

# PARLIAMENT OF KENYA

## THE SENATE

## THE HANSARD

Tuesday, 16<sup>th</sup> February, 2021

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

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

### PRAYER

### COMMUNICATIONS FROM THE CHAIR

DEMISE OF SEN. MOHAMED YUSUF HAJI, EGH, MP,  
SENATOR FOR GARISSA COUNTY

**The Speaker** (Hon. Lusaka): Hon. Senators, I have a Communication to make.

Today, we mourn the death of a patriot, colleague and friend, the late hon. Sen. Mohamed Yusuf Haji, EGH, MP, the Senator for Garissa County, which occurred on Monday, 15<sup>th</sup> February, 2021, while he was undergoing treatment at the Aga Khan University Hospital.

The late Sen. Haji was born on 23<sup>rd</sup> December, 1940 in Garissa County. He put emphasis on his education during his early years and went on to attain a degree in Management and Finance Control from the University of Birmingham in the United Kingdom.

*(Sen. (Rev.) Waqo walked into the Chamber)*

Order, Sen. (Rev.) Waqo! Go back. You do not just walk in.

*(Loud consultations)*

Order, hon. Senators. The late Senator was an astute, humble, kind and highly committed leader. He exemplified focused, purpose driven and responsive leadership. He possessed impeccable passion for public service and indefatigably served not only the people of Garissa County, but this nation, Kenya, whenever he was called upon to do so.

The late Sen. Haji had an illustrious career in the wider public service where he held various positions. He began his career as a District Officer (DO) in the 1960s, rising to the position of Provincial Commissioner (PC) from 1970, serving until his exit from the provincial administration in 1997.

As an officer in the former provincial administration myself, I confirm that we all looked up to the late Sen. Haji as an officer worthy of emulation owing to the dignity and honour with which he undertook his duties.

Sen. Haji began his political career in 1998, when he was nominated by Kenya African National Union (KANU) as a Member of the Eighth Parliament.

In the ensuing general elections of December, 2002, Sen. Haji was elected on a KANU ticket, as the MP for Ijara Constituency, a seat he retained in the 2007 general elections.

Between 1998 and 2001, the late Sen. Haji worked as an Assistant Minister in the Office of the President where he also subsequently, acted as the Office's Minister of State for Cabinet Affairs.

Between 2008 and 2013, the late Sen. Haji served as the Minister of State for Defence, a position he served in diligently and selflessly until his election to the Office of Senator for Garissa County in the 2013 general elections.

Hon. Senators, the late Sen. Haji will be remembered as an icon and steward for peace within the country and across the borders, where he led various peace building processes.

On 18<sup>th</sup> October 2011, the late Sen. Haji was part of a Kenyan delegation that met with the Transitional Federal Government of Somalia in Mogadishu to discuss security issues and cooperation between Kenya and Somalia against the Al-Shabaab terrorist group as part of the coordinated *Operation Linda Nchi* where an agreement to collaborate against the insurgent group was signed.

In early June 2012, the late Sen. Haji signed another agreement on behalf of the Government of Kenya (GoK), officially re-installing Kenya Defence Forces (KDF) in Somalia under the African Union Mission in Somalia (AMISOM) general command to bring peace in Somalia and neutralize the threat of terrorism.

*(Sen. (Eng.) Maina walked into the Chamber)*

Take your seat, Sen. (Eng.) Maina.

Hon. Senators, you will note that in his most recent assignment, he served as the Chairperson of the Steering Committee to the Building Bridges to a United Kenya Initiative; a process that seeks to unite all Kenyans, on the premise that there is need to “create an opportunity to unite the country and set in motion a process to identify the comprehensive changes that will strengthen the rule of law, unite Kenyans, deepen our constitutionalism, and launch a comprehensive reform process.”

Hon. Senators, in the Senate, the late Sen. Mohamed Yusuf Haji was a pillar of wisdom. He distinguished himself as a peacemaker and fighter for justice in his capacity as the Chairperson of the Standing Committee on National Security, Defence and Foreign Relations, a position that he held from 2013.

One of the most notable hallmarks in this capacity was leading a delegation of Senators to Laikipia, Turkana and Baringo counties in 2015, to address security issues arising out of incidences of cattle rustling, and in Mandera County, following attacks by the Al-Shabaab terrorist group.

This passion for peace and concern on the plight of local communities earned him respect and admiration. Through such efforts, he made a significant contribution to the

search for a lasting solution to the perennial problem of cattle rustling and regional terrorism.

Hon. Senators, we have indeed lost a humble man, a true patriot, a selfless leader and a statesman.

On behalf of the Senate and on my own behalf, I take this opportunity to condole with the family of the late Sen. Mohamed Yusuf Haji, the people of Garissa County and all his friends in this most difficult time.

Hon. Senators, in honour of our departed colleague, I request that we all stand and observe a moment of silence.

*(Hon. Senators stood in their places and  
observed a moment of silence)*

May his soul rest in peace.

I thank you.

DEMISE OF HON. JOHN OROO OYIOKA,  
MP FOR BONCHARI CONSTITUENCY

**The Speaker** (Hon. Lusaka): Hon. Senators, there is another Communication following the demise of hon. John Oroo Oyioka, MP for Bonchari Constituency.

It is with deep sorrow that I wish to inform you of the untimely demise of hon. John Oroo Oyioka, MP, the Member for Bonchari Constituency in the National Assembly, who passed away yesterday, Monday 15<sup>th</sup> February 2021 while undergoing treatment at Aga Khan Hospital, Kisumu. He was born on 5<sup>th</sup> May 1950 in Bonchari, Kisii County.

Hon. Senators, the late hon. John Oroo Oyioka attended Cardinal Otunga Mosocho High School where he obtained his “O” Level certificate in 1970. He proceeded to Strathmore School for “A” Level and thereafter joined the University of Nairobi where he graduated with a Bachelor of Education (Science Option) in 1976.

He worked as a high school teacher in various stations, including Cheptenye High School, Kaaga High School and Kericho Day High School.

His excellence enabled him to rise to the position of Education Officer and he served in that capacity in Uasin-Gishu, Nandi, Nanyuki, Siaya and Kisii districts.

In 1996, he rose up the ranks to become an Assistant Director for Education at the Ministry of Education Headquarters, a position he held until his retirement in 1999.

He made his mark in the education sector by establishing the St. Angelic Teacher-Training College in Suneka Town, Bonchari Constituency.

Hon. Senators, the late hon. Oyioka made his debut in elective politics in 2013 when he contested for and won the Bonchari Constituency parliamentary seat on KANU party ticket. His stint was however short-lived because he lost the seat in a by-election that was held in 2014, following nullification of the election results by the High Court.

The late Hon. Oyioka reclaimed his parliamentary seat during the 2017 General Elections when he was elected on the People’s Democratic Party (PDP) ticket.

Until his demise, he was a dedicated member of the Departmental Committee on Education and Research.

Hon. Senators, in Parliament, the late Hon. Oyioka was a devoted legislator who passionately articulated issues of concern to his electorate and relentlessly served the interests of his people.

He sponsored the Central Bank of Kenya (Amendment) Bill, 2020, which was read a First Time on 28<sup>th</sup> July 2020 and is awaiting Second Reading. Through the Bill, the late Member sought to anchor in law a legal framework that would obligate the Central Bank of Kenya (CBK) to regulate digital financial lending products and services.

Hon. Senators, on behalf of the Senators and the staff of the Senate, and indeed on my own behalf, I wish to take this opportunity to condole with the family of the Hon. Oyioka, Members of the National Assembly, the people of Bonchari Constituency, and all his friends in this most difficult time. I also served in Bonchari. The Parliament of Kenya has, indeed, lost a diligent leader.

In honour of our departed colleague, I request that in the usual tradition we all stand and observe a moment of silence.

*(Hon. Senators stood up in their places and  
observed a moment of silence)*

May his soul rest in eternal peace.

I thank you.

Hon. Senators, like I indicated earlier, for those of us who were at the late Sen. Haji's residence, we have a Motion, which will accord all of us an opportunity to condole our friend, the late Senator. Maybe, I can give you the opportunity to condole the late Member for Bonchari Constituency.

Sen. Cheruiyot, proceed.

**Sen. Murkomen:** On a point of order, Mr. Speaker, Sir. When you were giving your Communication, there were many Senators who came and you allowed others to walk in. Some were matching in while others were cat-walking.

Sometimes the Speaker is giving a very important Communication that needs to flow without a lot of interruptions. You have been very generous and we thank you. However, do not be constrained to give too much so that the information flows, even for the HANSARD. Those of us who follow and also for those who want to share, it should not have periods of time where there is a pause and then you continue and so forth. It will be in order for Members to wait until you finish the Communication, it flows well and then we proceed.

**Sen. Khaniri:** Indeed, Mr. Speaker, Sir, I want to really support the point of order raised by Sen. Murkomen. Sen. Orengo and those of us who were here in the earlier Parliaments will bear me witness that used to happen when the Communication was too long. However, announcing the death of a colleague is a very short Communication. When Members come in, you do not have to sit down in order to allow them to walk in. Just finish your Communication and thereafter, they can walk in. You only do so if the Communication is too long.

**The Speaker** (Hon. Lusaka): I only allowed because---

**Sen. (Eng.) Maina:** On a point of order, Mr. Speaker, Sir,

**The Speaker** (Hon. Lusaka): Senator, I hope that you do not want to defend yourself. You do not have to.

*(Laughter)*

**Sen. (Eng.) Maina:** Mr. Speaker, Sir, I want to say that we know you as a calm and magnanimous leader. Let nobody try to change you from the good man your mother made you.

I know that there are those who will come in sheep's clothing yet they are actually leopards. Please, do not take some of these advices. We believe that you are equal to the task and you conduct yourself in an honourable way as a good leader. Do not be tempted to change to the whims of some of us who feel---

*(Laughter)*

**The Speaker** (Hon. Lusaka): Order, Senators!

**The Senate Minority Leader** (Sen. Orengo): Mr. Speaker, Sir, I really want to support what Sen. Murkomen is trying to propose. Indeed, when I came and found you on your feet, I went on the side, waited and listened from outside.

*(Applause)*

Partly, it is because of the authority of the Speaker. When the Speaker is there, the Mace is there and you are on your feet, it undermines the authority of your Chair to be subjected to be standing up and sitting down.

What I am worried about and this goes to what Sen. Khaniri said, for example, I was reading a record of the condolences that were read in the House of Commons in respect to the death of Sir Winston Churchill. I have looked at that record in juxtaposition to what we will have because the HANSARD will have to report that the Speaker sat down, the Member for Nyeri County walked in like he is now doing.

*(Laughter)*

I think that for the dignity of the House, once you are on your feet, you should be constrained to sit down. If there is anybody who feels that he or she must come in, he should wait until the end of your Communication; unless it is a very long Communication.

Mr. Speaker, Sir, other parliaments are very different. If you look at what happens in Brazil - we went there with Sen. Mutula Kilonzo Jr. - people can be having mini meetings while the session is going on. Even members of the public walked in and were mingling with the Members. However, that is their system. It works differently because, in those systems, the issue of debate is not very important.

You know in some jurisdictions; the way we debate is very different. For them, sometimes you have to go with a written speech for five minutes. So, debate is not valued. However, in our system, we value debate. Like now I am on my feet, ordinarily; the standing rule was that nobody should be between you and me. I think that these rules are just for good order.

I really support what Sen. Murkomen has brought to your attention and similarly Sen. Khaniri. I really appreciate Sen. Khaniri because in the old days, the late Hon.

Shikuku would never let anybody get away with anything. I think Sen. Khaniri is filling that void very effectively.

Thank you.

**The Speaker** (Hon. Lusaka): Thank you, Senators. I note your sentiments. I have just been magnanimous at times looking at the age of some of us. However, let us not abuse that opportunity. I have noted what you have said and that must also go for the record because you remember that today one Senator forgot and thought that he is in Marsabit and just walked down the aisle.

*(Laughter)*

That was causing confusion. I expect that we conduct ourselves in an honourable manner, so that we maintain not only the dignity of the House, but the Speaker's office too.

Sen. Cheruiyot, I had given you an opportunity.

**Sen. Cheruiyot:** Thank you, Mr. Speaker, Sir. Like you have communicated, you will allow us to make our comments with regards to the passing on of our colleague, the late Hon. John Oroo Oyioka.

The reason I felt that it will be in order for me to relay condolences on behalf of the people of Kericho is because this gentleman served the people of Kericho County with great distinction during his stint; first as a teacher and then as a District Education Officer. He served at Cheptenye High School, one of the very old high schools in our county, very close to where I come from and also in Kericho Day Secondary School.

On behalf of the people of Kericho, we pass our condolences to the people of Bonchari on the passing on of this great leader for his service to us as a people and to the nation at large.

Secondly, in November, I came up with a question before this House regarding digital money lending platforms. The question was referred to the Committee on Budget and Finance. In the course of our interaction, we were referred by the Central Bank of Kenya (CBK) to a Bill that this gentleman was sponsoring in the National Assembly that regulates this very bad practice that has set foot in our country and is now being used to fleece many of our young people that are trapped in this online loan sharks.

Mr. Speaker, Sir, currently I know that we have a stand-off between us and the National Assembly. However, one of the requests that I want to make to you is that in the ruling of the High Court, they urged both you and the Speaker of the National Assembly to embrace the spirit of cooperation and consultation. I want to plead that when you finally get to sit down and have an agreement on how Bills shall be processed in both Houses, please have a place for a co-sponsorship of Bills where a Member of the National Assembly and the Senate can jointly sponsor a Bill. However, the avenue does not exist at this particular moment. If one sponsors, then it goes to the other House as sponsored by a Senator or a Member of National Assembly from a particular constituency.

The Bill that he was sponsoring was so important and I hope that our colleagues in the National Assembly will see to it that it is brought to conclusion in the quickest time possible so that it can then be brought to this House. I believe that as the Committee on

Budget and Finance, we shall ensure that we conclude it in remembrance of the good work that was done by the late Hon. John Oroo Oyioka.

Thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Lusaka): Hon. Senators, when we were sharing with my colleague, one of the issues that came up is that he was complaining about Bills taking too long in committees. He said that the late John Oyioka died before his Bill was concluded. It has been with the Committee for a very long time.

We do not control death, but those who receive these Bills in the various committees, whether they are Bills or Motions, we should try to hasten the process so that people get results when they are still alive.

Let us move on to the next Order.

### PAPERS LAID

**Sen. Dullo:** Mr. Speaker, Sir, I beg to lay the following Papers on the Table of the Senate today, Tuesday, 16<sup>th</sup> February, 2021-

#### THE BUDGET POLICY STATEMENT, 2021

The Budget Policy Statement, 2021.

#### THE MEDIUM-TERM DEBT MANAGEMENT STRATEGY, 2021

The Medium-Term Debt Management Strategy, 2021.

#### THE DRAFT DIVISION OF REVENUE BILL, 2021

The Draft Division of Revenue Bill, 2021.

#### THE DRAFT COUNTY ALLOCATION OF REVENUE BILL, 2021

The Draft County Allocation of Revenue Bill, 2021.

#### THE PROPOSED SENATE CALENDAR FOR THE FIFTH SESSION 2021

The Proposed Senate Calendar Regular Session for the Fifth Session, February to December 2021.

#### REPORTS ON THE FINANCIAL STATEMENTS OF NYAMIRA COUNTY EXECUTIVE/ASSEMBLY

Report of the Auditor-General on the Financial Statements of Nyamira County Assembly for the year ended 30<sup>th</sup> June, 2019.

Report of the Auditor-General on the Financial Statements of Nyamira County Executive for the year ended 30<sup>th</sup> June, 2019.

I thank you.

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

## COMMUNICATION FROM THE CHAIR

### CONSIDERATION OF THE BUDGET POLICY STATEMENT, 2021

**The Speaker** (Hon. Lusaka): Hon. Senators, I have a Communication to make.

Hon. Senators, as you may have noted, the Senate Majority Leader has tabled the Budget Policy Statement (BPS) for the Financial Year 2021/2022.

Section 25 of the Public Finance Management Act and Standing Order No.180 of the Senate, require the National Treasury to prepare and submit the BPS to Parliament by the 15<sup>th</sup> February each year.

By a letter Ref: Conf.MOF83/02TY5/30 dated 11<sup>th</sup> February, 2021, and received in the office of the Clerk on 11<sup>th</sup> February, 2021, the Cabinet Secretary for the National Treasury and Planning submitted the following documents for consideration and approval by Parliament-

- (a) The Budget Policy Statement, 2021;
- (b) The Medium Term Debt Management Strategy, 2021;
- (c) The Draft Division of Revenue Bill, 2021; and,
- (d) The Draft County Allocation of Revenue Bill, 2021.

Hon. Senators, the BPS is an important tool as it sets out the broad strategic priorities and policy goals that will guide the national Government and county governments in preparing their budgets before the following financial year and over the medium term. It contains, among other things-

- (1) An assessment of the current state of the economy and the financial outlook over the medium term, including the macro-economic forecasts;
- (2) The financial outlook with respect to Government revenues, expenditures and borrowing for the next financial year and over the medium term;
- (3) The proposed expenditure limits for the national Government, including those of Parliament and the Judiciary and indicative transfers to county governments;
- (4) The fiscal responsibility principles and financial objectives over the medium term, including limits on total annual debts and the proposed division of revenue, including proposed conditional grants, if any.

In a nutshell, it means that any proposal that Senators have regarding the Division of Revenue Bill and the County Allocation of Revenue Bill, including funds for conditional allocations to the counties, should be canvassed and forwarded to the National Treasury for possible factoring in the Budget Policy Statement (BPS). Failure to which, it will be difficult for changes to be accommodated later on.

Hon. Senators, Section 25(7) of the Public Finance Management (PFM) Act provides as follows-

“Parliament shall, not later than fourteen days after the Budget Policy Statement is submitted to Parliament, table and discuss a report containing its recommendations and pass a resolution to adopt it with or without amendments.”



Further, Standing Order No.180(4) requires the Standing Committee on Finance and Budget to deliberate upon and table a report containing its recommendations on the Budget Policy Statement within twelve days, for this case, being not later than 25<sup>th</sup> February, 2021. In addition, pursuant to Standing Order 180(5) in considering the Budget Policy Statement, the Standing Committee on Finance and Budget shall consult the Cabinet Secretary for the Ministry of Finance, the Commission on Revenue Allocation (CRA), County Assemblies Forum, among other stakeholders.

Hon. Senators, based on the importance of the BPS and the above timelines, I direct that the BPS be considered by all Standing Committees each concentrating on its respective mandate. The Standing Committees will then forward their recommendations to the Standing Committee on Finance and Budget for consolidation not later than Friday, 19<sup>th</sup> February, 2021.

To enable Hon. Senators and the Committees to interrogate issues contained in the BPS, the Standing Committee on Finance and Budget has organized a briefing session for all Senators, tomorrow, Wednesday, 17<sup>th</sup> February, 2021, at 9.00 a. m., in the Senate Chamber. I hope we have all heard.

I urge the Standing Committee on Finance and Budget to expedite the process and table its report on or before 25<sup>th</sup> February, 2021 to enable the Senate debate and approve the BPS by 2<sup>nd</sup> March, 2021.

Hon. Senators, please note that pursuant to Section 25(8) of the Public Finance Management Act and Standing Order 180(8) of the Senate, the Cabinet Secretary of the National Treasury is expected to take into account resolutions passed by Parliament in finalizing the budget for the relevant financial year.

Hon. Senators, I, therefore, urge you all to prioritize the scrutiny of the BPS, taking into consideration our most important function of safeguarding devolution.

I thank you.

Next order.

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

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

**Sen. Sakaja:** Mr. Speakers, Sir, I appreciate the Communication that you have just issued on the BPS on this very important process in our financial year.

For many years, the PFM Act has been disregarded. When it says that Parliament shall consider the BPS and give a report, Sen. Orenge will tell you that they could have said the Senate and the National Assembly separately do a report. However, it says "Parliament".

Mr. Speaker, Sir, what has been happening is that our Committees sit, go through a very tough time in very short timelines, give recommendations. However, the recommendations of the Senate are always ignored. This is because there are separate recommendations by the National Assembly and the Senate. We even realized that sometimes we get different briefs from the Budget Office.

Mr. Speaker, Sir, since you are saying the relationship between you and your counterpart is much better--- Ideally, it should be one report that goes to both Houses and the Senate and National Assembly inputs their recommendations. However, that notwithstanding, could you consider a way through which Parliament as envisaged in the PFM Act and the law actually gives one report on the BPS and one brief by the Budget Office. That then cannot be disregarded as has been done previously.

Mr. Speaker, Sir, during your talks, just consider how we can do one report either by way of one Motion that we both pass, or by consolidating the two different reports from the Senate and the National Assembly and passing it to the National Treasury. It is a very important aspect that many times, we ignore.

**The Speaker** (Hon. Lusaka): Thank you very much. Today, as the Senate Business Committee (SBC), we were scheduled to meet the Budget Office to sort out some of the issues that have been raised and canvassed in this House about how they can advise the Senate and the National Assembly different. To the Senate, they say this is not a Money Bill. However, when it goes to the National Assembly, they advise them that it is a Money Bill.

Those are some of the issues that we wanted to sort out, but I have also noted what you have said. We will see what can be done so that it is Parliament and not National Assembly and the Senate separately.

Next order.

### NOTICES OF MOTIONS

#### APPROVAL OF THE SENATE CALENDAR FOR THE 2021 SESSION

**The Senate Majority Leader** (Sen. Poghio): Mr. Speaker, Sir, I beg to give a Notice of the following the Motion-

THAT pursuant to Standing Order 29 (1), this House approves the Senate Calendar (Regular Sessions) for the Fifth Session (February to December, 2021), laid on the Table of the House on Tuesday, 16<sup>th</sup> February, 2021.

I thank you.

Mr. Speaker, Sir, can I proceed?

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

#### TRIBUTE TO THE LATE SEN. MOHAMED YUSUF HAJI, EGH, MP; SENATOR FOR GARISSA COUNTY

**The Senate Majority Leader** (Sen. Poghio): Mr. Speaker, Sir, I beg to give a Notice of the following the Motion-

THAT the Senate expresses its deep sadness at the death on 15<sup>th</sup> February, 2021, of Honourable Mohamed Yusuf Haji, the Senator for Garissa County and Chairperson of the Standing Committee on National Security, Defence and Foreign Relations; records its appreciation for his contribution to public service spanning over six decades; recognizes the high esteem in which he was held by colleagues from all parties and the principled, dedicated and considered manner he undertook his duties; and offers its profound sympathy and condolences to his family, friends and the nation.

I thank you.

**The Speaker** (Hon. Lusaka): Next order.

**STATEMENTS**

**The Speaker** (Hon. Lusaka): Hon. Senators, I wish to rearrange the Order Paper, so that Statements come later after Order No.8, a Motion approving the Senate Calendar for the Fifth Session and Motion No.9, tribute to the late Sen. Mohamed Yusuf Haji.

The Whips are checking something. We can do Order No. 8. This is because it is straight forward.

**MOTION****APPROVAL OF THE SENATE CALENDAR  
FOR THE 2021 SESSION**

**The Senate Majority Leader** (Sen. Poghisio): Mr. Speaker, Sir, I beg to move the following Motion:

THAT, pursuant to Standing Order 29(1), this House approves the Senate Calendar (Regular Sessions) for the Fifth Session (February to December 2021), laid on the Table of the House on Tuesday, 16<sup>th</sup> February, 2021.

For the convenience of the House, the Calendar is attached to today's Order Paper. This is important for Members to note. I propose that, beginning from when we started on 9<sup>th</sup> February, 2021 and for the rest of the Session, the Senate will meet on Tuesdays, Wednesdays and Thursdays. The Calendar is divided into Part I, Part II, Part III, Part IV, Part V and Part VI.

*(Loud Consultations)*

**The Speaker** (Hon. Lusaka): Order! Listen to what the Senate Majority Leader is communicating. Your voice could be low.

**The Senate Majority Leader** (Sen. Poghisio): It is not me. The controls of the microphone, please increase the volume. I am as close as I can get to the microphone.

The Calendar is attached to the Order Paper. It is set out clearly from the day we reported on 9<sup>th</sup> February, 2021.

*(Loud consultations)*

Please protect me from the people on my side.

**The Speaker** (Hon. Lusaka): I am told they cannot hear what you are saying. Proceed, you may have to bend.

*(Sen. Poghisio moved closer to the microphone)*

**The Senate Majority Leader** (Sen. Poghisio): Mr. Speaker, Sir, is that clearer? Thank you. If you stop talking, you will hear. It is notified for our own good that the Calendar is clear and attached to the Order Paper. I can still hear people talking on my side. I beg to be protected from Sen. Murkomen and his team. Please, give us time because it is a brief presentation.

The Calendar is straightforward and divided into parts and subsections. It is clear that we will be meeting on Tuesdays, Wednesdays and Thursdays in the afternoons.

Special Sittings shall be notified through Kenya Gazette notices as per Standing Order No.30 of the Senate Standing Orders. The annual suspension of Committee Sittings at the end is given so that Committees can see how to arrange their work since by 13<sup>th</sup> December, 2021 Committee Sittings will be suspended.

This is a straightforward Motion. If there are any amendments, they will be brought to the attention of Members and they will have to approve them.

I beg to move for the approval of the Senate Calendar for this Session and ask the Senate Minority Leader to second.

**The Senate Minority Leader** (Sen. Orengo): Mr. Speaker, Sir, this is basically about procedural matters and business in the House. Therefore, I beg to second. However, it looks like the National Assembly, in appreciation of the orders that were made by the Court of Appeal, are republishing Bills that they had passed without complying with Article 110(3) of the Constitution. Therefore, this has resulted in creating a lot of business in the National Assembly. They are having an additional session. There are some days they are having three sittings.

As we pass this calendar, we may have to adjust our calendar not necessarily in terms of the days, but the sittings. Some of the Bills that went through the National Assembly and were assented to were critical and have an impact on devolution. If that is the position, we may have to revisit this Calendar. Either in terms of allocating more days in order to accomplish the business in respect of the Bills that went through without the Senate participation, or extending the Sittings on a daily basis so that we have more than one sitting a day.

I beg to second.

*(Question proposed)*

*(Question put and agreed)*

**The Speaker** (Hon. Lusaka): Sen. (Eng.) Maina, what is your point of intervention?

## POINT OF ORDER

### SUBJECTION OF MPS TO DEMEANING SECURITY PROCEDURES

**Sen. (Eng.) Maina:** Thank you, Mr. Speaker, Sir. I rise on a point of order on the conduct of the security personnel at the entrance of Parliament main buildings. This afternoon I came to Parliament and the car in front of me at the gate had the bonnet and boot opened, which I did not understand.

When it was my turn, I protested. Is it that Members here are a security risk to Parliament? It is demeaning. If there is need, then an equipment which can sense threats in the car should be bought. However, Members should not be subjected to that procedure. Before long, we will be told to come out of the car and remove our trousers for inspection.

I caution the House that some things may look small, but they are demeaning. In the history of this country, there were times when the official limousine of the then Vice President, the late hon. Moi, would be stopped in Naivasha and inspected in the boot and the bonnet as if he was a terrorist and yet he was the Vice President of this country. We cannot go back to that era. Incidences have happened in this House. Hon. Members are not honourable by name, but for their patriotism and sacrifices they make for this country.

Mr. Speaker, Sir, that is your department. Do they inspect your car? They do not. Let us not have this class system. We are all Members of Parliament and cannot be a threat to ourselves. If any of us has been suspected to be a terrorist, let him be picked up in the right way, but not by being embarrassed in front of everyone.

We should not have a line of cars formed on the premise of an inspection by a policeman whose training and political intention are not clear. Let us protect the dignity of this House. Can this be streamlined? Let things be put in order. We are in the civilized era and not in the pre-colonial period when there were no laws and yet laws were made by men.

**The Speaker** (Hon. Lusaka): Your sentiments have been noted. Since it falls within the administration, we will work on something that respects the dignity of honourable Members of Parliament (MPs), both the Senate and National Assembly.

I further want to reorganize the Order Paper. Just go to Order No.10 because we have numbers. We will finish that and come back to Order No. 9. Read the Order.

## BILL

### *Second Reading*

#### THE MUNG BEANS BILL (SENATE BILLS NO. 9 OF 2020)

*(Sen. Wambua on 10.2.2021)*

*(Resumption of debate interrupted on 11.2. 2021)*

**The Speaker** (Hon. Lusaka): I direct that the Division Bell be rung for five minutes.

*(The Division Bell was rung for five minutes)*

**The Speaker** (Hon. Lusaka): Hon. Members, take your seats. Senator, they will see you after this. It is a matter affecting counties so it will be by delegations. We are having a roll call voting. The tellers, I saw them there, you can now take your positions.

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

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

**Sen. Murkomen:** Mr. Speaker, Sir, there is a slight matter that you may want to clarify before we vote. As you know, we will debate later the loss of our Senator, Sen. Haji. Sen. Iman is the delegate of Garissa County, but the head of the delegation is not

here and he is not alive to give that delegation. I know you will apply your mind on this issue.

I am of the opinion that she may not be able to vote, but it is up to you. My reading of that section of the Constitution is that the leader of the delegation must be there to give the delegation itself. However, in the interim, what will happen to Sen. Iman before you give that direction? Will she vote on this issue?

**The Speaker** (Hon. Lusaka): From the records, I have. That had been withdrawn and we have nothing on record to reinstate it. So, in the circumstances, she will not vote. We will look at how we can address it later. Let us proceed.

*(Voting in progress)*

*Second Reading*

THE MUNG BEANS BILL  
(SENATE BILLS NO. 9 OF 2020)

**DIVISION**

ROLL CALL VOTING

*(Question, that the Mung Beans Bill (Senate Bills No. 9 of 2020)  
be now read a Second Time, put and the Senate proceeded  
to vote by County Delegations)*

**AYES:** Sen. (Dr.) Ali, Wajir County; Sen. Boy, Kwale County; Sen. Chebeni, Uasin Gishu County; Sen. Cheruiyot, Kericho County; Sen. Dullo, Isiolo County; Sen.(Prof.) Ekal, Turkana County; Sen. Faki, Mombasa County; Sen. Khaniri, Vihiga County; Sen. Kihika, Nakuru County; Sen. Kinyua, Laikipia County; Sen. (Dr.) Langat, Bomet County; Sen.(Dr.) Lelegwe, Samburu County; Sen. Madzayo, Kilifi County; Sen.(Eng.) Mahamud, Mandera County; Sen. (Eng.) Maina, Nyeri County; Sen. Mpaayei, Kajiado County; Sen. Murkomen, Elgeyo-Marakwet County, Sen. Mutula Kilonzo Jnr., Makueni County; Sen. Mwangi, Nyandarua County; Sen. (Dr.) Ochillo-Ayacko, Migori County; Sen. Olekina, Narok County; Sen. Orengo, Siaya County; Sen. Outa, Kisumu County; Sen. Poghisio, West Pokot County; Sen. Sakaja, Nairobi City County; Sen. Shiyonga, Kakamega County; Sen. Wambua, Kitui County; and, Sen.(Rev.) Waqo, Marsabit County.

**Teller of the Ayes:** Sen. Were.

**NOES:** Nil

**Teller of the Noes:** Sen. Farhiya.

**The Speaker** (Hon. Lusaka): Hon. Senators, these are the results of the vote:

**AYES:** 28

**NOES:** Nil

**ABSTENTIONS:** Nil

*(Question carried by 28 votes to Nil)*

*(The Bill was read a Second Time and committed  
to a Committee of the Whole tomorrow)*

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

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

**Sen. Shiyonga:** Mr. Speaker, Sir, I rise to withdraw the statement I said earlier in regards to my Delegation and voting.

*(Applause)*

Next Order!

### MOTION OF CONDOLENCE

TRIBUTE TO THE LATE SEN. MOHAMED YUSUF  
HAJI, EGH, MP; SENATOR FOR GARISSA COUNTY

**The Speaker** (Hon. Lusaka): Proceed, Senate Minority Leader.

**The Senate Minority Leader** (Sen. Orenge): Mr. Speaker, Sir, I beg to move the following Motion-

THAT the Senate expresses its deep sadness at the death, on 15<sup>th</sup> February, 2021, of Hon. Mohamed Yusuf Haji, the Senator for Garissa County and Chairperson of the Standing Committee on National Security, Defence and Foreign Relations;

RECORDS its appreciation for his contribution to public service spanning over six decades;

RECOGNIZES the high esteem in which he was held by colleagues from all parties and the principled, dedicated and considered manner he undertook his duties;

AND offers its profound sympathy and condolences to his family, friends and the nation.

Mr. Speaker, Sir, before I go to the content of my speech in regard to our dear distinguished Senator of Garissa County, I thought very deeply about this matter because never in the history of Parliament since Independence, even the old Legislative Council, has there been a Motion of condolence moved either in the previous Senate, current Senate or in the life of the National Assembly.

I have checked the practice in other jurisdictions, particularly in the Commonwealth, and found that in Australia whenever there is a death of the Governor General, who is the representative of the Queen of England in Australia, of the Prime Minister, Senator, Member of the National Assembly or any distinguished person, then the National Assembly or the Senate will record its appreciation in a formal Motion as opposed to the matter being a reaction, or a debate after the Speaker has announced the death of a particular Member or person, which has been the practice here. We have done that now in this Senate on two occasions.

I also found that in the House of Commons in the UK Parliament, there are instances when there has been death of a Member of the Royal Household, which

means the Queen's family or other distinguished Members of the both Houses. There have been practices where a Motion has been moved and a resolution made at the end.

I thought that in regard to Sen. Haji, instead of just a general debate, there should be an expression on which the question is put to the Senate, that we have resolved. It should then be recorded as a resolution of the House that we appreciate the life and service of our dear Senator. Those thanks and sympathies should then be submitted to the family as a record of the HANSARD and, probably, with a note from the Speaker.

The question may be asked; why Sen. Haji?. I wish to be very open about this. If one looks at the dailies today, there are many things that have been said about Sen. Haji. I wish to make a personal testimony of somebody I have known for a very long time. Probably unknown to many Members in this House, if ever there was somebody who was concerned about the business of the House being transacted in an open manner without restriction and to have debate without any fear, it was Sen. Haji. Sometimes when we debate it looks like somebody is holding a hammer on us. If there was anybody who enjoyed an open debate, it was Sen. Haji.

Many times when we had said something that he did not like, he would take it in good spirit, cross the Floor and tell me as much, but he would not fail to appreciate my right to say what I wanted. There are times when Sen. Haji would, probably, say something about me that he had second thoughts about. He would come back and apologise to me.

The openness of Sen. Haji, his truthfulness and dedication to serve this country, for me, is without example. I say "without example" because if one looks at the instances where people, probably raise questions about the conduct of Sen. Haji, one would find that he was given the most difficult responsibilities.

When he came to the then Nyanza Province as a District Commissioner in Kisumu or Siaya, it was because something was going on in that area that other public officials would find very difficult to deal with. For the purposes of my distinguished Senator of Kericho County, I know at one time when there were a lot of border clashes - of course Sen. Outa is here - between Nyakach and Belgut, it went on for quite a long time. It was eventually decided that it was Sen. Haji who would be the right person to be a peacemaker.

In the Rift Valley, I think he was placed there by the late President Moi because of that reason; that he was a peacemaker. The expanse of that province from Ethiopia, Sudan going to Tanzania was not an easy place to administer justice and be the chief representative of the Central Government.

We know what Sen. Haji did. The Senate Majority Leader told me of an instance concerning him as a person in respect of elections, where he was rigged out and Sen. Haji stood out for him before the late President Moi. He gave us another example in Kilgoris and Trans Nzoia. Come the fight for multipartyism and there were clashes in Marsabit and other areas in northern Kenya, the former President Kibaki chose him and the former Speaker, Hon. ole Kaparo, to try and resolve the issues that were going on in the northern part of the Eastern Province.

In the East African region, in the relations where we have not quite achieved peace as yet, between Kenya and Somalia--- We know our operations in Somalia, which is in the context of peacemaking, he played a very big role. I think he was the only



person who has been a Minister for Defence, an acting Minister of the Interior and an acting Minister for Foreign affairs.

Mr. Speaker, Sir, in that responsibility, I accompanied the late Sen. Haji to Ethiopia when he was the Acting Minister in the Ministry of Defence and Foreign Affairs. We were there with the then Vice President, the late hon. (Prof.) George Saitoti. When we met our counterparts in Ethiopia, the late Sen. Haji occupied the whole room with his presentation. His presence could be felt in the whole room; he put the legalism that some of us tried to bring in direct words. He stated that it was either peace or no peace, stating that peace required peacemakers and both Governments must be dedicated towards creating peace between Ethiopia and Kenya. At that time, there was a big problem at the Kenyan-Ethiopian border in Moyale. The late Sen. Haji has been felt everywhere in this Republic.

As the Chairperson of the Standing Committee on National Security, Defence and Foreign Relations of the Senate, his job speaks for itself; I need not say anything more. He served as the Chairperson of that Committee in the previous and current Senate. I was a Member of the Standing Committee on National Security, Defence and Foreign Relations of the Senate at the inauguration of the 11<sup>th</sup> Parliament. Contestation was at its highest when we went for the election of the Chairperson and Vice-Chairperson of Committees. People were fighting in all the Committees for the leadership positions. However, when it came to this critical Committee, where Sen. Wetangula, Sen. Ongoro and I were the Members from the Opposition, we decided that none of us was going to put their name against the late Sen. Haji.

The Standing Committee on National Security, Defence and Foreign Relations of the 11<sup>th</sup> Parliament of the Senate operated in a very bipartisan manner. I cannot forget when we went as a delegation to Manila in the Philippines. The late Sen. Haji wanted us to share a meal at the end of every day at his expense. Although Parliament had provided that delegation with everything, he would insist that we go to a restaurant of his choice, which were not just ordinary restaurants, at his expense.

Sen. Haji lived in a very simple way. He had no complications even when he was abroad. Sen. Dullo will remember that the late Sen. Haji always insisted on taking us all to very expensive restaurants; not once or twice. We had a great time on that trip to Philippines because we not only enjoyed the discussions that we had with our counterparts in the Philippines, but seeing the country for what it is and benchmarking.

Mr. Speaker, Sir, the late Sen. Haji was a peacemaker, contrary to many people who may want to argue otherwise. Whenever one occupies the position of Minister for Interior and carries out the responsibilities that it appertains, it is very difficult to come out without criticism. I am sure we can all attest to that because we have had problems at one time or the other with the people who have held the Ministry of Interior docket. However, in the short period that the late Sen. Haji was the Minister for Interior, and when he was an assistant minister in that department after the elections in 1997, when he was nominated to the National Assembly, he served with decorum and humility knowing that Kenya is bigger than anyone of us. We mourn a great Kenyan and a great human being in the late Sen. Haji.

The late Sen. Haji really loved the truth to his bone and soul. If you have any doubts about that, you just need to flash back to when we were debating the division of revenue formula last year. The late Sen. Haji stuck to his position to the end. He would

tell us on the face that on the matter of division of revenue, he would not change his position no matter who advised otherwise. He would say, ‘on this matter, *hata kama ni nini, nitakufa na watu wangu.*’

The Senate Majority Leader and I had a meeting with the late Sen. Haji, where he told us that the solution to the stalemate on the division of revenue sharing formula lies with the Executive, and if there was no increase to the money that was being sent to counties, then we should not waste our time talking to him because he would not change his position. During the debate on the division of revenue sharing formula last year, whenever I noted the late Sen. Haji missing in the House when we were about to vote but saw Sen. Iman around, I knew what the vote was going to be.

Mr. Speaker, Sir, I loved the kind of debate we had in this House during the stalemate on the division of revenue sharing formula last year. Although I had taken a contrary position; that is the time I really felt that we are in a House that reasons and where debate prevails. Although there were things happening on the sidelines, the core of the issue that was before us was so critical that it divided us on matters of principle. I really admired that the late Sen. Haji stood firm to the position that he had taken. That was a beautiful thing to me, and I will always remember him for that.

The late Sen. Haji also had the great responsibility to co-chair the Building Bridges Initiative (BBI). Although he is not here to speak for himself, there are challenges and things that we needed to know from him because the country would be better informed if he told us the things that he knows.

The debate on the BBI Report in county assemblies is happening without his contribution. However, as a matter of fact, I know that if there was anything in the BBI Report that the late Sen. Haji did not agree to, then we are cursed because he did not want things to be done differently. Since the late Sen. Haji is not here to speak to us about it, if there is any other way of Ijara getting a constituency, I would try to find it. The late Sen. Haji really fought hard and selflessly for Ijara to get a constituency, not just out of the love of his community only, but because they deserve it.

Mr. Speaker, Sir, finally, in the spirit of Sen. Haji I would like to say that I am beginning to see in this country, and which we must be very careful about--- There is a right to protected speech in the Constitution, which has got certain limitations that I am quite happy about and should continue to be there. The moment we begin to restrict speech or criminalize speech, we will be talking about another country. I say that from the bottom of my heart.

I would like this country to remember that in the laws of Kenya in the previous Constitution, there was a law of sedition, where if you said anything, you would be taken to court, denied bail and taken to jail until your case is resolved. The minimum sentence under the law of sedition was 10 years. You could remain in detention for years until your case is resolved. I was a victim of the law of sedition.

At one time I was arrested and taken to Kisii on a charge of sedition. I was then taken to Ogembo because there was so much noise in Kisii. From Ogembo, I was taken to Kilgoris. Senior Counsel Muite would come to Kilgoris to represent me.

Sometimes you do not have to like what people say. You do not have to like what I say. You will be a fool to like what I say all the time because it means your mind is not working. Criminalising what somebody says is a great betrayal to the people of Kenya,

who fought so hard, first of all, to get rid of laws like sedition and incitement that have been challenged constitutionally.

The late Sen. Haji was a democrat and open to plead to this country that we needed a degree of tolerance to drive us forward. There was a great American judge who said that the remedy to be applied in circumstances where you may not like what somebody is saying is more speech and not to enforce silence. He added that the remedy for speech that is false, is speech that is true. Therefore, whenever somebody says anything that you do not like or think is false, the remedy is not to be oppressive or overbearing, but speaking the truth. That way, you will have gotten rid of the whole idea.

What am I trying to say in a nutshell? I am trying to say that the spirit of that great man who was a peacemaker--- In fact, when he was making peace, he had to hear people from both sides. Sen. Dullo has been a peacemaker in another capacity. Of course, that is a name she is given when she is out there and not when we are here. In all honesty, I hope we will build this country to be a democratic and open society as a bottom line.

From what I gathered from my association and relationship with the late Sen. Haji, the man loved the truth. Why do people in this country fear the truth so much that when something little is said, the whole place burns up? Then we should not even have the business of politics! The former President of the US, Mr. Trump, used to call people all sorts of names, but we countered it with what we thought was right.

Whereas I might not agree with many people on the side opposite, when they make a point, I should appreciate. When they do not make it, then I make a contrary point. That is called the doctrine of counter speech. It is a great legal doctrine.

If you live in a society where people are in art--- For example, at one time the famous Nominated Member of Parliament from Nakuru, Hon. Chottara, had two propositions about having elections when the late former President Moi used to know a bad and good man. He could wake up one morning and say, ‘Murkomen is the Senator for Mombasa, Fatuma Dullo is the Senator for Siaya,’ and so on and so forth. He used to wonder why we wasted time.

He also disliked the business of coming to Parliament and talking the whole day, yet some people could not make a razor blade or pin, but they had garages where vehicles were repaired. He said that because there used to be some people in Parliament known as “the seven bearded sisters,” who most of the time had nothing to show materially. I may have nothing but my mind may be a bank of information. Therefore, you should not allow me to take information to the grave; you better listen to it.

Mr. Speaker, Sir, without taking a lot of time, I hope this House will join me in paying tribute to the great Kenyan. At the end, we will send this profound sympathies and condolences to the family of the late Sen. Mohammed Yusuf Haji. What a man! I hope from that stock where he came from, greater people will come to help this nation become greater.

Mr. Speaker, Sir, I thank you and beg to move. I request the Senate Majority Leader to second.

**The Senate Majority Leader** (Sen. Poghio): Mr. Speaker, Sir, I beg to second. For a Motion like this where all Members would like to say something, I will try and make it short.

The gentleman we are talking about had a checkered career. Everybody has spoken about his life. He was soft-spoken. Many times, he never shouted above

anybody's voice. You could listen and respect whatever he said. In my view, at the age of 80 years, we have lost him early because we needed him to be there. In any religion, that is according to God and we leave it to Him.

One of the first pastoralists to rise in the ranks of the provincial administration was Yusuf Haji when he was still very young. He was also one of the most educated and well trained at that time. Coming from a place where he did not have the support because of his tribe, he excelled in relating well with other people everywhere he went. That was one of the biggest assets of his character. He learned to operate in any setting and community he lived in. That in itself tells you what kind of person Yusuf Haji was.

The reason we have a special moment of tribute for the late Yusuf Haji is because while many of us appreciate the way our Muslim brothers and sisters conduct their burials quickly; it does not give time for closure. People would like to have time to speak about a person and mourn them longer. That is why a special sitting is sometimes important because the late Yusuf Haji was buried, but we have an opportunity for that closure for us as friends and people who have grown up with him to eulogise the great man. That is one of the reasons we have this session today.

The other reason is that in the Islamic tradition, it is traditional to ask, like we were asked today at his residence, whether there is anyone who owes him anything. This is a good forum to say it. Personally, he owes me nothing. I do not know if there is anybody in this House who the late Sen. Yusuf Haji owed anything.

In my career as a politician, my most difficult time was when Sen. Haji was the Provincial Commissioner (PC) in the Rift Valley. He was so sympathetic to me because I was so young and naive at the time when the system did not allow for questioning anything. I was there asking things that were not supposed to be asked.

When I was expelled from the Kenya African National Union (KANU) in 1988 after my first election, Sen. Haji was there. He was so sympathetic and would tell me, "go slow *kijana*." I did not know what that meant because I had just finished graduate school and had a Master's degree, and thought I could question everything. However, that was not to be.

Mr. Speaker, Sir, I was expelled the same year that I was elected; I did not have a long time to serve. I was expelled from the only party in the country. The truth was that you became a pariah when you were expelled. Sen. Haji was the administrator, but at that moment of victimizing, he did not do that. I was able then to organize myself and get out of the country without much harassment.

Sen. Haji is a man who had the authority even to order my arrest. He had the authority to do whatever he wanted to do, but he did not use that against some of us.

During that time, the Pokot community had been harassed very much in terms of military operations. Some of you are hearing about military operations now. This is something that was used quite a lot on the Pokot community. Sen. Haji, who was the PC at the time, handled it in a very humane way. Although a lot of times the leaders were arrested, he handled it in a very humane way.

I remember him as a man who could give time to leaders and listen to them, even those of us who were branded badly at the time. In respect of the question of whether he owes me anything, absolutely nothing except gratitude. Every time we had issues even in personal lives, and you spoke to Sen. Haji, he listened to you and gave advice, which was fatherly.

The other thing I must say is that he really gave his family a very good life. He gave his family education. When we spoke about Hon. Nyachae yesterday, these were very young people. Hon. Nyachae being a PC at 32 years old, those were very young people, yet, they were able to operate under those conditions. Sen. Haji and his peers at that time were very well prepared and well trained.

One thing which we are thankful for is that, he prepared his family for life. He prepared his people as well; the people of Garissa and generally the people of North Eastern. He is a man who cared beyond his own family and small constituency.

Mr. Speaker, Sir, one of the last examples, and I think it is the one that the Minority Leader, Sen. Orenge said, is that I came back to KANU in 1997 and ran for Member of Parliament for Kacheliba Constituency under KANU. Those days, the nominations were still *mlolongo* nominations, which could go either way. In those days, the District Officers (DOs) were presiding officers and the District Commissioners (DC) were the returning officers; I do not know which one is bigger.

Mine was unique because the late former President had a candidate he liked very much called Hon. Peter Nang'ole. He was an Assistant Minister, and I was running against him. Sen. Haji was the PC. When I won that nomination, it was a problem for the country and the party because I was not supposed to win that nomination.

The District Officer of Kacheliba called the District Commissioner (DC) and said there was a problem. The DC asked what the problem was and he said: "The Assistant Minister has been beaten." The DC said: "Wait for me there, do not do anything, do not announce the results, let me call the PC." Guess who the PC was? It was Sen. Haji. The DC called the PC and he said: "Wait, do not announce, let me call the President."

In the end, the PC went to see the President and the President was told there was a problem in Kacheliba. It happened that Sen. Haji was with my good friend, Hon. Lotodo, and they spoke very nicely of me. They said, "*Huyo kijana si mbaya sana.*" Meaning that I was not a very bad young man, which is true up to today.

*(Laughter)*

Mr. Speaker, Sir, he was a PC, but was soft and understood how to put things. The results were announced and the rest is history; I served as an MP for Kacheliba for the next 15 years nonstop. It was important that I speak very highly of a man who spoke very softly, but was very strong and powerful.

What else can I say about this gentleman? Apart from being a father figure, he also supported the political system. If you look at President Uhuru Kenyatta the whole of yesterday, dealing with the situation of Hon. Nyachae and then later in the evening dealing with the situation with Sen. Haji, what we saw was a very emotional setting. Sen. Haji stood very true and faithful to the system and the President. To the current President, he was a father figure to him just like to me, and others.

Mr. Speaker, Sir, we speak of a man who was true when he was in power. Nominated Members of Parliament did not have much power, but when he joined Parliament, he was consulted more. I think that is what led to his being elected in Ijara in the following election.

We take this opportunity to bring closure to losing a great friend, a great mentor and man who stayed true, like Sen. Orenge said, true to truth. One time when we were

discussing the formula, he used very strong words. He said: "I would rather die than compromise." Those are the words he used. He was very strong.

Mr. Speaker, Sir, for a man like that, it is a great loss. Again, as the Senate Minority Leader said, there is probably more where that came from, that stock. We wish the people of Garissa God's grace and protection and his family, especially some of his boys whom we know that they will continue to keep the family together. May God rest his soul in eternal peace.

Thank you, and I second.

*(Question proposed)*

**The Speaker** (Hon. Lusaka): Hon. Senators, I realise that all of us want to say something. Therefore, I will seek your indulgence that each one of us takes five minutes. Put your thought process together, summarize and use five minutes.

Sen. Khaniri.

**Sen. Khaniri:** Mr. Speaker, Sir, I want to thank you for this opportunity. Just before I make my tribute, I want to thank Sen. Orengo for moving this Motion and the proposal that he made.

In a way of seconding it, it is high time that we amended our Standing Orders to provide for this; that when a colleague, Head of State, Head of Government or Prime Minister and that level passes on, we should not be making our tributes riding on your Communication. There should be a proper Motion put before the House and adopted, so that the HANSARD and the tributes can be sent to the families. This should be taken seriously, so that we amend our Standing Orders to provide for that.

Mr. Speaker, Sir, it is with a very heavy heart that I stand here this afternoon to pay my tribute to a great friend.

Mr. Speaker, Sir, once again, death has robbed this country of a great leader. He was a leader who was forthright, honest to the core, a peacemaker and a patriot. He was selfless, generous and above all, humble. I liked his humility.

Mr. Speaker, Sir, many of you may not believe this, but I have known him for 26 years. I knew the Provincial Commissioner (PC), Mohamed Haji, when I was running for the by-election in 1996, when Sen. James Orengo, the late Wamalwa Kijana, and the late George Kapten had waged a very tough war on me as the Kenya African National Union (KANU) candidate. Yusuf Haji, Musalia Mudavadi, Moody Awori and Andrew Ligale stood with me. That is how I came to this august House.

Mr. Speaker, Sir, at that time, KANU was synonymous with the provincial administration. Yusuf Haji, as the PC, was my lead campaigner in my first election to Parliament as a Member of Parliament for Hamisi Constituency. He always regarded me as his son. That is how he called me until he died; "My son."

Mr. Speaker, Sir, unknown to many, I had a close relationship to him because my own father died in the hands of Yusuf Haji. When my father was a Member of Parliament and Yusuf Haji was the PC, I think they had been invited to a function where Yusuf Haji was the chief guest and my father was there as the area Member of Parliament. When he was called to speak, and invite the PC, my father collapsed and breathed his last.

His last words were: "*Samahani, soda niliyokunywa inanitiza,*" and he collapsed. It is Yusuf Haji who went and picked him from that podium, put him in his

Land Rover - the official PC's Land Rover - and drove him to Aga Khan Hospital in Kisumu, where he was pronounced dead on arrival. Yusuf Haji always reminded me that my father died in his arms while he was rushing him to hospital. That is how closely I related with our good brother, father and colleague, Sen. Yusuf Haji. I served with him in the National Assembly for 10 years and in this Chamber for eight years. Therefore, he has been my colleague for the last 18 years.

Mr. Speaker, Sir, when I say that Sen. Yusuf Haji was the voice of reason, I think all of you will agree with me that the old man was indeed the voice of reason when it came to debates in this House. His death leaves the Senate and country poorer.

Mr. Speaker, Sir, on behalf of my family, my own behalf and the people of Vihiga and the former Western Province, where he served as a PC for very many years, I want to take this opportunity to wish his family well.

It is our prayer that the Almighty God will give them strength and fortitude during this very trying moment. It is our prayer that the same God will rest his soul in eternal peace. Fare thee well. We will miss you. We will miss your company, contributions and guidance.

Rest in peace!

**The Speaker** (Hon. Lusaka): Thank you, for managing your time well.

Sen. Murkomen, kindly, proceed.

**Sen. Murkomen:** Mr. Speaker, Sir, I wish to start by thanking Sen. James Orenge for coming up with this Motion, but more importantly, for his very weighty contributions. Sen. Orenge spoke today like the Orenge we know. I enjoyed every bit of his submissions. I want to thank him for that.

Secondly, Mr. Speaker, Sir, is to eulogize our colleague, Sen. Mohamed Yusuf Haji. Sen. Mohamed Yusuf Haji had a very illustrious career. Some of us cannot speak in the same stature with Sen. Orenge and others because we came to public service the other day. We do not have similar experience.

Sen. Yusuf Haji was the PC of the Rift Valley Province when the word 'PC' was synonymous with Haji, for us who grew up in the Rift Valley. In fact, when he left after over 20 years, anybody who came would be asked, 'who is the Haji of the Rift Valley?' This is because he became synonymous with the PC's position.

Mr. Speaker, Sir, I was privileged and honoured in my younger years to interact and work with Sen. Yusuf Haji, from the time I came to this Chamber in 2013. I found out that despite the position, experience and age, there was no one who was more respectful to authority than Sen. Haji.

If Sen. Haji was a Member of your Committee and you were the Chair, you knew for sure that you have a loyal Member of your Committee. When I came into leadership as the Deputy Majority Leader, Sen. Haji gave me, and those who were in leadership, maximum support. Even later when I became the Senate Majority Leader, Sen. Haji became the person I used to go to ask for counsel.

I remember one day, we went with him to see the Deputy President over something that was in Garissa. I was even shocked with the way he was approaching the Office of the Deputy President. I thought I was more casual than he was. He really respected authority. If something came from the President as it used to - most of the time any communication, I brought to this House that came from him - Sen. Haji was a person who could not countermand. He would not even ask me to get evidence, whether the

President wanted something to be done this way or the other. He was loyal to the authority, which was his strength, but at some point, I even thought it was his weakness.

Mr. Speaker, Sir, I will give you an example. Sen. Haji did not want to serve as the Chairperson of the Standing Committee on National Security, Defence and Foreign Relations, but the President had told me that there is no other person who will chair the Standing Committee on National Security, Defence and Foreign Relations. It must be Sen. Haji.

Therefore, I came here and told Sen. Haji, “We are making you the Chairperson of the Standing Committee on National Security, Defence and Foreign Relations.” He told me, “No, my son, I am now satisfied to serve. Let others serve. I have served long enough. Let me give an opportunity to other young people like you to serve.” I told him, “Call the President and tell him you are unwilling to serve.” He told me, “If it came from the President, that is it. I am going to take this responsibility.” He took it with a lot of humility.

I want to thank Sen. Sakaja, who was his Vice Chair, because they worked seamlessly. Sen. Sakaja took the responsibilities on his behalf, like Sen. Fatuma Dullo did in the last term.

Mr. Speaker, Sir, something else I learnt from him is that he was able to stand firm like Sen. Orenge said. Maybe the only time I saw him stand very firm, which I said that his loyalty was also a weakness because it was very difficult for him to go against the Government position---

However, when it came to the Division of Revenue, Sen. Haji was not only firm in what he believed for the pastoralists community and the people of Garissa, but he also sat here. Even when he had some flu, he made sure he sat here even up to 9.00 p.m. to 10.00 p.m. waiting for that opportunity to vote. We walked behind him and I asked Sen. Haji: “I do not understand. There is a paradox here. You are the Chair of Building Bridges Initiative (BBI); you support the President, but at the same time, there is a Motion in this House that is supported by the Executive and the Majority side---

My time is not up.

**The Speaker** (Hon. Lusaka): You have two minutes

**Sen. Murkomen:** Mr. Speaker Sir, I wish I saw the light.

**The Speaker** (Hon. Lusaka): Tell us what Sen. Haji told you.

**Sen. Murkomen:** Mr. Speaker, Sir, I thought it was sabotage. It was that paradox that prompted me to ask him: “You are standing this way, yet you are the closest man to the Executive?” We were with Sen. Madzayo and others. We told him to intervene on our behalf. He told me: “I am not picking anybody’s call or taking anybody’s directions. I am firm and focused to vote for the people of Garissa.”

In my own confession because Sen. Haji was my friend, there were things he was unhappy with in the BBI Report. I do not think he authored everything in the BBI Report. There must be things compromised from other quarters. It was a letdown that the things we achieved as “team Kenya” in this Chamber, which he participated, found themselves in the BBI Report in terms of the per capita income application on division of revenue. This is something we must ponder. If we believe that he was a man of equity, we must, as leaders, ensure that the things we do, will protect all communities equitably.



I wish Noordin, his brother, the rest of the sisters and the extended family God's grace at this difficult time. Sen. Haji's history will forever be remembered in this country. There are things I learnt from Sen. Haji that I wish to apply in my personal life.

Thank you, Mr. Speaker, Sir.

**Sen. (Prof.) Kamar:** Thank you, Mr. Speaker, Sir for giving me an opportunity to join colleagues in expressing my deepest sadness following the death of our colleague Sen. Haji.

I want this House to know that I have known him for the longest time. I have known him since 1983 when I was a district soil conservation officer in Trans Nzoia. He was posted to come at the time when we had elections that created a lot of tension in Trans Nzoia. When he joined us in Trans Nzoia, he called a meeting of heads of departments, and being a district soil conversation officer, I was in the meeting. This young administrator was completely different. He told us that we must work and serve. At the time, there were the district development committees that were used to develop the districts. He redirected us to development at a time we thought we would discuss elections that had caused tension. You could see the peacemaker in him.

Later in 1996, I got to know him more after the 1995 trip to Beijing Conference. The Women in Rift Valley asked me to join the Rift Valley branch of *Maendeleo ya Wanawake* and to chair them. I was not sure whether I would deal with being in the university and chairing women. The concept of women leadership was not clear in my mind. I went to Sen. Haji's office, and he was the Provincial Commissioner (PC) then. He advised me from day one. One of the words that Sen. Murkomen has used is what he used directly to me.

He told me: "You have come from the university; first things first. Respect for authority cannot be compromised in life. You are coming from a formal system that has a different order. If you are to lead women, respect for authority is something you must carry in your mind. Honesty is the other and listening is an art in leadership."

At the time I was not sure how I would discuss because women squabbling was high. You would have women from one district complaining over issues of a nature that would disrupt the *Maendeleo ya Wanawake* organization. However, he did something more unique. He told me to avoid all those things while learning and use his boardroom for my meetings. I was a young lecturer trying to be a woman leader and leading more experienced women in women movement. I used his boardroom and it made a lot of difference. He opened the doors of his office and I would see him before and after the meeting.

After three years, I have known women movement so much that at the time the East African Community positions were coming in, every woman in Rift Valley proposed sending me to the EAC. I went there because of contributions of women like Phoebe Asiyo. However, it started with how I was mentored and trained by Sen. Haji. From the time I met him, I got into a habit of consulting him on many things.

The most recent one was last year when I called him for advice on two occasions. The one thing that surprised me is that I called him from Eldoret and said, 'I need advice'. He asked where I was and I told him I was in Eldoret, while he was in Garissa. He asked when I would come to Nairobi and I said that I would be here the following day. He said that he would come the day after, which was on a Monday.

**The Speaker** (Hon. Lusaka): Your time is up. Now that you will be controlling the time, I will give you one minute.

**Sen. (Prof.) Kamar:** Mr. Speaker, Sir, I want to wind up on that. He said something that touched me and will remain with me forever. He asked: ‘Where are you?’ I replied ‘I am at home.’ He asked: ‘Can I come and see you at home?’ I said: ‘No, I am coming to see you.’ That was amazing. This is somebody who would go to any length. If you were in a problem or a situation that you needed him, he would even come to you.

May the Lord rest his soul in eternal peace. I sympathize with the family. On behalf of my family, the people of Uasin Gishu and Rift Valley, where he served for a long time, and my own behalf, I say *pole* to the family.

Thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Lusaka): Sen. Kasanga, you have the Floor.

**Sen. Kasanga:** Thank you Mr. Speaker, Sir, for giving me this chance to eulogize our colleague and friend, Sen. Yusuf Haji. I also want to thank Sen. Orenge for bringing this Motion that has given us the opportunity to add our voices to this. Also, just for the fact that Sen. Orenge’s submission was so powerful.

Mr. Speaker, Sir, without a doubt, I am very privileged to have rubbed shoulders with the late Sen. Yusuf Haji. I count my blessings every morning, that I do rub shoulders with some of the most distinguished gentlemen in this House. There is always something to learn from our leaders ahead of us.

Mr. Speaker, Sir, I want to thank you. From the submissions of the leaders who spoke ahead of me, what I had written here then stands true. For me, Sen. Haji was the epitome of humility. Without a doubt, from his colourful distinguished career in the public service, I cannot believe he walked and spoke so gently amongst us, yet he carried all those accolades with him.

I can add words like ‘approachable, warm, open, candid, thoughtful, respectful and wise,’ when I think of the late Sen. Haji. My last encounter with him was during the time of the revenue sharing. He came and would sit in Sen. Mutula Kilonzo Jnr.’s office, which I consider my pit-stop for one or two things. I found him seated there on his own. I sat next to him and started just a small conversation with him. He looked quiet and I asked him whether he was okay. He said that he was okay. I said to him: ‘You look very heavy hearted, what is going on?’ He said: ‘This thing is not good.’ He was referring to the revenue sharing standoff that we had.

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

*[The Deputy Speaker (Sen. (Prof.) Kamar in the Chair)]*

He said: ‘This thing is not going in the right direction. This thing is not in the spirit of the BBI.’ Those were his words. Like Sen. Murkomen said, I also asked him: ‘But you are the Chairperson of BBI Committee. You can make this thing go right.’ He said: ‘Nonetheless, this thing is not going well, but we shall see what to do.’

Madam Deputy Speaker, we went on to have a small conversation, where he wanted to find out a little bit about me. I told him what I am doing in the House, what my intentions are and what I do when I am not in the House. He said something to me that I will carry for the rest of my life. He said:

“You know, in the end, when you take stock of your time in public service, you must be able to stand proud for what you have added to moving this country forward in the right direction.”

That touched me so deeply because I could see in him what he meant. The way he conducted himself throughout the revenue sharing stand-off, he really did stand firm for what was right for his people. He was ready to die for it, like we have heard.

Madam Deputy Speaker, he went on to encourage me in our conversation. He told me that as a Nominated Member of Parliament, I have been granted a platform to build upon and transform the communities that I represent and the people I serve, and I should make the people who brought me here very proud. He said: “Do not forget that you must aim higher.”

For me, that was a whole mentorship session. As we heard from Sen. Dullo earlier today, he has mentored very many. This is the kind of leadership we must emulate; a leadership of gentleness, openness, firmness and knowing that we need to move our country forward. That is a leadership of mentorship that we hold younger people. We hold their hands and are ready to let them lead when it is their time to do so. That is what Sen. Haji did. I think we owe him that kind of respect as we are eulogizing him.

Madam Deputy Speaker, we all know the politics of shouting. I watched Sen. Haji during the revenue sharing formula. That is when we had brought this House down with shouting and finger-pointing. He sat quietly the whole time. There is something about that. Sometimes it is in silence that we resolve issues.

Indeed, he has been such a long-serving public servant, resolving a lot of disputes like we have heard. It must be because of his gentleness and silence that he was able to have such wisdom to pursue peaceful methods of dealing with conflict. I must say we have a lot to learn---

**The Deputy Speaker** (Sen. (Prof.) Kamar): Thank you.

Senator for Isiolo County, Sen. Dullo, proceed.

**Sen. Dullo:** Thank you, Madam Deputy Speaker. Let me take this opportunity to eulogize Sen. Yusuf Haji. I am sure the five minutes might not be enough for me, but let me say a few words about him. I came to know him way back when I was married, through my late husband. That was way back before I came to the Senate. Truly, Sen. Haji has kept friends from young and old for many years. He used to have respect for everybody.

We have lost a leader who has respect for authority. I served under him as a Vice Chairperson in the last Senate. In the last Senate, the Committee on National Security, Defence and Foreign Relations had a lot of issues. It is not like now. We used to have ten questions on the Floor of the House every day.

Madam Deputy Speaker, Sen. Yusuf Haji said: “Since you are young, and you are there, I do not have to be in that House to respond to those issues. You should do so.” That gave me a lot of profile as far as a young or new politician in the House was. That is how I became the Senator of Isiolo County; because of the profile I made in this House under his mentorship.

Sen. Haji, as a Chairperson, had a lot of respect for his Members. I remember we used to travel with him and the late Sen. G.G. Kariuki. In that Committee, we were with Sen. Orenge, Sen. Wetangula and so many other Senators. You would find every

morning, because of his discipline, Sen. Haji, is on the table of breakfast by 7.00 a.m. By the evening, he would make sure that he bought all his Members dinner.

Madam Deputy Speaker, we used to travel to so many countries. I remember one time we travelled to Malaysia, and from there, went to Indonesia. They used to crack “old men” jokes between him and the late Sen. GG Kariuki about elderly women and men. This means that in as much as he was humble, he would crack very many funny jokes. He was a company that you could easily enjoy.

Sen. Haji has mentored me and so many others. You can see what happened yesterday and even before then. Actually, when he fell sick, he told me he fell in the bathroom. When he fell in the bathroom, he actually heard his bones cracking. The only person in the house was the wife. When she came running he told her: “Do not come near me because you are also going to fall.”

He told the wife to go and get security so that they could lift him up. That is how Sen. Haji was responsible. Even when he was sick in Agha Khan Hospital, because of Coronavirus Disease (COVID-19), he never allowed anybody to go and visit him. He said: “You must take care of yourselves.”

Madam Deputy Speaker, I would request to be added two minutes, please, if you do not mind. When he recovered and went back home, I used to visit him with my children. He could sit down those girls - I have two girls – and really talk to them.

He would tell them: “I know your mother, I know your father. You must do this and that.” We could actually even sit and he would say: “Let me pray for you,” because in Islam, when a sick person prays for you, the prayers will be answered. That was the kind of person Sen. Haji was.

Madam Deputy Speaker, yesterday, you could see his grandchildren and children. Unlike some families, people mourn and sit in a room and cry. In that house, you could see everybody running with a responsibility; the girls, boys and grandchildren. They were the ones who lowered the body of their grandfather---

**The Deputy Speaker** (Sen. (Prof.) Kamar): That is okay. Give her another two minutes.

**Sen. Dullo:** Madam Deputy Speaker, Sen. Haji was a great man. He is somebody that we will never forget, and he is somebody that this country will never get. One of his attributes as far as Government is concerned is that he has never gone against the Government.

I remember that he used to call me *intal gudah*, which in my language means “*msichana mkubwa*”. This clearly means that he respected authority. I remember he discussed the Building Bridges Initiative (BII) with me in confidence before he was taken ill and went to Turkey. I will, however, not say it here. I have shared it with the relevant authority. As a country, we must do something in remembrance and honour of Sen. Yusuf Haji.

Finally, I know that a lot is going to happen as far as the North Eastern region is concerned. Sen. Haji stood for almost everybody, especially for Northern Kenya. He had a lot of respect for everybody. Even when he was sick during the debate on the revenue sharing formula, he would call me and say: “Fatuma, if you tell me to come, I will come,” yet he was sick. He was that kind of a person.

Let me not take a lot of time. I have lost a friend, a father, and a mentor. As Muslims say, let the Almighty God grant him *Jannatul Firdaus*.

Thank you.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Sen. Sakaja.

**Sen. Sakaja:** Thank you, Madam Deputy Speaker. Unlike many who have spoken, for the longest time I only read about Sen. Haji as a Provincial Commissioner (PC) when I was growing up. I was fortunate to meet him later on in 2011, then 2012, when I was his party chair. It was interesting, because at that time he was 72 years old and I was 27 years old. It was just the numbers that were inverted.

He, together with Hon. G.G Kariuki made a habit of having lunch with me once a month, because they were guiding me. You can imagine chairing a party of people older than your parents. It was very tough, but he really encouraged and mentored me during those times. I remember that many people had said that these young and inexperienced guys will make us lose, but he encouraged me.

When we came to Parliament after the election in August 2014, I was in the National Assembly, and he was in the Senate. He, together with Sen. Musila, who were very close friends, called me in Washington D.C. to take a walk. We took a walk and they sat me down at a restaurant. I remember that we were having tea, and he was having olive oil with his bread. He said the first thing they will tell me is that I do that frequently. Olive oil is good for my body.

They told me that between the two of them, they have served Kenya for a hundred years. I asked them what they meant. They said 100 years. Hon. Musila for 50 years and Sen. Haji for 50 years. Sen. Haji said that Sen. Musila had been his boss, and there was a time Sen. Haji was Sen. Musila's boss. When Haji was the Minister, Sen. Musila was the Assistant Minister in the same Ministry. He told me that things change.

In quotes: "*Sasa wewe kijana*, let me tell you to tell your fellow young men in Parliament to stop going fast. There is no hurry. It is not a sprint, it is a marathon. Hold your horses." In the subsequent years, I got a lot of advice from him and the late Hon. G.G Kariuki, who I also thank so much for his mentorship.

Later on, we met in the Senate. As Sen. Murkomen said, Sen. Haji had refused to Chair the Committee on National Security, Defense, and Foreign Relations. He was told that he has to Chair it, but that he will be given a helper. That is why I was the only person who was both the Chair and Vice-Chairperson of a Committee. He said that they should not worry, '*kuna kijana mdogo* who will do the running around for them'. Sorry that I am using Swahili. You will remember that when Sen. Haji was busy with BBI, I literally had to run two committees for close to two years.

Madam Deputy Speaker, Sen. Haji was trusting. He allowed me the leeway and encouraged me. There were times when I was chairing and he would walk in, even though he was the Chair, he would tell me to change something, but in private. He would never admonish me in public, and I have learnt a lot from him.

He was very humble and stylish, with his Ray-Ban goggles and his white trousers. Even at his age, he had a good fashion sense with his white suits. I just want to say that we have lost a father, a friend and a mentor. I encourage the older politicians here that a candle does not lose its light by lighting another candle. Mentor other people and hold their hands.

As I finish, I also reiterate that even when he had to take a stand on the revenue sharing formula, it was not easy for him and for many of us to go against what we felt the

President wanted. He would come here at 1.00 p.m., despite being unwell, and sit and wait for 2.30 p.m.

We, however, did it with humility and steadfastness. I am sure that ultimately, people came to understand. It is not something to be proud of; that we went against it. It is not about going against. He told me that if you are doing the right thing, do not worry about people misunderstanding you. If your conscience is clear and your heart is right, do it, they will understand later.

On behalf of the people of Nairobi and my family, may his soul rest in peace.

Thank you.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Proceed, Sen. (Eng.) Maina.

**An. hon. Senator:** He has left!

**The Deputy Speaker** (Sen. (Prof.) Kamar): The next one is Sen. (Eng.) Mahamud.

**Sen. (Eng.) Mahamud:** Thank you, Madam Deputy Speaker. Let me thank the leadership for bringing up this important Motion to pay condolences to our fallen brother, the late Mohamed Yusuf Haji. The Late Senator was an elder brother, a friend, and a colleague. As person from the North Eastern Region, the late Sen. Haji was a beacon of hope. He was like a candle in that region given the sort of work that he did for this Government.

The late Sen. Haji worked in difficult circumstances. His first job was as a District Officer (DO) in North Eastern province in my home county during the *Shifita* War. As difficult as it was, he left a lot of good memories with the people of that region. He rose through the ranks to become a Provincial Commissioner, later on a Member of Parliament (M.P), and a Minister.

For those of us who worked in the Civil Service, he served as a role model for us. Sen. Haji is one of the persons who made people from that region be part of this Government. The trust that the Government of Kenya had in him came from the loyalty with which he served this country. It is people like Sen. Haji, Gen. Mohamud, and the rest, who melted down the sort of mistrust that was between the Government and the people of that region. They made us to be included in the Government during President Moi's time. We will forever remember him.

Madam Deputy Speaker, Sen. Haji was a lovely person. He was very modest, as people say, but he was also very tough in his actions. We related very well with him in the 10<sup>th</sup>, 11<sup>th</sup> and the 12<sup>th</sup> Parliaments, where he was the chair of the leadership from the North Eastern Region. He gave us a lot of guidance in terms of issues of the community, peacemaking, both locally and internationally with neighboring Somalia. The role he played is unprecedented.

Lastly, Sen. Haji served as the BBI Chairman. As I said yesterday, BBI was supposed to bring Kenyans together. I ask Kenyans to come together and emulate the character of Sen. Haji. BBI should not divide us. I do not see the reason why Kenyans are quarrelling a lot about BBI and yet it is a constitutional amendment which has no serious consequences to the country or the people.

However, it has some serious consequences for us in the North Eastern Region. As you know, my only worry is that Article 203 of the Constitution has some negative impact on our region.

Having said that, I think that there is no reason for us to fight. It is time for us to pay tribute to him.

Let us emulate the sort of peacemaker he was, the seriousness with which he served this country and use BBI to unite and not to divide Kenyans.

Madam Deputy Speaker, Sen. Haji will be remembered for the seriousness with which he served this country, the loyalty he had for successive administrations and the seriousness with which he served his people as a Senator of Garissa County and also as an MP of Ijara Constituency.

We wish his people well and condole with the family, Mr. Noordin, Abdul and their sisters and the greater family of Yusuf Haji because it is a large family. We condole with the people of Garissa County, Ijara and North Eastern Region.

Those of you who do not come from that region, please, emulate Sen. Haji. The loyalty of our people is undoubted. Kenyans should respect North Eastern region. Whatever issues we have, let us be respected as part of this country.

At every occasion, people talk negatively about that region in terms of resource sharing, security challenges and loyalty. Still there are some people in this country who still doubt us. We are part of this country and we are not going anywhere. We are nobody's guests. Our brother Sen. Haji was a good example.

May Almighty Allah rest him in peace and admit him to the highest of heavens as God promised. Those of us who have had difficulties with him because maybe *alikosea kidogo hapa na pale* - I am sorry for the language - please, let us forgive him and beg God that he rests in peace. Amin.

**Sen. Cheruiyot:** Thank you, Madam Deputy Speaker. I join the rest of my colleagues in eulogizing a great man; somebody we had the rare pleasure of serving with in this House for two terms.

Unlike our senior colleagues who have had a chance of knowing him including you, Madam Deputy Speaker---. Earlier on you mentioned that you knew Sen. Haji in 1983. My colleague here, Sen. Iman, was quick to remind me that I had not even been conceived. That is the disadvantage of being young amongst great people like you.

Earlier on today when his son Abdul spoke to us and told us that in his last days before he lost consciousness, the Senator wanted to write a letter of resignation because he felt it was not right for him to continue receiving salary as a Senator yet he was not serving the people., many people were surprised but I was not because that was the Senator Haji that I know.

Let me tell you a story that confirmed and came clear to my mind when his son was speaking. We had the normal disputes we had between us and the National Assembly. At one time, it was a time like this when we were handling the Budget Policy Statement or maybe the Division of Revenue. There was a proposal that was brought to this House. We were seated in a *Kamukunji* and the then Speaker, hon. Ethuro, was chairing the session.

We were told that the long drawn-out battle between us and the National Assembly was about to be brought to an end by the Executive offering about Ksh300 million or Kshs500 million but only under one condition; that we had to spend that money within two months because it was towards the end of the financial year. Many of us spoke excitedly and we were toying here with ideas of what we could do with that

fund. We could maybe buy motor vehicles to be used in the county for oversight purposes and many such things.

When it got to Sen. Haji's chance to speak, he told us to our face with his authoritative voice that we banish that thought. He told us never to imagine we could ever use public funds in the way he had heard many of us speak. He was so furious to the point that he said, "If you dare take this money, I will go to the public and issue a press statement against you. You know that I am known everywhere in this country. Let us see who will elect you back into this House." That was the end of that story.

We never picked that money. We ended that *Kamukunji* and agreed that if the Executive wanted to sort that issue of oversight fund, then we had better be provided with a proper legal framework on how to use those funds. That was Sen. Haji the man.

For many of us that are young and starting off our career at this time, such privileges that God extends to us to be seated in such a Chamber with persons who have served this country with distinction, affords us the opportunity to learn, study and look at the lives they have lived.

At times such as these when we were reflecting and hearing testimonies and tributes from people who have known him through the decades, we know that it is possible to serve one's country with distinction and stand firm even amidst all the difficulties that one may face.

On behalf of the people of Kericho County where he served as our PC being part of the greater Rift Valley those many years---

I say this not because he is no longer here but I have said this to him many times. When you meet elderly people who served with him either as chiefs or DOs, one of their parting shots is that, "please, pass our regards to bwana PC." To the best of their knowledge, they never knew any other PC. The PC was Yusuf Haji and Yusuf Haji was the PC to them. They will pass their messages of condolences.

On behalf of such persons who are still alive who served with him and come from Kericho County, I pass their condolences also to his family.

May his soul rest in eternal peace. Maybe it is a great lesson to us especially the young leaders that are starting out their lives in public service. Serve with distinction like *Mzee* Sen. Haji did.

**Sen. Shiyonga:** Thank you, Madam Deputy Speaker, for giving me this opportunity to eulogize our colleague, Sen. Haji.

It is with great sadness and an enormous sense of shock that I learnt of the death of Sen. Haji yesterday. It is true that that the hour of death cannot be forecast and we imagine it to be in the distant future.

To me, yesterday was a dark day. It gave me a lot to think about our Senator whom I had known for the last three years but I had heard of him since I was a child over the radio and other media.

In Sen. Haji as others have said, one would see a father figure, adviser, peacemaker, mentor an all-round man. When I went to his house today it reminded me of the last moment that we shared with him when we were walking to this Chamber and shared light moments. His phone rang and I asked him where he had got such new model phone. He told me that if one lived and aged well, one would be loved by their generation. He told me that the phone had been bought for him by his grandchildren. What a wonderful answer he gave me.



To the rest of us that have remained, Sen. Haji was the Co-Chair of BBI and has not lived to see its fruits. To us who are here and who have an opportunity to debate on the same, let us not shame Sen. Haji but live to his promise. He meant a lot to us especially in legal, security and financial matters.

I send my condolences to the family of the late Sen. Haji as we continue to pray for his soul to rest in peace until we meet again.

Madam Deputy Speaker, finally, I pray for protection upon our lives as we have lost three Senators so far in the 12<sup>th</sup> Parliament. Enough is enough. We do not need to lose any more. May God hear our prayer. I thank you.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Proceed, Sen. Outa, the Senator for Kisumu County.

**Sen. Outa:** Madam Deputy Speaker, I stand here with a sad and heavy heart because Sen. Haji is no longer with us. Yesterday was a dark day for me because as you all know, the late Sen. Haji was the Chairperson of the Standing Committee on National Security, Defence and Foreign Relations and he stood with me during my election to the position of the Vice Chairperson and advised the Members of the Committee to elect me unopposed as his Vice Chairperson. I have been looking up to the late Sen. Haji in carrying out my duties as the Vice Chairperson of the Committee. Unfortunately, his death leaves me wondering what God had planned for the late Sen. Haji and I.

I served with the late Sen. Haji in the 10<sup>th</sup> Parliament of the National Assembly. Both the late Sen. Haji and I were in the opposition. We had come from a very divisive election that had led to the post-election violence of 2007/2008. I was bitter and opposed everything that was brought before the Floor of the National Assembly then. The late Sen. Haji loved peace and people. He once approached me and advised me: 'Young man, you have a long way to go in politics. I would like you to understand that there is a Government which is the final authority.' I could not heed to his advice at that time so I ended up being known in the 10<sup>th</sup> and 11<sup>th</sup> Parliament of the National Assembly as a man who resisted all things; good or bad.

Madam Deputy Speaker, when I was proposed as the Vice Chairperson of the Standing Committee on National Security, Defence and Foreign Relations of this House to deputize a man who had known my track record as someone who might not respect authority, particularly, the Government; I was humbled when the late Sen. Haji urged the Members of the Committee to elect me unopposed. I interacted with the late Sen. Haji a number of times and he advised me on why the Government must be respected.

He told me a lot of stories about his life from the time he started working as a public servant. He told me that he had worked diligently as a public servant throughout his life and that he had always respected the Government of the day. I also told him my story of how I thought joining politics would be a bed of roses. However, what I had met in Parliament could only be equated to being in the dungeons of the devil's house.

The late Sen. Haji was my mentor because he wanted me to reform and learn that I can work with the Government despite all the things that I had gone through. The late Sen. Haji's health deteriorated after I became the Vice Chairperson of the Standing Committee on National Security, Defence and Foreign Relations, so I ended up chairing most of the Committee meetings. I remember one day we had a problem in the House when three of our Senators were arrested and the late Sen. Haji was away. He called me and reminded me that the Government system is always supreme. He advised me to hold

the Committee in camera to consider the circumstances surrounding the arrest of the three Senators. He further advised me to work with the Cabinet Secretary in the Ministry of Interior and Coordination of National Government to resolve any---

**The Deputy Speaker** (Sen. (Prof.) Kamar): Your time is up Sen. Outa but I will give you an extra minute to finalize your tribute.

**Sen. Outa:** Madam Deputy Speaker, I had a big challenge in following the directions that were given to me by the late Sen. Haji on how to conduct the inquiry surrounding the arrest of the three senators because I personally felt that we needed to defend our Senators in the open. However, I had a lot of respect for the late Sen. Haji so I ran the meeting exactly as he had instructed me. I will not forget how Sen. Murkomen and Sen. Mutula Kilonzo Jnr. busted me in this House when I tabled the report of the findings of the meeting that our Committee had held in camera.

I remember the late Sen. Haji as a friend and somebody who looked at me and thought that I could be changed to be a responsible leader who has respect for authority. The Members of the Standing Committee on National Security, Defence and Foreign Relations had planned to go visit the late Sen. Haji in hospital this week unfortunately that never happened. I will always remember the advice he gave me to always respect the Government of the day. May God rest the soul of the late Sen. Haji in eternal peace. Amen.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Proceed, Sen. Madzayo.

**Sen. Madzayo:** Shukrani, Bi. Naibu Spika, kwa kunipa fursa hii. Najiunga pamoja na maseneta wenzangu kutoa rambi rambi zangu kwa familia ya Mzee Haji. Nina imani kubwa kwamba ndugu yangu, Noordin Haji, ataweza kuiweka familia pamoja sisi tukiombea familia yao wakati huu wa majonzi ili waweze kupita janga hili la kumpoteza baba yao.

Kule nyumbani kwetu kuna msemu kuwa mti mkubwa ukianguka, vifaranga vya ndege, hubabaika kwani havijui vitaenda wapi. Lakini nina imani kwamba familia ya mzee itakuwa pamoja wakati huu mgumu sasa na katika siku zijazo. Mimi na familia yangu tunatoa rambi rambi zetu kwa familia ya Mzee Haji ambaye alikuwa kama babangu. Vile, Mzee Haji alikuwa rafiki na mwandani wangu wa karibu Sana, yapo maneno mengi sana ambayo nilizumgumza na Mzee Haji kama mwandani wangu ambayo yalinipatia faida sana katika kujiimarisha katika Bunge hili la Seneti katika muhula uliopita na wa sasa.

Mzee Haji alikuwa mtu wa msimamo kabisa hususan katika ugavi wa fedha zinazoiendea serikali zetu za ugatuzi. Wakati tulikuwa na mjadala kuhusu ugavi wa fedha mwaka jana, Mzee Haji aliniita kando na akaniambia, 'Hivi ni vita na ikiwa kuna tashwishi zozote, wewe usiwache sababu iliyokuleta hapa; kutetea watu wa Kaunti ya Kilifi. Kufa nao na kuwa na msimamo nao wala usibanduke hata kidogo' Maneno aliyonena Mzee Haji yalinipa nguvu sana. Ijapokuwa tulionekana kama watu wanaokosa kueleweka, ilikuwa ni kwa sababu ya msimamo tuliochukuwa. Ikiwa Mzee Haji anaweza kuchukua msimamo kama ule, itakuwaje sisi wengine kama vifaranga tusiweze kuchukua msimamo?

Bi. Naibu Spika, namshukuru marehemu Yusuf Haji kwa sababu alikuwa na msimamo. Kwa ndugu zangu wa Ijara, Garissa pamoja na watu wote ambao ninawakilisha katika Seneti, hususan watu wa Kilifi, nasema poleni. Tunamwomba marehemu Mzee Haji ijapokuwa roho zetu ni nzito sana kwa wakati huu.

Sisi tulimpenda sana lakini Mwenyezi Mungu alimpenda zaidi. Letu ni kumwomba tu pamoja na familia yake. Sote tunajua kwamba hiyo ni njia ya kila mtu. Tunaomba familia yake iwe na nguvu na kustahimili kumpoteza mzee.

Naomba Mwenyezi Mungu aiweke roho ya Mzee Haji mahali pema penye wema peponi.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Let us listen to Sen. Olekina.

**Hon. Senators:** Finally!

**The Deputy Speaker** (Sen. (Prof.) Kamar): Hon. Senators, we are following the order.

**Sen. Olekina:** Madam Deputy Speaker, I rise to support the Motion that the Senate expresses its deep regret and sadness on the untimely death of Sen. Mohammed Yusuf Haji of Garissa County. The people of Narok County, whom I represent here, recognise him as a person who defended the rights of pastoralists and offer their sympathies and condolences to his family, friends and the people of Garissa County.

I would also like to thank the Mover of the Motion, Sen. Orengo, for the historical Motion which allows the Senate of the Republic of Kenya to place on record its profound grief after the loss of our friend and colleague.

The late Sen. Haji was a big man. In fact, when I was listening to the messages of condolences from my colleague, I remembered an incident that happened way back in 1988 when his car broke down on the road and he sought a lift from an electrician. When the electrician did not give him a lift, the electrician ended up being arrested and jailed for three months. That just shows you what loyalty means and what it means when you work for the Government and the things you have to do. I would joke with him about those things. Having said that you have to respect the Government of the day. I would not even fault him for that occasion.

He was a man with a great heart. I remember talking to him about the challenges in the Mau Forest. I remember one day I told him; "My friend, I have seen something close to your name as one of the beneficiaries of the forest." He told me; "Let me check and I will let you know." When he went and checked, he told me; "Maybe there is something like that but we will see what we can do."

In our day-to-day exchanges inside and outside Parliament, we may not always live to the expectations of everyone, particularly people of the opposing sides. However, we must always respect the integrity and the position of every Member.

In fact, during the time when we were debating the revenue sharing formula, the sentiments that we are all expressing here characterized the kind of a leader the deceased was. He respected the Government of the day but when it came to respecting the will of the people, particularly the pastoralists, he stood firm and said; "I will forever fight for our people to get resources." That was a friend. I always say a friend in need is a friend indeed. Our counties were losing money. We all came together and fought for what we believed in.

Madam Deputy Speaker, in that spirit, I would like to end by saying this; I hope that the proponents of the Building Bridges Initiative (BBI) will remember the aspect of the revenue sharing formula that the late Sen. Haji fought so hard for so that it does not continue dividing this country and for all of us to move together.

I wish the family all the best during this time. I want to assure them that Kenya and particularly the people of Narok are praying with them and wishing them all the best.

May the good Lord rest his soul in eternity.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Hon. Senators, if you save a minute each, it will allow everybody to speak because there are some Members who might not get a chance. The time should be reduced from five to three or four minutes.

**Sen. Iman:** Thank you, Madam Deputy Speaker, for giving me this opportunity to eulogize the late Sen. Haji. Mzee Haji was a father, a mentor and my best friend who I am going to miss in this House. He taught me a lot. Besides being my Senator, he was a relative too. We were both from Garissa County and specifically Ijara.

Words cannot describe the late mzee Haji. He was a humble man who was respected. He was a quiet man who did not like to hurt anyone. He was a peacemaker who made everyone happy. He was also authoritative just like many Senators have said.

I remember during the debate on the revenue sharing formula, some nominated Senators had “show cause” letters. He sent Sen. Halake to look for me in the Extended Chamber because of COVID-19 restrictions. When she came and told me that mzee was looking for me, I could not believe because I had a show cause letter and I did not know what to do. However, he gave me the authority to vote for the people of Garissa. He told me his stand and asked me to follow it while voting which I did despite the intimidations. He told me that whoever did anything to me did it to him as well.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Sen. (Dr.) Langat, please, also save a minute.

**Sen. (Dr.) Langat:** I doubt that.

Thank you, Madam Deputy Speaker, for giving me this opportunity to eulogize the great man.

I want to begin by saying that the late Sen. Yusuf Haji was a selfless man. He loved everybody and you are a witness. When he was a Member of the Committee on Education, all the time we nominated him to travel outside the country, he would give his chance to somebody else. He was such a good man.

We learnt many good things from him. He was a good time manager. More often than not, we found him seated in the meeting room waiting for us. He would always tell us that we are still young but we waste time. So, we learnt time management from him.

Another thing I learnt from the late Sen. Yusuf Haji was the fact that he loved physical exercises so much. I remember when we were in Mombasa one time for a conference, every morning you could find him walking. He would tell us that it was his routine to walk for 10 kilometres every morning.

I want to concur and support what the President did in Kisii, that is, renaming Gusii Stadium to Simeon Nyachae Stadium. By extension, as the Senate, we would like to encourage the Executive to come up with something important and name it after Sen. Haji, so that we can remember him for a long time.

Therefore, I would like to urge the people from North Eastern region, especially from Garissa, and the people of Rift Valley--- Remember he was the longest serving Provincial Commissioner (PC) in Rift Valley, who served diligently and gave most of us an opportunity to realize peace in the Great Rift. I wish the County Assembly of Nakuru could come up with something, like a street, and name it after him. This is so that in future, we would narrate to our children that there lived a great man by the name Sen. Yusuf Haji. His achievements were so great that they need to be remembered for a long time.

Madam Deputy Speaker, one time as Jubilee Senators, we went to State House to request for oversight funding. We nominated Sen. Haji to represent us. Though we might not benefit because of the time, I would like to request the Executive to honour that oversight funding on behalf of Sen. Haji, who was requesting on our behalf.

May his Soul rest in peace in the hands of the Almighty God.

Thank you, Madam Deputy Speaker.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Sen. (Dr.) Ochillo-Ayacko, please, save two minutes for us.

**Sen. (Dr.) Ochillo-Ayacko:** I will try, but I do not want to guarantee.

Thank you, Madam Deputy Speaker. Thanks to the leadership for bringing this important Motion. You have noticed lately the bad manners that politicians have in funerals, where they pretend to be going to condole with the families. They pretend to be going to mourn with friends and those who are gathered to give a dignified send off to their beloved ones, but fight and abuse one another.

Therefore, for the leadership to have thought of this opportunity, where we can sombrely and in a very dignified way speak about our colleague, I think this is something that deserves an accolade and should be part of the tradition here.

I want to say two things because many things have been said. However, before I say them, I want to bring my condolences and those of the people of Migori to the family of the late Sen. Haji. They knew Sen. Haji and loved him. He was an ideal citizen and all of them have been motivated and inspired by his life and the way he carried himself.

I want to speak about loyalty. It has been mentioned here that Sen. Haji was without a doubt a very loyal public servant. He was an elected public servant, loyal to leadership and Government, and an appointed public servant loyal to leadership and Government. Some of us, particularly politicians who are big headed, like I used to be when I was younger, and served with him in this House, did not believe in issues called loyalty. We thought that if you are so radical, you are admirable.

Loyalty breeds trust. If we are loyal to leadership, leadership gets to trust you. When leadership trusts you, and you are a forthright and straight person like the late Sen. Haji, you can influence leadership positively and actually be a catalyst for change. Therefore, let us all know that loyalty is not a negative thing. Loyalty will earn you trust to the people who put you in positions of responsibility. If you are a straight and forthright person, you will use that opportunity to positively influence those people.

Sen. Yusuf Haji exhibited loyal leadership to the regime of the late Jomo Kenyatta, to the regime of the late Moi and to the regime of the current President, Uhuru Kenyatta. He was also quite loyal to his people, and that is something that is worth admiring.

This country has been divided, particularly along religious and cultural lines. The late Sen. Haji, coming from an Islamic and Somali background, and the tension that had been there between Kenya and Somalia, made him and his community be suspected for being disloyal to this nation.

Madam Deputy Speaker, in 2009, I sat somewhere and was watching the funeral of the late Michael Jackson. I remember the eulogy of Michael Jackson that was given by Reverend Al Sharpton. Al Sharpton said that Michael Jackson was the first person to have introduced black culture and talent to the international stage. I believe that the service of Sen. Yusuf Haji has brought trust and unity to this religiously diverse country.

I believe that to the Muslim brothers and sisters, who we have here, if you can serve as well as Sen. Haji served, and to the Christians, if you can do similarly, all of us will minimize the suspicion we have among ourselves.

I want to rest my condolence and ask God that may his soul rest eternal peace.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Sen. (Dr.) Ali, please, save us a minute.

**Sen. (Dr.) Ali:** Thank you, Madam Deputy Speaker. I have a long story, so, *watu wataumia tu*.

First and foremost, because I am afraid that my time will not be enough, I want to start with my condolences to the family, the people of Garissa and the country at large. *Inna lillahi wa inna ilayhi raji'un*.

Sen. Yusuf Haji was a gentle, humble and a very good man, if I may say that. As has been said, one time in 2002 when we were traveling together as Members of Parliament, we went to El Wak, where he was brought the book that he signed in 1965 when he was the District Officer (DO). He visited El Wak Health Dispensary at that time, and they brought us the visitors' book, which he had signed. Therefore, he had been working from that time to date. I was privileged to have been with him from that time, 1998, when he joined Parliament to date.

Madam Deputy Speaker, there is a story I will never forget. When I was a Member of Parliament sometime back, when the late President Moi was in power, I supported a Motion to change the Calendar of Parliament. That was supposed to be a constitutional change. That was after the formation of the Parliamentary Service Commission (PSC). We wanted to change the Calendar of Parliament, so the PSC decides when Parliament convenes and when not to convene, instead of the way it was, by the Executive.

When I came to Parliament that morning and saw a Motion by Hon. Oloo Aringo, which was asking that we support the Calendar, I supported it. I was summoned to State House. We went to State House with Sen. Haji and met the late President Moi. *Mzee* Moi asked me: "Are you the one who says that I cannot take care of this country?" I was very afraid. I told *Mzee* Moi: "You have been here for 24 years," and he laughed. He said he wanted to talk to somebody, and that was Hon. (Dr.) Sally Kosgey.

He dialed four numbers on his phone. Then I told him, "*mzee umepiga nne*." *Mzee* Haji took me out of office. I did not know he was calling a hotline. I did not know anything called hotline. He was calling a hotline to Dr. Sally Kosgey. I knew six numbers. He dialed using four numbers. I told him he had dialed with four digits. I do not know how he carried me.

That is how loyal he was. When I told him, "why are you doing this?" He told me, "how can you talk to the President like that?" That is somebody who respected leadership and the Government.

I was given a story one time that when he was appointed as the District Commissioner (DC) to Kiambu in 1978, the DC who was there, who happened to be from the family of the President refused to vacate office. Over the weekend, he went there, dealt with the *askaris*, APs, everything belonging to the DC was removed from the office, his house and it was packed on a vehicle. When the DC came on Monday, Haji had occupied the office.

(Laughter)

That is how tough he was. He knew if he went back and said the DC had refused to vacate office, he would be told we will look for you somewhere else to stay.

Because of the way DCs were prestigious, he had to deal with the APs and promoted several of them in the absence of the DC. He did that to occupy the office. That is somebody who knew what he wanted and would do what he wanted.

Madam Deputy Speaker, the only thing possibly this Government can do for Sen. Yusuf Haji is to create another Constituency for Ijara because of the good work he did as the Chairperson of the BBI. I will not talk much about the BBI, what he did or did not do. However, the Government can do anything even if it is amendment after the referendum to create another constituency for Ijara. This will be something which will be very helpful for the people of Ijara and they will be very grateful. The President today said in his residence that he was going to name somewhere in Nairobi and Garissa in his honour. However, I will urge the President to also look into that later after the referendum.

Madam Deputy Speaker, he used to tell me that I am supposed to be---

**The Deputy Speaker** (Sen. (Prof.) Kamar): Thank you, Senator. I do not see Sen. Rose Nyamunga. I give that chance to Sen. (Prof.) Ongeru.

**Sen. (Prof.) Ongeru:** Thank you, Madam Deputy Speaker. Let me also add my voice to the loss of a great friend. We worked together with Sen. Yusuf Haji in many situations right from the time of *Mzee* Moi, the former President of the Republic of Kenya through the time when we had some difficulties in 2007 and 2008, and he became the Minister for Defence. I was the Minister for Education.

We had several issues that were bothering him at that stage. It was during his tenure and my tenure in the Ministry of Education that we created a very special relationship and developed a policy on nomadic education which was so critical and important for the people in the Arid and Semi-Arid Lands (ASAL) regions. I remember him for that.

Secondly, during that period of time, when we were in the Kenya African National Union (KANU), we did a lot in terms of free milk distribution to schools and various places.

I noted that one of his major interests was peace. We struck a common note; that is equality. He was so much interested in anything that would bring about peace for this nation. When we had very volatile situations developing in the country, we would always compare notes and always moved to the level where it needed then to hear the alternative view on how this issue could be resolved. I can say behind the screens that a lot of issues were resolved that ended up amicably without placing this country into jeopardy.

He did a wonderful job as the Provincial Commissioner (PC) of Rift Valley Province. That is not in doubt whatsoever. When he decided to join politics, he did a wonderful job in his ministerial appointments as a Cabinet Minister. We were together for all those years that he was a Cabinet Minister and I was also a Cabinet Minister.

I remember his contribution particularly in the security docket, having been an old hand in provincial administration handling the sensitivity of security in Rift Valley and North Eastern. It was easy for him to handle this docket, no wonder President Moi put him in a sensitive docket of the Ministry of Defense and subsequently in the Provincial Administration.

We have seen a man, even in the Senate, when issues have tended to break the Senate, he has been one voice that has always stood firm and clear on how we must proceed. It is a tragedy that we have lost such a person in such a time. It has been a triple tragedy for me because only yesterday, we buried another great man in the name of Hon. Simeon Nyachae, who worked in the provincial administration before he scaled his interest to politics and subsequently served in the Cabinet.

All of us at one time were in the same Cabinet. A few hours later, we heard about the death of Sen. Haji. It was heartbreaking and made me to fly from Kisumu to join this eulogy of mourning this great man.

In the same vein, we have lost another important Member of Parliament, the Hon. Member for Bonchari, Hon. Oroo Oyioka, who we lost last night. This month of February seems to be a catastrophic month. We mourn and send condolences to the family of the bereaved, particularly the Hon. Member Oroo Oyioka and the family of *Mzee* Sen. Haji. I know him as a straight forward player and nothing will come between him and the truth. Let him rest in peace.

**The Deputy Speaker** (Sen. (Prof.) Kamar): Sen. Farhiya, you have the Floor.

**Sen. Farhiya:** Thank you, Madam Deputy Speaker for giving me this opportunity. I wish to condole with the family. I know that no number of condolences or words can take care of their pain. They are in a painful period and wish the Almighty God will ease their pain.

We popularly referred Sen. Haji as *baba* because of the fatherly figure he provided for everyone in whichever political side, you knew that you could count on him. The shoes of Sen. Haji are too big for any of us to fit in. I pray that by the time we leave this world, we will have achieved even half of what he achieved in terms of public service for betterment of this country and the world over.

*[The Deputy Speaker (Sen. (Prof.) Kamar) left the Chair]*

*[The Temporary Speaker (Sen. (Dr.) Mwaura) in the Chair]*

"Madam Deputy Speaker," I also had a personal experience with Sen. Haji.

**The Temporary Speaker** (Sen. (Dr.) Mwaura): Samahani, Sen. Farhiya, ni Bw. Spika wa muda sio Bi. Naibu Spika.

**Sen. Farhiya:** Sorry. Mr. Temporary Speaker, Sir.

I had a personal experience with Sen. Haji. There was a brewing conflict in my community in Wajir that I did not know what to do about. I approached him and explained what was happening. I gave him a clip of somebody speaking to him. I told him: "Can you bring the two of us together, so that we speak about this issue?"

He told me that it would bring confrontation, which he did not want. However, he wanted to solve the problem once and for all. He said: "I will not tell the person you are the one who sent me this clip but I will manage it my own way".

There is also another interesting thing he told me, that, it is easy to start a clan conflict but it is difficult to contain it once it escalates.

Mr. Temporary Speaker, Sir, true to his word, Sen. Haji must have spoken to that person or whatever happened because he only told me to consider that problem solved without him telling me the details of how he handled that. That shows somebody with a



lot of wisdom and somebody who can handle conflict easily. That is especially in our region where because of scarcity of resources, there is always conflict.

Sen. Haji will be missed greatly by my community and any other pastoral community that had conflicts amongst them. That thing disappeared and I have never heard about that issue again. Those communities live together up to today and there is no problem.

Mr. Temporary Speaker, Sir, he also was a father figure. Sometimes you feel like you have achieved something and he acknowledges that you have achieved that and encourages you to do something just like any other father would do for their sons or daughters. He was also a team player. It did not matter whatever he believed in; he would support it to the core especially where Government business is concerned. He would always support Government business.

For the people of Northern Kenya, we have lost 33 per cent of the elected Senators in this House in just one person because we are only three counties. You can imagine how much great loss we are facing as a region.

Mr. Temporary Speaker, Sir, finally, I pray that the Almighty God will forgive him his sins and grant him the highest ranking paradise, *Jannah Firdaus*. All said and done, everything we do, we need to learn from him that you do with thoroughness and eagerness. The best person to tackle a problem was Sen. Haji for you.

I thank you.

**The Temporary Speaker** (Sen. (Dr.) Mwaura): Asante Sana, Sen. Farhiya. Ingawa umeniita “Madam Speaker” mara nyingi sana hata baada ya kukukosoa, lakini nafikiri ni kwa sababu ya jazba za kumpoteza mzee wetu, Sen. Haji. Alikuwa ni mzee wa heshima na taadhima nyingi mno ambaye hakuwa anaonyesha hisia. Alikuwa ni mwaminifu sana kwa ule upande ambao yeye mwenyewe alikuwa anaunga mkono.

Alifika mpaka akaonekana kwamba yeye ndiye sura ya Serikali katika Jamhuri hii yetu ya Kenya kwa nyadhifa zote aliwahi kutumika aidha kama mkuu wa mkoa ama waziri. Kwa hivyo, ni jambo la kusifiwa sana. Kwa sababu ya hiyo, nampa nafasi sasa Kiranja wa walio Wachache, Sen. Mutula Kilonzo Jnr.

**Sen. Mutula Kilonzo Jnr.:** Bw. Spika wa Muda, ni Kiranja wa Walio Wengi.

*(Laughter)*

**The Temporary Speaker** (Sen. (Dr.) Mwaura): Inalingana na mienendo ya kisiasa.

**Sen. Mutula Kilonzo Jnr.:** Bw. Spika wa Muda, ndio. Mmepungua. Asante.

*(Laughter)*

Thank you. Allow me to condole with the family of Sen. Haji and the people of Garissa County on behalf of the people of Makueni County and my family. I do not even think words are enough as many have said about the life and times of Sen. Haji.

Mr. Temporary Speaker, Sir, secondly, I do not think it is enough. I do not think it is enough to name a street after Sen. Haji. I do not think it is enough to name a building after this gentleman. It is not enough. We must emulate the Public Service mantra that was part of his DNA.

It cannot be that you want to become a rich person because of Public Service. That is the lesson; that somebody can serve for so long and yet just walk away a simple man. The current Public Service trend is that you become a billionaire. That is the current trend. If we are going to follow Sen. Haji, then we must follow him truly.

Mr. Temporary Speaker, Sir, secondly, yesterday, Sen. Wambua and I were left behind after everybody left after we laid him to rest. This good Senator and gentleman, who served in the Public Service, was laid to rest next to just another ordinary Kenyan.

The humility and simplicity of our Muslim brothers and sisters is something to emulate for all of us who have made burials national events, political events, fundraising events, and everything else that is not godly.

Mr. Temporary Speaker, Sir, at the beginning of this Session, this gentleman requested me to be praying in my office. For the longest time, his mat was in my office. If you see me thriving, it is because of the blessings of Sen. Haji. He was such a humble man, that during the debate on the revenue sharing formula - Sen. Dullo did not want to say it, and I will not say it because I am sure that he told me in confidence - he mentioned to me the problems of BBI, and I will not say them here. I am sure that the powers that be know that he had some objections about some of the things that were done in the BBI Report, and it is fair to say so.

Secondly, when three Senators were arrested - I want to correct Sen. Outa - the only reason he kept the media away from that Committee was because there was an allegation against one of the Senators that he did not want to be made public. That was the reason, and he confessed that to me in my office.

Thirdly, he also confessed to me that the reason we had problems with the arrest of the Senators is the disconnect between the Director of Criminal Investigations (DCI) and the Director of Public Prosecutions (DPP). He openly said that. Therefore, if we are going to remember Sen. Haji, can we remember him by doing the right thing, not the politically correct thing.

I was never privy to some of the ceremonies that are done by our brothers from the Muslim faith. Their burial rites are something that all of us must emulate; simple things were done yesterday. In fact, when I went to the Muslim cemetery yesterday, there were people cleaning and collecting papers everywhere. Can you imagine? They had done roads. It is how simple people can do things. Ladies and gentlemen, my dear colleagues, all is vanity, said Solomon. Vanity of vanities. Can we do the right thing in life and in death?

Lastly, many of us came here when we were very young. I want us to be saying this to our colleagues when they are alive. I said this when Sen. Haji was here, before he made a comment about the formula. Let us thank people like Sen. Orengo, Sen. Wako, Sen. (Prof.) Ongeru. To serve with these people who are twice our age and gain---

*(Sen. Mutula Kilonzo Jnr. 's microphone went off)*

**The Temporary Speaker** (Sen. (Dr.) Mwaura): Muongeze dakika moja tafadhali.

**Sen. Mutula Kilonzo Jnr.:** To gain from the experience of these good people, who do not treat us as children, but as their peers is something we should never take for granted.

*(Applause)*

Our dear older colleagues, we value your wisdom, wit and advice. Let us say this when you can hear. All of us have matured in this House and are treated as equals because of all of you.

Thank you, Mr. Temporary Speaker, Sir, for the additional minute. May the good soul of this good gentleman, who will never be replaced and I watched in *Yaliyotokea* when I was in primary school, and I served with, rest in peace.

You have asked for forgiveness. This man has been forgiven, I can assure you. For the good deeds that he has done, let us pass the BBI in his honour. That is the way to honour him, because that is what he chaired. He could not have chaired a bad thing. I am talking to Sen. (Rev.) Waqo. He could not have chaired a bad thing. He would have refused. He never refused and went to his grave without saying a single thing that would have split this country. So, let us build bridges in his honour.

Thank you.

**The Temporary Speaker** (Sen. (Dr.) Mwaura): Asante sana Kiranja wa Walio Wachache nasikia unasema walio wengi lakini takwimu hazidanganyi. Pia umemwomba dua kwamba asamehewe makosa yake kama alivyokuwa akiomba kwenye ofisi yako.

**Sen. (Rev.) Waqo:** Thank you, Mr. Temporary Speaker, Sir. I stand to add my voice to this very important message as I support the Motion.

Before I give my condolences from the Senate Committee on Justice, Legal Affairs and Human Rights, allow me to say some few words to condole the family.

Personally, I knew Sen. Haji before I came to the Senate, but interacted more with him here. We, as a country, have lost a very important leader; somebody who has always worked hard to unify the country. He was patriotic and with all the humility. We are fighting very much over the BBI, but my prayer is that in the spirit of Sen. Haji, we will respect one another and reduce the tension that is there today.

As the Vice-Chairperson of the Committee on Justice, Legal Affairs and Human Rights, I rise in support of the Motion of Condolence moved by the Senate Minority Leader in honour of our departed colleague, the late Sen. Haji. He was a Member of the Standing Committee on Justice, Legal affairs and Human Rights in which he served with great dedication and commitment from July last year together with Sen. Wako who is also a Member of the Committee.

He contributed greatly to the consideration by the Committee of the Report on the BBI. Even during the time he was unwell he would always send a message conveying his apologies whenever he was unable to attend a meeting.

This morning, the Committee held a meeting during which Members paid glowing tribute to their interactions with him and the lessons they have picked from him over the years. He was a towering figure in our nation's history. Over the six decades that he served in this nation in various capacities, he remained humble and treated everyone with dignity and respect regardless of the status or the title one held.

Mr. Temporary Speaker, Sir, the standing Committee on Justice, Legal Affairs and Human Rights, held a number of sittings jointly with the Committee on National Security, Defence and Foreign Relations where Sen. Haji served as Chairperson. These included the matter of arrest of Senators as well county boundaries disputes, which the two Committees are still considering.

While these were matters that significantly raised passion amongst Senators and members of the public, Sen. Haji guided the deliberations with a lot of wisdom, patience and understanding. He was empathetic enough to ensure that the affected Senators could fully ventilate on the experience they had gone through. I recall one moment when at the end of the sitting when the visitors and media had left, he took time to patiently explain to Senators his actions at a previous meeting where Senators had felt he was too tough with them. Not many leaders of his stature would have the humility to do that, but as has been spoken to by many colleagues, he was different.

On behalf of the Standing Committee on Justice, Legal Affairs and Human Rights, and on my own behalf, allow me to convey our heartfelt condolences to the family, friends of the late Senator and the great people of Garissa.

May his soul rest in peace.

**Sen. Boy:** Asante sana, Bw. Spika wa Muda, kwa kunipa fursa hii ili niweze kuunga maseneta wenzangu katika kutoa risala za rambi zangu na za watu wa Kaunti ya Kwale kwa kumpoteza Mzee wetu, Sen. Yusuf Haji, aliyekuwa Seneta wa Kaunti ya Garissa.

Nilipojiunga na Bunge hili la Seneti katika mwaka wa 2017, Mzee Haji aliniita kando siku moja na kuniambia: ‘Kijana, nilifanya kazi na babako, marehemu Mzee Juma Boy, alipokuwa mbunge wa Kwale ya Kati katika Serikali ya Mzee Jomo Kenyatta na vile vile pia marehemu kakako mkubwa katika Bunge la 11 hapa Seneti.’ Alizidi kuniambia, ‘Wewe kijana una bahati sana kwamba tuko na wewe katika Bunge hili la 12 katika mwaka wa 2017. Nashukuru sana na natumahi utafuata mwendo waliochukua babako na ndugu yako’ Kwa hivyo mimi nakumbuka sana maneno aliyoniambia Mzee Haji na yale alinena katika Bunge hili la Seneti.

Bw. Spika wa Muda, tulipokuwa na mjadala wa ugavi wa fedha mwaka jana, Mzee Haji alikuwa na msimamo mkali sana. Alisisitiza kwamba hakuna kaunti itakayopoteza hata ndururu katika mgao wa fedha kutoka Serikali kuu. Kwa kweli, Mzee Haji alisimama imara na tukafaulu sote katika Bunge hili la Seneti. Naomba Mwenyezi Mungu ailaze roho yake mahali pema peponi kwenye watu wema.

Mwisho, ni lazima Serikali hii ikumbuke kumfanyia maheremu Sen. Haji kitu katika kumbukumbu yake. Kama alivyosema Sen. Mutula Kilonzo Jnr., lazima kufanywe kitu cha maana kando na kuita bara au nyumba kutajwa yeye ili ionekane kote nchini kwamba marehemu Sen. Haji alikuwa shujaa katika nchi yetu ya Kenya. Marehemu Sen. Haji alihudumu kama mkuu wa wilaya, mkuu wa mkoa, na kisha kuwa mbunge.

Marehemu Sen. Haji alifanya mambo mengi na sisi kama Wakenya ni lazima tuwe na kumbukumbu ya kumkumbuka. Nawaombea watu wa Garissa pia wawe na subira na kuwahimiza watenge sehemu au hata wajenge shule katika eneo la Garissa litakalokuwa kumbukumbu ya marehemu Sen. Yusuf Haji.

Asante sana, Bw. Spika wa Muda kwa kunipa fursa hii.

**The Temporary Speaker** (Sen. (Dr.) Mwaura): Nampa Sen. (Dr.) Milgo fursa ya kuzungumza sasa.

*(Loud Consultations)*

Msiwe na shaka. Kila Seneta atapata fursa ya kuzungumza. Lazima tusawazishe pande ya walio wengi and walio wachache.

**Sen. (Dr.) Milgo:** Thank you, Mr. Temporary Speaker, Sir, for giving me the opportunity to pass my condolences to the family of Sen. Haji for the great loss. I recently lost my mother so I know how hard it is to deal with the loss of a parent.

I would like to mourn the great leader of no mean character. The late Sen. Haji was a humble leader, a peace lover and a person who loved each and every individual irrespective of tribe or political affiliation. He was a leader who is worth emulating. The character and knowledge of the late Sen. Haji made him stand out from the pastoral community and that is why he was assigned great and difficult jobs from an early age such as being the Provincial Commissioner for the great and expansive Rift Valley, which was a very difficult province to manage due to the many conflicts that existed. I am glad to note that the late Sen. Haji managed to bring sobriety to the Rift Valley Province when he served as the Provincial Commissioner.

Mr. Temporary Speaker, Sir, I first met the late Sen. Haji in 1992 when he came to commission a school bus and generator in an institution that I was heading. During those days, there were persons who were referred to as 'You Doing Us' assigned institutions to find out who were not towing the line of the Government.

When the late Sen. Yusuf Haji came to my institution, I took the opportunity to ask him to withdraw the 'You Doing Us' as they were becoming a nuisance in various institutions. I remember the late Haji with his ability as well as humility managed to sober up the 'You Doing Us'. However, in the course of our interaction, the late Sen. Haji who was then the Provincial Commissioner of Rift Valley, advised me to be a good listener, firm and make good decisions that would favour everyone including those 'You Doing Us'. More specifically, he urged me to respect authority and the Government of the day; a virtue he upheld until his death.

Many colleagues have said that we should name some roads after Yusuf Haji. I agree with Sen. Mutula Kilonzo Jnr., that if we have some people emulating the leadership that Yusuf Haji displayed, then this country will be a better place to live in.

His death is a great loss to the Senate. It has robbed the Senate, the family, the people of Garissa County and Kenya at large, a servant leader, a husband, a father, a great mentor and a person worth emulating. His legacy shall remain forever. I urge my colleagues that we should emulate the late Yusuf Haji.

He was a great *mzee*. May his soul rest in eternal peace.

**The Temporary Speaker** (Sen. Mwaura): Asante sana pia kwa rangi yako ya manjano.

**Sen. Wambua:** I thank you, Mr. Temporary Speaker, Sir, for this opportunity to support the Motion by Sen. Orenge to eulogise our departed colleague, Sen. Mohammed Yusuf Haji.

My first encounter with the late Sen. Haji was in civic education in schools when we used to learn about provincial administration and provincial commissioners. He is a man who became a District Officer (DO) in 1960 and worked through the ranks to the position of Provincial Commissioner (PC) until he retired from provincial administration in 1997.

My colleagues have said that the tradition and the norm of naming roads in honour of departed leaders may not be good enough for the stature, person and character of the late Sen. Haji. Perhaps I would suggest that the best way to immortalise the great hero is to ensure that we rename the Kenya School of Government (KSG), the Yusuf Haji

Kenya School of Government because he served in the provincial administration for the longest time and that is the institution that teaches provincial administration and public administration.

Scholars should evolve a doctrine. In other jurisdictions, a leader at the level of the late Yusuf Haji would have the Senator Yusuf Haji doctrine taught at KSG, if we really want to immortalise his service and commitment to the welfare of the society.

Mr. Temporary Speaker, Sir, after encountering Yusuf Haji in school, it was a great privilege and honour for me to meet him face to face and serve alongside him as a Senator in this House. Mzee Haji was firm but very respectful. I remember the first encounter I had with him in service was sometimes in 2018 when the Speaker ruled that the Cabinet Secretary for Interior and Co-ordination of National Government should meet the Committee of the Whole in this Chamber during certain issues.

Mr. Temporary Speaker, Sir, when the Cabinet Secretary (CS) came, Sen. Haji, being the Chairperson of the Committee on National Security, Defense and Foreign Relations, decided that the media would not be allowed in.

I rose on a point of order to challenge that decision. *Mzee* looked me in the eyes and said that his decision was final. After the session, I went to apologise to Sen. Haji. He told me that I did not have to apologise and that we just had to do that to protect the image of the Senate.

Colleagues have said here that Sen. Haji delegated duties to them. However, the most important thing he did is that he never delegated responsibility. The buck always stopped with him. For that, we respect him.

Lastly, in the footsteps of what Sen. Orengo has said, Sen. Haji stood for tolerance. He tolerated divergent views. I urge all of us that a different opinion on any matter is not necessarily always a bad opinion; it is just a different opinion. Let us tolerate and nurture differences in opinions to build a society---

**The Temporary Speaker** (Sen. (Dr.) Mwaura): Samahani!

Sen. Mhandisi Hargura, endelea.

**Sen. (Eng.) Hargura:** Thank you, Mr. Temporary Speaker, Sir. Indeed, we are all from the Almighty and we all go back to Him. That is what happened to our brother. That is the way we are all going to go.

Mine is first to send my condolences and those of my family and the people of Marsabit County to the family of Sen. Haji and the people of Garissa County. We also pray for patience and perseverance for the family during this trying time, so that they can go through it. We also ask for forgiveness for our brother.

Mr. Temporary Speaker, Sir, I would also like to thank the Muslims who came out to pray for him because I witnessed a phenomenon I have never witnessed in this country before. Because of the funeral prayer, all mosques in South C and its environs were all filled 30 minutes to the prayer. Meaning, people had that kind of goodwill for him. I hope that will be a good sign for him that his deeds have been accepted by the Almighty.

The people of Marsabit County benefited from Sen. Haji's wisdom. During our trying times, we had clashes in Moyale in 2013. The President, H.E. Uhuru Kenyatta, appointed Sen. Haji and the former Speaker, Hon. Kaparo to mediate. I saw what leadership was that time, when he brought the elders from warring communities. He told them they had to sit down and talk to each other and not leave that room until they came

up with a solution. That is when the 35 member elders committee was formed and that is how the clashes in Moyale ended.

Personally, I had experience serving with him in the last Senate in the Committee on National Security, Defense and Foreign Relations. I had the privilege of watching and following two elderly Senators, Sen. G.G. Kariuki and Sen. Haji, when we were discussing even visiting Kapedo and Laikipia during the clashes. Sitting just watching them, you could see what this country has gone through in terms of democracy and all that.

Mr. Temporary Speaker, Sir, to them, it was like we were not taking our responsibility seriously. There was a lot liberalism even in the way we conducted our things. They were people who went through systems where decisions were made and followed, unlike now, where leaders can make statements and nobody follows.

I also had the privilege to travel with him to Tehran. He was the Chairperson and I, a Member of a Committee. You could also see how he handled international relations in terms of talking to people from foreign countries. I learnt a lot from him by interacting with him. That gave me an insight as to what leadership was and what it is now and what we need to take into account as leaders, so that we can deliver services to our people.

Lastly, his focus for representation of the people of Garissa County is very clearly stated. When it comes to even the Building Bridges Initiative (BBI) issue, I heard what Sen. Mutula Kilonzo Jnr. said; that as much as he was the Chairperson, he had reservations.

I believe among the reservations is the introduction – through the backdoor – of the formula of the one-man-one-vote; the capping. That is one reason why as the people from Northern Kenya – sparsely populated, pastoralist and marginalised areas – we have issues with BBI. It is because what we fought for, for two to three months in this House, has been put in a legislation which we cannot argue about, the way we have been arguing about the formula.

Mr. Temporary Speaker, Sir, to change that Constitution, it will be through a referendum like this. Where will we get even that opportunity, as people from marginalised areas, to convince this country to go to a referendum to remove that one clause which says that irrespective of whatever formula you put in, per capita, no county will get three times what the least county, Nairobi City County, gets. Even if you increase, even to 35 or 50 per cent---

**The Temporary Speaker** (Sen. Mwaura): Asante sana, Sen. Hargura.

Sasa hivi ninampa nafasi Mhesh. Wakili Mwandamizi, Sen. Faki.

**Sen. Faki:** Asante, Bw. Spika wa Muda, kwa kunipa fursa hii kumuomboleza marehemu Sen. Mohammed Yusuf Haji, ambaye alikuwa Seneta wa Kaunti ya Garissa.

Ninampongeza Sen. Orengo kwa kuleta Mswada huu wa kumkumbuka mwenzake Sen. Haji, kwa mchango mkubwa aliyofanya katika Taifa hili. Kwanza akiwa kama afisa wa Serikali ambapo alifanya kazi kama Mkuu wa Wilaya, kisha baadaye akawa Mkuu wa Mkoa. Ninakumbuka alikuwa Mkuu wa Mkoa wa Pwani ambapo makao makuu yalikuwa Mji wa Mombasa. Sen. Haji alikuwa mnyenyekevu sana. Ungemwona katika shughuli zake, hungedhani alikuwa mtu mwenye mamlaka makubwa na kwamba alikuwa amefanya kazi kubwa katika Serikali ya Kenya.

Binafsi, niliwahi kuswali naye Swala ya Alfajiri katika msikiti karibu na nyumbani kwake, Westlands. Alikuwa anakuja msikitini alfajiri peke yake hata bila

mlinzi. Inamaanisha kwamba hakuwa na hofu kwa lolote ambalo lingemfika huku akiwa na umri wa karibu miaka 80. Hakuwa na uoga kwamba jambo lolote lingempata wakati huo wa alfajiri.

Bw. Spiaka wa Muda, pia akija Mombasa kwa shughuli zake za kikazi ama kujivinjari, alikuwa na mpango wa matembezi katika ufuo wa bahari asubuhi. Watu wengi hufanya mazoezi kule asubuhi na yeye alikuwa akijiunga nao kutembea kilomita saba hadi 10 hivi kwa siku, ili kuweka mwili wake katika hali nzuri ya kiafya. Alikuwa akitembea bila mlinzi na hata bila hofu kwamba jambo lolote lingemfika mahali kama pale.

Kwa hivyo, kitu ambacho tunasoma katika maisha ya Sen. Haji ni kwamba, alikuwa mnyenyekevu, mpole na mtu wa kauli dhabiti. Ulikuwa huwezi kumwondoa katika msimamo aliochukua bila sababu nzuri za kimsingi.

Tulifurahia sana wakati tulipokuwa tunapambana na mambo ya ugavi wa rasilimali mwaka jana, tukiwa na Sen. Haji kama mzee wetu katika kikundi kile. Kwa hakika, uongozi wake ulionekana kwamba ni mtu mwenye kauli dhabiti na hakuwa mtu wa maneno mengi. Ijapokuwa alikuwa anapinga upande wa Serikali kuhusiana na swala hili la ugavi wa rasilimali, hakutoa maneno ya kukejeli wala machafu ya kuudhi ule upande mwingine.

Bw. Spika wa Muda, Sen. Haji alikuwa mpole, mnyenyekevu na alihudumia nchi hii bila ya kutaka mengi. Angekuwa mtu wa kutaka mengi, angekuwa alipata mengi kabisa kutoka kwa Serikali, kutokana na nafasi aliyokuwa nayo kibinafsi. Huwezi kusikia kuwa Sen. Haji alikuwa na kashfa ya aina yoyote. Ndio maana alipochaguliwa kuongoza BBI, hakuna aliyepinga uteuzi wake na alifanya kazi kulingana na vile alipewa afanye na mwenzake, Sen. Wako.

Wakati tunaomboleza kifo chake, lazima tukubali pia katika ulimwengu, tuko kwa muda maalum, ambao Mwenyezi Mungu mwenyewe ametuwekea. Tutakapoondoka, lazima tuwache sifa nzuri kwa wale watakaotufuata.

Waisilamu, Mwenyezi Mungu anatumbea katika Kitabu chetu takatifu kwamba, kila nafsi itaonja mauti. Kwa hivyo, mwenzetu yake ilikuwa jana, sisi twaomba Mwenyezi Mungu aweke roho yake mahali pema peponi. Sisi tuliyobaki, tuige mfano wake ili tuishi maisha mazuri hapa duniani na kesho ahera tutakapokuwa kwa Mwenyezi Mungu.

**The Temporary Speaker** (Sen. (Dr.) Mwaura): Asante. Kwa sababu muda umeyoyoma, ninafikiri tutaongeza huu muda ili kila mtu ambaye yuko hapa azungumze. Niko na majina matatu tu peke yake kabla sijamuita Kiongozi wa Wachache kujibu.

Sasa hivi ninampa nafasi Sen. Halake. Ila, Sen. Faki, je unamaanisha kwamba wale wakora ndio wanatumia walinzi? Hii ni kwa sababu umesema Sen. Haji hakutumia walinzi.

Sen. Halake, uko na nafasi yako sasa.

**Sen. Halake:** Thank you, Mr. Temporary Speaker, Sir. A lot has been said about Sen. Haji. As I grieve for Sen. Haji, I am here to honour his life. A lot has been said about his career but I want to look at his life that is rich in family, friends and accomplishments.

I would like to give my condolences and those of my family and the entire people of Isiolo County to the family of Sen. Haji and directly to Mama Zainab Muumin, his wife. Also to my sisters; Muraya and her husband, Ismael; my sister, Amina Haji and her husband, Akhmed; my sister, Zaitun Haji and her husband Rtd. Lt. Col. Ali; to my



brother, Noordin Haji; and my sisters, Fauzia and Aisha; my brother Abdul Haji and his wife Saadia Haji; my twin sister Zulekha – because Zulekha and I look exactly the same and, therefore, I call her my twin sister – Zahra and Rukia.

As you have heard, Sen. Haji was a father of girls. Today when the Speaker was at the residence of Sen. Haji, he told of a story of when there was a Motion on rape. Sen. Haji could not hold himself and he said unspeakable words on the Floor of this House. It is because of the pain he feels and the protection of his girls. His girls are not just his biological girls; it is all of us the girls and women of this country. This is why he spoke those words. He said to “castrate” in Kiswahili and it sounded very bad. He said; “*Kata hayo makende.*” He said that because he loves the women and girls of this country.

I know a lot has been said about his security, but the humility and the love he has for the women, children and girls of this country cannot even be measured.

Mr. Temporary Speaker, Sir, this loss is greatest definitely for his immediate family.

This loss is greatest for his immediate family, but we want to express our profound sorrow to *mama* and the children because we share their grief. One thing is that we admire their courage. We are from their house today and what they are doing is accepting God’s will and are praying.

You do not see them crying. In fact, at one point, I felt that I cried more than they did. It is because this is a man of God. He has taught his family and brought them up in the ways of *Allah*, therefore they accept His will.

Mr. Temporary Speaker, Sir, you know that this Senate is his extended family. The sadness we feel is for the loss of more than a colleague and a friend. *Baba mzee* Haji was our father and a friend, especially for me, he looked exactly like my father. When I came to this Senate, I took pictures of my late father and I sent them to him without saying anything. He said, “*Dada, ulipata picha zangu wapi?*” I am translating directly. I said, “*Baba, those are not your pictures. Those are pictures of my father.*”

Therefore, for me, the loss is the loss of more than a colleague, the loss of a father. He was my mentor. *Mzee* coached me, especially when it came to politics, he would always say: “*Hiyyo ni politics and you have a future. You can weave your ethics into the complexities of politics.*” That is exactly what he has done. He would be both strong and compassionate. He showed us that Public Service is not just a job; it is labour of love and compassion. He did it with distinction. We celebrate him and his service to this country.

One of the things I remember about him is that each time I felt a bit of pride I have reached; I am now a Senator, I looked at him and I realized that I was only a speck.

Thank you, *baba*, for keeping me grounded because you kept reminding me of humility and the value of being grounded.

**The Temporary Speaker** (Sen. (Dr.) Mwaura): Wacha nikupe dakika nyingine moja tafadhali.

**Sen. Halake:** Thank you very much, Mr. Temporary Speaker, Sir. In the course of my being here, I worked closely with him and relied on him for guidance and grounding because each time, I felt that I now know it all or the Standing Orders are in my head, I looked at him as he sat there humbly.

When I looked at his accomplishments both in family, career and in service to this nation, I always reminded myself, “Sen. Halake, you are a speck on a speck,” in comparison to the giants that are in this House.

I am honoured and I celebrate his life. Most of all, I would like to thank his family, *Mama Zainab* and my sisters and brothers for giving him to us. It is a great sacrifice that he has accomplished so much because they must have supported him and they must have missed him a lot when he served all of us.

Thank you.

I celebrate my brother and look forward to making sure that his legacy of humility and leadership reigns, because he feared nothing. Fearless leadership will be taken forth by those of us that he leaves behind.

*Inna lillahi wa inna ilayhi raji'un.* May *Allah* put him in the best of places where he has put the best of his people.

Thank you.

**The Temporary Speaker** (Sen. (Dr.) Mwaura): Asante sana kwa umahiri na ufasaha mkubwa sana kwa kutoa hiyo taarifa. Nafikiri umejieleza na pia mimi naweza sema kuwa Sen. Halake nyota yako bado inang’aa. Bado hujagonga papo ndipo.

Sasa hivi nitampa nafasi Sen. Chebeni.

**Sen. Chebeni:** Thank you, Mr. Temporary Speaker, Sir, for giving me this opportunity to condole with the family of Sen. Haji and the great people of Garissa County.

A lot has been said about Sen. Haji. Indeed, he was a great leader, he was humble, soft spoken, firm in what he believed in, and what he did as a leader. A lot has also been said about his loyalty and respect for authority. That is something a young leader as myself can pick from him and learn a great deal from his style of leadership.

He was very respectful. When it comes to respect, most of the time, they say respect is two way, but when you look at Sen. Haji’s age and my age, we have a very big age gap. Therefore, you would imagine that I am the one who is supposed to respect him more. However, when I interacted with him, he respected me as a young leader, always encouraged me, gave me guidance and I loved that about him.

On another important note that I found interesting, is that he was great company. There was a time we travelled to Jordan together, we accompanied the Speaker there, and during dinner, I was amazed that he would crack jokes. I found myself laughing at his jokes and that is when I said to myself, “oh my, he is really great company.” I would never imagine that because when I came here as a Senator, the first year, I was really amazed, respectful, and fearful of him.

However, when I travelled with him, I realized that he has a different side of him. He was really great company. He loved to crack jokes here and there, and I really admired that.

Mr. Temporary Speaker, Sir, he was very dedicated to his service. He served the people of Garissa diligently and the people of Kenya at large with integrity. He was made the Chairperson of the Building Bridges Initiative (BBI), and he took it up because of his passion and love for this country.

Therefore, I think he was a true patriot. He wanted the country to remain united and for peace and harmony to prevail. He was a patriot and a servant leader. We have lost a great man and leader. I do not think words can make up for what we will miss in him.

As a young person, I do not want to take this for granted. I am privileged to serve in this House with very many great young men and women.

Therefore, as Sen. Mutula Kilonzo Jnr. said, as young people we do not take it for granted. We seek your guidance and you sometimes mentor us, lead us in whatever thing we ask of you.

Mr. Temporary Speaker, Sir, I would like to take this chance to thank each and every one of them. As a young person in this House, I have benefitted a lot from the wise counsel.

Finally, I will miss him, seated in front of me. Whenever he used to come to the House, he would just say “hello,” and I would reply and say “hello, sir.” I will greatly miss him indeed, but I believe he has gone to sleep with angels. May his soul rest in peace.

I thank you.

**The Temporary Speaker** (Sen. (Dr.) Mwaura): Asante sana, Seneta anayewakilisha vijana, Sen. Mercy Chebeni. Umezungumza kama mtoto wake na kuelezea kwamba mzee alikuwa pia ni mcheshi kwa tawasifu yako ambayo umetupa.

Ila tu kidogo, Mhe. Halake, nafikiri uliguzia kwamba, Sen. Yusuf Haji ndiye alikuwa wa kwanza kutumia jina “*scoop*” lakini kwa Kiswahili.

Sasa hivi, nampa nafasi Sen. Pareno Judith.

**Sen. Pareno:** Thank you, Mr. Temporary Speaker, Sir. I join the rest to condole with the family of our dear departed Senator, Yusuf Haji. It is yet another sad day for the Senate. We were hit hard last time, just as we were closing the year, when we lost Sen. Kabaka. Here we are again starting the year with another loss of our dear father, the Senator for Garissa County.

Mr. Temporary Speaker, Sir, the late Sen. Yusuf Haji was my Chairperson of the Standing Committee on National Security, Defence and Foreign Relations. I remember, the first time when I attended the Committee’s the first sitting, I found him seated there, very punctual, and I was late on that day. I really apologized and told him: “To me, you are like my dad. I swear you will never come in and not find me seated as you walk in to discharge your duties”. That is a duty that I did so dutifully because I could not imagine him coming in and finding that I am not present in that Committee.

I always made sure that I was on time because of the respect that I had for him. The fact that he was punctual than all of us, looking at his age, it was going to be embarrassing for me to even think him coming in and not finding some of us ready for Committee work.

Mr. Temporary Speaker, Sir, when he was appointed to serve in the BBI Committee, he told me that because I always came into Committee meetings on time, in case Sen. Sakaja who was the Vice Chairperson was not there, I should hold brief for him. A duty I did happily until he was through with the BBI activities. By the time Sen. Sakaja left, I was still holding brief for the person I respected, who was like my dad.

He was committed to work. When we start Committee sittings at 9.00 a.m, he would be there and we respected him for that.

I went to Kipsigis Girls’ High School, which has a dormitory named after Sen. Haji. When we met here, I told him I slept in Sen. Haji dormitory. I happened to have been a patron of an alumni of a group of Kipsigis Girls’ High School and we were doing a water project for the school. I told him I was going to start a water project in that

school. I reminded him of the time his generosity resulted to him being named after a dormitory. He gave me Kshs50,000 and told me to make his contribution to the project. He was generous, straightforward and his own stature would call you to respect him whenever you met him.

Mr. Temporary Speaker, Sir, we will miss him. I remember when there were the Lamu attacks, we went there as the Committee on National Security, Defence and Foreign Relations. I told him of how afraid we were because of the constant attacks, but he told me that you only die once and there is no need to be afraid. As he went to his maker, he must have gone in peace. We will miss him and may God rest his soul in eternal peace.

**The Temporary Speaker** (Sen. (Dr.) Mwaura): Asante sana, Sen. Pareno. Nafikiri kila Seneta ameweza kuzungumza. Samahani Sen. (Prof.) Kithure Kindiki, kulikuwa na kasheshe ya mtandao. Fursa hii ni yako.

**Sen. (Prof.) Kindiki:** Thank you, Mr. Temporary Speaker, Sir. My heart is burdened to eulogize Sen. Haji, the late Senator of Garissa County. When I joined the Senate for the first time in March 2013, I never imagined in my life that I would have the privilege of sharing this Chamber with such a distinguished public servant.

Sen. Haji alongside other equally illustrious sons and daughters of Kenya, including the Senate Minority Leader, the late G.G Kariuki, the former Senator for Laikipia and Senators like Kiraitu Murungi. Some of us never imagined we will have an opportunity to serve with such great people.

As God had ordained, I had an opportunity for five years to serve with Sen. Haji in the first term and the second term for nearly four years.

I am forever grateful for the moment that I spent with Sen. Haji. He taught me that a gifted person is an all-rounder. God had given him both the hardware and the software of life. The hardware of life including resolute focus, resolve and discipline. He also had the software of humility and mentorship which all of us attest to his great mentorship in various ways. He was humble and soft, but firm and focused in his work.

I remember how he would stand up for me when I was the Senate Majority Leader. I would constantly remind him: "Sen. Haji you cannot stand up for me". Why? First, you are the age of my father. Secondly, I do not think I even measure up to a tenth of the accomplishments you have made. He kept on telling me until I gave up. He told me: "You see it is not about age or experience, it is about authority".

Mr. Temporary Speaker, Sir, I would even go with him to State House on State functions and see how even the Head of State was a bit uncomfortable at the kind of respect and humility Sen. Haji would show to authority. This is a man who got used in a great way, to serve this country in the Public Service but also in politics as Cabinet Secretary (CS), Member of Parliament (MP) and Senator.

I remember him as one of the Senators who would stay up very late into the night when we had a Government sponsored Motion. Sen. Haji would never leave the Chamber without seeking the permission of the Senate Majority Leader. I would sometimes excuse him to go and pray or even stay at a nearby facility like Intercontinental Hotel and only call him when it was about time for voting.

Mr. Temporary Speaker, Sir, I will forever treasure the time we spend together and words are not enough to mourn this great man. May the soul of Sen. Mohamed Yusuf Haji rest in eternal peace.

Thank you.

**The Temporary Speaker** (Sen. (Dr.) Mwaura): Asante sana, Sen. (Prof.) Kindiki kwa hiyo tawasifu yako kwa njia ya rambi rambi. Sasa hivi nampa nafasi Kiongozi wa Walio wachache aweze kujibu.

**The Senate Minority Leader** (Sen. Orengo): Mr. Temporary Speaker, Sir, nearly every Senator has spoken in tribute to our departed colleague, Sen. Haji. I must say this cannot be the last word. Each one of us even given an hour, two or three, they will never be short of anything to say about this great man.

I am hopeful that what we have said today in this Chamber is a reflection of our thoughts and appreciation of his commitment and life of service to the nation, called Kenya. I conclude by saying that there have been some remarks that have come to the Floor about Sen. Haji having some misgivings particularly about the Building Bridges Initiative (BBI).

Mr. Temporary Speaker, Sir, I know Sen. Haji very well. He would never put his hand to something he did not agree with. He would never stop from expressing his views loudly but in the right forum. I want to end this debate by saying that may the soul of Sen. Mohamed Yusuf Haji rest in eternal peace.

I beg to move.

**The Temporary Speaker** (Sen. (Dr.) Mwaura): Asante sana. Sasa ningalipenda kupendekeza rasmi hii Hoja.

*(Question put and agreed to)*

#### ADJOURNMENT

**The Temporary Speaker** (Sen. (Dr.) Mwaura): Waheshimiwa Maseneta, sasa hivi ni saa kumi na mbili na dakika hamsini na moja, wakati wa kuahirisha Kikao cha Seneti. Kwa hivyo, Seneti sasa hivi imeahirishwa hadi kesho, Jumatano, tarehe 17 Februari, 2021, saa nane na nusu za mchana.

The Senate rose at 6.51 p.m.