

## KENYA NATIONAL ASSEMBLY

### DEBATE ON THE MISSION TO HAITI

[**Hon. Deputy Speaker**]

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.

### MOTION

#### APPROVAL OF DEPLOYMENT OF POLICE OFFICERS TO HAITI

**Hon. Gabriel Tongoyo** (Narok West, UDA): Thank you so much, Hon. Deputy Speaker, for that Solomonic 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, 15<sup>th</sup> 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:** Thank you. 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. Thank you.

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. The Article simply talks of 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 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 Article 243 and 245 of the Constitution, it 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 and Hon. Otiende Amollo is here and 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 Rasso, 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 Rasso** (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 Rasso.

**Hon. Ali Rasso** (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:** 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), it provides as follows:

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, 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 not the Government of Haiti, who asked for our police officers to go there, is it the United Nation (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. 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 9<sup>th</sup> October 2022. He just needs to understand the making of the UN Security Council and Kenya is a responsible member. It is 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. The United Nations Security Council (UNSC) in turn requested the Member States to contribute. You need to advise whether it is in order for the Hon. Wandayi to mislead himself and the 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 of 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 kindly give him another five minutes because he was interrupted severely.

**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 Kenyan 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 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?

*(A 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 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 National Police Service (NPS) officers to Haiti to restore order. Allow me first 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 we have the report but it does not have annexures so we cannot make references even 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 Clerks 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 eight because there are adequate copies with annexures. I have a report that was tabled with annexures chairs. If his Personal Assistant (PA) 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, the Hon. Opiyo Wandayi. I heard him say that the UNSC resolution 2699 of 2023 that it 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 on 21<sup>st</sup> 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, is to note and I think the Leader of the Minority Party had not read the committee's report that was tabled yesterday I was with him yesterday somewhere in Stoni Athi, 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 the report, that 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 Hon. Leader of the Majority Party to turn this debate into a debate on the person of the Leader of the Minority Party and more importantly, to attempt to classify me as a Bantu-cum-Nilote? How does that come in 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 the Hon. Opiyo Wandayi besides being my colleague on the other side, he is also my friend. He knows I know Ugunja, the county of Siaya and I know the intermarriages between the great people of *Luopean* 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 Burundians are as black as myself, the 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 who 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 (MSS) 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, very patriotic young men and women, who have given their lives to protect life and property of Kenyans and people of the world where they may be deployed. Just like the doctors affirm the Hippocratic Oath, our police officers and armed security men take an oath to defend life 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 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 be.

**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 because 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:** 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 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, is 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 lawyers in the House liars. Clarify it.

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Deputy Speaker, I have tremendous respect for liars. 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 ever 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 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 of Parliament for Kisumu West, Hon. Rozaah Buyu.

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

From the onset, 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 Kenyans 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 these 1000 officers to Haiti, we are actually doing nothing but sending them there as sacrificial lambs. Give me one reason we would take 1000 of our officers into 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.

## POINT OF ORDER

### IRRELEVANCE

**Hon. Kimani Ichung'wah** (Kikuyu, UDA): Hon. Deputy Speaker, I am sorry to disrupt my sister.

I rise on 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 the 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 the 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. 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.

The reason I am talking about Sondu, Baringo, Lamu, North Eastern and other places is that 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 of "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 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 so 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, the 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 United Nations Security Council passed a resolution on 2<sup>nd</sup> of October 2023 that approved the deployment of UN troops and police to stabilise the situation in Haiti.

Every UN resolution which deploys peacekeeping has a police component. In Chapter 6 and 7 of the UN Charter, UN has the powers to deploy peace enforcement forces and that includes police component. In this particular case, the Republic of Kenya has been asked, at the request of Haitian Government and the United Nations. We are now obliged to deploy police officers 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 for us. Haitians are of African descent. Kenya as a member of the African Union fully support not only the 55 member countries, but 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 the leadership of Haiti over the years. From 1945, if you remember when the 5<sup>th</sup> Pan African conference was held in Manchester in the United Kingdom (UK), the late Jomo Kenyatta who later became our President attended that. We also had Haiti and its delegation. We had a large number of Caribbean delegations, including CLR James William DeBolt. We have always been part of the Pan African movement of which Haiti has been an integral part. This is not the first time we are deploying internationally.

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

*(Loud consultations)*

*(Hon. Caroli Omondi spoke off the record)*

**Hon. Deputy Speaker:** Hon. Caroli, please do not address the Member. You can only address the House through the Hon. 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 had deployed internationally in peacekeeping mission. We have deployed more than 15 times. I personally remember serving in a number of peacekeeping missions. We deployed in East Timor which did not have a government at that time. It had had collapsed. The UN deployed peacekeeping forces and ran that country until it became independent. We have also deployed in Namibia, Cambodia, Yugoslavia, Bosnia-Herzegovina, Sierra Leon, Kosovo and Angola. At the moment, we have police officers serving in conflict areas in South Sudan, Somalia, the Democratic Republic of Congo (DRC), Sudan and Western Sahara.

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

**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 has posted its police officers to other missions in the past years, as late as 1989. In 1989 to 1990, Kenya deployed its 30 officers to Namibia. From 1992 to 1993, Kenya sent 20 officers to Cambodia. In 1992 to 1995, 50 officers were sent to the former Yugoslavia. In 1995 to 1996, 20 officers were sent to Bosnia-Herzegovina. In 1999 to 2002, 40 officers were sent to East Timor. In 1998, 20 police officers and civilian support was sent to Croatia. 1998 to 1999, 105 officers were sent to Sierra Leon mission. In 1999 to 2005, 51 officers were sent again to Sierra Leon. In 1999 to 2008, 98 officers were sent to Kosovo. In the year 2005 and 2006, the African Union sent 50 Kenyan officers to Darfur.

Hon. Deputy Speaker, 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 come to Laikipia today where the British Army trains since colonial times to date, you will get children of mixed races. These officers do not speak in Maasai language and also the Maasai do not speak in the British language. All the things happen because the security officers speak in silence.

Hon. Deputy Speaker, Burundi is sending its troops there. Burundi is a Swahili and French speaking nation. They are going to give support to our troops. Senegal is also sending its troops. We are a global nation. We are an international community. When the world is not safe, we are not safe. What is happening in Haiti is that some gangs are terrorising locals. Women and children are raped and 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 want to support the Motion as I refer the House to the Constitution. The National Police Service Act Section 108 (1), unless we are speaking....

**Hon. Deputy Speaker:** Member for Nyaribari Chache, 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 United Nations Security Council (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 (NPS). We have forces in the Democratic Republic of the Congo (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 (UN) 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 that 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 26<sup>th</sup> June 2018.

Foreign policy is hitched on five pillars, which are peace, economic, environmental, cultural and diaspora diplomacies. 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 Democratic Republic of the Congo (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 wish to ask 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 the Mover to reply. I will put the Question.

*(Loud consultations)*

**Hon. Deputy Speaker:** Hon. Members, it is hard to decide, so we will proceed with this first.

*(Question proposed)*

*(Loud consultations)*

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 is in agreement. You will have an 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  
with the Clerk-at-the Table)*

**Hon. (Dr) Otiende Amollo** (Rarieda, ODM): 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. But it is 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 now 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 Members who 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 that the deployment period is one year subject to review after nine months.

I am aware 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.