

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 25th July, 2007

The House met at 9.00 a.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No.111

COLLECTION/UTILISATION OF SUGAR CESS
BY MUHORONI TOWN COUNCIL

Prof. Olweny asked the Minister for Local Government:-

(a) how much cess Muhoroni Town Council has collected from sugar-cane farmers within the last four years; and,

(b) what projects the town council has undertaken with the money collected.

The Vice-President and Minister for Home Affairs (Mr. Awori): Mr. Deputy Speaker, Sir, may I ask for your indulgence that this Question be deferred to next week? The Minister for Local Government left last night for Europe and we were unable to get a signed answer. Also, none of the Assistant Ministers are present here. So, may I request that we defer it to Tuesday, next week?

Prof. Olweny: Mr. Deputy Speaker, Sir, this Question was supposed to have been answered last week. It was in one of the Order Papers of last week. I have a signed answer that was given to me last week. There are two Assistant Ministers in this Ministry. Where are they?

Mr. Deputy Speaker: Your Excellency, in view of what the hon. Member has said, he has a signed answer--- There is this issue of Assistant Ministers complaining that they are not working and yet, they are not available in the House to answer Questions!

(Applause)

Yes, the Minister could be out of the country, but I believe he has some Assistant Ministers. Now, having said that, I do not think there is much the Leader of Government Business can do because he has no answer. The hon. Member may have a signed answer, but there is no one to answer it. Apparently, the Leader of Government Business, as he has always done, has tried his best to answer Questions in this House. I am sure when he says he is not able to answer this Question, then he is not properly briefed about it. But, be that as it may, I think the Chair has over-emphasised this matter for a long time and I do not want to dwell on it further. I think the Chair will oblige with the request of the Leader of Government Business. However, let the Ministry take notice that the House cannot continue postponing Questions. We did this last week and, certainly, we are doing it for the second time. Now, for the last time, we are doing it again. So, it is now

ordered that this Question shall be placed on the Order Paper on Tuesday afternoon. So, I think that the Ministry will have sufficient time to arrange for the answering of the Question. Is that okay, Prof. Olweny?

Prof. Olweny: Mr. Deputy Speaker, Sir, it is okay. I have no alternative.

The Vice-President and Minister for Home Affairs (Mr. Awori): Thank you, Mr. Deputy Speaker, Sir, for your decision, but may I, please, with all respect, absolve the rest of the Assistant Ministers? As you can see, the Front Bench is full of all of them. I am sure, all the Questions will be answered.

(Question deferred)

Mr. Deputy Speaker; Next Question by Mr. Kombe!

Question No.389

WHEREABOUTS OF FUNDS FOR
MAGARINI WATER PROJECT

Mr. Kombe asked the Minister for Water and Irrigation whether he could inform the House the whereabouts of Kshs14 million earmarked for Magarini Constituency Water Project as promised in early 2004.

The Assistant Minister for Water and Irrigation (Maj. Sugow): Mr. Deputy Speaker, Sir, I beg to reply.

The communities residing in Bungale and Marafa locations in Magarini Constituency presented to my Ministry, a Kshs14.71 million proposal for construction of Bungale Water Project Phase I in the year 2002. My Ministry integrated the proposed water project into the larger Water Supply Master Plan aimed at alleviating the water scarcity in Marafa and Magarini divisions. The implementation of this Master Plan commenced in the year 2005 and over Kshs33 million has been spent on construction of various components of Bungale Water Project Phase 1. In the current Financial Year 2007/2008, a sum of Kshs15 million has been earmarked for this project.

Mr. Kombe: Mr. Deputy Speaker, Sir, the Assistant Minister is talking of various components having spent Kshs33 million. Which are these various components?

Maj. Sugow: Mr. Deputy Speaker, Sir, the works undertaken from the year 2005 include the following:

(i) Construction of a 500 metre cubed reinforced concrete storage tank at Kshs8.5 million.

(ii) Construction of a six-kilometre main pipeline comprising of a 200-millimetre diameter EPDC and steel pipes including auxiliary works and two kilometres of 50-millimetre diameter service line and drilling of a borehole on the bank of Sabaki River at Kshs18 million.

(iii) Construction of power lines to the borehole at Kshs6.5 million totalling Kshs33 million. Currently, preparations for the testing of the pipeline and storage tanks for defects are being undertaken and the residents will start benefiting from the water supply once the testing has been completed.

Mr. Khamisi: Mr. Deputy Speaker, Sir, water is life. This Assistant Minister is talking of master plans, a subject which he has talked of for the last four years. Could he assure this House that, apart from the master plans, the Government is actually carrying out rehabilitation of some of the projects, including the Baricho line and the Mzima Springs line?

Maj. Sugow: Mr. Deputy Speaker, Sir, master plans are being supported with implementation. If the hon. Member had listened, I said that we have been allocating money every

year since the time that this implementation started and even this year depending on what is available to the Ministry. This project was being allocated money. For every area where there is such a plan, the Ministry is doing the same thing; implementations is going on.

Mr. Kombe: Thank you, Mr. Deputy Speaker, Sir. The Assistant Minister is talking about Kshs15 million having been earmarked for the project. However, I understand that there is another Kshs100 million for the construction of the same pipeline. I thought that was an allocation given as a result of the Presidential pledge that the line be constructed from Baricho to Marafa? The Assistant Minister is now not talking about the Kshs100 million, which I know they are planning to use to construct another tank instead of constructing the pipeline. When will the Ministry consider the Presidential decree and make sure that the water reaches Marafa as soon as possible?

Maj. Sugow: Mr. Deputy Speaker, Sir, the Ministry's plans for implementation of programmes are based on availability of funds. With regard to the promise by the President, that will be considered in a special way because currently, the plan is not within the budget of the Ministry.

Question No.041

GAZETTEMMENT OF SAMBURU LAND BOARDS

Mr. Lesrima asked the Minister for Lands when he will gazette land boards for Samburu District.

Mr. Kombe: On a point of order, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Mr. Kombe, you know that you are out of order! I have already called out the next Question! The hon. Member for Samburu has been on his feet and we exhausted your Question!

Mr. Lesrima, you have the Floor!

Mr. Lesrima: Mr. Deputy Speaker, Sir, I had already asked the Question.

Mr. Deputy Speaker: Then let us move on to the Minister for Lands. The Assistant Minister is actually there. Mr. Kombe, you are time-barred!

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

The names of the members of the Samburu Land Control Board will be gazetted once the District Commissioner forwards a comprehensive list of the same.

*(Messrs. Lesrima and Mwanicha
stood up in their places)*

Mr. Mwanicha: Thank you, Mr. Deputy Speaker, Sir---

Mr. Deputy Speaker: Mr. Lesrima, would you not let Mr. Mwanicha ask his question, and then I come to you?

Mr. Lesrima: Mr. Deputy Speaker, Sir, I am the one who asked the Question. In other Commonwealth Parliaments, like Ghana, I would have been given five chances.

Mr. Deputy Speaker: I am sorry, Mr. Lesrima. Hon. Members have been consulting me. Therefore, I lost track that you actually have the right to the first supplementary question. So, take it up, Mr. Lesrima!

Mr. Lesrima: Mr. Deputy Speaker, Sir, I did not understand the meaning of the word "comprehensive." Could the Assistant Minister explain what the word means? If possible, let him

explain it to me in Kisamburu. The District Commissioners have been sending the lists every year to his office. So, what does "comprehensive" mean? What names does he want to see for the list to be comprehensive?

Mr. Kamama: Mr. Deputy Speaker, Sir, I want to confirm to the House that six land control boards in Samburu District were gazetted in the year 2005 vide Kenya Gazette Notice No.8441 of 21st October, 2005. The areas that were involved include Baragoi Division, Ewaso Nyiro, Loroki, Kirisia and Wamba. The names were not published because the local District Commissioner then had not forwarded the so-called comprehensive list. The issue of the comprehensive list comes in because we did not get names from certain divisions and we are waiting for them so that we can do gazettelement appropriately. We will consider the hon. Member's case because he has visited our offices on several occasions. So, we will address the issue.

Mr. Mwanicha: Mr. Deputy Speaker, Sir, the land control boards and lands tribunal play an important role in matters of land disputes, among other things. However, the members are not giving any allowances. They, therefore, resort to very uncouth and unscrupulous ways of raising allowances for their lunch and travel. Could the Assistant Minister inform this House the exact Government policy regarding subsistence and travel allowances for members of the land control boards and the land tribunals?

Mr. Kamama: Mr. Deputy Speaker, Sir, I have been answering this Question about the land control boards and the land tribunals for quite sometime. I have pointed out that we have a shortage of funds. We are given by the Treasury funds that are not sufficient. I want to confirm that we are liaising with the Treasury, even through the Supplementary Budget, to ensure that the funds are availed. This is an issue that is really distressing. Many hon. Members have brought complaints to our office and we have not solved this problem. However, once we get enough funds from the Treasury, we will address the issue comprehensively.

Mr. Ndambuki: Mr. Deputy Speaker, Sir, it seems as if this Ministry has no policy regarding land tribunals. The Ministry has gone round the country appointing them. They have abandoned the work because of non-payment of allowances and he still wants to gazette the Samburu District Land Control Board. Could he tell us what he is doing to address this problem? During this financial year, we gave them 50 per cent of their budgetary allocation. Does this mean that they cannot meet some of these payments for the tribunals?

Mr. Kamama: Mr. Deputy Speaker, Sir, we have concrete policies in the Ministry. We have several Acts that we are implementing, which were passed by this House. On the issue of funding, we have come up with a policy that ensures that all land tribunal or land control board members hold one meeting, at least, twice or thrice a year. Most of the members are retirees and they are fond of going for meetings to get money even when there is no work. So, we have come up with a policy of restricting the number of meetings.

Mr. J. Nyagah: Mr. Deputy Speaker, Sir, hon. Ndambuki and myself are former Ministers of this Ministry. So, we know the problem the Assistant Minister is facing. When I was there, I had suggested and implemented a service charge and people who have cases would pay a small fee, which would be standardised in the whole country so that an applicant, who wants his case to be settled, pays a known figure as a way of solving this problem which has not been solved in the past 44 years. Are they going to reintroduce that policy?

Mr. Kamama: Mr. Deputy Speaker, Sir, that was a policy of the previous regime and it was meant to overburden Kenyans. It is not in our policy to overburden Kenyans.

(Laughter)

Mr. Lesrima: Mr. Deputy Speaker, Sir, then I have to wait for the previous regime to come

back to power so that my problems could be solved!

Mr. Deputy Speaker: Sorry, Mr. Lesrima! Is that your question?

Mr. Lesrima: Mr. Deputy Speaker, Sir, I have seen the gazette notices of various districts in Kenya. I am still not able to understand why my district cannot get those boards. If it is the question of cost, why should my district be the one to bear this cost or suffer? Could the Assistant Minister then write to the District Commissioner to explain, so that the people could understand what is going on? Otherwise, we will wait for the previous regime to come back to power!

(Laughter)

Mr. Kamama: Mr. Speaker, Sir, I want to confirm that Mr. Lesrima will be assisted. The land board for his district will be gazetted. I am going to give it my personal interest because the hon. Member is also my neighbour. But on the issue of the other side coming to power, I think that is pipe dream!

Thank you, Mr. Deputy Speaker, Sir.

Mr. Rotino: On a point of order, Mr. Deputy Speaker, Sir. In view of what the Assistant Minister has said; that it was the policy of the previous Government, would I be in order to request him to cancel all the land boards appointed by this Government, until another Government comes into power?

(Laughter)

Mr. Deputy Speaker: That is not a point of order, Mr. Rotino! I am sorry!
Next Question by the hon. Member for Gachoka!

Question No.235

ATTACKS ON KARUKI FISHERMEN
BY KWS RANGERS

Mr. J. Nyagah asked the Minister for Tourism and Wildlife why Kenya Wildlife Service (KWS) rangers are constantly attacking fishermen at Karuki area.

The Minister for Tourism and Wildlife (Mr. Dzoro): Mr. Deputy Speaker, Sir, I beg to reply.

There are no constant attacks on fishermen at Karuki area. The residents of the area in question, that is Muvuria Location, are allowed to fish on one side of Kamburu Dam, while the other side belongs to Mwea National Reserve. That is a protected area; where fishing is outlawed.

Mr. Deputy Speaker, Sir, the KWS staff at Mwea National Reserve conduct regular patrols on the protected side of the dam to check on illegal fishing by residents, and protect the farms along the Thiba River from invasion by hippos. However, there was a complaint by Mr. John Ileri Njeru who, on 12 December, 2005, was found fishing in the restricted areas of Kamburu Dam which fall under the Mwea National Reserve by two KWS rangers, while on routine patrol. The complainant alleged to have been attacked by the rangers as a way of downplaying his illegal fishing activities as he claimed that, that side of the dam had more fish than the other side. Since then, there have been no other complaints by the fishermen against KWS staff.

Thank you, Mr. Deputy Speaker, Sir.

Mr. J. Nyagah: Mr. Deputy Speaker, Sir, I am happy that the Minister has admitted that one side of dam is a national reserve and fishing is outlawed. The other side is where people are

allowed to fish. That is the Karuki area. Since there is no marker in the dam - there is no line which divides the two - it is difficult for my fishermen from Gachoka to know when they cross by one inch to the Mwea National Reserve. As a result, where they have been followed, the following four people have died: Mary Mbocho, Wilfred Njeru, the sons of a very good supporter of mine called Mwaniki King'oroti and Mathatha Kangwewe. They died as a result of crossing the imaginary line between the national reserve and Karuki. Mr. Deputy Speaker, Sir, when will the Minister put a clear dividing line in the water, so that my people could know when they are doing an illegal activity?

(Laughter)

Mr. Deputy Speaker: Mr. J. Nyagah, just for the Chair to understand the question, what has been the cause of the deaths that you have stated?

Mr. J. Nyagah: Mr. Deputy Speaker, Sir, the reason was that they crossed over by a few feet. In the process of running away, they were eaten by crocodiles---

An hon. Member: Or hippos!

(Laughter)

Mr. J. Nyagah: They have not been compensated and it is a very serious matter! It might cost me the elections if the Minister does not pay attention to this Question!

(Laughter)

Mr. Dzoro: Mr. Deputy Speaker, Sir, it is sad that lives were lost in that particular area and, humanly speaking, I want to condole my friend, the hon. Member. He has my sympathies for the deaths of those people. But I would like to advise my colleague to register his complaints as per the procedures and, definitely, we will see how best to resolve that issue.

Thank you, Mr. Deputy Speaker, Sir.

Mr. J. Nyagah: What about demarcation?

Mr. Deputy Speaker: Mr. Minister, you are reminded that you have not responded to the issue of demarcation.

Mr. Dzoro: Mr. Deputy Speaker, Sir, what I am trying to tell the hon. Member and colleague is that, as far as the line is concerned, that is a matter which, I believe, could be settled down there. On the issue of those who die, we really need to sit down and ask: Is it true that it happened? Is it true that they had crossed to the other side? My understanding is that they are usually seen along the shores. Much of the fishing is done on the shores of the other side. So, this matter could be better solved at that level.

Thank you, Mr. Deputy Speaker, Sir.

Mr. Muite: Mr. Deputy Speaker, Sir, instead of the KWS rangers attacking people at that dam, could the Minister consider re-deploying them to Karai Location of Kabete Constituency to deal with the monkey menace? We are forced to feed a whole location of those monkeys and, you know, they have no respect for women! When women are trying to---

(Laughter)

Mr. Deputy Speaker, Sir, it is a fact! When women are looking after their crop, the monkeys look at them and when they see here---

(Mr. Muite points at his chest)

They start doing this to women and they do not move!

(Mr. Muite points at his head)

(Laughter)

They are eating all the crops! Could the Minister redeploy the KWS rangers to deal with that menace?

(Laughter)

Mr. Dzoro: Thank you, Mr. Deputy Speaker, Sir. Yes, I agree with---

Prof. Mango: On a point of order, Mr. Deputy Speaker, Sir.

(Loud consultations)

Mr. Deputy Speaker: Order! Order! There is a point of order from Prof. Mango!

Prof. Mango: Mr. Deputy Speaker, Sir, is the hon. Member for Kabete in order to insinuate that monkeys love women?

(Laughter)

Mr. Muite: Mr. Deputy Speaker, Sir, this is a serious issue!

Mr. Deputy Speaker: Order! Order! Order, hon. Members! Let us listen to the hon. Member for Kabete.

Mr. Muite: Mr. Deputy Speaker, Sir, I have been there! It is a serious issue! Old women have actually tried to wear trousers to look like men! When the monkeys look at the other women here, they start mocking them by doing this and they do not move!

(Mr. Muite points at his chest and head)

Then, they eat all the maize and crops! Could he do something about that?

Mr. Dzoro: Mr. Deputy Speaker, Sir, recently some rangers graduated and we will look into the request made by Mr. Muite.

Mr. Owino: Mr. Deputy Speaker, Sir, I believe that the fish provide food to people living in that area. What happens to the fish that is protected? Is it eaten by the wild animals or human beings? If so, which human beings?

Mr. Deputy Speaker: Mr. Minister, did you get the question?

Mr. Dzoro: Mr. Deputy Speaker, Sir, I did not get the question.

Mr. Deputy Speaker: Mr. Owino, could you repeat the question?

(Loud consultations)

Could the hon. Members on the Front Bench, on my right side, let their colleague listen to the Question!

Mr. Owino, repeat the question.

Mr. Owino: Mr. Deputy Speaker, Sir, I believe that the fish is reared there because it provides food for the people living around that dam. If a section is protected and there is fish there, who eats that fish? Is it the wild animals or human beings? If it is human beings, which people are these?

Mr. Deputy Speaker: If I understood the question, the hon. Member is asking; who eats the fish in the protected area? Mr. Owino, could you clarify your question? If the fish is inside the protected area, is it being eaten? What is your question?

Mr. Owino: Mr. Deputy Speaker, Sir, it is a very simple question. Who eats the fish in the protected area? If it is not the human beings there, is it the animals there?

Mr. Dzoro: Mr. Deputy Speaker, Sir, the fish in the ocean have their own way of getting consumed. They sometimes eat each other.

Mr. J. Nyagah: Mr. Deputy Speaker, Sir, I would like to thank the Minister for his answers. As you know I have five dams in my constituency and crocodiles are eating people's cows and goats continuously. I will be very happy to go and see him with a comprehensive list. Since I have five dams, would he give an affirmative action to my constituency which has a peculiar problem as we try to supply this country with power?

Mr. Dzoro: Mr. Deputy Speaker, Sir, I want to thank my colleague. I kindly invite him to my office so that we can discuss the issues. I am willing to go there and find out what the problem is.

Mr. Deputy Speaker: Next Question!

Question No.283

AMOUNT OF MONEY COLLECTED FROM
BORDER POSTS/MOMBASA PORT

Prof. Mango asked the Minister for Finance:-

(a) how much revenue was collected at Busia and Malaba border posts and the port of Mombasa in the last four years; and,

(b) how much of this revenue was ploughed back to those areas.

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

(a) Over the last four years, the revenue collected at Busia and Malaba border posts and Mombasa Port is as follows:

For Busia Border Post the revenue was Kshs525,944,105; Malaba Border Post was Kshs873,511,016.15; Mombasa Port was Kshs236,435,364,347.55.

(b) The revenues were ploughed back to their respective areas in form of LATF, CDF and other general Government budgetary allocations as follows:

Busia District - Kshs1,153,468; Teso District - Kshs457,690,000; Mombasa District Kshs2,273,017,615.

Prof. Mango: Mr. Deputy Speaker, Sir, I would like to thank the Assistant Minister for the answer. It is very revealing as to how much revenue these areas produce. The poverty in these areas is so much that the amount of revenue that is generated is not reflected in the lifestyle in these areas and the facilities given. The LATF and CDF funds are given across the board to every constituency. Could the Assistant Minister consider giving extra funding to these areas in view of the revenue that is collected along these border posts?

Mr. Kenneth: Mr. Deputy Speaker, Sir, first of all, a lot of this revenue is generated from

goods from all over the country. Goods are on transit especially when you look at the border posts in Malaba and Busia. I think the most important thing is to vote some of the funds that are channelled through LATF and CDF and are part of what we have agreed in this House as equitable distribution across the country. The other bit that I mentioned is what is normally allocated to Ministries through normal budgetary provisions that are there for security, health and other general facilities that the Government caters for.

Mr. Bifwoli: Mr. Deputy Speaker, Sir, these are things that are happening at either Malaba, Busia or Luakhakha. This is not happening on the road. It is the people from Kenya going to Uganda or vice-versa that are paying money in the name of revenue. Therefore, the people around the border are actually the ones paying this tax. What affirmative action will the Government take so that people who pay more taxes also receive more in terms of either CDF or LATF?

Mr. Kenneth: Mr. Deputy Speaker, Sir, this revenue is not generated by the people living at those points. This revenue is generated by the amount of trade that goes through. If you look at these two border posts, these are goods that are going to Rwanda and Uganda. There are general budgetary allocations in terms of security, health care and education facilities and this is done by this House when we discuss the budgetary provisions.

Mr. Ojaamong: Mr. Deputy Speaker, Sir, when we were advocating for a regional kind of Government at Bomas, we had a case in point because you will find that Mombasa Port generates millions of shillings---

The Assistant Minister for Water and Irrigation (Mr. Wanjala): *Si mulikataa!*

Mr. Deputy Speaker: Order! I refuse to allow hon. Members to interrupt others when they are on the Floor!

Mr. Ojaamong, could you ask your question?

Mr. Ojaamong: Mr. Deputy Speaker, Sir, Mombasa Port generates billions of shillings. Malaba Border Post which falls under Teso also generates a lot of money. The Assistant Minister says that the Government has been ploughing this money back to put up some facilities. I can assure him that we do not even have a district hospital and yet this amount of money is being generated from our area. What plans does the Ministry have to open up more border posts because Teso has the potential of having two more border posts in Adungosi and a place called Kolai Tinbodin? What plans does the Ministry have to open more border posts?

Mr. Kenneth: Mr. Deputy Speaker, Sir, border posts are opened as and when it becomes necessary to do so. At the moment, the two border posts have proved sufficient for the entry towards Uganda, Rwanda, Burundi and the Congo.

Prof. Mango: Mr. Deputy Speaker, Sir, from the Assistant Minister's answer, it appears that there is a lot of revenue generated at these border posts. When you go to Busia border you will find trailers queuing from Matayo down to the border obstructing every thing. There is no parking facility for the trailers that are waiting to be cleared through Customs. All these border points generate money for the country and, therefore, the Treasury should set aside some money to be disbursed to these areas. Could the Assistant Minister tell this House what provisions he is going to make to ensure that these border posts get back what they collect for the nation besides the Local Authorities Transfer Fund (LATF) and the Constituencies Development Fund (CDF)?

Mr. Kenneth: Mr. Deputy Speaker, Sir, I said what goes to revenue is what is discussed in terms of the Budget in this House. The only thing I can assure the hon. Member is that within the Kenya Revenue Authority (KRA) Vote, there is money for improvement, so that there is efficiency at all transit points, all border posts and all revenue collection points.

EXPANSION OF KERUGOYA DISTRICT
HOSPITAL MORTUARY

Mr. Karaba asked the Minister for Health:-

- (a) whether she is aware that Kerugoya District Hospital mortuary is inadequate for the ever-increasing population; and,
- (b) whether she could expand the existing mortuary or construct a new one.

The Assistant Minister for Health (Dr. Machage): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Yes, I am aware that the mortuary at Kerugoya District Hospital is over-stretched.

(b) The previous mortuary, which had a capacity of three bodies, has been expanded to accommodate 16 bodies.

Mr. Karaba: Mr. Deputy Speaker, Sir, I want to thank the Assistant Minister for that answer. However, it is disappointing that he is not even aware that the mortuary is not accommodating 16 bodies but 40. If that mortuary was expanded to accommodate 16 yet it is now accommodating 40 bodies, do they have plans to expand it, so that it can even accommodate more bodies?

Dr. Machage: Mr. Deputy Speaker, Sir, whereas what the hon. Member has said is true, my Ministry's policy is that public hospitals mortuaries are intended for deaths occurring in public hospitals. All other cases, such as police cases and those who die elsewhere, should be handled by the respective municipal councils, county councils or other bodies, by constructing their own mortuaries.

Mr. Angwenyi: Mr. Deputy Speaker, Sir, I hope the House has heard that ridiculous answer to the last question. I do not know whether the Assistant Minister came from heaven today. Which municipal council has a mortuary in this country? Which county council has a mortuary in this country? At least, there is none in Gusiiland! There is no county council in Gusiiland which has a mortuary. Could he consider providing a mortuary to every constituency in this country, because death rates have gone very high in the recent years? This is to the extent that our life expectancy has been reduced from 65 years to 42 years today!

Dr. Machage: Mr. Deputy Speaker, Sir, whereas I sympathise with the view of the hon. Member, my Ministry is more interested in saving lives through construction of health facilities and making sure that they are well facilitated in terms of medicine and equipment.

(Applause)

Really, we cannot take the work of the Ministry of Local Government. If there is a complaint over this matter, and what the Ministry of Local Government is doing, then that Question should be directed to the appropriate Ministry.

Mr. Omondi: Mr. Deputy Speaker, Sir, I think one reason why there is heavy congestion of dead bodies in our mortuaries is the failure, or inability, by the affected persons to collect them because they cannot meet the costs and the required fees. I wanted to ask the Assistant Minister if she could consider waiving the total fees that is expected to be paid for the dead bodies in view of the fact that these dead bodies----

An hon. Member: Are there dead bodies?

Mr. Omondi: Mr. Deputy Speaker, Sir, these bodies are not of value to the owners, and I think the Government does not also need them. Why can he not declare a total waiver of the fees and allow the owners to pick them without paying a single cent?

Dr. Machage: Mr. Deputy Speaker, Sir, first of all, I am a "he" and not a "she".

I have listened to the hon. Member's request, which is ridiculous, because I think the main reason why we have an over-populated mortuary situation in the country is because of tradition. Some communities have a tradition of keeping bodies for too long before burial. My request is that, that tradition be changed.

Secondly, I do not think the Ministry will be able to do exactly what the hon. Member has suggested in total. We always use a system to know who is able or unable to pay, because all said and done, these facilities must run. They are facilitated by the money that is collected for holding those bodies.

Mr. Karaba: Mr. Deputy Speaker, Sir, one of the other reasons why we have such bodies in the mortuaries is the high fees incurred during the process of postmortem. The postmortem fees are also very high. If there is an obvious cause of death, is it necessary for family members, who are already bereaved, to continue being charged the high postmortem fees? This will enable them to take the bodies for burial. Could they waive the postmortem fees?

Dr. Machage: Mr. Deputy Speaker, Sir, I will not waive the postmortem fees but I will consider waiving the fee for those families that are unable to pay. It is not true that postmortem is done on all patients who die in hospital, especially when we know the cause of death. However, it is mandatory that postmortem is done on all police cases that happen to be in Government hospital mortuaries. But postmortem is of a different nature. There could be an open or closed postmortem, depending on the cause of death. That is at the discretion of the medical officer in charge of that institution at that particular time. It is up to them to make the decision.

Question No.350

SUPPLY OF ELECTRICITY TO PUBLIC
FACILITIES IN MBITA

Mr. Kajwang asked the Minister for Energy:-

(a) when the contractor will complete the construction of the Mbita Point-Tom Mboya Health Centre electricity line to enable the health centre and Tom Mboya Secondary School to be connected; and,

(b) whether he could confirm that the schools along the line, namely Waware, Nyamuga and Wanyama will also be supplied with electricity.

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

(a) It is anticipated that the contractor will complete the construction of the Mbita Point-Tom Mboya Health Centre electricity line by September, 2007, for the health centre and secondary school to be connected.

(b) Yes, I wish to confirm that a transformer will be installed to serve Waware Secondary School. However, Nyamuga and Wanyama primary schools could also be connected, but only upon payment of the requisite connection fee to the Kenya Power and Lighting Company (KPLC) as primary schools are excluded from the current rural electrification policy, which targets public utilities, namely market centres, health facilities, secondary schools, youth polytechnics and water projects.

Mr. Kajwang: Mr. Deputy Speaker, Sir, this Question is coming a bit late, but this contract was awarded, I think, almost a year ago. I understand that it is the policy of the Ministry that a contractor is given the job, but all the utilities like poles, wires and all those things are provided by the KPLC. Why does it take them so long to provide these things, so that when contracts are given they can be done in the shortest time possible?

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, we used to have serious procurement challenges but that has been corrected. We are now faced by other challenges whereby, those people who compete in the tendering have now decided to be taking each other to court to challenge whoever wins the tender. That is one of the problems that we are facing now.

Secondly, we are faced with the problem of resources. The projects are too many and we have allocated most of the monies. We now require to allocate money in this Financial Year so that we can pay our expenses for the supplies to be available.

Eng. Okundi: Mr. Deputy Speaker, Sir, while I appreciate that the Ministry is doing a lot to put electricity in the rural areas, there is something that I wish to ask the Assistant Minister. Why is it that a number of contractors have been contracted to supply electricity to the rural areas and that one contractor has several contracts and they just seem to be dropping poles and then leaving the contract lying? This is happening in my constituency in a number of areas where they have agreed to give us electricity but it is taking a year before the actual connections are done.

Could the Assistant Minister highlight to us when these things will be completed, so that the contracts are given to people who will actually administer the contract as stated? Otherwise, I congratulate them for the work they are doing.

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, it is true that we used to have the same challenge of contractors having more than one contract and they are unable to perform. However, we have solved that problem to almost 80 per cent or 90 per cent. The problem that we are having is that we also have turn-key projects. A turn-key project is one where you are given a contract but you have to procure all other materials required; like transformers, cables, insulators and so on. You purchase all of them as a block and then you construct.

Mr. Deputy Speaker, Sir, what is happening is that in most of the turn-key projects they have been able to procure poles which you can see all over but they do not have other materials. What we are trying to do is to make sure that we can complement, where we have materials and they do not have, so that we can give them and when their deliveries come, we can also be able to get them back to the Kenya Power and Lighting Company (KPLC).

Mr. Deputy Speaker, Sir, we accept that we have that challenge and we are doing whatever we can to ensure that we receive deliveries in good time. We are also pushing the turn-key contractors so that they can be on the ground by the end of this month. We have written to them and we have issued warnings. We are instructing that they must start performing before the first week of August, so that those projects can be ongoing.

(Mr. Mwanicha stood up in his place)

Mr. Deputy Speaker: Mr. Mwanicha, you have already asked a question and Capt. Nakitare has not. Let us give him a chance.

Capt. Nakitare: Mr. Deputy Speaker, Sir, this country expects the contractors to comply with speedy work. What policy does the Assistant Minister have to compel the contractors who win tenders to fulfil the contracts within a specific time? Is it an everlasting contract that procurement, tendering and staff, is going to hold the economy of this country at ransom?

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, it is good for the hon. Members to know that the reason why we decided to go for the labour and transport contractors is that, before we used to issue these contracts to turn-key contractors. Our people were challenged, they could not raise hundreds of millions of shillings through those tenders. The only way to empower our own people was to follow that route. We have been challenged for the last three years but we have now stabilised.

We have made sure that we are paying them per certificate, to ensure that our brothers are

able to compete and get these resources directly. Otherwise, the route that we used to follow before was disadvantaging our local contractors.

Mr. Deputy Speaker: Last question, Mr. Kajwang!

Mr. Kajwang: Mr. Deputy Speaker, Sir, it seems that the delay has been caused in procurement and the war amongst those who tender for procurement. As a Ministry, what are you doing to make sure that you minimise these complaints that come from people who have won and those who should have won, so that you do not delay our projects? It sometimes delays for two years when people are in courts for arbitration. What are you doing to make sure that when somebody wins a tender, he wins it properly so that nobody has any reason to complain, because there is too much corruption in that place?

Mr. Kiunjuri: Mr. Deputy Speaker, Sir, you obviously know that Mr. Kajwang must say something criticizing the Government whether good things have been done or not. However, I will first of all advise him to go and pay money for those primary schools, that is Kshs32,044 for a three phase connection, so that they can benefit. I want to remind him to go and do exactly that!

Secondly, some of the challenges we are facing arise because the law is not explicit. For example, in the Procurement Bill that we passed, we said that the locals should be advantaged by the 15 per cent over the international tenderers. But the law did not say; "It shall." It has left it open. What they are doing now is that, they are going to court and claiming that the law allows them to have 15 per cent. There is no way you can stop them from going to court as a Ministry.

Mr. Deputy Speaker, Sir, we have done everything that is possible but we want to ask the House to come up with rules and regulations that will enable our people to be advantaged. Otherwise, some of the Chief Executive Officers (CEOs) will say that the law is not explicit on whether we should give the 15 per cent. If they go to appeal, the Ministry has nothing to do.

Question No.401

INTRODUCTION OF LEGISLATION
AGAINST HATE SPEECHES

Mr. Mukiri asked the Minister of State for Administration and National Security when he will introduce a Bill for an Act of Parliament to deal with individuals who make hate speeches that promote hatred against other people and communities in the country.

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

Hate speeches are dealt with under Section 94 and Section 96 of the Penal Code, Cap.63, Laws of Kenya. Chapter 63 also provides the penalties and punishment to be meted out to persons who engage in hate speeches. However, there is need to review the law with a view to broadening the language and enhancing the penalties and punishments.

Mr. Mukiri: Mr. Deputy Speaker, Sir, there is need to address the issue of ethnicity in this country. I come from a place where I have seen, practically, what this can lead to in terms of destroying lives and property.

Kenya is a very young democracy and we need to protect it by introducing legislation that will be able to fight enemies of democracy. The Assistant Minister has acknowledged that Sections 94 and 96 of the Penal Code are not adequate. The way those sections are drafted is in general terms and does not define these crimes. I know that the Law Reform Commission has come up with a draft legislation to address this issue and the Assistant Minister should tell us why it has not come to the Floor of the House. Could he tell us what they are doing to address this very serious

problem?

Mr. Munya: Mr. Deputy Speaker, Sir, I want to agree with my friend, Member of Parliament for Molo, that these sections of the law may not be broad enough to encompass all aspects of hate speeches. If I may read Section 94, it states:-

"Any person who in a public place or public gathering uses threatening, abusive or insulting words or behaviour with intent to provoke the breach of peace---"

If you look at the penalties, it is basically a fine of Kshs5,000 or a jail term not exceeding six months. Basically, that provision deals with language or behaviour that may lead to breach of peace. It is not sufficient to deal with hate speeches. We have been consulting with the Attorney-General and the Law Reform Commission to come up with a comprehensive Bill to deal with hate-mongers; those who use language to cause discord and hatred among Kenyan communities.

In the past, we have seen, in countries like Rwanda, where tribal languages and hate speeches have brought down a country and brought genocide. We are consulting and, very soon, we will be able to bring legislation to deal with that aspect of criminal behaviour that is actually slowly creeping into this country.

Mr. Muturi: Mr. Deputy Speaker, Sir, the Assistant Minister has said that his office has been consulting with the office of the Attorney-General and the Law Reform Commission. If that is true, could he confirm or deny that his office was, therefore, completely left out by the Attorney-General when he published the current Statute Law (Miscellaneous Amendments) Bill, which seeks to amend some sections of the Penal Code to, first of all, enhance the penalties and also to increase the scope covered by such language? This amendment, unfortunately, as I have seen in the report by the Departmental Committee concerned, has also been proposed to be deleted.

Mr. Munya: Mr. Deputy Speaker, Sir, it is true that the Attorney-General has already proposed to amend these provisions. However, we still feel that the proposed amendments are not adequate enough. The Law Reform Commission is already working on a draft to specifically deal with hate speeches.

Mr. Mukiri: Mr. Deputy Speaker, Sir, there seems to be a problem with the way legislation moves; right from the drafting stage up to when it comes to Parliament. If the Assistant Minister has already acknowledged, and they know the dire need of this legislation and some people have already worked on the draft, why is it taking too long for the relevant arm of the Government to bring this legislation? They know that this issue needs to be addressed now!

Mr. Munya: Mr. Deputy Speaker, Sir, I would like to acknowledge that there has been a bit of delay in dealing with this issue, especially given the behaviour of some of our politicians and community leaders when they get excited in public rallies. This especially applies to the narrow-minded ones who believe that they can never get elected unless they incite their communities against others. I acknowledge that there has been that delay and we will make haste. I believe that, by early next year, we should have the draft Bill ready and we will be ready to bring it to the House.

Mr. Deputy Speaker: Thank you, Mr. Assistant Minister. Hon. Members, that is the end of Question Time! I have two Ministerial Statements, one by the Minister for Local Government, which will be read by His Excellency the Vice-President and Minister for Home Affairs, and another one by the Minister of State for Special Programmes.

MINISTERIAL STATEMENTS

BAN ON PLASTIC CARRIER BAGS

The Vice-President and Minister for Home Affairs (Mr. Awori): Mr. Deputy Speaker,

Sir, hon. J.M. Mutiso, the hon. Member for Kilome, requested a Ministerial Statement on the ban on plastic carrier bags. On behalf of the Minister for Local Government, who is out of the country, I beg to make the following Statement.

Plastic waste is a major environmental and public health problem in Kenya, especially in urban areas. The management of plastic waste is often weak due to lack of appropriate planning, inadequate governance, poor technology, poor enforcement of existing legislation and the absence of policy incentives to promote environmentally sound plastic waste management.

In Kenya, approximately 80 million plastic bags are given out every day by supermarkets and, two times as many, by the informal sector. Supermarkets alone give out approximately one million plastic bags every year to shoppers in Nairobi. The problem of over-use, misuse, indiscriminate and inadvertent littering of plastic bags is a real one in Nairobi. This is clearly evident from the City's landscape, which is dotted by plastic shopping bags of all sizes and colours. Such plastic bags are given out for free. There is a tendency for excessive consumption and misuse.

In addition, majority of the bags produced are too thin and fragile to be re-used. These are susceptible to inadvertent littering. There are several problems associated with the littering of plastic bags, including visual pollution, blockage of gutters and drains, threat to aquatic life when plastic bags find their way to water bodies and livestock deaths arising from the consumption of the plastic bags. Further, when filled with rain water, plastic bags become a breeding ground for mosquitoes which cause malaria and other water-borne diseases.

Through a consultative programme supported by the UNEP, a comprehensive plastic waste management strategy for Nairobi was prepared and adopted for the stakeholders on 22nd June, 2006. The highlights of the strategy, which seeks to achieve sustainable plastic waste management practices, include the minimization of the production of plastic materials at source, initiating programmes for stimulating sound material cycle society, that is based on a three "R" approach of "reducing, re-using and re-cycling", that is supported by economic instruments, building capacity and commitment through knowledge management and transfer supported by timely access to information by all stakeholders. The strategy will also create an integrated approach to plastic waste management and the implementation of a 30-micron thickness of plastic packaging with an aim of reducing the thin plastic menace in the environment. The strategy for Nairobi is to be replicated in all urban centres in the country.

Internationally, the use of plastic bags has been phased out and Kenya was not going to be left out in this, if we are to support the implementation of some of the international agreements such as the World Summit on Sustainable Development to which Kenya is a signatory. Countries like South Africa, China and Tanzania have applied levies, charges and taxes for the use of these materials. Outright bans, setting of minimum thickness standards have been successfully embraced in Rwanda, South Africa, Bangladesh, India, Hong Kong and Somalia. The introduction of cleaner alternatives have been successfully adopted in South Africa, Rwanda, India, Hong Kong and Singapore.

The Ministry of Local Government has reviewed all these cases, looked at the legal provisions within the country and found it appropriate to start by introducing the ban on inferior plastic bags in order to reduce environmental and health problems created by plastic bags.

Under Cap.265, Section 201 of the Laws of Kenya, the Ministry of Local Government which is charged with the responsibility of overseeing the operations of 175 local authorities in the country, has mandated them to make by-laws in respect of all such matters as necessary or desirable, for the maintenance of the health, safety and well-being of the inhabitants.

It is under this Section that the Nairobi City Council (NCC), which produces 2,200 tonnes of solid waste per day, of which, 20 per cent is plastic, has enacted a by-law, which imposed the ban on polythene carry-bags of less than 30 microns. Only about 5 per cent is recycled, leaving

152,570 tonnes in the environment every year. Nairobi produces about 192,836 tonnes of plastics per year. Of the annual plastic production, 49,000 tonnes per year, is plastic bags. Of the total plastic bags produced, about half; an equivalent of 24,000 tonnes are less than 15 microns thickness and, primarily, used for carrying consumer products. They are hard to recycle and, therefore, responsible for most plastic pollution in the country. Nairobi consumes about 211,000 tonnes per year, meaning that the consumption rate is higher than the actual production capacity. This, partly, explains the high rate of plastic imports.

Mr. Deputy Speaker, Sir, even the 30-microns thickness in plastic bags is still not environmentally friendly, as they cannot be recycled, but can only be re-used. The application of this ban is just in the interim. Kenya, as a country, still needs a serious ban on the use of plastic bags and possible introduction of materials for packaging. I am happy that some of the retail outlets have adopted this and started implementing the use of environment-friendly bags. This effort should be commended and supported, for replication in the whole country.

For purposes of enforcement of this ban, I have directed local authorities to use samples of plastic materials, while enforcing this by-law. Their technical departments should also purchase digital micrometers to ascertain the thickness of the plastic bags. I expect the local authorities to implement a vigorous awareness campaign, for the purpose of information and compliance. In the meantime, I have directed the NCC to go slow on the enforcement of the same.

Mr. Deputy Speaker, Sir, I am aware that Section 3(2) of the Finance Bill, 2007, has also imposed a ban on the manufacture of plastic bags of less than 30 microns, whose implementation comes into effect on 1st January, 2008. Local authorities are mandated to make by-laws as deemed fit for their operations. It is in this respect that the NCC has enacted this by-law.

Mr. Deputy Speaker: I will allow Messrs. J.M. Mutiso, Angwenyi, Lesrima and Mwandawiro to seek clarifications. I think the Vice-President and Minister for Home Affairs should note all of them, so that he responds to all of them together.

Mr. J.M. Mutiso: Mr. Deputy Speaker, Sir, I would like to thank the Vice-President and Minister for Home Affairs for that concrete Statement that he has given on behalf of the Minister for Local Government.

Mr. Deputy Speaker, Sir, my concern was on the enforceability of the ban on the 30-microns plastic bags, which still are legal under the Customs and Excise Act. Shoppers are being harassed by the NCC enforcement directorate, on the allegation that all plastic bags have been banned. Therefore, I am happy to know that, that has now been relaxed.

My other concern is, again, still on the capacity of enforcing the 30-microns rule. This is with regard to the purchase of the micrometers and training of the NCC inspectorate, in order to be able to ascertain which gauge a plastic bag is. I think we need more clarification on that.

Perhaps, I will ask the Ministry to consider also having a policy framework where we have a plastic levy fund to deal with the use and disposal of plastic waste in the country. This is because I think we do not have such a policy.

Mr. Angwenyi: Mr. Deputy Speaker, Sir, I would like to thank the Vice-President and Minister for Home Affairs for that very nice Statement.

The Ministry of Finance is scheduled to outlaw the use of these plastics, with effect from 1st January, 2008. Now, which is more superior between a Parliamentary Act and a by-law by the NCC? Why could the NCC not have waited until 1st January, 2008, so that it could now implement its by-law, banning the use of plastic bags?

Secondly, there were people who were employed in the production of these plastics. Where will they go to seek their livelihoods? Has the Government considered the livelihoods of these people?

Thirdly, there must have been investments made in order to acquire the machinery and

equipment that produce these plastics. Those investments were licensed by the Government. Is the Government going to compensate the entrepreneurs who had invested in the machinery and equipment that produce these plastics?

Finally, we do know that our councils and, especially, the NCC are notorious in managing waste. So, even if they were to levy some money on managing waste, they will not be able to do it. Could the Vice-President and Minister for Home Affairs, categorically, assure this House that if any levy is charged for the management of waste, especially, on plastics, it will be put into good use and there will be sanctions for misapplying that levy?

Mr. Mwandawiro: Bw. Naibu Spika, wakati ambapo tunazungumza kuhusu plastiki na uchafuzi wa mazingira, kuna tatizo lingine ambalo linaambatana nalo. Tatizo hilo ni mikebe ya plastiki. Kuna bia, soda na bidhaa nyingi kutoka nje ya nchi ambazo zimepakwa ndani ya mikebe. Je, Serikali inashughulikia vipi swala hilo, tukizingatia uchafuzi wa mazingira?

Mr. Lesrima: Mr. Deputy Speaker, Sir, this is a national issue. I am just wondering whether the Minister intends to involve the District Environmental Committees, including the National Environment Management Authority (NEMA), so that it will not just be a Nairobi issue.

I am also wondering whether facilities exist for disposal. It is not just enough to pass by-laws about this menace. It is important that we have specific locations to dispose of these materials. In Europe, there is a two-bin system. There are different bins for materials which can be recycled and those which cannot be recycled. In most of our urban centres, we do not know where to throw these things. Could the Vice-President and Minister for Home Affairs clarify that these issues will be taken care of?

In addition, how does a micrometer look like? I have never seen one.

Mr. Deputy Speaker: Could we, please, now have the response from the Vice-President and Minister for Home Affairs?

The Vice-President and Minister for Home Affairs (Mr. Awori): Mr. Deputy Speaker, Sir, the first clarification has been sought by hon. J.M. Mutiso, and it is about the enforceability of this 30 microns rule and how people are required to know the micrometres. In the first instance, the local authorities have been asked to go slow on this matter, so that the Ministry, together with the National Environment Management Authority (NEMA) may look at this situation. Come January 2008, I expect that something will be done about it.

With regard to hon. Angwenyi's question about the Act coming into effect as from 1st January, 2008, and what will happen in between, I think that the answer is the same with that I have given to hon. J.M. Mutiso's concern that the local authorities have been asked to go slow so that they do not start harassing people and penalising them until 2008.

As to the question of employees, this is a matter of concern because if the industries that have been producing plastic bags will be forced to close down, their employees will, definitely, lose their jobs. Similarly, the investors will lose though we know that when you invest, you are also taking a risk. I am sure that the Government, through the Ministry of Local Government, will be discussing with the Minister for Finance and the Minister for Trade and Industry to ensure that we do not scare off the investors.

As to the other question that the Nairobi City Council has been notorious about poor waste management, I think slowly, the local authorities are tightening rules, and as we get more responsible councillors, I am sure that they will find a good way of managing waste. Hon. Mwandawiro is asking whether this can also be extended to tins and packages. Currently, this is not included. Finally, hon. Lesrima said that this is, indeed, a national issue and it is not only confined to Nairobi or other towns.

With regard to the question of disposal of plastics, it is necessary that we must learn from other countries which have managed to dispose of plastics. We know, for instance, that we have

very imaginative people who have utilised plastic waste to produce useful things. There is an artist who is currently producing very good artwork from plastic waste. I am sure he will turn that into a big industry.

Mr. Deputy Speaker, Sir, a complete clarification will come from the substantive Minister when he returns.

(Mr. Raila stood up in his place)

POINT OF ORDER

RISING INSECURITY IN SABOTI CONSTITUENCY

Mr. Deputy Speaker: We limited the opportunity to seek clarification to four hon. Members. They have already done so. I hope you will get an opportunity next time. We will now move to the next Ministerial Statement from the Minister of State for Special Programmes.

Capt. Nakitare: On a point of order, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: What is your point of order, Capt. Nakitare?

Capt. Nakitare: Mr. Deputy Speaker, Sir, last week, I requested the Chair to allow me to seek a Ministerial Statement regarding the murder of a deputy headmistress. I was promised that it will be done yesterday, but because of the Finance Bill, all Ministerial Statements were deferred until today. Where is mine? It is a matter of concern and a serious issue.

(Laughter)

Mr. Deputy Speaker: Yes, it is. Actually, I was on the Chair and gave you permission to seek that Ministerial Statement today. However, I do not see the Minister responsible here, that is, the Minister of State for Administration and National Security. I agree that the Chair ruled, yesterday, that the Ministerial Statements would come this morning. Indeed, I received notifications from only two Ministers that they would be bringing in their Statements. So, can I ask the Leader of Government Business to take note and ask the Minister of State for Administration and National Security to come forward with Capt. Nakitare's Statement as soon as possible because it was a serious matter.

Let us give the Minister of State for Special Programmes a chance to read his Statement.

MINISTERIAL STATEMENT

EARTH TREMORS IN THE COUNTRY

The Minister of State for Special Programmes (Mr. Munyes): Mr. Deputy Speaker, Sir, following the request in the House by hon. Ahenda that my Ministry gives a Ministerial Statement on the earth tremors that hit Nairobi and the country at large from 12th to 18th July, 2007, I would like to state as follows:-

From 12th to 18th July, 2007, this country experienced a series of tremors, which were strongly felt in Nairobi causing panic amongst city residents thus calling for the assessment of disaster preparedness in the event the tremors escalated into an earthquake.

The tremors had their epicentre in the region around Lake Natron, more so, at Mt. Ol Donyo Lengai in Tanzania where the hypocentre was at 10 kilometres below the surface at the epicentre. The tremors measured between 4.3 and 6.1 on the Richter Scale. The highest tremor was

experienced on 17th July, 2007, when it measured 6.1 on the Richter Scale

The Minister of State for Special Programmes has the mandate to co-ordinate disaster-risk reduction and disaster emergency response. During the period of the earth tremors, the Ministry activated the disaster emergency response to a state of preparedness. The teams that were raised at that time were the Kenya Meteorological Department, the Kenya Police, the Military Disaster Response Unit, Ministry of Health, the Administration Police (AP), the Nairobi City Engineer, the National Youth Service (NYS), the National Disaster Operation Centre, the Nairobi Provincial Office, the Kenya Red Cross, the Chief Fire Officer, Nairobi City, and St. John's Ambulance.

The Ministry called and held emergency meetings with these teams to assess the emergency response capacity and the scene of incidence organisation. The teams mentioned are still on alert and will meet in two week's time to reassess the position despite the fact that the tremors have subsided.

With regard to the Early Warning Systems (EWSs), I would like to inform hon. Members that this country has EWSs in place and which are used in case of drought, floods and other disasters, including fire. It is important for hon. Members to know that an earthquake is a sudden onset disaster and may not give ample time for appropriate measures to be taken. However, this country is putting in place a national seismological network to cover the whole country in order to monitor and register seismological and other related activities, including volcanicity and landslides. The recent tremors were as a result of volcanic activity.

I would further like to assure this House that this country is prepared to deal with any disaster, including earthquakes to the best of its ability and capacity.

Mr. Deputy Speaker: Mr. Ahenda, Maj-Gen. Nkaisserry, Ms. Abdalla and then Mr. Sungu. I will allow Mr. Karaba, just to balance.

Mr. Ahenda: Mr. Deputy Speaker, Sir, I thank the Minister for that Statement. However, my main concern was the preparedness of the Kenyan populace in case such a disaster takes place. I am concerned about the systems that have been put in place, including the advanced EWSs that would let Kenyans know what is coming so that we can get prepared.

Mr. Deputy Speaker, Sir, in 1998, when there was a bomb blast in Nairobi, the Israelis came here with simple tools. I remember the Kenyan Government saying that the Israelis just used simple tools to save lives here.

Mr. Angwenyi: They came with dogs!

Mr. Ahenda: Yes, those dogs also. Do we have them? Do we have those tools? If we do, where are they kept? The other time we had another house collapsing along Ronald Ngala Street. Again, we had to wait for the Israelis to come. How prepared are we? Do we have those tools that can save us in case such a disaster takes place?

Mr. Deputy Speaker: Maj-Gen. Nkaisserry!

Maj-Gen. Nkaisserry: Thank you, Mr. Deputy Speaker, Sir. I have three clarifications that I would like the Minister to address. One, has the Government assessed the damage caused by the tremors? For instance, it has been reported that in Kajiado Central three schools have been damaged. Is the Ministry going to meet the cost of the repairs of those schools? This should be part of emergency response by the Ministry.

Two, what is the policy of the Government regarding disasters and emergencies in this country? Do we have a policy on disaster and emergency response in this country? Do we have the capacity to handle disasters and emergencies? My friend has alluded to the issue of the bomb blast of 1998. What is our capacity to handle such situations? Can the Government tell Kenyans the capacity it has to address disasters of such big magnitudes?

Three, can the Minister confirm the rumour that has been doing the rounds that the Disaster and Emergency Department has been removed from his docket to the Ministry of State for

Administration and National Security? This is a very important clarification, because, if that department is concerned with disasters and emergencies, and the Ministry of State for Special Programmes has disaster and emergency as part of its responsibility, I do not see why this department should be removed from this Ministry.

Thank you, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Ms. Abdala!

Ms. Abdala: Thank you, Mr. Deputy Speaker, Sir. Part of my question has been asked by Maj-Gen. Nkaisserry, but I would like to know who exactly is in charge of emergencies, considering that when the tremors took place, the person who gave the public the statement was the Minister of State for Administration and National Security. Were those tremors related to terrorism or is he the "Prime Minister"? Secondly, it is rumoured that the machines that are supposed to be measuring the tremors are not functioning. What measures has the Ministry taken to rectify that situation?

Thank you, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Mr. Sungu!

Mr. Sungu: Thank you, Mr. Deputy Speaker, Sir. Mine will also be very fast. Talking with experts from the University of Nairobi, some of whom were our classmates, we gather that there is a number of stations in Kenya to monitor these activities, particularly earthquakes, but those stations are not manned because of lack of funding. Could the Minister address the issue of funding those stations. Earth tremors have not been a very common occurrence in Kenya, but they can still occur again.

The other thing is, in other countries, whenever there is any impending disaster like, say, storms, warnings are given through radio and television. Broadcasting of such warnings is mandatory for all stations, be they public or privately owned. Is there such a system in Kenya?

This country has never been through war. We do not even have sirens in the streets, yet in other countries there are ways of warning members of the public of an impending serious disaster, and evacuation procedures are then put in place.

Thank you, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Mr. Minister, there are two more hon. Members who want to seek clarification. They are Messrs. Raila and Karaba.

Mr. Raila!

Mr. Raila: Mr. Deputy Speaker, Sir, earth tremors are a very serious matter, because they can lead to earthquake. This matter needs to be handled very professionally. To my knowledge, the Meteorological Department falls under the Ministry of Transport. We also have a department at the University of Nairobi. When something like this happens, members of the public are bound to panic so much. So, members of the public need to be assured, not by a Government spokesperson, who is a layman, but by professionals. That is how such situations are handled in civilised countries.

For instance, if something like that happens in the United States of America, the Government will engage some of that country's best experts to explain in detail to the public, so that members of the public can fully understand. How does the Ministry of State for Special Programmes come? How does the Ministry of State for Administration and National Security come into this kind of matter when the relevant department that deals with the matter is in another Ministry?

Thank you, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Thank you. Finally, Mr. Karaba!

Mr. Karaba: Thank you very much, Mr. Deputy Speaker, Sir. Such tremors, earthquakes and related quakes also happen in the rest of the world. It is unfortunate that we do not have experts

who can detect a tremor much before it happens. How prepared are we? What is the Ministry doing to make sure that seismologists can detect seismic tremors in the earth's crust? This is something which requires specialised training and specialised skills. Do we have such experts? Which department of the University of Nairobi is catering for this? Are they prepared for it? Do we have enough personnel and the machines to detect impending tremors?

Mr. Deputy Speaker: Mr. Minister, I know that you are handful!

The Minister of State for Special Programmes (Mr. Munyes): Mr. Deputy Speaker, Sir, there are so many issues but much of what hon. Members would want clarified are the issues of preparedness, and who is managing disasters in this country. They also want to understand the spread and the catastrophic effects, the costs involved and whether we have the relevant experts.

Let me start with the first issue, which is whether we have the tools and adequate resources to enable us respond to this disaster? Let me say that when the tremors happened, it was only the University of Nairobi which had the equipment. We also have another equipment stationed at Kilimambogo. Those two stations were working.

We had some other equipment at the Coast, which was not working. Those were the only three stations. I want to say that those are not adequate. So, the Government will provide eight other sets of equipment to enable each province have one set, so that we can have enough equipment in the country in order to be able to detect the effects of tremors in the country.

Mr. Deputy Speaker, Sir, on the issue of damage assessment, I know that it was widespread but not catastrophic. We are going round the country to ensure that we have the cost of the damage in terms of schools and people's property, so that we can assess and know the exact cost of the tremors. Once we have the figure, I will bring it to this House and have it discussed.

Concerning the issue of who manages disasters in the country, the Department of Disaster Preparedness is the backbone of this Ministry. I want to tell this House that the department falls under the Ministry of Special Programmes. Mr. Michuki might have issued a statement as the Minister of State for Administration and National Security, because the police are also part of our implementors. So, we should not confuse that statement with anything. It is actually the Ministry of State for Special Programmes which is in charge of disaster management in this country.

Mr. Deputy Speaker, Sir, on the issue of funding, I would like to inform the House that we do not have enough funds in the country to enable us train people to respond to disasters. As I said earlier, we need more resources. We want to, immediately, have seismological units all over the country. An early warning system is in place but, again, it is not adequate. We need, in this country, a national disaster policy, which we have not passed as a House. That is where our weaknesses lie. We must pass such a policy very quickly, to ensure that all these things are catered for.

Thank you very much, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Mr. Munyes, there are two issues that caught my attention, and which you have not addressed. Maj-Gen. Nkaisserry and Ms. Abdalla wanted to know whether this issue falls under your docket or under the Ministry of State for Administration and National Security. There were several questions related to that. Could you address them?

The Minister of State for Special Programmes (Mr. Munyes): Mr. Deputy Speaker, Sir, I said the docket falls under the Ministry of State for Special Programmes and not Ministry of State for Administration and National Security.

Ms. Abdalla: Practically or not?

The Minister of State for Special Programmes (Mr. Munyes): Practically, it should be under my Ministry. If, by mistake, Mr. Michuki released a statement and purported he is the Minister in charge of that docket, then I think it is wrong.

Mr. Deputy Speaker: And the question of professionals addressing the matter?

The Minister of State for Special Programmes (Mr. Munyes): Mr. Deputy Speaker, Sir,

the issue of professionals addressing the matter is a very good idea. We should not have incompetent people tackling those matters. The hon. Member is right. That matter should have come from the experts. In future, we will follow that route.

Mr. Deputy Speaker: Hon. Members, we have taken 40 minutes on Ministerial Statements, which is adequate.

Let us move on to the next Order!

MOTION

ESTABLISHMENT OF SPECIAL EMPLOYMENT PROGRAMME

THAT, in view of the Government's goal and policy to create 500,000 jobs annually; aware of the various measures and reforms being instituted to address the challenges arising from the fact that a huge portion of our population is youthful, educated, jobless and restless; appreciating that the economy has been turned round onto a positive growth plan; noting that good governance measures so far undertaken have plugged leakages in revenue collection and public expenditures; recognizing that there is great need for additional manpower in various economic sectors to spur accelerated socio-economic development; further aware that the private sector has started posting increasing profits since 2003; and conscious of the contribution of the private sector in wealth creation and social responsibility, this House urges the Government to establish a special employment programme to be known as the **New Deal** in which a specific budgetary provision will be made so as to employ, at least, 250,000 people in the public sector annually, and persuade the private sector to employ a similar number annually with a certain minimum number to be employed from each constituency in the country.

(Mr. Angwenyi on 18.7.2007)

*(Resumption of Debate
interrupted on 18.7.2007)*

Mr. Deputy Speaker: Hon. Members, the position is that Mr. Twaha was on the Floor on 18th July, 2007, when debate on this Motion was adjourned. Is Mr. Twaha there? He has eight minutes to finalise his contribution.

Hon. Members: He is not here!

Mr. Deputy Speaker: Mr. Twaha is not here! The balance of debate on this Motion is 50 minutes and I invite any hon. Member who wish to contribute.

Prof. Anyang'-Nyong'o!

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, the last time when this Motion was being debated, I listened very carefully to the Mover, Mr. Angwenyi, on the proposal to have a New Deal as a special employment programme for this country. He said that the New Deal should have specific budgetary provision to employ 250,000 people in the public sector, and a similar number in the private sector. While I agree that we should have measures to ensure that unemployment is tackled practically, I do not think that putting a special fund called "the New Deal" would solve the issue. Indeed, it would be very wrong for us to keep on hiring more people in the public sector, in an economy that cannot, at the moment, afford the kind of wage bill that the

public is demanding. If anything, the Economic Recovery Strategy for Wealth and Employment Creation was placated on the premise that we shall have a lean and keen public sector, and a growing and progressive private sector, with the idea that the public sector should service the private sector in the process of employment creation. In that regard, what we need to do in this country is for the Government to invest heavily in the Ministry of Roads and Public Works, so that public works becomes the generator of employment. But we should not create jobs in the Civil Service.

[Mr. Deputy Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, the plan that the Minister for Roads and Public Works had when we entered the Government - when Mr. Raila was the Minister - was to build 150,000 houses for lower income groups in this country. That would have created tremendous jobs for quantity surveyors, civil engineers, masons, carpenters and so on. Many jobs would have been created if the idea of building 150,000 low-income houses in this country was carried out. We know there is demand for housing. But the contrary has happened. The private sector is building houses for very high-income groups. You can see what is happening in Kilimani, Kileleshwa and so on. That is because there are lower interest rates in banks and mortgages. There is tremendous speculation with real estate at the moment. At the rate things are going, we may soon have the Malaysian Babel here, and real estate industry will come tumbling down. What we need to do is go back to the original premise, that the Government should invest heavily in public works as a way of creating jobs for the people.

Mr. Temporary Deputy Speaker, Sir, secondly, to stimulate the private sector to create jobs for people, what should happen in the Government is that all those bureaucratic bottle-necks that inhibit the private sector from investing more in this country, should be removed. I just do not mean bottle-necks affecting foreign enterprises or investors; I mean bottle-necks affecting indigenous investors, beginning with the farmers in the countryside, to small and medium enterprises.

Mr. Temporary Deputy Speaker, Sir, as I speak now, I witnessed an extremely sad event this morning, where the Kenya Anti-Corruption Commission (KACC) specialises in harassing the private sector for purely political reasons. It is that private sector, particularly the small and medium enterprises, which we expect to create jobs for our people. But KACC specialises in harassing them purely for political reasons. If the small and medium enterprises begin closing down because KACC and Kenya Revenue Authority (KRA) are harassing them, how will we create jobs? That was a very simple issue of a consulting firm which used to work for us when I was the Minister in the Ministry of Planning and National Development, when we were creating the same Economic Recovery Strategy Paper. His Excellency the President was due to launch that Paper in three days, and it had to be prepared for printing by the Government Printer. Somebody had to do that. In three days, it was not possible to go through the whole rigmarole of Government procedure, which makes it very difficult for the private sector to do business in this country. The Permanent Secretary had to make a decision and ask: "Who can do this work for us in three days, so that we can take it to the Government Printer to produce it for His Excellency the President to launch it at the Grand Regency Hotel?" The firm which did a marvellous job was eventually not paid by the Government. It has not been paid even now! Rather than KACC going to ask the relevant accounting officers in the Ministry of Planning and National Development to find out why

those people were not paid, they are harassing that firm for having received a job un-procedurally. Apparently, the competitive process that was to be followed was not followed. I was the Minister then and we could not use that method in three days and produce the work that was to be done. Indeed, the Permanent Secretary made a very sane decision to make sure that the work was done, so that it could be launched. The Economic Recovery Strategy Paper is the basis of all the successes in the Government today. Rather than KACC appreciating what we did, they are harassing that firm because they believe I am connected to it. That is purely political! That is going on everywhere. I have received so many people from the private sector who are being harassed either by KRA or KACC, for purely political reasons. If KACC could go after the "big fish" such as the ones who were involved in Anglo Leasing, cowboy contractors and bring back that money here, it could invest it in public works and create jobs. Indeed, when we come into the Government, we will abolish KACC. Actually, it is a useless outfit! The Criminal Investigations Department (CID) can do a better job. Indeed, we have people who are trained for tracing crimes at the CID, who can do a much better job than this entity which is just being used for political reasons. I do not understand why the Director of KACC should earn so much money. That money should be given to the private sector to employ people.

There is a lot that can be tidied up in Government to create jobs, rather than this New Deal that Mr. Angwenyi is proposing. I can understand Mr. Angwenyi's intentions, but I do not think it will help us have another bureaucratic procedure to create jobs. I believe, as we said in the Economic Recovery Strategy for Wealth and Employment Creation, that the way to create jobs is lessen the burden of the private sector in paying taxes, broaden the tax rates and lower the tax rates. The money released will be used by the private sector to invest. But if we are taxing the private sector as if we are milking a Zebu cow to death, then we will not have the revenue to invest in the private sector for purposes of job creation. There are two things. We should remove the bottlenecks in the Government that terrorise the private sector, reduce the tax rates and broaden the tax base so that more money could be available to the private sector. The private sector includes all of us who have some money to invest in our economy as individuals. If people were not taxed so heavily, they would invest a lot of money in treasury bonds and all kinds of bonds. If the Government, for example, introduced a road construction bond where people know that their money is safe and they can get good returns in 10 or 20 years, that will be a tremendous source of domestic savings to build a dual carriage way from Mombasa to Busia, and open our borders to Uganda, Rwanda and the Democratic Republic of Congo (DRC). We need that! Then, we can construct roads to Ethiopia because we need to reach our neighbours. We could construct a dual carriage way to Arusha, so that we can trade better with Tanzania. These are the things which will create jobs, not any other kind of bureaucratic outfit. The last time this kind of arrangement was done, was in the early 1960s when the late Tom Mboya was the Minister for Planning and National Development. There was a tripartite arrangement between the Government and the private sector to employ people. Eventually, that could never be repeated. It could only happen at that point in time when the private sector was very young in this country and the public sector was growing. Now, the Civil Service has grown to its maximum. The challenge facing the Government is how to reduce it.

Mr. Temporary Deputy Speaker, Sir, my submission is that let us look at the issues spelt out in the Economic Recovery Strategy for Wealth and Employment Creation (ERS) which we said were trying to inhibit private sector growth in this country. Implement those proposals because they are still valid. Do not introduce new ones because these are already in paper and then we can see the results.

Mr. Temporary Deputy Speaker, Sir, another thing we said in that ERS was that one of the pillars of economic recovery is the rehabilitation of physical infrastructure as a great source of

employment creation. As I stand here today, the physical infrastructure has not fully been rehabilitated. West of the Rift Valley has no roads. If money could be put by the Government to rehabilitate the physical infrastructure west of the Rift, we would create a lot of jobs. The so called Roads 2000 Programme which was meant to employ people, so that they maintain roads on a regular basis, could create a lot of jobs. It happened in the 1970s and can happen again today. So, we have things on paper which can create jobs. All we need is to implement them and not to create any new bureaucracies as the hon. Member is suggesting.

Thank you, Mr. Temporary Deputy Speaker, Sir.

Mr. Karaba: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this chance to contribute in support of this very timely Motion by our friend, Mr. Angwenyi.

Mr. Temporary Deputy Speaker, Sir, this Motion should have come in the 1960s and 1970s, so that we could take care of our growing population. Our population is even outgrowing the economic development. My friend, across there, talked about tripartite. This is something Kenya Government should have thought about, not only in the 1960s, when it was started, but also in the 1970s, 1980s and 1990s to cope with the growing demands of unemployed youths in our country. If we are not careful with youths over 18 years old; arising from unemployment rate and high completion rates at secondary schools and universities, Kenya is sitting on a time bomb. We should, therefore, think about it. This is the reason that this Motion should be supported and passed.

We need to have several agro-based industries. We need to have an increase in cottage industries like in Korea, China and India, so that we can employ labour-intensive techniques. By so doing, we can employ more people into these industries. However, this has not happened.

Mr. Temporary Deputy Speaker, Sir, we need to accelerate agricultural development in our country, so that crops which are basic raw materials can either be grown by our farmers or be imported from overseas. We can generate money through export of the raw materials or by using them for manufacture of goods. That is not happening.

Mr. Temporary Deputy Speaker, Sir, you will also note that when this does not happen, insecurity cases increase. In one way or the other, these people must get a way of earning a living. If the way is not there and the Government is not taking note of the increase of the number of unemployed youths, we have many youths getting into problems. They have engaged themselves in crime which leads to some of them losing their lives. Through this great Motion, we are going to pass today, we should create jobs for those who are not employed.

Mr. Temporary Deputy Speaker, Sir, most of infant industries are not protected by the Government. The Government still charges high taxes on industries and products from outside the country. In fact, we still charge taxes on our finished products from industries. This is not necessary. If we have to protect our industries, we need to make sure that whatever is produced by our infant industries is protected. This can be done by zero-rating some of the products which are grown here, so that we do not have the industries closing down. This has happened in the past. We now give room to some giant manufacturing industries at the expense of our home-made infant industries in the country. If this policy is adopted, we are likely to have an increased number of our own industrial products coming from our own original raw materials. We can, therefore, make use of our raw materials here.

Mr. Temporary Deputy Speaker, Sir, we also have the related infrastructural development in the country. If we are not able to cope with the industrial growth as regards to the provision of infrastructure, that is a mistake. We have industries that process very important agricultural crops. I have in mind tea in highland areas, particularly where I come from. You will find a factory processing tea, which is very labour intensive, but it is very difficult to get the tea leaves to the factories. When the tea does not get to the factory, there will be a lot of waste. Those in charge of

curing tea leaves lose their jobs just because tea leaves rot in tea-buying centres, without reaching the factory for processing. If we improve the infrastructure in this country, I am sure, the employment rate will increase. We will have unemployed youths get jobs in similar industries in our country.

Mr. Temporary Deputy Speaker, Sir, we also have the Youth Enterprise Development Fund. I thought this fund was meant to accelerate some basic economic activities in our country. I do not think it has taken off properly. Initially, we were made to believe that every constituency was to be given Kshs1 million. This money was to be given to a group of 20 members. Every group would have been given Kshs50,000 for pursuit of its economic activities. This has not happened. We are seeing that instead of them getting Kshs50,000, they are getting as little as Kshs20,000. They have to subject their proposals to the Youth Development Officers. When this happens, the amount is reduced from Kshs50,000 to Kshs12,000 or to even Kshs10,000. It is a waste of time because the time taken to process these proposals has more value than the amount they get. I will, therefore, propose that the initial grant that will be given to the youth--- They cannot be given without any strings attached. The Kshs50,000 should help every group to take off. Consequently, the youth will borrow that money from the banks. That is because they would have been encouraged by the first Kshs250,000 lot. But that is not happening today. The Ministry of State for Youth Affairs is not encouraging youth groups to take up those loans. That is because they have already been discouraged by not getting what they were promised. I, therefore, call upon the Ministry and the Government to encourage the youth to take up many economic activities. That is closer to what the Motion is asking us to do. Let us have many savings and credit organisations all over the country so that the youth could easily borrow that money, without necessarily going for very laborious and stringent banking processes. That is discouraging the youth. So, to encourage the youth, they need to be given softer terms. Otherwise, what will happen is that the Youth Enterprise Development Fund will go back to the Treasury for not being utilised. That is because the youth have not been sensitised enough. They have not been educated on what to do. They are not being encouraged by the Ministry officials. It will affect the growth of industries and economic activities. Unemployment will continue rising.

The Temporary Deputy Speaker (Mr. Sungu): Order, Mr. Karaba! I should now be calling the official Government Responder to respond. So, could you, please, limit yourself?

Mr. Karaba: Mr. Temporary Deputy Speaker, Sir, as I conclude in support, we need also to think about the market of the products that we produce here. Do we have the market? Is the market bringing enough foreign exchange, so that we can think about economic development?

With those few remarks, I beg to support.

The Temporary Deputy Speaker (Mr. Sungu): The official Government Responder will need 15 minutes. But before that, I will give Mr. Raila a chance to contribute for five minutes.

Mr. Raila: Thank you, Mr. Temporary Deputy Sir. I am concerned about this Motion because it requires a Government policy to create 500,000 jobs annually. Basically, it says that, that has not happened.

Mr. Temporary Deputy Speaker, Sir, these are policy issues which political parties prepare and use in their manifestos in election campaigns. I do not think really that, that is the responsibility of this House. Otherwise, there will be no difference between political parties. Why do we throw out parties from power? We throw political parties from power because their policies have failed them. If the House is going to come up with a Motion that urges the Government to do "A", "B", "C", "D", then there would be no need for parties and competition. So, the NARC Government promised to create 500,000 jobs. That has not happened. We need to hold them to account as we go for elections this year that they have failed to do so. If another party comes to power after the elections next year, that party will again be held to account for the promises it makes to the people.

It is not the responsibility of Parliament to tell parties how to do what they set out to do.

Mr. Temporary Deputy Speaker, I hold a different view. The Motion reads:-

"---noting that good governance measures so far undertaken have plugged leakages in revenue collection and public expenditure..."

That is a very sweeping statement without much evidence to show that! Yes, revenue collection has increased. But at what cost to the business community? The amount of extortion that goes on in the private sector is excessive. As result of that, a number of companies have closed down. Some are even contemplating to close down. There is a lot of collusion among revenue collecting agencies to defraud the Government of revenue. I have with me here, details of how the Government is being fleeced by some of those people. We do not desire to increase employment in the public sector. That is because, at the moment, we have a bloated public sector. This Motion is saying that we should employ 250,000 people in the public sector. What for? It is the private sector which should be creating employment, and not the public sector. The bloated public sector should retrench, so that we could have a slimmer and more efficient public sector.

With those few remarks, I beg to oppose the Motion.

The Temporary Deputy Speaker (Mr. Sungu): At this point, I would like to call upon the official Government Responder to respond.

The Assistant Minister, Office of the President (Mr. Mghanga): Thank you, Mr. Temporary Deputy, Speaker Sir. First of all, I would like to thank hon. Members for their very enthusiastic contributions to this very important Motion. Indeed, it is a noble idea for any Kenyan leader, including myself, to have unemployed Kenyans recruited in the public or private sector. However, I wish to reply. My response details measures under implementation to create employment and solve the unemployment problem on a sustainable basis. My response urges against passing the Motion moved by the hon. Member.

Mr. Temporary Deputy Speaker, Sir, Kenya has a potential to make rapid progress in employment creation and, significantly, deal with unemployment problem without necessarily establishing a special employment programme in which a specific budgetary provision will be made so as to employ at least 250,000 people in the public sector annually, as urged by the Motion. Government policy recognises that economic recovery and growth will come primarily from a stable macro-economic framework and substantial improvements in the productive sectors of the economy, especially agriculture, manufacturing, tourism, trade and industry. The objective has been to redefine the role of the public service as a facilitator for private sector driven growth and employment creation. The policy aims to reduce the cost of doing business and impediments to growth in entrepreneurship, raise productivity, institute necessary economic reforms and initiatives, provide an enabling environment for greater public investment and private sector participation in economic development and expand the employment base. The ERS provides a framework for economic growth and outlines policies to be implemented to achieve the employment creation objective. Action programmes under the ERS supports economic growth targets that will facilitate the economy to create 500 million jobs annually. The bulk of those jobs are to be created by the wider private sector, with the public sector providing the necessary enabling environment. To this end, project and programmes have been identified and implemented under the investment programme of ERS. The Medium Term Expenditure Framework (MTEF) budget, from 2003/2004 Financial Year to date, has focused on achievement of ERS objectives. That is to increase revenue creation and prudence in public financial management. That has made it possible to allocate targeted funds to promote economic activities and empower target groups to engage in gainful employment and, in turn, generate more jobs. Success stories are evident from the Constituencies Development Fund and the operationalisation of the Youth Enterprise Development Fund. The Women Enterprise Development Fund will further boost economic activities and empower that

important target group to unleash employment opportunities.

Mr. Temporary Deputy Speaker, Sir, the recent gains in economic growth have set the stage for an improved and robust economic environment capable of creating employment opportunities for the unemployed and for those entering the labour market annually. There has been satisfactory progress in the employment creation objective under the Economic Recovery Strategy (ERS). The Government is consolidating gains from the ERS by developing the Vision 2030. Key among economic activity pillars under Vision 2030, are strategies with great potential for employment creation and to make Kenya a globally competitive economy with an enviable standards of living.

Mr. Temporary Deputy Speaker, Sir, technological advances and innovations in the field of Information and Communication Technology (ICT) present numerous job opportunities to this country. Implementation of an ICT policy and targeted activities under the e-government initiative will help realise this potential.

Mr. Temporary Deputy Speaker, Sir, the labour market extends beyond our borders. There are job opportunities within the region and internationally for qualified personnel, including nurses, teachers and other cadres. With a strong industrial and manufacturing base, developed financial sector, large international transport hub and the relatively well educated and trained work force, it is possible to create numerous jobs from out-sourcing services. The ongoing regional integration and enhanced participation in the world arena will drive the objective to source employment opportunities both in the region and the world labour market.

Mr. Temporary Deputy Speaker, Sir, the public service cannot accommodate new employees in the magnitude advanced by the Motion. Although every other week, there are many vacancies advertised in the papers and the Government continually assesses the opportunities in the service and fills them as a need of the service arriving. Indeed, this could reintroduce a problem that has bedeviled the service in the past. From 1963 when Kenya attained Independence to the early 1980s,---

The Temporary Deputy Speaker (Mr. Sungu): Order, Mr. Mganga! I would like to remind you that you have five minutes to conclude in line with our gentleman agreement.

The Assistant Minister, Office of the President (Mr. Mganga): Yes, Mr. Temporary Deputy Speaker, Sir.

From 1963 when Kenya attained Independence to the early 1990s, the size of the public service grew to a level where it had become unsustainable and a major impediment to effective and efficient public service delivery. The size of the public service grew from 95,000 in 1963 to a peak of 657,000 employees in 2004 mainly due to a Government intervention to create employment in the public service. A large public service creates problems to prudent wage bill management. Other problems, include inadequate budgetary resources to run the Civil Service, low remuneration for civil servants that not only de-motivates, but also makes it difficult to generate savings by this core group, with performance management and service delivery systems and transparent accountability concerns associated with idle staff.

Mr. Temporary Deputy Speaker, Sir, to stem the problems related to a bloated public service, the Government has since the early 1990s embarked on staff reduction and frozen employment to ensure a reasonable balance between personnel emoluments and requisite operations and maintenance. The result has been a leaner public service which is efficient and effective in delivering much needed service to Kenyans. Clearly, focus should remain in rightsizing the public service while enabling the wider public sector to create required jobs.

Mr. Temporary Deputy Speaker, Sir, the Motion, therefore, should not be passed as there are serious indications that this could roll back gains that have been achieved towards building an optimal size of public service. The goal is to build and nurture a lean, motivated and service-oriented public service. The driving policy objective remains to accelerate economic growth to

levels that will generate employment on a sustainable basis. To deal with other problems associated with a non-performing public service, the Government has instituted reforms centred on rationalisation of ministerial functions and structures, wage bill management and staff rationalisation, pay and benefit reforms, training and capacity building, introduction of performance improvement measures and other initiatives aimed at a reduced size of the public service and strengthen focus on service delivery.

Mr. Temporary Deputy Speaker, Sir, the objective of the public service reforms is to reverse the decline in productivity and performance brought about by the unsustainable large public service. The Motion thus goes against the gains so far achieved in the public service and it should, therefore, not be passed. Let me reiterate that by creating an enabling environment for a thriving private sector, it is possible to generate required employment opportunities. It is not necessary, therefore, and indeed, not advisable to increase the size of the public service. Public service employment will get direction from careful workforce planning. The Government must remain steadfast in enabling the private sector to be the leading employment provider and absorb entrance into the labour market.

I beg to oppose the passing of this Motion.

Mr. Mwandawiro: Asante sana, Bw. Naibu Spika wa Muda, kwa kuniona na kunipa nafasi niunge mkono Hoja hii kwa dhati sana. Kwa sababu sina wakati wa kutosha, nitasema kwa mukhtasari. Mawazo yote ambayo yamesemwa na Waziri Msaidizi hapa ni yale ya kuitazama nchi kupitia mfumo wa ubepari. Tunajua sekta ya binafsi inapata faida sana kutoka na kuimarika kwa uchumi. Ingawa uchumi wetu unakuwa kwa haraka sana lakini nafasi za kazi haziongezeki. Sekta ya umma au ya Serikali ina jukumu la kuwapa wananchi wake nafasi za kazi. Kwa hivyo, Hoja hii ambayo inasinikiza sekta ya Serikali iajiri walimu, waguuzi na wanafanya kazi wengi katika idara mbalimbali za Serikali na pia kuhimiza sekta ya binafsi kufanya hivyo, ni Hoja ya maana kabisa.

Kwa hivyo, naomba Bunge hili kwa mukhtasari kuunga mkono Hoja hii. Ni Hoja ya maana sana na itatusaidia kutengeneza nafasi nyingi za kazi.

The Temporary Deputy Speaker (Mr. Sungu): Mr. Angwenyi, you have ten minutes to reply.

Mr. Angwenyi: Thank you, Mr. Temporary Deputy Speaker, Sir. I want to give two minutes each to Messrs. Wamunyinyi, Kingi and Wamwere.

Mr. Wamunyinyi: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to also contribute to this very important Motion.

Mr. Temporary Deputy Speaker, Sir, I want to state at the outset that I also support this Motion. I want to urge the other hon. Members in the House to support and pass it in order that we create an enabling environment which will help to enhance the issue of employment in this country.

Mr. Temporary Deputy Speaker, Sir, I did not get anything of substance from the Assistant Minister in his reply when he opposed this Motion. I think Ministers and their Assistant Ministers should not just stand up here and oppose whatever is brought by hon. Members on the Floor of the House without good reasons.

Mr. Temporary Deputy Speaker, Sir, I want to conclude by appealing to the rest of the hon. Members to support this Motion. He should be able to learn from the decision of the House this morning.

Thank you, Mr. Temporary Deputy Speaker, Sir.

The Assistant Minister, Office of the President (Mr. Kingi): Asante sana, Bw. Naibu Spika wa Muda, kwa kunipa nafasi ili niunge mkono Hoja hii. Hoja hii ni muhimu sana katika maisha yetu sisi kama Wakenya. Ninakubaliana kabisa ya kwamba sekta ya umma ni lazima iwe na sera maalum ya kuhakikisha ya kwamba wananchi au Wakenya wanaajiriwa.

Bw. Naibu Spika wa Muda, kila siku hapa tunajibu maswali kuhusu usalama wa taifa hili. Tatizo kubwa tulionalo ni kwamba askari wetu ni wachache na hawatoshi. Kiwango cha askari tulionayo ni kama askari mmoja anachunga wananchi 1,000. Kwa hivyo, tunataka Hoja hii ipitishwe ili Serikali iweze kuwaajiri askari wengi watakaoweza kuimarisha usalama wa taifa hili.

(Applause)

Ukiangalia matatizo tuliyonayo katika shule zetu, utaona kwamba tunapeana masomo bila malipo. Lakini ni walimu wangapi wako katika shule hizo kuhakikisha kwamba watoto wetu wanapata elimu bora? Tuna walimu wachache sana. Kwa hivyo, Hoja hii ikipitishwa, tutahakikisha kwamba kuna wafanyikazi wa kutosha katika shule zetu na hospitali ambazo ziko kwa wakati huu na zile ambazo tunaendelea kujenga. Baada ya hayo, tunaweza kuangalia mambo ya sekta ya kibinafsi. Ni lazima Serikali ichukue jukumu hili na kuhakikisha kwamba wananchi wanahudumiwa kwa njia inayofaa.

*(Several hon. Members stood up
in their places)*

The Assistant Minister for Information and Communications (Mr. Wamwere): Bw. Naibu Spika wa Muda, asante kwa kunipa nafasi hii fupi ili nami niunge mkono Hoja hii.

The Temporary Deputy Speaker (Mr. Sungu): Order, Mr. Wamwere! I would like to advise hon. Members that this is the time allocated for the Mover to reply. He requested the Chair to recognise a few people to contribute to the Motion, and then he will conclude.

Mr. Wamwere, go on.

The Assistant Minister for Information and Communications (Mr. Wamwere): Bw. Naibu Spika wa Muda, naunga mkono Hoja hii kwa sababu nchi hii ina haja kubwa ya kuzalisha kazi ili tuweze kumaliza uhalifu. Kuna watu wengi ambao wanaamini kwamba njia bora ya kumaliza uhalifu ni kuu kila asiyekuwa na kazi. Lakini ukiniuliza, dawa ya kumaliza uhalifu ni kuwapa vijana kazi. Tukiwapa kazi hatutakuwa na vikundi kama vile *Mungiki*, Sabaot Defence Force au Mombasa Republican Council. Hakuna njia nyingine. Tuwapatie vijana kazi kwa kutumia mbinu hii ambayo ilitumiwa Marekani na ikafaulu. Tunahitaji kuwatumia vijana kujenga mabwawa, barabara na tuwapatie mashamba. Nchi hii ina mashamba mengi ambayo hayatumiwi. Wale ambao hawayatumii mashamba yao ndio wanababaika kwamba Hoja kama hii itakuja kuwalazimisha kupeana mashamba yao kwa wale ambao hawana kazi ili nao waweze kuishi.

Bw. Naibu Spika wa Muda, kama Serikali, tunasema ya kwamba tumefanya zaidi ya yale yanayoulizwa na Hoja. Kama mtu amekuuliza umpe vitu tano na umempa kumi, kwa nini unapinga Hoja hii? Kwa hivyo, kama Serikali, tumefanya zaidi ya haya na hiyo ndiyo sababu tunaunga mkono Hoja hii. Hatuwezi tukapinga Hoja hii na tukarudi hapa Bungeni. Tutatupwa nje na wananchi. Ni lazima tuelewe siasa. Siasa ni kuwasaidia watu wale hawana kazi wala si kuwapinga wale wanalilia kazi. Hata sielewi ni kwa nini Waziri Msaidizi alikuja kusoma taarifa yake. Naona ni kitu aliandikiwa na akaja kusoma bila ya kuunga mkono. Hata sauti yake ilisikika hivyo!

(Laughter)

Bw. Naibu Spika wa Muda, naunga mkono.

Mr. Angwenyi: Bw. Naibu Spika wa Muda, kwa maana Bw. Magara ni ndugu yangu, ningependa kumpatia dakika moja ili naye azungumze.

The Temporary Deputy Speaker (Mr. Sungu): Order, Mr. Angwenyi! Sit down. You

should realise that this is the opportunity for the Mover to reply to the points made by other hon. Members. The Chair has bent the rules backwards to accommodate you, and you allowed some hon. Members to take up your time right from the very beginning. It is now your chance to reply.

Mr. Angwenyi: Thank you, Mr. Temporary Deputy Speaker, Sir. I am very grateful to the hon. Members who supported this Motion. Those who have opposed it, including the Assistant Minister, do not live in Kenya. About 70 per cent of our youth are unemployed. They are energetic people who have qualified from various institutions of learning. They are willing and ready to work, and yet they are idle. It is a Government policy to provide 500,000 jobs. We are only asking for 250,000 jobs, and yet the Government is opposing its own policy.

(Applause)

I am really surprised that the Government can talk about the private sector, which is minting money from our poor people, like Safaricom, which made Kshs17 billion. Half of that money will be repatriated to England. The other one is the Barclays Bank of Kenya, which made Kshs4.2 billion, and yet it is retrenching our people. Another example is the Standard Chartered Bank which made Kshs3.7 billion, and yet is it retrenching our people.

We adopted Structural Adjustments Programmes (SAPs) in the 1980s. The UN Report, which came later, faulted that policy. It said we adopted a wrong policy without understanding it. The policy destroyed developing countries. We must assist our people. When we warn members of the *Mungiki* sect not to extort money from *matatus*, and yet we do not provide them with jobs, what do we condemn them to be? We condemn them to be criminals. When we ask the people to go back to farming and develop land which they do not have, how do we expect them to earn a living? There is need for the Public Service Commission to employ our youth. For instance, the Ministry of Education should employ 60,000 people; the Ministry of Health should employ 20,000 people; the Ministry of Roads and Public Works can employ about 50,000 and the security forces should take up 20,000 people. Those Government Ministries can employ 135,000 people more than we had initially, as long as this is done fairly throughout the country and every constituency gets its fair share.

Mr. Temporary Deputy Speaker, Sir, we are in this Parliament, which represents the people of Kenya, including the unemployed and the youth. This is not a Parliament of those who have. It is the primary responsibility of our Government to take away a bit from those who have and give to those who do not have anything. The only way that we can do this, legally, is by taxing those people who have too much and giving to those who have nothing through employment. This method has been tried elsewhere and it has worked well. It was tried in America in 1932. It is being tried right now in Germany where they have insisted that the Government must create 15 per cent more jobs for the youth. They are tackling the problem of unemployment and insecurity in that country. This programme was adopted in Sweden such that there is no unemployment in that country.

With those few remarks, I beg to reply.

(Question put and agreed to)

*(several hon. Members
withdrew from the Chamber)*

The Temporary Deputy Speaker (Mr. Sungu): Order, hon. Members! The House

business still continues.

Next Order!

INTRODUCTION OF PUBLIC TRANSPORT BILL

THAT, in view of the fact that the public transport sector contributes significantly to the national exchequer; aware that cartels have started creeping back into the industry; further aware that traffic police have failed to tame the actors in that industry; noting that there is a rise in public service vehicle accidents leading to deaths of thousands of Kenyan citizens; considering that a court of law ruled against the so-called "Michuki rules"; this House grants leave to introduce a Bill for an Act of Parliament entitled the "Public Transport Bill" to provide for an independent regulatory body that will oversee and streamline the public transport sector and for matters incidental thereto and connected therewith.

The Temporary Deputy Speaker (Mr. Sungu): Is Mr. Mirugi not here?

(Motion Dropped)

Next Order!

Mr. Odoyo: On a point of order, Mr. Temporary Deputy Speaker, Sir. Hon. Mirugi, indeed, called me and asked me to seek your indulgence to postpone this Motion, rather than dropping it.

The Temporary Deputy Speaker (Mr. Sungu): Thank you, Mr. Odoyo. But you know the House procedures. When I called out the Motion, you should have shot up and I would have recognised your presence. But now that you have come up after I have made a ruling, the hon. Member could easily see Mr. Speaker in his Chambers and request that his Motion be reinstated. But as of now, my order stands.

Next Order!

INTRODUCTION OF EQUAL OPPORTUNITIES BILL

THAT, in view of the worrying trend of entrenchment of nepotism, favouritism and lack of a fair, transparent and balanced recruitment to all cadres of public service and bearing in mind that legal remedies for ensuring this balance are limited; this House grants leave for the introduction of a Bill entitled the "Equal Opportunities Bill, 2007", to provide for fair, transparent and balanced recruitments, devoid of nepotism, favouritism or unfair ethnic considerations, to public sector and for matters incidental thereto and connected therewith.

The Temporary Deputy Speaker (Mr. Sungu): Is Mr. Arunga not here?

(Motion Dropped)

Next Order!

Mr. Ahenda: Mr. Temporary Deputy Speaker, Sir, before I move this Motion, I need to make an amendment on the words appearing after the word "may be". Instead of reading "may be inflicted", it should read "may be imposed".

The Temporary Deputy Speaker (Mr. Sungu): Order, Mr. Ahenda! Hang on a minute!

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

The Assistant Minister for Health (Dr. Kibunguchy) Move it as it is on the Order Paper.

Mr. Ahenda: Okay, let me move it first as it is on the Order Paper.

The Temporary Deputy Speaker (Mr. Sungu): Order, Mr. Ahenda! Would you like to move the Motion in an amended form or as it is on the Order Paper?

Mr. Ahenda: I would like to move it in an amended form.

The Temporary Deputy Speaker (Mr. Sungu): Then, Mr. Ahenda, you are out of order! The procedure is that once you have the Motion printed and it is before the House, you move it as it is on the Order Paper. If you want to make any amendments, somebody else can do that on your behalf later in the debate because you cannot amend your own Motion!

An hon. Member: That is right!

Mr. Ahenda: Much obliged, Mr. Temporary Deputy Speaker, Sir.

(The Clerk-at-the-Table consulted the Chair)

The Temporary Deputy Speaker (Mr. Sungu): Order, Mr. Ahenda! I would like to go backwards on that. In terms of Standing Order No.41, if you look at it properly, the Speaker may, actually, allow you to amend your Motion if it does not substantially alter the original Motion. So, I would like to hear what amendment you want to move, so that I can make a decision as to whether it is going to substantially change the original Motion or not. Could you tell us what it is?

Mr. Ahenda: Thank you very much, Mr. Temporary Deputy Speaker, Sir. I had already consulted the Standing Orders. It will not change the gist of the Motion. It is as follows:-

"I would like the words "be inflicted" deleted and replaced with the words "be imposed" by a court of law. It is just semantics and nothing much.

The Temporary Deputy Speaker (Mr. Sungu): Mr. Ahenda, I agree with you. I will allow you to move the Motion in the amended form because it does not change the original Motion in any way. Therefore, you may move it with the amendment. Therefore, you must read the entire Motion as amended.

Mr. Ahenda: Thank you, Mr. Temporary Deputy Speaker, Sir. I am much obliged by your wise counsel.

A BILL TO AMEND THE PENAL CODE

Mr. Ahenda: Mr. Temporary Deputy Speaker, Sir, I beg to move the following Motion:-

THAT, aware that the Penal Code provides for the sentence of death as a form of punishment that may be imposed by a court of law; further aware that the Constitution upholds the sanctity of life; this House grants leave to introduce a Bill for an Act of Parliament entitled the "Penal Code (Amendment) Bill" to amend Sections 25, 40(3), 204, 296(2) in order to abolish the death sentence.

Mr. Temporary Deputy Speaker, Sir, death is not a form of punishment. Dead people do not learn. Once somebody is dead, he cannot learn anything! Jails are not meant to punish people, but to correct the minds of the people who have committed crimes. When you are sent to jail for an offence, you are supposed to be reformed. Actually, in some countries, jails are called corrective centres. They are meant to correct you, so that you fit in the civil society.

Mr. Temporary Deputy Speaker, Sir, in view of the fact that, life is God-given and only God can take it, I strongly feel that the death penalty that is imposed on people who are found guilty, no matter how grievous the offence is--- No human being has the mandate or authority,

moral or immoral, to take the life of any living person. It is in that regard that I feel very strongly that the death penalty, in any civilised society or the world we are living in today, is not and will never be a form of any punishment.

Mr. Temporary Deputy Speaker, Sir, I have conducted research the world over on countries that are still imposing the death penalty. For example, in America, they still impose death penalties. But it takes years for somebody to be taken to the electric chair. It has been tested the world over that a dead person cannot come back to life and tell you how painful death is, so that it can be a corrective measure against individuals who wants to commit the same crime, so that they can keep off. If we want to have better corrective measures, then the death penalty must be removed from our Penal Code.

Mr. Temporary Deputy Speaker, Sir, in the recent past, there has been a wave of deaths and killings in our country. But even those who commit murder have no authority to take somebody's life. Even those who kill in self-defence--- Sometimes, you can be forced to kill in self-defence--- Given the Penal Code in Kenya today, those who kill in self-defence go scot free because they did it to defend themselves. But still, that is not an authority to take the life of a living person, which was God-given. Life is God-given and can only be taken by the giver of that life who, in this case, is God himself!

Mr. Temporary Deputy Speaker, Sir, the Penal Code has often been misused. A number of people have been taken to the gallows and several years later, it is found out that they never committed those crimes. But they are already dead! You can do nothing to bring them back to life! It has also been proved that some people have actually died for offences that they never committed. But since they did not have enough evidence to save them from the hangman, they were sent to the gallows and actually hanged!

Mr. Temporary Deputy Speaker, Sir, it is very, very sad to note that an innocent person was hanged for an offence that he or she did not commit, simply because the law found him on the wrong side. It is in view of that, that I feel strongly that the death penalty should not be imposed in a civilised society such as ours.

Mr. Temporary Deputy Speaker, Sir, many crimes have been given the death penalty as the maximum sentence.

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

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

If you look at our Penal Code regarding the legal implications on crimes for which one can face the death penalty, you will find that several of the crimes that bear the death sentence are actually interlinked. That is why repealing or amending the death penalty has triggered off the enactment of several Acts in the Penal Code as contained in this Motion.

They are interlinked. It is very difficult to appeal successfully against such a sentence once it is imposed on you. To date, there are several people still lying in our jails with death sentences hanging over their heads. They still do not know when they will be released.

Mr. Temporary Deputy Speaker, Sir, it would, therefore, be prudent for the death penalty to be removed from the Penal Code so that anybody who is not found guilty *per se* can be released forthwith. Hanging someone on a very flimsy reason and yet he cannot prove his innocence or defend himself, is committing a crime against God. When you commit a crime against God, there is no appeal in God's court. People just go to the gallows and die like that.

Mr. Temporary Deputy Speaker, Sir we would help this country and set a good example, by abolishing the death sentence. This is a chance for the world to know that Kenya has reached a stage whereby we have removed the death penalty in our statutory books so that our people can know that life is sacred, God-given and it can never be taken away from you.

With those few remarks, I beg to move. I would like Mr. Mwandawiro to second the Motion.

Mr. Mwandawiro: Asante sana, Bw. Naibu Spika wa Muda kwa kunipatia nafasi kuunga mkono hii Hoja ambayo ni ya muhimu sana katika nchi yetu na dunia ya leo. Ningependa kuchukua fursa hii kumpa hongera Bw. Ahenda kwa kuleta Hoja hii wakati huu. Hii ni Hoja iliyofaa kuja katika Bunge hili zamani na tungeokoa maisha mengi ambayo labda yameenda kwa sababu ya kuwa na sheria ambayo ina ruhusu hukumu ya kifo.

*[The Temporary Deputy Speaker
(Mr. Odoyo) left the Chair]*

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

Bw. Naibu Spika wa Muda, sababu ya kwanza ambayo imeelezwa na muhimu ni kuwa hukumu ya kifo ni kinyume cha Katiba ya nchi yetu. Sheria inasema kwamba Katiba ndio msingi wa sheria zote. Kwa hivyo, hatufai kuwa na sheria yoyote ambayo inaruhusu hukumu ya kifo kwa sababu inaenda kinyume cha Katiba.

Pili, maisha ni haki ya msingi ya binadamu. Tukisema kwamba tunaheshimu haki za binadamu, haki ya msingi kabisa ni haki ya maisha. Kwa hivyo, hukumu ya kifo inavunja haki ya kimsingi ya binadamu na ni muhimu tuiondoe.

Tatu, tunajua kwamba binadamu si wakamilifu. Nimekaa gerezani Kamiti mwaka wa 1985 na niliona watu wengi sana wakinyongwa huko Kamiti. Kuna watu niliozungumza nao na wakanieleza kwamba wanaenda kunyongwa kwa makosa ambayo hawakufanya. Walisema kuwa walikosa pesa za kulipa wakili shupavu wa kuwatetea, wakaenda kortini kujitetea na wakapatikana na makosa. Kwa hivyo, sheria hailindi haki za watu wote. Wale mahakimu na majaji ni binadamu. Kuna wakati ambapo majaji hutoa hukumu ya kifo kwa mtu ambaye hakufanya makosa kwa sababu huyo mtu ameshindwa kujitetea kikamilifu kwa sababu ya umaskini. Je tutawaruhusu watu wengine wawe na haki juu ya wenzao na mnajua binadamu si mkamilifu?

Tunajua kuna mifano halisi kote duniani ambapo watu waliuawa kwa makosa ambayo hawakutenda. Wakati mwingine ushahidi unapatikana baadaye kueleza kwamba huyu mtu amehukumiwa kifo lakini kumbe ni mtu mwingine aliyefanya kosa. Mtu akishahukumiwa kifo, hata kosa likigunduliwa baadaye, maisha yake hayawezi kurudishwa tena. Inakuwa kama maji yaliomwagika na ambayo hayazoleki. Hatuwezi kuyafanya maisha ya binadamu yawe kama mchezo wa karata, ambapo makosa yanaweza kufanyika kwa sababu yakishaenda; yameenda kabisa. Kwa hivyo, kwa sababu binadamu si mkamilifu na tunajua kuwa kuna majaji ambao wanaweza kuhongwa na pesa, ama mshukiwa anaweza kutokuwa na sababu za kutosha na kushindwa kuelewa ushahidi wa uongo, majaji wanaweza wakatoa hukumu ya kifo na mtu akanyongwa. Kwa sababu hiyo, hatuwezi kuruhusu uhuru wa watu fulani kuvunja haki ya kimsingi ya binadamu kwa kutoa hukumu ya kifo.

Bw. Naibu Spika wa Muda, lengo la adhabu ni nini? Falsafa ya adhabu ni nini? Katika mila za Kiafrika, falsafa ya adhabu ilikuwa ni kurekebisha. Hii hukumu ya kifo imeletwa na wazungu ambao ni maharamia, mabepari na wakoloni, ambao walikuja kugandamiza watu huku. Katika

mila za Kiafrika, hakukuwa na kulipizana kisasi. Lengo adhabu, katika mila za Kiafrika, halikuwa kulipiza kisasi. Lengo la kimsingi la adhabu ya kifo ni kulipiza kisasi; haina kurekebisha. Binadamu waliostaarabika hawawezi kutoa adhabu kwa lengo tu la kulipiza kisasi. Kwa mfano, nchi kama za Marekani, New Zealand na Australia tunajua kwamba wale watu walioenda kule asili kutoka Ulaya walikuwa ni majambazi ambao walifukuzwa kwao Ulaya. Ndio sababu walikwenda huko Marekani, Australia na New Zealand. Kwa hivyo hatuwezi kuweka misingi ya sheria kutokana na mifano ya majambazi ambao wametoka huko Ulaya. Ndio kwa sababu wenye asili ya kijambazi wanaotawala huko Marekani bado falsafa zao ni zile zile za kusisitiza juu ya hukumu ya kifo. Ndio unaona kwamba huko kwao Ulaya wakati waliwaacha watu waliostaarabika, hukumu ya kifo haipo. Hukumu ya kifo inapatikana kwa nchi zile majambazi walihamia kutoka nchi nyingine na wakaenda kuitumia kwa nia ya kugandamiza na kuvunja watu ambao hawakuwa wanawahesabu kama binadamu.

Mifano iko halisi, kwamba watu wengine wanaogopa kwamba hukumu ya kifo ikiondoka kutakuwa na uhalifu zaidi; watu watauana zaidi na ujambazi utazidi. Lakini mifano halisi imeonyesha kwamba kote duniani ambapo kumeondolewa hukumu ya kifo, hakujaongezeka ujambazi. Pia visa vya watu kuuana, kuuawa kwa ujambazi na kwa makosa havijaongezeka. Hata huko Marekani wana hukumu hii ya kifo na wanaitekeleza, lakini ujambazi unaongezeka. Kwa hivyo, hukumu ya kifo haiondoi ujambazi, inauongeza. Tunajua hapa kwetu, wakati Bw. Charles Njonjo, aliyekuwa Mkuu wa Sheria, wakati alipoleta hukumu ya kifo kwa wizi wa mabavu haikupunguza wizi wa mabavu katika nchi yetu ya Kenya. Badala yake uliongezeka, na hata iliongeza mauaji, kwa sababu mtu akienda kuiba, anaona kuwa badala ya mtu aende akatoe ushahidi dhidi yake kortini, afadhali amue kabisa ili kukosekane mtu wa kutoa ushahidi kortini.

Kwa hivyo, sababu zote, na hasa sababu ya kimsingi, ni kwamba maisha ni haki ya msingi ya binadamu, na binadamu anamakosa; si mkamilifi; hata akiwa ni hakimumu, anaweza kutoa hukumu ambayo haiwezi kurudishwa nyuma. Ikitolewa ni basi, hata kama imetolewa kwa makosa. Hatutaki kuwa na hukumu ya kifo katika nchi yetu, na hasa katika nchi ambayo inaelekea kusimama imara katika ustaarabu. Tukiwa Waafrika, sisi ni watu ambao tuna misingi ya utamaduni halisi wa kuheshimu haki za binadamu na maisha. Kwa kweli, hii hukumu ya kifo hatustahili kuwa nayo.

Kwa maneno hayo machache, naunga mkono.

(Question proposed)

The Assistant Minister for Health (Dr. Kibunguchy): Mr. Temporary Deputy Speaker, Sir, I would like to thank you for giving me this opportunity to also say one or two words about this Motion before us.

At the outset, I would like to say that I oppose the Motion for various reasons. The death sentence is given for various crimes that have been committed. I would have supported this Motion if the death sentence was reserved specifically, for those who have proven and shown in a competent court of law that they caused death to another person or they have committed murder and so on.

Mr. Temporary Deputy Speaker, Sir, why am I saying this? We are living in a world where a lot of very bizarre crimes are being committed. Recently, we buried a teacher who was a wife of a councillor in Trans Nzoia. If you saw the way the body of that lady was mutilated, you cannot possibly support a Motion like this. I think we need to come to a stage where we say: "An eye for an eye and a tooth for a tooth." If you are going to take somebody's life, your life must be taken away.

I do not think that we can support a Motion like this when we see crimes being committed; the kind of bizarre crimes, almost sadistic, being committed in this country. We see people being

beheaded and you find the body in one location and the head in another location. If somebody like that is found, then he must be made to pay for what he did. There is absolutely no reason why one should take one's life and then we say that we are just going to sentence them to life imprisonment.

Mr. Temporary Deputy Speaker, Sir, I think the core issue of the Motion before us, is whether or not the State can come up with competent lawyers to represent those who are accused. Yes, I agree, there are chances when an innocent person might pass through the net and be found guilty and yet in the long run it turns out that the person was innocent. That should not be a reason why we should say that we abolish the death sentence. We should go back and re-examine our system of justice and find out whether it is possible - and I am sure it is, other countries have done it - for us to be able to hire lawyers to assist those who are poor and have been accused for very serious crimes like murder. But I do not think that we can say that we abolish the death sentence.

That is why I oppose this Motion very strongly because we are going to perpetuate what we are seeing now. We are going to make the situation that is bad, worse. We are going to give a "blank cheque" to people to do all kinds of crimes knowing that they will get away with it because there is no death sentence.

The death sentence must be there to deter those who might think that they can do whatever they want, for instance, take away people's lives, and get away with it.

Mr. Temporary Deputy Speaker, Sir, we are living in a world where lawlessness has taken the centre stage. We are living in a world where mayhem is being reported everyday. We are living in a world where adults are defiling our children. We are living a world where there are bizarre killings. The Kenya Society for the Protection and Care of Animals (KSPCA) advocates that if your animal is very sick and you want to relieve it of the pain and the agony that it is going through, you should kill it in a clean and quick way. But the kind of killings that we are seeing, there is a lot of hatred, cruelty and sadism behind them. You cannot understand why somebody should be cut open, all his intestines are removed out, he is left alive and he dies a slow death. Are we saying that the person who does such a thing should just be sentenced to life imprisonment? I say no. If you take away somebody's life, we will also take yours away.

This Motion is trying to say that one can get away with anything, even with the beheadings that we have been seeing on television. I say "no" to that. Once we allow that, and if the message will come from this august House and go out there, then we are giving our people a free hand to do whatever they want to do on other Kenyans.

Mr. Temporary Deputy Speaker, Sir, before I conclude, I would like to reiterate that probably we need to make sure that those who are guilty are truly guilty and those who are not guilty, are not guilty. We need to change our justice system. The accused should be assisted to get competent lawyers who will represent them so that we do not get the innocent, but poor, being framed for having committed a crime that they did not do. With this kind of thing, I will support it. But you cannot say that somebody who is guilty, and some of them even go to court and confess to having killed, can be allowed to go scot free.

Mr. Temporary Deputy Speaker, Sir, I would like to oppose the Motion with the understanding that there is a chance. Maybe we need to bring another Motion to see how best we can assist those who have been accused, but they are poor and cannot afford to hire lawyers and the system may rush them through and sentence them to death when they are truly innocent. We need to find a way of separating the two. But if somebody has killed, that person needs to be killed. If somebody takes away a life of somebody else, his life also needs to be taken away. I know that we are Christians and I know what the Bible says, but I also know that reality demands that we have to do what is right, just and proper for the Kenyan citizens.

With those few remarks, I beg to oppose.

Mr. Odoyo: Mr. Temporary Deputy Speaker, Sir, I rise to support this Motion, first, on the

premise that, indeed, the statistics show that the imposition of the death penalty has in no way reduced crime in this country. Indeed, the more people are beheaded, burnt alive and hanged by the State, the more crime seems to rise.

Therefore, the presumption that if we impose the death penalty and kill so many Kenyans, they shall serve as a lesson to the other thugs, so that they desist from committing crime, is a fallacy.

Mr. Temporary Deputy Speaker, Sir, I wish to point out that the late Senior Private Hezekiah Ochuka hailed from my constituency, that is, Nyakach Constituency. He, who was accused of planning the attempted and abortive coup of 1982, was---

The Temporary Deputy Speaker (Mr. Sungu): Order, Mr. Odoyo! Are you sure that you are not contravening the Standing Orders of the House, by bringing matters which have been concluded by the courts, to the Floor of the House?

Mr. Odoyo: Thank you, Mr. Temporary Deputy Speaker, Sir. I am just pointing out that, indeed, he is one of the victims of the death penalty. I wish to use this example to illustrate why, indeed, the death penalty should not continue to be in existence in this country.

Mr. Temporary Deputy Speaker, Sir, the late Senior Private Hezekiah Ochuka, who was accused, sentenced and sent to Kamiti Maximum Prison, was, indeed, killed by the State in September, 1987. It has been proven on the Floor of this House that our Judicial system is flawed. If you are rich, you can kill or murder and get away with it. But if you are poor, justice in this country and many other countries, becomes a problem. Indeed, today, if I took the trouble to look at the profile, you will find that many of those people who have been killed by the State since 1963 are very poor.

This poses the question: How many Kenyans have been killed merely because they did not have money in their pockets? They were not able to buy their freedom, or corrupt the justice system.

The Temporary Deputy Speaker (Mr. Sungu): Order, Mr. Odoyo! Once again, I have to advise you to observe the procedures of Parliament. Please, use parliamentary language. Could you, kindly, conform?

Mr. Odoyo: Much obliged, Mr. Temporary Deputy Speaker. I seek your indulgence as I continue. I will desist from using unparliamentary language.

Mr. Temporary Deputy Speaker, Sir, Hezekiah Ochuka was brought to the country from Tanzania, on a political exchange. He was tried at 2.00 a.m., sentenced at 4.00 a.m. and murdered or killed by the State, so to speak, within 48 hours. His mother and other family members were never informed about this. Up to today, our people do not know where he was buried. His mother died without knowing what happened to him. Upon consulting the Vice-President and Minister for Home Affairs and the Commissioner of Prisons, I was referred to the Criminal Procedure Code, Cap.75, Section 332(3)(a), which ostensibly gives the President power to issue a death warrant. After the court has passed a general sentence, the President, further, issues a death warrant. In the case of Mr. Ochuka, a death warrant was issued and upto today, we do not know where he was buried. We do not have his body. His spirit, according to the culture of the Luo of Nyakach, where *Omiere* comes from, is still hanging in the air because we have not buried him appropriately.

Mr. Temporary Deputy Speaker, Sir, in fact, the amount of anguish that is caused by the State, in my view, belies the punishment or the intention of the spirit of the death penalty. The death penalty is an inhumane act. It is man playing God. Why should a democratically elected State - elected by *wananchi* or given votes by the common man - try to play God? Why should the State play God by imposing upon themselves the power to give life and death? Life is given to a prisoner should the President commute his or her sentence and death, if he says, "Here is a warrant for your death." Why should a Head of State, a human being with blood and flesh just like you and I, be

given those Godly powers? Why should we allow an individual to have power over life and death of a fellow human being? In today's civilised society, as was pointed out by the Mover of this Motion, it is time for us to say, "No, enough is enough." We need to move on.

However, Mr. Temporary Deputy Speaker, Sir, allow me to look at comparative nations. All the Scandinavia nations do not have the death penalty. Of the 52 States in the USA, only 10 have the death penalty. That includes the State of Texas, where the current President of the USA, George Bush, comes from. The other 42 States have not accepted the death penalty as a final punishment for committing an error or a treasonable or capital offence.

Mr. Temporary Deputy Speaker, Sir, as we stand here today, in the USA, for example, of the 2,600 prisoners on death row, 2,300 are black people. Why are they black? It is because the white judicial system does not favour them. The whites-dominated judicial system favours their fellow whitemen yet serial killers are often whites and the most heinous crimes are committed by the whites. However, they get away with it because they can hire good lawyers and they are able to find their way through the law courts of the USA. If that can happen in such a heavily and highly democratic rich country like the USA, what will happen to a country like Kenya where there are no adequate resources and the judicial system and the law courts are wanting? Indeed, the present Government overhauled our High Court by making several judges appear before a tribunal upon allegations that they were corrupt. How many of those judges took the wrong persons to jail? How many of those judges issued death warrants to very many innocent Kenyans?

Mr. Temporary Deputy Speaker, Sir, today, we have DNA tests, which are accepted in the American judicial system. The DNA tests - because this is what I could find in the internet - has enabled the release of 300 people on death row. We do not have those facilities here. What we have to put our feet on is where the State is undertaking extra judicial killings. We cannot give the State the power to kill. If you are suspected to be a member of the *Mungiki*, you are shot dead. We have to put down our foot and stop these extra-judicial killings. Those who are caught and taken through the judicial system should be given a life sentence as the maximum. A life sentence enables one to serve as an example to one's relatives outside and know that the greatest freedom of all is freedom, and not to be in jail.

Mr. Temporary Deputy Speaker, Sir, the State of Texas has killed more people on death row than any other state in the United States of America, yet crime statistics in that country show that Texas is ranked third in terms of the crime level.

The Temporary Deputy Speaker (Mr. Sungu): Order, Mr. Odoyo! Your time is up!

Mr. Odoyo: Mr. Temporary Deputy Speaker, Sir, with those few remarks, I beg to support the Motion and ask that Mr. Ochuka's grave should be identified.

Mr. Muturi: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving this opportunity to support this Motion.

Section 71(1) of our Constitution states as follows:-

"No person shall be deprived of his life intentionally save in execution of the sentence of a court in respect of a criminal offense under the Law of Kenya of which he has been convicted."

That Section is the one that gives authority for people's lives to be taken upon conviction for crimes specified in our laws. We have been singing in this House, and in this country, in various fora, including workshops and symposia, that it is high time that this country re-considered the issue of the death penalty. Studies have shown that no matter how seriously, or how sympathetic we may be to the victims of some of the crimes for which the death penalty is prescribed, it, really, does not pay to take a person's life.

I am speaking as a person who has tried people, convicted and sentenced them to death - to hang by the neck till they die - but I am happy that since the time I got the authority and power to

pass this kind of sentence, this country has not experienced even a single execution. Therefore, I keep praying that those whom I had occasion, in due execution of the law, to sentence to hang by the neck till they die will not have to die, because I fully support the argument that it is not fair that we should take people's lives. We must---

Mr. Odoyo: On a point of order, Mr. Temporary Deputy Speaker, Sir. Would it be in order for the hon. Member, who is also the Opposition Chief Whip, to point out that he is, indeed, a former magistrate, and that he is making his comments in full compliance with his past life?

The Temporary Deputy Speaker(Mr. Sungu): Mr. Odoyo, that is a point of argument!

Mr. Muturi: Mr. Temporary Deputy Speaker, Sir, actually, he wanted to inform the rest of the House that I served in that said capacity. I did not deny that I was a magistrate. But, even as a magistrate, you are enjoined to follow the law as it is. Those who are lawyers will confirm that the Positivist School of Law holds that you have no business applying the law as you think it should be, and that you should apply it as it is. Nevertheless, I do not think that, that would water down the position.

I think that today, there is no co-relation between some of the penalties that we find in our statute books. We have penalties prescribed for the offence of treason, robbery with violence contrary to Section 296 of the Penal Code and attempted robbery with violence contrary to Section 297(2), as well as the sentence prescribed for the offence of murder.

Mr. Temporary Deputy Speaker, Sir, if you look at the victims when they appear in court, it is a very sympathetic situation. But you wonder, even if the offence they committed resulted in the loss of life, would that in, itself, justify the taking away of the other life? Really, in a democratic country, should we also not be thinking of not just bringing this amendment to the Penal Code, but also to Section 71(1) of the Constitution, that there can be no lawful authority upon which somebody's life can be taken away? Why should we have executions? In a number of cases where people have actually been sentenced to death, they are mainly the poor who cannot afford the services of competent legal representation. Indeed, if you look at the Bill that is pending before this House - the Statue Law (Miscellaneous Amendments) Bill - it is now that it is being proposed to remove the necessity of having assessors in murder trials. Those who face murder charges are, at least, given the opportunity of legal representation. But of course, they are not given the very best because the State is not able to get the very best for them. So, you get youths who have just graduated from universities; who may not have the necessary experience on the intricacies of practice and proper application of laws in a trial. Indeed, what we are saying is that those who are given the so-called pauper briefs--- Indeed, they are called pauper! They are poor! Advocates who get pauper briefs - it is little money - are not the people who have the necessary experience at defending cases of serious nature that will result in the loss of life of a person who is appearing before a court. Therefore, in the majority of cases, even where you have allowed confessions to be taken, they are taken in such circumstances that it becomes very difficult for the person who is charged to seriously challenge those confessions! Yet, we know that in most cases, they are actually forced. Courts are actually expected to rely on those confessions. We may make rules that an officer taking a confession shall inform the person that he or she has a right to have his lawyer present when he is making confessions. However, throughout my 18 years on the Bench, I never came across a single case of a suspect who was informed by a police officer; even if not the investigating officer, that he or she has a right to be represented or to keep quiet. The rules are there. They have a right even to have their relatives present as they make confessions. However, I did not come across a single case of them being informed of the same.

Mr. Temporary Deputy Speaker, Sir, police officers invariably state it that the person understood the caution and elected to make the following confession: "That actually on this day, we did this thing or the other". Is it possible that the person that makes the confession to the police

officers when taken before court denies it? They invariably plead not guilty to those charges. There are laws that an extra-judicial confession, made before a police officer, is admissible and can form the basis of a conviction in such a serious matter as the offence of murder, treason or robbery with violence.

Mr. Temporary Deputy Speaker, Sir, it is for this reason that I think in this enlightened age, this country must move in tandem with a majority of the rest of civilised world and abolish the death penalty.

With those few remarks, I beg to support.

(Mr. Ochilo-Ayacko stood up in his place)

The Temporary Deputy Speaker (Mr. Sungu): Mr. Ochilo-Ayacko, before I come to you, I want to recognise Capt. Nakitare!

Capt. Nakitare: Thank you Mr. Temporary Deputy Speaker, Sir. I rise to oppose this Motion.

(Applause)

Having listened very keenly to Mr. Muturi's contentions with his past experiences; to knock down one of his points, these days confessions in police stations are not admissible in court. They were during his time on the Bench. When we talk about justice, it is imperative to consider the injurious state of affairs. The victim is dead, but what about those who were left behind?

Mr. Temporary Deputy Speaker, Sir, I have a living experience of Ms. Elizabeth Wasike who was last week taken out of her house by murderers. They tied her hands behind her back, put her a cross the door and slit her throat. They waited until she died, went to the house, sprayed it with petrol and torched it. The children, however, ran out of the house. These are the people Mr. Muturi is telling us how he wants the law to---

Mr. Muturi: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member on the Floor in order to misread the Motion which seeks to abolish the death penalty and insist on referring to me as the Motion?

The Temporary Deputy Speaker (Mr. Sungu): I think I agree with you. Capt. Nakitare, try to stick to the Motion---

Capt. Nakitare: Mr. Temporary Deputy Speaker, Sir, I made---

The Temporary Deputy Speaker (Mr. Sungu): Order, Capt. Nakitare! You must also listen to the Chair. Please, stick to the Motion! There is a Standing Order on relevance.

Secondly, you should address the Chair and not any specific hon. Member!

Please, proceed!

Capt. Nakitare: Mr. Temporary Deputy Speaker, Sir, I am not addressing the issue of Mr. Muturi's contentions. But I am talking about facts. We are talking about the death penalty *vis-a-vis* the murderers. We very well know that one of the very civilised countries, the United States of America (USA) kills by lethal injections. That is because they know that when you dilute that law, many people will die. Is it out of sympathy that a magistrate or a judge acquits a murderer? Is it circumstances that force a murderer to have an intention of killing and actually kills? How do you want the law to treat that person? It is a matter that religiously agrees with the bible. All the laws that are enacted come from the 10 commandments of the Bible. Those commandments were written. They are actually the landmark on this land. They protect muslims and christians alike. They also protect the sanctity of life. Therefore, when you look at the situation in Third World countries, where the crime rate is so high--- Although Kenya has not hanged anybody in the

previous years--- Are we going to just whitewash the grave and we know what is below the grave? Are we going to remove the penalty and let murderers loose in the streets? Are we going to spare the rod and spoil the child? These are the issues that one has to consider. It is not fair for someone to kill, deprive another person of his life and walk scot-free. A case like the one which happened last week--- The murderer, after killing the wife, took away her mobile and called the husband to confirm that and ask him: "How do you feel about your wife's death? Is that not bitter? How do we want to treat our country? With leniency? How do we want to lead this country? How do we want the 9th Parliament to leave this country for years to come? It will be like we have no laws! In the presence of law, there is obedience. In the absence of laws, there is disobedience. Therefore, I do not agree at all with this system where you just want to wash away a law that is actually safeguarding the sanctity of life. What a way! If a murderer knows the consequences, he will not kill. He will be afraid of the law.

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Sungu): Order, Capt. Nakitare! You will have five minutes when debate resumes next Wednesday.

Hon. Members it now time to interrupt our business. The House is, therefore, adjourned until 2.30 p.m. this afternoon.

The House rose at 12.30 p.m.