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THIRTEENTH PARLIAMENT

NATIONAL ASSEMBLY

THE HANSARD

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Thursday, 16th November 2023

The House met at 9.30 a.m.

[The Deputy Speaker (Hon. Gladys Boss) in the Chair]

PRAYERS

QUORUM

Hon. Deputy Speaker: I direct that the Quorum Bell be rung for 10 minutes.

(The Quorum Bell was rung)

Hon. Deputy Speaker: Hon. Members, let us proceed.

PAPERS

Hon. Deputy Speaker: Deputy Leader of the Majority Party.

Hon. Owen Baya (Kilifi North, UDA): Thank you very much, Hon. Deputy Speaker. I beg to lay the following Papers on the Table of the House:

Reports of the Auditor-General and Financial Statements for the year ended 30th June 2023 and the certificates therein in respect of...

(Loud consultations)

Hon. Deputy Speaker, kindly ask Hon. Chepkonga and the Whip of the Majority Party to dismantle their meeting.

Hon. Deputy Speaker: Hon. Kimaiyo, break up the party. Hon. Osoro, you are the Whip of the Majority Party and you are causing disorder.

Hon. Silvanus Osoro (South Mugirango, UDA): I am whipping Members to sit down, Hon. Deputy Speaker.

(Laughter)

Hon. Deputy Speaker: Proceed to do it with speed. Hon. Osoro is forgetting I have the power, as his teacher, to recall his degree. You can proceed.

Hon. Owen Baya (Kilifi North, UDA): Thank you very much, Hon. Deputy Speaker. I will take that again. I beg to lay the following Papers on the Table of the House:

Reports of the Auditor-General and Financial Statements for the year ended 30th June 2023 and the certificates therein in respect of:

1. Global Fund, to contribute to achieving Vision 2030 through universal access to comprehensive HIV prevention, treatment and care programmes – the National Treasury.
2. DANIDA Primary Healthcare (PHC) Support Programme – Ministry of Health.

3. Support of the Healthcare Financing Strategy, Reproductive Health – Ministry of Health.
4. Kenya SymbioCity Programme – Council of Governors.
5. Transforming Health Systems for Universal Care – Ministry of Health.
6. Kenya Social and Economic Inclusion – National Drought Management Authority.
7. The Nairobi-Thika Highway Improvement Project – Kenya National Highways Authority.

I thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Next Order.

QUESTIONS AND STATEMENTS

REQUEST FOR STATEMENT

DISAPPEARANCE OF MR MOHAMED OMAR IN GARSEN

Hon. Ali Wario (Garsen, ODM): Thank you, Hon. Deputy Speaker. I rise to request a Statement regarding the disappearance of Mr Mohamed Omar Dara Qolati from Kipao in Garsen Constituency and Abdulkadir Shariff Chuma from Dhidhawaraide.

Pursuant to the provisions of Standing Order 44(2)(c), I wish to request a Statement from the Chairperson of the Departmental Committee on Administration and Internal Affairs regarding the abduction and disappearance of Mr Mohamed Omar Dara Qolati from Garsen Constituency and Abdulkadir Shariff Chuma at Witu. Allegedly police officers abducted Mr Mohamed Dara Qolati of ID No.33708571 with Abdulkadir Shariff Chuma on 30th October 2023 while the two were working at a petrol station in Witu. The abduction has raised concern regarding the fundamental rights of individuals, pursuant to Article 29 of the Constitution. Efforts to trace his whereabouts have not borne any fruit.

It is against this background that I seek a Statement from the Chairperson of the Departmental Committee on Administration and Internal Security on the following:

1. Could the Chairperson provide information to the House on the whereabouts of Mr Mohamed Omar Dara Qolati and Abdulkadir Shariff?
2. What measures have been taken to ensure the said person is reunited with his family?

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Chairperson of the Departmental Committee on Administration and Internal Affairs, Hon. Tongoyo. Do you have something to say about the request for a Statement by Ali Wario, Member for Garsen Constituency, over the disappearance of Mohamed Omar Dara Qolati?

Hon. Gabriel Tongoyo (Narok West, UDA): We will transmit the same to the Ministry of Interior and National Administration and the Cabinet Secretary (CS) for that matter. We will give a response in two weeks.

Hon. Deputy Speaker: How long? What period?

Hon. Gabriel Tongoyo (Narok West, UDA): Two weeks, Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Wario, is two weeks okay?

Hon. Ali Wario (Garsen, ODM): Two weeks is too long because the parents are sick. They have blood pressure. His father is unable even to get out of the house as I am speaking. Two weeks is too long. This is the Government. Maybe three days.

Hon. Deputy Speaker: I think three days is a bit too short. Maybe a week. Hon. Tongoyo, try to get a response within a week. Do not go beyond that.

Hon. Gabriel Tongoyo (Narok West, UDA): So guided.

Hon. Deputy Speaker: Thank you. Next Order.

MOTION

DEBATE ON THE ANNUAL PRESIDENTIAL ADDRESS TO PARLIAMENT (DAY 4)

THAT, pursuant to the provisions of Standing Order 24(6), the thanks of this House be recorded for the exposition of public policy contained in the Address of H.E. the President delivered in Parliament on Thursday, 9th November 2023, and further that this House notes the following Reports submitted by H.E. the President in fulfillment of the provisions of Articles 132(1)(c) and 240(7) of the Constitution, laid on the Table of the House on Tuesday, 14th November 2023:

1. The 10th Annual Report on the Measures Taken and Progress Achieved in the Realization of National Values and Principles of Governance.
2. The 10th Annual Report on the Progress made in Fulfilling the International Obligations of the Republic of Kenya.
3. The Annual Report to Parliament on the State of National Security.

(Moved by Hon. Kimani Ichung'wah on 14.11.2023)

(Resumption of debate interrupted on 15.11.2023 – Afternoon Sitting)

Hon. Deputy Speaker: Mover, you may proceed.

Hon. Owen Baya (Kilifi North, UDA): Hon. Deputy Speaker, thank you very much. I would like to reply to the debate on the Presidential Address delivered by His Excellency the President in this House on 9th November 2023. It is very important to note that this State of the Nation Address is anchored in law. It is a constitutional mandate of the President, under Article 132(1)(c) and Article 240(7) of the Constitution, to come to this Chamber and address the two Houses on the State of the Nation.

In the Address, the Constitution requires the President to present an annual report on the measures taken and the progress achieved in the realisation of national values and principles of governance. He is also supposed to present an annual report on the progress made in the fulfillment of international obligations of the Republic of Kenya and present an annual report to Parliament on the state of national security. His Excellency the President did that and presented the 10th Report to this House. We thank him. The speech, delivered in one-and-a-half hours, could not carry everything in the one-and-a-half hours. However, I think the President did justice to the moment. He delivered an address that gave confidence to the nation that we are on a steady path.

Many issues came up as I listened to the many honourable Members contributing to this debate: why the President did not address this and that, include certain items, or talk about some matters. Definitely, the speech did not include many things but I think the speech in itself was couched in such a way because the Constitution says the President has to state and bring certain things to the attention of the Assembly.

As I listened to Members contribute to this State of the Nation Address, I think the thanks of the House were noted on several issues. Firstly, that the nation is on a steady path of growth. Although we, as a country, facing many challenges like economic issues, Members noted that progress is being made steadily and that we are moving to where we should be as a

nation. We noted the progress the Government has made especially in agriculture, education, health and the key sectors that need to be dealt with. The House noted all these things.

Members noted, I also note, they are hopeful that the investments we are making as a Government and as delivered by the President are transformative. This is at both the micro and macro levels and on the fiscal and monetary fronts. Issues of social justice are progress towards a better bottom-up programme the President and this Government have put in.

Hon. Deputy Speaker, we also noted the thanks of the House on the issues that the President raised. Many Members here took note of the issues and progress that we have made in education, particularly in Junior Secondary School (JSS), university funding and Competency Based Curriculum (CBC). We have made tremendous progress. They also noted that the President talked about the Universal Health Care (UHC) which we have made tremendous progress. He also talked about housing. We have made tremendous progress towards transforming this country.

It is important to note that for the first time, the President delivered his speech in a digital way. One of the Members said he was not so sure whether the President was reading from somewhere or he was talking off the cuff. I want to tell him that he used a teleprompter to deliver his speech. He was not speaking off the cuff. Note his investments in digital issues.

I also want to thank all the Members who participated in this robust debate. They spoke their minds and interpreted the speech the way they wanted. Above all, this is a build up towards proper democratisation of this country. Members in this House can question and debate the President's speech without looking behind their shoulders.

Hon. Deputy Speaker, I thank every Member who contributed. I beg to reply.

(Loud consultations)

(Question put and agreed to)

Hon. Deputy Speaker: Next Order.

Hon. Opiyo Wandayi (Ugunja, ODM): On a point of order, Hon. Deputy Speaker.

POINT OF ORDER

SUB-JUDICE ON DEPLOYMENT OF OFFICERS TO THE MULTINATIONAL SECURITY SUPPORT MISSION TO HAITI

Hon. Deputy Speaker: What is your point of order, Leader of the Minority Party?

Hon. Opiyo Wandayi (Ugunja, ODM): Hon. Deputy Speaker, I rise on Standing Order 89. For avoidance of doubt, I want to take you there, if you do not mind.

Standing Order 89 speaks to the issue of sub-judice. It is clear that no Member shall refer to any particular matter which is sub-judice or which, by the operation of any written law, is secret. A matter shall be considered to be sub-judice when it refers to active criminal or civil proceedings and the discussion of such matter is likely to prejudice its fair determination.

The whole country and I are aware that the matter we are just about to embark on, deployment of police officers to Haiti, is actively before court. It is case No.E389/2023. This is the matter between Thirdway Alliance, Kenya, Miruru Waweru, and one other versus the Cabinet Secretary for Interior and National Administration, the Speaker of the National Assembly and four others.

Unless we are deviating from our norms, traditions, practice and rules as provided for under the Standing Orders, I submit that the House is not in its proper position and place to adjudicate or in any other way deal with the matter before it under Order No.9 in the Order

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Paper today. This is for the simple reason that the matter of deployment of officers of the National Police Service (NPS) to the Republic of Haiti is very active before our courts of law. I want to go further and report to you that, indeed, interim orders were issued on the same matter by Justice EC Mwita on 6th October 2023. They have the effect of stopping the Republic of Kenya from attempting to take officers of NPS to the Republic of Haiti.

I am further informed, and I have no reason not to believe the information that I have been given, that this order has since been extended indefinitely until the matter is heard and determined. It is scheduled for hearing and determination in the next four days. It will be heard in an open court by physical appearance.

In short, I am saying that if this is a House that goes by the rule of law and abides by its traditions, practices, rules and the Constitution of the Republic of Kenya, we cannot proceed with debate on this Motion, until this matter is heard and determined in court in one way or the other, or until the interim and interlocutory orders that were issued by Justice Mwita are either vacated or stood down. On that basis, I, therefore, plead with you to exercise your jurisdiction and wisdom to stand down the debate on this Motion.

Hon. Deputy Speaker, as I conclude, allow me to table the court order that was issued by Justice Mwita on this matter on 6th October 2023. The good thing is that court orders are available online these days. You do not need to bother to look for certified copies. They are online and clearly authenticated.

With those very few remarks, I submit. Unfortunately, I only have one copy which I have to table first, before I give my friend here.

(Hon. Wandayi laid the document on the Table)

Hon. Deputy Speaker: Hon. Osoro.

Hon. Silvanus Osoro (South Mugirango, UDA): Thank you, Hon. Speaker. After listening to the Leader of Minority Party, I have taken note of the Standing Orders he has raised, particularly Standing Order No. 89 on matters sub-judice or secret.

(Loud consultations)

Hon. Deputy Speaker, if the consultations can be lower...

Hon. Deputy Speaker: Hon. Members, this is an extremely important matter. Kindly, if you want to consult, you can do it outside the Chamber or consult in low tones. Let us be mindful of others.

Proceed.

Hon. Silvanus Osoro (South Mugirango, UDA): Thank you, Hon. Speaker. The Constitution of Kenya is the supreme law of the land. It gives all the arms of the Government responsibilities and autonomy in their way of operation. Articles 95 and 96 of the Constitution mandates Parliament to oversee, legislate and represent the people. Article 240 of the Constitution gives Parliament the sole responsibility of approving a proposal to deploy forces by the National Security Council upon being given a proposal which it can agree or decline to approve. That is the responsibility of Parliament of Kenya.

Article 240(8) states that:

“The Council may, with the approval of Parliament--

(a) deploy national forces outside Kenya for--

(i) regional or international peace support operations; or

(ii) other support operations; and

(b) approve the deployment of foreign forces in Kenya.”

It is the Parliament of Kenya that debates and agrees to approve deployment or not, of officers upon being moved by the National Security Council.

If I restrict myself to Standing Order No.89 that the Leader of the Minority party has quoted, it is important to know that that particular Standing Order has got Paragraph 4 which provides that:

“A Member alleging that a matter is sub-judice shall provide evidence to show that paragraphs (2) and (3) are applicable.”

Paragraph (2) states that:

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

Paragraph (3) states that:

“In determining whether a criminal or civil proceeding is active, the following shall apply—

(a) criminal proceedings shall be deemed to be active when a charge has been made or summons to appear has been issued;

(b) criminal proceedings shall be deemed to have ceased to be active when they are concluded by verdict and sentence or discontinuance;

(c) civil proceedings shall be deemed to be active when arrangements for hearing, such as setting down a case for trial, have been made, until the proceedings are ended by judgment or discontinuance;

d) appellate proceedings whether criminal or civil shall be deemed to be active from the time when they are commenced by application for leave to appeal or by notice of appeal until the proceedings are ended by judgment or discontinuance.

We are not party to the civil proceeding that is in court. We are not litigants or respondents as an independent House.

This morning, the Leader of the Minority Party has tabled a paper that has not been authenticated in this House. The Order Paper of this House was released yesterday. The Leader of the Minority Party had time to bring his evidence forth and have it authenticated and confirmed if, indeed, it is true that the matter is in court. He could have moved in this House yesterday before the Motion was published in the Order Paper. As far as I am concerned, there is no evidence that has been provided by the Leader of the Minority Party. We are not sure whether it is a paper from River Road that has just been printed. It is his word against ours.

Let us go back to the Constitution, which is the supreme law of the land. We are mandated to debate a matter that has been proposed to us by the National Security Council as provided for under Article 240 of the Constitution. So, the Leader of the Minority Party is out of order. We will debate and agree to pass or drop the Motion.

Hon. Deputy Speaker: The Leader of the Majority Party.

I will come to you Hon. Otiende, Member for Rarieda.

Hon. Kimani Ichung’wah (Kikuyu, UDA): Thank you, Hon. Deputy Speaker. What Hon. Opiyo Wandayi has said of there being a case in court is, indeed, true. That is in the public domain. Everyone who follows what happens in the courts will know that there is such a case before a court. I know that in the purported paper that he has tabled – as my Whip has said – the last directive says that: “... a conservatory order is hereby issued restraining the respondents from deploying police officers to Haiti or any other country until 24th October 2023.” I believe today’s date is 16th November 2023. The Hon. Member claims that order has been extended. I want to see that particular extension which has not been tabled because this paper seems to have lapsed.

For all I know, the matter in court did not in any way restrain or give orders against Parliament carrying out its constitutional mandate of debating and approving deployment. In line with the Constitution, Parliament does not deploy officers. What it does is to consider such a Motion for approval of deployment of those officers. It is other agencies, but not Parliament, who are restrained from deploying.

Hon. Opiyo has been here as long as I have been. He knows from the 11th Parliament, under Speaker Justin Muturi, that there is a retinue of precedents on what the courts can and cannot injunct Parliament to do. Part of that is that the courts cannot injunct Parliament from doing what it is constitutionally mandated to do. My good brother, Hon. Opiyo knows that because he has been here. I know this is good politics for those who are in the Minority. However, it is politics in the wrong theatre. I would advise them to play it in the courts or in rallies but not here. We cannot be stopped from doing what we ought to do. The precedence that was set by Speaker Muturi is that the courts must wait for Parliament to do its work then proceed with their determination after that.

If you also look at Standing Order No.89 (5) it says:

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

Our own Standing Orders do not stop us from discussing matters before court. The Speaker can allow a Member to make reference to a matter before a court without going into the facts that are being prosecuted before the courts. I, therefore, submit that this matter is properly before the House and there is absolutely nothing that the House will be debating that is sub-judice if the House agrees with the Motion of approving the deployment of our officers to Haiti.

A lot of work has gone into this Report of the Joint Committee, including extensive public participation. Members will see that from the Report that Hon. Tongoyo tabled yesterday. Part of what is being argued is an issue to do with whether there was public participation or not. That is not a matter for us to determine here. Let us leave it to the courts. They will fight with those they are fighting with in courts. For us, let us carry out our constitutional mandate by considering what is before the House today without reference to particular facts of the case that is before the court.

Lastly, I want to agree with Hon. Osoro that, it behoves the Leader of the Minority Party to table what he purports to be an extension of the injunction instead of tabling a piece of paper of a defunct court order. It is him who said that there is an extension. Nobody is aware of it and the burden of proof is on him. He cannot refer us to check online. He said that it is online and anybody can google it.

(Laughter)

There are a lot of hackers online and fake news too.

Thank you.

Hon. Deputy Speaker: Hon. Otiende, Member for Rarieda.

Hon. (Dr) Otiende Amollo (Rarieda, ODM): Thank you, Hon. Deputy Speaker. I support the Point of Order by the Leader of the Minority Party. I want us to address this matter as a united House, and not in terms of our partisan divisions. These are consequential matters in terms of precedence.

First, as read by Hon. Wandayi, Standing Order 89(2) clearly restricts discussion of active civil matters. Standing Order 89(3)(c) further states:

“89(3)(c) civil proceedings shall be deemed to be active when arrangements for hearing, such as setting down a case for trial, have been made, until the proceedings are ended by judgment or discontinuance;”

It is clear that the quoted case E389/2023 is active, has been set down, and has not been ended by discontinuance or judgment. It falls under the provisions of Standing Order 89. All the quoted Articles of the Constitution are true. However, despite those provisions, in our wisdom as a House, we established the Standing Orders and included Standing Order 89. If it were possible for us to willingly discuss certain matters despite them being sub-judice, it would have been easy for us to include that provision in the Standing Orders.

It is not true that the orders read only stop the deployment of the police. To the extent that any court order stops the deployment of the police, it stops all processes that lead to that decision. One of those processes is bringing a Motion to the National Assembly, which will either approve or reject the deployment. That automatically means that all those processes must be held in abeyance.

Is it true, as Hon. Osoro says, that we are not a party to the proceedings? Yes, we may or may not be. However, whenever we learn of any matter that concerns us, and we want to nip it in the bud or fast-track it, we usually join the proceedings. Our not being part of the proceedings is neither here nor there. Such court orders are binding on everyone, whether you are part of the proceedings or not. Hon. Osoro knows that because he is a lawyer.

The principle that it can sometimes be convenient to follow court orders, while at other times it is inconvenient, is what makes us a laughing stock. The Leader of the Minority Party recently sought to replace the Deputy Chief Whip of the Azimio Coalition. Someone else, other than the concerned Member went to court. We were not party to the court proceedings just like in this case. When the court stopped the process, the Speaker held that decision in abeyance for months until that matter was finally disposed of. How is that matter different from this one? How do students and Kenyans looking at us understand Parliament? We become a laughing stock when we apply different standards. It is unfortunate that we think that we can sometimes conveniently ignore court orders, and sometimes we cannot. In fact, the Speaker of the National Assembly is a party to case E389/2023, which has been tabled before you. Whether the Speaker chooses to appear or not is a different matter. It does mean that the orders were not seen.

Lastly, the Leader of the Majority Party says that we can only see what has been brought before us. Leader of the Majority Party, when you become a lawyer one day, as I am sure you will, you will learn that only justice is blind. Justice is said to be blind, but any determinative authority must always take notice of what is happening on the side. We talk about judicial notices in the Judiciary. If we learn that a national crisis has occurred, even on SMS, while we are transacting business in Parliament, we will take parliamentary notice of it. You cannot say that we cannot take parliamentary notice of what is in public notoriety, yet we are aware of it.

To avoid this selective amnesia that my brothers are suffering from, and to maintain the dignity of this House, this debate should be held in abeyance. Parliament should apply to be a party to the proceedings, if it wants to do so. Once the matter is determined, we can come back to debate it.

Hon. Kimani Ichung'wah (Kikuyu, UDA): On a point of order, Hon. Deputy Speaker.

Hon. Deputy Speaker: What is your point of order? We need to bring this debate to a close so that I can pronounce myself on it.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Deputy Speaker, Senior Counsel Otiende Amollo referred to me saying that, "When I become a liar." I do not intend to become a liar.

(Laughter)

I do not intend to ever become a liar. I do not know if he said "a lawyer" or "a liar" because from where Hon. Otiende Amollo comes from, you can never distinguish when

someone is talking about lawyers or liars. There is a famous movie called *Liar Liar* about lawyers. For the record, I do not intend to be a liar, nor do I intend to become a lawyer.

I have taken judicial and parliamentary notice of the court orders. The point I wanted to make is that there is no injunctive order against Parliament. The injunctive order is on those who are charged with the responsibility of deployment. The court order dated 23rd or 24th October is quite clear that those who are charged with the responsibility of deployment are the ones who are debarred from doing so. Parliament does not and has no capacity to deploy anybody other than to deploy Hon. Otiende Amollo on a trip to Rarieda, Mombasa or Turkey for other things.

Hon. Deputy Speaker: Hon. Members, having listened to the various Members, one of the two matters in contention is the interpretation of Standing Order 89, which states that no matter shall be discussed if it is sub-judice. A matter is not sub-judice simply because it has been filed. A matter is sub-judice when you discuss its merits and demerits while it is before a court. That is not what is happening in the House. The House is charged with the responsibility set out in Article 240(8) of our Constitution which states:

- “(8) The Council may, with the approval of Parliament—
- (a) deploy national forces outside Kenya for—
 - (i) regional or international peace support operations; or
 - (ii) other support operations; and
 - (b) approve the deployment of foreign forces in Kenya.”

The National Assembly is not being asked to deploy forces. It is just being asked to approve the deployment of forces. The matter raised by the Leader of the Minority Party is premature in any case. Parliament has not yet approved the deployment. The matter has just been tabled, or will be tabled, before Parliament for approval.

Even then, the Speaker has not been served with a court order. In order to authenticate a service, the order has to be directed to the Speaker and the National Assembly. That service must be done. It must be authenticated, signed, and the name of the process server indicated. A Member of this House cannot act as a process server while the House is in plenary. If the court order quoted by the Leader of the Minority Party is to be believed, it states that, “...whatever authority has been restrained from deploying the police to Haiti.” The National Assembly has no power to deploy any forces. What the National Assembly has to do is to approve the request for deployment by the National Security Council. In consideration of all that I have said, I will exercise the powers of the Speaker under Standing Order 89(5) which states:

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

Therefore, we shall proceed. Member for Narok West, Hon. Gabriel Tongoyo.

Hon. Julius Sunkuli (Kilgoris, JP): On a point of order, Hon. Deputy Speaker.

Hon. Deputy Speaker: Are you making a point of order against my ruling?

(Laughter)

That is not in order. That matter is now closed. Let us proceed then you can raise your concern during debate.

(Hon. Julius Sunkuli spoke off the record)

Hon. Sunkuli, you will have an opportunity to debate the matter. There is nothing before the House now.

Proceed, Hon. Tongoyo.

MOTIONS

APPROVAL OF DEPLOYMENT OF POLICE OFFICERS TO THE
MULTINATIONAL SECURITY SUPPORT MISSION TO HAITI

Hon. Gabriel Tongoyo (Narok West, UDA): Thank you very much, Hon. Deputy Speaker, for that Solomonian ruling. I beg to move the following Motion:

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

Hon. Deputy Speaker: Do you have a seconder?

Hon. Gabriel Tongoyo (Narok West, UDA): I ask Hon. Dido Raso to second.

Hon. Ali Raso (Saku, UDA): Thank you very much, Hon. Deputy Speaker. I second.

Hon. Deputy Speaker: Hon. Members, I will now propose the question.

(A Member spoke off the record)

Let me propose the question then I will give you a chance.

(Question proposed)

What is your point of order, Hon. Opiyo Wandayi?

(Hon. Opiyo Wandayi spoke off the record)

Okay, you want to contribute to the Motion.

Hon. (Dr) Otiende Amollo (Rarieda, ODM): On a point of order, Hon. Deputy Speaker.

Hon. Deputy Speaker: What is your point of order, Hon. Otiende Amollo? Hon. Sunkuli, if you still have a point of order you can prosecute it after Hon. Otiende is done.

Hon. (Dr) Otiende Amollo (Rarieda, ODM): Hon. Deputy Speaker, thank you for your ruling. We are guided by the House rules and procedures, so we must accept that ruling whether we agree with it or not. But from your ruling, you have clearly guided that under Standing Order 89 what is to be avoided is discussing the merits or demerits of the matter in court. On that, I am accordingly guided. However, the Report that has just been tabled as a Motion contains matters that touch on merits and demerits. Could you guide us on which part of the Report we can refer to during debate on this Motion?

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Otiende Amollo, you are a Senior Counsel just like myself. You are aware that should we delve into the issue of merits and demerits, it is the court that shall reprimand us, not you. You are not the sitting judge in this matter neither are you a counsel in the case before court.

Hon. Sunkuli, you can now prosecute your point of order.

Hon. Julius Sunkuli (Kilgoris, JP): Hon. Deputy Speaker, you have not been kind to me today, but I accept it. My point of order is on the same matter that Hon. Otiende has raised, but allow me to prosecute it in my words. First, I respect your ruling. However, you need to give us further guidance on the question of the merits and demerits of the case. This is because if the ruling is against discussing the merits and demerits, it is good for Members not to delve into those issues. So, we need guidance on what the merits and demerits of the case are.

Hon. Deputy Speaker: Hon. Sunkuli, you missed an important part of my ruling. I said that this House has not been served with a court order. Therefore, we do not know the order that was directed by the court. When that order is served to the House, there shall be sufficient time to look at the merits and demerits, but for now we proceed with the matter as usual.

Hon. Ruku GK (Mbeere North, DP): On a point of order, Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Ruku, what is your point of order?

Hon. Ruku GK (Mbeere North, DP): Hon. Deputy Speaker, I listened carefully to the Chairman of the Departmental Committee on Administration and Internal Affairs but I did not hear him move the Motion. I do not know whether it is proper to discuss this Motion on the Floor of the House.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Gabriel Tongoyo moved the Motion as indicated in the Order Paper. Unless you want him to explain further on the Motion, which is optional.

Leader of the Minority Party.

Hon. Opiyo Wandayi (Ugunja, ODM): Thank you very much, Hon. Deputy Speaker. Following your ruling and guidance, I now wish to contribute to this Motion. I start on the premise that the National Police Service does not fall within the ambit of what is provided for under Article 240(8) of the Constitution. Allow me to explain that point further.

*(Hon. Kimani Ichung'wah and
Hon. Gabriel Tongoyo consulted loudly)*

Hon. Deputy Speaker: Hon. Gabriel Tongoyo and the Leader of the Majority Party, consult in low tones.

Hon. Opiyo Wandayi (Ugunja, ODM): I am addressing very weighty issues that require the attention of Members.

Hon. Deputy Speaker: Leader of the Minority Party, start again because I did not hear what you said earlier on.

Hon. Opiyo Wandayi (Ugunja, ODM): Hon. Deputy Speaker, I was saying that Article 240(8) of the Constitution, that we seem to hide behind by purporting to process this deployment of the National Police Service to Haiti, simply talks about deployment of national forces outside Kenya. Article 241 of the Constitution provides for the establishment of the Kenya Defence Forces. Further, the Article lists those forces as consisting of Kenya Army, Kenya Air Force and Kenya Navy.

This Article simply talks about the three arms which constitute the Kenya Defence Forces (KDF). It could have been easier, if the drafters of the Constitution intended to include the National Police Service (NPS) as part of the Forces to say so explicitly under Article 240(8) of the Constitution. We cannot afford to do what they are currently trying to do by circumventing the Constitution and the law.

In fact, the NPS as established under Articles 243 and 245 of the Constitution is under the command of the Inspector-General (IG) and not the President or any other person. The Commander-in-Chief of the Defence Forces is not the commander of NPS. That is my submission and you can challenge me. So, this was not the intention of the makers of our Constitution, Hon. Otiende Amollo is here and he will help us. He was a Member of the

Committee of Experts who drafted our Constitution. This was not the intention of Government institutions nor Kenyans when they promulgated the Constitution.

Hon. Deputy Speaker: Hon. Ali Raso you seem to have a point of order. You will come after the Leader of the Majority Party.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Deputy Speaker. The Leader of the Minority Party has asked us to challenge him. It is important to state facts in line with our Standing Orders. He is clearly misleading and misinterpreting the Constitution. If you read Article 240(8) of the Constitution, it provides that the National Security Council with the approval of Parliament, which is the basis of this Motion, may deploy the national forces of Kenya for regional or international peace support operations.

If you read Article 240(2)(i) of the Constitution, the Council consists among others; the Inspector-General of the NPS. Therefore, you cannot argue that the National Security Council that is involved with deployment of forces with the approval of Parliament, does not constitute the NPS. It is right there in Article 240(2)(i) of the Constitution including, the Director-General of the National Intelligence Service (NIS) for that matter. So, even if we were to deploy NIS officers, they are part of the national security council

Hon. Opiyo Wandayi (Ugunja, ODM): How I wish my colleague did not interrupt me. He has clearly not added any value to the debate.

Hon. Deputy Speaker: He has assisted you.

Hon. Opiyo Wandayi (Ugunja, ODM): If you look at the composition of the National Security Council, it also has civilians, including the Cabinet Secretary for Foreign Affairs. So, are you saying that the staff of the Ministry of Foreign Affairs are members of the defence forces? Are you saying we can deploy them to Haiti to maintain security? This does not add-up and is not a matter of who is a Member of the National Security Council.

Hon. Ali Raso (Saku, UDA): On a point of order, Hon. Deputy Speaker.

Hon. Deputy Speaker: Hold on Leader of the Minority Party for one moment. There is a point of order. I will still give you time. Do not worry. You have sufficient time. I will add you a minute or so for the interruption. Hon. Ali Raso.

Hon. Ali Raso (Saku, UDA): Thank you very much, Hon. Deputy Speaker. I stand under Standing Order 91. The Leader of the Minority Party should not mislead the nation and this House. He should not stand here and purport that the President is not the Commander of the NPS. The word Commander-in-Chief simply means all those who are armed whether KDF, NPS or Kenya Prisons Service (KPS). They are under the President of the Republic of Kenya. That is what he has been given by the Constitution. It is okay for him to make his statement but let him not mislead the House and the nation.

Thank you.

Hon. Deputy Speaker: Proceed, you have been properly guided.

Hon. Opiyo Wandayi (Ugunja, ODM): You know in this world wonders will never cease. The Constitution is very clear and I do not want to belabour the point. This is because I think my colleagues on the other side are clearly agreeing with me even if they are not saying so loudly.

Having addressed myself to the unconstitutionality of this move, let me go to the merits. Assuming this House approves the NPS to go to Haiti, if you go to the NPS Act, Section 108 (1), provides as follows:

“(1) The President may, on the application of the Government of a reciprocating country, order such number of police officers as the President may think fit to proceed to that country for service therein for the purpose of assisting police service of that country in a temporary emergency.”

What is the definition of a reciprocating country? Before we get the definition, the country in question must be having a functioning Government. My submission is that the

Republic of Haiti, as we speak currently, has no functioning Government, therefore, the question of reciprocating cannot arise.

More importantly, on this request for the deployment of the NPS officers to Haiti, who is the originator? Where did it come from? Did it come from Haiti and if so, from whom and which Government in Haiti? Which Government as we speak, is in charge of Haiti? As a Parliament that represents the people of Kenya, we have to ask these questions. This is because the public will ask us even tougher questions if something goes wrong in Haiti. So, we must ask these questions. Which Government in Haiti requested for Kenya police officers to go there? If it is not the Government of Haiti, who asked for our police officers to go there? Is it the United Nations (UN)? I am hearing it is the UN from somebody shouting across the aisle.

Hon. Adan Keynan (Eldas, JP): On a point of order, Hon. Temporary Speaker.

Hon. Deputy Speaker: What is your point of order, Hon. Keynan? Your debate must be very exciting. You have many points of order and should appreciate that. Proceed, Hon. Keynan.

Hon. Adan Keynan (Eldas, JP): Thank you, Hon. Deputy Speaker. Is it in order for the Hon. Opiyo Wandayi to mislead Kenyans when Page 10 of the Report clearly says that the Prime Minister of Haiti with the concurrence of the Council of Ministers addressed a letter to the UN Security Council on 9th October 2022? On 10th October the UN Security Council... He just needs to understand the making of the UN Security Council and Kenya is a responsible member. It is also good for him to understand that a request came from the Prime Minister of Haiti to the UN Security Council who in turn requested the member states to contribute. You need to advise whether it is in order for Hon. Wandayi to mislead himself and Members of Parliament in Kenya that nobody requested for this yet he knows Kenya is a responsible member of the United Nations (UN).

Hon. Opiyo Wandayi (Ugunja, ODM): The more you listen to these colleagues of mine, the more you get amused.

Hon. Deputy Speaker, if it is the case that the request for the Kenyan Government to deploy its police officers to Haiti came from the UN, can we have a look at the UNSC resolution that authorised this deployment? Does it make mention of Kenya even for a moment? Does the UNSC resolution authorising this deployment mention Kenya? It does not. That is my submission. Therefore, we are getting into some kind of misadventure for reasons which are not known to the rest of us. The reasons could be known to a few people who are in the Executive. I want to tell you that you cannot use our Kenyans.

Hon. Deputy Speaker: Please, give him another five minutes because he was interrupted severally.

Hon. Opiyo Wandayi (Ugunja, ODM): You cannot use our police women and men as guinea pigs at the altar of rent-seeking because we know for sure that the motivation for this misadventure is money. People want to use our hapless police officers as guinea pigs in their bid to get cheap money. If you are sure that our police officers are going to be safe in Haiti, start by taking your child or brother there or yourself. Go there yourself. They then tell us that the reason why Kenya is leading this mission is because Kenyan people have got the same skin complexion as the Haitians. Are Kenyans the only black people in this part of the world? Are we short of black people in that part of the world? If you go to the Caribbean, the whole of South America, and some parts of North America, do we not have black people? Are we the only black people in this world? Us and Haitians? What kind of nonsense is this?

(An Hon. Member spoke off the record)

It is very parliamentary. You cannot lead us to indulge in an illegality at the altar of rent-seeking. With those few remarks, and to allow my colleagues to equally contribute, I reject

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in total this ill-advised Motion. I reject it in total. I appeal to my colleagues from both sides of the political divide to equally reject this Motion so as to save our country and the future of our children and our grandchildren.

Thank you, Hon. Deputy Speaker. I oppose.

Hon. Deputy Speaker: You have a point of order? Proceed.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Deputy Speaker. I rise to support this Motion for the deployment of our NPS officers to Haiti to restore order. Allow me to, begin by...

Hon. Deputy Speaker: Hon. Nyikal, what is your point of order?

Hon. (Dr) James Nyikal (Seme, ODM): Hon. Deputy Speaker, my point of order is that we have the Report, but it does not have annexures. So, we cannot make references to what people are saying. The Report, as a whole, has not been available. Is it possible to get those annexures so that we have a full Report? This is an important debate, so we should have the full Report as we discuss. Is it possible?

Hon. Deputy Speaker: Thank you. I direct that the Clerk's desk ensures that you immediately get some copies to come with in the House. You will receive them in a few minutes, Hon. Nyikal. Proceed, Leader of the Majority Party.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you. I had hoped you would direct the Hon. Nyikal to the Table Office up here in Room 8 because there are adequate copies with annexures. I have a Report that was tabled with annexures. If his Personal Assistant photocopied without the annexures, you can ask them to download online.

I had said I was rising to support this Motion. Allow me to first disabuse a lot of misinformation that has been given by our colleague and my good friend, Hon. Opiyo Wandayi. I heard him say that the UNSC Resolution 2699 of 2023 does not even mention Kenya anywhere. I will draw his attention to Page 23, the third page of the UNSC and he will notice that taking note of the call made by the Government of Kenya (GoK) on 21st September 2023, urging the UN to urgently deliver an appropriate framework to facilitate the deployment of a multinational security support as part of a holistic response to Haiti's challenges calling on the UNSC. The whole document is replete with a mention of Kenya, even the Kenyan delegation that visited Haiti to assess the situation there and report back to UNSC. Therefore, Hon. Deputy Speaker, let me first disabuse that notion that the UNSC did not take cognisance of the role being taken by Kenya.

Secondly, I think the Leader of the Minority Party has not read the Committee's Report that was tabled yesterday. I was with him somewhere in Stoni Athi yesterday, deliberating on other matters of national importance like the cost of living. We may have missed the tabling of the Report. I will, again, share this Report with him because Kenya is deploying our officers as part of this Multinational Security Support Mission (MSS) team. If you just go to the Report, and I just want to be very brief and draw reference to it, Kenya is the lead nation for the MSS Mission to Haiti. The Leader of Minority Party was asking emotionally, "Are we the only Africans? Are we the only black people; us and Haiti?" This Report that is before us, which I am sure is in his office because his PA is a very diligent officer, says that this mission includes Senegal. Senegalese are Africans. They are black people like you and me. It includes Burundians who are Bantus like you and I although you are half Nilote or half Bantu.

(Laughter)

Burundians are as black and as Bantu as I am.

Hon. Deputy Speaker: What is your point of order Hon. Wandayi? Allow Hon. Wandayi to prosecute his point of order.

Hon. Opiyo Wandayi (Ugunja, ODM): Hon. Deputy Speaker, is it in order for the Leader of the Majority Party to turn this debate into a debate on the person of the Leader of the Minority Party, and more so to attempt to classify me as Bantu-cum-Nilote? How does that relate to this debate? Please protect me from the Leader of the Majority Party. Protect me.

Hon. Deputy Speaker: Leader of the Majority Party, I will let you respond.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Deputy Speaker, you know, besides being my colleague on the other side, Hon. Wandayi is also my friend. He knows I know Ugunja, the County of Siaya and I know the intermarriages between the great people of Luoepan nation and those of the house of Mulembe, who are Bantus. They are facts that are undeniable and the Member for Ugunja knows.

Hon. Deputy Speaker, protect the Leader of the Minority Party from those who are now claiming that he is their cousin.

(Laughter)

I was saying earlier that Burundians are as black as myself, Hon. Opiyo, the Africans and the black people. Chad is another African country that is in this mission. Other partners in the Caribbean and America are also of African descent and black people. I wanted to begin by disabusing that notion that it is a Kenyan mission. It is a Multinational Security Support Mission, which Kenya is honoured to lead. As Kenyan patriots, we cannot stand in our own National Assembly and say that we are using our officers. Our police officers are very patriotic young men and women, who have given their lives to protect life and property of Kenyans and the people of the world where they may be deployed. Just like the doctors affirm to the Hippocratic Oath, our police officers and other armed security men take an oath to protect lives and to serve their nation anywhere they may be deployed, including residences of our leaders like Hon. Opiyo Wandayi.

That officer guarding your house today is a patriotic young man or lady who has given his life to protect you and your family. We cannot, therefore, disparage them by saying they are being used as guinea pigs. They are doing their patriotic and national duty to elevate our country's security forces and their performance. From the submissions of the Leader of the Minority Party, the other nation that is being disabused is made to look like the first mission that the National Police Service is being deployed to.

I must commend the Chairman, Hon. Tongoyo, his Vice-Chairman and the Members of the Committee because they were very diligent. If the Leader of the Minority Party had bothered to read this Report, he would have noted that Kenya has previously engaged in other missions in Kosovo, Yugoslavia, Darfur in our region here, Namibia in Africa, Timor, Angola, Sierra Leone, and even Croatia. I do not know how many black Africans live in Croatia, but we did that as part of the community of nations. The proposed deployment that we are being asked to approve is anchored on Kenya's responsibility as a United Nations Member State and as part of that global community of nations.

Historically, Kenya has been a leading participant in providing solutions to global security challenges. As leaders, we should feel honoured as a country that we have been called upon by the United Nations Security Council and other nations of the world to serve in restoring security and dignity of other human beings, whether they are black people or not. Just as I have said, Croatians are not black people or Africans, but we have participated in a mission to secure their country. We have restored the dignity of the people of Croatia and other areas, including other African countries.

I would also like to respond to the issue that was raised as to whether the National Police Service is part of our national security organs. If you read Article 239, because it is one thing for Hon. Opiyo Wandayi being a lawyer... I am not a lawyer and I have no desire to...

Hon. Deputy Speaker: Allow the Leader of the Majority Party some more minutes to finish his contribution.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Deputy Speaker, I was saying that I have no desire of being a liar.

Hon. Members: A lawyer or a liar?

Hon. Kimani Ichung'wah (Kikuyu, UDA): Liars always intend on reading the law in the way it favours them. That is what they do as liars. Therefore, because I am not a liar, I read the Constitution as an accountant who is able to read English and interpret the Constitution as it is. Article 239 is not read in isolation.

Hon. TJ Kajwang' (Ruaraka, ODM): On a point of order, Hon. Deputy Speaker.

Hon. Deputy Speaker: What is your point of order, Hon. TJ Kajwang'?

Hon. TJ Kajwang' (Ruaraka, ODM): Hon. Deputy Speaker, the Leader of the Majority Party wants to have some very humorous opportunity to make this debate lively, but he is now calling us lawyers liars. He is calling you, who is on the seat of the Speaker, a great lady of this country, that all that you have done in your career is to be a liar. He is facing you eyeball to eyeball and calling you a liar in the National Assembly. Well, Hon. Otiende and I are small people in this society, but Hon. Deputy Speaker, you, of all the people, a liar? Is he in order to call us, lawyers, who have struggled our hoarse years and practised for more than 30 years in this country, nothing but liars?

Hon. Deputy Speaker: Leader of the Majority Party, I hope to God that you were not calling me a liar. Did you say 'liars' or 'lawyers?' Please, confirm that you are not calling the lawyers in the House liars. Clarify it.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Deputy Speaker, I have tremendous respect for lawyers. Our pronunciation differs. The other day I was having tea with my good friend, Hon. TJ Kajwang' and he spoke to me about a sip. I was wondering what sip that was and because we were sipping tea, I did not think further than that. I later on came to learn that he was talking about the ship that had deployed oil in Mombasa. Therefore, our pronunciation, based on where we come from, varies. Hon. TJ Kajwang' should forgive me because where I come from, we have difficulty with letters l, r, w and y. The advocates who serve, like Hon. TJ Kajwang', are great people, including yourself, Hon. Deputy Speaker. I have tremendous respect for you and other advocates in this country. I have no intention whatsoever of becoming one of them because I am an accountant.

Going back to my point, I am able to read the Constitution and interpret it because it is not written in a lot of legalese. It is written in plain English. Article 239(1) defines our national security organs as: the Kenya Defence Forces, National Intelligence Service and the National Police Service.

Indeed, if you read on, Article 239(6) says that Parliament shall enact legislation to provide for the functions, organisation, and administration of the national security organs. Therefore, our National Police Service is part and parcel of our national security organs that the National Security Council can seek to be deployed to restore order, or in case of emergency as that has been sought in the country...

Hon. Deputy Speaker: Member for Kisumu West, Hon. Rozaah Buyu.

Hon. Rozaah Buyu (Kisumu West, ODM): Thank you, Hon. Deputy Speaker for this opportunity.

At the outset, I would like to say that I am a Member of the Committee that has presented this Report. Unfortunately, in the final stages when this Report was being written, I had dashed to my constituency, and therefore, I was not present to append my signature as a dissenting voice. I am not an advocate or a lawyer, but I stand here to speak as a citizen of this country. I want to speak on behalf of millions of Kenyans who are not able to give their views this morning on this Motion. I speak for thousands of residents in Lamu, North Rift, North

Eastern and Sondu, who in the recent past have experienced skirmishes that have cost many Kenyans their lives. The United Nations recommends one police officer for every 450 citizens.

We have a ratio of one policeman to 1,152 citizens in Kenya. The result of this can be clearly seen in this country. The impact of few police officers is felt in the violent occurrences in many parts of this country where many Kenyans end up losing their lives. We have been told that security does not lie in the numbers of security officers. That might be true. However, you can only train and make good quality of the numbers you have.

We know that charity begins at home. Where is the sense of taking 1000 police officers to Haiti when Kenyans are dying in need of protection and service from their police officers? The head of Government took an oath to protect the lives of his citizens. You do not protect the lives of your citizens by taking police officers, who are supposed to protect the citizens, away from them and to a land called 'Haiti'. You can only protect their lives by enhancing the numbers and the security of your citizens.

We have also been told in this Report, and heard from the Leader of the Majority Party that Kenya owes it to the international community which we are part of. Surely, where do you get the guts to take your police officers away to protect the lives of people in Haiti if you cannot contain and protect the lives of your people? We have been told that Haiti is a land of gangs where no president can sit pretty. So far, four presidents have been beheaded and murdered. The gangs maraud the whole land of Haiti.

I agree with our Leader of the Minority Party that, in taking the 1,000 officers to Haiti, we are actually doing nothing but sending them there as sacrificial lambs. Give me one reason we would take these officers to that land and country ruled by gangs, without law and order and no respect for human rights. I stand here to register my dissent and opposition to this project of taking our members of security to that land.

Hon. Kimani Ichung'wah (Kikuyu, UDA): On a point of order, Hon. Deputy Speaker.

Hon. Deputy Speaker: What is your point of order? Let us hear the point of order. I will give you a minute to finish, Hon. Buyu.

Proceed.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Deputy Speaker, I am sorry for disrupting my sister.

I rise under Standing Order 106 on irrelevance and repetition. I have listened to Hon. Rozaah Buyu repeat herself continuously on issues to do with Sondu. When I look at the Motion before the House, the debate was on the deployment of police officers to Haiti. At least, she spoke about Haiti towards the end, as she was completing.

More importantly, I have a copy of the Report. As Hon. Rozaah Buyu has asserted, she is a Member of this Committee. I was to advise that I have seen what a very diligent Member of that Committee in the name of Hon. Kaluma did with the kind of things Hon. Rozaah Buyu was alluding to. He has expressed himself in a dissenting Report. I am told that Hon. Rozaah Buyu never even attended Committee sittings to benefit.

(Hon. Rozaah Buyu spoke off record)

The minutes are there. I am not just speaking to things I do not know. The minutes of the Committee are in the Report. Hon. Rozaah Buyu never attended a single meeting of the Committee.

(Hon. Rozaah Buyu spoke off record)

Hon. Deputy Speaker: I will give you a chance, Hon. Rozaah.

Hon. Kimani Ichung'wah (Kikuyu, UDA): She now seeks to speak to the gallery with many irrelevances about Sondu and other areas. I just beg that we be relevant in line with Standing Order 106 and restrict ourselves to the issue of Haiti, and not Sondu, Kikuyu, Baringo or other areas.

Hon. Deputy Speaker: Hon. Rozaah, I will give you two minutes to finish your contribution because you were interrupted.

Hon. Rozaah Buyu (Kisumu West, ODM): Thank you, Hon. Deputy Speaker.

For the record, I was in the joint meeting of the two Committees from the National Assembly and the Senate. I deliberated and I voiced my opposition to that Committee. I clearly stated that I was not able to attend the last Committee meeting when the Report was being finalised because I owe it to my people to be in the constituency when duty calls. I was there.

I am talking about Sondu, Baringo, Lamu, North Eastern and other places because they are experiencing violence leading to the deaths of many people. It is the police who are charged with the responsibility to protect Kenyans yet these are the police we want to take away from Kenyans to Haiti. The Leader of the Majority Party should sometimes learn to be relevant himself instead of standing up on useless points of order.

Thank you, Hon. Deputy Speaker.

Hon. TJ Kajwang' (Ruaraka, ODM): On a point of order, Hon. Deputy Speaker.

Hon. Deputy Speaker: What is your point of order, Hon. TJ?

Hon. TJ Kajwang' (Ruaraka, ODM): Hon. Deputy Speaker, I have been listening to the debate in the House. Let us be sober. The onerous duty given to us as the National Assembly to approve forces' deployment is a very important thing. Let us take out emotions and look at facts. In my recollection, this is the very first time we are doing this. At the end of the day, it will be our appendage to divorce distribution or deployment as a mandate of the National Assembly. I am just looking at the law so that we do not do something unconstitutional and outside the law. Section 108 of the Police Service Act talks about "the president may, on the application of the Government of a reciprocating country..." and so on.

I have looked at the functions of the Police Service and looked through all the functions given to the Inspector-General. Section 108 is the only one under which the President may send the Police Service elsewhere. In the rest of the sections, the Police Service is a homeland... It protects inside the country. The only place in which the Police Service can go out of the country is under Section 108. It begins by saying that the President can do that, but in a reciprocating country.

I would want the Chair to express itself and apply its mind to whether Haiti is a reciprocating country. Over all the things you have said, the Police Service is supposed to help us internally, not outside. That is if Haiti is not a reciprocating country. The only authority given by the law is to reciprocating countries. This is a very important issue. I do not say that we stay the proceedings. However, even as we go on, I ask that the speakership applies its mind to this matter and come back with a reasoned Communication from the Chair. That is whether, in the facts of this matter, Haiti is a reciprocating country for which we as the National Assembly have the requisite jurisdiction to approve the forces to go to a foreign country.

Thank you very much, Hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Member for Kamukunji Constituency, Hon. Yusuf.

Hon. Yusuf Hassan (Kamukunji, JP): Thank you, Hon. Deputy Speaker.

I stand to support this resolution. I do so as a former member of the United Nations (UN), and with full respect for the UN Charter and our role as a member of the international community.

In fact, Haiti Government had requested the United Nations Security Council to help in the stabilisation of their country whose security situation is in dire state at the moment. The situation is grim. Law and order have collapsed. The people and Government need support. As

a result of that, the UN Security Council passed a resolution on 2nd October 2023 which approved the deployment of UN troops and police officers to stabilise the situation in Haiti.

Hon. Deputy Speaker, every UN resolution which deploys peacekeeping has a police component. Under Chapter 6 and 7 of the UN Charter, it has the powers to deploy peacekeeping forces that includes police component. In this particular case, the Republic of Kenya has been requested by the UN to deploy officers of the National Police Service to the multinational security support mission to Haiti. We are obliged to deploy them to Haiti. We are not an island. We do not live in an isolated world. We are part of the international community. Haiti is not an isolated country. Haitians are of African descent. Kenya, as a member of the African Union (AU), fully supports not only the 55 member countries who are also members of UN, but also all the countries with people of African descent, which includes the entire Caribbean nations, Brazil and many other countries.

With the history of Haiti as it is, we have had a major interaction with the people and leadership of Haiti over the years. When the 5th Pan African Conference was held in Manchester in the United Kingdom (UK) in 1945, the late Jomo Kenyatta, who later became our President, attended it. We also had a delegation from Haiti. We had a large number of Caribbean delegations, including C.L.R. James and William Du Bois. We have always been part of the Pan African movement which Haiti, as an important country, is an integral part. This is not the first time we are deploying police officers internationally.

(Loud consultations)

Hon. Deputy Speaker, there is a lot of commotion here. We cannot engage in a proper debate.

(Hon. Caroli Omondi spoke off record)

Hon. Deputy Speaker: Hon. Caroli, please do not address the Member. You can only address the House through the Deputy Speaker.

Proceed, Hon. Yusuf.

Hon. Yusuf Hassan (Kamukunji, JP): Hon. Deputy Speaker, for the information of this House, this is not the first time Kenya will deploy police officers internationally in peacekeeping mission. We have deployed them more than 15 times. I served in a number of peacekeeping missions. We deployed officers in East Timor which did not have a government at that time. It had collapsed. The UN deployed peacekeeping forces and ran that country until it became independent. We had police officers. We had also deployed police officers in Namibia, Cambodia, Yugoslavia, Bosnia and Herzegovina, Sierra Leone, Kosovo and Angola. At the moment, we have police officers serving in conflict areas in South Sudan, Somalia, Democratic Republic of Congo (DRC), Sudan and Western Sahara.

Our forces have been in place. Therefore, what we are doing is deploying police officers to support UN resolution to keep peace in Haiti. We need to support the people of Haiti. We need to be part of the solution of the problem in Haiti.

Hon. Deputy Speaker: Hon. Sarah Korere.

Hon. Sarah Korere (Laikipia North, JP): Thank you, Hon. Deputy Speaker. I also rise to support the Motion. Indeed, it is properly before this House.

It is true that Kenya is a member of the UN. We have the responsibility to be our brother's keeper. For avoidance of doubt, I want to refer this House to the Report of the Departmental Committee on Administration and Internal Affairs. Kenya posted its police officers to other missions in other years, as late as 1989.

From 1989 to 1990, Kenya deployed its 30 officers to Namibia. From 1992 to 1993, Kenya sent 20 officers to Cambodia. From 1992 to 1995, 50 officers were sent to the former Yugoslavia. From 1995 to 1996, 20 officers were sent to Bosnia and Herzegovina. From 1999 to 2002, 40 officers were sent to East Timor. In 1998, 20 police officers and civilian support were sent to Croatia. From 1998 to 1999, 105 officers were sent to Sierra Leone mission. From 1999 to 2005, 51 officers were sent again to Sierra Leone. From 1999 to 2008, 98 officers were sent to Kosovo. In 2005 and 2006, AU sent 50 Kenyan officers to Darfur.

To date, we have officers in South Sudan, Somalia, DRC, Western Sahara, New York, Italy and Addis Ababa. When this issue came before our Committee, we raised several questions. One among them was that Haiti is a French-speaking country. How will we send our officers there? It came to my realisation that security officers speak in silence. That is why if you go to Laikipia today, where the British Army has been training since colonial times, you will get children of mixed races. The officers do not speak the Maasai language and the Maasai people do not speak the Briton's language. All the things happen because the security officers speak in silence.

Burundi is sending its troops there. It is a Swahili and French-speaking nation. They are going to give support to our troops. Senegal is also sending its troops there. We are a global nation. We are an international community. When the world is not safe, we are not safe. Some gangs are terrorising locals in Haiti. Women are raped. Children are kicked out of their houses. Our police officers will give support to the Haiti police, train them and secure critical infrastructure. If a woman in Haiti is not saved, I am not saving Kenya.

I support the Motion. I refer this House to Section 108(1) of the National Police Service Act.

Hon. Deputy Speaker: Member for Nyaribari Chache, Hon. Zaheer Jhanda.

Hon. Zaheer Jhanda (Nyaribari Chache, UDA): Thank you, Hon. Deputy Speaker. I rise to support the Motion on deployment of police officers to Haiti. We are a global community of nations. It is absolutely essential for Kenya, together with other multinationals, to help Haiti. It is a matter of humanitarian consideration to offer support to our brothers and sisters in Haiti. The sole aim is to help usher in stability, development and democratic governance through a political framework owned and driven by the people of Haiti.

The UNSC requested for the deployment of a multinational security mission to Haiti. Kenya will help to reinforce Haiti's National Police Force. I fully support the deployment of officers of the National Police Service. We have forces in the DRC and other African countries. You can see what our troops have done.

I support the Motion.

Hon. Deputy Speaker: Hon. Caroli Omondi.

Hon. Caroli Omondi (Suba South, ODM): Thank you very much, Hon. Deputy Speaker. I begin by first noting that there exists a proper legal framework for the overseas deployment of our policemen and policewomen in Sections 107 and 108 of the National Police Service Act. That matter rests there. However, I urge that proper gazette notices be issued by the Executive to give effect to those provisions.

The seeds of the current turmoil in Haiti commenced with the arrival of Christopher Columbus in the New World. If you have had the privilege of reading the book *The Black Jacobins, 1962* by C.L.R. James, who taught my friend who has just left, the Member for Kamukunji, the author begins by saying that Christopher Columbus landed in the New World and after praising God, he urgently inquired for gold. In other words, it was an expedition of exploitation. When they annihilated the indigenous Indian population of Haiti, efforts were made to trans-ship Africans from the West Coast of Africa to Haiti. Since then, Haiti has prospered and created a lot of wealth for many people, but it has also been a tragedy for Africans.

I am convinced that we should all take an interest in what is happening in Haiti. Haiti was the first African-led country in the western hemisphere where the slaves rose up, fought away the French, won their freedom, defended...

Hon. Deputy Speaker: Member for Belgut. The Member for Belgut is not here. Member for Tinderet.

(Hon. Caroli Omondi spoke off the record)

Your time is up, Hon. Caroli. Let us give the Chairperson a chance now that he has arrived.

Hon. Nelson Koech (Belgut, UDA): Thank you, Hon. Deputy Speaker. Allow me to also add my voice to the debate on the Motion for deployment of officers to Haiti.

Like many of my colleagues have said, I do not understand why they did not involve the Departmental Committee on Defence, Intelligence and Foreign Relations in this matter. I have listened to Hon. TJ Kajwang' and I want to invite him to look at the Act. The President may interpret the discretion provided in Section 108(1) of the National Police Service Act differently. I do not want to go into the details. Let me just go to the humanitarian bit of why we need our police officers in Haiti as soon as possible.

Officers from our country have been on different missions before to countries which we are not related to in any way, whether in colour or religion. Our officers have been to Kosovo, Sierra Leone, and East Timor. In fact, the Deputy Inspector-General of the Administration Police Service, Mr Noor Gabow, led a mission that did very well in East Timor. That is part of the reason why we must deploy our officers in Haiti.

In 2018, Kenya was recognised by the United Nations and 28 of our officers were promoted. In fact, the UN took one of our officers, the Chief Inspector of Police, Ms Irene Kerubo, and retained her at the UN because of the work she did in South Sudan. In recognition of their distinguished service and efforts in trying to restore peace in South Sudan, 23 police officers were awarded different medals by the UN on 26th June 2018.

Foreign policy is hinged on five pillars - peace, economic, environmental, cultural and diaspora diplomacy. This country must continuously be the anchor of peace. We must continuously engage in ensuring that we restore peace to regions that we have been deployed to. Kenya has done well within the region. I mentioned at the beginning of the week that our officers, who have restored relative calm in Somalia, will be coming back to the country. We are currently engaged in peace missions within the region in countries like the DRC, Somalia, and Burundi. I honestly do not see why we cannot go to Haiti.

The problem in Haiti is the gangs, which are only in the capital, Port-au-Prince. Haiti is dealing with about 200 gangs. The House has those records. We were told that Kenya had 325 gangs, including the *Mungiki*, the *Chinkororo* and others in 2017. Hon. Osoro is not amused about the *Chinkororo*. They were all quelled by our police officers.

I submit that our officers are able and there is no reason why we should not deploy them to Haiti. I support the Motion.

Hon. Deputy Speaker: Member for Lari, Hon. Joseph Kahangara.

Hon. Kahangara Mburu (Lari, UDA): Thank you, Hon. Deputy Speaker. I rise under Standing Order 95. Many Members support the Motion while others are opposed to it. Considering that we have more important business before the House, I request that the Mover be called upon to reply.

(Applause)

Hon. Deputy Speaker: It seems that it is the mood of the House that I call upon the Mover to reply. I will put the Question.

(Loud consultations)

Hon. Members, it is hard to decide. So, we will proceed with this one first.

Hon. Members, allow me to proceed. I have to properly read the title of the Joint Committee and thereafter call upon the Chairperson, Hon. Tongoyo, to reply. Just let me do my job.

(Loud consultations)

There is a dispute as to whether the Mover should reply or not. Is that the Question before the House?

Hon. Members: Yes!

Hon. Deputy Speaker: I, therefore, want to ask whether the House agrees. You will have opportunity to decide whether the Mover should be called upon to reply or not.

(Loud consultations)

(Hon. Catherine Omanyu spoke off the record)

Hon. Omanyu, I will wait for you to finish your altercation.

Hon. (Dr) Otiende Amollo (Rarieda, ODM): On a point of order.

Hon. Deputy Speaker: What is your point of order, Hon. Otiende?

Hon. (Dr) Otiende Amollo (Rarieda, ODM): Hon. Deputy Speaker, I would like your guidance. I will wait until you are done consulting.

*(Hon. Deputy Speaker consulted
the Clerk-at-the Table)*

I wish to get your guidance on a fundamental matter. This being a House of debate, usually the minority will have their say and the majority will have their way. I want to bring to your attention that it may not be easy for you to determine who the majority is and who the minority is. It is, however, clear that in the course of this very short debate, the majority have had the greatest contribution. Hon. Yusuf and Hon. Korere, who are clearly from the Majority side, came to the Minority side with the result that being the minority...

Hon. Kimani Ichung'wah (Kikuyu, UDA): On a point of order.

Hon. (Dr) Otiende Amollo (Rarieda, ODM): Hon. Deputy Speaker, the Leader of the Majority Party cannot be on a point of order while I am on a point of order. This is the guidance I am seeking from you.

Hon. Deputy Speaker: I will guide you accordingly.

Hon. (Dr) Otiende Amollo (Rarieda, ODM): Is it in line with the Standing Orders for the Minority side to be clearly denied their say and way?

Hon. Deputy Speaker: Hon. Otiende, the mere fact that a Member is from the Minority side does not mean that they are required to always object to a report. Both the Majority and Minority sides got equal opportunities. If Members from the Minority side decided to support the Majority side, that is their individual prerogative. Because there seems to be a disagreement whether the Mover should reply or not, I will put the Question and you will have the chance to support or oppose the matter.

(Question, that the Mover be called upon to reply, put and agreed to)

(Several Members stood in their places)

Hon. Deputy Speaker: You have insufficient numbers. Mover.

Hon. Gabriel Tongoyo (Narok West, UDA): Thank you, Hon. Deputy Speaker. I want to take this opportunity to thank the Members who have contributed to this important Motion. Having keenly listened to all contributions, it is true that this is an important matter. I appreciate all who supported sending our very disciplined, professional and competent officers to help bring peace to Haiti, a country of African descendants.

I would like to highlight a few things. First is why Kenya was appointed as a lead nation. It is on record that Kenya has previously participated in peacekeeping in the world. There are a few countries that had been mentioned by the Leader of the Majority Party and others who have spoken.

(Loud consultations)

Hon. Silvanus Osoro (South Mugirango, UDA): On a point of order

Hon. Deputy Speaker: What is your point of order, Hon. Osoro?

Hon. Silvanus Osoro (South Mugirango, UDA): Hon. Deputy Speaker, protect me. Hon. Omanyo is being disorderly in the House. She is upstanding, shouting, tearing and throwing papers around while a Member is making their contribution. Is it in order for her to do so on the Floor of the House?

Hon. Deputy Speaker: I did not see that, but we will review the cameras. She can be dealt with at a later time. Proceed, Member for Narok.

Hon. Gabriel Tongoyo (Narok West, UDA): Thank you Hon. Deputy Speaker. I would like to outline a few things. First is the very fundamental question of whether procedure was followed. I would like to confirm to the country and this House that the Committee followed the due process of law to the letter. The Report indicates the involvement of the United Nations Security Council and the Cabinet Secretary for Interior and National Administration. I want to confirm that we followed the due process to the letter. Out of the 15 Members of the Committee, 14 approved the Report to deploy our officers. There was only one minority report. Kenya has participated in various peacekeeping missions with great distinction and honour. We are proudly known for many other things including peacekeeping. I would like to bring to your attention to the fact that the deployment period is a year, subject to review after nine months.

I am aware that Kenyans are asking the question of who bears the cost. I am on record that the entire cost will be borne by the United Nations. I challenge and call upon those who had reservations to support and pray for our disciplined forces as they go to Haiti and as we continue reclaiming our country's position in the global stage. We have done it before and we will continuously do it.

With those few remarks, I beg to reply

Thank you.

(Question put and agreed to)

Hon. Deputy Speaker: Next Order.

ADOPTION OF REPORT ON THE FIRST SUPPLEMENTARY
ESTIMATES FOR FY 2023/2024

Hon. Deputy Speaker: Chairperson of the Budget and Appropriations Committee. Proceed.

Hon. Ndindi Nyoro (Kiharu, UDA): Thank you very much, Hon. Deputy Speaker, for giving me an opportunity.

I rise to move a Report from the Budget and Appropriations Committee on the Supplementary Estimates I for the Financial Year 2023/2024.

Previously, I would be given a lot of time to move this Report but today, I do not wish to take much time because I can see we have a lot of important business. First of all, I wish to bring to the attention of the House that the budget we are currently implementing is of Ksh3.744 trillion. These Supplementary Estimates are realigning Government priorities in regard to the current circumstances and allocating resources in high impact areas with the shortest time from input to output.

These Supplementary Estimates are being made when our country is facing a myriad of issues. Therefore, as the Budget and Appropriations Committee, we tried to align the limited resources our country has so as to address the current issues and give Kenya a great foundation. Going to specifics...

Hon. Deputy Speaker: Hon. Chairperson, I hope you will move the Motion as written before you finish.

Hon. Ndindi Nyoro (Kiharu, UDA): Yes, I will move it before I finish or right now. I wanted to move when concluding but it is always better to do it earlier so that Members can get the talking points from the essence of the Order Paper.

Hon. Deputy Speaker, I beg to move:

THAT, this House adopts the Report of the Budget and Appropriations Committee on the First Supplementary Estimates for the Financial Year 2023/2024, laid on the Table of the House on Wednesday, 15th November 2023 and, pursuant to the provisions of Article 223 of the Constitution and Standing Order 243 –

- (i) approves an increment of the total recurrent expenditure for Financial Year 2023/2024 by Ksh90,717,383,737 in respect of the Votes as contained in the FIRST SCHEDULE;
- (ii) approves a decrease of the total capital expenditure for Financial Year 2023/2024 by Ksh24,515,810,722 in respect of the Votes as contained in the FIRST SCHEDULE;
- (iii) approves an overall increase in the total budget for Financial Year 2023/2024 by Ksh66,201,573,015 in respect of the Votes as contained in the FIRST SCHEDULE; and,
- (iv) approves Kshs1,736,121,765 spent under Article 223 of the Constitution in respect of the Votes outlined in the THIRD SCHEDULE;
- (v) resolves that the FIRST SCHEDULE forms the basis for the introduction of the Supplementary Appropriation (No.3) Bill, 2023; and,
- (vi) Further, makes the policy resolutions contained in the FOURTH SCHEDULE to the Order Paper.

I had made a few remarks before moving. As I was saying, we are aligning the limited resources we have, as a country, so as to address the current issues and lay the basis for the

growth of our economy. I want to laud this House for the policies we have been making, both on the finance sphere and in regard to the budget. All these laws are made by this House.

(Loud consultations)

I do not know whether the consultations can be a bit lower.

Hon. Deputy Speaker: Hon. Members, kindly let us give the Chairperson of the Budget and Appropriations Committee an opportunity to be heard. So, let us consult in lower tones.

Thank you.

Hon. Ndindi Nyoro (Kiharu, UDA): Thank you very much, Hon. Deputy Speaker. I laud this House for the policies we have been making, both on the finance front and the Budget. The budget-making process is an aspect of law making. Our country is dealing with several issues in regard to the macro-economic growth and the economy of the pocket where the rubber meets the road.

There is room for improvement in terms of ensuring the standard of living for Kenyans is improving as we lower the cost of living. This is always a moving target and we are doing everything possible to contain and align this. It is also important to celebrate some of the developments in our country regardless of the economic hardships. It is important for me to mention to the House that the policies we have made have contained inflation, which is one of the parameters of macro-economics.

Now, we are in a much better situation in terms of inflation compared to last year. I am saying so because inflation was almost going to double digits. But as we talk, the data we got from the Kenya National Bureau of Statistics (KNBS) last month is that the inflation is below 7 per cent. It is important for me to mention that our benchmark in terms of inflation in Kenya is 5 per cent with plus or minus 2.5 per cent, either way. So, we are doing well. We measure the inflation of food, fuel and our currency. We are doing pretty well because of the fiscal policies we have employed to contain food inflation. We have a challenge with fuel inflation and I am sure the policies that have been put in place will address this sphere. Our inflation would be much lower were it not for the gains subdued by fuel inflation especially on issues largely beyond the control of our country. On the other parameter of economic growth, it is important that I mention to these colleagues of mine who have been very instrumental in shaping the decisions we make as the Budget and Appropriations Committee that, notwithstanding the economy of the pocket that is not doing so well, Kenya as a macro-economy is doing fairly well comparatively globally.

In the first quarter of 2023, Kenya's economy grew by 5.3 per cent. In the second quarter of 2023, the Kenya Gross Domestic Product grew by 5.4 per cent. This is not just the Kenyan data but data from even the Bretton Woods Institutions like the International Monetary Fund and World Bank. In that respect, Kenya in the first quarter of 2023 was actually the 29th fastest growing economy in the world. These are things that are important to mention. I also comment that there is something that we need to do to make sure that this economic growth is felt in the pockets of Kenyans.

Why are we making this Supplementary Budget? I will mention just a few points because I want to conclude in the next five minutes so that we can go to the debate. I want Members, kindly, if it is possible because the essence of this debate, is to conceptualise it.

The essence of making this Supplementary Budget is:

(i) To address the issue of payments of interest rates.

So that we can go step by step, the real reason of having this Supplementary Budget now is because we, as a country, want to provide enough resources for the payments of interest rates. Out of the total increment of this Budget of around Ksh200 billion, Ksh145 billion is an

increment in the payments of interest rates. One would ask: Why are we doing it now and we just did our Budget in the month of June? The reason is that from the month of June to date, we have had two main issues happening around interest rates.

One is the interest rate itself, which is the cost of money. We have had to raise our interest rates at home so that we make Kenya attractive for capital inflows. This is a contractionary measure that we are doing as an economy. Interest rates domestically and globally have been rising and, therefore, the cost of our debts has been rising and so, we needed to provide monies for the payment of those interest rates.

The second front is forex. Our debt one year ago was 50-50; 50 per cent domestic and 50 per cent foreign. In a debt situation of Ksh10 trillion, it therefore means our foreign debt was around Ksh5 trillion and actually to quote precisely, it was Ksh4.3 trillion in terms of our domestic debt. Out of this foreign debt, majority of it is dollar denominated. But the Kenya Shilling has lost around 20 per cent from January to date and from June to now, we have been subdued. Therefore, we are providing monies so that we are able to pay our obligations timely. The reason is that the Government finds itself using Kenya Shilling but in terms of the payment of international or foreign obligations, we use domestic currencies and that is where there is a loss and, therefore, our country will be spending an extra Ksh145 billion as an increase in cost of our debts when it comes to repayment of our interest rates alone.

(ii) Some of the increments that we have made in this Budget first are on education.

We have put in Ksh20 billion into the Teachers Service Commission (TSC) out of the policies that we have passed in this House; policies around National Industrial Training Authority, the new National Social Fund and the previous National Hospital Insurance Fund. On the issues around National Security Social Fund, we needed to provide the TSC with money, being the largest employer in Kenya, for their portion as an employer to cater for those statutory requirements.

Secondly, and I want Members to be keen on this, we have also provided around Ksh5.4 billion for bridging the gap of the deficit of the JSS funding in terms of capitation. In this Budget, we have provided that money. We have also provided monies for the new funding model of tertiary education. We have put in over Ksh4 billion into giving scholarships and loans to technical and vocational education trainings students. On the other side of universities, we have provided enough resources for the intake that is currently on course and the next intake. We have also provided Ksh3.4 billion monies for the infrastructure of JSS institutions. We have also recalibrated so that those monies shall no longer be going to the Ministry of Education. All monies will be going to the National Government-Constituency Development Fund because the patrons, the Members of this House, have shown that they are the best managers when it comes to the execution of public facilities.

We have provided Ksh8.52 billion that will be going into the post-harvest management and also to purchase fertiliser for the next season and, therefore, when it comes to the inputs of our agricultural sector, we have taken care of that. We have provided money for the sugar sector reforms and some of those monies will be going to payment of arrears owed to sugarcane farmers so that we can continue releasing more resources to our economy.

There is a lot more that we have done in the Supplementary Estimates and I will call upon Members to also go through the reports so that we can participate. We have given monies to the National Cereals and Produce Board for the purchase of maize so that the sweat of our farmers will not go down the drain. We have also provided money for Coffee Cherry Fund so that our coffee farmers can have a facility to take forward the agriculture sector and, especially, when it comes to cash crops. On the policy front, we have a lot of improvement in the National Treasury and Economic Planning in so far as invoking Article 223 is concerned. This time, we are only approving less than Ksh2 billion monies spent under Article 223. The bulk of it is going into post-harvest management.

Lastly, out of the reports that we usually make in this House, the National Treasury or the Executive has come up with a Pending Bills Commission which will go a long way in addressing those pending bills that have really hampered the growth of our small and medium enterprises, majority of whom are owed those monies.

With those many remarks, I want to really thank all Members of this House. You have always been a source of knowledge to us as the Budget and Appropriations Committee. I also want to thank all Departmental Chairs who have appeared before us for the last few days. Something we also do as Budget and Appropriations Committee is we ride on the knowledge and wisdom of the Departmental Chairs. If you check our reports, you will clearly see that the Budget and Appropriations Committee respects all the decisions by the Departmental Chairs. There are usually hardly any variations. We rarely ever do any variations from the Departmental Chairs reports because we believe we should be capitalising on the wisdom and knowledge of the Members of the Departmental Committees of this House.

With those many remarks, I beg to move and request my very able Vice-Chair of the Committee on Budget and Appropriation Committee to second.

Hon. Mary Emaase (Teso South, UDA): Thank you, Hon. Deputy Speaker. I have been told to be brief. I think Members are eager to contribute to this Motion.

As I second, I would like to join my Chair to appreciate the contribution from Members of all the Departmental Committees to the budget process. This Report is a culmination of a lot of work, effort, commitment and time that Members have put through. I will not forget to mention our Parliamentary Budget Office that has assisted, directed and advised us in unpacking the Supplementary Budget and the whole process up to the Report preparation and recommendations.

Hon. Deputy Speaker, having said that, I want to emphasize one aspect. For us to appreciate the budget, we must understand the macro-economic fundamentals underpinning it. As an economist, our very able Chair has articulated that aspect well, but I just want to emphasize because it is important. We must understand why we have done what we have done in the manner in which we have done it. We are preparing Supplementary I at a time when Kenya and many countries across the world are experiencing very difficult economic times. I must say that our economy has been very resilient to the economic shocks. During our discussions, one Member told us that we are blaming everything on the war in Russia to now the war in Israel, but these are facts that we must confront. We were still recovering from the impact of COVID-19, and then the wars started. We now have the vulnerability to debt and because of the economic tightening of many advanced economies; we are seeing an increase in interest rates and fluctuations in the exchange rates. All these things have affected us. Therefore, in view of the foregoing, we had to rearrange the Budget in a manner that addresses or mitigates the impacts of those challenges in the economy. We must do this so as to cushion Kenyans and the nation from severe impacts of the same. We must alleviate the suffering of Kenyans.

I want to speak to the aspect of debt. We are aware that Kenya borrowed the Eurobond sometime back in 2014 and to date, it has attracted Ksh70 billion. Our foreign debt is now at Ksh448.7 billion and domestic debt at Ksh415 billion. We are about to borrow more. At this point, when we prepare the budget, we do it in a manner that addresses the consolidation measures so that we are able to reduce the deficit and accumulation of debt. How do we do that? We rearrange our budget.

We have our needs and wants but at this time, we have to ask ourselves what can wait, what cannot wait and what we can do away with altogether. This is where austerity measures come in. When we were looking at the Budget, most departmental committees had endless wish lists but we had to make rearrangements so as to create fiscal space. We need to create more legroom for us to rearrange the money and take some of it to help us pay our debt. We

also need to allocate to other priority and emergency areas like mitigating the *El Nino*, climate change and many others. Even if we have to borrow by rearranging, we will end up borrowing less as opposed to more and so this rearrangement was necessary in the Budget.

Having said that, allow me to touch on a few sectors that are benefitting from this rearrangement, one of them being the agricultural sector. We know that the agricultural sector has employed a number of reforms towards improving competitiveness of our exports, securing food security so that in the long run we are able to bring down the cost of food and, therefore, the cost of living. At the same time, we know that the agricultural sector creates a lot of employment. I want to say that this sector has benefited more. We are allocating Ksh516 million towards paying arrears to farmers, and Ksh550 million for food security diversification, among others.

As I conclude, I want to state that the education sector is also one of the biggest beneficiaries. We have allocated Ksh1 billion to Nairobi schools. Nairobi has the largest population and some constituencies just have two or five schools. There is more money going towards supporting Nairobi County in opening more schools. We also have funding going to the new model university funding to support education in our universities. We also have an allocation to social protection. We recently registered our elderly persons and we have now allocated Ksh2.8 billion to that end. There are more allocations to the Hustler Fund and many others.

Thank you for giving me the opportunity, Hon. Deputy Speaker. I will stop there.

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

Hon. Deputy Speaker: You are raising a point of order on the seconding of the Motion? Let me first propose the question.

(Laughter)

I think Members are anxious about this. I must say my claim to fame is that Hon. Emaase was my very able Senior Accountant when I was at the Judiciary. I can see that she has not lost her touch.

(Question proposed)

You may now raise your point of order before the debate. Do you want the debate to start before you raise your point of order?

Hon. Ruku GK (Mbeere North, DP): Yes.

Hon. Deputy Speaker: Maybe you want the debate to start then your point of order can mature.

Hon. Ruku GK (Mbeere North, DP): I rise under Standing Order 97 on limitation of debate in view of Members having a lot of interest in contributing to this debate. I beg to move that we limit debate from ten to five minutes. That is so that many Members can get an opportunity to contribute, and I be given the first opportunity to contribute.

Thank you.

(Applause and laughter)

Hon. Deputy Speaker: Hon. Members, is the House in agreement that we limit debate?

Hon. Members: Yes.

(Question, that debate be limited to five minutes per Member, put and agreed to)

Hon. Deputy Speaker: Debate is limited to 5 minutes per Member, except the Leader of the Majority Party and the Leader of the Minority Party.

(Hon. Kimani Ichung'wah stood up in his place)

Can we give him the privilege of going first?

Hon. Kimani Ichung'wah (Kikuyu, UDA): Thank you, Hon. Deputy Speaker. I thank Hon. Ruku although he is stretching his luck. He wants to abrogate himself the responsibility of the Speaker to allocate who starts. He is a good man. I rise to support this Motion on the first Supplementary Estimates in this Financial Year.

As the Chair and the Vice-Chair have articulated very well, this Supplementary Estimates I come against a backdrop of a very difficult time for our economy and, indeed, the global economy. Just to add to the issues the Chairman and the Vice-Chair have alluded to, and as we all know, the global economy is still in the post-COVID-19 recovery mode. This post-COVID-19 recovery has had huge ramifications on growing economies of others and ours in the developing world. That is especially informed by happenings beyond the borders of our developing economies - happenings in America, the Western World in Europe and now happenings in the Middle East with the war between Hamas and Israelis in a way that is hugely impacting the supply chain around the oil and gas sector.

Because we are not an oil-producing country but an oil-consuming country, any interruption to the supply chain of oil emanating from the war between Ukraine and Russia or the war in the Middle East will have an impact on our local economy. We have seen that even with the consistent rise of global oil prices and distortions of our foreign exchange rates against hard currencies, those who understand will know that global oil prices have a huge impact on our exchange rate especially against the dollar because most crude oil and refined oil are traded in dollars. The demand for crude or refined oil in our economy in a way also helps to drive up the cost of the dollar against the shilling.

As has been said, it would be worse were it not for Government-to-Government contractual arrangements that guarantee we have adequate oil supplies in our country and hedged prices and, therefore, not subject to very frequent fluctuations of oil prices in the world.

[The Deputy Speaker (Hon. Gladys Boss) left the Chair]

[The Temporary Speaker (Hon. Omboko Milemba) took the Chair]

Hon. Temporary Speaker, the other issue that confront us as we work on this Supplementary Estimates I is this: You know we had challenges implementing the Finance Act of 2023 with all the cases that went to court. That, in a way, impacted our revenue collection. You remember the Kenya Revenue Authority (KRA) had already reported that they had a shortfall of about Ksh79.3 billion on revenue turnovers within the first quarter from July, August and September 2023. I am glad to note that all the revenue streams and tax incomes the KRA collects be it VAT on fuel, Excise Duty or Income Tax, and are now performing from October... I was happy to note in one of the reports by the KRA that taxes, especially around fuel, are now performing at almost 106 per cent above target. If it progresses the same way, there is hope that we shall catch up with revenue estimates.

It is surprising that some have argued that our taxation on fuel has discouraged Kenyans from consuming fuel. Estimates and data coming from the Energy and Petroleum Regulatory Authority (EPRA) and the KRA will shock them. Surprisingly, the consumption of fuel in this country has, indeed, done the opposite. The consumption of fuel has gone up. That is why even revenues from the consumption of fuel are performing.

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(Loud consultations)

I hear somebody behind me speaking about the consumption of alcohol. I am speaking about the consumption of fuel, not alcohol. I do not care whether the consumption of alcohol goes up or down as long as they can pay taxes. Those who have been listening to critics of this administration know the critics have been saying that we have reached the optimum level of the curve of the tax generation cap; that we can no longer generate more revenue from some of these taxes. I just want to speak to the critics of this administration and tell them that we are yet to get there. The VAT on fuel is the first evidence that there are opportunities we are yet to exploit to broaden our tax base.

As was alluded to earlier, we have had our challenges besides those of revenue like the fluctuation in foreign exchange and interest rate increments both at the domestic level and even on the international markets. If you look at what happened in America after the COVID-19 pandemic, the American Government had many subsidies for their people. It created a huge inflationary situation in their country. To help mop up the excess liquidity in the market, they increased their Fed Fund Rates almost to 5.56 per cent and 6 per cent. In a way, that has affected our interest rates locally.

Besides what the Chair of the Budget and Appropriations Committee has alluded to, we have had to increase our local interest rates to attract investments into our country, especially from funds that come to invest in the Government securities of our country. That means that our cost of servicing our debt has also gone up with interest rates. Members will note from this Supplementary Estimates I that close to Ksh145 billion is an expenditure going to service our debt.

(Loud consultations)

Hon. Temporary Speaker, protect me from the people making noise behind me.

The Temporary Speaker (Hon. Omboko Milemba): Hon. Members, order! Order, Senior Counsel. Proceed.

Hon. Kimani Ichung'wah (Kikuyu, UDA): I was saying that Ksh145 billion is going to service debt. Those who are pontificating about how good they are in fighting for Kenyans on the cost of living are never honest enough to tell Kenyans that the huge burden of public debt that we are now having to pay an extra Ksh145 billion was occasioned by bad macro-economic policies under a regime they served in and supported. We must be honest.

Hon. Temporary Speaker, I say this with all due respect to my colleagues, even those I am engaging with in the National Dialogue Committee. I have seen them pontificate on the cost of living and demanding that we must now implement policies that we, as the Kenya Kwanza Administration, did not go out to Kenyans to campaign on. We campaigned on the background of workable macro-economic policies that will ensure that this country is on a trajectory of economic recovery that is anchored on sustainable macro-economic policies, but not short-term, populist and politically expedient policies of subsidising consumption.

In these Supplementary Estimates, the Chairman of the Departmental Committee on Energy and the Chairman of the Budget and Appropriations Committee will tell you that we now have to pay Ksh4 billion for subsidising fuel. Those are bills which were not incurred by this administration but are fuel subsidy bills that were incurred by the previous administration. When we told them that the policies of subsidising consumption that they were pursuing were not helping this country, they did not listen to us. I am saying this because I sit at a place where I have seen people begin to use the question of the cost of living to play populist politics.

I thank the Members of the Budget and Appropriations Committee and Members of this House who have stood by what is right for the country and posterity rather than what is populist! As I said during the State of the Nation Address debate, it is very easy for His Excellency the President to wake up today and announce very populist policies like subsidising *unga*. My friend, Mr Ouma, in Umoja sent me screenshots of a supermarket in Umoja where they are now buying Pembe Flour at Ksh157, which is one of the most expensive brands of *unga*. Those who purport to have gone to the streets on account of the cost of living used *sufuria* and *unga* as an excuse when it was Ksh210, today want to threaten us that they can go back to the streets on account of *unga* which costs Ksh157 for the most expensive brands. There are brands that cost Ksh140. We must drop this pretence and speak to the issues.

Others are attempting to excite and incite university students on account of the new funding model. It is unfortunate that even very senior leaders in this country speak to issues that they have absolutely no information on. They have not sought to understand the housing agenda and the new funding model of our universities.

Today, Ksh10.3 billion will go to the new universities funding model at Higher Education Loans Board (HELB) and yet, the political leaders are attempting to incite our university students. Shame on them! The Budget and Appropriations Committee and National Treasury have Ksh10.3 billion to go to the HELB. Shame on them! An amount of Ksh3.6 billion will be taken to university scholarships under the new funding model.

Our school capitation for JSS will get another Ksh6.5 billion. The Kenya National Examinations Council (KNEC) will ensure that the examinations of our students will be marked and results delivered on time. They will get Ksh2.8 billion. Our Technical and Vocational Education and Training (TVET) institutions will get Ksh4.6 billion in the new funding model. On account of the Kenya Universities and Colleges Central Placement Service (KUCCPS) and the new funding model of universities and colleges, close to Ksh20 billion will be allocated to fund our university and college students. That is what a responsible and responsive Government does for its people. It ensures that parents who have students in TVETs, JSS and universities do not incur the burden of paying very high fees. We will appropriate adequate resources to HELB to ensure that they fund and give scholarships to children from the most vulnerable backgrounds.

I know that children of many of these leaders, even very senior ones, attended public universities and benefited from the old funding model that never cared to know whether you are a son of a Member of Parliament, Governor, President, former Prime Minister, former Vice-President or sitting Deputy President. They funded you at the same level as a son of a hustler. The new funding model focuses on the downtrodden who are the most vulnerable children. Members of Parliament, former Prime Minister and former Vice-Presidents can afford to pay university fees for their children. They do it but, the sons and daughters of hustlers will get a 100 per cent scholarship and funding from HELB. This is what this Supplementary Budget is doing.

We are talking about *El Niño* rains. They have come with some unmitigated things or emergencies that were not a focus by the time we were making the Budget at the beginning of the year. We were unable to provide adequate resources to deal with post-harvest losses. During the State of the Nation Address, the President announced that 100 mobile maize dryers and milk coolers would be procured. These resources will see Ksh2.4 billion going towards crops post-harvest to ensure that the extra 18 million bags harvested by patriotic farmers across the country will not go to waste on account of the heavy rains. Farmers will pay only Ksh70 down from Ksh350 to dry their maize. This will ensure that there will be *unga* in some of the *sufurias* that some of my colleagues here were putting on their heads and pretending they were leading a *sufuria* revolution which did not exist.

There is a revolution now to ensure that we subsidise production and give Kenyans not only maize, but also affordable food and milk. With the heavy rains, our dairy farmers will produce milk. We must ensure that we have milk coolers and are able to convert the milk to powder and store it for any eventualities during the dry seasons. There are many other interventions that are touching on security and UHC. However, I have reservations. I have seen a re-allocation of Ksh200 million to go to the Institute of Primate Research.

(Hon. Kimani Ichung'wah spoke off the record)

The Temporary Speaker (Hon. Omboko Milemba): I will give you one minute.

Hon. Kimani Ichung'wah (Kikuyu, UDA): Hon. Temporary Speaker, how do we allocate Ksh200 million to research on monkeys? That Institute is not researching on UHC for human beings. How do you remove Ksh200 million from UHC to go and research on monkeys? There is a Cabinet Secretary who told us they would relocate monkeys from a forest to another one. I do not know which research this is that we want to fund with Ksh200 million. The Committee which is in charge should propose amendments this afternoon to remove that money and take it back to more sustainable programmes. In the worst-case scenario, take it back to UHC. How do we start taking care of monkeys at the expense of human beings?

With those remarks, I beg to support the Motion and shame those who want to use the cost of living as an excuse to incite Kenyans. We have sustainable macro-economic policies that will deal decisively with the question of the cost of living to Kenyans. Let us not play politics with it or use the global economic challenges that we have around the world to try and incite Kenyans. They have a Government that is responsive, and thinks and cares about them. It is dealing with their issues in a more sustainable manner other than the politically expedient avenues that we saw in the past.

The Temporary Speaker (Hon. Omboko Milemba): Very well, Leader of the Majority Party. You have spoken well on research on monkeys. I know that there are junior secondary school teachers who need to be absorbed. Maybe, that is where we should take it.

At the risk of contributing, let me allow the Chairperson of the Budget and Appropriations Committee to move an amendment which will assist us to discuss the entire Report as one piece. Chairperson of the Budget and Appropriations Committee, please.

Hon. Ndindi Nyoro (Kiharu, UDA): Thank you very much, Hon. Temporary Speaker, for allowing me to move the amendment, so that Members can debate the Report with it in mind. In consultation with the Chairperson of the Departmental Committee on Administration and Internal Affairs, my brother, Hon. Tongoyo, we have a few marginal amendments.

Hon. Temporary Speaker, I beg to move:

THAT, the Motion on the Report of the Budget and Appropriations Committee on the First Supplementary Estimates for the Financial Year 2023/2024 be amended by inserting the following paragraphs immediately after the words "Order Paper" appearing in sub-paragraph (vi) –

“subject to –

- (a) deletion of the figure Ksh1,409,700,000 in Column 10 of the First Schedule (Gross Capital Estimates) in Vote 1017, under Programme 0704000 State House Affairs appearing on page 1 of 9 of the Schedule and substituting therefor the figure Ksh1,309,700,000;
- (b) deletion of the figure Ksh1,357,000,000 in Column 10 of the First Schedule (Gross Capital Estimates) in Vote 1024, under Programme 0626000 Population Management Services appearing

- on page 1 of 9 of the Schedule and substituting therefor the figure Ksh1,257,000,000;
- (c) deletion of the figure Ksh7,213,220,000 in Column 10 of the First Schedule (Gross Capital Estimates) in Vote 1026, under Programme 0629000 General Administration and Support Services appearing on page 1 of 9 of the Schedule and substituting therefor Ksh7,714,220,000;
 - (d) insertion of the figure Ksh100,000,000 in Column 6 of the Second Schedule (Development Reduction) in Vote 1017, under Programme 0704000 State House Affairs appearing on page 1 of 26 of the Schedule;
 - (e) deletion of the figure Ksh100,000,000 in Column 6 of the Second Schedule (Development Reduction) in Vote 1024, under Programme 0626000 Population Management Services appearing on page 2 of 26 of the Schedule and substituting therefor Ksh200,000,000;
 - (f) deletion of the figure Ksh200,000,000 in Column 6 of the Second Schedule (Development Reduction) in Vote 1026, under Programme 0629000 General Administration and Support Services appearing on page 2 of 26 of the Schedule.
 - (g) effecting the consequential amendments in the Report thereof.

Hon. Temporary Speaker, Hon. Tongoyo was trying to capitalise more money into the Police Modernisation Programme, which had a deficit of Ksh200,000,000, which he has been able to fund by internal realignments.

I call upon the Chairperson of the Departmental Committee on Administration and Internal Affairs, Hon. Tongoyo, to second.

The Temporary Speaker (Hon. Omboko Milemba): Chairperson of the Departmental Committee on Administration and Internal Affairs, please, inform the House what this is all about.

Hon. Gabriel Tongoyo (Narok West, UDA): Thank you, Hon. Temporary Speaker. I want to clarify in simple terms what the amendment intends to achieve. First, I want to thank the Chairperson and Members of the Budget and Appropriations Committee for seeing it fit to table this amendment.

The Chairperson had mentioned that we know the situation that we are in as a country, especially on matters of security. His Excellency the President has always talked about modernising and revolutionising our security apparatus. A sum of Ksh6.5 billion has been allocated in these Supplementary Estimates to modernise our security agencies, specifically the National Police Service to buy Mine-Resistant Ambush Protected (MRAP) vehicles, Armoured Personnel Carriers (APCs), gunshot helicopters, aerial unmanned vehicles and drones. We intend to protect that fund so that it can help our security personnel to enhance their operations to tackle insecurity in the country. These were small budget cuts which we wanted to cure, so that crucial security services are not affected.

With that, I second the amendment.

(Question of the amendment proposed)

The Temporary Speaker (Hon. Omboko Milemba): Hon. Members, I order that the amendments, as prescribed on this sheet which I am holding, be circulated to all Members so that as they debate this Motion, they are able to refer to it, especially as we proceed to the Committee of Supply.

The next Member to speak to this is Hon. James Nyikal.

*(The Clerk-at-the-Table consulted the
Temporary Speaker Hon. Omboko Milemba))*

Order, Hon. Members. I have received further guidance that we first deal with the amendment before we proceed to debate on the entire Report.

Hon. Members: Put the Question!

The Temporary Speaker (Hon. Omboko Milemba): It seems that it is the mood of the House that I put the Question and, therefore, I will proceed to do so.

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

*(Question, that the words to be left out
be left out, put and agreed to)*

*(Question that the words to be inserted in place
thereof be inserted, put and agreed to)*

(Resumption of debate on the Motion as amended)

The first to speak on the amended Motion is Hon. James Nyikal.

Hon. (Dr) James Nyikal (Seme, ODM): Thank you, Hon. Temporary Speaker, for allowing me to contribute to the debate on the Supplementary Estimates.

I must applaud the Budget and Appropriations Committee for bringing this Motion. We should implement these Supplementary Estimates because they drive the economy. Government budgets are the biggest financial supplier to the economy. We will be okay if we sort that out.

The main objective of any economic activity is the welfare of the people. It does not matter how good the policies are, how sound they are, or how pleasing they sound. If people do not feel their effects in their daily lives, in the food they put on their table, when they pay for the energy that they use in their homes, when they fuel their cars, when they pay for public transport, their healthcare and education, the improvement is of no consequence. The Chairperson of the Budget and Appropriations Committee made it very clear when he reduced it to the term “economics of the pocket”. That is the level where those policies are felt. There will only be growth if people feel it in their pockets. It does not matter; you must be able to wake up, get food on the table, travel on your *matatu* or get to your boda boda. That is what matters. So, the issues we are addressing in this country to a large extent still remain the cost of living. We cannot run away from it. Whatever we do, that is the thing we must address.

When we talk about debt, it is not fair that when you are in Government, you keep blaming the previous Government. That is why you are in the Government. Sort out the problems. Do not keep saying this is the person who did this. Okay, we have heard that from the time of campaign. Now we want solutions. If it is the debts you say are rising, the debts cannot rise if you do not take debts now. You cannot then blame it on the past.

I have heard many things. I am not an economist but talking about economy, we are talking about paying debts. That is fair so that we remain credible in the world of money. But I have never heard us talking about restructuring. I do not think as a country we can insist that we pay all the debts even if our children are dying. That is one thing I have never heard. I know the Chairperson of Budget and Appropriations Committee is somebody who is much grounded

in economics, but I have never heard us talking about restructuring. Must we pay today even when our children are dying? Can we not say we will do that? I have never heard that and whether this is on purpose, I have heard it in many circles but not when we are dealing with our issue.

When we talk of increasing taxes and rates so that we attract money from abroad, we must also realise that if the debts are increasing, it has an effect on our economy. People cannot borrow here and get into business because of that. So, there must be a very clear balance on that.

The Leader of the Majority Party made a very good statement that you reach an optimum level when you are talking about taxes or even fuel. You will get increased revenue as the taxes go up but you reach a point that now the revenue is reduced. Although we are saying we have not gotten to the optimum level, we are getting there. Even today in the media, we have reports indicating that we are collecting less particularly from the areas that we were thinking about with regard to taxes. That is something that I think we should look at. These are well known facts. Even where we apply money - and I am happy that we are applying money in education, in universities and so forth - I just want to get one point.

Hon. Temporary Speaker, I will ask you to allow me to do this. Good policies, if not properly applied, actually cause a problem. Somebody wants to blame others for what is happening at the university. It is very simple. This funding is a good principle, save for how it was applied and the mechanics of implementing it. There are three...

The Temporary Speaker (Hon. Omboko Milemba): I am telling you the interest here is overwhelming. You have had your bite. Hon. Julius Melly.

Hon. Julius Melly (Tinderet, UDA): Thank you, Hon. Temporary Speaker. I rise to support this and commend the Chairperson of the Budget and Appropriations Committee and the whole Committee for a well-documented Report on the Supplementary Budget. This budget has addressed pertinent issues; the issues that affect the people. These issues affect the common person. On the issues at play, as the Chairperson of the Committee on Education has just said, and I want to pinpoint them, I will look at the whole spectrum of the Supplementary Budget I.

This time, the Budget has not interfered a lot with the aspect of development especially in university education. The monies that were allocated in the main budget have almost remained the same.

Hon. Temporary Speaker, on the issue of Junior Secondary School, the country knows that next year, we are going to have Grade 8. They have supplied Ksh5 billion for the construction of the JSS classrooms or for the capitation. On top of that, it was the wisdom of the Departmental Committee on Education that Ksh3.5 billion be taken to the NG-CDF so that Members of this Committee will give shilling for shilling, which will be around Ksh6.6 billion, towards the construction of 16,000 classrooms in this Republic. That is quite commendable and I want to say that the Budget and Appropriations Committee has done it quite well.

On the issue of university funding, I want to alert the Member for Seme that the funding formula is for the downtrodden; the poor. In this particular case, I want to point to the House that last week, the Departmental Committee on Education directed the Higher Education Loans Board to give pocket money to the students first and, thereafter, disburse the loans and lastly disburse the scholarship funds. This one was very important and this one has been done.

On the issue of the JSS teachers, I want to say that it is very important that the issues that were at play have been captured well.

I also want to point out that we have the issue of the sugar reforms. I want to laud the Government that, first of all, in the main Budget, most of the loans were written off and the monies that were supplied this time have been captured well.

Lastly on the issue of Budget, I want to say that this was good and I want to thank the Members for that. Hon. Temporary Speaker, thank you.

Hon. George Murugara (Tharaka, UDA): On a point of order.

The Temporary Speaker (Hon. Omboko Milemba): What is your point of order, Hon. Murugara?

Hon. George Murugara (Tharaka, UDA): Thank you very much, Hon. Temporary Speaker. Allow me to stand under Standing Order 95. I wish to explain as follows: As soon as we finish the debate which we are moving on with very well, we are moving on to the Committee of Supply. In this Committee, we will move item by item as we supply money to the Government. Every Member will have the opportunity to contribute on every item you want to contribute and, therefore, we may be repeating ourselves. Considering we have the entire afternoon for the Members to talk, I believe the Mover should be called upon to reply. Thank you.

(Applause)

The Temporary Speaker (Hon. Omboko Milemba): Well, you know the Speaker is blind. In as much as I have seen overwhelming interest in the debate, a Member has risen from his place under Standing Order No.95 that we call upon the Mover to reply. I will put the Question.

(Question, that the Mover be now called upon to reply, put and agreed to)

Let me guide as follows: That as we invite the Mover to reply and, when we get into the Committee of Supply in the afternoon, let Members be allowed to speak on this Supplementary Budget.

Hon. Ndindi Nyoro (Kiharu, UDA): Thank you very much, Hon. Temporary Speaker. I thank all Members who have contributed. We will be here in the afternoon to talk about all these issues on specific terms. I will also be available here to clarify any issues to Members and our colleagues. Therefore, Hon. Temporary Speaker, I beg to reply.

(Applause)

(Question put and agreed to)

Resolved accordingly:

THAT, this House adopts the Report of the Budget and Appropriations Committee on the First Supplementary Estimates for the Financial Year 2023/2024, laid on the Table of the House on Wednesday, 15th November 2023 and, pursuant to the provisions of Article 223 of the Constitution and Standing Order 243 –

- (vii) approves an increment of the total recurrent expenditure for Financial Year 2023/2024 by Ksh90,717,383,737 in respect of the Votes as contained in the FIRST SCHEDULE;
- (viii) approves a decrease of the total capital expenditure for Financial Year 2023/2024 by Ksh24,515,810,722 in respect of the Votes as contained in the FIRST SCHEDULE;
- (ix) approves an overall increase in the total budget for Financial Year 2023/2024 by Ksh66,201,573,015 in respect of the Votes as contained in the FIRST SCHEDULE; and,

- (x) approves Kshs1,736,121,765 spent under Article 223 of the Constitution in respect of the Votes outlined in the THIRD SCHEDULE;
- (xi) resolves that the FIRST SCHEDULE forms the basis for the introduction of the Supplementary Appropriation (No.3) Bill, 2023; and,
- (xii) Further, makes the policy resolutions contained in the FOURTH SCHEDULE to the Order Paper.

“subject to –

- (a) deletion of the figure Ksh1,409,700,000 in Column 10 of the First Schedule (Gross Capital Estimates) in Vote 1017, under Programme 0704000 State House Affairs appearing on page 1 of 9 of the Schedule and substituting therefor the figure Ksh1,309,700,000;
- (b) deletion of the figure Ksh1,357,000,000 in Column 10 of the First Schedule (Gross Capital Estimates) in Vote 1024, under Programme 0626000 Population Management Services appearing on page 1 of 9 of the Schedule and substituting therefor the figure Ksh1,257,000,000;
- (c) deletion of the figure Ksh7,213,220,000 in Column 10 of the First Schedule (Gross Capital Estimates) in Vote 1026, under Programme 0629000 General Administration and Support Services appearing on page 1 of 9 of the Schedule and substituting therefor Ksh7,714,220,000;
- (d) insertion of the figure Ksh100,000,000 in Column 6 of the Second Schedule (Development Reduction) in Vote 1017, under Programme 0704000 State House Affairs appearing on page 1 of 26 of the Schedule;
- (e) deletion of the figure Ksh100,000,000 in Column 6 of the Second Schedule (Development Reduction) in Vote 1024, under Programme 0626000 Population Management Services appearing on page 2 of 26 of the Schedule and substituting therefor Ksh200,000,000;
- (f) deletion of the figure Ksh200,000,000 in Column 6 of the Second Schedule (Development Reduction) in Vote 1026, under Programme 0629000 General Administration and Support Services appearing on page 2 of 26 of the Schedule.
- (g) effecting the consequential amendments in the Report thereof.

ADJOURNMENT

The Temporary Speaker (Hon. Omboko Milemba): Hon. Members, the time being 1.05 p.m., this House stands adjourned until this afternoon at 2.30 p.m.

The House rose at 1.05 p.m.

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