term, they decided to introduce Standing Order No.103. They also took the trouble to make a determination and finding. I want Sen. Osotsi, Sen. Sifuna and my colleagues who are pushing this argument to read and

carefully consider the provisions of Standing Order No.103(2), especially on its conclusion, considering it is the conclusion that makes the final determination on how we guard this House.

If you read Standing Order No.103(2)-

“A matter shall be considered to be *sub judice* when it refers to active criminal or civil proceedings---”

Unfortunately, that is where many of our colleagues pause at. The important part of the Standing Order begins here and I will read.

“---and the discussion of such matter is likely to prejudice its fair determination.”

Why did we include that Standing Order? As I have pointed out to you, Mr. Speaker, Sir, on many occasions, it falls upon you to make that determination; that whether the discussion of a particular matter is going to prejudice, firstly, the fair determination of that matter or also prejudice the constitutional doctrine of separation of powers; where on certain occasions, this House can be enjoined by busybodies.

You know for a fact that the kind of courts we have nowadays, someone can easily walk to court and come with an order, stopping us even from existing as a House. Are we going to comply? That is why Standing Order No.103(2) was listed in that manner.

Finally, I have listened to Sen. Sifuna well and heard him say that there are orders specific to the Speaker of the National Assembly. I do not know if amongst the papers you are looking at as you make determination, there are specific orders to you, as the Speaker of the Senate, and as a House, to stop the consideration of this matter. If there are such orders, I wish that you present them before the House even as you consider the first point that I had raised.

I beg to stop there.

### CONSIDERED RULING

#### DEBATE ON APPROVAL FOR DEPLOYMENT OF POLICE OFFICERS TO HAITI TO PROCEED

**The Speaker** (Hon. Kingi): We need to dispense with these points of order, so that we proceed with the matter before us. Hon. Senators, we need to make progress on this matter. When Hon. Osotsi rose on a point of order at first, he did not have the evidence pursuant to Standing Order No.103(4), which provides that a Senator alleging that a matter is *sub judice* shall provide evidence to show that Paragraphs two and three are applicable.

Therefore, I gave Sen. Osotsi time to get his act together, which he did. At the time he was raising that point of order, as he did not have these documents, the window closed on him. Therefore, that point of order was taken up by Sen. Sifuna, who proceeded to table some documents to prove the fact that this matter is *sub judice*.

I have perused these documents. The first question I need to ask myself is if these documents as presented are admissible. If they are, then I will proceed to rule on whether this matter is *sub judice*. If they are not, then the matter rests there.

The documents that have been tabled by Sen. Sifuna are photocopies purported to be a court order, which have not been certified. They are mere photocopies that have been tabled before this House.

Hon. Senators, you all know, a photocopy of a document, unless certified by the originating office, is inadmissible before this House. These documents are inadmissible, and to that extent, I have no document to rule as to whether this matter is *sub judice* or not.

Proceed, Sen. Cheptumo.

(Applause)

Sen. Cheptumo, before you proceed, allow me to make this Communication.

### COMMUNICATION FROM THE CHAIR

#### VISITING DELEGATION FROM UGANDA

Hon. Senators, I would like to acknowledge the presence, in the Speaker's Gallery this afternoon, of visiting Members of the Parliament of Uganda. The delegation comprises Members of the Science, Technology and Innovation Committee who are attending a workshop session at the Africa Institute of Capacity Development (AICAD).

I request each Member of the delegation to stand when called out, so that you may be acknowledged in the Senate tradition -

- |    |                                    |   |                       |
|----|------------------------------------|---|-----------------------|
| 1. | Hon. Achia Remigio                 | - | Chairperson           |
| 2. | Hon. (Dr.) Florence Asiimwe Akiiki | - | Deputy<br>Chairperson |
| 3. | Hon. Bingi Nyanzi Patrick          | - | Member                |
| 4. | Ms. Noeline Nakanjakko             | - | Research Officer      |

Hon. Senators, on behalf of the Senate and my own behalf, I extend a warm welcome, and wish you a fruitful visit.

(Applause)

I will allow Sen. Wambua, in under one minute, to extend a warm welcome to the delegation.

**Sen. Wambua:** Thank you, Mr. Speaker, Sir, for this opportunity to welcome the visiting delegation. I wish them well in their engagement with the Senators and staff of the Senate. I congratulate them for choosing to come to the Senate, which is the 'Upper' House of the Parliament of the Republic of Kenya, where debate is not hindered by any interest other than the service to the great people of this country.

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I thank you.

**The Speaker** (Hon. Kingi): Proceed, Sen. Cheptumo.

### MOTION

#### APPROVAL BY PARLIAMENT FOR DEPLOYMENT OF NATIONAL POLICE SERVICE OFFICERS TO THE MSS MISSION FOR HAITI

**Sen. Cheptumo:** Thank you, Mr. Speaker, Sir. I beg to move the following Motion-

THAT, taking into consideration the recommendation of the Joint Report of the Departmental Committee on Administration and Internal Security of the National Assembly and the Standing Committee on National Security, Defence and Foreign Relations of the Senate regarding the proposed deployment of officers of the National Police Service to the Multinational Security Support (MSS) Mission for Haiti, laid on the table of the Senate on Wednesday 15<sup>th</sup> November, 2023, and pursuant to the provisions of Article 240(8)(a) of the Constitution, the Senate approves the deployment of officers of the National Police Service to the Multinational Security Support (MSS) mission for Haiti.

Mr. Speaker, Sir, I shall be brief in moving, so that a number of our Members will have a moment to contribute to this. Parliament received a request from the Cabinet Secretary for Interior and National Administration vide a letter dated 19<sup>th</sup> October, 2023, conveying to Parliament the resolution of the National Security Council to the Speakers of the Senate and National Assembly, seeking the approval by Parliament of the deployment of officers of the NPS to MSS Mission for Haiti, pursuant to Article 280(8)(a) of the Constitution.

Mr. Speaker, Sir, this request emanated from a resolution, this is very important, No.26399 of 2023 of the United Nations Security Council (UNSC) adopted on 2<sup>nd</sup> October, 2023, authorizing MSS to Haiti under Chapter Seven of the Charter of the United Nations (UN), end resolution of the National Security Council (NSC) in our country, Minute 29 of 2023 of the NSC, seeking Parliament's approval for the deployment for the National Police Service to the MSS support.

It is important for the House that the request of the Cabinet Secretary indicated that on 13<sup>th</sup> October, 2023, the National Security Council considered and approved a memorandum from the Cabinet Secretary and the Attorney-General of the proposed deployment of officers from the National Police Service to the Multinational Security Support.

It is important to emphasize at this point that the request for Kenya to deploy our police service to Haiti is a resolution of the UNSC, requesting our country to participate and lead the entire security team support to Haiti. It has been noted that it is not the decision of this country on her own Motion. We were responding, as a country, to a resolution of the UN having received a request from Haiti.

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Following receipt of the request, at a sitting of the National Assembly on 25<sup>th</sup> October, 2023, the Speaker of the National Assembly conveyed the Message to the House, and subsequently, committed the same to the relevant Committee of the National Assembly. At a Sitting of this House on 31<sup>st</sup> October 2023, you referred the same matter to the Senate Standing Committee on National Security, Defence and Foreign Relations.

Article 118 on public participation is not an optional provision of our Constitution. We must comply with the provision that requires public participation on every issue that comes before this House.

**The Speaker** (Hon. Kingi): What is your point of order, Sen. Wambua?

Sen. Cheptumo, yield your time.

**Sen. Wambua:** I rise pursuant to Standing Order No.105. The Mover of the Motion has told us that what we are being asked to do did not emanate from us; it was a resolution of the United Nations Security Council. I would want the Mover of the Motion to clarify to us, because we want to contribute to this Motion, whether the resolution was that Kenya should send troops of officers to Haiti or establish a multinational team of officers from across the globe. Then a request followed to Member states of the United Nations. We want to be clear whether the resolution is specific to Kenya sending officers to Haiti.

**The Speaker** (Hon. Kingi): Sen. Wambua, that does not amount to a point or order. This is a point of clarification.

Sen. Cheptumo, proceed.

**Sen. Cheptumo:** Mr. Speaker, Sir, allow me to explain further.

**The Speaker** (Hon. Kingi): Sen. Cheptumo, a minute. Hon. Senators, once the Mover has moved and the Motion is seconded, the issues for clarification may be clarified at the time he will be replying, when the Mover is called upon to reply. Allow him to move the Motion. With all the clarifications you may require, you will have ample time to do that.

Sen. Cheptumo, proceed.

**Sen. Cheptumo:** Thank you, Mr. Speaker, Sir. Article 118 of our Constitution requires that public participation be undertaken on matters of this nature. The Committee jointly placed an advertisement in the print media on Thursday 3<sup>rd</sup> November, 2023, inviting the public to submit memoranda of request.

The advertisement indicated that the submissions were to be received by Thursday 9<sup>th</sup>, 2023, at 5.00 p.m. In this regard, the Committee received a memorandum from the *Mau Mau* War Veterans Association by the close of the submission deadline. The Association proposed that before the deployment of the National Police Service officers to the multinational support, there was need for a national prayer day to be held in Uhuru Gardens. This is a proposal by this body. As we advance and send our troops to Haiti, we must have a session of prayer. This is important.

The Committee further held a meeting with the Cabinet Secretary, Ministry of Interior National Administration and the Inspector General of Police on 9<sup>th</sup> November, 2023. During this meeting, the Cabinet Secretary made his submissions in respect of the request for the proposed deployment of officers to Haiti.

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In the interest of time, I believe my colleagues have received the Report of the Joint Committee. Our Report takes the form of four chapters. Chapter Three is about the security situation in Haiti. This House needs to note that Haiti has faced many challenges over the years. It has faced economic, political and social difficulties. After the assassination of their President in July, 2021 the Prime Minister took over as the President. Since that time, the security situation in Haiti has not been stable. There have been a lot of killings and harassment of the population. This House needs to note Chapter Three.

In this Chapter, we were able to look at the consideration of the request of the United Nations Security Council. This is where my brother, Sen. Wambua, was trying to find out; the resolution to deploy security forces to Haiti is a resolution of the United Nations Security Council. The UN requested support from the member states. Kenya received this request from the UN, just like other countries. This is when the National Security Council decided to bring this request to this House.

Chapter Four of this Report is on the legal framework. As a country, we hope to comply with our Constitution. This is why the provisions of the Constitution require that Parliament, both the National Assembly and this House, approve the deployment of our forces to Haiti. This is what we mean by separation of power. If you allow the Executive to do what they want, they would deploy without the people's representatives being informed.

This House is playing a critical role in complying with Article 240(a), so that we debate the merits and demerits of the Motion. Is this okay? Sending our sons and daughters to Haiti would have been done with the approval of this House.

There is a serious issue that has arisen on who will meet the expenses of the deployment of our forces. Will the Kenya resources be applied? From the presentation of the Cabinet Secretary, it is clear that no single coin from our resources will be applied either in the training, paying salaries, medical expenses, insurance for the forces and every other element of expenditure will be borne by the United Nations. This is a fundamental issue. It is not the Kenyan Government funding this. Kenya is a respected Member of the international community and it is under obligation to abide by the international commitment. Article 2699 of the United Nations Security Council (UNSC) approves Kenya as the Multi National Security Support Mission (MSS) lead nation.

Mr. Speaker, Sir, there are many countries in the world that are going to provide their forces to Haiti. As a Kenyan and a leader in this country, I am proud that Kenya was approved by the Security Council as the lead country in this particular mission. That speaks to many things; that this country is respected, it has the confidence, expertise and a disciplined military.

This is not the first time that we are availing forces for security missions across the globe. It has been done before. I am happy that our country has been recognised to lead this particular mission. The question that arises is; what is expected of Kenya? Our police will help in capacity building of the Haiti National Police, investigations, information, intelligence sharing, conducting intelligence, lead operations and expertise on general operations within Haiti.

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Mr. Speaker, Sir, providing that capacity is going to help the police in Haiti to begin to restore peace and order in their country. For the MSS mission to succeed, they need strong alliances and partnerships within the immediate regions and beyond. There was need to ensure that the necessary support and cooperation were put in place. It is important for us to also realise that Kenya is not the only country. We have many other countries also going to help.

The other thing is that Kenya's role in the mission was essential as it was a clear demonstration of the commitment to peace and readiness to offer unwavering solidarity with the global family. It is important for us to know that Kenya is not a country in isolation. We are part of the international community and in the region, we are a leading country in peace missions. I think it is important for us, as a House, to realise that.

Something arose during our meeting with the Committee. It is the issue about the principle of *sub-judice* raised by Sen. Sifuna. We had a long discussion as a Committee on this particular issue. It is important for me, as the Chairperson, to also share my thoughts and those of the Committee about this issue, as I move this Motion.

Mr. Speaker, Sir, the issue of *sub-judice* rule, I know you are a legal mind like all the lawyers here, is also a self-imposed exercise. Subject to the discretion of the Speaker, let me read a section of a ruling that was given by your brother, Speaker Marende. It was a ruling on the reappointment of Justice Ringera as the KACC Director at that time. I was in that National Assembly then and the Speaker ruled as follows-

"I am clear in my mind that in a matter of immense public interest, where there is a doubt unless sound grounds are advanced, a presumption should exist in favour of allowing debate in the House as opposed to the application of *sub-judice* rule, it is to suppress debate.

I am also clear in my mind, that it is not consistent with the purposes of which Parliaments are established. That, at a time of intense public concern over a matter calling into question important constitutional principles and the legitimate interplay between the Executive and Legislature on the appointment of the person to superintend the Anti-corruption machinery in the country. This House, should be the only place in Kenya where the matter cannot be debated. If, however---

Mr. Speaker, Sir, I emphasize that.

"If, however, in the course of debate, it should become clear that any Member is clearly foreign into a domain outside what is illegitimately the profanes of this House, it will still remain open for the Speaker to call them back to order."

Mr. Speaker, Sir, that is what you have done today. You have been able to look at Standing Order No.105 and it is clear in your mind that where it is not clear, by a Member to stop debate in this matter, you are able to call that Member to order. I think this is really what it is.

What is before the House is not a deployment. It is the approval for deployment. Therefore, it is good to distinguish that. I know deployment is preceded by approval by this House. It is not for us to deploy; it is for us to approve the deployment. Deployment will be done by the Executive.

Therefore, I conclude by saying that there is merit for us, as a country, to join the other nations in participating in the mission work in Haiti so that we bring order to that country.

In light of the foregoing, I beg to move-

THAT, taking into consideration the recommendations of the Joint Report of the Departmental Committee on Administration and Internal Security of the National Assembly and the Standing Committee on National Security, Defence and Foreign Relations of the Senate regarding the proposed deployment of officers of the National Police Service to the Multinational Security Support (MSS) Mission for Haiti, laid on the Table of the Senate on Wednesday, 15th November, 2023, and pursuant to the provisions of Article 240(8)(a) of the Constitution, the Senate approves the deployment of officers of the National Police Service to the Multinational Security Support (MSS) Mission for Haiti.

**The Speaker** (Hon. Kingi): Sen. Cheptumo.

*(Loud consultations)*

**Sen. Cheptumo:** Mr. Speaker, Sir, I beg to move. I was to stop and call the Secunder. I request my colleague, a Member of the Committee to second.

**The Speaker** (Hon. Kingi): Very well. Before you move, Sen. Madzayo, I have watched you repeatedly holding Sen. Korir. You can consult, but please do not extend your hands to your colleagues.

*(Laughter)*

Proceed.

**Sen. (Prof.) Tom Ojienda Odhiambo, SC:** Mr. Speaker, Sir, I rise to second the report of the joint committee of the National Assembly Departmental Committee on Administration and Internal Security and the Senate's Standing Committee on National Security, Defence and Foreign Relations on the Deployment of Officers of the National Police Service to MSS Mission of Haiti.

Mr. Speaker, Sir, the obligation placed on this country by virtue of its membership to the body of the United Nations (UN) and Article 43 of the UN Charter, cannot be gainsaid.

Our obligation as a member of the international family creates obligations under international law. It is in keeping with that obligation that under Article 2(5) and (6) of the Constitution, the people of this country found it necessary to ensure that the framework of our Constitution recognises membership to international organizations and the application of treaties and other obligations, as forming part of the Constitution of this country.

It is in line with that obligation that this country had to rise to the occasion to be the lead country in implementing the international obligation to provide a peacekeeping



force to Haiti, upon a request by the UN Security Council. It was also further upon a formal request to this country by Haiti and the compliance with the processes.

Mr. Speaker Sir, having confirmed that all the other necessary public consultations and participation have been complied with, the Committee has met several times and received submissions from stakeholders. Foremost, from the Cabinet Secretary for Interior and National Administration and the Inspector General (IG) of the National Police Service (NPS), who affirmed that this country has the capacity to deploy the security that is required as set out.

As I second this Motion, it is important to underline that in deploying the 1,000 forces to Haiti, we shall deploy senior officers, including a Mission Commander, a Chief of Operations Officer, a Chief of Staff, a Logistics Officer, 96 personnel, but most importantly, 655 constables. We shall not only provide training, guidance and capacity building to the police in Haiti, but will work with the police to ensure restoration of national peace in Haiti is undertaken.

This House is alive to the fact that Haiti has a fair extraction of its citizenry from Africa. This House is also alive to the fact that Haiti has had a chequered history, not only of *coup de etas*, but also sporadic violence.

It is in keeping with our obligation as a peace-loving country and the experience that our police force has, that this country has agreed to be part of this international duty to ensure that we restore peace in Haiti.

Mr. Speaker, Sir, I am also alive to the fact that Haiti has a Francophone background, given its colonial history. I am also alive to the preparedness---

*(Sen. (Dr.) Murango and Sen. Miraj consulted loudly)*

**The Speaker** (Hon. Kingi): Sen. (Dr.) Murango, may the Senator be heard in silence, please.

**Sen. (Prof.) Tom Ojienda Odhiambo, SC:** Mr. Speaker, Sir, I am also alive to the preparedness of our forces to undertake the very important duty of maintaining peace in Haiti.

The Committee Report was adopted with only a minority dissent from one Member of the National Assembly. However, that does not mean that this Report is not without support from all the Members of the Committee. I strongly second the Report by the Chairperson. It is time that this country is recognised as one of the leading countries in the community of nations in the world.

Thank you.

*(Sen. (Dr.) Khalwale stood up in his place)*

**The Speaker** (Hon. King): Sen (Dr.) Khalwale, please, take your seat.

*(Sen. Madzayo stood up in his place)*

Sen. Madzayo, you may proceed to your seat. You are fairly busy this afternoon.

*(Laughter)*

*(Sen. Madzayo resumed his seat)*

Thank you.

Now, hon. Senators, before I propose the question, I have a pending ruling to deliver. So, allow me to deliver that then we proceed.

*(Interruption of debate on the Motion)*

### CONSIDERED RULING

#### FAILURE BY SEN. SIFUNA TO SUBSTANTIATE ALLEGATIONS MADE DURING DEBATE ON THE PRESIDENTIAL ADDRESS

Hon. Senators, as you may recall, at the sitting of the Senate held on Tuesday, 14<sup>th</sup> November, 2023, several Senators rose on points of order pursuant to Standing Order No.105(1), to require the Senator for Nairobi City County, Sen. Edwin Sifuna, to substantiate statements made in the course of debate.

The utterances by Sen. Edwin Sifuna, were made while the Senator was making his contribution on the Motion for the President's Address to Parliament, pursuant to Article 132(1)(c) and 240(7) of the Constitution.

The particulars of the statements that Sen. Sifuna was required to substantiate were as follows-

(a) Sen. Mohammed Chute, MP, sought the intervention of the Speaker, to require Sen. Edwin Sifuna to substantiate the statement that-

“Mr. Speaker, Sir, we were told about the question of subsidising the price of fertilizers. Now, it is public record that, in fact, some of these subsidized fertilizers came to this country as a donation from the Government of Russia.”

(b) Sen. (Dr.) Boni Khalwale, MP, sought the intervention of the Speaker to require Sen. Edwin Sifuna, to substantiate the statement that-

“Mr. Speaker, Sir, the President also announced that in June of this year, his administration would employ 103 Community Health Promoters (CHPs). We saw him flagging off the distribution of 100,000 kits to be used by those people. The fact of the matter is, that is not true. In fact, counties are supposed to identify the people to be recruited as CHPs and that progress is ongoing. You cannot claim something has happened, yet it has not happened, just to massage the numbers and appear like your Government is working.”

(c) Sen. Veronica Maina, MP, sought the intervention of the Speaker to require Sen. Edwin Sifuna, MP, to substantiate the statement that-

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“We were told that the President has setup Wi-Fi hotspots across the country, including here in Nairobi City County and markets such as Muthurwa and City Market. You will see that, in fact, those things do not work. Secondly, the Central Bank of Kenya (CBK) data shows that the default rate of the loans borrowed under the Hustler Fund is higher than the ones of the commercial banks.”

Hon. Senators, Standing Order No.105(1) states as follows-

“A Senator shall be responsible for the accuracy of any facts that the Senator alleges to be true and may be required to substantiate any such facts instantly.”

Further, Standing Order No.105 (2) states that-

“If a Senator has sufficient reason to convince the Speaker that the Senator is unable to substantiate the allegations instantly, the Speaker shall require that such Senator substantiates the allegations not later than the next sitting day, failure to which the Senator shall be deemed to be disorderly within the meaning of Standing Order No.121 unless the Senator withdraws the allegations and gives a suitable apology”

Sen. Edwin Sifuna was unable to substantiate his statements as required pursuant to Standing Order No.105(1) and subsequently requested to be allowed by the Speaker, to provide the evidence on the next sitting day in accordance with Standing Order No.105(2). Having acceded to the request, the Speaker directed that the Senator substantiates his allegations at the next sitting day.

On Wednesday, 15<sup>th</sup> November, 2023, I consequently invited Sen. Edwin Sifuna, to table the evidence in support of his statements made on Tuesday, 14<sup>th</sup> November, 2023 pursuant to Standing Order No.105(2). Thereupon, having no evidence to substantiate the point of order by Sen. Veronica Maina, with respect to Wi-Fi hotspots across the country, Sen. Edwin Sifuna, withdrew the statement and offered an apology to the Senate.

The Senator thereafter proceeded to table documents containing the evidence on the following -

- (1) The point of order raised by Sen. Chute concerning subsidized fertilizer.
- (2) The point of order raised by Sen. Veronica Maina concerning the default rate for the loans borrowed under the Hustler Fund.

Hon. Senators, following the tabling of the evidence by Sen. Sifuna, I undertook to review the documents and give a ruling on the matter as it was not practical to make a determination then.

As you are aware, any document or evidence tabled by a Senator in this House as evidence for substantiation of any allegations made under Standing Order No. 105 must pass a certain threshold. The obligation on the Speaker in this matter was to review the documents tabled by Sen. Sifuna, make a determination on their admissibility, further establish whether the documents, if admissible, provide evidence of the claims made, and to finally make a determination whether, accordingly, the threshold under Standing Order No.105 has been met.

Consequently, in undertaking the foregoing assessment, the parameters that have guided the Speaker in the present matter are as follows-

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(1) Is the evidence tabled from a source, which by parliamentary practice is official and admissible?

(2) If the answer to (a) is in the affirmative, does the evidence relate to and verify the claim that was made and for which substantiation was required?

Hon. Senators, with respect to the first parameter, which is whether the evidence provided is from a source which by parliamentary practice is official and admissible, a review of the contents of the documents provided indicates that the Senator tabled the following documents-

(1) A copy of an image of a post on the Russian Embassy in Kenya's social media X formerly *Twitter*, dated 3<sup>rd</sup> August, 2023, and a copy of an article from *The Standard* newspaper dated 1<sup>st</sup> June, 2023, indicating that the Government of Kenya had received 34,000 tonnes of fertilizer from the Russian Government.

(2) A copy of an undated article from *The Star* newspaper indicating that the average rate of bad debt in Kenya had hit an almost two-decades high of 15 per cent.

(3) A copy of an article from the *Business Daily* newspaper dated 22<sup>nd</sup> August, 2023, indicating that the Hustler Fund defaults had reached Kshs3 billion in nine months.

(4) The Annual Report and Financial Statements of the Central Bank of Kenya for Financial Year 2022/2023.

Hon. Senators, as you are all aware, established practice in the Parliament of Kenya and in comparative jurisdictions is that extracts from newspapers may not be tabled as evidence for substantiation of claims. This is buttressed at Standing Order No.55 (1) which in respect of Statements provides that -

“The facts on which a request for Statement is based may be set briefly but extracts from newspapers and other media or quotations from speeches shall not be admissible.”

Consequently, and in accordance with this established parliamentary practice, the newspaper extracts from *The Standard*, *The Star* and the *Business Daily* newspapers as tabled by Sen. Sifuna are inadmissible for purposes of substantiating any claim made.

The other document tabled was a copy of an image of a post on the Russian Embassy in Kenya's social media; platform X. This document appears to be an image taken of the verified official X account of the Russian Embassy in Kenya posted at 8.07 a.m. on 3<sup>rd</sup> August, 2023. There is no evidence to suggest the contrary and this document is accordingly admissible.

The final document tabled was the Annual Report and Financial Statements of the Central Bank of Kenya for Financial Year 2022/2023. This is an official publication of a Government agency and is therefore admissible.

Hon. Senators, the second parameter is whether the evidence tabled relates to and verifies the claim that was made and for which substantiation was required. With respect to the copy of an image of a post on the Russian Embassy in Kenya's social media; platform X, the Senator tabled this document seeking to substantiate the following statement]-

“Mr. Speaker, Sir, we were told about the question of subsidizing the price of fertilizers. Now, it is public record that, in fact, some of these subsidized fertilizers came to this country as a donation from the Government of Russia.”

The post from the Russian Embassy’s X platform states as follow-

“More than 34,000 tonnes of fertilizer donated to Kenya by the Russian Uralchem-Uralkali Group are now being reformulated to produce 100,200 tonnes of fertilizer. This will help Kenya a lot to get a good harvest this year.”

Hon. Senators, while it is clear that there was a donation of fertilizer from the Russian Uralchem-Uralkali Group to Kenya, no nexus is shown between the donation referred to and subsidized fertilizer as alleged by Sen. Sifuna. To meet the test of substantiation, Sen. Sifuna needed to show a link between the donation and subsidized fertilizer. He has not.

The final document tabled was the Annual Report and Financial Statements of the Central Bank of Kenya for Financial Year 2022/2023. This document indicates the financial position and performance of the banking industry in Kenya. It was presumably presented to buttress the contents of the newspaper articles in support of the allegation that the default rate of the Hustler Fund was higher than that of commercial banks.

Needless to say, the purported substantiation by use of newspaper articles, having been disallowed, this supporting document similarly collapses. In any case, I see no connection nor reference made to the Hustler Fund and any comparison between the Hustler Fund and regular commercial lenders in the Central Bank Report.

Hon. Senators, accordingly, I find and rule as follows-

(1) In respect of the challenge by Sen. Chute to substantiate the claim relating to fertilizer, Sen. Sifuna has tabled evidence to show that indeed some fertilizer was donated to this country, but he has failed to establish any link between that donation and subsidized fertilizer. Therefore, this claim has not been substantiated.

(2) In respect of the challenge by Sen. (Dr.) Khalwale to substantiate the claim that it was not true that the Government had employed 103 Community Health Promoters (CHPs), Sen. Sifuna did not table any evidence or provide any explanation to substantiate this claim as was required. The claim was accordingly not substantiated.

(3) In respect of the challenge by Sen. Veronica Maina to substantiate the statement that default rates of the loans borrowed under the Hustler Fund are higher than the ones of the commercial banks, again, Sen. Sifuna did not table evidence to support this claim. The claim was accordingly not substantiated.

Hon. Senators, following the tabling of the documents by Sen. Sifuna and in accordance with my findings, in relation to the admissibility or otherwise of these documents, and the failure to meet the threshold of substantiation in respect of the claims made, I now require Sen. Sifuna, pursuant to Standing Order No.105 (2), to withdraw and apologise, in respect of the claims that-

1. Some of the subsidized fertilizer came into the country as a donation from the Government of Russia;
2. It was not true that the Government had employed 103 CHPs.

3. The default rates of the loans borrowed under the Hustler Fund are higher than the ones of the commercial banks.

I proceed to caution, as provided for in Standing Order No.105(2), that failure to withdraw and apologise will result in Sen. Sifuna being deemed to be disorderly within the meaning of Standing Order No.121.

Sen. Sifuna, please proceed.

**Sen. Sifuna:** Mr. Speaker, Sir, this is a hill that I am determined to die on. My conviction is right and my conscience is clear. I refuse to withdraw or apologise for any of those sentiments because they are the truth.

*(Applause)*

Allow me to see myself out in line with Standing Order No.121 (2)(b). You do not need to bother yourself. I will just walk out.

**The Speaker** (Hon. Kingi): Kindly proceed.

**Sen. Sifuna:** Thank you, Mr. Speaker, Sir.

*(Sen. Sifuna walked out of the Chamber)*

*(Loud consultations)*

**The Speaker** (Hon. Kingi): Order, hon. Senators. I proceed to propose the question.

**Sen. Crystal Asige:** On a point of clarification, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): What is your point of clarification, Sen. Crystal Asige?

**Sen. Crystal Asige:** Mr. Speaker, Sir, you referenced Standing Order No.55 in terms of the type of evidence that is admissible. You mentioned media extract and the like and you also mentioned speeches, I believe.

If that is correct and I heard you correctly, the clarification I seek from you is anchored on the debate that has been happening for two days. There are some hon. Senators who used the data that was found in the speech that was being debated as part of their submission and part of their evidence to support their debate.

Those were admissible even after a couple of points of order. I wondered what types of speeches - if you can clarify for me - are admissible and what types of speeches are not admissible?

Thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): Thank you, Sen. Asige. The speech that was being debated here is the speech that was done in Parliament. Therefore, there is no way we could have proceeded with the Motion without the speech. The speeches that are being contemplated under our Standing Orders are speeches that are made outside the floor of this House; speeches that are made in social gatherings that have no bearing whatsoever on the proceedings of the House. For example, if this weekend you proceed to your rural

home and in your social gathering, somebody rises to make a speech, you cannot then take that speech to quote it as evidence to buttress your claim before this House. That is the distinction between the speech that we are debating and the speeches that are inadmissible before this House.

So, allow me to---

**Sen. (Dr) Khalwale:** On a point of clarification, Mr. Speaker, Sir. I would appreciate if you clarify under Standing Order No.122 (1)(e), gross disorderly conduct, deliberately giving false information to the Senate.

Then, 122 (2). If indeed as you have ruled it looks like the information that the Senator for Nairobi City gave us and from his language and attitude it was deliberate, was not factual, it therefore invites you under this Standing Order to clarify whether in asking the Senator to leave the Chamber you are enforcing 122(2)(a) or 122(2)(b).

**The Speaker (Hon. Kingi):** Sen. (Dr.) Khalwale, the punishment for failure to substantiate is contained in Standing Order No.105(2). That is where the punishment is prescribed for a Senator who fails to substantiate. It reads as follows-

“If a Senator has sufficient reason to convince the Speaker that a Senator is unable to substantiate allegations instantly, the Speaker shall require that such Senator substantiates the allegations not later than the next sitting day failure to which the Senator shall be deemed to be disorderly within the meaning of Standing Order No.121.”

Not 122.

“unless the Senator withdraws the allegations and gives a suitable apology if the Speaker so requires.”

So, the punishment for failure to substantiate is prescribed under Standing Order No.105.

You go to Standing Order No.121(2) where the Speaker may caution or order the Senator to withdraw from the precincts of the Senate for the remainder of the day's sitting. That is the punishment for being unable to substantiate. That is exactly the punishment that I have meted against Sen. Sifuna. He had to withdraw for the remainder of today's sitting pursuant to Standing Order No.105 read together with 121(2)(b).

Lack of substantiation is not a gross disorderly conduct to attract punishment under Standing Order No.122.

Proceed, Sen. Wambua.

**Sen. Wambua:** Mr. Speaker, Sir, I thank you for that clarification. Further to your clarification, for the record because it is on record, the Speaker has ruled that yes, there was a donation of 34 metric tonnes of fertilizer from Russia. That is the reference that Sen. Sifuna made. The Speaker has said that the only difference between what he said and what he was asked to substantiate is that he could not create a nexus between that donation and the fertilizer that was subsidized.

So, Sen. (Dr) Khalwale as you itch to visit a lot more painful punishment on Sen. Sifuna, be informed.

*(Resumption of Debate on Motion)*

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**The Speaker** (Hon. Kingi): Hon. Senators, allow me to propose the question.

*(Question proposed)*

Hon. Senators, you may now proceed to make your interventions.

*(Interruption of debate on Motion)*

## PROCEDURAL MOTION

### LIMITATION OF DEBATE ON MOTION

**Sen. Methu:** On a point of order, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): What is your point of order? Sen. Methu, the only time a Senator rises on a point of order is when another Senator is on their feet. So, you may not have the platform on a point of order.

**Sen. Methu:** If I was to raise this point of order when another Senator is already on his feet, then it will be---

**The Speaker** (Hon. Kingi): So, you are rising on a matter of procedure---

**Sen. Methu:** Yes, under Standing Orders No.111 on limitation of debate. Owing to the number of Senators who want to comment on this Motion and you have seen that the kind of business that we have today is very heavy; I would wish to propose that we limit debate on this particular Motion to three minutes per Senator.

I ask my brother Sen. Cherarkey to second.

**Sen. Cherarkey:** Mr. Speaker, Sir, I second.

**The Speaker** (Hon. Kingi): Hon. Senators, a Motion has been proposed. Such a Motion does not attract debate. I will straight away proceed to put the question.

*(Question put and agreed to)*

Sen. Osotsi, you may proceed.

*(Resumption of debate on Motion)*

**Sen. Osotsi:** Mr. Speaker, Sir, from the onset, I want to say that I oppose this Motion for various reasons. This Motion is pegged on Article 240(8)(b) of the Constitution which says-

“The Council may, with the approval of Parliament-

(b) approve the deployment of foreign forces---

Mr. Speaker Sir, I think the Committee conveniently did not consider the provisions of Article 241(2), which defines various categories of defence forces. It states that-



“The Defence Forces consist of-

- (a) the Kenya Army;
- (b) the Kenya Air Force; and
- (c) the Kenya Navy.”

In this case, the National Police Service is not mentioned.

If you look at the constitutionality of this Motion, it is unconstitutional. I want to beg my colleagues; you may be rushing to approve this Motion because of political interest, but we have lived in this country to know---

**The Senate Majority Leader** (Sen. Cheruiyot): On a point of order, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): What is your point of order, Sen. Cheruiyot?

**The Senate Majority Leader** (Sen. Cheruiyot): Mr. Speaker, Sir, did you hear Sen. Osotsi cast aspersion on the conduct of colleague Senators?

**The Speaker** (Hon. Kingi): You are rising under what Standing Order?

**The Senate Majority Leader** (Sen. Cheruiyot): Standing Order No.101(4) on Contents of Speech. It states that-

“No Senator shall impute improper motive to any Senator or to a Member of the National Assembly except upon specific substantive Motion of which at least three days’ notice has to be given, calling in question the conduct of that Senator or Member of the Assembly.”

Did you hear Sen. Osotsi say that, “I know Senators are in a rush to approve this Motion because of political considerations?” That is grossly inaccurate and it paints the Senators who are yet to contribute on this Motion - and he is not sure whether they will support or oppose it - in bad light.

Mr. Speaker, Sir, would you kindly find him to be out of order and ask him to withdraw and apologise to his colleagues?

**The Speaker** (Hon. Kingi): Sen. Osotsi, your statement in this regard is in breach of Standing Order No. 101(4). Therefore, proceed to withdraw that particular statement.

**Sen. Osotsi**: Mr. Speaker, Sir, this is a House of debate. You have listened to me talk.

**The Speaker** (Hon. Kingi): Sen. Osotsi, you are imputing improper motive which is in breach of Standing Order No. 101(4).

**Sen. Osotsi**: Mr. Speaker, Sir, the HANSARD will bear me witness. I said and I want to challenge the production of the HANSARD.

**The Speaker** (Hon. Kingi): Secretariat, can I have the HANSARD here?

**Sen. Osotsi**: I said, some of us maybe supporting this Motion because of---

**The Speaker** (Hon. Kingi): Can I have the HANSARD, please?

**Sen. Osotsi**: Mr. Speaker, Sir, this House should be guided by the Constitution. Article 117(1) is very clear that a House of Parliament must exercise freedom of speech. We are not going to be gagged in this House. Every time we stand up to debate, we are being told to substantiate on everything.

Mr. Speaker, Sir, I have been elected by the people of Vihiga to come and debate freely in this House not to be gagged!

*(Loud consultations)*

**The Speaker** (Hon. Kingi): Order, hon. Senators. Sen. Osotsi, you do not appear in the list of nominated Senators. You need not remind people of an obvious thing. Of course you are elected. A point of order has been raised and I need to rule on it. For me to rule on it, I need to see the HANSARD because what Sen. Cheruiyot said; you are saying those are not your words.

Therefore, to get exactly what he said, I have to refer to the HANSARD and that is exactly what I am waiting to see. I will allow you to proceed. In the next one hour, the HANSARD will be made available and we shall revisit the point of order.

**Sen. Osotsi:** Mr. Speaker, Sir, I do not run away from issues and I have been known for that. I will confront the issues.

Mr. Speaker, Sir, I was saying that this Motion is unconstitutional because the Committee conveniently did not look at the provisions of Article 241(2) that lists down the forces in this country. The National Police Service is not listed as one of the services. So, under what provision of the Constitution is this Motion being brought before us to pass?

Secondly, I have looked at the list of countries that are sending troops to Haiti. In Africa, the list reads like that of failed states: Burundi, Chad and Senegal. Kenya is a serious country in this continent.

*(Sen. Cheruiyot held loud consultations)*

Mr. Speaker, Sir, can you protect me from my friend, Sen. Cheruiyot?

**The Speaker** (Hon. Kingi): Sen. Cheruiyot, allow the Senator to make his contribution in silence.

**Sen. Osotsi:** Mr. Speaker, Sir, we cannot put ourselves among the failed States, that we are now going to protect another failed state.

One question that you need to ask is, what is this moral obligation---

*(Sen. Osotsi's microphone went off)*

**The Speaker** (Hon. Kingi): Proceed, Sen. Wakili Sigei.

**Sen. Wakili Sigei:** I thank you Mr. Speaker, Sir, for giving me the opportunity. From the very onset, I want to support the Motion by Sen. Cheptumo.

Mr. Speaker, Sir, Kenya is part of the family of nations and the effort that this particular Motion is seeking to do is to show the international community and the global world that we play in the league of other nations. By supporting this Motion, we are supporting the commitment that this nation has made not only to the African nation but the world.

Kenya sits as a member of the United Nation (UN). We are all aware that we are holding and hosting the United Nations within the capital city of Kenya, that is Nairobi. I am also aware that previously, Kenya has sat in the UN Security Council.

In 1973 to 1974; 1997 to 1998 and in the year 2021 we assumed the presidency of the UN Security Council for a rotational period. This is the period when Kenya did make this statement and commitment of sending its support to Haiti.

We have been given the statistics by Sen. Cheptumo on the benefits that this country is going to have by supporting this mission; one of which is the fact that Kenya is going to be the lead nation in that mission.

Therefore, being the lead nation is showing the way for the African countries in that particular mission. The officers who are going to be sent are our brothers and sisters who are not only going to experience a new world out there, but will offer the training and support, both in terms of capacity building and ultimately supporting the people of Haiti in building their country to a better nation.

Mr. Speaker, Sir, it is not lost that this is a mission and commitment that this country has made. It is show of solidarity with the rest of the members of the UN. This is one of the ways in which we will expand the global name and status of this country in the rest of the family of nations.

Mr. Speaker, Sir, I truly support this and encourage this House to ensure that in the shortest time possible, this mission---

*(Sen. Wakili Sigei's microphone went off)*

**The Speaker** (Hon. Kingi): Proceed, Sen. Wambua.

**Sen. Wambua:** Thank you Mr. Speaker, Sir, for this opportunity to also contribute to this Motion. I will request my colleagues led by the Majority Leader to just allow Members to debate. The majority will carry the day and we will be bound by the decision of this House.

Mr. Speaker, Sir, those of us who have some little understanding of the operations of the United Nations (UN) peace keeping missions, know that Chapter Seven of the UN Charter on Peace Keeping is the acetous of all the chapters. Under this Chapter, the peace keeping troops that are deployed are allowed to use military force to enforce peace and order. In real sense, they are combatants as opposed to a deployment under Chapter Four and Six, which should allow free and smooth passage of human beings, food or services for victims of a conflict.

Mr. Speaker, Sir, what we are doing by passing this Motion is deploying our officers from the National Police Service (NPS) to go and do battle in Haiti. The assessment mission that we sent to Haiti before this deployment was met with serious, open aggression by civil society groups and other social movements in Haiti. They said we should not send our troops there and that they want to deal with their problems in-house.

It is okay and true to say that the Kenyan Government will not spend any money in this deployment. The Kenyan Government is spending a lot more than money in this

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deployment. It is sending our officers to a battle field where other states in the Kenyan league from the UN have stayed off. It should be remembered that from early August to date, the United States of America (USA) and the UN Headquarters in New York have been pushing member states of the UN to contribute troops to go to Haiti.

Mr. Speaker, Sir, the reason I asked a question to the Mover of the Motion is because it is our nation that wrote and requested to be allowed to be leaders of the troops to be contributed to Haiti. For the love that I have for our young men in the NPS, I do oppose this Motion.

**The Speaker** (Hon. Kingi): What is your point of order?

**Sen. Mungatana, MGH:** Mr. Speaker, Sir, did you hear the hon. Senator Wambua say that Kenya requested? I am standing under Standing Order No.105 to challenge him to table that letter of request because to my knowledge, it was the other way round. Kenya was requested to lead this particular mission because of its exemplary record in peace keeping missions.

*(Applause)*

Is he in order? If he does not have that letter, then he should withdraw that.

**The Speaker** (Hon. Kingi): Sen. Wambua, kindly proceed to substantiate.

**Sen. Wambua:** Mr. Speaker, Sir, in a different situation you would have ruled that the Senator has already concluded his debate, but because you have asked me to substantiate, I will say those are just semantics. Whether we requested or not, the fact is that we are sending our men and women into the battle field.

Mr. Speaker, Sir, for the comfort of Sen. Mungatana, my neighbour, I withdraw the statement on the request, but that is not to say, we did not request.

**The Speaker** (Hon. Kingi): Sen. Wambua, if I got you correctly, you have basically not withdrawn the statement. Proceed to withdraw so that we make progress.

**Sen. Wambua:** Mr. Speaker, Sir, I withdraw and duly apologize to Sen. Mungatana.

**The Speaker** (Hon. Kingi): Sen. Cherarkey.

*[The Speaker (Hon. Kingi) left the Chair]*

*[The Temporary Speaker (Sen. Wakili Sigei) in the Chair]*

**Sen. Cherarkey:** Thank you, Mr. Temporary Speaker, Sir. I rise to support this Motion. As it has been stated before, this is an honour to this great country and vote of confidence to our national security apparatus. I want to correct a misnomer that was being advanced about the national security organs of the National Security Council (NSC), which the NPS is part of and the Inspector General (IG) of Police, amongst others, participate in. It has been recognized under Article 202(39). Therefore, this matter brought before the House is proper and constitutional.

Secondly, Kenya is known as one of the best in peace keeping. This is not the first time that Kenya is doing peace keeping missions. We have exemplary reports. We were in the Africa Union Mission to Somalia (AMISOM), Bosnia and other countries. This has brought respect to our nation even under the UN. As a respected League of nations, we must be part of bringing peace across the---

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Cherarkey, Sen. Wambua would like to inform you. Would you allow him to?

**Sen. Cherarkey:** No, Mr. Temporary Speaker, Sir, for today, I decline respectfully, so that I make use of my time.

(Laughter)

I appeal to the Kenyan and Haiti governments. The reason we are going to Haiti is because they are black like us. The song by Busy Signal, Free Up says Malcom X is black. Haitians are black. Kenyans are black. That is what the Free Up song by Busy Signal is all about. Haiti is black. Mr. Speaker, Sir, we are going to free up Haiti, *mo faya!*

On the other aspect of compensation, I appeal that whenever a fatality happens, the Government and the UN must take up provision to the dependents and payment of school fees, if unfortunately, we lose some soldiers. I propose that should our officers get injured in the line of duty, they get medical care at the USA veterans hospitals, so that they get quality medical care.

Mr. Temporary Speaker, Sir, this is an important Motion on national security. This is an honour. The country should be proud that we have been called to lead from the front. I do not know why our colleagues from the other side want to lead from behind. The Bible says in Deuteronomy, Chapter 28 that we are going to be the head and not the tail. I do not know which pride the country should take to lead from behind.

We should lead from the front and the League of Nations has called the country to lead. I appeal to our soldiers as they go there, they are not the ordinary Administration Police (AP) officers who fight *chang'aa* in the villages. They are paramilitary.

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Mumma.

**Sen. Mumma:** Thank you, Mr. Temporary Speaker, Sir. I stand to oppose this Motion for this reason. This deployment is unconstitutional and that exactly is what I am going to demonstrate.

The Constitution of Kenya at Article 241 talks about defence forces and defence forces do not include our police service. Under Article 240, it is contemplated that Kenya can deploy forces for external purposes. It does not mention that we can deploy the services for external purposes.

I have also read the Police Service Act and looked at the functions of the police in that Act. The functions under the Police Service Act do not include carrying out work that is outside of Kenya. It provides for that internal security and being deployed for emergency purposes. It also provides that services may be deployed in the defence of Kenya.

Mr. Temporary Speaker, Sir, I have read the UN Charter, Articles 43 and 45. The seconder of the Motion was wrong to make reference to Article 45 of the UN Charter. Article 45 of the UN Charter requires that state parties shall make available air forces contingencies to assist. It does not contemplate that police services will be provided.

Assuming that this will be ignored and the services will be provided, we have not been told which services are to be deployed whether it is the General Service Unit (GSU) or another. We have not been told whether they are being trained together.

*(The red light timer was switched on)*

My three minutes are not over. I will just proceed and finish. I put the clock on, but I see time is gone. This Motion has not brought clarity on who is being deployed. If you see who is supposed to lead and deputize, they are of the same---

**The Temporary Speaker** (Sen. Wakili Sigei): Proceed, Sen. Kinyua.

**Sen. Kinyua:** Asante, Bw. Spika wa Muda, kwa kunipa fursa hii. Kenya ni mwanachama wa Umoja wa Mataifa. Kamati ya Usalama ya Umoja wa Mataifa waliketi na kusema ya kwamba wale ambao wana ujuzi, uzoefu na uwezo wa kuongoza katika nchi ya Haiti ni Kenya.

Nimewasikia ndugu zangu kutoka upande wa upinzani wakisema ya kwamba tunapaswa kuzipinga juhudi hizi. Tunapaswa kupongeza askari polisi wa nchi ya Kenya kwa kuteuliwa ili kuongoza kwa sababu wana uzoefu na ujuzi.

Kabla ya kupitisha Hoja hii, nimekuwa nikipigiwa simu na askari polisi ambao wana uzoefu wakisema kuwa wanangoja tuipitisha Hoja hii ili Wizara ya Maswala ya Mambo ya Ndani iweze kuwapeleka kule kufanya hii kazi ambayo wanajua Zaidi. Hawa polisi wanapiga simu kwa sababu wamewaona ndugu zetu askari ambao wameenda katika---

**Sen. Oketch Gicheru:** On a point of order, Mr. Temporary Speaker, Sir. I rise under Standing Order No.105 on statement of fact, combined with Standing Order No.101, which is imputing improper motive and also discussing people in this House.

Is it in order for the Senator for Laikipia County to stand in this House and tell us that he has received some phone calls from some police officers who have called him and are so desperate to go work in Haiti without giving us their names? This is a very serious task where people are going to leave their children, wives and family to go to this mission.

They could as well die because people are dying in that area from attacks. If you are going to claim in this House that there are some police officers who have called you personally; that is a matter enough to require substantiation and to justify why they want to go to that place. Give us the names of those police officers.

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Oketch Gicheru, I rule you out of order. The fact that he has made references to several phone calls or otherwise, does not need substantiation.

Proceed, Sen. Kinyua.

**Sen. Kinyua:** Asante, Bw. Spika wa Muda, kwa kunikinga kutokana na maswala ambayo umeyaona siyo nyeti.

Askari polisi wanaweza kupigia mtu simu kuhusu mambo mengi sio mambo ya Haiti pekee yake. Wao hunipigia simu wakati ambapo watu wanashambuliwa na wezi wa mifugo katika Kaunti ya Laikipia. Wanapigia simu kama Seneta wao. Hili sio jambo geni. Kazi kuu ya Bunge hili ni kuidhinisha ili Wizara iweze---

*(The red light timer was switched on)*

Bw. Spika wa Muda, nadhani muda wangu ungesimamishwa kwa sababu ya Sen. Oketch Gicheru---

**The Temporary Speaker** (Sen. Wakili Sigei): Proceed to conclude Sen. Kinyua. You are wasting much time.

**Sen. Kinyua:** Bw. Spika wa Muda, ninaiunga mkono Hoja hii ili ndugu zetu walio Haiti waweze kusaidiwa na maafisa wa polisi walio na ujuzi na uzoefu. Watu wa Haiti ni ndugu zetu na wanahitaji huduma kutoka maafisa wetu ambao wamebomba katika kazi yao.

Naunga mkono Hoja hii.

Najua Sen. Oketch Gicheru ataunga mkono lakini ataleta kejeli kwanza.

Asante.

**The Temporary Speaker** (Sen. Wakili Sigei): Proceed, Sen. Faki.

**Sen. Faki:** Asante, Bw. Spika wa Muda, kwa kunipa fursa hii kupinga Hoja ya kupeleka kwa polisi katika nchi ya Haiti. Vifungu vya 240 na 241 vya Katiba vinasema kuwa majeshi ni tofauti na polisi. Majeshi ya Kenya yana jumuisha jeshi la nchi kavu, jeshi la angani na wanamaji.

Polisi wametajwa katika Kifungu cha 243. Kikatiba ni makosa kupeleka vikosi vya polisi katika nchi ya Haiti ambayo inajulikana kwa utovu wa usalama ulimwenguni. Tayari nchi hii haijafaulu kimaendeleo.

Jambo la pili ambalo ninapinga ni kwamba katika sheria ya *National Police Service (NPS)*, Kifungu cha 108, *police service* ni polisi ambao wanatulinda katika nchi ya Kenya. Polisi hawana majukumu ya kufanya ulinzi katika nchi za kigeni isipokuwa mahali ambapo kuna *reciprocation*, yaani tunawapa polisi wetu na wale pia wanatupa polisi wao kuja kujifunza kazi katika nchi yetu.

Wakati huu nchi yetu haina polisi wa kutosha. Inasikitisha kwa sababu watu wanaendelea kuuawa katika sehemu mbali mbali nchini Kenya. Katika Kaunti ya Baringo na sehemu za Turkana, watu wanaliwa kiholela. Sehemu nyingi katika nchi yetu zina utovu wa usalama. Ni makosa kwamba sisi wenyewe hatuna polisi wa kutosha na tunawapeleka wale wachache tulio nao katika nchi nyingine kuhudumu kwa muda usiotambulika kulingana na ripoti tunayojadili hapa Bungeni.

Sisi kama Kenya hatuna askari wa kutosha. Katika Kaunti ya Mombasa benki zingine zinalindwa na askari wa jela. Polisi wa jela wanasaidia ulinzi katika mji wa Mombasa. Polisi wetu ni wachache. Haiwezekani kuwa wale polisi wachache ndio wanatumwa kwenda nchi nyingine.

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Wengi wamesema hapa kwamba Kenya inatakikana kuongoza kwa sababu swala la Haiti ni la kibinadamu. Kama ni utu ungeanza na nchi ya Palestina. Nchi zote za ulimwengu zime---

**The Temporary Speaker** (Sen. Wakili Sigei): Proceed, Sen. Okenyuri.

**Sen. Okenyuri:** Thank you, Mr. Temporary Speaker, Sir, for this opportunity. I support the Motion that has been brought by the joint report. Kenya is a very strategic and stabilizing factor as a State generally in our global politics. Kenya hosts one of the UN headquarters among the very few in Africa.

Mr. Temporary Speaker, Sir, the country we are talking about is smaller than Sen. Wambua's county. I acknowledge the intensity of the issues in Haiti. When I read history, one of the most experienced military men, Mr. Napoleon Bonaparte, conquered most areas in Europe. However, when he went to Haiti, many of his soldiers died. Later on, he signed a peace agreement.

It is a great honour for our country to lead such peace initiatives in a country where most of its citizens share our African descent. In the spirit of Pan-Africanism, Kenya has been doing well for the few months our President has been in office. He has positively put our country in the international arena. When this news came, most of the world media was mentioning us. It is one of our international obligations as a country to commit to peacekeeping initiatives.

This is not happening for the first time. In 2003, our country sent our troops to Sierra Leone and Liberia under the stewardship of General Daniel Opande. I do not understand why this should be causing alarm to our colleagues on the other side of the divide. This is not a new thing in this country.

Finally, in Haiti, we have a humanitarian crisis. We do not want to watch genocide to happen and lose young children and women who are most affected when war happens. I hope for the first time we will defeat the gangs. This is a country that has killed, not one, but five sitting presidents. I will be looking forward to seeing what the joint---

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Omogeni, proceed.

**Sen. Omogeni:** Thank you, Mr. Temporary Speaker, Sir. I oppose this Motion. I would like to speak to the police officers as my sisters and brothers. As a country, before we send citizens who have a registration bearing and an identification as Kenyans, we need to think about their safety. Even if you want to try to travel to Haiti today as an ordinary citizen, you will be warned that Haiti is an unsafe country to go to. As I speak, people are being murdered and kidnapped. There is war everywhere. There is no safe place in Haiti.

The Americans were warned not to go to Somalia in 1992, but persisted. Their soldiers were butchered and killed like chickens. When sending our brothers, sisters and children to Haiti think about their lives. Are they going to come back alive? Are we going to receive corpses at the airport? Nobody opposes sending people to UN missions. However, do not send our brothers and sisters to countries where they will be murdered. Haiti is unsafe. If a President in Haiti is not safe, how can a police officer be safe? These are not soldiers.

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We are being extremely insensitive, especially ourselves as the representatives of the people. I am strongly opposed to the idea of sending our children to Haiti and time will vindicate us. As I speak, the only presence we have of America in Somalia is through the bombings they are doing against the Al-Shabaab.

We should be leaders who think, reflect and assist our President in making the right decisions. We are not here to rubber-stamp what the Executive wants. We are here to act in the best interest of the people we represent. The people going to Haiti could be my brother or Sen. (Dr.) Khalwale's brother. Do we not think about the exposure we are giving these Kenyans?

Healthcare in Haiti does not function. They speak a language called Creole, which is not French and you cannot communicate. I am speaking as a sad Kenyan. We are making statements showing that we do not care about the lives of the people we are sending to Haiti.

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Omogeni, your time is up.

Sen. Thang'wa, proceed.

**Sen. Thang'wa:** Thank you, Mr. Temporary Speaker, Sir. I rise to support this Motion. We need to send our police officers to Haiti for peacekeeping. For those who are saying that it is against the law, I would like to refer them to Section 10(o) of the National Police Service Act on the functions and powers of the Inspector General. It says-

“(1) The functions of the Inspector-General shall be to—

(o) promote cooperation with international police agencies.”

When other police agencies request support, who are we to say ‘no’?

I do not understand those who are saying we should not send police officers to Haiti. Who should we send? Sen. Sifuna and Sen. Osotsi, whom do we send there? We need to send police officers because they are strategic in dealing with organized crimes and gangs.

KPS is known for restoring order. Initially, they were supposed to go to Haiti for protection or guarding Government buildings and officers. Later on, it was realized that they needed to do more to train the Haiti Police Service. We are known for community policy, which is lacking in Haiti. There is no good relationship between the people of Haiti and their police service. In Kenya, we coexist and work well with police officers. These are some of the things they need to train the police officers in Haiti.

When the opposition says that we should not send the police, they cry to international countries when they presume a crisis here. When the international countries cry to us, are we not supposed to hear them? We listened to their cry. We need to restore order or help the Haiti police service to restore order in their country.

I am here to support this Motion and I am convinced that when the Kenya police officers go to Haiti in a few years, we will have “*Kenya ndogo*” or a Kenya village in that country. Whenever Kenyans go, they get the roots, do their work well and explore. We want opportunities. This is also an opportunity for Kenyans to go to other countries to work.

When we send the police service----

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Thang’wa, your time is up. Sen. Dullo, proceed.

**Sen. Dullo:** Thank you, Mr. Temporary Speaker, Sir. I stand to support this Motion on sending our troops to Haiti. I sat in this Committee and I have asked all the questions Members are asking now on behalf of this House.

At the initial stage when we had a meeting, we discussed *sub judice* which has been answered on the Floor of this House. We have precedence. Secondly, people have asked about the process of nomination, which we had asked on behalf of this House. It is a transparent process where individuals are subjected to interviews.

Thirdly, we have been informed that there is a benefit accruing to this country as a result of sending our troops to Haiti. This is a good gesture. We have even asked whether there are security gaps as a result of sending our troops to Haiti. It has been confirmed to us that it is not the position. The benefit accruing is going to take care of the security challenges we have in the country.

Mr. Temporary Speaker, Sir, on the issue of welfare, I personally asked about this issue for those who are going to---

*(Sen. Dullo’s microphone went off)*

**The Temporary Speaker** (Sen. Wakili Sigei): I will give you one more minute.

**Sen. Dullo:** Thank you, Mr. Temporary Speaker, Sir. On the issue of welfare, they are going to be taken care of under the UN welfare. That is the best welfare platform that is internationally accepted. Finally, these troops and the process of sending our troops to Haiti has put this country on the map of the world. We should be proud of it and support.

I thank you.

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Kisang, you may have the Floor.

**Sen. Kisang:** Thank you, Mr. Temporary Speaker, Sir. I also arise to support this Motion to send our security team to Haiti. I believe when the National Security Council received the requests, they sat, deliberated and approved this particular issue because of several reasons.

This is not the first time Kenya is sending the NPS officers for this mission. Since 1989, we have done it 10 times. Sending a team to Haiti will be the 11<sup>th</sup> time. From the report that I have read, there are even resources allocated to retrain the officers. They will be adequately trained to undertake the assignment in Haiti. We are told the terrain in Haiti is very difficult. As the terrain is not very good in some parts of Kenya such as the North Rift and Elgeyo Marakwet County, along Kerio Valley. It is close to what is in Haiti. I believe this brings glory to our country. We hope nothing bad happens to our police officers while they are in Haiti.

Mr. Temporary Speaker, Sir, the important thing is that our security team is going to retrain, also train the security team from that country and work alongside them.

We have issues along Kerio Valley. I hope as we send this team of 1,000 officers to Haiti, the remaining officers in the country will deal with the issues that we have in North Rift, along Kerio Valley, Turkana and Tiaty constituencies. This is so that we do not go and sort out a problem outside while we have killings continuing back at home.

We have bandits that are untrained. I wish when the NPS undertake the next recruitment, they will employ some of these youth who are doing banditry along Kerio Valley. This would have been the right men to be taken to Haiti because they know these issues. They need to reconsider.

On the issue of *sub judice*, this House should not be gagged by another arm of Government. We need to continue to adjudicate issues that came before the House without being gagged by anybody.

Thank you, I support.

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Oketch Gicheru, you have the Floor.

**Sen. Oketch Gicheru:** Mr. Temporary Speaker, Sir, I thank you. We are doing illegal things for political expediency. There is nothing like National Police Force (NPF) in our current constitutional order. We have the NPS.

Article One, for which the council gets its confidence to send our NPS officers outside this country says that-

“The Council may, with approval of Parliament, deploy police forces.”

We do not have a force. If the Majority side is keen on pleasing the International Community, change the law. Look at the structure of the NPS Act. It did not contemplate even a single moment of sending our men and women in uniform in the service anywhere abroad. Even if we were to do so, because you insist that you have the powers to send anybody serving in this service, then at least do it the correct way.

You cannot have a proposal that says a superintendent will be the head of mission or a deputy head of mission will be a superintendent. The other person who is following them will also be a superintendent. You cannot have one rank in all other responsibilities.

There is no contingency plan should 100 of these officers die in Haiti. We are not given any kind of contingency plan to replace them both abroad and locally. To my disappointment of this Senate, under Article 96, we are elected to protect the interest of counties. I sit in the Budget and Finance Committee. Some of the budgets that we have got for increment from the county assemblies and the county governments are from Wajir, Mandera and Isiolo.

They are budgets to increase security in those regions. How does a sane Senate take its officers out of the country when in our Budget and Finance Committee, we have claims to add officers to allow MCAs, governors and County Executive committee Members (CECMs) in our local governments do their work. Where is our priority as a nation if we cannot stand to protect ourselves internally?

Mr. Temporary Speaker, Sir, as I speak right now, in Kainuk, children cannot go to school.

**The Temporary Speaker** (Sen. Wakili Sigei): Your time is up.

Sen. Munyi Mundigi, you may have the Floor.

**Sen. Munyi Mundigi:** Bw. Spika wa Muda, naunga mkono polisi waende kuhifadhi usalama kule Haiti. Hawa ni watu wenye ujuzi wa kutosha na Mungu atawapa baraka.

Namkumbusha Sen. Oketch Gicheru kwamba tulipigana vita na mzungu bila mafunzo yoyote na tukashinda. Kwa hivyo, hawa vijana wetu wakienda Haiti watashinda kwa sababu hivi sio vita vya kufikiria. Ni vita vya dhidi ya ndugu na dada yake. Ni kwenda na wale ambao wamesoma ili wakalishe vikundi tofauti pamoja na kuleta masikizano. Waambiwe dunia hii inaisha kwa sababu tunataka tuondoke.

Tunaposoma Bibilia, tunaona akina mama wawilli walikuwa wanapigania mtoto. Watu walikuwa wanawapita bila kuwasaidia. Hata hivyo, kukaja mtu mmoja ambaye alitumia ujuzi na kuuliza kila mama angetaka mtoto afanyiwe nini. Mama mmoja akasema kwamba angetaka mtoto apasuliwe mara mbili ili kila mama apate nusu ya mtoto. Mama mwingine alisema kwamba mtoto apewe yule mama mwingine na vita vikaisha.

Kwa hivyo, naomba hawa vijana wetu waende Haiti. Tunafaa tujivunie kwa sababu ilisemekana Kenya iko imara na inaelewa mambo ya usalama. Tumeulizwa tusaidia nchi ya Haiti ili ipate usalama.

Jambo la mwisho ni kwamba, tuwasaidie ili waweze kwenda na warudi salama. Kama mashujaa wanaomjua Mungu inafaa tuwaombe ili waende na warudi na taarifa nzuri ya kuwa hiyo nchi imesimama imara.

Bw. Spika wa Muda, naunga mkono.

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Mariam Omar, you may have the Floor.

**Sen. Mariam Omar:** Thank you, Mr. Speaker, Sir, for giving me this opportunity. I stand to support this Motion. This is not the first time we are sending our troops for peacekeeping mission. These troops' specific task is to maintain peace, security and critical structures to support hospitals, school-going students, and so forth, in Haiti. It also helps in provisions and safe access to humanitarian aid.

Mr. Temporary Speaker, Sir, as much as we want to send troops to maintain peace in the other places, in our areas such as Mandera in Northern Kenya, we have insecurity from the Al-Shabaab. As one of the leaders from Northern Kenya, specifically in Mandera, I appeal to our Government to declare Al-Shabaab as terrorists, so that we can get support to take care of our people who are suffering because they cannot access food. We want our Government to come forward to declare Al-Shabaab as terrorists.

I thank you.

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. (Dr.) Khalwale, please, proceed.

**Sen. (Dr.) Khalwale:** Thank you, Mr. Speaker, Sir. The vote that we are taking this afternoon is about humanity. Humanity is bigger than legalese; humanity is bigger than the UN Charter. Humanity is bigger than international protocols, and, yes, humanity is bigger than the constitutions of the nations of the world. Humanity is human beings moving collectively; human beings rising in a humane manner for benevolence.

As we reflect on this, it is no different from where we normally find ourselves as professional doctors. You go into an area where there is a disease that is killing people, but you go there to stop the deaths. It is because of humanity that people brought us vaccines and drugs when Corona Virus Disease (COVID-19) was wiping out Kenyans. It is because of humanity that we shall be taking our young people, who I would advise, that they get the elite ones from the General Service Unit (GSU), to be the preferred officers who will go to Haiti.

Our understanding is that our officers are not going to fight. They are going to sit there to create a buffer, so that when Militia A fights Militia B, they can find a middle ground for people who can allow them to see sense.

Mr. Temporary Speaker, Sir, whether we like it or not, we must accept that when it was difficult for us in 2007/2008, we needed the international community for peace and order to be restored in Kenya. So, if we benefited at that time, and the best beneficiaries were the leaders of this country and the elected Members of Parliament and the Senate, why should we then be selfish when it comes to responding to the problems in Haiti?

Finally, it is because of the absence of humanity that the world is watching as Israel and Palestine hammer each other. However, if humanity steps in, we will tell both sides that we stand to benefit more if no Palestinian child is crying, and if no Israeli child is crying. That is the route we should go.

I, therefore, support the Motion---

*(Sen. (Dr.) Khalwale's microphone went off)*

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Methu, you have the Floor.

**Sen. Methu:** Thank you very much, Mr. Temporary Speaker, Sir. I also rise to support this particular Motion. By this House passing this particular Motion, it will become an endorsement to the vote of confidence that has been voted on our forces by one of the highest security organs in the world, the United Nations Security Council, (UNSC), that for Haiti to gain stability, the forces of the Kenya Police Service must be involved.

As my colleagues have mentioned, it is not the first time that the Kenyan forces have been called to go and restore peace and order. Since 1989, our police service has been involved in many peace-making missions.

Our police have been in Darfur, Sierra Leone, Namibia and many other missions. This shall become the 11<sup>th</sup> mission that our Kenyan Police will be dealing with. Injustice to a black person is injustice to every black person everywhere, be it in Haiti or Kenya. Being called to lead as a country in this particular mission of ensuring that aggression against black people is a thing of the past, is something that we must take pride in as a country and we are very honoured that it shall be Kenya that will be leading. It shall be added to the list of successful missions.

Finally, one of the things that has been brought out by Sen. Cheptumo's Committee is that the last thing that is happening beyond the approval by the UNSC is

the second condition that we shall give as a country on negotiation on the welfare of the troops.

We must take care of the welfare of the 1,000 police officers that will go to Haiti. We shall be able to take care of their medical expenses in the unfortunate event that any of them gets injured, or even when there is a loss of life, the United Nations should take care of these particular soldiers, their families and their dependents, so that it shall not become a curse. If we send 1,000 of us to go bring peace elsewhere and after this, their families will have the comfort and they will feel proud that---

**The Temporary Speaker** (Sen. Wakili Sigei): Your time is up, Senator.

Sen. Gataya Mo Fire, you may proceed.

**Sen. Gataya Mo Fire:** Mr. Temporary Speaker, Sir, I stand to support the Motion. This honourable House needs to realise that Kenya, as a country, has the best reputation in the world for peacekeeping forces.

This is not the first time that this country has sent forces across the world to keep peace, bearing in mind that we have the best-trained officers across the board in this country. It is this time that we have to cry with our brothers in Haiti because, as an Hon. Member has just said, the pain inflicted on any black person is just a reflection of what is happening in Haiti.

So, it is my humble submission that we should support this Motion of sending troops to Haiti to keep peace, because this has been demonstrated before, and it is something that Kenya has been doing for the last 20 years or so.

I support.

**The Temporary Speaker** (Sen. Wakili Sigei): Thank you, Senator.

Sen. Chute, you may proceed.

**Sen. Chute:** Thank you very much, Mr. Speaker, Sir. Kenya Police Service is a national body that is in charge of law enforcement in Kenya and not in Haiti. The Kenya Police Service was formed in 1906, and later on, we had the National Police Service, which was established in 2011 under Article 243.

In normal circumstances, you can give to people or anybody things that you have. If you have something, you can give someone. If you do not have anything, what are you going to give to anyone? Why am I saying this?

Let me talk about the United Nations recommended ratio of one police officer to a population of Kenyans. The ratio is one police officer to 450 persons in Kenya (1:450). In our situation now, we have one police officer to 1,150 persons. That means that the police officers we have today in Kenya are 101, and we need 250 police officers to manage the people in Kenya.

We have issues in Marsabit, Pokot, Turkana, Samburu, Lamu and Mandera counties. We cannot manage. Why are we sending our officers to Haiti? Forty police officers in Baragoi were killed in a period of about one hour. That means we have a problem. How can we safeguard security and safety of our people in Haiti? When my friend, Sen. (Dr.) Khalwale, is talking about humanity in Haiti, how about humanity in Baragoi, Marsabit, Mandera and Wajir Counties? I beg to oppose *kabisa*. It is wrong to send our children there. I do not like this idea. It is not good.

We do not have enough officers. Why do we send our young boys and girls to Haiti, while we do not have enough officers to---

*(Sen. Methu spoke off record)*

*Usikate, wachana na mambo yake.*

*(Laughter)*

We do not have enough officers to take care of issues in Kenya. I honestly would like our officers to remain in Kenya---

*(Sen. Chute's microphone went off)*

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Chute, I have listened to your contribution. You have been in this House for a while now. Standing Order No.92 requires you to proceed in one particular language; either Kiswahili, English or Kenya Sign Language. When you start with one, you conclude with that particular speech. That was a reminder to you, so that you adhere to in your future contributions in the House.

Sen. Mungatana, please, proceed.

**Sen. Mungatana, MGH:** Thank you, Mr. Temporary Speaker, Sir, for giving me the opportunity to say a few words on this matter.

In Tana River County, there is a very energetic team in football that we celebrate called Sango Sportiff FC. This is the only team that is in League Division 2 from our county. Every time, they keep requesting for support to go and have experience outside the county, to play with other people who are on another level, so that they gather the experience and become better.

I am also chairing the Bunge Sports Committee with the Hon. Kawayu. We often get requests from several teams in Parliament that they want to go and train or engage with other international teams, so that they can make their game better. Why should we make it difficult or oppose the idea that our children and police officers want to go and get experience outside? This will make them better.

Secondly, the Bosnia and Herzegovina mission that happened a few years ago in 1996, some of the soldiers who came back - I remember receiving one in my office and he told me he has come back with a lot of money, he wants to purchase a house and property. That soldier was coming from a mission that made his life change completely.

To date, that soldier is doing very well. He gained his foundation in economic prosperity because he went outside, came back with good money and was able to invest. It is wrong to politicise this. Allow people their opportunity and chance to develop themselves economically.

Finally, I remind those who are saying the Constitution is against this move that this story of them throwing the Constitution in our face is not the first time. The day

before yesterday, the opposition were singing here saying the Constitution is against the sitting of Cabinet Secretaries here. They sang, talked in videos---

*(Sen. Mungatana's microphone went off)*

**The Temporary Speaker** (Sen. Wakili Sigei): Your time is up.  
Sen. Cheruiyot, please, proceed.

**The Senate Majority Leader** (Sen. Cheruiyot): Mr. Temporary Speaker, Sir, I wish to be quick on this matter. I rise to support this Motion. This is a very important exercise that Kenya has signed up for. I wish, while I said this, our colleague Senators from the Minority side were in the House; those that are saying this move in not constitutional. I wish to point them to the provisions of Article 2 of our Constitution, which speaks to the general rules of international laws being part and parcel of the laws of this country.

Kenya is a signed up member of the United Nations (UN). We have ratified many other international laws and domesticated them into our country. It is on that basis that we have taken up this position of honour, respect and responsibility to save our African brothers in Haiti, who are going through this rough patch.

I remind our colleagues from the Minority side who are opposing this move to know that while Kenya may be prosperous and peaceful today, we never know about the future. There might be a time that we may also call upon other countries to come and rescue us when we will be in trouble. This is what you do; this is African culture.

Therefore, I support this move that the Government has taken of taking up this responsibility. Kenya is a very respected member of the International Community. That is why we have lived up to this call. I believe it is in the right direction. As Sen. Mungatana has just pointed out, there are many Kenyans who owe their path to prosperity, especially those in the armed forces, to an opportunity such as this, where they had a chance to go and serve in the international arena.

If you go to Nakuru County, there is an entire village known as Sierra Leone made up of military men who went to serve on peacekeeping missions. Many of them are thriving; they have good land and their children have gone to school because of such opportunities. This is what we are talking about when we talk about providing opportunities for our men and women in uniform.

Lastly, I like the submission that has been made by the *Mau Mau* veterans. Before that, you had seen that there is a whole list of the many times that Kenya has participated in peacekeeping missions even by use of the police from 1989 in Namibia, Yugoslavia, East Timor and Croatia. I like what the *Mau Mau* veterans have told this Committee; that they just ensure these people are properly compensated. They signed the 1913 and 1914 peacekeeping mission that Kenya participated in and how that provided an opportunity for them to leave on a path of prosperity.

With those many remarks, I support.

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Abass, please, proceed.



**Sen. Abass:** Mr. Temporary Speaker, Sir, I stand to support the Motion. This is not the first time Kenya is sending police officers for humanitarian and security issues in other parts of the world.

This country is well-known all over the world as a country of champions. These are people who fly to all the cities in this world. Therefore, this country is regarded very highly. Giving humanitarian support and security to other affected countries is affecting the lives of the police officers.

Police officers have been trained and taken oath that they will support and at least go wherever they believe they can help give security. If anybody feels that somebody is going to die, even if they are in Kenya, they will still die. Someone was saying 40 police officers lost their lives in Samburu County; it is the same thing. It is not a big deal. The Kenya Police were in Sierra Leone, Namibia, Somalia and South Sudan. It is not the first time they are sending police officers there.

I know one person who comes from Wajir County. He was a police inspector and went to Sierra Leone. We do not know whether he died, was killed or is still alive. To date, nobody can confirm the whereabouts of Mr. Aden Hussein and he has not been found. He was a Chief Inspector and also a Directorate of Criminal Investigation (DCI) officer. The widow and the children were not taken care of. This is why we need to have proper facilities. In case of death or loss, the family and, especially children, should not be left without any support. I know the UN pays these people a lot of money through the Government. Therefore, in case of anything, God forbid, we need their families to be given services and taken care of.

We all know that whenever there is a mission outside, they come here asking for our military or police.

*(Sen. Abass's microphone went off)*

**The Temporary Speaker** (Sen. Wakili Sigei): Lastly, Sen. Okiya Omtatah.

**Sen. Okiya Omtatah:** Mr. Temporary Speaker, Sir, thank you for the brief opportunity. I stand to oppose the Motion. First and foremost, this House is not a rubberstamp. This Motion should have come before His Excellency made commitments to the international community that he was going to send troops out. It should have come then and once a consensus is built, then His Excellency could communicate that the people of Kenya have agreed to send police to Haiti.

Secondly, our police do not speak French. Haiti is a French-speaking country. I do not know how they are going to operate. Third, the history of gangs in Haiti is well known. It begins with the interference of the United States of America (USA), in the free expression of the will of the people of Haiti. The Duvalier disasters had Tontons Macoutes and that is what created various gangs.

I do not see these efforts succeeding in the absence of a political solution. That political solution is to return Bertrand Aristide back to Haiti from exile in South Africa and let Haitians choose their own leaders. There will be no need for all these rancour.

However, going about this exercise and saying that Kenyans will restore peace in the absence of a political solution, is a wet dream that will bear nothing. We must also remember that all the time Kenya has gone out to keep peace – be it in Bosnia, Sudan or wherever – it was as part of a political solution. There was already an agenda on the ground.

In Haiti, there is no political proposal on the ground. So, we are going to throw these young men just to cover up the nakedness of USA in Haiti. The USA exposed itself badly in Haiti and it needs to allow the people to determine their future by removing the kind of support they are giving to these gangs. The main source of guns in Haiti is Florida. The USA Government should allow Bertrand Aristide back from South Africa, and there will be no need to send police officers to Haiti. Police officers are being sent to Haiti to suppress the people of Haiti and deny them the right to free expression.

I stand to oppose this Motion.

**The Temporary Speaker** (Sen. Wakili Sigei): What is your point of order, Sen. (Dr) Khalwale? Sen. Okiya Omtatah is done. So, there is no use raising your point of order.

There being no other Member to contribute to this, I call the Mover to respond.

**Sen. Cheptumo:** Thank you, Mr. Speaker, Sir. I have keenly listened to my colleagues during the debate. Some opposed and some supported. That is the essence of this House; to debate and give reasons you are supporting or not. Ultimately, this House will make a decision on this Motion.

Allow me to briefly clarify certain issues that came out during the debate. There is the issue of whether it is the President of the Republic of Kenya who requested that Kenya leads this mission. I want to be very clear to this House and the country that the official position is that it is the United Nations Security Council that requested Kenya to lead the mission to Haiti.

It will, therefore, be misleading to the public and for all Kenyans for anybody in this House to allege and give the false impression that it is the President who requested Kenya to lead this mission.

Mr. Temporary Speaker, Sir, the other issue that I wanted to clarify is the concern of Members about the security and the well-being of our forces when they are in Haiti. Concerns have been raised about various issues such as their medical expenses, what happens in case they are killed, what happens to their families and so on.

Mr. Temporary Speaker, Sir, when the Cabinet Secretary for Interior and National Administration appeared before the Committee, these are the issues that Members raised and the Cabinet Secretary was able to explain to the Committee.

The standard of care of to our forces when they will be in Haiti, is the UN standards in terms of their welfare, medical cover, insurance cover, dependants and families in case of any situation arising.

I want to assure the country and this House that after listening to the Cabinet Secretary, I have no doubt in my mind that our forces will receive the highest standard of care in terms of Medicare and other conditions. Therefore, no Kenyan will be exposed to a situation that is going to leave his or her family exposed.

When it comes to the recruitment of these police going to Haiti, I heard some Members raising concerns; asking how we decided which officers were to be deployed. Let me confirm to the House that the same issue arose again when we had the meeting with the Cabinet Secretary.

Mr. Temporary Speaker, Sir, if you look at Paragraph 15 and Paragraph 16 of the Report, it tells you very clearly the category of the forces. There is the command at the headquarters and you can see the various categories of police officers in terms of rank.

Consequently, when you go to Page 16, it will give you the various formations of the members. So, it is clear. They are not just moving to Haiti generally. There is a clear framework in terms of how they should be deployed. Additionally, the Inspector General (IG) was also present in that particular session with the Committee. He was able to clearly explain to the Committee of the formation. We are talking about 1,000 police officers being deployed to Haiti and they are not going at ago. We were told they will be going in shifts as they continue training.

One thing that I need to clarify to the country is that, as we speak today, the training of these officers is ongoing on various issues. For instance, there is issue of language. Haiti is a French-speaking country and we are an English-speaking country. Nonetheless, there are other French-speaking countries that are going to give support together with Kenya. So, that concern has already been dealt with.

In as much as Kenya is an English-speaking country, there are other French speaking countries that are joining this mission. We, therefore, supplement in terms of operations and so on when it comes to communication.

Mr. Temporary Speaker, Sir, the other issue I wanted to raise is that Kenya, as has been said by colleagues here, is a country that has been called upon to participate in many peace keeping missions, not only in Africa, but in other parts of the world. God has been gracious to our nation that since independence, He has given us a peaceful nation that is guided by the rule of law. We are now 60 years in our independence.

Even when we have had our internal issues, we have been able to resolve them with the support of the Ministry. It is true that some parts of our country today, especially in the North Rift, Baringo, Elgeyo Marakwet, Turkana, Isiolo and Marsabit have issues of insecurity. The Cabinet Secretary assured us, and this is very important because I want to inform the country that we were equally concerned during our meeting with the Cabinet Secretary and the Inspector General (IG) of Police.

Mr. Temporary Speaker, Sir, how do we deploy forces to Haiti when we have issues in our country? They confirmed to the Committee and we were satisfied that this will not in any way undermine or prejudice the security of our internal nation. The Cabinet Secretary and the IG assured us that they will ensure that there is peace in every part of our country. This is important for the House and as the Chair of the Committee on National Security and Foreign Relations, it is important that as we deploy, emphasis is given to secure our land, every county and constituency.

I beg to reply.

**The Temporary Speaker** (Sen. Wakili Sigei): Hon. Senators, I make a determination pursuant to Standing Order No.84(1) that this matter does not affect counties and I, therefore, put the question.

*(Question put and agreed to)*

*(Applause)*

Clerk, next Order.

Hon. Members, we will defer Order Nos. 9 to No. 16 to our next sitting for want of numbers because all are going for Division.

## MOTION

### ADOPTION OF REPORT ON THE APPLICATION OF THE CONFERMENT OF CITY STATUS TO THE MUNICIPALITY OF ELDORET

THAT, the Senate adopts the Report of the Standing Committee on Devolution and Intergovernmental Relations on the application for conferment of city status to the Municipality of Eldoret laid on the table of the Senate on Wednesday, 20<sup>th</sup> September, 2023 and pursuant to Section 8(6) of the Urban Areas and Cities Act, 2011 the Senate approves the conferment of City status to the Municipality of Eldoret.

*(Motion deferred)*

## BILL

*Second Reading*

### THE EQUALIZATION FUND APPROPRIATION BILL, (SENATE BILLS NO. 30 OF 2023)

*(Bill deferred)*

## COMMITTEE OF THE WHOLE

### THE COUNTY LICENSING (UNIFORM PROCEDURE) BILL (SENATE BILLS NO. 9 OF 2022)

*(Committee of the Whole deferred)*

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THE AGRICULTURAL AND LIVESTOCK EXTENSION SERVICES  
BILL (SENATE BILLS NO. 12 OF 2022)

*(Committee of the Whole deferred)*

THE MUNG BEANS BILL  
(SENATE BILLS NO.13 OF 2022)

*(Committee of the Whole deferred)*

THE START-UP BILL (SENATE BILLS  
NO.14 OF 2022)

*(Committee of the Whole deferred)*

THE PERSONS WITH DISABILITIES BILL  
(SENATE BILLS NO.7 OF 2023)

*(Committee of the Whole deferred)*

THE KENYAN SIGN LANGUAGE BILL  
(SENATE BILLS NO. 9 OF 2023)

*(Committee of the Whole deferred)*

**The Temporary Speaker** (Sen. Wakili Sigei): Clerk, call Order No. 17.  
Sen. Miraj, proceed.

**BILLS**

*Second Reading*

THE CARE AND PROTECTION OF CHILD PARENTS BILL  
(SENATE BILLS NO. 29 OF 2023)

*(Sen. Miraj on 19.10.2023)*

*(Resumption of debate interrupted on  
1.11.2023 - Afternoon Sitting)*

**Sen. Miraj:** Bw. Naibu Spika wa Muda, nimesimama kuwashukuru na kuwapongeza waheshimiwa wenzangu wote ambao walipata fursa na kuchangia Mswada

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wangu wa *Care and Protection of Child Parents Bill* (Senate Bill No. 29 of 2023). Nilikuwa hapa nikisikiza na kunukuu yale walipendekeza ili niyarekebishe.

Nawapa hakika kuwa kama *sponsor* wa ile *Bill*, nitarudi katika kikao na wale walionisaidia ili tuiboreshe na iweze kuwasaidia watoto walio na watoto warudi shule na kupata haki ya kikatiba ya kupewa elimu na watoto wao wapate huduma inayohitajika.

Mr. Temporary Speaker, Sir, Pursuant to Standing Order No.66(3) I request you defer the Putting of the Question to a later date.

I thank you.

**The Temporary Speaker** (Sen. Wakili Sigei): Sen. Miraj while you are replying, I was hoping you would comply with the provisions of Standing Order No.92. You began with Kiswahili and crossed to English. Next time ensure you do comply with that particular Standing Order. As per your request under the Standing Order No.66(3), this is deferred to the next sitting for purposes of progress of the Bill.

*(Putting of the Question on the Bill deferred)*

Clerk, proceed to the next Order.

## BILL

### *Second Reading*

#### THE PREVENTION OF LIVESTOCK AND PRODUCE THEFT BILL (SENATE BILLS NO. 12 OF 2023)

**The Temporary Speaker** (Sen. Wakili Sigei): Hon. Members this is also deferred to the next Sitting.

*(Bill deferred)*

Next Order.

### *Second Reading*

#### THE COFFEE BILL (SENATE BILLS NO.10 OF 2023)

**The Temporary Speaker** (Sen. Wakili Sigei): The Chairperson, Standing Committee on Agriculture, Livestock and Fisheries, proceed.

**Sen. (Dr.) Murango:** Asante Bw. Spika wa Muda. Ningependa kuwasilisha Mswada wa Kahawa wa 2023. Nimeudhamini kwa sababu ya wakulima wa kahawa nchini.

Kahawa ndio bidhaa ya pili yenye mauzo ya juu duniani. Mafuta ndiyo ya kwanza. Kwa muda mrefu sana, wakulima hawa wamekuwa na shida nyingi kwa sababu ya wakiritimba ambao hufaidika kutoka kwa mazao ya kahawa.

Mkulima anapopeleka kahawa katika kiwanda cha kusagia, mambo yake yanafika pale. Kahawa inapelekwa kwa *millers, agents, marketers* na *brokers* kabla kufika soko kuu la kahawa, *Nairobi Coffee Exchange (NCE)*. Mkulima hatajua bei ambayo anafaa kuuza kahawa yake.

Kahawa, majani chai na bidhaa zingine, ndio baadhi ya mazao yanayopelekwa sokoni na wakulima wasijue bei. Bei ya kahawa imekuwa inatolewa na wanunuzi. Wakulima hawajaweza kupata bei nzuri ambayo inaweza kusimamia ukuuzaji wa kahawa na kugharamia pembejeo na vitu vinginezo ambavyo vinatumika.

Bw. Spika wa Muda, kabla sijaudhamini Mswada huu, nilikuwa nimetembea katika nchi ya Amerika na nikapata wanauza kahawa iliyotoka kiwanda kimoja cha Kaunti ya Kirinyaga - Rungéto. Robo ya kahawa hiyo ilikuwa takriban USD8. Hesabu niliyofanywa wakati huo, kusema ukweli, kilo moja ya kahawa ile ilikuwa inanunuliwa zaidi ya Kshs9,800. Wakulima wa Rungéto mwaka huo walilipwa Kshs100 kwa kilo moja.

Pesa ambayo mkulima alilipwa kulinganishwa na pesa ambayo kahawa ilinunuliwa, inaonyesha kuwa wakulima wa Kenya wamenyanyaswa sana. Wakulima wanafanya kazi ngumu ambayo inaitwa na Waswahili kazi ya msaragambo. Baada ya kufanya hii kazi hawafaidiki.

Kahawa ni mojawapo ya bidhaa ambazo zinauzwa kupitia vyama vya ushirika. Kuna mpangilio maalum ambao unatumika katika ukuzi na uuzaji wa kahawa. *Millers* ambao wanasiaga kahawa, bado wanajiita *agents*, wanasimamia kuuza kahawa na pia ni *mabroker*. Mkulima anapoteza pesa zake katika hiki kizungumkuti.

Kwenye Mswada ambao tumewasilisha, tunapendekeza kuwepo kwa *Direct Settlement System (DSS)*. Pesa zitakazokusanywa zitafikia mkulima ili kuondoa wakiritimba ambao wanapangia pesa ya mkulima pasipo kumhusisha.

Jambo la pili ni *Warehouse Receipt System*. Usimamizi wa kahawa katika maghala baada ya kuchunwa na kuwasilishwa. Mkulima anapopata mnunuzi wa kahawa hata kama ametoka nje ya nchi, lazima kuwe na idhini na makaratasi ambayo itapigwa sahihi kuhakikisha kwamba amekubaliana na bei ya kahawa na pia amekubali kuuza kahawa yake.

Mswada huu umependekeza njia mbili za kuuza kahawa. Mkulima anawezawasilisha kahawa katika soko la kahawa la *Nairobi Coffee Exchange*. Pia anaweza kuuza kahawa moja kwa moja hadi nchi za ngámbo. Kwenye njia hizi mbili, pesa itapitia kwenye *DSS*.

Nilibahatika kutembelea nchi ya Colombia wakati tulikuwa tukirasimu Mswada huu. Tuliona mafanikio iliyo kwenye nchi ile wakati uuzaji na uzalishaji wa kahawa unazingatiwa.

Nchi ya Colombia ina *extension officers*. Mji wa Pereira una *researchers*. Mswada tuliowasilisha unapendekeza kubuniwa kwa *Coffee Research Institute (CRI)*. Colombia ina watu zaidi ya mia moja ambao wako na uzamivu kwenye sekta hii. Nchi hii

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ina zaidi ya aina mia nne ya kahawa. Hapa nchini kuna zaidi ya aina 10 za kahawa. Wameendelea kiasi ya kwamba wanawezazalisha miche ya kahawa ambayo inalingana na urefu wako, ili usiwe na shida wakati unaenda kuchuna kahawa.

Ili tufike hapa tunapendekeza kuwa na *CRI* na kuondoa kahawa chini ya *Agriculture and Food Authority (AFA)*. Wakati kahawa, majani chai na mazao mengine yaliwekwa ndani ya *AFA*, tulifanya makosa kwani mazao ilididimia. Tumetoa kahawa kutoka kwa *AFA* na kuiweka chini ya *Coffee Board of Kenya (CBK)*, ili iangaliwe vizuri vile inafaa. Hivi sasa kahawa imewekwa kwenye kikundi kimoja na dania, kalela na mchicha. *AFA* haijaangalia kahawa vizuri.

Mswada huu unaashiria iwapo umepewa leseni ya kusaga na kuuza kahawa kama *commercial miller*, haufai kupewa leseni ya kuwa *agent* ama *broker* wa kahawa. Ni kwa sababu tuligundua *cartels* ambao walikuwa wameingia katika kahawa, walikuwa wanadanganya wao ndio wanunuzi---

(*Sen. Abass consulted loudly*)

Bw. Spika wa Muda, unajua Seneta wa Wajir, Sen. Abass, hajui kuongea kwa sauti ya chini. Kwa hivyo, siwezi kuchangia akiwa anaongea.

Tuligundua kwamba *cartels* ndio bado walikuwa wasaga kahawa na pia kujifanya *agents* na *brokers*. Zaidi ni kwamba walikuwa hata wanaenda nchi za ng'ambo, wanasajili kampuni na kuja kama wanunuzi.

Kwa mafano, kahawa ya Kibirigwi ikiletwa, walikuwa wanakaa pamoja na kusema watanunua hiyo kahawa tena bei fulani. Ina maana kwamba walikuwa wanajua watanunua kahawa kwa bei gani. Kwa hivyo, inakuwa vigumu sana mkulima wa kahawa kufaidika kwa sababu wanunuzi wa kahawa walikuwa wananyanyasa wakulima. Ndio maana tuliona ni vizuri kuwe na sheria nzuri ambayo inalinda wakulima wa kahawa ili wafaidike baada ya kazi ngumu.

Bw. Spika wa Muda, nadhani wengi wetu hapa tunakunywa kahawa. Jambo la kushangaza ni kwamba, kahawa yoyote ambayo unaweka kwa kikombe, unakoroga na inayeyuka yote, kwa kimombo inaitwa *instant coffee*, hiyo sio kahawa ya Kenya. Hiyo ni Robusta coffee ambayo inatoka kwa majirani. Hii ni kusema kamba sisi Wakenya hatutumii kahawa yetu. Kwa hivyo, katika Mswada, tumesema tuwe na kodi asilimia 200 ambayo itakuwa inakatwa kwa kahawa yoyote ambayo inatoka nje kuja kutumika humu nchini. Katika hiyo asilimia 200, asilimia 100, itapelekwa kwa *Coffee Research Institute (CRI)*, itumike katika kuboresha utafiti wa kahawa. Asilimia 0.5 itaenda kwa serikali za kaunti ambazo zinalima kahawa. Hii ni kwa ajili ya miundomisingi na barabara zinazotumika. Asilima 0.5 itaenda kwa *Coffee Board of Kenya (CBK)*.

Bw. Spika wa Muda, huu Mswada uko na mambo mengi mazuri. Wakati ripoti itakuwa hapa, Maseneta wataingalia. Kwa hivyo, naomba Maseneta wasome na waunge mkono hiyo ripoti ya kahawa. Tukifanya hivi, tutahakikisha ya kwamba wakulima wa kahawa wanasaidika katika kaunti zote ambazo zinakuza kahawa. Kaunti zinazokuza kahawa humu nchini ni nyingi .



Katika Kamati yetu ya Ukulima, Ufugaji na Uchumi Samawati, tumeangalia Miswada kadhaa inayohusisha kila kaunti katika nchi hii. Mojawapo ni marekebisho ya sheria ya AFA 53 ya 2013. Hii sheria inasema makadamia, *bixa* na korosho zinafaa kuuzwa zikiwa zimetolewa maganda. Hili jambo limekandamiza wakulima sana. Kwa hivyo, tumeshughulikia kila eneo. Sasa tuko na sheria inayohakikisha kuna zao ambalo linapatia wakulima pesa katika kila eneo. Tuko na Mswada wa pamba ulioletwa na Mwanakamati wangu, Sen. Beth Syengo. Kuna Mswada wa mchele, 2023 ambao nimeleta mimi. Tuko na Mswada wa kahawa, korosho na huu wa kushughulikia ufugaji.

Kwa hivyo, ninaeomba Maseneta wote waunge mkono Mswada huu ili tushirikiane katika kuokoa wakulima katika nchi hii. Ninamwomba Seneta wa Kaunti ya Kiambu, Sen. Thang'wa, aunge mkono Mswada huu.

Asante.

**The Temporary Speaker** (Sen. Wakili Sigei): Proceed, Sen. Thang'wa.

**Sen. Thang'wa:** Thank you, Mr. Temporary Speaker, Sir. I rise to second the Coffee Bill. It is high time that we saved the coffee farmers of this nation. They have cried to the nation, to themselves and even to the President and that is why we as the Senate are coming up with this Bill. It is high time we returned coffee to where it was in the 1970s and this is the gold that is found in Mt. Kenya, Rift Valley and different parts of this country.

This Bill is bringing what coffee farmers have always asked for; that is the Coffee Board of Kenya. This board which is mandated to regulate and promote the development of the coffee industry will be the board that will see to it that the Kenya coffee farmers will benefit from their produce.

The same Bill has given the county government enough powers to exercise their mandate; that is the licensing of the coffee mills, packing stations and coffee roasters. By so doing, the farmers will be registered for us to know how many farmers we have so that when we give subsidized fertilizer, we will be able to know who these farmers are and what kind of coffee they produce; how much coffee they produce and where they take that coffee.

This is because the coffee farmers have lost their coffee from their cooperatives or their factories; their coffee has always been stolen. This Bill has looked into that matter by saying that anybody who is transporting coffee must register and get a license from the county government from where they are transporting the coffee.

This is going to deter people from stealing coffee because if you are found by the authorities to have transported coffee without the licenses, of course, it will be said you are one of those who are stealing coffee.

Mr. Temporary Speaker, Sir, coffee farmers need to be paid on time. Coffee farmers need to benefit from the produce. Coffee farmers need to enjoy or must enjoy their sweat because this coffee has markets internationally. Countries all over the world buy coffee from Kenya. Before this coffee goes to those countries, it must pass through certain brokers or what people call cartels. By passing this Bill and having the regulation put in place, we are going to deal with those cartels.

I am telling the coffee farmer today that this Senate is the one that has originated with this Bill and of course, we have listened to every person; the coffee farmers, we have gone to Kericho, we have gone to Meru.

The Committee that is mandated to see to it that this Bill goes through has gone to so many counties to listen to coffee farmers and we have input from all the coffee farmers. We have considered all their grievances and all their inputs. We have consulted everybody and I can tell you and when this Bill is passed by the Senate, the coffee farmers will start enjoying their produce.

Without further ado, I second the Bill.

I thank you.

*(Question proposed)*

**The Senate Majority Leader** (Sen. Cheruiyot): Thank you, Mr. Temporary Speaker, Sir. I rise to join my colleagues, Sen. Thang'wa, the Senator of Kiambu County and Sen. (Dr.) Murango of Kirinyaga County who have proposed and seconded this very important Bill.

I spoke earlier in this House when I was giving the Senate Majority Leader's Statement for the week. I said it will be a great travesty of justice if as a House, we proceed on recess without concluding on the Tea Bill sponsored by yours truly, this Coffee Bill that has been brought by the Committee on Agriculture, Livestock and Fisheries, the Sugar Bill sponsored by the Senator of Bungoma County and the Equalisation Fund Bill. About six or seven Bills that have got the chance to provide great resources to the people of Kenya yet on many afternoons, there are many other matters that we consider.

In my humble opinion and submission, these matters ought to be at the very top of it. I say this because I know what coffee farming can do. I represent coffee farmers in this House. On many occasions, I know that I have been quite vocal. In fact, many times, part of the criticism that I suffer in my county is when I visit the coffee and the sugar growing areas because the people that I represent in this House are farmers of largely tea, but also to a greater extent, sugar cane and coffee.

Many times, when I visit those regions, I find them ready to take on me and say: 'Mr. Senator, we do not hear you as vocal on coffee and sugar as you are on tea.' Therefore, this grants me at least the perfect excuse and opportunity to look at them and, of course, piggyback on the very good work that has been done by the Committee on Agriculture, Livestock and Fisheries of providing a route through which our coffee farmers can begin to enjoy the sweat of their brow and get better earnings.

Mr. Temporary Speaker, Sir, you know for a fact that it has been argued, and I agree with the economists who have said that as long as Africa continues to try to bypass the agrarian revolution period, we shall never attain meaningful development. This is a stage which, while the rest of the world; Europe and the Americans, cross this particular stage where you organize agriculture in such a way that it has meaning and can provide proper employment.

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That it gets to a point where those that draw their livelihood from farming practices can comfortably predict and plan their lives because you have set up systems, you have put in place cooperatives, milling plants and mechanisms as an administration and even as a country, to be able to produce, market and eventually sell it at a good price.

I am proud of this Bill, particularly on the element of marketing. This is because I can use the example of tea and sugarcane and so many other crops that the eventual price-- I have never understood. Why is it the case that in almost all the crops and agricultural practices in this country as well as in sub-Saharan Africa, it is so difficult to have the farmer get more than 50 per cent of the earnings of the eventual cost of that particular product at the final retail price yet the farmer does the most difficult job ensuring that they tend to the crop; they put manure, prune, maintain it and eventually deliver it to the milling site? Be it sugarcane, coffee or tea.

Unfortunately, the eventual price of what our farmers earn at best, even for a crop that supposedly does well like tea, is a maximum of 50 per cent. The eventual price of what that particular product cost, be it in a supermarket here in Kenya or overseas, is double what ends up in the pocket of our farmers.

This, of course, we have been told is because of a concept called value addition, yet we know for a fact that there is no science. In many of these crops and products, what they are calling value addition, sometimes if it is avocados, it is just polishing and ensuring that it has a fine shine because there is nothing that you add. If it is coffee or tea, it is just to ensure that it is packaged properly and you---

**The Temporary Speaker** (Sen. Wakili Sigei): Senate Majority Leader, when the House resumes, you will have a balance of 54 minutes to contribute to this particular Bill.

## ADJOURNMENT

**The Temporary Speaker** (Sen. Wakili Sigei): Hon. Senators, it is now 6:30 p.m. time to adjourn the Senate. The Senate, therefore, stands adjourned until Tuesday 21<sup>st</sup> November, 2023 at 2:30 p.m.

The Senate rose at 6.30 p.m.