

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 23rd April, 2015

The House met at 2.30 p.m.

[The Speaker (Hon. Muturi) in the Chair]

PRAYERS

Hon. Speaker: If you could take your seats, please.

COMMUNICATION FROM THE CHAIR

APPOINTMENT OF MEDIATION COMMITTEE ON DIVISION OF REVENUE BILL, 2015

Hon. Members, you will recall that on Tuesday, 21st April, 2015, the House adopted the Report of the Budget and Appropriations Committee on the Division of Revenue Bill, 2015 and also rejected Senate Amendments to the Division of Revenue Bill, 2015. As you all know, Article 112 (2)(b) of the Constitution, requires that if the National Assembly, being the originating House, reconsiders a Bill referred back to it by the Senate and rejects the Bill as amended by the Senate, the Bill shall be referred to a Mediation Committee appointed under Article 113. Hon. Members, in this regard, having consulted with the Leader of the Majority Party and the Leader of the Minority Party, and in accordance with Article 113(1) of the Constitution, I have appointed the following Members to be members of the Mediation Committee in the National Assembly on the said Bill.

1. The Hon. Mutava Musyimi, MP.
2. The Hon. Mary Otucho, MP.
3. The Hon. Tom Joseph Kajwang', MP.

In conclusion, I hope that the Mediation Committee will build consensus and submit to the respective Houses, the mediated version of the Division of Revenue Bill, 2015 within 30 days as required by Article 113 of the Constitution, so as to unblock the budgetary process for the county governments. Similarly, I request the Leadership of the Majority and Minority parties to submit to my office names of the preferred members for appointment to the Mediation Committee in respect of the Environmental Co-ordination and Management Bill (Amendment) Bill 2014.

I thank you.

Hon. Speaker: Hon. Kinyua Weru.

PETITION

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UNLAWFUL ELECTION OF THE CHAIRPERSON OF ASK

Hon. Kinyua: Thank you, hon. Speaker, I wish to present a Petition on a matter of the election of the Chairperson of the Agricultural Society of Kenya on behalf of one Mr. Joseph Gachagua, a resident of Nanyuki, Laikipia County.

I want to draw the attention of the House to the following facts:-

THAT, the Agricultural Society of Kenya (ASK) was formed in 1901 with the central objective of promoting agricultural development in Kenya and falls under the Ministry of Agriculture, Livestock and Fisheries;

THAT, the constitution of ASK provides that there shall be a national chairman who shall be elected after every five years by the central council among the members of the council;

THAT, following complaints of massive irregularities from interested candidates in the elections that were scheduled to take place on 27th February, 2015, the Ministry of Agriculture, Livestock and Fisheries stopped the election and the Returning Officer categorically stated that the elections would not proceed until the cited electoral issues were addressed;

THAT, contrary to the directions given by the Returning Officer, the Chief Executive Officer (CEO) of the society purported to act as the returning officer and presided over the elections on 27th February, 2015 and declared one Justice Mrima, who also is a Magistrate of a Court in this country, as a successful candidate to the position of the Chairman of ASK in his absentia.

THAT, prior to the elections, most of the potential candidates for the post of the national chairperson, including the Petitioner, had been suspended from the society on flimsy grounds to ensure that they did not challenge the preferred candidate on the said 27th February, 2015 elections.

THAT, prior to the elections, the CEO and the outgoing Chairman of ASK had purported to amend the Elections Rules of 2009 which they posted on the ASK website without ratification by an AGM with clear intentions to favour Justice Mrima to enable him contest for the post;

THAT, by a letter on 1st March, 2015, the Petitioner wrote a letter to the Cabinet Secretary, Ministry of Agriculture, Livestock and Fisheries citing the developments and the Ministry wrote to the Agricultural Society of Kenya (ASK) stopping an Annual General Meeting (AGM) that was supposed to be held on 9th April, 2015 so that a proper election could be conducted.

THAT, the Chief Executive Officer (CEO) defied those orders again and went ahead to hold the AGM on 10th April, 2015.

THAT, Justice Anthony Mrima, in violation of Article 77 of the Constitution of Kenya which restricts a full-time State officer from participating in any other gainful employment, was ratified as the Chairman of ASK.

THAT, taking into account the busy schedule bestowed upon the national Chairman of ASK, the Petitioner strongly feels that Justice Mrima is not capable of discharging his duties in that capacity.

THAT, the issue of this Petition is not pending in any court of law, constitutional or legal body for determination.

Therefore, on the matter of the election of the Agricultural Society of Kenya (ASK), the Petitioners wish to make the following humble requests:-

That, this House recommends that the Cabinet Secretary (CS) Ministry of Agriculture, Livestock and Fisheries finds and holds that his Lordship Justice Anthony Mrima of Kakamega High Court is not qualified to hold an elective office in the name of the National Chairman of ASK and calls for fresh elections of ASK for purposes of electing office-holders to be presided over by a returning officer appointed by the Cabinet Secretary, Ministry of Agriculture, Livestock and Fisheries in accordance with the provisions of the ASK constitution and Elections Rules of 2009.

That, this House recommends that the ASK constitution be amended accordingly to provide for the Principal Secretary (PS), Ministry of Agriculture, Livestock and Fisheries to be an automatic board member of ASK to offer guidelines and represent public interest.

And your Petitioner will forever pray.

Thank you, Hon. Speaker. This is just but scratching on the surface. There are so many issues in ASK that the Chairman of the Departmental Committee on Agriculture, Fisheries and Co-operatives is also aware of and he had mentioned them.

I wish to Table the Petition.

(Hon. Kinyua laid the document on the Table)

Hon. Speaker: Very well. I had earlier on directed that this matter looked merely legal, but I feel that the issues you have alluded to squarely fall on the Departmental Committee on Agriculture, Fisheries and Co-operatives. That Petition will be committed to the Departmental Committee on Agriculture, Fisheries and Co-operatives.

Thank you. Hon. Khatib Mwashetani.

EVICION OF PONGWE RESIDENTS FROM
LR. NO. 1083, SHIMONI (KWALE).

Hon. Mwashetani: Thank you, Hon. Speaker. I have a Petition directed to the Departmental Committee on Lands. It reads as follows:-

I, the undersigned, on behalf of the residents of Pongwe area in Lunga Lunga Constituency of Kwale County, do the draw the attention of the House to the following:-

That, aware that on the advent of colonial administration in Kenya, many families were displaced from their lands to pave way for construction of colonial government facilities and settlement for white settlers;

THAT, on 11th June, 1910, the British Crown alienated 320.12 acres of land from the residents of Pongwe and granted it to Mr. Charles Anduson as LR. No. 1083 in Shimoni Kwale on leasehold basis;

THAT, the locals who were rendered landless have since lived on this land as squatters for over eighty years;

THAT, even though the leasehold expired, no measures have been initiated by the Government to repossess the land and re-distribute it to the residents;

THAT, recently, one Mr. Njue threatened to evict the squatters resident on the land claiming power of attorney as the owner of the land on freehold basis and yet, no records show that the land changed from leasehold to freehold;

THAT, aware if the imminent eviction is effected, residents of Pongwe risk permanent loss of their right to the community land as enshrined under Article 63 of the Constitution;

THAT, this inalienable right of the people of Pongwe can only be safeguarded if the land is repossessed by the Government and re-distributed to the locals who have known no other home but that land;

THAT, efforts and pleas by the local leaders to the National Land Commission (NLC) to intervene in this matter and protect the land for community use have borne no fruit;

THAT, to the best of my knowledge, there is no pending case before any court of law in respect of this matter.

Therefore, the humble Petitioners pray that the National Assembly through the Departmental Committee on Lands:-

(a) Investigates the circumstances under which the land held on leasehold was transferred to one Mr. Njue on freehold basis; and,

(b) Intervenes to ensure that the National Land Commission (NLC) looks into the issues and the status of land held under leasehold - especially community land - with the view to safeguard such land for community use countrywide.

And you Petitioners will ever pray.

Thank you, Hon. Speaker.

(Hon. Mwashetani laid the document on the Table)

Hon. Speaker: Very well. The Petition is referred to the said Departmental Committee on Lands. Next Order!

PAPERS LAID

Hon. A.B. Duale: Thank you, Hon. Speaker. I beg to lay the following Papers on the Table of the House today Thursday, 23rd April, 2015:-

The Annual Report of the Director of Public Prosecutions in respect of the Anti-Corruption and Economic Crimes related cases for the period 1st January, 2014 to 31st December, 2014.

The Report of the Auditor-General on the Financial Statements of the Kenya Rural Roads Authority for the year ended 30th June, 2014 and the certificate of the Auditor-General therein.

The Report of the Auditor-General on the Financial Statements of the Kenya Airports Authority for the year ended 30th June, 2014 and the certificate of the Auditor-General therein.

The Report of the Auditor-General on the Financial Statements of the Kenya Water Towers Agency for the year ended 30th June, 2014 and the certificate of the Auditor-General therein.

The Report of the Auditor-General on the Financial Statements of the National Communications Secretariat for the year ended 30th June, 2014 and the certificate of the Auditor-General therein.

The Report of the Auditor-General on the Financial Statements of the Tourism Finance Corporation for the year ended 30th June, 2014 and the certificate of the Auditor-General therein.

Thank you, Hon. Speaker.

(Hon. A.B. Duale laid the documents on the Table)

Hon. Speaker: Hon. Rachel Nyamai, the Chairlady of the Departmental Committee on Health.

Hon. (Ms.) R. K. Nyamai: Thank you, Hon. Speaker. I beg to lay the following Paper on the Table of the House today Thursday, 23rd April, 2015:-

The Report of the Departmental Committee on Health on its consideration of the Traditional Health Practitioners Bill, 2014.

Thank you, Hon. Speaker.

Hon. Speaker: I can only imagine that you said that you are tabling a Report of your Committee. Otherwise, you were largely inaudible.

(Hon. (Ms.) R. K. Nyamai nodded in the affirmative)

It is okay because it is on the HANSARD.

Hon. (Ms.) R. K. Nyamai: Yes, Hon. Speaker. I beg to table the Report.

(Hon. (Ms.) R. K. Nyamai laid the document on the Table)

Hon. Speaker: Very well. Hon. Charles Geni. Is it the same as Charles Mong'are?

Hon. Geni: It is Geni or Mong'are. Geni is my father's name. Thank you, Hon. Speaker. I beg to lay the following Paper on the Table of the House today Thursday, 23rd April, 2015:-

The Report of the Departmental Committee on Environment and Natural Resources on the Petition on the eviction of residents from Gwasssi Hills Forest. Thank you.

(Hon. Geni laid the document on the Table)

Hon. Nooru: Hon. Speaker, I beg to lay the following Papers on the Table of the House today Thursday, 23rd April, 2015:-

The Report of the Departmental Committee on Agriculture, Livestock and Co-operatives on two Petitions:-

The Petition by Hon. Kathuri Murungi, MP on behalf of South Imenti Tea farmers regarding decline in tea prices and effects of the *Ad Valorem* levy.

The Petition by Hon. Muthomi Njuki, MP on behalf of Chuka Farmers Co-operative Society Ltd (under liquidation) for the removal of the appointed liquidator of the society.

(Hon. Nooru laid the documents on the Table)

Hon. Kamau: Thank you, Hon. Speaker. I beg to lay the following Papers on the Table of the House today Thursday, 23rd April, 2015:-

The Report of the Departmental Committee on Energy, Communication and Information on:-

The Petition by residents of Homa Bay regarding investigations into the operations of the Geothermal Developmental Company.

The World Public Relations Forum held from 21st to 23rd September, 2014 in Madrid, Spain.

The World Congress on Information Technology in Guadalajara, Mexico from 29th September to 1st October, 2014.

I thank you.

(Hon. Kamau laid the documents on the Table)

Hon. Musyimi: I thank you, Hon. Speaker. I beg to lay the following Paper on the Table of the House today Thursday, 23rd April, 2015:-

The Report of the Budget and Appropriations Committee on the first Supplementary Budget for 2014/2015 Financial Year.

I thank you.

(Hon. Musyimi laid the document on the Table)

Hon. Speaker: Next Order.

NOTICE OF MOTION

ADOPTION OF 2014/2015 SUPPLEMENTARY BUDGET

Hon. Musyimi: Thank you, Hon. Speaker. I beg to give Notice of the following Motion:-

THAT, this House adopts the Report of the Budget and Appropriations Committee on the first Supplementary Budget for 2014/2015 Financial Year laid on the Table of the House on Thursday 23rd April, 2015.

I thank you.

Hon. Speaker: Next Order.

STATEMENTS

BUSINESS FOR THE WEEK COMMENCING
28TH TO 30TH APRIL 2015

Hon. A.B. Duale: Thank you, Hon. Speaker. Pursuant to Standing Order No. 42(2) (a), on behalf of the House Business Committee (HBC), I rise to give the following Statement regarding the business appearing before the House in the week beginning Tuesday 28th April, 2015.

The HBC met on Tuesday this week to give priority to a number of businesses that will appear on the Order Paper this week and next week. The HBC proposes to continue with Bills with constitutional timelines of 27th May, 2015 that appear in today's Order Paper. Should we not conclude them today, then on Tuesday the House will consider for the Second Reading the Prohibition of Anti-Personnel Mines Bill, 2014, if not concluded today. We will also consider the Private Security Regulation Bill, 2014 and the Fisheries and Management and Development Bill, 2014. Also to be considered on the same day, is the Special Report of the Public Investments Committee (PIC) on the procurement process of the Kenya Pipeline Company Limited Line One Capacity Enhancement Project Mombasa/Nairobi Pipeline.

Next week, the House will consider the Report of the Budget and Appropriations Committee on Supplementary Budget Estimates 2014/2015. Should the House approve that Report, it is hoped that the Supplementary Appropriations Bill, 2015 will be passed before we proceed for the May Recess.

On Wednesday morning, it is hoped that the House will consider the Senate's amendments to the Fertilizer and Animal Foodstuffs (Amendment) Bill 2013 and continue with In-Vitro Fertilization Bill, 2014. The House will consider the Departmental Committee on Education, Research and Technology Report regarding the unpaid dues for retired teachers - 1997.

Hon. Speaker, regarding the Cabinet Secretaries appearing before the Committees on Tuesday, 28th April 2015, the schedule is as follows:-

The Cabinet Secretary for Devolution and Planning at 11.30 a.m. before the Departmental Committee on Administration and National Security to answer questions from Hon. Zuleikha Juma, MP, Hon. Paul Koinange, MP, Hon. John Nakara, MP and Hon. Rose Nyamunga, MP.

The Cabinet Secretary for Defence will appear at 10.00 a.m. before the Departmental Committee on Defence and Foreign Relations to answer questions from Hon. Francis Nderitu, MP, Hon. Denis Waweru, MP and Hon. Abdikadir Aden, MP.

The Cabinet Secretary for Interior and Coordination of National Government will appear at 10.00 a.m. before the Committee on Administration and National Security to answer questions from Hon. Hezron Awiti, MP, Hon. John Mutambu, MP, Hon. Joseph Gitari, MP, Hon. Ann Gathecha, MP, Hon. Sunjeev Birdi, MP, Hon. Hassan Abdi Dukicha, MP and Hon. Sarah Korere, MP.

Finally, the HBC will meet on Tuesday, 28th April, 2015 at the rise of the House to consider the business for the rest of the week. I now wish to lay the Statement on the Table of the House.

Thank you.

(Hon. A.B. Duale laid the document on the Table)

Hon. Speaker: Hon. Members, before we go to the next Order which is listed as No. 8, I have received representations from the Committee that this business be transacted on Wednesday afternoon. It may be worthwhile that the entire membership familiarizes themselves with the raft of numerous proposed amendments so that, at that stage of the Bill, you do not re-introduce debates. You will go straight to the proposals, the rationale and you take votes. So, that business is deferred to Tuesday next week at 2:30 p.m.

THE PUBLIC SERVICE (VALUES AND PRINCIPLES) BILL

(Bill Deferred)

MOTION

THE SPECIAL REPORT OF THE PUBLIC INVESTMENTS COMMITTEE

(Hon. Keynan on 24.3.2015)

*(Resumption of debate interrupted
on 23.4.2015 (Morning Sitting))*

Hon. Speaker: Who was on the Floor? Is it Mr. Iringo? You have a balance of eight minutes.

Hon. Kubai Iringo: Thank you, Hon. Speaker for giving me this opportunity---

Hon. Speaker: Sorry, Mr. Iringo, before you commence, your time still remains. Hon. John Waiganjo, you have pressed an intervention.

Hon. Waiganjo: Thank you, Hon. Speaker, for giving me this opportunity. Allow me to seek your direction on the application of Standing Order No.248 on the HANSARD reports. If you allow me, I want to take a very short while on the application of this particular Standing Order.

Standing Order No. 248(1) says that there shall be published within 48 hours a verbatim report of all proceedings of the House unless the Speaker is satisfied that this is rendered impossible by some emergency.

Hon. Speaker, Standing Order No. 248(2) says every Member shall have an opportunity to collect the draft verbatim report of his or her contribution but not so as to alter the substance of what the Member actually said.

Standing Order No. 248(3) says that where there is doubt as to the content of the verbatim report of the House, the Speaker shall make a determination.

Hon. Speaker, I wish to draw your attention to the fact that all the Sub-sections 248(1), (2) and (3) do not refer to anything called expunging information from the record. The tradition of HANSARD recording goes back to the 17th Century and it is only in

1829 that HANSARD became a permanent record of Parliament. The HANSARD is a vital component of parliamentary democracy in that it captures the speeches, the votes and the debates in the House. It is the only complete, accurate and permanent record of the House.

The HANSARD contributes the necessary precision to the affairs of politics and provides an invaluable account of past parliamentary endeavours. Therefore, the HANSARD is more or less sacrosanct and one looking at the HANSARD would learn the chief subject of the time, the period in which the country was living, the expressions of the Members of the House, the style of speaking, the manners of thought and most importantly, the tumultuous period that the country may be living because the speeches we make and the debates we come up with are informed by the instructions we get from those we represent. For instance, when we debate about insecurity, we know for a fact in a particular point in time in our lives as a country, that there was insecurity or corruption for that matter.

Hon. Speaker, therefore, the HANSARD is also the basis for tracing the ground work of all legislation and motive of the Members for instance when Members ask Questions, when they raise points of order, when they raise points of information and even the Petitions we present to this House. It, therefore, serves as a main reference point not only for the general public, but for Members of Parliament who may wish to reflect upon what they said in this House. It is also a main reference to Government Ministries particularly when they want to follow up on their proposed legislation or even when they want to come up with regulations.

It is also a reference point to courts of law particularly when judges are trying to interpret the mischief that parliaments may have had when they come up with an Act of Parliament. Very much so the way a preacher would want to tell his audience or congregation about the Acts of the Apostles and things like those. It is also a main reference point to the Attorney-General when he is drafting an Act of Parliament. It is also instructive that traditionally, the Speaker of an august House would not proceed with the House if the services of the HANSARD were unavailable.

Hon. Speaker, the gist of my application, therefore, is that the HANSARD reporting then happens to operate within a legal framework: a legal framework through subsidiary statutes like our Standing Orders that I quoted and also through other case law and traditional practices. It is, therefore, a full report of the first person verbatim.

My contention is that nothing at all should be removed or added to what an hon. Member says so that the expression of the Member, the intention of the Member shall not change because of any alteration of the HANSARD record. Therefore, any change to the HANSARD should only be for the readability of the text but not to change or remove anything. In our Assembly, Standing Order No.248 provides for production of time within which the HANSARD has to be produced, which is 48 hours. Standing Order No. 248(2) provides for a correction process. For instance, if a Member wants the HANSARD corrected, Standing Order No. 248(3) provides for Speaker's determination on proposed changes of what the Member said. Therefore, in this House, the Speaker has pronounced himself on various occasions, with abandon, on several issues. One of the issues is probably the admissibility of documents on the Table of the House. The other one is the unparliamentarily language of Members and the other one is expunging

information which, in the wisdom of the Speaker, is unpalatable, ignominious, archaic or it is not good enough.

My question, therefore, is: How does this then affect the understanding that HANSARD reports are substantially verbatim and serve as a repository of parliamentary proceedings? In those Standing Orders that I read, I do not see any expunging of any information from the record.

Hon. Speaker, so the Question for determination - as you retreat – is: To what extent therefore, can a HANSARD report be tweaked? Two, is expunging information from the record or from the report of the HANSARD not an affront to the proceedings of the House or is it not? Three, what privileges and immunities in law does the HANSARD report enjoy? Four, in whose interest does the Speaker direct the information to be expunged from the HANSARD report? Five, where does the Speaker derive the authority to determine that part of the proceedings stand expunged from the records now that it is not provided for in the Standing Orders? Six, what does the Speaker intend to accomplish by directing expunging information from the HANSARD?

As the Speaker retreats to make a finding on the points I have listed, I wish to make a submission that expunging information from the HANSARD is an affront to the culture of openness which ought to be entrenched by subjecting parliamentary proceedings to public scrutiny. Therefore, expunging such information from the HANSARD, if at all it ought to happen, it ought to be with the leave of the House and not the Speaker's prerogative. As in the absence of an express provision of the Standing Orders, then the Speaker would be tempted to invoke Standing order No.1 which is obviously exposed to abuse. My submission is that we should take the proceedings of the House very much so like we take the proceedings of the court and preserve the records of the House.

Thank you, Hon. Speaker.

Hon. Speaker: Very well. The Hon. Member approached the Chair with a view to raising those issues he has raised with regard to the place of Standing Order No.248. I will give a substantive determination on the issues you have raised in the manner that you have framed them. I will seek to explain, among other things, of course, the fact that the Speaker is the custodian of your Standing Orders. I will address that in a fully considered Communication on Wednesday next week.

You may proceed, Hon. Cyprian iringo. Is there another intervention? Hon. Njagagua.

Hon. Njagagua: Thank you, Hon. Speaker, for giving me this chance to seek your clarification on one or two matters. I have had a chance and occasion to sit in this Chamber---

Hon. Speaker: What?

Hon. Njagagua: I have had a chance to sit in this Chamber and I have heard Hon. Members "kind of" give you what I will call 'ultimatums' that you must now give a determination or that you must give a written ruling on something. I have perused the Standing Orders and I think that is not parliamentary; that a Member would rise to "kind of" give an order to the Speaker.

Hon. Speaker, maybe, I would like to seek your intervention so that we would be reading from the same script. Is it in order for hon. Members to be giving you orders?

Hon. Speaker: Certainly, the Speaker cannot be given any orders but, of course, the Speaker does not have control on the language used by individuals. It has been said in some quarters that mainly this medium is not indigenous. It is not autochthonous. Hon. Members may use certain phrases when all that they are saying is “Hon. Speaker, we request that you make a ruling” but if they use the word must, it is understood by the Speaker to mean it is a request.

The Speaker is never at any time ordered and does not feel ordered at all. It is just a matter of language. We appreciate that people use all manner of ways to come to Parliament. I take it in that spirit; that it is always a request to make a ruling or to make a determination one way or another. It is never a command. I will deal with the issues raised by Hon. Waiganjo because they are serious at the moment. How we interpret the Standing Orders is important. Like he has said, when you go through the Standing Orders, you will not come across the word ‘expunge’. He may have a point but nevertheless, traditions and customs, some of which are not written, also apply in the daily operations of parliaments the world over.

Hon. Kubai Iringo: Thank you, Hon. Speaker, for giving me this opportunity to add my voice to the Motion on the Special Report of PIC.

As I said in the morning, the idea of re-capitalization and privatization of Telkom Kenya Limited was reached at a Cabinet meeting. The Cabinet had agreed on it. The telecommunications industry in Kenya had been overtaken by events because the fixed lines had become obsolete. Modern technology had brought in the mobile lines which everyone had, and the competition became too much. At the end of the day, there was an investment which the Government had put in and it was serving the whole nation. Once the idea was muted to have it re-structured and privatized, care had to be taken seriously. That is because when such enterprises come up for privatization, sale and receivership, there are many forces and factors which come into play. Some people come in with an intention of trying to poach into that particular investment. In this particular one, I agree with the Committee but caution must be taken. Who is going to do this and for what purpose? In which direction will it be moving? At the end of the day, caution should be taken so that some people are not victimized.

That particular industry has been vandalized, destroyed and people have taken a lot of money from it. The Government has been losing a lot of money through it, but nobody has been prosecuted. Most of the culprits are out there. There are those who have been trying to bring it back on its feet, but it is still not working. We have to be very careful. Those who have stolen from that industry have messed it up, despite being overtaken by events and technological changes. They should answer for what they did. Let us know who has started what and how far they have reached in the process of destroying this industry. Those who want to have it privatized should get the right people and investors. Let us not put public funds into an enterprise where the taxpayers are not going to get their rightful share. There have been disruptions. However, whatever is remaining has to be salvaged in a serious and prudent way, without letting anything else slip out of the fingers of the people who are doing it.

At the end of the day, let us not victimize individuals or punish those who have been trying to save the industry and yet, those who destroyed it are developing out there with the benefits that they reaped from that public enterprise.

With those remarks, I support the Motion.

Hon. Speaker: Yes, hon. Maanzo.

Hon. Maanzo: Thank you, Hon. Speaker, for giving me the opportunity to comment on the Report on Recapitalization and Balance Sheet Restructuring of Telkom Kenya Limited. I listened to the Mover and looked at the Report together with its recommendations as well as part of the proceedings of the Committee. It seems that there was a very well-orchestrated plan to loot from public coffers or in the alternative, there was a lot of negligence while handling public assets.

Privatization has become the order of the day in this country currently. We have proposals for privatization of the New Kenya Co-operatives Creameries (KCC) and many other institutions that are belonging to the Government. It seems as if the public is losing and they have no defender. The public enterprises that are targeted for privatization include sugar companies. Reports have been produced in this House.

As a country, we need to re-think the strategy of privatization. The Committee has recommended that the Ethics and Anti-Corruption Commission (EACC) should investigate and charge the officials from the National Treasury and the Ministry of Communication, Information and Technology who were involved in the privatization process of that entity, if they are found to have neglected their duties, stolen public resources or assisted people to steal from public coffers. The EACC has a lot of work to do in this matter.

If you look at the Committee's Minutes of 2013, one of the observations you are likely to see is that the Communication Commission of Kenya (CCK) was never involved in the privatization of Telkom Kenya and yet, it is the CCK which is legally supposed to give approval, without which the whole transaction becomes a nullity in law. Telkom Kenya Limited has been making losses since it is charging less than the standard inter-connectivity charge for internet and other services. The country was losing 50 cents in every transaction. There has been a lot of negligence by Government officials.

Going forward, because we have so many other public institutions lined up for privatization, the strategy has to be re-looked at afresh. The Privatization Commission, as constituted currently, needs to be re-looked again because we now have a Commission responsible for advising the Government on privatization. The National Treasury, together with the Ministries in charge of areas to be privatized, seems not to be very much involved. Parliament, through its relevant Committees, should be involved in privatization. We represent the people and we can speak on their behalf. We can re-look at the situation with a view to correcting mistakes before public resources are looted through the impending privatization of various public sectors.

Every time a public entity is earmarked for privatization, we have an international company which is supposed to be investing in the country. It is time that we started believing in ourselves, as Kenyans. We can do better in our country. We have sufficient capacity to inject enough capital into our own businesses. Most of the time, the identities of the so-called 'strategic partner' are not disclosed, just like in the case of Telkom Kenya. You find that further investigations have always to be conducted as we, as a country, get duped, with lots of monies getting lost and public properties being sold at throw-away prices. Some of the properties are not even properly identified.

As Parliament, we need to get involved in these matters and ensure that everything does not end up with the EACC, especially given that most of the time, no investigations are carried out. Otherwise, we will end up over-burdening the EACC with investigations of resources stolen through many previous privatization processes.

With those remarks, I beg to support the Report.

Hon. Speaker: Hon. Kimani Ichung'wah.

Hon. Ichung'wah: Thank you, Hon. Speaker. I stand to support this Report. I do not want to say much. I want to point out some few recommendations that we made, especially on matters of legislation that we have to bring to this House particularly on the Public Audit Bill. We need to bring amendments that relate to the audit of state-owned corporations where Government owns less than 50 per cent stake. The Auditor-General is not able to audit quite a number of corporations where the Government owns less than 50 per cent stake. We have cases still pending before this House – like the one of National Bank of Kenya (NBK). Many of those corporations have been very resistant to the Auditor-General auditing their accounts. The Government is losing a lot. A case in point is Telkom Kenya. During our investigations, we realized that to date, Telkom Kenya is not being audited by the Auditor-General despite the Government owning a substantial share of, at least, 30 per cent. As much as they sit in the Board, the 30 per cent shareholding may not give them the powers to appoint an auditor who would be very objective. Therefore, the auditor appointed by the Board of Telkom Kenya Limited, which is largely composed of foreigners, does not take care of the public interest.

In matters of public investments and privatization, a lot of public money has been lost over the years. I appreciate what Hon. Maanzo has talking about, even as we prepare to privatize the sugar companies. As a nation, we must be very careful in the manner in which we privatize those companies. If you go through the Report, you will see how our own National Treasury made this country lose the shareholding we held in a very key company. Telkom Kenya Limited is a strategic company that the Government ought to be controlling to be able to rationalize operations within the telecommunications sector. Treasury paid the Board of Telkom Kenya Limited and a company a whopping Kshs2.5 billion. However, out of the failure by our own National Treasury to pay an extra Kshs2.4 billion, the people of Kenya lost 10 per cent shareholding in Telkom Kenya. It beats logic why the Government would pay Kshs2.5 billion to France Telecom, fail to pay a further Kshs2.4 billion, lose 10 per cent shareholding and still let the Kshs2.5 billion go. That is why we are recommending that the Ethics and Anti-Corruption Commission (EACC) should move with speed and investigate.

I must commend the House for the decision that we made yesterday. I want to call upon the President to make sure that a tribunal is appointed to ensure there is a Commission that will expedite many of the cases that are pending. The Commission should make sure that the Kshs2.5 billion that was paid to the French company is recovered by the people of Kenya.

The other issue that I want to talk about is this: As you go through the Report, you see a mysterious company called Alcazar. Alcazar was a mysterious company which, even as we sat, the Registrar of Companies or anybody in this Republic would not tell who its shareholders were. This reminded us of the privatization of Safaricom which, incidentally, is also in the telecommunications sector, and a mysterious company called

Mobitelea surfaced. In the privatization of Telkom Kenya, you find a Mobitelea in the name of Alcazar.

We have recommended legislative matters that this House needs to be seized of. One of them is an amendment to the Companies Act that will require that all shareholders and directors of publicly-owned companies and private companies doing business with the Government or involved in privatization be known. This will ensure that we run away from the scenario in which people just register offshore companies, hide behind the corporate veil and we never get to know who owns them. Those companies are basically registered offshore with only one intention - to swindle the public of their hard earned resources.

In conclusion, I want to urge Members of this House to support this Motion and pass this Report. I urge the EACC to move with speed and recover all the monies that were lost. I also urge the National Treasury to consider re-negotiating with France Telecom for us to have more substantial shareholding in this very important sector.

Lastly, we have alluded to the possibility of the Competition Authority (CA) having to intervene. We did not go into details of naming the companies. However, I want to take the liberty to mention the unfair nature of the telecommunications industry. Safaricom seems to enjoy an un-rivaled dominance in this market. There is something wrong in the industry that needs to be corrected. We are also calling upon the Competition Authority (CA) to ensure that this dominance by Safaricom is checked. We are running a monopoly in the telecommunications industry in this country. It is making it extremely difficult for other players in this industry to come in and compete. The fighting that you saw last year between Safaricom and Equity Bank is evidence of this. I also want to urge the relevant authorities to look into the issue of dominance and monopoly.

Thank you, Hon. Speaker.

Hon. Speaker: Hon. Joseph Manje.

Hon. Manje: Thank you, Hon. Speaker, for giving me this chance to contribute to this Motion. I support the Report by the Public Investments Committee (PIC). While I support, I cannot forget the fact that we have to privatize some of those State corporations. When we privatize, we reduce the inefficiency in the enterprises. We might also reduce corruption, nepotism and tribalism in the country. One of the ways of dealing with tribalism is to do away with some of these State corporations.

However, this was done in an unorthodox method which, at the end of the day, fleeced money from Kenyans. People came together to create a State. There were those services that they needed. One of them is an enterprise like Telkom Kenya Limited which is more motivated by serving all Kenyans in the country. One of the objectives of such kind of a State corporation is not only profit-driven, but also to open the whole part of the country. When we realize that objective is not achieved, we should find the best method of letting those enterprises go. The way it has been done is not right. We were told it was wholly-owned by Kenyans. It was then privatized and 51 per cent stake went to the new company. Later, 70 per cent went to the new company. Kenyans now own 30 per cent of the enterprise which was---

Hon. Wakhungu: On a point of order, Hon. Speaker.

Hon. Speaker: There is an intervention. Just resume your seat.

Hon. Wakhungu: Thank you, Hon. Speaker. I do not intend to interrupt my brother. However, I have been listening carefully. All that is being said is repetition and congratulating PIC for doing some good work. In line with Standing Order No. 95, will I be in order to move that the Mover be called upon to reply?

Thank you.

Hon. Speaker: Very well. Let this Member finish then I will put your proposal to the Floor.

Hon. Manje: Thank you, Hon. Speaker, for giving me the chance to continue. From the Report, the enterprise was not valued. It means the value they came up with was doubtful and we cannot say that, that is the actual price of the enterprise. If valuation was not done, how did they place the cost per share? It means this enterprise was sold at a price that is not correct.

That enterprise is not there by itself. It was a creation by Kenyans who were taxed to make that enterprise the way it is. Therefore, it is not prudent to just release the enterprise to a few individuals.

Hon. Speaker, you will find that Kenya Telekom is, to some extent, security related. When we privatize, we must know who are taking those enterprises because we might end up auctioning our country to outsiders. It is prudent that if we privatize those enterprises, they should go to Kenyans who are able to purchase them. They can purchase shares in those enterprises so that they remain Kenyan. But if they are taken away by people from outside the country, we might end up losing completely after all that period of time.

In the Report, it was said that Kenyans lost about Kshs66 billion through share value of the enterprise when it was sold in that funny manner. So, it is surprising that the total assets of Telekom Kenya are not known. They were not taken care of before it was sold. If you sell an enterprise without knowing its worth, then most likely you are selling it at a price that is not correct. I want to take this opportunity to tell the policy makers that it is high time they came up with a register of assets of Kenya. Yesterday, you heard about the Integrity Centre. Maybe, there are other places that are being sold at the moment belonging to Kenyans. The Government should come up with a registry of assets so that we can remain relevant.

It is a bit awkward when you sell about 51 per cent of shareholding to a private company and you are left with 49 per cent and yet, the Auditor-General (AG) cannot audit those enterprises properly. Those who are left are likely to take advantage of the Government part. We should come up with good legislation that will allow the AG to audit some of those enterprises even if the shareholding is less than 50 per cent.

Lastly, when an enterprise is halfway owned by the Government and the appointee are from the private sector, they might take advantage of that one and fleece what the Government contributes. That is because it will remain being contributed by the taxpayers.

Thank you.

Hon. Speaker: Hon. Members. There was a request put by Hon. Chris Wamalwa that the Mover be called upon to reply. I want to put that Question.

(Question, that the Mover be now called

upon to reply, put and agreed to)

Hon. Speaker: Let us have the Mover, Hon. Keynan.

Hon. Keynan: Thank you. Before I respond, I would like to donate two minutes to Hon. Wamalwa, two minutes to Hon. Washiali and two minutes to Hon. Mwadeghu, in that order.

Hon. Speaker: Very well. Let us have Hon. Chris Wamalwa.

Hon. Wakhungu: Thank you. First, I want to thank the Public Investments Committee (PIC) for the work well done. We know that the objective of privatization is to improve the efficiency of corporate organizations. But this is also being used as a loophole for corruption. So, we are calling upon the Privatization Commission to wake up because this is the trend that is going on. On the recommendations that have been made by the Committee, it would be important that the Committee on Implementation follows them so that they can be implemented. I want to take this opportunity to thank the Chair and PIC for the work well done.

Thank you Hon. Speaker and I support.

Hon. Speaker: Let us have Hon. Washiali.

Hon. Washiali: Thank you. I want to take this opportunity to thank my brother Hon. Keynan, the PIC Chair for having come up with a Report that is very sensitive on Government investments. I want to slightly elaborate on this Report. Mumias Sugar Factory was initially a Government corporation. But now it has been privatized and that is why we are having the current problems. This raises a question. Why is it that when companies are privatized, they lose their value?

We have in mind the Kenya Cooperative Creameries (KCC), Kenya Wines Agencies and Kenya Airways which was doing very well and today, it has made losses of about Kshs10 billion. We need to find out who is in charge of the investments in the Government. We have an Investment Secretary in the Treasury and we must find out how she is investing. I know she is a lady. We must know what she is investing in to ensure that the Government resources are properly taken care of. That is because we cannot allow this kind of investment whereby, every time the Government invests, it goes haywire. In Mumias Sugar Factory, the Government has 20 per cent shareholding. What has been happening over time is that the Government, being one of the major shareholders, has been determining who becomes a director of Mumias. That is why we have a cartel in the Board of Directors that is not sensitive to the plight of other shareholders.

Therefore, I want to thank the Chairman and especially now that we are having this Report on the privatization of the sugar sector. I hope that this House will come up with a Report that will be sensitive to other shareholders.

Thank you.

Hon. Speaker: Let us have Hon. Mwadeghu.

Hon. Mwadeghu: Ahsante Mheshimiwa Spika. Naomba nichukue nafasi hii pia kuunga mkono yote ambayo yamewasilishwa na Kamati ya Uwekezaji, ambayo inazungumzia juu ya kubinafsishwa kwa Shirika la Simu la Kenya; uwekezaji ambao ulifanywa umeleta tashwishi. Vile tunavyojua, Serikali ililazimika itoe billioni mbili nukta tano, fedha ambazo tumepoteza na nchi hii itakuwa imepata hasara kubwa na

hatujui ni wakati gani tutakuwa tumepata fedha hizi. Inasikitisha kuwa wakati wowote watu wakitaka kubinafsisha mashirika ya Serikali, kila wakati lazima hasara iingie, na moja yao ndio hii. Ndio maana tunapendekeza kuwa shirika ambalo linahusika na kuangalia kuwa ufisadi haupo linahusishwa kikamilifu ili likapate kuchunguza kashfa hii kwa undani sana.

Naunga mkono Kamati.

Hon. Speaker: Let us have Hon. Keynan.

Hon. Keynan: Thank you, Hon. Speaker. I take this opportunity to thank all the Members who have contributed and all the Members who have been around for the last three weeks when this Report has been on the Order Paper. This is a critical Report. State corporations, public investments or State institutions are critical creatures of this August House. Privatization *per se* is not a bad idea. But we must think on how we should privatize key strategic Government-run institutions.

Unfortunately in this country, privatization has been dominated by cartels masquerading as investors. This is why the history of all the privatization attempts that we have made over the last two decades has not been successful. We have seen what has happened to the giant sugar company called Mumias, which was so good not only in East Africa, but in the whole of East, Horn of Africa, Central Africa and South of Sahara. Today, it is a shell as a result of privatization. The question is: "Did the privatization add any value to the taxpayers?" The answer is no.

At one point in time, Kenya Railways Corporation was one of the best railways institutions in East Africa but, today, it is a shell. Did its privatisation add any value to the taxpayer? The answer is 'no'. Look at what has happened to the Kenya Oil Refinery; the only oil refinery facility in the Republic of Kenya. As a result of privatisation, it is closed. Having discovered oil in various parts of the country, we have to go back to the drawing board and plan for the construction of a new oil refinery – something which would have been avoided if the privatisation of the Kenya Oil Refinery had been done in a prudent and transparent manner. Look at what is happening to the Kenya Airways, the Pride of Africa. Today the company is struggling to stay afloat. The once vibrant airliner we proudly used to refer to as 'The Pride of Africa' has been reduced to a struggling institution that has to survive at the mercy of the taxpayers.

Very soon, we will bring a Report on the privatisation of Kenya Wines Agencies Limited (KWAL). It is a repeat of the same. The question is what has happened to the privatisation process in Kenya. The answer is that the privatisation process in Kenya has been completely taken over by cartels – foreign Kenya-based cartels masquerading as investors. The cartels identify strategic institution for privatisation. They then manipulate the process and eventually take it over. Once that happens, the taxpayer loses everything. Telkom Kenya Limited is an off-shoot of the defunct Kenya Posts and Telecommunication Corporation. All of us here, including the Speaker, at one time represented a constituency. Apart from the headquarters based in Nairobi, the Corporation used to have an office in almost every village across the country. One of the things that we completely fail to understand is how you privatise without undertaking a feasibility study. How do you privatise without a valuation report? How do you privatise such a huge institution without compiling an asset registry? All these were lacking.

Finally, somebody somewhere decided to appoint a financial consultant, who turned out to be an employee of the Ministry of Finance. That clearly demonstrates the level of interest in the privatisation process in this country. Somebody was determined to micro-manage the entire process and ensure that privatisation went in the direction they wanted. Just like many colleagues have alluded, there is a company called 'Alcazar Capital Limited, which participated as part of the consortium that won the tender. We were told that Alcazar Capital Limited was part of the consortium. We did everything possible to establish the identities of the owners of this company, including calling the Registrar of Companies to give us information, but nobody seemed to know of the existence of that company. We were told that they were based in Dubai. We conducted a research and established that they were not in Dubai. We were then told that the company was based in the United Kingdom (UK) but, again, we could not trace it in the UK. Therefore, the only viable answer is that Alcazar Capital Limited is a briefcase company owned by the cartels that are determined to fleece this country of its public investments. The Company is being used to fleece taxpayers of their resources. That is why we are recommending that EACC should move with speed to unmask the individuals behind that mysterious company called 'Alcazar Capital Limited' because that is the only way we will be able to name and shame the individuals behind the cartels that have messed up the economy of this country.

The telecommunication sector is critical to the security of any country. How do you privatise such a key component of the economy without knowing the players? Safaricom Limited handles some of the hot lines and the key telecommunication infrastructure in this country, but we were told that the identity of the investors is not known. This is something we found wanting. Therefore, Government agencies like the EACC must move with speed and bring the culprits to book. Parliament has created a number of institutions to provide oversight on some critical functions. We have the Privatisation Commission, the Office of the Attorney-General, the Auditor-General, and the Communication Commission of Kenya. Shockingly, the planners and executers of those mega transactions did not find it fit to involve those critical agencies. One would, therefore, wonder what sort of privatisation it was.

What we equally found shocking was the timing. The first privatisation agreement was entered into on 21st December, 2007, barely seven days before the general elections of 2007. The timing is critical. Why was it tied to a time when everybody was busy with the general elections? That was the first privatisation process that saw the reduction of the Government shareholding in Telkom Kenya from 100 per cent to 49 per cent. Then there was a crisis. The institution required capitalisation. The further capitalisation agreement of Telkom Kenya Limited was, again, signed on 31st December, 2012 – when people had gone for Christmas and anticipating the New Year. Who was in office on 31st December 2012, undertaking such a huge transaction and committing the taxpayer to an agreement that they knew would not be honoured? This is something we found suspect and wanting. On 31st December, 2012, because the investors, a French Company; wanted a further capitalisation of Telkom Kenya, the Government of Kenya committed itself to pay Ksh4.9 billion. An agreement was entered into to that effect. Two things happened: the commitment was not supported by budgetary provision, and the Government paid part of the agreed amount of money. However, the paid amount has not been taken into account

and the agreement has not been honoured. Eventually, we lost everything. The Government shareholding in the company reduced further from 49 per cent to 30 per cent. That translates to Ksh66 billion worth of shares, which were fraudulently transferred to private companies, including the cartels whose ownerships are unknown.

Therefore, I plead with my colleagues here; that we are the true representatives of the people of Kenya. Article 1 of the Constitution puts the sovereignty of Kenya in the hands of the people. To that extent, we are here as the duly elected watchdog of the people of Kenya. When a giant organisation like Telkom Kenya is reduced to the struggling entity that it is today, all of us should be sad. The PIC deals with so many critical public investments. This Report was tabled in this House in April, 2014. Probably, if the Report had been debated then, the situation in Telkom Kenya would have been different today. As we speak, Telkom Kenya Limited has been advertised for sale. Is that not a very sorry state for us to watch? We know where Telkom Kenya Limited used to be. It has now been reduced to what it is today.

Finally, I know that there has to be a time when we must call a spade a spade. I want to urge the Government, and in particular the Executive, led by His Excellency the President. Now that the President has engaged a very strong gear in the fight against corruption, could he critically re-evaluate the privatisation of the various public entities over the last 20 years, with a view to determining the identity of the participants and the beneficiaries, so that we can recover public resources from the cartels that have milked our country dry?

Finally, we recently tabled the Nineteenth Report of the PIC. Just as I alluded to as I tabled the Report, I want to bring to the attention of my colleagues the fact that the Report contains the state of affairs of 71 state corporations. I plead with hon. Members to go to Room 8, pick copies of the Report and interrogate it so that when it eventually comes to the Floor of the House, they can have an understanding of how things are happening in the 71 state corporations. That is the only way we can clearly project ourselves as the true representatives of the people of Kenya.

I thank all the Members who have contributed to this debate. In particular, I thank Members of the Committee, the Secretariat, and the Office of the Speaker and that of the Clerk of the National Assembly for the support that they have continued to give the Committee, so that we can also perform our duties in line with the Standing Orders.

With those remarks, I beg to move and plead with hon. Members to approve this Report.

(Question put and agreed to)

BILL

Second Reading

THE PROHIBITION OF ANTI -PERSONNEL MINES BILL

Hon. Washiali: Hon. Speaker, on behalf of the Leader of the Majority Party, I beg to move the Prohibition of Anti-Personnel Mines Bill, No. 7 of 2014.

The Bill seeks to implement the OTAWA Convention which Kenya negotiated and signed on 5th December, 1997. Following the ratification of the Convention by Kenya on 23rd January, 2001, the Convention entered into force on 1st July, 2001. Kenya has been an active member of the international core group which was established in June, 1998 to develop and coordinate the landmine monitoring system. During the fourth meeting of the State parties held in September 2002 in Geneva, Switzerland, Kenya reinstated her full commitment to the fulfilling obligation as a State party to the Convention. This was reinstated in Article 7 which stipulated that implementation measures will follow in form of legislation and hence the proposed Prohibition of Anti-Personnel Mines Bill, 2013.

The adoption of comprehensive legislation will help to facilitate reduction in the use of mines, reduce the long term impact of past conflicts and, perhaps, most importantly, save the lives and limbs of the people living in the affected areas.

This Bill has been drafted along the lines of modern legislation as proposed by the International Community of Red Cross through the advisory service on International Humanitarian Law. The convention on the prohibition of the use, stock-piling, production and transfer of anti-personnel mines and their destruction provides a comprehensive framework for ending the suffering caused by anti-personnel mines. States that are parties to the Convention have undertaken to cease production and acquisition of the mines, weapons and to dispose of existing stock piles. Ancillary undertakings include periodic reporting to the Secretary-General of the United Nations on implementation of the Convention and allowing fact-finding missions to visit the affected countries. Most of the obligations undertaken by the parties to the Convention do not require a legislative basis. Article 9 of the Convention, however, requires a party to the Convention to impose penal sanctions to suppress activities prohibited under the Convention. The object of this Bill is to impose the required sanctions. In such circumstances, such exemptions are consistent with the terms of the Convention. The overall object of this Bill is to impose the required sanctions in such circumstances and such exceptions as consistent with the terms of the Convention.

Part 1 defines the expressions used in the Bill and, in particular, the Anti-Personnel Mines and prohibited objects. The definitions reflect those contained in Article 2 of the Convention. Clause 3 provides for the implementation of the OTAWA Convention. The Convention is set out in the Schedule to the Bill.

Part 2 prohibits certain conduct in relation to the land mines and their components subject to prescribed exceptions use, development and production. Anti-personnel mines are prohibited. Acquiring, transferring or possessing anti-personnel mines or a component or such mines is also prohibited, except for the purposes of certain military operations, training exercises or in other circumstances permitted under Article 3 of the Convention.

Part 3 provides for the allocation and safe use of personnel mines and component parts. Warnings should be issued and other notices and for the removal and destruction of mines and components by persons authorized by the Cabinet Secretary (CS). Provision is also made for the issue of warrants and authorizations to such premises where necessary. The part provides also for the High Court to order the CS to compensate a person who has sustained a loss as a result of the destruction or a person who did not receive a notice of destruction.

Part 4 contains provisions designed to facilitate the performance by an authorized fact-finding mission of its functions under the Convention. The CS may issue an authorization in respect of that mission which shall authorize the members of the fact-finding mission to exercise such rights of access, entry and also an obstructed inspection as required. The part also provides immunity for the members of a fact-finding mission. The immunity includes the one from suits and legal processes, personnel arrest and detention.

Part 5 requires that certain records should be kept to enable the CS who requires information to be provided to him or her concerning all matters relevant to the implementation of the Convention. The part also prohibits disclosure of information except in connection with anything done for the purpose of the OTAWA Convention, this Act or in connection with the security of Kenya.

Part 6 contains provisions of a general or supplemental nature, including the power to the CS to make rules for the implementation of the Act. Kenya has already committed herself to enact legislation to implement measures of the Convention. It is, therefore, crucial that the Prohibition of Anti-Personnel Mines Bill be enacted into law as soon as practically possible as this will go a long way in underscoring Kenya's commitment to the international mines campaign.

The enactment of this Bill will occasion additional expenditure of public funds to be provided through estimates.

I beg to move and ask my brother, the hon. Member for Narok North, hon. ole Kenta to second.

Hon. ole Kenta: Thank you, hon. Speaker. At the outset, I wish to state that I totally identify with his submissions. I believe it is very important that we domesticate the Water Tower Protocol. When you look at what is happening in Kenya now like what was happening in other parts of the world some few years ago, there is a possibility that these kinds of mines can be introduced in this country to the great detriment of Kenyan lives and property. It is important we safeguard ourselves, give our Cabinet Secretaries (CSs) power and ensure that our people are safe.

As my colleague has said, we are no more an isolated country. Issues that affect other nations and people definitely affect us. We have seen what happened in Garissa the other day. We have seen it even in Mombasa whereby bombs are detonated and our people are losing lives. It is important that we look at all aspects of our lives and ensure that there are laws that cover them.

Without wasting more time, I adopt it in full and second it. Thank you, hon. Speaker.

(Question proposed)

I hope these people are there. I may not know where they are seated but I am just following along those listed on the screen. Hon. Johana Kipyegon, Member for Emurua Dikirr. He must have been seated here if that red light is anything to go by. Next on the line is hon. Joseph Kiuna.

Hon. J. K. Ng'ang'a: Thank you, hon. Speaker for giving me this chance to contribute to this Bill. At the outset, I support it. As we are all aware, our country has

been besieged by these militia groups and if we do not control or take serious measures, they might go to the extent of using these landmines and other explosives to continue with their heinous acts. On security, I will propose that we be a little bit vigilant and careful even as we enact this Bill, more so when it comes to our security personnel, those to whom we have entrusted the security of our citizens and their property.

[The Speaker (Hon. Muturi) left the Chair]

[The Temporary Deputy Speaker (Hon. Kajwang') took the Chair]

It is high time every patriotic Kenyan wakes up and takes the responsibility of this dear nation personally. Let us combine effort and make sure that we have protected ourselves and we support our security personnel wherever they are so that they can be able to ruthlessly deal with these militias. This Bill has come at the right time and I wish that this honourable House goes on to take further steps and try to find a way of empowering our security personnel. It should also scrutinise and them vet thoroughly. We better have very few security persons who are dedicated and patriotic Kenyans, who will die or be injured while tackling the insecurity situation on the ground.

It is painful that we lost almost 150 lives of our dear children whereas we could have saved some few lives if we had some patriotic security personnel. Yes, we could have lost some few security persons but we could have saved more lives of those young Kenyans who just died innocently. It is very deplorable to find that however much we try to talk about this issue of insecurity, corruption remains the major problem. There is no any other serious disease which has engulfed the entire nation like this. Unless the Head of State and all those who are concerned take extra measures to stamp out corruption in this country, we will not be well. The mother and father of all the problems we are suffering is corruption. Corruption has even penetrated our security personnel. It is high time it is dealt with accordingly.

I stand to support the Bill. Thank you.

The Temporary Deputy Speaker (Hon. Kajwang'): Hon. Member for Taveta Constituency.

Hon. (Dr.) Shaban: Thank you, hon. Temporary Deputy Speaker for giving me this opportunity to contribute to the Prohibition of Anti-Personnel Mines Bill, 2014. Our Constitution in Chapter One is very clear on our obligation as a country to any international law or treaty. Article 2(6) says:

“Any treaty or convention ratified by Kenya shall form part of the laws of Kenya under this Constitution.”

As a member of the United Nations (UN) and a signatory to other conventions, we appended our signatures to the UN protocols that have since been implemented in other countries and more so in ours, though the ratification had not gone through Parliament. It is true that we have major problems. In the last few years, we have seen items which have hurt people even within our city. People have lost lives because implementation of such protocols or treaties has not been done. We have our Defence Forces working elsewhere in other countries which are not signatories to these conventions yet our people are not being catered for. They are not being catered for

simply because we have not passed this law. This Bill comes in at a very important time so that we can deal with the issues of the anti-personnel mines which have been a bother to our armed forces or Defence Forces personnel.

Hon. Temporary Deputy Speaker, considering where Kenya is and we are bordering countries which have major problems, I wish to take this opportunity to thank the Leader of the Majority Party who has brought this Bill at this time on behalf of the Government so that we can do what we had appended our signatures to. This protocol that we had signed has several articles. When people go through it, they will see that it has touched on all the issues that concern our people more so at a time when Kenya is undergoing a very difficult time. This is just the right time for us to implement what is in that convention.

I beg to support.

Hon. Oyoo: Thank you very much, hon. Temporary Deputy Speaker. At the outset, I want to add my voice to those who are supporting this Bill. I want to thank the Leader of the Majority Party for bringing this Bill at this particular time because it is happening at a time when our country is going through serious insecurity problems. My attention has been drawn to the fact our country has signed the protocol in respect to the Bill in Ottawa. I am aware that Kenya is very poor at signing treaties which it does not respect in the end. I would urge those involved to make sure that this issue is taken more seriously and a lot of public sensitisation is done such that those who are involved and those who are supposed to benefit from it are made aware and they know what is expected of them and how they should do it. Equally, I am aware that the Government maybe through the United Nations (UN) is the beneficiary of the support of the small arms arrangement. I believe that those who are concerned in this department are doing their best to sensitise the people and train more people who can add more sense or value to this requirement.

I am wondering how this will be very effective because I have not seen this requirement factored in our Budget which is just about to be read. Therefore, I urge that before the Budget-making process is closed, something should be done so that this thing is factored because for real, we need it. We have serious security challenges. Kenya is limping forward in the field of industrialisation. A lot of oil mines have been discovered and minerals will be discovered and very soon Kenya will go full throttle in exploration. Without proper sensitisation and the Government making use of this Ottawa Protocol, sensitizing the public and training more personnel, it might not be very useful to us when we have a real opportunity. We can even partner with the UN or those other departments and international agencies concerned. Otherwise, it is a Bill well-thought out and it has come at a good time.

I beg to support. Thank you.

The Temporary Deputy Speaker (Hon. Kajwang’): Nominated Member, Isaack Mwaura.

(Hon. Mwaura ran to his seat)

Hon. Mwaura: I beg your indulgence---

The Temporary Deputy Speaker (Hon. Kajwang'): Remember it is unparliamentary to run in the Chambers of the august House.

Hon. Mwaure: Thank you, hon. Temporary Deputy Speaker. I do not want to cross over like a kangaroo.

I wish to support this new Bill. I want to support it on the basis that for a very long time, there are many people in this country and in other jurisdictions who have been affected by the various anti-personnel mines which are meant for various individuals other than those that they finally end up maiming. If you remember, there are so many Kenyans who have discovered some of the weapons that have been left for so many years in their gardens and they have to be detonated because they can cause danger so many years later.

The intention of this Bill is therefore to have a national stand on how to deal with these ammunitions. I think it is very important that we as Parliament support it. I am very encouraged by the provisions as enumerated by the Mover with regard to the various measures of control and even the safeguards that have been put in place if one ends up being affected. I am saying this because when there is a calamity, there are only two eventualities: it is either you die or your body is dismembered in one way or the other. The consequences of an outcome where your body is injured has an impact with regard to one's participation and social activities and there is no amount of compensation that would ameliorate the situation owing to the fact that any pecuniary allocation will not envisage a situation where all the various aspects of life that one is engaged in will be properly captured. It is like anticipating how one can engage in modes of economic endeavor and that something is bound to change.

The limitations that would arise thereof from such activity would mean that this individual may be relegated to poverty. It would also mean that this person will be disabled and that in itself has a very high cost to the individual. When Kenya passes this Bill through this august House, we will be in the league of many other nations and it will be very important towards the attainment of world peace. As has been stated by earlier speakers, most of the terrorists and people who would want to cause human suffering have used anti-personnel mines to achieve their ends. In this regard therefore, such regulation and monitoring would ensure that these gadgets do not end up in the hands of those who would want to misuse them. Infact, if we pass this legislation, it means that we are making a small contribution towards the greater attainment of world peace and securing the future of our kids. We will reduce such incidences of people becoming impaired.

When you listen to people who are themselves disabled by these anti-personnel mines, you realise that indeed, if they had any recourse they would not want to go through the harrowing experiences that they have gone through. Indeed, we would want to relegate the relics and even the manufacture of these items into only certain aspects.

Most importantly, I would want to imagine that if this business were to be lucrative like the way weaponry is lucrative in the globe as we know it, then this would work as a deterrent. We have had incidents of individuals like one time in Narok, where an individual was found with a lot of ammunitions that they could not explain what they were for. I think the bill will ensure that such does not happen. I also want to imagine that it speaks to the issue of ensuring that we solve our human conflicts in a more democratic

and mutual agreement kind of way rather than just resorting to using weapons that then would be destructive to the current and future generations.

Hon. Temporary Deputy Speaker, with those remarks, I would strongly support this Bill. I know Articles 2, 5 and 6 of the Constitution speak to the fact that we, as a country, must domesticate international treaties that we are party to like the Ottawa Convention. I want to also imagine that therefore, this action is part of the domestication process and when this law becomes part of our law, it can also be admissible in court as and when there is a dispute that would arise from the use of anti-personnel mines. I think this is very much in tandem with the provision of the Constitution. Going forward, as Parliament, we need to increasingly ensure that Kenya is part of the Committee on Human Rights for world peace.

Hon. Temporary Deputy Speaker, I support.

The Temporary Deputy Speaker (Hon. Kajwang’): Very well. Member for Nyaribari Chache.

Hon. Tong’i: Thank you, hon. Temporary Deputy Speaker, for the opportunity to speak to this Bill, which addresses the concerns of Kenyans today. I agree with what the speakers who have spoken before me have said that this is a very timely Bill that addresses our concerns and even our future concerns. Considering the *Al Shabaab* menace that we have in the country today, there would never have been a better time to have this Bill coming to the Floor of the House. We need to enhance it so that we can include scenarios such as what we had in Garissa recently. We are all aware of the many people who have lost their lives and I think that this Bill will in some way address this concern.

There are sections I would want us to enhance when we come to the point of amendments. For example, in some sections, the Bill states that if somebody is found to have committed an offence related to this Bill, he or she will be fined Kshs500,000 or two years imprisonment or both. I find Kshs500,000 to be too lenient in view of the fact that the offence is so destructive and people who suffer from it are likely to be injured or permanently disabled. Therefore, the Kshs500,000 we are talking of as a fine, in my view, might not be sufficient.

I appreciate that there is not enough money on earth that can compensate humanity but again I know there are some money which would make your burden a little easier than the Kshs500,000 that we are talking about.

When we get to that point of amendment, I would want to propose an amendment that victims who suffer through these offences committed under the Bill, the Government of the day whose power and whose mandate is to protect people and their property, should compensate them. I have in mind the students we lost recently in Garissa. The parents are hurting. I know some of the parents who had sold their land everything in the family to ensure that their children have gone to school. These children’s sin was to be found in a place, which according to the *Al Shabaab*, was not right. So, they were killed. I want to imagine that if we were to let go that kind of a case without compensating the family members, we will do them damage that is permanent. My proposal is that when we get to the amendments, we make it easier for the parents who lost their children, even if it means implementing the amendment retrospectively. I attended some of those burials and they were extremely painful. I know how much those parents had sacrificed

to ensure their children had gone to school so that someday they would take up the responsibility and support the family to grow to the next level. I am also aware of the teachers who died. Unfortunately, most of those teachers were from my county and my constituency in particular. The survivors and the family members of the people who lost their lives are hurting. They are in pain. They have lost the last investment they had. We all appreciate that education is an investment and if it is an investment then the kind of investment that is put into it is massive. When they lose it and lose their loved ones, I think the Government has a duty to compensate them to make their burden a little bit easier because that is what a responsible Government should do. That would be one of the amendments that I would want to move when we get to that point.

I support the Bill in its entirety because I think it is good. It means well and it is meant to make Kenya a better country to live in. It is meant to assure investors that Kenya is a good place to be. We have laws which address their concerns because security is a basic requirement for everybody. Before investors come to a country, they want to be sure that their investments are safe and their personal safety is also guaranteed and this Bill goes a long way in assuring Kenyan investors and visitors that the country is safe. That would be a good thing to happen.

So, I support this Bill. I want to congratulate the Leader of the Majority Party for coming up with this kind of a Bill even when we have issues. I know we will be able to address those issues as we move along.

Thank you, hon. Temporary Deputy Speaker, for the opportunity.

The Temporary Deputy Speaker (Hon. Kajwang’): Thank you. Member for Turkana.

Hon. (Ms.) Emanikor: Thank you, hon. Temporary Deputy Speaker. I rise to support the Bill on Prohibition of Anti-Personnel Mines. Anti-personnel land mines are classified among weapons of massive destruction although in slow motion. They are weapons designed to detonate when triggered by the presence or contact with persons hence causing a lot of damage including death, dismembering, maiming, disabling and destroying. The injuries can blind a person, deafen or even kill, as I said earlier.

The Ottawa Treaty signed in 1997 to totally ban anti-personnel mines was a result of the Ottawa peace process which was launched by the Canadian Government in 1980. There was a lot of consultation, bilateral and multilateral. We know very well that Kenya is among the 97 State parties that signed this convention in December, 1997 and later on ratified it two years later. Kenya ranks high, as one of my colleagues said earlier, in the ratification of international protocols and conventions. It is only fair that Kenya strengthens its commitments to international conventions by creating laws that will bind. All over the world, anti-personnel land mines have been used as a military tool. More often than not these tools fall into the wrong hands, as we have witnessed here in Kenya, killing innocent people.

We want to thank other stakeholders, interested people, non-governmental organizations such as Handicap International, Kenya Coalition Against Mines, Mines Action and other NGOs who have struggled to fight for the ban of land mines. These stakeholders highlight the damage caused ranging from human life, social, environmental and humanitarian. It is high time the Kenya Government made law because it will contribute significantly to the security challenge that this country is facing.

I once again want to confirm my support for this Bill.

Thank you, hon. Temporary Deputy Speaker.

Hon. J.M. Nyaga: Thank you, hon. Temporary Deputy Speaker, for giving me this opportunity to add my voice to this Bill.

Mines are destructive and many Kenyans have been maimed and killed by mines. In the forests and mining areas of some countries like the Democratic Republic of Congo (DRC), to date, there are some areas which no one can access because of mines. Mines are destructive and it is high time the Government of Kenya came up with a law to curb proliferation of mines and punish those who could be behind the making of mines.

If you do some good research into our military and the police, especially in the North Eastern region; there are many policemen and Kenya Defence Forces (KDF) soldiers who have been maimed by mines. Their vehicles are blown up. When you step on a mine, you can be blown up. It is important to note that mines have maimed and killed many Kenyans. Many families have been left suffering because of the same. Mines are like weapons of mass destruction, as my colleague has just alluded to. Most of those people who are fighting their government plant mines, so that the military who have got heavy equipment, cannot access them. Terrorists could also be manufacturing mines. Therefore, it is important for us to check on mines.

There are products which usually make those mines and some of them are used in the agriculture sector, like some fertilisers. It is important to be very watchful and careful of some of the products which are coming into the country because once bad people access those materials, they make bombs, *et cetera*. In Mt. Kenya area, during the colonial times, there were some bombs or mines that were left in the forest and in some farms. A clear case was in Embu and Kirinyaga of late, where a very old mine was detected. Once any Kenyan is crippled by mines, it is important for the Government to compensate them. Children were sometimes found playing with mines, which were exposed by a road contractor undertaking road works. He was lucky that the tractor was not blown up.

This Bill has come at the right time so that whoever is maimed or injured by mines is compensated fully.

With those remarks, I beg to support this Bill.

Hon. Anyango: Thank you, hon. Temporary Deputy Speaker, for this opportunity.

In support of this Bill, I would like to say that we have been ridiculously and shamefully slow in responding to security threats in this country. All the public places are still using metal detectors yet there are modern explosive detectors, where anybody who has touched explosives and rubbed clothing with somebody who has been touching explosives would be detected. If we had this in all the roads from the North Eastern region, there would be no *Al Shaabab* who would have come into contact with any explosive, who would find his way to Nairobi, Garissa or any of the major towns of this country. The equipment is available but we are ridiculously and shamefully slow in responding to the threat of insecurity in this country not only in terms of equipment, but also in terms of training and capacity building in our forces.

The Mover should report back to the Government that there is no excuse. Nobody should tell us, when we have lost so many young people in Garissa, that we do not have

the resources to equip, train, recruit and give our forces the tools they need to contain *Al Shabaab*. If we only had 10 or so explosive detectors working in the buses that come from known routes, like Mombasa, through which *Al Shabaab* take; we would eliminate any of them who has been in training using explosives, whether it is in Somalia or wherever. Why are we so slow in introducing technology that is available?

Right now we are complaining that Dadaab is the breeding ground for radicalisation of the youths. We and the leaders from that area have said that we should close Dadaab Refugee Camp. So many people were born in Dadaab; they are now 25 years old and over. We should be radical enough to say that those Somalis who have been here for so long, and who qualify to be Kenyan citizens, should leave Dadaab Refugee Camp and apply for citizenship, so that we take them and hold them accountable for adequate levels of patriotism as Kenyans. Then they can go and settle anywhere such as Busia and we can track them. They can settle in Turkana, Nairobi and even Rongo, and we track them instead of keeping them in Dadaab, where we do not have adequate control over them. The only beneficiaries are the suppliers of food items to the camp, through the UN systems. Those who do not want to settle in Kenya, and are old enough, can be taken back to Somalia.

We are slow in responding to security threats. I am saying this deliberately because the Chairman of the Departmental Committee on Administration and National Security is listening. We need a 50 per cent budgetary resource allocation to security operations in this country. We should not wait until August to get those resources allocated. We are not responding to the pronouncements of the President that we take active measures on security. Why should it take so long? Sacking people without changing the system to enhance capacity building and commitment to security will not help us. It has to be a total game change in this area. I sympathise with my brother, Nkaissery, who has found himself plunged into a system that is so lethargic and may not be moving very soon.

We need the resolve of this House to challenge the Government to act, starting by allocating enough resources to the security agencies and purchasing equipment to train more of our special security units. The Recce unit had to travel from Nairobi to Garissa by road, or by an aircraft that was missing at the time it was required most urgently. Why should this big country, with 42 million people and which is threatened by *Al Shabaab* from all corners, rely on one Recce unit based in Ruiru? There should be such units in Mombasa, Kisumu and Eldoret, staffed with well trained and equipped people who are ever ready, with their own aircraft, so that they can move, based on their specialisation; to scenes of emergency to rescue people. Why, after 50 years, should a population of 42 million be threatened by *Al Shabaab*, who move around with AK47 rifles, killing our people because we cannot allocate the required resources to our security units? Possibly it is because some cartels are controlling resource supplies and insisting that only some relatives should be in certain positions. We need enough special security units.

We went around other countries with the Chairperson of the Departmental Committee on Administration and National Security to find out how the authorities in those countries would respond to a situation like that of Westgate. We were told that the moment there is credible intelligence that the terrorists are about to attack a supermarket, all supermarkets will be covered by Special Forces.

They will take their trained people with trained equipment, take the uniforms of the guards in those places and mark every area. You only need to press a button that you are threatened and the yellow line will not be passed by any terrorist. They are all wiped out in five minutes.

These mechanisms are known to our security agencies, but they are not applying them. Instead, we are likely to get into a blame game, and say: “North Eastern leaders, you are not doing this. South Eastern leaders, you are not doing this. Coast leaders you are not doing this.” It is the Government to respond. We want to see action. I know it can be done. I remember one time somebody said *Pwani si Kenya*. I asked myself: “Who is this saying *Pwani si Kenya*?” Some leaders were tempted to say that we should negotiate with the Mombasa Republican Council (MRC), who are criminals, for purposes of votes. We have to stop politicising security for purposes of cheap publicity. It will not help us. When people are dying they will not care whether they belong to Orange Democratic Movement (ODM) or United Republican Party (URP). It did not take us time to crash that organisation. They are now silent. When we had problems with *Mungiki*, the day we resolved that there will be no *Mungiki* anymore, within three months it was done. You do not hear *Mungiki* again.

We have allowed *Al Shabaab* to grow and mature in our country because of lethargy in terms of response to security demands in this country. Once the leaders agree we should move, we should have enough personnel with enough equipment backed by adequate technology to deal with *Al Shabaab*. A wall from Mandera all the way to the Indian Ocean is not helpful. We have other mechanisms which can be brought in. The experts have all this information. You may only need a wall in the urban areas around Mandera and some of the crossing points. The rest will be technology-trained people committed, with the capacity and backed by adequate equipment to deal with that.

Why should we not allocate enough resources? These days there are Unmanned Aerial Vehicles (UAVs) that can tell us who is crossing our border anywhere. What is the Air Force doing? They should be intercepted before they even enter Kenya. By just touching the wall between Jordan and Israel, there is an automatic response to deal with you. So, we should not allow our country to suffer investment losses simply because the officers responsible are unwilling to respond. The first response should be resource allocation. The next is training. The third is equipment. The fourth is commitment and motivation for our people to work. These are simple strategies that can easily be implemented. Why is it not being done? Mr. Chairman, please take the message.

Thank you, hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Kajwang’): That was inspiring. Member for Tiaty.

Hon. Abongotum: Thank you very much, hon. Temporary Deputy Speaker, for granting me an opportunity to support this Bill. I agree with the Members that we need to support this Bill so that those who suffer from explosives can be compensated. They are quite a number in this country. The entire North Rift, especially where our military officers train---

The Temporary Deputy Speaker (Hon. Kajwang’): Can you press your intervention button?

Hon. Abongotum: Thank you. Sorry, hon. Temporary Deputy Speaker. In the North Rift, we have counties like Baringo, Samburu, Turkana and even Isiolo where army officers train. After training, these officers normally fail to clear those areas. There are quite a number of bombs and mines in Baringo, Turkana, parts of West Pokot and Isiolo where our army officers train. I have had to bear the brunt as the Member of Parliament for Tiaty. Every year, from the time I was in Standard One, the army officers would always train in Tiaty. I have lost over 15 of my people through bombs that are left unattended. You will get bombs like Calcutta motor bomb, anti-personnel mines and live ammunitions. So, we need to compensate these people. Those who read newspapers might have seen that in one of the newspapers sometime last year, there is a kid who lost his hand because of unattended mines and bombs in a place called Loruk near Lake Baringo. So, we need to clean these places.

The Temporary Deputy Speaker (Hon. Kajwang’): Member for Tiaty, thank you for your contribution. Could you break this down to Members? What is an anti-personnel mine? Unless you break down this subject, it sounds as if it is from heaven.

Hon. Abongotum: There are several types of bombs. I do not need to go into---

The Temporary Deputy Speaker (Hon. Kajwang’): I just want you to help Members debate. I sense that Members are not following this discussion because of those technical issues they are not familiar with.

Hon. Abongotum: Hon. Temporary Deputy Speaker, there are several types of bombs that are left unattended. For our army officers, we have what is called Calcutta motor bomb. It is a very heavy bomb that is normally used when you want to attack terrorists or enemies from across. Anti-personnel are bombs like grenades. Some of them are used with propellers. When you are attacking, it can be used to support the gun that you are using. There are many types. I do not want to go into the details because I am not an expert in ballistics. Quite a number of bombs are normally left unattended. In North Eastern during the *Shifita* War or the Ogaden, bombs would normally be placed under the sand or close to the road so that when you cross they explode and kill so many people. They are quite a number.

Coming to the threats that were being mentioned by hon. Dalmas, I agree that I went with him to Israel. Israelis take their security very seriously. We came up with a very liberal Constitution in this country. We have a long way to go. As suggested by Members, first we need to deal with corruption in this country. Corruption is the number one disease that is promoting terrorism. You will find a vehicle like the one that travelled all the way from a place called Galbahare in Bula Hawa, Somalia, through Mandera, Wajir and Garissa and it was detected near Mtwapa. That bomb was intended to cause a lot of destruction. It was just brought to that place through corruption. Our officers would just ignore, take bribes on the road and yet they did not know what was in those vehicles. In future we should have metal and explosives detectors in most of our roadblocks. We must deal with the issue of corruption.

On patriotism, sometimes somebody told me Kenyans become real Kenyans when they get out of this country. However, when they are in Kenya they belong to their tribes. So, the sooner we realise that this country belongs to us and we have no country “B,” but country “A” which is Kenya, that is what is going to promote patriotism. So, we need patriotism.

On the issue of response, I agree with hon. Dalmas that we need to devolve the Recce Squad. As a Committee we are even suggesting to the Cabinet Secretary (CS) that the entire North Eastern should have at least two sections of 20 Recce Squad members with all the facilities. The sections should be Mandera, Wajir, Garissa, Kilifi, Mombasa and wherever we find appropriate. These Recce Squad members must be there so that they can respond within 30 to 40 minutes. A situation where you get confusion like what we had when Garissa University College students were attacked is unfortunate. The military base is in Eastleigh and decisions cannot be made to fly those officers from Ruiru to Garissa within two hours. It is really unfortunate. I would imagine how those students who had been captured were feeling. Most of them thought that those in charge of security would respond in good time. However, what happened? It took us eight hours to deploy and 18 hours to end the siege. Of course, we want to thank the officers who were brought in. When they were deployed, they took 17 minutes to clear the threat.

So, in future this is what we need to do. We need to respond within the shortest time possible. I am told that these security contracts were cancelled so that they can do direct procurement because the other one would take forever. So, as long as there are no issues, I think we support that we need the Ministry to buy this equipment as soon as possible.

On lethargy, I am happy we are sharing on the same. When he was talking about lethargy, I had written it somewhere. This is the lethargy within our security system. During those old days, I remember during the days of President Moi and half of President Kibaki's time, things were moving in the security sector. These days if you go to the cattle rustling prone areas it is like there is a tacit agreement among officers not to track cattle rustlers and even the Anti-Stock Theft Unit (ASTU) is not doing what it is supposed to do. We have lethargy.

Hon. Speaker you remember one time I suggested that we lower the qualifications of officers who are being recruited. We lowered from "C" stand to "D" plus. I think we should even go to Standard Eight. We must take our security seriously. I have told my friends in the Jubilee Coalition that corruption and the issue of insecurity if not handled well, we must be prepared to pack in 2017. We must be prepared to go home but before that is done we want to fight corruption and insecurity. We promise you that we will do our best to especially to address those two challenges and terrorism.

Thank you very much for granting me the opportunity.

The Temporary Deputy Speaker (Hon. Kajwang³): Right. Let us have the hon. Member for Samburu North.

Hon. Lentoimaga: Thank you, hon. Temporary Deputy Speaker for granting me this time. I want to do a bit of explanation, to answer what you have just asked about anti-personnel mines. In this country they used to be very common in North Eastern because of the *Shifita* menace. Bombs were being placed underneath the soil on the road so that trucks carrying army personnel would be blown off. They were very powerful weapons that could be about 200 tonnes. So, it can kill instantly and consume the whole of that truck. They were very common in 1977 along El Wak, Wargadud and Banisa because during the Ogaden War, that is where majority of the troops from Somalia were passing to go to Ethiopia. The other type of anti-personnel mines are those used by our soldiers to support troops. When you have so many enemies, troops or terrorists that you are

fighting, a firearm like a rifle cannot actually manage them. You have to use a propelled anti-personnel mine to hit at a big group of people.

There are also hand-grenades. In our country, these weapons have been left unattended after troops have left a specific place where they were training. Just like the Chairman was saying, in my county areas of Archers Post, Maralal, Kisima and Muramur which used to be a training camp for cadets, after the training they would leave weapons, mines and bombs. In many cases, herdsboys and girls discover these bombs when they are herding and play with them. Some of them have been buried for long periods of time. They may have been left there in 1980 but because of soil erosion, rains and the many activities that happen over time, these bombs are exposed. The nature of children is that they will play with them like toys and they will of course explode. They have maimed so many of our people at home over time.

The other ones are the British Army who come to train. We have an agreement with them but they also leave the same weapons. There was a time that the community of Samburu East went to court to complain and we had as many as 200 victims of these bombs. The British Government compensated some of them. In Kenya the Government has not compensated many of our people who have been affected by these bombs. It is high time our people were compensated.

I want to add that we are also not very careful. Apart from these mines causing insecurity in our country, as other speakers have already said, we are not careful because we have not put measures in place to create patriotism even among our own security personnel. We need to ensure that we detect any kind of explosives that are entering our country or that are left behind. Unlike before, we are not very careful. During those days we used to be very careful and those appointed to be in charge of security in districts were very responsible. These days, there is a problem and we are seeing it. In my view, it is the Constitution. It has brought this problem because it has given people a lot of freedom which is not bad. However, when it goes to an extent that this freedom curtails the performance of security officers, then we need to do something.

When we go to offices manned by security officers, including big offices like the Office of the Inspector-General; senior officers tell us: "I cannot handle that matter because you will take me to court, as a person." During the time I used to work in the Civil Service, if one did something that elicited police action, like depositing an explosive device, you could take him head on. You could even shoot and kill him because he was a threat to security. In those days, if the victim's relatives decided to complain, they would sue the Attorney-General. Nowadays police officers, including those serving in the highest office of the National Police Service, fear being taken to court. They would rather just sit down, enjoy their salaries and watch from the sidelines as crime unfolds. When police officers are killed, nobody cares about them. However, if a police officer shoots a terrorist, the civil society will turn this country upside down, saying that police officers are bad.

Look at what happened with the 42 policemen who were killed in Baragoi. No single action has ever been taken against the killers. The attackers took bombs from the fallen officers. Up to now, they are with the bombs. They took away a HK11 rifle and three machine guns from the fallen officers. What do we tell the parents of the 42 officers? Have they ever known who killed their children? Up to now, they have not

known. So, we do not care. Even if explosives are deposited outside this Chamber, nobody will take action. The incident will just be treated as a “by the way”. Therefore, we need to address these issues. Apart from the particular bombs and anti-mines, we need to do something. Last year, the Government introduced the Surveillance, Control and Command System (SCCS) equipment to assist in the manner that hon. Dalmas Otieno indicated, but we need to fast-track its implementation. The equipment cost Kshs18 billion. The National Assembly approved it. We need to fast-track its implementation and spread it across the country. We do not need to build a wall between Kenya and Somalia. The equipment that we have approved can do that work, if we are really serious. Therefore, I appeal to this House that we urge the Government of Kenya to do something about the SCCS equipment. It could be the solution for our insecurity and the issue of mines and bombs.

Thank you, hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Kajwang’): Yes, Member for Kajiado!

Hon. (Ms.) Seneta: Thank you, hon. Temporary Deputy Speaker, for giving me time to support this Bill. I want to say at the outset that this Bill is timely, especially when it comes to issues of detective equipment. We not only need to compensate the people who have suffered from land mine bombs or object, but we also need to introduce a mechanism of detecting any bombs and landmines and have them neutralised, so that they do not cause death to the citizens of this country. We do not follow-up on the training of our military forces and international military groups, who leave the training grounds without clearing them from explosives. As a matter of policy, we need to follow up with training teams to make sure that the training fields that they use are cleared of any bombs before they leave.

Still on security, we need to find ways of improving our homeland security. We need to introduce the use of detective equipment on our boundaries and in urban areas. Sometime we make our security personnel to face a lot of challenges, especially when they just stop a vehicle on the road without anyone detecting what is in it. We see many of them wasting time and even creating traffic jams at entrances to hotels and other facilities. Our security personnel cannot detect what is in the vehicle – be it a bomb or any other dangerous object. Therefore, we need to invest so much on detective equipment and on our security generally. We also have to look into how we can introduce policies in terms of areas that have been used as military training grounds, so that we can easily see whether they have been cleared.

In terms of compensation, we also need to look into ways of compensating casualties of terrorism and other insecurity related issues. People have lost their lives in this country, while others are suffering because they have lost their relatives. We need to look into ways of compensating them.

Thank you.

The Temporary Deputy Speaker (Hon. Kajwang’): Member for Taita Taveta, I suppose you have contributed to this debate, have you not?

Hon. (Ms.) Lay: I have, hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Kajwang’): Thank you very much. Let us hear the Member for Mbita.

Hon. (Ms.) Odhiambo-Mabona: Thank you, hon. Temporary Deputy Speaker, for giving me this opportunity. I support this Bill.

The Bill is long overdue. The annexed Ottawa Convention that Kenya is seeking to bring into effect provides that once a state country becomes a member, they should effect it within four years and if there are difficulties, within 10 years. I am not sure whether Kenya has ratified this treaty but if we have not, I suspect that we are way out of time, given the time when this treaty was passed. Nonetheless, I am happy that it is here today. The reason as to why I say so is because this law will put an end to the suffering of the casualties that are caused by the anti-personnel mines, especially relating to the vulnerable, and more so children.

When I was the Director of the Cradle, I had the occasion of dealing with a lot of cases where children were maimed by anti-personnel mines in Isiolo. In that instance, the United Kingdom (UK) Government undertook, after a lengthy case in Kenya and in the UK, to compensate the victims. It is, however, not often that you will be fortunate to have such a situation. I am also the Chairperson of Parliamentarians for Global Action, Kenya Chapter.

This is one of treaties that we focus on, together with the one on small arms. I am hoping that the Government of Kenya will also expedite on the one on small arms because proliferation of small arms is also causing a lot of harm to Kenya. Indeed, that is actually where you get the link with terrorism. Therefore, if you are not able to deal with that treaty concurrently with this then, we will not be helping.

I know this is a bit of a technical area, but if you want to look at the definition under Article 2, it says Anti-personnel mine is any gadget designed to explode so long as a human being is within the proximity of that gadget. Because of the very nature of the gadget, it tends to cause very severe harm to human beings and especially to children who play without realizing. In my own constituency in the last Parliament, there was a young boy who was killed by one of the gadgets that he found left, and sometimes they stay over years. However, it is worse in countries that have undergone civil wars like West African countries and we have seen in many countries like Sierra Leone where people have lost limbs and suffered consequently.

I would like to say that I am also happy because it gives effect to the humanitarian law principle that distinguishes combatants and civilians. So that even in war, you must distinguish between combatants and civilians. One of the things that it seeks to do is completely outlaw any forms of anti-personnel mine; the stock piling, production, and development of the anti-personnel mines. One of the things that I love about this Act is that it also provides for rehabilitation and integration of victims of anti-personnel mines. I would want to encourage that it needs to be looked into, together with the Victim Protection Act so that we only do not look at the issue of rehabilitation and integration but we also look at the issue of compensation.

In Kenya, we know that many of the issues of anti-personnel mines arise especially from our friendly counties that have been using our country as training ground and have left them and many of our children have suffered consequently. My only concern, that I would want to suggest in this Bill is in relation to Clause 3(2), which provides that the Cabinet Secretary may from time to time by notice in the Gazette amend the schedule to reflect any changes made to the convention or any other subsequent

protocols. That is unconstitutional; the Cabinet Secretary cannot do that because treaty-making and ratification is something that now must come through Parliament. So, I would want to ask the relevant Committee - I do not know which it is, perhaps you would guide, I presume it is the one dealing with security, that they need to amend that to reflect what is constitutional.

Again, my concern is on the issue of the fines that have been meted out under Clause 5. The fines are very lenient especially given that many of the people who have been affected lose their limbs and some die. The fine that is given is only Kshs.500,000 or an imprisonment for a term not exceeding two years or both. I think that is grossly lenient for persons who are putting life and body to risk.

Finally, I would like to say that our country must urgently train our officers, so that we can assist in such cases. I am also glad because of this annex, we have provided even though I know we have not really done it as is required in the law. I know that we have a law under Treaty making and Ratification Act, which the Ministries are not probably aware of. Even though it is not done in the way the law requires, I am happy that they have annexed it. By annexing it, it actually makes the convention part of the law, so that when this law is implemented, it will be together with the annex. At times many people presume the annex is not part of the law. It also allows Kenya through this convention to seek assistance from State parties, to support our convention especially for technical expertise, for rehabilitation and reintegration of victims.

With those very few remarks, I beg to support and ask the Committee to consider the various suggested amendments.

The Temporary Deputy Speaker (Hon. Kajwang’): All right, Member for Suna West.

Hon. Ndiege: Thank you, hon. Temporary Deputy Speaker for this opportunity. I also want to support this Bill. In my area, there are some people who, during the colonial period, put many things which are dangerous. By supporting this Bill, I believe we are going to come up with a formula to assist our people.

I also want to add that we need people to change their hearts especially on security. When you see what is happening in Kenya, most of those people who are supposed to do something are not really doing it. Like when we talk about security and corruption, which is in the system, it really takes us backwards and we cannot move forward as a country. Nevertheless, if we can come up with a very good Bill and follow it, it will really give us a way forward as a team.

I also wanted to talk about tribalism. You will find so many people who are supposed to do something are not doing it. They practise nepotism and favouritism. We actually need this to change. I want to ask most of us especially in the security system, to reconsider our stand. If this country cannot have that change of heart, I believe and I know we will not go far. We have insecurity in the upper part of this country. I believe if we cannot change our hearts, we are not going to contain this situation in our country.

I support this Bill because in my area we need people who are experts to come and help. This is because we are bordering Tanzania especially where there are gold mines, people have been digging and there are so many things left behind in that region. Therefore, I support the person who brought this Bill.

With those few remarks, thank you, hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Kajwang): Member for Kitutu Chache North.

Hon. Angwenyi: Thank you, Hon. Temporary Deputy Speaker for giving me a chance to contribute to this important Bill. The security of this country is a prime issue to every citizen of Kenya, particularly, to every Member of the National Assembly, because we represent the people. Therefore, we must take care of the interests of the people of Kenya.

Hon. Temporary Deputy Speaker, our agencies have not been very effective in making sure that we do not have these mines and bombs. They destroy our people. One of the reasons they give for not being very effective is that we have not given them the necessary enhancement, support and encouragement for them to do what needs to be done.

In the last two, three to four years this country has abandoned the police force. If a policeman shoots a criminal, he will be taken to court and nobody will defend that policeman. He may end up losing his job or even being imprisoned, yet he was in the line of duty to secure this country. You saw the case which happened about three years ago where policemen shot down five thugs on Langat Road. Those policemen were sued in court and eventually lost their jobs. That really demoralised our police force. You saw the case of Baragoi where 42 police officers were slaughtered. We do not know what has happened since then. We do not know who slaughtered them and whether their families have been compensated to some extent. This House must take it upon itself to make sure that those families are assisted.

As we move forward, and as we seek to have this country secure, I would propose that we improve the terms of service for our police force and for the national administration. I know there are people in this country who do not want to hear about Chiefs, Assistant Chiefs, District Officers (DOs) and District Commissioners (DC's). But I can tell you for sure, if we enhanced the role of Chiefs, Assistant Chiefs, Village Elders, DOs and DCs this country would be much more secure than it is today.

Hon. Temporary Deputy Speaker, we have devolved our Government to the second level of devolved governments, and now we must learn and know--- In fact, we need civic education to emphasise that Kenya is a unitary state. Kenya is not a federal State. It is a unitary state with one unitary Government for the entire country. We have that level of Government which goes to the grassroots, but we must realize that Kenya is not a federal state. You cannot compare Kenya with America, Australia or even South Africa. If we work together as a unitary State I am sure we will improve the security of our people.

With regard to our new Constitution, I am glad there was a launch today of a forum that intends to correct some of the mistakes that have been found in the new Constitution. I hope it will deal with the aspect of litigation because the new Constitution allows litigation on everything and anything. If a Chief attends to some issue in his or her location and one person is not satisfied then the Chief could be taken to Court. Very soon, Members of Parliament could be taken to court for what they have said in this House. I will not be surprised that we could be convicted. That is from what I see.

We do not respect our roles. Parliament wants to perform the roles of the Judiciary or the Executive and the Executive wants to perform the roles of Parliament or

the Judiciary and vice versa. So, we are not really enhancing the growth and security of this country. But on the issue of the prohibition of anti-personnel mines, we must invest very heavily even before we invest on building a barrier wall along our entire border with Somalia. We must invest in how we can detect anti-mines equipment and the apparatus terrorists use to destroy our country.

With those few remarks, I beg to support.

Hon. Nassir: On a Point of Order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Kajwang’): Yes, Member for Mvita, what is out of order?

Hon. Nassir: Hon. Temporary Deputy Speaker, reading the mood of the House, it is quite clear that we are all in concurrence over this particular Bill. To be able to move forward, because there are still important issues on the Order Paper, for example the Fisheries Management and Development Bill, I would like to request that under Standing Order No.95, the Mover of this Bill be now called upon to reply.

The Temporary Deputy Speaker (Hon. Kajwang’): Well, that is an interesting point of order; you have a mandate to make a decision on by way of voting. Listening to the debate that is going on in the Chamber, we seem to be deviating from the prohibition of anti-personnel mines to issues of security, payment of police officers and issues generally related to Westgate and Garissa.

(Laughter)

If you look at the Bill, it is premised on a convention. That convention has been reproduced. The debate should centre on whether that convention is necessary legislation, or to what extent it should be amended by an Act, and whether or not the issues which you see are sufficient safeguards to be able to create a situation where the anti-personnel mines will, therefore, not find their way to where they are. When I hear people getting irrelevant, it means that the mood of the House, as the Member for Mvita seems to suggest, is such that the subject is exhausted. But before I rule on it, let me allow the last speaker on this.

The last speaker on this is Member for Kitui East. I am only allowing you because I suspect you might have some substance to offer in this debate. I will give you the last chance to debate before I put this matter to a vote.

Hon. Muluvi: Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to contribute to this Bill. From the outset, I sincerely support it, because I know the consequences of anti-personnel mines.

Hon. Temporary Deputy Speaker, I do not think in military warfare there is another weapon which is deployed in the field and does not depreciate between the combatants and the civilians more than the mine fields are normally deployed, in most cases, in a low intensity conflict and not in a conventional environment.

Therefore, if we take cognizance of global history, say during the Vietnam War, or during the *Shifita* campaigns--- The United Nations (UN) has deployed a lot of forces globally to go and create a safe haven for civilians, so that they are able to move from point A to point B. In those exercises, the troops from the respective countries that created safe lines continue to lose their lives. That is why the Ottawa Declaration of

October, 1996 and the Brussels Declaration of June, 1997 came into effect requesting Governments, which had either ratified or signed the treaty, to assist in the UN efforts on this front.

I am aware that we have trained and qualified people who are able to conduct proper anti-mine campaign in our country.

I want to say that it is a good global effort which we should join, as a country, so long as there are people who are fighting legitimate governments because they may not have the muscle or what we call military prowess to confront those governments. They will continue to plant anti-personnel mines, as a result of which many people continue to lose their lives. In my considered opinion, we need to support the Government on this matter, so that we can have a safe place to live in as a global village.

I am also aware that to fight insecurity, we need to have it attacked from all fronts. It is not because of the few instances, which have, of course, caused a lot of problems to our country, but for overall good. Those who know where the British troops have been training, know that always have accidents when they do not detonate some of the minefields in their training areas. That is why we have had a lot of problems in areas like Isiolo and Samburu, where they have been training.

I want to say that this is a Bill that is worth supporting and I sincerely support it. Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Kajwang’): Hon. Member for Balambala Constituency.

Hon. Aden: Thank you, Hon. Temporary Deputy Speaker for the opportunity to contribute to this. I will be brief.

As you rightfully said, many of the areas in this Bill have adequately been addressed. From the outset, let me say that the proliferation of small arms, particularly explosives continue to kill quite a number of Kenyans. In my constituency in the year 2013, three siblings between the ages of four and twelve were killed while playing when they picked a substance which they did not know. The gadget exploded and killed them, leaving their parents in a very miserable state, because they were their only kids.

This Bill has adequately addressed a number of issues, which are required to be taken into consideration in ensuring that lives of Kenyans do not continue to be in danger because of the proliferation of mines.

In these times when we have terrorism, which is very much a threat to Kenyans, experts in the handling of anti-personnel mines should be increased, so that we have them, especially, in the frontier counties that have been used as training grounds by the British in the past, and where we now have very many of these anti-personnel gadgets buried. We do not have to wait until the day when these things explode and then we say, “Unfortunately, there was one there.” We need to go back to the records and look at the training camps that existed during the colonial times. These are things which are within records. Every other time whenever there is an explosion, especially in arid and semi-arid areas (ASALs), you realise that you will be told “This was once upon a time a training ground for troops during the colonial or pre-colonial times.” Those areas should be marked, their threat levels assessed and special scans done, particularly in areas close to settlements.

The issue of counter-terrorism requires us to have a rapid response team available in potential attack areas. For example, areas like the counties of Garissa, Wajir and Mandera. There should be teams in places like Wajir where we have an international-level airport, from where they can respond to the furthest corners of the north eastern region, either way, within an hour or shorter time. It is difficult when the Recce Company is only waited for from Nairobi where they will spend two to three hours between their camp and the nearest place where they will board a chopper, or an aircraft, to take them to the place where they are supposed to engage the terrorists. We we, unfortunately, saw in my county early this month is not an acceptable situation. I want to say that, as a nation, we need to equip our rapid response team - both those who respond to issues of anti-personnel mines as well as to attacks, or threats, by terrorists, so that they can be deployed in less than half an hour. For a good aircraft, for example, 45 minutes are enough for a flight from Garissa to Wajir or to Lamu, or from Wajir to Mandera.

We are spending too much money on what I will consider too many leakages within our economy. Unfortunately, this is money which could be used to adequately equip our rapid response teams, so that we can we are able to save many lives.

Much of this Bill has been addressed by my colleagues and I do not intend to repeat what they have said. It is a good Bill, I support it and I ask my hon. colleagues to do the same, so that we can pass it.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Kajwang'): All right. I have to rule on the Question which was raised earlier on, because I see no other Hon. Member requesting to contribute. I ask the Member for Mumias to respond.

Hon. Washiali: Thank you, Hon. Temporary Deputy Speaker. For information purposes, it is Mumias East because Mumias has two constituencies now. There is Mumias East and Mumias West.

The Temporary Deputy Speaker (Hon. Kajwang'): All right. It is Mumias East.

Hon. Washiali: Correct, it is Mumias East, Hon. Temporary Deputy Speaker. This is because someone listening to a radio may not know the difference.

I want to start by thanking Members who have taken time to look at this Bill, and give their contributions. I also want to appreciate that this Bill is highly technical, because even you at one point wanted to find out the definition of an anti-personnel mine. Though belatedly, as described in the convention, it means "a mine designed to be exploded by the presence, proximity or conduct of a person and that will incapacitate, injure or kill one or more persons."

I was impressed by the contributions on the Floor, especially from the last contributors like Maj (Rtd.) Muluvi who actually gave the insights into what it is all about. All the other Members were equally good. I have noted their concerns and I have also noted that they are likely to bring amendments during the Committee Stage. I will really appreciate, so that we make this Bill work for Kenyans. Given that the Ottawa Convention was negotiated back in 1997, which is about 17 years ago, I am sure it is time we had such a law. As an Englishman said: "Better late than never."

This is a very important Bill and I want to implore my colleagues, who were not able to contribute during this Second Reading, to go and look at it in details, so that they can participate during the Committee Stage, and we come up with a Bill which will really

assist Kenyans. The Secretary General of the United Nations (UN) has promised to prepare and update a list of the names, nationalities and other relevant data of qualified experts who will be provided by the party states. That will also be communicated to this country.

Therefore, anybody who is worried that this may not work for us should rest assured that we shall have relevant data of qualified experts who will look at this. Otherwise, this Bill provides a comprehensive framework for ending the suffering caused by the anti-personnel mines. The enactment of this Bill, I am sure, will go a long way in supporting those victims. We have noted messages, especially a message from Hon. Dalmas Otieno to the Government. We have noted the observations of other Members of Parliament, and we intend to effect corrections during the Committee, so that we can get a Bill that will help us.

I beg to move.

The Temporary Deputy Speaker (Hon. Kajwang'): Before you sit down, do we have the Committee report in respect to this Bill?

Hon. Washiali: I do not think the Departmental Committee on Administration and National Security had looked at it. Maybe, it is something that we need to explore. I note that there is a report to this effect. If you want to have a look, we can make it available to you.

The Temporary Deputy Speaker (Hon. Kajwang'): No; I do not need to have a look; I have it. Once it is laid, it is on the Table. I am just worried when I see Members struggling to debate a Bill; it means that Members have not considered the report which is available at the Table. It is for the benefit of Members that when reports are laid, they are able to go through through them; this helps them to simplify issues and follow the debate.

Hon. Washiali: Absolutely. You even realise that the number of participants is very small.

The Temporary Deputy Speaker (Hon. Kajwang'): Thank you very much. I now order that this Order appears on the Order Paper for Tuesday afternoon for the purpose of taking a vote.

Next Order.

BILL

Second Reading

THE FISHERIES MANAGEMENT AND DEVELOPMENT BILL

The Temporary Deputy Speaker (Hon. Kajwang'): Leader of the Majority Party.

(Hon. (Dr.) Shaban stood up in her place)

Yes, Deputy Leader of the Majority Party. You may proceed.

Hon. (Dr.) Shaban: Hon. Temporary Deputy Speaker, I beg to move that The Fisheries Management and Development Bill (National Assembly Bill No. 20 of 2014) be now the Second Time.

This is a Bill for an Act of Parliament to provide for the conservation, management and development of fisheries and other aquatic resources, to establish the Kenya Fisheries Service and for connected purposes. It is important to note that there are quite a number of Acts, agreements and other measures and resolutions which have been put in place for so many years, yet they are pieces found all over which need to be put together. As time moves on, we need to put in place proper law which is going to make sure that we develop our fisheries industry.

*(The Temporary Deputy Speaker
(Hon. Kajwang') left the Chair)*

*(The Temporary Deputy Speaker
(Hon. (Ms.) Mbalu took the Chair)*

The global demand for fish has put pressure on the natural fish stocks, and aquaculture fisheries play a critical role in food security, especially in nutritional status and employment creation.

I wish to ask my colleagues to support this very important Bill, which is going to become legislation which is going to put everything under the one roof. As demand for the fish grows in the world, most developed nations are looking to the developing nations for fish exports. In our area, we are lucky that Kenya has the Indian Ocean and we have a very big area which we are supposed to be exploiting for fishing purposes, yet we do not utilize this area properly. As I move this Bill, we need to discuss the losses that we are making for not utilizing our ocean properly. We have been making losses upwards of Kshs10 billion in a year. The Kenya marine and fisheries has been under exploited, especially by domestic vessels. Our fishes are concentrated the near shore; they do not go out to the open fishing areas. So the exclusive economic zones only allow big time people to do fishing, yet the access fee---

Most of these people, who use trawlers, pay only US\$50,000 and they are given access to that area. When you look at how much profits they are making, it is a loss to our country which has been given this opportunity to have the ocean as one of our economic fronts.

The need to review the existing Fisheries Act, CAP 378, cannot be overemphasized; we want to have an all-inclusive fisheries management law that is going to make sure that we maximize our fishing. This Bill seeks to give a legal framework for the efficient and effective governance, development and investment in oceans and fisheries in line with the national development policy objectives, and the National Oceans and Fisheries Policies of 2008.

The Bill also seeks to establish an institutional framework that will enable efficient and effective management of fisheries as outlined in the international legal tools, and agreed regional fisheries management options.

I want to just point out that once the National Oceans and Fisheries Ports Policy of 2008 was launched in April 2009, the Ministry went ahead to develop the Fisheries Management and Development Bill in order to give legal backing to some of the strategies outlined therein. The Bill was developed taking cognizance of the international and regional instruments, agreements and protocols such as:-

1. the United Nations Law Policy;
2. the FAO Compliance Agreement of 1993;
3. the UN fish stock agreements of 1995;
4. the Code of Conduct for Responsible Fisheries of 1995 and its plan of actions;
5. the International Maritime Authority;
6. the Port State Measures Agreement of 2009;
7. the Indian Ocean Commission Resolution of 2010;
8. the East African Community and Lake Victoria Fisheries Organization agreed actions;
9. The World Trade Organization (WTO) regulations on Fish Trade.

We also have the other regional laws with similar fisheries issues, as well as national laws on forest management and co-ordination of forest wildlife, water, agriculture and Kenya Maritime Authority Act, and the Merchant Shipping Act, which were considered to ensure that harmonization of management measures was incorporated into this Bill.

Hon. Temporary Deputy Speaker, I wish to just state that the access and management regimes in the exclusive economic zone fishing requires a stringent legal framework and regional co-operation for the country to benefit. Globally, all States are looking for avenues of increasing the contribution of the living resources to the economies and wellbeing of their people as the demand for fish and fish products increases.

It is not difficult for all Kenyans to be using the fish industry, or aquaculture, as a means of making sure that there is food security in Kenya. Kenya gets very low returns from the exclusive economic zones of fisheries, and this has been an issue that has been discussed. We need to have this legal framework, so that we can make proper use of the exclusive economic zones. Besides all these, there is a need to support the rapidly expanding aquaculture development at Lake Turkana, and put in place the East African Community agreed actions for shared fisheries. An example is Lake Victoria and the ecosystem approach to fisheries for other trans-boundary fisheries. This includes some other smaller lakes within all the regions in Kenya, where we have small lakes which are shared across the border. We have such lakes even in my own constituency.

The alignment of fish interventions to the Constitution of Kenya and other international fisheries conservation and management measures all necessitated a legal framework, as I have already said, that would adequately articulate fisheries issues, which are many and which can be economically very useful to the Kenyan society. This Bill has been developed following a participatory process involving all the stakeholders through workshops held countrywide since 2004. It is over 10 years now when we are seeing this Bill being presented here by our Leader of the Majority Party. All these consultations culminated in a stakeholders' conference held in 2011.

Part III of this Bill has the Kenya Fisheries Service. This is a body that will be responsible for the conservation, management and development of Kenya fisheries resources in accordance with this Bill once it goes through. There are many functions for this, but basically it puts down all the appropriate conservation management; we should develop this industry to the maximum level and maximize returns from it.

Part XVIII has the Kenya Fish Marketing Authority, which is going to be responsible for making sure that people do not just do aquaculture, or fishing, and fail to get to where they market that particular product.

This Bill, as it is, has put together so many sections of legislation; it seeks to repeal older Acts, for example the Fisheries Act Cap. 378, the Drought Ordinance, Cap. 380, and the Fisheries Protection Act, Cap. 379.

Hon. Temporary Deputy Speaker, I beg to move and do hereby ask Hon. Millie Odhiambo-Mabona to second this very important Bill.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Ms.) (Mbalu): Hon. Member for Mbita, Millie Odhiambo-Mabona, will second the Bill.

Hon. (Ms.) Odhiambo-Mabona: Thank you, Hon. Temporary Deputy Speaker. I rise to second the Bill. In seconding the Bill, I want to say that God loves me because he knows how passionate I am about fishing.

I was travelling to Kisumu this afternoon, I had already boarded a plane, but the plane had a problem; so, I came back. Now, I understand why I had to come back. I thought this Bill would be coming to this House in about two weeks' time; I am happy to be here. In terms of inland fishing, my constituency is, probably, the epicentre of fishing in the country. That is why I am very happy that I am here.

The world is focusing on green and blue economic revolution that focuses on water. If we work very well around the issue of water, we will say goodbye to poverty and we will welcome food security. I want to say, as I second this Bill, that the previous Government had put some efforts towards aquaculture fishing but they were not sufficient. I would want to encourage this Government to put in a lot more effort in terms of aquaculture fishing. I want to encourage that even as they do that, they do not forget the traditional fishing areas; I know a lot of the aquaculture fishing went to the non-traditional areas because the Government was trying to encourage those areas to get into fishing, but they forgot one of the challenges we are facing in the fishing community; it is that there has always been a presumption that fish is an infinite resource.

Over the years, we have discovered that it is not an infinite resource; it is finite. I was not really prepared otherwise I would have given the figures that show how dwindling our fish stocks are; but if we put a little extra effort and invest in our waters then will have a revolution in this country. In countries like Ghana and the USA, people have put a lot of energy into aquaculture fishing and fishing in lakes through cage fishing with tremendous results; I would want to encourage us to move that way.

If you look at the definition of fishing in this Bill, you will see that it is not just limited to the fishing as it is traditionally defined. It also includes reptiles and other resources. Indeed, I was telling the Chairman of my Committee that, perhaps, after the passage of this Bill, we might just start eating snakes as well, because the Bill imports snakes into class of fish, because both live in water. Nonetheless, I am happy.

I want to say that if we put in just a little bit of energy--- The International Union for the Conservation of Nature (IUCN) estimates that over 20,000 plant genetic resources are yet to be discovered and many may have medicinal values. That is only plant genetic resources. If we talk about animal genetic resources, then we will actually sit on a gold mine. There is still so much. Unfortunately, in Kenya what is happening is because of global climate change; because of over fishing, we are losing a lot of stocks of fish that we have had before. In my own community, we have had a lot of fish with a lot of medicinal values; fish that boost immunity can also help in the fight against HIV/AIDS. Many of them have become extinct; what, in my local language, is called *ningu*, *mumi* and *rokoko* are no longer available.

Hon. Temporary Deputy Speaker, I know you are amused but I told you that I am a fish expert of some sort, and I represent fisher folks.

I represent many Kenyans. My Constituency has seven habitable islands. Because of that, there are many Kenyans who come to my constituency to fish. Although it is a rural constituency, it is semi-cosmopolitan because of fishing. There are members of the Somali, Kisii, and Luhya communities and people from other parts of Luo-Nyanza, as well as members of the Kikuyu community, all of whom go there mainly to fish or supply various items to the fishing folks.

I am happy because I have just come back from my constituency, where I was sharing ideas with some fishermen from Litare Beach in Rusinga Island on fishing and this Bill. They gave me their concerns. Even as I second, I know that in the Committee of the whole House, we will bring in the amendments we are working on. Unfortunately, because of other commitments, I had to leave early. I was chairing the Sub-Committee on Fisheries of our Committee. I will be bringing several amendments which have to do with the challenge that we have in terms of balancing between conservation and socio-economic needs.

Unfortunately, this Bill leans very heavily on conservation at the expense of socio-economic needs. If you look at Clause 5 and the long title, you will realise that it is very heavy on conservation, which is not a bad thing; but we must also be alive to the fact that we are conserving for the sake of the fishing folk. We should not have a situation where the law is an end in itself, since it is made for man. If we make a law that is an end in itself, it will affect man and woman, and then it will not be making sense.

The greatest tension in this law, which we have discussed a lot even with the Cabinet Secretaries, is the issue of the fishing ban period. There is usually a four-month period when fishermen are not allowed to fish. Eighty per cent of the population in the community I come from is made up of fishing folks. It is only two wards in my constituency which rely very heavily on agriculture. The rest of the wards rely heavily on fishing. They do not undertake any other activity; all they do is go to the lake and fish. When there is a ban, children do not go to school and there is no food. It is a very serious concern. I get more phone calls around this period. Ordinarily, I would get around 50 to 100 phone calls per day but during the ban season, I get about 400 calls per day because of the socio-economic needs. As much as I am concerned about conservation, being an environmentalist myself, we must also take into account the socio-economic needs of the local communities.

One of the other issues which I will also be looking at is the architecture of the Bill. The Mover of the Bill said it has gone through a lot of public participation, which is true. However, because the process started very early, you can see a lot of issues that did not take into account the fact that we now have a new Constitution with a devolved system of governance. Fisheries are very heavily devolved. If you look at the architecture of the Bill, it still follows the architecture of the old Constitution. As a Committee, we have proposed some amendments. Some of the issues that I would be raising are on *ex situ* and *in situ* fishing.

I can see my time is up but indulge me and just give me two minutes and I will conclude.

Some of the issues that we will be looking at are on the definitions, which exclude women. We need to add the definition of a fish-monger. We also need to look into the issue of punishment. We are not looking at the fact that we are dealing with inland fisheries and ocean fisheries. This Bill is focused heavily on artisanal fishermen. We need to look at the issue of beach management units and the protection of women, who get sexually exploited in the fishing industry. The definition of the word barter---

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): By the powers conferred on me by Standing Order No.1, let me give you two minutes because of where you come from. Just two minutes.

Hon. (Ms.) Odhiambo-Mabona: Thank you, Hon. Temporary Deputy Speaker. I am very grateful.

If we do not amend the definition of the words 'barter trade', then some people may continue exploiting women in the fishing industry. One of the other issues of concern to fishermen who extract *omena* is that we have excluded light from the fishing Bill. There is no way you can fish *omena* without light. In the Committee, we agreed that, because of the thought process that looked at ocean fishing and not inland fishing, we did not think about *omena* fishermen. We will be looking into those amendments. Because of lack of time, I will not go into all of the issues. However, I will be bringing them by way of amendments.

Thank you for the indulgence.

I beg to second.

(Question proposed)

(An hon. Member consulted loudly)

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): You are out of order, hon. Member!

Let us have the Hon. Member for Mvita now that we have heard the Hon. Member for Mbita.

Hon. Nassir: Asante sana, mhe. Naibu wa Spika, wa Muda. Majina ya Mvita na Mbita yamefanana kimpaka na katika uvuaji wa samaki pia. Kwetu kote tuna samaki. Natoka katika eneo la Mvita, ambalo ni kisiwa. Tunaangalia Mswada huu kwa hali ambayo italeta mazuri.

Mwaka uliopita, nilizuru viwanda ambavyo vinasafisha na kuweka samaki katika mikebe. Nilisikitika kuona kuwa idadi ya watu waliokuwa wameajiriwa kwenye kiwanda hicho ilikuwa ni ndogo sana, na hali Wakenya huenda kwenye nchi kama vile Ushelisheli ili kupata ajira katika sekta ya uvuaji samaki. Sababu kuu ni kwamba nchi nyingine zimeweka sheria kuhusu uvuaji wa samaki. Uvuaji wa samaki ni shughuli ambayo huziletea nchi nyingi ulimwenguni dola kwa mabilioni. Jambo la kusikitisha ni kwamba, katika nchi hii, mwenye meli yake anaweza kuingia na akiweza kulipa dola elfu hamsini, anaweza kuvua samaki wanaoweza kujaa meli yake. Wengine huvua mpaka meli zao zikafikia “kutapika”. Kuhusu jambo hilo, hamna lolote linalowasaidia Wakenya, na hususan wale wanaotoka kwenye sehemu ambazo zina ufuo wa bahari au mito.

Ningependa kutaja kwa kibinafsi na kwa niaba ya watu wa Mvita, kwamba tunaukubali Mswada huu kwa sababu unaweka mpangilio katika sekta ya uvuvi, na kuangalia ni chombo gani kinachofaa na ni kipi ambacho hakifai kwa sababu kinaharibu mandhari ya bahari, ama kinasababisha samaki kufa kwa wingi.

Pia njia itakayotumiwa na vyombo vya uvuaji vitakavyotumika, italeta uchafuzi wa bahari na mambo mengine ambayo sheria hii itasaidia. Kando na kuvua samaki tanaowajua wa kawaida, sheria hii imeweza kuongeza maswala ya ufugaji wa samaki, na sio uvuvi wa samaki tu. Kitu ambacho ningependa, na nimeweza kudokezea wenzangu hapa, ni kuwa sheria ikiwa na nia na madhumuni mazuri, tusiichafue kwa sababu ya hali ya kisiasa. Huu Mswada imeweza bodi tatu, nazo ni Kenya Fisheries Council, Kenya Fisheries Service na Fish Marketing Authority. Katika yale ambayo ninayapinga ni kuwa bodi hizi zimeambiwa ofisi zao kuu ziwe Nairobi. Ingawa nina uchache wa elimu, ingawa nilipata alama ya “A” katika Jiografia, sikumbuki kuwa Nairobi ina mto wala bahari. Itakuwa sawa kwa wale wamejaliwa na kubarikiwa na raslimali hii, makao makuu ya bodi hizi yawe mapahali ambapo uvuvi unafanyika.

Imesekana kuwa Mswada huu hauhusishi serikali za kaunti. Ukifika katika Seneti, wenzetu wanaweza kuipigia fujo. Ningependa tukumbushane kwamba katika Orodha ya Nne ya Katiba ya Kenya, kifungu cha kwanza kinaipatia Serikali kuu uwezo juu ya maswala ya kulinda mandhari na hali vile ilivyo kuhusiana na mambo ya uvuvi, uwindaji na ukulima. Lakini swala la ukulima, hususan tukizungumzia mambo ya samaki, katika Katiba ya Kenya ni wazi kuwa ni jukumu la serikali za kaunti. Kwa hivyo tusibuni sheria ambayo italeta siasa. Ningependa Serikali iyakumbatie maswala ya ugatuzi na wale wanaoendesha serikali za kauti; infaa huu Mswada upitie Seneti ili kila mmoja aukubali. Ningependa Wabunge wenzangu ambao wana mito, ziwa ama bahari, na wale ambao, kwa sababu pengine wana kuku na ngamia peke yake, waingilie ufugaji amaki; he wainzingatia sheria hii, wakae chini na serikali zao za kaunti na wavuvi katika maeneo yao ili tukitengeneza sheria iwe ni sheria ambayo itafaidi wakenya wote.

Asante sana, Naibu Spika wa Muda, kwa nafasi hii.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Asante sana.

The Member for Limuru Constituency, Eng. John Kiragu.

Hon. (Eng.) J.K. Chege: Hon. Temporary Deputy Speaker, I rise to support this Bill.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Are you on record?

Hon. (Eng.) J.K. Chege: I am, Hon. Temporary Deputy Speaker. First, I want to thank the people behind this Bill. Finally as a country, we have started focusing on

fisheries as an industry that requires to be managed properly, and that can contribute to the development of this nation. I come from a region where 50 years ago we were not fish-eating people. Today in every household people know what a fish is, and how it contributes to good health. This nation has depended on red meat for a long time, and we know the problems that arise from eating red meat and the benefits of white meat.

For us to develop this industry, it is important to protect our economic zones, particularly the shore lines. We know that big nations from the East have been exploiting our economic zones by overfishing. It is unfortunate that as a country, we have not protected these areas. The aqua-fishing area is an important area for us to also develop. It is important for us to ensure that even as we encourage it, we also help in research and development, and particularly make sure that the industry is sustainable.

I have seen efforts in my area where people have dug ponds but in a year or two all the ponds became dry, because the people did not even understand the fishing, not to mention the fish that has to go into these ponds. This nation can join other nations that have benefitted by exploiting the fishing industry. Boats of countries like Japan come to our shores. We know the Chinese and others who have come to our shores. We, however, know that we have Marine Authority and the Kenya Navy. These institutions must also be deployed to ensure that areas around this country are protected, and that we consider these areas to be important to us in terms of their economic contribution to this nation.

It is also important for us to understand that, as Kenyan people, we need to learn more about the fishing industry. I know that we have very scarce water areas like lakes and rivers. However, we need to know which type of fish can survive in what kind of area. This can only come from our institutions of higher learning, which can help us understand the environment that is good for what type of fish.

So, I support this Bill. It is timely and I think we have to consider all the areas, and ensure that this country joins the rest of the world in making sure that we get total benefit from our fishing industry.

Thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Vey well spoken.

Let us have Hon. Richard Tong'i. Member for Nyaribari Chache.

Hon. Tong'i: Thank you for the opportunity to also say something about the Bill. From the outset I support it. I believe that is the way to go. By having this and using it properly we are going to have food security in the country. This will reduce poverty as we are all challenged by poverty in the country. This kind of a Bill goes along way in addressing that. More importantly, I am concerned with aquaculture fishing, in which we talk of fish ponds.

The majority of Kenyans do not have the privilege of being neighbours to waters like Hon. Millie and Hon. Nassir. Some of us come from the dry lands, but we can use fish ponds to also get the same advantages that they have. That is why I would want to see this Bill enhanced; we should increase the amount of allocation that we are putting into it and enable those who come from the mainland to create fish ponds in their places, just as we did in the previous Government. This initiative worked very well. In my constituency of Nyaribari- Chache, we have fish farming as our main activity. We have also seen that in Kibera, which is actually in the middle of Nairobi, there is a lot of fish farming going on.

That kind of technology can be imported to other parts of the country to ensure the youth to engage in such an activity instead of using their spare time undertaking unproductive activities. They will be able to generate their own income rather than doing some of the things that we all know they sometimes do; this is because they do not have much productive activity to engage in.

Old fishing methods are unsustainable. I have had an interest in Kisumu for the period I was there. There has been a lot of concern that fishing in the lake and in the ocean is not enough. The traditional way of fishing does not take fishing forward; we need to come up with other ways of getting fish onto our tables.

Those of us who are keen on health issues know that fish is a better source of protein than meat, which we do eat most of the time, as Kenyans. We should encourage fish farming. I was impressed when I went to support my friends in Central Kenya; I was encouraged when I saw them eating fish. There was fish on their menu and I thought that was quite positive. Knowing the culture of the Kikuyu people, fish was considered a snake, and not something to be eaten by people who have gone to school, or people who have money. We have broken from that culture, and need to encourage new cultural practices.

Fish farming is going to reduce unemployment in the country. If we can have the youth forming groups and starting fish farming, unemployment challenges that we have in the country today will become a thing of the past. If I go to the constituency today, the first question that I get from the youth is about employment opportunities for them. The just concluded police recruitment attracted very many youths, because they do not have better alternatives. If we can come up with *aqua culture* or fish farming, we will go a long way in addressing unemployment, which has been an issue of great concern in this county. It is within our ability to address this concern.

Proper management of fish farming will, of course, reduce rural-urban migration. Most of our youth migrate from the rural areas to urban centres in search of employment. If we had fish farming in place, most of those who have interest in fish farming would take advantage of such activity, instead of congesting the cities. They would be productively used at the local and constituency levels. That way, we would have addressed unemployment, which concerns all major cities. Fish farming is the way to go.

One of the major sources of foreign exchange for this country is fish. When done properly, fish farming will enhance the foreign currency earnings of our country. We all know what foreign currency does. The degeneration of our currency that was witnessed last June, or there about, was caused by export of foreign currencies to European countries and the United States of America. The multinational banking institutions that we have in the country and blue chip companies, which declare returns and make dividend pay-outs, were repatriating foreign currencies to Europe and America. That was the cause of the degeneration in the value of our shilling that we are seeing; this in turn affects our budgeting, planning, finances and such things.

If fish farming in this country could be enhanced to levels that mitigate against the degeneration of our currency, we would not only be addressing the problem of food security, but also resolving the issue of money shortage, which is a major concern for the country.

I also propose that when we get to that point, we need to include the provision that the planting of Blue Gum by the riverside should be banned. I am so concerned about this. I come from a region where we are endowed with soil fertility and we have done very well in terms of ensuring that God's requirement is fulfilled on earth, that is, filling the world. We have done very well. However, filling the world has its own consequences. My county is a small one, yet we have a huge population. With such a huge population, we must get a way of addressing the issue of food insecurity. How do we do that? We have to protect what God has given us. One thing that God gave us is that he made Kisii his bathroom, and there he takes a shower all the time. However, that shower is drying up because of the Blue Gum tree, which is planted by the riverside and has now taken all the water that we had. We must have in this Bill, and in others which are concerned with the management of water, a provision that the Blue Gum tree should never ever be planted at least a hundred meters from a river. This is because it uses a lot of water for it to grow and it is a nuisance.

When I was growing up as a small boy, I used to fish in a small river, but nowadays that river has dried up. I remember that as a small boy, we would actually go and bathe in a river. Bathing was an occasion and a ceremony, and we did it once in a week as we prepared for the Sabbath. For example, tomorrow used to be a serious day for my people, but that luxury is no more because rivers have all dried up. It is something that concerns me and the country. It is something that all leaders must be aware of and address. If we do not take action, then we are going to have a desert in places where we never had deserts before. When the time comes, that will be one of the amendments that I will want to propose, so that we can address the issue of planting Blue Gum tree on the riverside.

My honest opinion is that - I am sure scientists will agree with me, there are better trees we can grow instead of having the Blue Gum tree. It cannot be the only one that we can grow. I know sometimes we do it for commercial purposes. We do it because it is a quick win. You are able to get your trees and in less than two years you have a lot of money because you have ready a market for it. However, the opportunity cost to the country is so massive that soon in places where food was never an issue are going to have that as a concern. When we call for food rationing, we are going to do that in areas where we should never have done that.

With those many words, I beg to support. It is a beautiful Bill and we will need to use it to make Kenya a good country to live in.

Hon. Wetang'ula: Thank you, hon. Temporary Deputy Speaker. I wish to add my voice to support for this Bill.

It is a very important Bill. I have just perused through it. Looking at the Memorandum of Objects and Reasons, I see that this Bill seeks to align the governance of the fisheries sector to the Constitution of Kenya. It is very important because for a long time people who survive on fishing as a way of getting income have been exploited so much. You find that people who live near lakes, for example in Kisumu in Nyanza region mostly thrive on fishing. However, we do not have any investments in that area. We do not have, for instance, cold rooms in that area. Fish is taken away immediately it is harvested. What you get there is what they call *mgongo wazi*. These are the remains of fish that the fishermen and the people who live there have to survive on.

ADJOURNMENT

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Member for Westlands, you will have eight-and-a-half minutes next time. Hon. Members, the time being 6.30 p.m. we have come to the end of today's sitting. Therefore, the House stands adjourned until Tuesday, 28th April, 2015, at 2.30 p.m.

The House rose at 6.30 p.m.