

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 17th October, 2007

The House met at 9.00 a.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:-

Report of the Public Accounts Committee on the Government of Kenya Accounts for the year 2001/2002

Report of the Public Accounts Committee on the Government of Kenya Accounts for the year 2002/2003

Report of the Public Accounts Committee on the Government of Kenya Accounts for the year 2003/2004

(By Mr. N. Nyagah)

ORAL ANSWERS TO QUESTIONS

Question No.247

TABLING OF RESULTS OF DNA TESTS ON MR. LEMA AYANU

Prof. Olweny asked the Minister of State for Administration and National Security:-

(a) whether he could table the results of the DNA tests on the Ethiopian, Mr. Lema Ayanu, who was brought to and hosted in Kenya as a Mau Mau hero; and,

(b) how much money was spent on Mr. Ayanu's stay in Kenya, including the cost of the DNA tests.

The Assistant Minister, Office of the President (Mr. Kingi): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The DNA tests of Mr. Lema Ayanu confirm that he is not likely to be a brother of Mr. Mirugi William Wamugunda and Martha Nyawira, who are siblings of the long lost Gen. Mirugi Mathenge.

(b) During their stay in Kenya, a total of Kshs165,650 was spent on their accommodation. The cost of the DNA test, which was conducted in South Africa was South African Rand 1,350, which is approximately equivalent to Kshs13,400.

Prof. Olweny: Mr. Deputy Speaker, Sir, the Question also seeks the tabling of the results

of the DNA tests. He has explained what the results are, but he has not tabled them.

Mr. Deputy Speaker: Prof. Olweny, what do you want the Minister to do?

Prof. Olweny: Mr. Deputy Speaker, Sir, I want him to table the results of the DNA tests.

Mr. Deputy Speaker: Do you have a copy of the answer?

Prof. Olweny: I have nothing, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Mr. Assistant Minister, could you avail a copy of the answer to Prof. Olweny?

Prof. Olweny: Mr. Deputy Speaker, Sir, I do not have the written reply, but I have good ears. I heard his answer. Now, could he tell the House why the Government had to bring this foreigner into the country, host him and spend so much on him?

Ms. Ndung'u: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the hon. Member to bring this Question when the matter he has raised was addressed here through a Motion of Adjournment in the year 2003 and settled in totality? In other words, he is re-visiting a matter which this Parliament has already settled. Is it in order?

Mr. Deputy Speaker: What I know is that the Question was approved. I do not know on what basis Ms. Ndung'u says that the matter was settled. In any case, a matter can come back to the House six months later. So, really, I do not see anything unusual about this Question. The Question was approved by the Chair for answering. So, the hon. Member is in order.

Could the Assistant Minister now answer the supplementary question asked by Prof. Olweny?

Mr. Kingi: Mr. Deputy Speaker, Sir, as Ms. Ndung'u said, this issue was discussed at length. What was left was for us to give the results of the DNA test, which we have done. The reasons for hosting Mr. Ayanu were discussed at that time.

Mr. Kipchumba: Mr. Deputy Speaker, Sir, I would like to know from the Assistant Minister the Vote from which the Government sourced the Kshs165,000 it spent on Mr. Ayanu. How much money is still available for use on Kenyan heroes who have made this country proud? Do you still have money on that Vote, so that we can use it to help genuine Kenyan heroes, as opposed to the one who was fictitiously brought into the country?

Mr. Kingi: Mr. Deputy Speaker, Sir, my best advice would be for the hon. Member to file a Question on that one, and the Ministry in charge of---

Mr. Deputy Speaker: Mr. Assistant Minister, Mr. Kipchumba has asked what Vote was applied to meet the expenses.

Mr. Kingi: Mr. Deputy Speaker, Sir, maybe, I missed the question.

Mr. Deputy Speaker: You misunderstood him because he asked the question and went on to other things. So, Mr. Kipchumba, could you ask the Assistant Minister a specific question?

Mr. Kipchumba: Mr. Deputy Speaker, Sir, I asked which Vote the Kshs165,000 was sourced from, and whether any funds are still available from that Vote, so that we can use them to assist real heroes of this country.

Mr. Deputy Speaker: Mr. Assistant Minister, you have now heard the hon. Member! Thank you, Mr. Kipchumba!

Mr. Kingi: Mr. Deputy Speaker, Sir, I want to be very sincere and say that I did not take the details of the Vote from which the money was sourced, because I did not know that the matter would arise. However, the Questioner wanted us to table the results of the DNA tests. That is what I have done.

Capt. Nakitare: Mr. Deputy Speaker, Sir, for record purposes, could the Assistant Minister tell us whether after it was discovered that Mr. Ayanu was not the Mau Mau war veteran Gen. Mathenge, the Government continued to pursue the whereabouts of this hero or whether the

search was terminated? The Government of Kenya never involved the Ethiopian Government in finding out more about Mr. Ayanu before money was spent on him.

Mr. Kingi: Mr. Deputy Speaker, Sir, we are still pursuing this matter. We have asked for any information that can assist us to identify the whereabouts of General Mathenge.

Mr. Sungu: Mr. Deputy Speaker, Sir, I am concerned that the whole Government of the Republic of Kenya can make such a mistake by putting up a lavish airport reception, complete with publicity, [Mr. Sungu]

both local and international, on what turned out to be fake. Now that Kenyans are prone to hero worship, what measures has he put in place to ensure that such a mistake is not repeated, to the embarrassment of all Kenyans?

Mr. Kingi: Mr. Deputy Speaker, Sir, the publicity that took place was by the media. It was, definitely, not by the Government of Kenya.

Mr. Sungu: But it was arranged!

Mr. Kingi: Mr. Deputy Speaker, Sir, we will ensure that such an incident does not happen again.

Mr. Deputy Speaker: Ask your last question, Prof. Olweny!

Prof. Olweny: Mr. Deputy Speaker, Sir, I think the Assistant Minister has been asked enough questions. All I want now is for him to give me a copy of the written answer.

Mr. Sungu: DNA!

Mr. Deputy Speaker: It is the right of the hon. Member to have a copy of the written answer. Could you, please, make a copy available to the hon. Member?

Mr. Kingi: Mr. Deputy Speaker, Sir, we will do that, but, of course, we sent his copy through the right channel.

Mr. Deputy Speaker: Next Question by the Member for Nakuru Town Constituency, Mr. Mirugi!

Question No.474

LIST OF COMMUNITY PROJECTS INITIATED
BY KWS IN NAKURU TOWN

Mr. Deputy Speaker: Mr. Mirugi is absent and so the Question is dropped.

(Question dropped)

Question 495

NON-PAYMENT OF MONTHLY PENSION
TO MR. CHIKOPHE

Mr. Rai asked the Minister for Finance:-

(a) whether he is aware that Mr. Emmanuel Chikophe, a pensioner, (APN/PC 141174), has not been paid part of his monthly pension; and,

(b) when the outstanding dues will be paid.

The Assistant Minister for Finance (Mr. Kenneth): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Yes, I am aware that the pensioner was paid his monthly pension for the months of

December, 2003 to June, 2004, through Account Number KPSF0549174/3, Postbank, Kwale. He received a portion of the payment for the month of December, 2003, amounting to Kshs10,674.80 at Postbank Headquarters. The remainder of his pension for the month of January, 2004 to June, 2004, amounting to Kshs8,610 was transmitted from Postbank Headquarters to the Watalii Post Office in Kwale.

(b) The pensioner will be paid his dues when he visits Watalii Post Office Branch in Kwale.

Mr. Rai: Mr. Deputy Speaker, Sir, while appreciating the concern by the Assistant Minister, I would like to have from him, at least, a letter from Postbank, which will assist the pensioner to get his money from Kwale. He has been to Kwale three times after he collected part of his money in Nairobi. Could the Assistant Minister give me a copy of the letter which released the money to Kwale to assist the pensioner get his monthly pension?

Mr. Kenneth: Mr. Deputy Speaker, Sir, I do not have a letter because this information came to me by way of a Parliamentary Question. However, I have given the hon. Member information about the amount of money, that is, Kshs8,610, which is lying at Watalii Post Office in Kwale. This particular answer will help the hon. Member. If, however, his constituent does not get the money, he can always revert back to me and I will try to help him.

Mr. Deputy Speaker: I just wonder how long the Government will take to streamline this matter. The Assistant Minister is talking about Kshs8,610 of this pensioner which has not been paid since January, 2004. It is a lot of money to this pensioner. Every time, this House deals with Questions of this nature. Really, Mr. Assistant Minister, how long will your Ministry take to streamline payment of pension to pensioners?

Mr. Kenneth: Mr. Deputy Speaker, Sir, I think we have already come out of what used to be the problem in the Pensions Department. A lot of these backlog has been sorted out. With regard to this particular pensioner, the money is lying in the bank in Kwale. It is not a question of transmitting the same. The money was transmitted nearly a year ago. The money is there! This was money that had been outstanding arising from the manner in which he retired. He retired in public interest! However, the money is lying in the bank there. So, it is not a question of going to the Pensions Department to send the money. The money was actually sent!

Mr. Mukiri: Mr. Deputy Speaker, Sir, you rightly observed that there seems to be a big problem with the way the Government handles Questions that affect pensioners. However, my worry is that if you look at the number of Questions that are asked on the Floor concerning pensioners--- Maybe it is only now that we have very few Questions because hon. Members are busy in their constituencies. I think Parliament has been wasting a lot of time with regard to these kind of Questions.

Mr. Deputy Speaker: I cannot agree with you more, Mr. Mukiri!

Mr. Mukiri: Mr. Deputy Speaker, Sir, as a matter of policy, could the Assistant Minister set aside a desk for Members of Parliament, even within Parliament, specifically to handle all issues to do with pensioners so that we stop wasting a lot of time that is meant to do other important business for this country?

Mr. Kenneth: Mr. Deputy Speaker, Sir, this is not the first time Mr. Mukiri has raised that issue on the Floor. I answered him very conclusively last time. I said that the Pensions Department is ready to take Members of Parliament through the procedures of processing pension. I said that the problem with a lot of the pension cases that are raised on the Floor has nothing to do with the Treasury. A pensioner, probably, worked for the Ministry of Livestock and Fisheries Development and he or she is asked to go and fill in forms there, but they are not ready. When the pensioners are sent to the Treasury, we are forced to send them back. There is a procedure to be followed. At that time, I also said that the Pensions Department is willing to sit with Members of Parliament to

explain to them the procedure of how pension becomes due.

Mr. Deputy Speaker, Sir, actually, one of the biggest problems with pensions is the issue of record keeping right from where the pensioners were working before. What we only do at the Treasury is to process the pension! We can only process what is fully complete.

Mr. Muite: Mr. Deputy Speaker, Sir, there are a lot of problems being experienced by staff previously employed in the Civil Service and whose services are transferred, for example, to the Parliamentary Service Commission (PSC) or the National Security Intelligence Service (NSIS). These staff start being administered by different pension schemes. Could the Assistant Minister consider amending the Pensions Act in order to harmonise and take the interest of these employees on board so that the money that they had earned is transferred and invested in the new scheme instead of collecting two pensions and in the process actually getting shortchanged?

Mr. Kenneth: Mr. Deputy Speaker, Sir, the point by hon. Muite is a very good one. It is just a question of harmonisation. There will be no harm in looking at it.

Mr. Rai: The pensioner was in Nairobi in May, 2007, and was paid Kshs10,674.80 at the Postbank Headquarters in Nairobi. He was then directed by the Pensions Office to go to Kwale to collect the Kshs8,610, which is being alleged by the Assistant Minister. However, up to now, he has not been in a position to trace that money. What could the pensioner do to access his money?

Mr. Kenneth: Mr. Deputy Speaker, Sir, when the pensioner collected the Kshs10,674.80 and he needed the difference to be processed, it was upon his instructions that the money was sent to that particular Postbank branch in Kwale. So, I would like to get a confirmation by the branch to the pensioner that the money is not lying there. The money is lying there! If it is not possible for the pensioner to get his money, I will be more than willing to assist the hon. Member to ensure that the pensioner gets his money.

Mr. Deputy Speaker: Thank you, Mr. Assistant Minister. Mr. Rai, are you done?

Mr. Rai: Mr. Deputy Speaker, Sir, I just want to raise one thing with the Assistant Minister. What assistance is the Assistant Minister going to give me to assist the pensioner get his money? The purpose of raising this Question is for the pensioner to get his money. If there is any assistance, let the Assistant Minister tell me so that I just go and get that assistance and have the money paid!

Mr. Kenneth: Mr. Deputy Speaker, Sir, I have said that the money is lying at Watalii Post Office Savings Bank, Kwale. However, I have no confirmation from the hon. Member that he has called there and the money is not there. He has to confirm that the money is not there, before I can offer any other assistance.

Mr. Deputy Speaker: My sympathy goes with the pensioner because the hon. Member is saying he has been to the Post Office Savings Bank three times and has been told there is no money. On the other hand, the Assistant Minister says the money is there.

So, the best the Chair can do is to end the matter there, and hope that Mr. Rai will go to the Bank with the pensioner and try to find out if the money is there. If it is not there, he can see Mr. Kenneth. If not, pay him the Kshs8,000 and settle the matter.

Mr. Kenneth: Mr. Deputy Speaker, Sir, I know you are sympathising with the pensioner. I am saying this with authority that actually the money is there. I do not want any pensioner in this country to suffer, especially when it has been processed. So, as long as he can ring, even if he wants to do that now, he can confirm with Watalii Post Office Savings Bank, Kwale. I will be more than willing to help.

Mr. Deputy Speaker: Very well! I know Mr. Kenneth will ensure that the pensioner is paid. I am very happy with that.

Hon. Members, that is the end of the Questions we had on the Order Paper.

Next Order!

MOTIONS**RATIFICATION OF PROTOCOL
ON PREVENTION AND SUPPRESSION
OF SEXUAL VIOLENCE AGAINST
WOMEN AND CHILDREN**

Ms. Ndung'u: Mr. Deputy Speaker, Sir, I beg to move:-

THAT, considering that Kenya is a key signatory to the Pact on Security, Stability and Development in the Great Lakes Region adopted and signed in December 2006; cognisant that Kenya is now the Chair of the International Conference on the Great Lakes Region and, therefore, must lead by example in effecting all agreements reached in the Pact; noting that the Government has consistently condemned all crimes against humanity, this House urges the Government to urgently and immediately sign and ratify all protocols agreed to in the Pact, including the Protocol on Democracy and Governance and the Protocol on the Prevention and Suppression of Sexual Violence Against Women and Children.

Mr. Deputy Speaker, Sir, I would like to give hon. Members a small background---

Mr. Sambu: On a point of order, Mr. Deputy Speaker, Sir. I would not like to interrupt our colleague, Ms. Ndung'u. However, the Motion that she is moving must be the same as the one in the Order Paper, unless there are two versions of this Motion. Instead of the words, "ought to lead" she said, "must lead". That is what I heard.

Ms. Ndung'u: Mr. Deputy Speaker, Sir, I did not get his concern.

Mr. Deputy Speaker: Do you have a different Order Paper? Let us follow the Motion on the Order Paper!

Ms. Ndung'u: Mr. Deputy Speaker, Sir, let me start again.

Mr. Deputy Speaker: I cannot understand what Mr. Sambu is talking about!

Mr Sambu, what is your problem?

Mr. Sambu: Mr. Deputy Speaker, Sir, when the hon. Member was reading from the words, "Kenya is now the Chair of the International Conference on the Great Lakes Region and, therefore, ought to lead---" I heard her say, "must lead". That is a very different Motion all together!

Ms. Ndung'u: Mr. Deputy Speaker, Sir, it is "ought to lead". May I make that correction.

I would like to give hon. Members a brief background as to why Kenya, as a country, is part of the Great Lakes Conference. The Great Lakes Conference is an initiative which is supposed to deal with issues of regional conflict in the Great Lakes Region that consists of 11 countries. Kenya is part of this conference to try and address; the root causes of conflict which may, include historic issues, such as the artificial creation of State boundaries in colonial times, conflict over resources like the one we have between L. Victoria and R. Nile, issues of scarcity of land which led to genocide in Rwanda and Burundi as well as things across borders such as trading in small arms, local militia and cattle rustling.

Mr. Deputy Speaker, Sir, this Conference is also supposed to address factors that aggravate conflict, the general wider issues of poverty, ignorance, poor infrastructure, unemployment, bad governance, ethnicity and tribalism as well as the unequal distribution of resources. Finally, the Conference is supposed to come up with solutions for conflict resolution whether it is disarmament or building the economies of the 11 countries.

Mr. Deputy Speaker, Sir, State action on this particular regional conflicts was confirmed at a meeting held in Nairobi on 14th and 15th, December, 2006. They came together under the name

"The International Conference on the Great Lakes Region". They signed a pact which contained ten protocols. It was signed by the following Heads of States on behalf of their respective member countries:

1. His Excellency Jose Eduardo Dos Santos; President of the Republic of Angola.
2. His Excellency Francois Boziz; President of Central African Republic.
3. His Excellency Joseph Kabila; President of the Democratic Republic of Congo.
4. His Excellency Paul Kagame; President of the Republic of Rwanda.
5. His Excellency Jakaya Miricho Kikwete; President of the United Republic of Tanzania.
6. His Excellency Levi Mwanawasa; President of the Republic of Zambia.
7. His Excellency Pierre Nkurunziza; President of the Republic of Burundi.
8. His Excellency Denis Sasungweso; President of the Republic of Congo.
9. His Excellency Mwai Kibaki; President of the Republic of Kenya.
10. His Excellency Omar Hassan Ahmed El Bashir; President of the Republic of Sudan.
11. His Excellency Yoweri Kaguta Museveni; President of the Republic of Uganda.

Mr. Deputy Speaker, Sir, the pact that was signed by these Heads of States is a 24-page document with attachments and appendixes of another 300 pages containing specific pacts. I would like to speak about the different protocols within this pact very briefly. I would be asking the seconder of this Motion and other contributors to dwell on the specifics.

The protocols include a Protocol on Non-Aggression and Mutual Defence in the Great Lakes Region, Protocol on Democracy and Good Governance, Protocol on Judicial Co-operation to co-operate in matter of extradition, judicial investigation and prosecution, Protocol on Prevention and Punishment of Genocide and War Crime, Protocol against the Illegal Exploitation of Natural Resources, Protocol on Specific Reconstruction and Development in the Region and Protocol on Prevention and Suppression of Sexual Violence Against Women and Children.

Mr. Deputy Speaker, Sir, it also contains Protocol on the Protection and Assistance of Internally Displaced Persons in matters created by internal conflicts and displacement, Protocol on Property Rights of Returning Persons, including refugees, Protocol on the Management of Information and Communication, including promotion of freedom of expression and media. There are also subsequent programmes of action in democracies in governments, economic development, regional integration, humanitarian, social and environmental issues.

Mr. Deputy Speaker, Sir, the Pact also says the mechanism established will be funded by special funds set up by the African Development Bank (ADB). There shall be a secretariat which shall be based in Nairobi.

Mr. Deputy Speaker, Sir, you can see that it is far wide reaching. Our concern is that although this Pact was signed in December, 2006, very little has been done. This is particularly the case with Kenya which shares this initiative. Kenya has not ratified this Pact. In Kenya, protocols are ratified by the Minister concerned or the Attorney-General taking it to the Cabinet and having it gazetted. This has not happened. Therefore, not only has the Government not ratified the Pact, but also failed to implement it. Kenya is a leader in the region. I really think that it is our responsibility to make sure that we ratify and lead by example.

Mr. Deputy Speaker, Sir, I would like to give an example of what we should expect from the Government once it ratifies. Let me talk about the Protocol on the Prevention and Suppression of Sexual Violence Against Women and Children. I have the protocol which was signed by the Heads of State here. That is the Protocol on the Prevention and Suppression of Sexual Violence Against Women and Children. What I can say is that Kenya is ahead on this issue. It is ahead of the other States in the conference. That is because we have passed the Sexual Offences Act. We also passed some laws yesterday, as we concluded the Employment Bill. They were to do with trafficking of girls and sexual slavery of women and girls. However, there are some things that we

have not yet domesticated, including some issues relating to genocides and the recognition of rape as a war crime. That, I hope, would have been done in the International Crimes Bill. But this Bill has not reached the House. Therefore, we need to really talk about the implementation of anything that we sign.

The other protocols which other Members will talk about are also an issue. We have not yet legislated or domesticated some of the issues which we promised to do in Dakar. Let us not forget that Kenya is still being accused of harbouring some war criminals. That issue has not been resolved.

Mr. Deputy Speaker, Sir, in conclusion, I would like to say that this Parliament needs to urge very much, whether it is the Attorney-General or the Minister for Foreign Affairs to, very urgently, take to the Cabinet this pact, have it ratified and set up the necessary mechanism for its implementation. We need to ask ourselves: Why is Kenya lagging behind on this? I can see that the Minister for Foreign Affairs is here. I would like to urge him to ratify that pact, so that we can make Kenyans proud. That way, even as we attend the Pan African Parliament, we are able to show what Kenya has done. We can then report progress on the Great Lakes Conference.

With those very few remarks, I beg to move. I would like to ask Maj-Gen. Nkaisserry to second the Motion.

Maj-Gen. Nkaisserry: Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to second this very important Motion.

Mr. Deputy Speaker, Sir, I would like to, first and foremost, thank the Mover for bringing this Motion to the House. As you realise, in the Motion, there are several protocols which this country need to ratify and sign. One of the most important protocol is the Pact on Security Stability and Development in the Great Lakes Region. That is on defence. If this country ratifies and signs this protocol, we will end aggression. We will demand non-aggression within the region. As you realise, in our region, we have so many problems. Our region borders Central African Republic, Democratic Republic of Congo, Burundi, Rwanda, Tanzania, Sudan and Zambia. The whole region is a basket of problems and conflicts. For example, in our own country, we have a very porous border with a very unstable State of Somalia. Our Cabinet and the Ministry of Foreign Affairs should ratify this protocol. That way, we will be in a position to push, at other international fora, if that non-aggression agreement is violated.

Secondly, if this pact is ratified, our country will benefit as a leader in this region. We will push for the settlement of disagreements and disputes through negotiations, instead of settling disagreements through acts of war. We will also be in a position to curb cross-border raids which are very prevalent in our country. We will also be in a position to curb the proliferation of small arms and light weapons in our region. As you realise, in our country today, we have a problem of proliferation of small arms and light weapons. We have problems in Mt. Elgon. We also have problems in El Moran area in Laikipia District. We have problems in North Eastern Province because of small arms and light weapons. So, if this pact was ratified, our country would be in a position to get rid of illicit trafficking of small arms and light weapons.

Mr. Deputy Speaker, Sir, the issue of cattle rustling is as result of the prevalence of small arms and light weapons. So, if this pact is ratified, we will be able to eradicate that vice within the region.

Mr. Deputy Speaker, Sir, then there is the Protocol on Democracy and Good Governance. The problem with this Government is that it does not believe in democracy and good governance. I will try to explain why. One of the most important aspects of good governance and democracy is the rule of law. This Government is the first criminal in breaking the rule of law in this nation. We do not have any Government in place. For example, we have a President who has defected! We have a Leader of Official Opposition who has defected. We have no Government! Where is the

Government in this country as I speak now? There is none! That is what is called "bad democracy and bad governance".

Mr. Deputy Speaker, Sir, when you look at whether human rights are respected in this country--- That is one of the reasons why the Minister for Foreign Affairs is afraid of ratifying this pact. That is because we will be in a position to take him to the court of law.

The Assistant Minister for Foreign Affairs (Mr. Wetangula): On a point of order, Mr. Deputy Speaker, Sir. Is the retired and "tired" General---

Mr. Deputy Speaker: No, you do not say that!

The Assistant Minister for Foreign Affairs (Mr. Wetangula): I withdraw that. Is the retired General in order to allege that the Ministry of Foreign Affairs is afraid of ratifying a protocol, when he does not appear to understand the process of ratifying the protocol he is talking about?

Maj-Gen. Nkaisserry: Mr. Deputy Speaker, Sir, that is not a point of order. The Assistant Minister himself does not even understand that there is no process in ratifying a protocol. I am an international negotiator and I know how protocols are ratified.

Mr. Deputy Speaker, Sir, the third point about good governance and democracy is political pluralism. We must have political parties. In this country, today, we have killed that. That is one of the reasons why this country is afraid of ratifying that protocol. That is because we will be in a position to push it with the international community. The fourth point of democracy and good governance is to conduct free, fair and credible elections. We cannot claim to have free and credible elections in this country when the Electoral Commission of Kenya is being disseminated. Experienced commissioners are being retired on the eve of an election year. It is very unfair. We cannot accept that kind of democracy.

Mr. Deputy Speaker, Sir, the other aspect of that protocol is crime against humanity. We have not seen any action taken on the Mt. Elgon clashes. What we have seen are young people being brutalised. People are arrested indiscriminately. Some of the killings have been taking place in the Ngong area. Those are crimes against humanity.

Mr. Deputy Speaker, Sir, the other issue which is very important in this Protocol is the issue of development. When you look at development in this country today, you will find that equity is lacking. In the last two Budgets, we have allocated so many resources to particular parts of the country. This is very unfair! One of the reasons why this Government is afraid of ratifying and signing this Protocol is because of that unfairness in the distribution of resources.

I would like to commend the Mover of this Motion for bringing it to the House. One of the areas which this Protocol dealt with is the area of peace and security. We want our country to be a stable and peaceful nation. As the Chairman of the Kenya Chapter of Amani Forum, which is made up of Members of Parliament from the Great Lakes Region, I would like to request and urge my colleagues to ensure that we conduct elections in the most fair way, so that our people understand that peaceful elections are part of democracy.

Mr. Deputy Speaker, Sir, the other area which this Protocol targets, is the issue of natural resources. In this country today, natural resources are being ravaged when the Government is watching. It is very unfair to allow this to happen. The Government is watching sand being harvested and the appropriate action is not being taken. Trees are being felled down for charcoal burning and this Government is just keeping quiet, yet we have a Ministry of Environment and Natural Resources. This is very unfair. I would like to urge the Government to ratify this very important Protocol.

With those few remarks, I beg to second.

(Question proposed)

Mr. Muite: Mr. Deputy Speaker, Sir, I rise to support this Motion very strongly. All the nine protocols fall into the area of security, stability and development.

If our region is going to receive international respect and stability, we must increasingly see all the countries in the Great Lakes Region as one region. When we talk about *majimbo*, we should be talking about these countries working as federal states in one unit. That is the *majimbo* that would actually work. It is a much better *majimbo* and it would bring a lot of economic development.

Mr. Deputy Speaker, Sir, I would like to urge, that it is in the interest of Kenya to sign all these protocols and ratify them as quickly as possible. When you get instability in one country, it affects all the neighbouring countries. We know for a fact that when Uganda was unstable, the whole region was unstable. You can see the case of small arms from Somalia and Southern Sudan getting into Kenya. It is out of selfish interests that Kenya should seek to ensure that there is stability in the entire region. The ratification and the implementation of all these protocols will go a long way in bringing that stability and peace around.

Mr. Deputy Speaker, Sir, you know that instability does not happen overnight. Where there is armed conflict, instability does not happen overnight. The signs are there. It is a small step at a time. If you pre-empt violence by taking the necessary corrective measures by collaborating, because these protocols will ensure that the member countries are collaborating in the area of peace and stability, we will prevent the escalation of the conflict that eventually consumes a country and the region. So, this is something that we need to have done yesterday. Instead of investing a lot of money trading with outsiders, we should deliberately encourage analysis to see how we can promote trade within the region. For example, the greatest trading partner of Kenya is Uganda. We should exploit this around the region. That is how we can bring development. If all the countries are economically empowered, the region gets stability. But where one country in the region is poor and it is not exploiting its economic potential, that is a source of conflict within that country and that conflict will extend to all the neighbouring countries.

Mr. Deputy Speaker, Sir, I would urge that we invest in the region a lot more. A good starting point is to ratify and implement all these protocols, so that they can assist even in economic collaboration and trading within the block in the selfish interest of our country. We have been stable for a long time as a country, but we should not rest on our laurels. The fact that we have never had ugly situations like in the rest of the region, is not guarantee that it could not happen in future. Let us not be complacent. Let us invest more in peace and stability in addressing signs of conflict both in the country and in the region.

When we see signs like we saw in Mt. Elgon, let us not just indulge in rhetoric. Let us ensure that it does not escalate and that it is stopped in time. When we see the sort of situations we have been seeing in Tana River and other areas in North Eastern Province, we should address these signs both within the country and in the region. I have said consistently and I will repeat that insecurity, for example, in Kenya, has reached proportions that are completely unacceptable. When you begin to accept these situations of insecurity as normal, these are danger signals.

Mr. Deputy Speaker, Sir, most of the people who live in Kibiko Area in Ngong, came from Kikuyu Constituency and there are relatives on both sides. The other day, a young man died in Kibiko, Kajiado North Constituency, and three young men, who were relatives of the dead man, went to Ngong to dig the grave for the young man who had died to be buried. These young men were from Thogoto, Gikambura. They dug the grave and they went to buy cigarettes in Ngong Township. The Officer Commanding Station (OCS), Ngong Police Station, arrested these three young men and alleged that they were followers of the *Mungiki* Sect. Within 30 minutes, the bodies of these young men were at the City Mortuary. He told them that he had released them and they

could go and when they started walking, each one of them was shot through the head from behind at close range with four bullets. These are danger signals.

When we accept this as the norm and allow the police to carry out extra-judicial killings of young men who are not armed, it is unacceptable. I want to state specifically that I have no problem with the police killing armed persons. But where people are not armed, to extra-judicially execute them is unacceptable. These are the sort of incidents that eventually lead to chaos. I want to very strongly support this Motion. I want to say that the rule of law is the greatest guarantor of peace and stability in any country and in the region. So, let us clean our own act internally and in the region.

With those few remarks, I beg to support.

Mr. Deputy Speaker: I will ask Mr. Sungu to speak because I have an interest. He will be relieving me. Then I will give a chance to Ms. Abdalla.

Mr. Sungu: Thank you, Mr. Deputy Speaker, Sir. I am grateful for the opportunity to contribute to this Motion. This is one of the most important Motions that this Parliament has been asked to discuss. The question of peace and democracy is now of major importance in the entire world. The key words in this Motion are that: "Kenya is a key signatory to the Pact on Security, Stability and Development in the Great Lakes Region." This was adopted and signed in December, 2006.

The second set of key words are: "Kenya is now the Chair of the International Conference on the Great Lakes Region." The other key words are: "We, as a Government in this country, have consistently condemned all crimes against humanity."

When the Government gets involved in discussions of international nature, when they spend money and time, when Government officials spend endless hours negotiating and then we fail to ratify a protocol; I beg to submit that, that is a mistake of the first order.

Mr. Deputy Speaker, Sir, let us for once look at what the Great Lakes is because some may not know exactly what it is. The Great Lakes Region starts from Angola to Kenya, from the Central Africa Republic to Zambia, including the DRC Congo and the Republic of Congo, Rwanda, Burundi, Uganda and Tanzania.

If you look at this region, you will realise of how much importance it is, to the entire world. This is a large group of persons containing many human beings. If you look at the map of Africa, this is where the natural resources of Africa are concentrated; from the depth of the Congo Forest, Lake Victoria, to the mines in the DRC, to Uganda, Tanzania and Zambia. Yet, this is the area which is now prone to conflict. It is a shame to us as living human beings having been educated in schools and having the opportunity to serve in a Parliament like this, that we cannot and will not force our Government to recognize that it is important that this area needs to be looked at. Other governments have taken this matter seriously.

I happened to visit the United States of America at one time. I want to inform the Hon. Minister that I had a chance to discuss with the State Department as a foreign visitor. At that time, the American Government had already established a desk on the Great Lakes Region. It is of importance. If you see what has happened in this region, there was the Rwanda genocide from the 1950s onwards and you can see what happened in Uganda from the time of Idi Amin up to now. If you see what is happening in Sudan and next door in Somalia, you will realise that it is important that we discuss about the Great Lakes Region. We should not just use mere words when we talk, but we should be serious about them.

Mr. Deputy Speaker, Sir, Article 5 deals with Protocol on Non-Aggression and Mutual Defence in the Great Lakes Region. That one is government to government. There should be no problem. However, the Protocol on Democracy and Good Governance in Article 6 is important. This is because it asks member States to undertake to promote and observe democracy and good governance in accordance with the protocol of democracy and good governance and in particular to

promote and observe democratic principles and standards.

Mr. Deputy Speaker, Sir, this protocol calls upon the Government to set up institutions to promote good governance through rule of law and respect of human rights through constitutional systems based on separation of powers, political pluralism and regular free and fair democratic and credible elections. It also calls upon governments to ensure that there is participatory transparent and responsible management of business, including public institutions and property. These issues are pertinent to our Republic and Kenyans.

Mr. Deputy Speaker, Sir, the Protocol on Judicial Co-operation raises issues on co-operation of matters of extradition, judicial investigation and prosecution. We have the Court on the Rwanda in Arusha. There is one Felicien Kabuga who has been accused of genocide activities in Rwanda. It is known in international circles that this man resides in Kenya under the protection of successive governments; the former Government and even the current Government. The security officials in this country must tell us where Kabuga is. He is an international fugitive. Why on earth can we not trace such a person? We dare sit and host a discussion which leads to such a protocol and yet, we are not following it! It is a shame on us.

If we will spend time talking, let us walk the talk. Let us not just talk for the sake of pleasing the public and then we do not do anything about it. This amounts to a waste of public resources, time and conning the public of Kenya.

Mr. Deputy Speaker, Sir, if you look at the question of resources, I come from the Lake shores and this is one of the most important resources that one could ever dream of having. The River Nile rolls over 4,000 kilometres to reach the Mediterranean. The major sources of the River Nile are in Kenya and the Highlands of Burundi and Rwanda. As the Egyptians and Sudanese take advantage of this resource by using it for irrigation, we, in Kenya, are suffering floods. We are unable to irrigate our land and construct power plants to ensure that we have adequate energy. This Treaty that we are talking about addresses the question of fair sharing of these resources. This is one of the things that this Government ought to look at.

In terms of communication, Kenya is now ahead of the rest of this region. We are now installing fibre optics right from Dubai and South Africa through the Port of Mombasa to Eldoret; it will reach Uganda and other countries. There are many nations in this world like Ethiopia which would like to take advantage of this. How can they do so, when we are not talking with them, so that we can share these resources? This will ensure that Kenya and this region becomes part and parcel of the international community in terms of communication, so that communication become cheaper.

Mr. Deputy Speaker, Sir, on the question of construction of highways, there is the Great North Road. Kenya is not taking advantage of its unique position in this region by constructing roads to Ethiopia, so that they can use the Port of Mombasa. Instead, we are competing with Durban because we have not constructed the roads. It takes a long time for goods to leave Mombasa to reach Uganda, Rwanda, Burundi and Eastern Zaire. These are issues that are adequately addressed.

I would like to request the Minister that when her Ministry sits down to negotiate this and the President makes very important speeches confirming their commitment--- If I may be allowed by the Standing Orders, let me quote from this Speech that was read by His Excellency the President when he was closing the last conference. It says:-

"We have made several important decisions regarding the future of the Great Lakes Region. The summit has culminated in adoption of various programmes and this ought to open a new chapter for the future of our region. Member States have committed to anchor bilateral relations on respect for principles of national sovereignty, transparency, integrity and interference in the internal affairs of

member States."

They talked about non-aggression and co-operation. They talked about prevention of conflict. His Excellency the President called upon all the leaders of the Great Lakes Region to show courage and implement to the letter and spirit this protocol. Has this Government implemented this protocol? Has it taken the first step to ratify the protocol? If you ask yourself those questions, you will know this Government has failed in that. They have failed miserably. It is incumbent upon this Parliament to ask this Government to take action immediately. It should walk the talk. It should not talk and do nothing about it. It should not spend public money on these issues and then do nothing about them because that is against the rule of law and the principles that we stand for.

With those few remarks, I beg to support.

Ms. Abdalla: Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to contribute to this important Motion. On behalf of the Great Lakes Forum on Amani and its regional Executive Council, of which I am a member, I wish to congratulate hon. Ndung'u for bringing this Motion. We, as a nation, are in the forefront of signing international instruments that we have no intention of either ratifying or domesticating.

In this country, we have no national mechanism through which international instruments are discussed before ratification is to be undertaken. That means that those technocrats we send to meetings go ahead and advise for signing of the instruments without having any consultative processes so that we can give input as to whether the instruments are in our favour or not. I have in mind the fact that the Attorney-General of Kenya signed an instrument outlawing death penalty yet he very well knows that, that matter is extremely contentious and he would not, in this lifetime, be able to convince Kenyans to implement it. However, the situation is worse in regional peace agreements and regional instruments.

Mr. Deputy Speaker, Sir, our Government uses international peace agreements as public relations exercises that are very expensive to our taxpayers and does not do anything in terms of follow-up on ratification or in terms of economic or social benefits that we derive from the investment that we put in these peace agreements. I have in mind the Sudanese Peace Agreement. We wasted a lot of our time and resources in the peace agreement for Southern Sudan. Our Minister for Foreign Affairs was hardly ever in this House because he invested his time and that of his technocrats in his Ministry to negotiate and mediate that agreement. The Ministry left it at that. After that agreement was achieved, they did not do any follow up. The South Africans went ahead and took over the economic benefits of the peace agreement that Kenya's Ministry of Foreign Affairs had toiled for, for a very long time. So, as we call for the ratification of the International Peace Agreement on the Great Lakes, we must be ready to question ourselves so that we do not handle international agreements and mediation as public relation exercises to show that Kenyans are good mediators yet we are not reaping any benefits from our investments.

Mr. Deputy Speaker, Sir, let me go back to the issue of the International Peace Agreement on the Great Lakes Region. Article 12 emphasises the issue on the rule of law. It deals with the protection of displaced persons, among other issues. The current administration has performed extremely poorly in respecting both national and international human rights law. One of the things we have done consistently, since this Government came into place, is to take personal and very myopic decisions about displaced persons. A case in point is the fact that we returned Somali refugees by claiming that they were economic refugees. We also did not go through the legal procedures of determining the nationalities of those people who were arrested having crossed the border after the Islamic Court Union was defeated in Somalia. The consequence of not following the rule of law is that, as we speak now, there are 22 Kenyans languishing in Ethiopian cells while the other people, who were deported without due procedure, have all been taken back by their

countries. The Swedish have been taken back. The Emirates have taken back their nationals and Tanzanians have done the same. What we are telling this Government and subsequent governments is that; it is fine to fight terrorism and displaced persons who might be coming into the country with arms and bringing instability into our country through the rule of law. We should charge them in a court of law. For example, if they were found to be Kenyans and they had enlisted to serve in a foreign army, we should charge them for serving in a foreign army. We should not let them be taken to Ethiopia and then discover, very late, especially in an election year, that we cannot move forward unless these people are brought back. These are issues of rule of law that our country must take into account as we move forward in our development.

Mr. Deputy Speaker, Sir, I was surprised that hon. Sungu could mention that Felician Kabuga is a genocide perpetrator who has been shielded by subsequent governments. It is in my understanding that he is the financier of the political party that he is in!

(Laughter)

It is good that we appreciate that perpetrators of genocides and war crimes keep being inherited by governments and political parties which hope to form the next Government. So, without signing this protocol, I am very sure that come January next year, 2008, should by any mistake, or unforeseeable circumstances, the party that hon. Sungu belongs to, come to power, we will have the same problem because they will blackmail these characters to give them the resources to enable them to move forward!

(Applause)

The importance of ratifying this instrument is not only economic but it is social. It has very many ripple effects for all of us. So, if we do not take into account this matter, we will not be doing great service to our nation.

Mr. Deputy Speaker, Sir, I get very worried because the Ministry of Foreign Affairs is missing a very important point. I have said in this House before that we are a net exporter of human resource to all the countries that are signatories of the Great Lakes Peace Agreement. When I was in Somalia, there were over 100 Kenyans working there, 30 per cent of whom do not have proper documentation because they are doing jobs that are not meant for international staff. For example, there would be a Kenyan of Somali descent who is a good secretary or who has better command of the English language and can interpret from English to Somali but would not get the job if he went there as a Kenyan. So, if you do not have special consideration of knowing that if there are many jobs in any of these countries, there would be many expatriates who are not formal expatriates in the true sense.

I would like to go back to the issue of when there is war in these countries and people are streaming in as refugees who later claim to be Kenyans, we must give due process the time required so that we can ascertain that these persons are truly Kenyans. For example, if there is a problem in the self-declared Republic of Somaliland, where I worked for two years, I can assure you that you would discover that there are over 100 Kenyans who are working there as *pseudo* expatriates and masquerading as Somalis so that they can get those lucrative jobs intended for Somalis that they are not qualified for. If the Ministry of Foreign Affairs does not appreciate the unemployment situation in Kenya and the fact that Kenyans are making clever moves to ensure that they get proper income, we will not go very far.

Sadly and very crucial in terms of economic benefits of some of these instruments, I was involved in what they call the Nile Basin Initiative where the countries from the region were

discussing how to benefit and to override the consent of the 1961 Peace Agreement on the use of the Nile waters. When we are divided, as a region, it is very difficult for it to compete and negotiate with Egypt and Sudan about the use of the waters.

Mr. Deputy Speaker, Sir, I am glad that when hon. Karua was the Minister for Water and Irrigation, that is one of the achievements that she put forth. For once, Kenya as a nation did not participate as a timid member of the Nine Basin Nations. I think that ratifying this instrument has one major advantage. Some of the countries in our region are timid because of less exposure and are able to be divided more easily when they are dealing on a one to one basis with those who have benefited for longer on the Nile waters. If these instruments had been ratified, we would be able to achieve a stronger negotiating block. We would also ensure that we are able to make the investments needed to make our nations more developed through having the right to do power plants and dams without necessarily having some god-father influence. That is what the two countries that have benefited more than the rest are doing.

Mr. Deputy Speaker, Sir, with those few remarks, I support this Motion. I would like to say that it is extremely timely. We look forward to a foreign Ministry that will be able to account for the investments in the negotiations that we, as a country, invest in when we are coming up with these instruments.

Capt. Nakitare: Mr. Deputy Speaker, Sir, I support this Motion which was moved by Ms. Ndung'u. I also appreciate the contributions, particularly from Maj-Gen. Nkaisserry, who is a member of the Departmental Committee on Defence and Foreign Relations. I would like to highlight a few things that are a stumbling block based on the non-ratification of these protocols.

Mr. Deputy Speaker, Sir, through the Departmental Committee on Defence and Foreign Relations, I have been an eye witness in Mogadishu, Somalia, Sudan and the Democratic Republic of Congo (DRC). If we take into account the provisions of Article 17 of this Pact, which talks about stability within the region, it is deplorable when we talk about peace and security in this region. Kenya is chairing a committee on the Great Lakes Region and Horn of Africa in terms of defence and internal security.

The biggest headache that we have here is that, when the protocols are signed by Heads of States, it is just a public relations exercise. When we, legislators, particularly from Committees of Parliaments, discuss the same issues, we are hampered. The treaties which have been signed and not implemented become a stumbling block. We have dealt in depth with the issue of Comprehensive Peace Agreement (CPA) in Southern Sudan and the Darfur Peace Agreement (DPA). Those are now becoming a national anthem in this country, the Horn of Africa and Africa as a whole.

When we talk about sexual abuse and child abuse, we do not want to discuss that at a preliminary stage. It should be in depth. When you look at the displaced people under the war atmospheres--- Those are the refugees. Refugees in camps bear children who do not even belong to their country. They are in no man's land. They have no nationality and human respect. They lack the status of being human beings in the world. That is something that we have to address. Kenya should set the example. We are actually leading in Africa. When we look at ourselves, we have to be proud of this Government and the efforts it is making to ratify these treaties. Kenya is leading because other countries in Africa are looking at us as "big brother". We cannot underestimate that reputation. The efforts we have taken to bring peace in Sudan and Somalia are enormous. I was in Mogadishu with the Assistant Minister for Foreign Affairs. We went to witness the reconciliation documents about two months ago. The reputation we got in Somalia, although it is still under war is that, Kenya is a leading factor in Africa, when it comes to peace.

The proliferation of arms is an economic activity that is benefiting the big countries. Small and big arms are supplied by countries which are interested in exploiting our natural resources. In

the case of DRC, for instance, there is a national grid where we could get hydro-electric power from River Congo. That river now offers transport to logged trees. Those trees are being exported along River Congo to Portugal. The natural resources of Africa are under threat. The disasters that we are talking about and the green house emissions are not because of pollution, but it is as a result of degradation of our natural resources in Africa. That is also undermining peace. It is a fact.

[Mr. Deputy Speaker left the Chair]

*[The Temporary Deputy Speaker
(Mr. Sungu) took the Chair]*

Mr. Temporary Deputy Speaker, Sir, when we talk about women caught up in war and at war, we do not talk about homes and families. We have more widows in war-torn countries. We have no divorces in war-torn countries. The orphans who are in war-torn countries live under deplorable conditions. Article 17 of this Protocol must be addressed by all the nations of Africa. Recently - and I must take issue with the Sudanese Government - when the United Nations Secretary-General went to Darfur, he was blocked by the Sudanese Government from reaching the refuge camps. The spill-over of the war from Darfur has reached Central African countries. Cameroon and Chad are not at peace. Uganda is not at peace with DRC. When you look at Kenya as a "big brother", we must take cognisance of the yardsticks that Kenya has used to bring peace in those countries.

Mr. Temporary Deputy Speaker, Sir, we have East African Legislative Assembly (EALA) and Pan African Parliament (PAP). We have to understand the fact that, when we make peace here and there is war in other countries, the law does not apply. If we ratify these protocols and our neighbours have not done it, we are at a lose. This is not a unilateral issue. It must be a multi-lateral issue affecting African countries. We have to emphasise that all the Presidents who signed these protocols did not sign them as a public relations exercise. They signed them to become a law that will save our country and our Continent. Natural resources are like food on the table. You have many children fighting and scrambling for a bite. Kenya, like other countries, is looking for that share. That is what they call a share of the national cake. But when it comes to humanity, it is very serious. It is more than just signing or ratifying the protocols.

The difference between the Executive and the Legislature is the barrier. There are Parliaments which are controlled by the Executive. They cannot pass laws. Even if they pass laws, their Presidents cannot allow them to ratify or legalise those legislations. We call upon those countries to make sure that they respect law; that presidents are not above legislation. They must work for the people, with the people and by the people who elect them. That is the exact thing that we have to magnify this time.

Mr. Temporary Deputy Speaker, Sir, objectives of programmes of action is that member States undertake to promote the joint strategies and policies outlined. How many times have they taken issues, cognisant of what they have been discussing at high level meetings? Ministers of foreign affairs have been drafting these documents and sending them to Heads of States yet most of these documents need to be channelled through parliaments so that the countries are involved in these kinds of protocols.

With those few remarks, I beg to support.

The Temporary Deputy Speaker (Mr. Sungu): Before we continue, I want to say that the Government Responder will do it at 10.50 p.m., barring any other hon. Members wanting to contribute. We have enough time for all of you, so, please be patient!

Mr. Osundwa!

Mr. Osundwa: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this Motion. Indeed, I have seen enthusiasm in hon. Members who want to contribute to this important Motion so I will take a very short time.

First of all, I want to thank the Mover of this Motion for seeking to remind the Government of its duty. This Motion is plain and simple. The House simply urges the Government to urgently sign and ratify all protocols agreed in the past. We all remember that Kenya hosted the Second Summit of the International Conference on the Great Lakes Region on 15th December, 2006. Among the programmes agreed were on peace and security, democracy and good governance, economic development and regional integration.

Mr. Temporary Deputy Speaker, Sir, as previous speakers have said, this Government wastes a lot of money on delegations, attending United Nations (UN) conferences where they sign passed protocols some of them calling on the Government to domesticate those protocols into our laws. But they sign them and do not ratify them. I do not know what happens until a public spirited hon. Member like Ms. Ndung'u has to remind the Government of its duty.

I want to refer you to Article 9 which is on the Protocol Against Illegal Exploitation of Natural Resources. The Article states:-

"In accordance to the Protocol Against the Illegal Exploitation of Natural Resources to put in place regional rules and mechanisms for combating the illegal exploitation of natural resources which constitute a violation of the states' rights of permanent sovereignty over their natural resources."

I am referring to a natural resource like Lake Victoria. We have the East Africa Legislative Assembly (EALA) which is supposed to have legislated in their own Parliament on the use of this natural resource. Indeed, there are so many conflicts in this Lake which pits governments against each other over fishing rights. Kenya has failed to check the pollution of this natural resource. Indeed, industries in Kenya continue pouring effluent and polluting Lake Victoria.

If you fly over Lake Victoria today, the waters are no longer blue; it is brown water all over. I flew over this Lake two weeks ago on my way to Kigali and I thought something must be done urgently to reverse the effluent discharge into this Lake.

Mr. Temporary Deputy Speaker, Sir, for this Government to sign international accords and fail to domesticate them is actually legendary. I remember that I led a delegation from this country to a UN conference on The Rights of the Child. I was ashamed that all the countries in that conference had domesticated that Charter and had the Children's Act. It was from that incident that I came back and urged the Government and we came up with The Children's Act. The other one was The Convention on the Refugees. We signed this Convention long time ago. Many countries domesticated it in their laws but we did not. I want to thank our current Speaker, Mr. Kaparo, for standing firm on this Government. We pass laws here but to simply come up with regulations to operationalise them has become a problem. So, no wonder we host summits here, pass resolutions, programmes of action and then we go back to sleep.

Mr. Temporary Deputy Speaker, Sir, I want to re-visit the issue of Felicien Kabuga as a speaker rightly commented. Even a small child in Kigali, Rwanda, knows that Kabuga is here. When I attended that conference last month on peace in Kigali, as a Kenyan, I was put to task to explain why we are hosting this international fugitive. Information in Kigali is that Kabuga's bank accounts in Kenya are fully operational. Who operates these accounts if he is not in this country? No wonder the President of this country has never visited Rwanda on State visits and President Kagame has also refused to come here because of this chilly relationship being caused by hosting this fugitive here. A fact is a fact!

The Assistant Minister for Foreign Affairs (Mr. Wetangula): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member for Mumias in order to engage in reckless

speculation and rumours on issues that he does not seem to know? If he knows where Kabuga is, there is a US\$5 million bounty on his head, why can he not go and collect it?

The Temporary Deputy Speaker (Mr. Sungu): You will still get your chance to tell him that.

Mr. Osundwa: Mr. Temporary Deputy Speaker, Sir, I know Mr. Wetangula has more information on Kabuga than myself but it will serve a good purpose if actually he---

The Temporary Deputy Speaker (Mr. Sungu): Let us keep off his whereabouts and stick to debate.

Mr. Osundwa: Mr. Temporary Deputy Speaker, Sir, let me go back to the body of the Motion. Among the programmes that were agreed were economic development. Look at the way we allocate resources in this country. There is mushrooming of slums in this country and this capital City because people are coming from the rural areas chasing the resources in Nairobi. We need to decentralise the allocation of resources so that we can stem the rural-urban migration.

I want to thank the Mover of this Motion and I hope this House will pass this Motion as a reminder that this Government should now wake up from its slumber and ratify and domesticate all international protocols that we have signed.

With those few remarks, I beg to support.

Mr. Angwenyi: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me a chance to contribute to this important Motion.

From the outset, I would like to thank Ms. Ndung'u for bringing to the Floor of the House this Motion. It is always embarrassing for all of us, leaders, whenever we travel outside this country and we find that there are a number of protocols that our country has participated in developing and approving, but which have not been ratified for years.

It is very embarrassing especially when it concerns a protocol that touches on a region that provides trade for our goods and services to the tune of 60 per cent of our international trade. Many Kenyans do not know that our greatest partner in trade is Uganda. It is not the United Kingdom (UK) or the European Union (EU). Our greatest market is the Great Lakes region and not the EU, USA or China that we always run to as if they are the greatest consumers of our market.

That protocol touches on very important issues. There is the issue of being displaced and visited with violence. I cite an experience that I went through in 1992 when we had clashes in Kenya.

Mr. Temporary Deputy Speaker, Sir, I happened to own a *shamba* along the border of Nyamira and Bomet districts and there were clashes. Innocent people were killed on both sides. I remember one incident where some twin brothers, who operated a shop at Kaplong, were slaughtered in broad daylight. They were the only children of an old couple. I also remember an incident where a Kalenjin *mzee*, who was taking care of his cows in his *shamba*, was slaughtered in broad daylight. Episodes of internal displacement and forays against citizens of the same country have happened in this country. Maybe that is why we have not ratified this Protocol because the Government will be required to compensate some of the victims of internal conflicts and displacement.

Mr. Temporary Deputy Speaker, Sir, the people who suffered displacement in 1992 in this country have not yet been resettled. No wonder crime has increased in this country because the children who were displaced from their homes and have nowhere to go, have no option, but to involve themselves in crime. This Government, led by hon. *Mzee* Kibaki, who is a very peaceful person whom you can abuse and still remain in his Cabinet, should have ratified this Protocol immediately it was passed.

Mr. Temporary Deputy Speaker, Sir, you can see conflicts all over Africa. You can see

what is happening in our neighbouring country of Somalia. We have got Somalis living in Kenya. They do not feel well when they see that Somalis are slaughtering each other. You can see what is happening in Darfur in Sudan and in Nigeria. You can also see what is happening in the Democratic Republic of Congo (DRC), a country with the greatest amount of natural resources in the world. However, the DRC cannot exploit them for the benefit of her people because there is conflict and displacement. Women and children bear the brunt of violence in this kind of situation. The other day, I saw a caption on television where small children, about eight to nine years old, were raped in Eastern Congo. How do you feel about it? What lessons do you give to our children when they see that unfortunate incident on television?

Mr. Temporary Deputy Speaker, Sir, only yesterday, people, especially of Kisii origin, were slaughtered like chicken in Sondu and their property burnt down as if they are not human beings because of the message of *majimboism* which is being perpetrated and espoused by the Orange Democratic Movement (ODM). My people are being killed because of that!

The Temporary Deputy Speaker (Mr. Sungu): Order, hon. Angwenyi! Please, stick to the debate! Do not bring extraneous matters to the Floor of the House about political parties! We all belong to different political parties. Please, observe the Standing Orders of the House and keep your cool! These matters are important, serious and can actually cause conflict. You, as a leader, are called upon to ensure that you cool down these things. Mr. Angwenyi, please observe order! Otherwise, you will see the door!

Mr. Angwenyi: Mr. Temporary Deputy Speaker, Sir, I will hate a day when this House will spend its time and resources talking about conflicts in other countries and refusing to talk about conflicts in our own country. When we talk about compassion to people who are being slaughtered in other countries and we do not talk about the same in this country, then we must find ways of avoiding that kind of situation.

Mr. Bett: On a point of order, Mr. Temporary Deputy Speaker, Sir. I respect your ruling. However, Mr. Angwenyi is giving the impression that it is the Kisii people who are being killed in Sondu and yet, the three people who were killed the other day are Kipsigis. Is he in order to mislead the House?

The Temporary Deputy Speaker (Mr. Sungu): Order, hon. Members! This is a very serious matter. The Chair will not subscribe to anything that will bring conflict among Kenyans. Whether they are Luos, Kisiis, Kalenjins or Kikuyus killed, they are all Kenyans. So, please, let us not be emotional about it. Let us not accuse other people. If you want to discuss that matter, bring a substantive Motion to discuss the matter under Standing Order No.20. However, please, let us stick to this issue and talk about it as it is rather than pointing fingers because that will raise other issues.

Proceed, Mr. Angwenyi!

Mr. Angwenyi: Thank you, Mr. Temporary Deputy Speaker, Sir. I pity a situation where a Kipsigis or a Luo is killed. However, the Bible says: "Remove the log in your eye before you remove the speck in another's eye". When we speak about other countries, let us speak about our country first because taxpayers have paid us to be here and champion their cause.

The Temporary Deputy Speaker (Mr. Sungu): Order, Mr. Angwenyi! You are right on course, except when you start accusing persons or political parties. That is bound to lead to a---

Mr. Angwenyi: Mr. Temporary Deputy Speaker, Sir---

The Temporary Deputy Speaker (Mr. Sungu): Order, Mr. Angwenyi! You will listen to the Chair! I am telling you that you need to simply talk on the principles and do not point accusing fingers at particular people because you have no proof. If that is a matter that you want to discuss, you can bring it under Standing Order No.20.

Mr. Angwenyi: Mr. Temporary Deputy Speaker, Sir, we need to exploit our resources peacefully like those Kisiis in Sondu. We have not yet exploited our resources on Lake Victoria.

Kenyans who live around the lake are just emitting effluent of waste into it. Consequently, hyacinth has got a fertile ground to grow in. It is choking the life out of that lake.

Mr. Temporary Deputy Speaker, Sir, if we had passed this Protocol and observed it, we would have devoted the adequate resources to clean up Lake Victoria, so that we can get fish like *ngege*, which is very nice.

Mr. Wamunyinyi: On a point of order, Mr. Temporary Deputy Speaker, Sir. You have heard hon. Angwenyi say that nothing is being done by the people living around the lake. You know you are one of the representatives from the lake and you represent a constituency which borders the lake. Is he, therefore, trying to cast aspersions on the Chair or what?

(Laughter)

The Temporary Deputy Speaker (Mr. Sungu): Order, Mr. Wamunyinyi! Is that a point of order? Mr. Angwenyi is entitled to his own opinion and so long as he sticks to the debate, I have got no problem.

Proceed, Mr. Angwenyi!

Mr. Angwenyi: Mr. Temporary Deputy Speaker, Sir, if we devoted adequate resources, there would be no hyacinth on Lake Victoria and our fish would be of better quality and more in quantity. Lake Victoria can be a source of revenue that can surpass the amount of taxes that we collect in this country if we properly exploit it. We will make it a sporting ground. Go to Switzerland and see Lake Geneva. It is a source of revenue and income for the people who live there. Lake Victoria could be a transport system. Instead of travelling by road from Kisumu to Kisii, you go there by boat via Kendu Bay and Homa Bay. That is all I am saying! We should exploit those kinds of resources. We should exploit our waterfalls and geothermal areas in this country to provide electricity. That is what I am saying. However, when we give fugitives like Kabuga safe haven in this country, then we are wrong. I understand he is now financing some political parties, so that he can ensure his safety next year.

The Temporary Deputy Speaker (Mr. Sungu): Order, Mr. Angwenyi! You are now overstepping because you have no proof. If you have any proof, offer it now. However, do not go on making very inflammatory remarks against political parties.

Mr. Angwenyi: Okay, Mr. Temporary Deputy Speaker, Sir. With those few remarks, I beg to support.

The Temporary Deputy Speaker (Mr. Sungu): I will recognise Prof. Maathai and then the Government Responder thereafter.

Prof. Maathai: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for the opportunity to contribute to this Motion. I want to thank hon. Ndung'u for bringing it forward.

Mr. Temporary Deputy Speaker, Sir, quite often, I have wondered whether we sign protocols or treaties because we believe in them or whether they are brought to us and we are given money to discuss them, and then once the conferences are over, we forget them. That is because there is absolutely no reason why such protocols as this would not have been ratified by now and a desk established to ensure that they are, indeed, domesticated. So, we want to appeal to the Government to do exactly that. Mr. Temporary Deputy Speaker, Sir, one of the protocols talked about good governance. We all know about the rule of law and human rights. I want to join hon. Muite when he called on our police to respect the human rights of the people in this country; the so-called *Mungiki* people. I think we have witness records that have been appalling and scaring. It is extremely dangerous for a country that is at peace to allow its security forces to kill, especially young people under the pretext that they are *Mungiki*, as if even to belong to an organisation like that, except for the fact that I know it is banned--- But until one is charged in a court of law and

proved guilty, I think it is a violation of human rights to kill such people. This matter has been raised severally in this House but it is as if we are talking to somebody who does not listen. This is because even as we speak, young people are being killed in the pretext that they belong to the *Mungiki* sect. But as hon. Muite said, sometimes we know that when these things are done indiscriminately, there is no doubt that, occasionally, innocent people are killed. Even one person should be protected. We do not have to wait until a genocide is committed to appreciate the violation of human rights.

Mr. Temporary Deputy Speaker, Sir, it is very important, especially in Protocol No.9, to protect the natural resources. This region has extremely valuable natural resources, some of which have been mentioned like the lakes, rivers and mountains. But one of the most important natural resource we have in this region is the Great Congo Forest with respect to the climate change, this forest is extremely important not only for the region but also for the entire continent and, indeed, the entire world. The world is warning us, especially here in Africa, that although we are not contributing a lot to the greenhouse gases that are causing global warming, nevertheless Africa, perhaps, because of our geographical position and the fact that we have the Sahara Desert in the north and Kalahari Desert in the south, we are going to be very negatively impacted by global warming. One of the ways that we can mitigate this is by protecting our forests, especially the Congo Forest. Besides the Congo Forest, of course, we have other forests like Mabira Forest in Uganda and other forested mountains in Kenya and Tanzania. It is very important that we protect these forests, if we want to ensure that our descendants will be safe in this sub-region.

Even as we speak, people in this country have almost come back to the same position where they were literally taking over open spaces and developing them. Even as we speak, there is a developer at Spring Valley who has resisted any effort that is being put up by citizens and he is actually building on a piece of land that was originally kept as an open green space. Somebody in the Ministry of Lands has given that man a title deed. When you check that title deed, you can see quite clearly that it is very different from the original title deeds in that area. So, this was definitely done much later in the Ministry of Lands. Even the Minister for Environment and Natural Resources, Mr. Mwiraria, has been to that site. I have also spoken personally to the Minister for Lands, Prof. Kibwana. How can somebody in this country be so daring as to decide that just because he has a piece of paper which was, definitely, irregularly acquired, go ahead and ignore the outcry from the residents and the Ministers? I understand that even hon. Nyachae was stopped by the residents at one time and told to intervene so that this man does not develop the area. Against all appeals, that man went ahead and cut down some of the oldest trees that we have in Nairobi. I am appalled by the audacity of some of the developers in this country. It is as if we have gone back to the days when we were fighting for Karura Forest. I would hate to imagine that I would have to go down the streets or walk to these areas, again, to protect them from individuals who still do not understand that any city needs open green spaces. So, it is right to sign a treaty like this that is protecting the natural resources of the region. But if we are not able to enjoy a clean and green environment in our homes here in Nairobi, where we live, and keep landgrabbers away from the green open spaces that were left by those who planned the City, then of course, even a protocol like this means nothing. This is because if we cannot protect a green open space in Spring Valley, we are not going to protect Mt. Kenya, Aberdares or even the Congo Forest.

Mr. Temporary Deputy Speaker, Sir, I would, in fact, want to use this opportunity to thank Al Gore, the former Vice-President of the United States of America (USA) who recently got the Nobel Peace prize for his work on global warming and climate change, and especially because that issue is very close to the fact that protecting the natural resources, especially the environment, is so important. By getting this prize, what the Norwegian Nobel Committee is emphasizing is that protecting natural resources is a priority in the world today. So, it is in our national interest that we

ratify a protocol such as this so that we can protect not only our natural resources but also the resources in our region.

Mr. Temporary Deputy Speaker, Sir, I want to also mention the fact that Lake Victoria is one natural resource that is shared by many countries. I want to, again, appeal to the Ministry of Environment and Natural Resources, that even as we are losing Lake Victoria to the water hyacinth and many people and saying that part of the reason why we are not able to get as many fish in the lake is because of the intrusion of this hyacinth - Right now, as I speak, that water hyacinth has hit Lake Naivasha - this lake could be saved if the Ministry would go there and literally and physically scoop out the water hyacinth. But it amazes me that just like I said at the beginning, sometimes I think we do things because we are given money to do them, rather than do things because we need to do them. Somebody will wait until some international body recognizes that Lake Naivasha has been hit by water hyacinth and we will have a conference about the water hyacinth in Lake Naivasha. But right now, the Ministry should go there and literally scoop it out, because if we do not do that very soon, we will have the same problem that we have in Lake Victoria. It is these kinds of resources that we should very seriously protect with these protocols.

With those few remarks, I beg to support.

The Temporary Deputy Speaker (Mr. Sungu): I am obliged to call upon the Official Government Responder, Mr. Wetangula.

The Assistant Minister for Foreign Affairs (Mr. Wetangula): Thank you, Mr. Temporary Deputy Speaker, Sir. Although this Motion was directed at the Attorney-General, it was actually a misdirection. I think that, ideally, it should have been directed at my Ministry. I have spoken to the Attorney-General and we have agreed that, in the spirit of collective responsibility, my Ministry can do a response.

Mr. Temporary Deputy Speaker, Sir, this is a Motion that nobody will quarrel about. This is a Motion that does not say anything that the Government is not doing. As you know, the whole concept and genesis of the Great Lakes Region emanated from the conflict in the Democratic Republic of Congo (DRC), Rwanda and Burundi.

Mr. Temporary Deputy Speaker, Sir, the Great Lakes Conference is built around the fact that the membership of the Great Lakes Conference, apart from Kenya, are all countries that share a common frontier with DRC. They include Rwanda, Burundi, Congo, Central African Republic, Angola, Zambia, Tanzania, Uganda and Sudan. Kenya was co-opted into the Great Lakes Conference because of our strategic importance and the central role in which our country plays in conflict resolution and management, and the fact that, we have been the centre of activities relating to all issues relating to conflicts in this region. That includes the Sudan peace process that ended up with the CPA and the Somali Conference that ended up with the Interim Government in Somalia.

Mr. Temporary Deputy Speaker, Sir, in December, 2006, there was a major Great Lakes Conference held in Nairobi. At that Conference, a pact on security, stability and development was signed. At that Conference also, it was agreed that, for the first time, the headquarters of the Conference be based in Bujumbura, Burundi. Before that, the Conference was run from the United Nations (UN) Headquarters in New York. Thereafter, an Executive Secretary was appointed. That is Ambassador Mulamula from Tanzania, who has since taken up her residence in Bujumbura. She is in the process of establishing a secretariat.

Mr. Temporary Deputy Speaker, Sir, it was required that the protocols outlined by the Mover of the Motion under the pact were to be ratified by member countries and, thereafter, be deposited with the UN in New York as the depository. To date, only Burundi has ratified the protocols. The rest of the countries are in the process of ratifying these protocols.

Mr. Temporary Deputy Speaker, Sir, here in Kenya, my Ministry has prepared a Cabinet Paper that has been forwarded to the Cabinet Office. That was done some weeks back, so that it

can be taken to the Cabinet for approval, before it is brought to this Parliament for debate and approval. That is the only sensible way of ratifying a protocol of that magnitude. We want to involve the leadership, particularly Parliament, so that hon. Members can be able to own and understand the process and speak sensibly, whenever they try to, about what the Great Lakes Conference is all about.

Mr. Temporary Deputy Speaker, Sir, you have seen some of our colleagues standing up here and speaking as if Ethiopia is part of the Great Lakes Conference! Others were speaking as if Somalia was part of the Great Lakes Conference! It is by bringing that protocol here that we will be able to get all our colleagues to have a sense of ownership and clear understanding.

Mr. Temporary Deputy Speaker, Sir, what has been the achievement of the Great Lakes Conference so far, the ratification of the protocols notwithstanding? Through the Great Lakes Conference, we have brought peace, normalcy and democracy in Burundi. It is through the conference that we held endless negotiation meetings, some of which I was privileged to attend, to bring together the warring factions in Burundi, to the extent that they agreed to lay down their arms, face the ballot and bring into place a democratically elected Government of President Pierre Nkurunziza. That is a milestone!

Mr. Temporary Deputy Speaker, Sir, we all know what was going on in Burundi before. It is gratifying to see that, through the Great Lakes Conference, even before the countries ratified the protocols, we have such a milestone in terms of achievement. Today, Burundians sit down, talk and agree or disagree without engaging in armed conflicts. That is something that we feel very proud about.

Mr. Temporary Deputy Speaker, Sir, through the Great Lakes Conference, DRC held a competitive and democratic election that international observers gave a "tick"! Despite and in spite of all the imperfections that one could point out, it was, generally, an acceptable free and fair democratic election, organized under the auspices of the Great Lakes Conference. That is a major milestone, again, from the Great Lakes Conference! Today, in the DRC, they have a vibrant Parliament, like ours here, despite the upheavals in the eastern part by Gen. Laurent Nkunda. The rest of the country is reasonably on the highway to peace. They have a Parliament, a Government and a Cabinet. You have seen President Kabila come to participate in international fora not just in Kenya, but in the African Union (AU), in the UN and all over. That, again, is an achievement of the Great Lakes Conference!

Mr. Temporary Deputy Speaker, Sir, the Great Lakes Conference has also been instrumental in bringing about negotiations and peace between the rebels in northern Uganda and the Government of President Museveni. You can see that Joseph Kony, the rebel leader, has downed his arms. He has accepted a cease-fire and there is a peace process going on.

Through the Great Lakes Conference, conflicts in Congo Brazzaville have virtually been contained. A band of armed fighters called the *Ninja*, recently voluntarily walked to Brazzaville and were welcomed by the Government and are in the process of being integrated in the national security apparatus, thereby bringing to an end one of the most horrendous conflicts in the Great Lakes Region. Jean Pierre Bemba, the rebel leader in the DRC Congo is now the leader of the Official Opposition in a democratically elected structure. He is now in Portugal ostensibly undergoing medical treatment but he is recognised as the Leader of the Official Opposition. Indeed, before he left the DRC Congo, he sought permission from the Speaker of Parliament to give him leave of absence. That means that he recognises the achievement of the Great Lakes Conference in bringing about democracy and its institutions to which he has subjected himself. Mr.

Temporary Deputy Speaker, Sir, what Ms. Ndung'u is asking us to do, we are already doing. In Kenya, we should pat ourselves on the back for, first, being recognised and accepted by the Great Lakes configuration to be the only country outside the Conference to be allowed in the ring.

Secondly, to be allowed to chair the all important Great Lakes Conference meetings that we held here on 15th and 16th December, 2006. Thirdly, to congratulate our own President for being elected the Chairman of that Conference, a position he still holds. That is a position that, as a country, we must be proud of and we must use to bring greater peace and stability in the region.

Mr. Temporary Deputy Speaker, Sir, the protocols on the issues of democracy and governance, prevention and suppression of sexual violence against women, protocols on exploitation of resources, management of natural resources and so on, all these are things that are ongoing. Whether we talk about the management of Lake Victoria, River Nile or protection of the Congo Forest--- I want to take this opportunity to mention that I am happy to read in the newspapers today, that the Government of Uganda has reversed the allocation of Mabira Forest to developers who wanted to build a sugar factory, thereby again, protecting a key natural resource in the region.

All these protocols, and the contents therein, are issues that sovereign governments are capable of doing with or without the protocols. We have a Ministry of Environment and Natural Resources that can deal with the question of the hyacinth in Lake Victoria. We have the Ministry of Water and Irrigation that is seized and engaged with the issue of the Nile Basin issues including the revision and writing of the Nile Treaty that we have so much talked about. In terms of peace, justice, governance and the fight against corruption, we have instruments in place. We may not be doing as much as we should but the structures and legal instruments are there and can execute the role that the protocols envisage.

Mr. Temporary Deputy Speaker, Sir, I want to assure the House and the Mover of the Motion that the protocols are going to be signed by the Government after fulfilling the process that I outlined when I started my response. Once this Parliament approves the protocols and they are executed, they will be sent to New York for depositary in the United Nations (UN) as is required under the Great Lakes Conference establishing protocol.

When we recently met the Secretary-General of the UN, he also wished that this issue be fast-tracked. As the current chair of the conference, my Ministry has taken steps to speak to all other capitals of the ten countries, that I outlined, to encourage them to follow the path of Burundi. Countries have different legal regimes. There are some where the Cabinet alone can ratify the protocols and there are others where the President alone can do it. Whatever the means, we have encouraged them that we should, at least by Easter time next year, have all the countries having ratified the protocols and deposited them with the UN, so that all other issues that need to be done in furtherance of those protocols could be done.

Mr. Temporary Deputy Speaker, Sir, I want to end by thanking the Mover of the Motion, but also to say as I had said earlier that this is an important Motion. It simply states what the Government is already doing. I want to thank the hon. Member because she is encouraging the Government to move a little faster but it is something that we are already doing and we are going to do it.

Ms. Abdalla talked about the issue of Kenyans getting international jobs. I just want to say that in my Ministry, we have an international jobs desk with a director responsible for scouting and looking around wherever there are international opportunities and advertising for them. We have been advertising in the local Press for Kenyans who are interested in applying for those jobs. Even at the Great Lakes Conference Secretariat in Bujumbura, when the structures are clearly defined, jobs will be advertised and I want to encourage Kenyans to apply for them.

There are other contributors like Maj-Gen. Nkaiserry who made very inflammatory and reckless statements that I need not respond to because they were completely out of place in the character and spirit of the Motion. They were totally unhelpful. We had similar inflammatory remarks coming from Mr. Osundwa about a certain Kabuga. We have said it here and out there,

that Mr. Kabuga, wherever he is, the Government of Kenya does not know. We are the founding signatory to the International Court of Criminal Justice (ICCJ). We have supported the process of prosecuting the perpetrators of the genocide in Rwanda. Felicien Kabuga is no exception. Indeed, information available has pointed fingers at some of the people actively engaged in politics today as the ones who have given cover various times to this man. As and when he is caught up by the Government he will be handed over to the ICCJ.

I want to caution the likes of Mr. Osundwa and others that we should not turn this criminal fugitive into an electioneering tool because he should not. It amounts to benefitting from a horrendous crime of genocide. No Government can benefit in any way from shielding a man of that nature or character. Those who are benefitting from his bound and fruit should keep the Government out of it.

Mr. Temporary Deputy Speaker, Sir, I want to seek your indulgence to say this because you also mentioned that man---

The Temporary Deputy Speaker (Mr. Sungu): Order, Mr. Wetangula! Your time is up because the Mover must now respond at 11.10 a.m.

The Assistant Minister for Foreign Affairs (Mr. Wetangula): Mr. Temporary Deputy Speaker, Sir, as the Government Responder, I have a defined time in the Standing Orders and the clock is ticking! My time cannot be up! It is defined in the Standing Orders!

The Temporary Deputy Speaker (Mr. Sungu): According to the clock that I have been seeing, you have been talking for 20 minutes and at 11.10 a.m. the Mover should be called upon to reply. I am looking at the clock there and I know when you started, it was ten minutes to 11.00 a.m. and it is now 11.10 a.m.

Mr. Temporary Deputy Speaker, Sir, may I finish by cautioning all those who talked about Kabuga that it is unwise to engage in such a thing because it does not help anybody.

With those many remarks, I beg to support the Motion.

I would also like to congratulate the Mover and assure the House that we shall execute the protocol.

Ms. Ndung'u: Mr. Temporary Deputy Speaker, Sir, before I respond, I would like to donate two minutes of my time to each of the following hon. Members: Messrs. Bett and Tarus, Prof. Oniang'o and Ms. Mbarire.

The Temporary Deputy Speaker (Mr. Sungu): Mr. Bett, you have two minutes!

Mr. Bett: Thank you, Mr. Temporary Deputy Speaker, Sir. I was wondering why my good friend, Mr. Wetangula, was so worried about Kabuga. It is, indeed, important that the Government signs international protocols, so that their intentions or objectives can be fulfilled and enjoyed by the people. For example, soil erosion is part of illegal exploitation of natural resources. A lot of soil is carried away into Lake Victoria. It is filling the lake bed and causing a lot of flooding in Budalangi. However, there is a protocol in place to look into that aspect. It is extremely important that the Government takes action before we lose that lake and soil from the highlands. Soil is being eroded and carried into the lake. The soil carries chemicals with it, which is now destroying aquatic life in the lake and rivers. At the end of the day, we, as a country, will be the losers. We will not enjoy the goodness of rich soil, which will have been taken to fill the bed of a river and allow water to disturb and cause discomfort to the people of Budalangi and elsewhere around the lake. I feel that the Government should take action to reduce soil erosion and protect the people of Budalangi and aquatic life by signing the necessary protocols.

Thank you, Mr. Temporary Deputy Speaker, Sir.

The Assistant Minister, Office of the President (Mr. Tarus): Mr. Temporary Deputy Speaker, Sir, I would like to thank Ms. Ndung'u for coming up with this Motion. I just wanted to comment on the Protocol on Non-Aggression and Mutual Defence. The Government is already

undertaking certain activities. The Ministry of State for Defence has been developing a framework for protection to ensure that, in case of any conflict within any country, we have a mechanism by which we can intervene. This has to do with the Eastern Brigade although it includes countries as far as Ethiopia, Djibouti and the rest. It also involves countries such as Rwanda, Burundi, Uganda and Tanzania.

This is a very important Motion, I beg support it.

Prof. Oniang'o: Thank you, Mr. Temporary Deputy Speaker, Sir. I rise to support this Motion as I congratulate Ms. Ndung'u for bringing it forward and just comment on the issue of Kenyans working outside.

Those of us who go through Dubai always come across Kenyans working in that part of the world. We have listened to complaints about how they usually get paid less than people from elsewhere. So, I want to emphasise that it is one thing to establish a desk and it is another to follow up issues that affect Kenyans when they are outside there.

With those few remarks, I beg to support.

The Assistant Minister for Transport (Ms. Mbarire): Thank you, Mr. Temporary Deputy Speaker, Sir. I wish to congratulate the Mover of this Motion, Ms. Ndung'u. The Motion is timely. This being an election year, I wish to concentrate my contribution to the issue of violence against women, particularly those aspiring for political positions in this country. I urge the Government to provide security to such women because they are exercising their democratic rights of participating in election. They want to participate in transacting business in this House next year.

Kenyan women have woken up. Next year, they want to fill up this House. No amount of intimidation or violence will stop them from focusing on that particular goal. We are requesting the Commissioner of Police to work round the clock and ensure that they have security, so that they can campaign peacefully. About three weeks ago, His Excellency the President launched a campaign dubbed "*Zuia Noma*". I hope, in that spirit, the Government, and the responsible departments, can ensure that they campaign freely and peacefully, so that, next year, we have a more representative Parliament than the Ninth Parliament.

With those few remarks, I beg to support.

Ms. Ndung'u: Mr. Temporary Deputy Speaker, Sir, I wish to thank the Assistant Minister for Foreign Affairs for saying that he will fast-track the ratification of this particular pact. I am glad to see that the Government is implementing what is in it although it has not yet ratified the pact. I just want to thank all the hon. Members who have contributed to this Motion. I would also like to support Ms. Mbarire on the issue she has raised on violence meted against women, particularly because this is an election year. I would like to urge parties on both sides of the political divide to ensure that they provide protection to women who attend rallies as well as women candidates they will be nominating. As we wait for the ratification of these protocols, the Government needs to put in place mechanisms for protection of women candidates and women supporters to political parties.

With those few remarks, I beg to move.

The Temporary Deputy Speaker (Mr. Sungu): Hon. Members, before I put the Question, I would like to congratulate the hon. Members who have debated this Motion in the most informed manner. That is to be encouraged. I wish you luck in the coming elections.

I will now put the Question.

(Question put and agreed to)

Ms. Ndung'u: On a point of order, I want the two protocols which have been discussed to be part of the parliamentary record.

The Temporary Deputy Speaker (Mr. Sungu): Ms. Ndung'u, you are too late! I have

already put the Question! You could have tabled them. However, I believe that the Government has got access to some of these protocols, because it was party to their negotiation.

Next Order!

INTRODUCTION OF PROPER SANITATION
FACILITIES IN POLICE/PRISON CELLS

THAT, affirming that the Government is committed to the rule of law and the rights of its citizens; concerned that police and prison cells have not for a long time been expanded to accommodate suspects arrested for various crimes; cognizant of the fact that under the Kenyan Constitution nobody is guilty until proven otherwise; aware of the need to safeguard health and dignity of the suspects during their stay in police or prison cells; noting that such people are forced to relieve themselves in buckets; a system that was started by the colonial masters and considering that convicts in prisons now enjoy modern facilities; this House urges the Government to outlaw the use of buckets in police and prison cells and introduce proper sanitation facilities.

The Temporary Deputy Speaker (Mr. Sung): Mr. Oparanya! Not here? The Motion is dropped!

(Motion dropped)

Next Order!

INTRODUCTION OF KENYA FILM
DEVELOPMENT BILL

THAT, due to the identification of Kenya as a leading location for making movies, films and documentaries by international film makers; cognizance of the huge contribution the film industry would make to the national economy if proper legislation was in place to manage the industry; this House grants leave for the introduction of a Bill for an Act of Parliament entitled the Kenya Film Development Act in order to streamline the industry and provide guidelines for local and foreign film makers.

The Temporary Deputy Speaker (Mr. Sungu): Is Mr. Joe Khamisi not present! The Motion is, therefore, dropped!

(Motion dropped)

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Sungu): Hon. Members, that concludes the business on the Order Paper. The House is, therefore, adjourned until this afternoon, at 2.30 p.m.

The House rose at 11.25 a.m.