

AN OPINION ON THE CONTROVERSY SURROUNDING THE PARLIAMENTARY

PASSAGE OF *THE SAFE ABORTION BILL* ON 8th DECEMBER, 2015

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1. INTRODUCTION

1.1 Much energetic argument has been proffered in the case for and against *THE SAFE ABORTION BILL*. The passionate testimonies and submissions conflict and reveal our democracy burgeoning into a most welcome profundity for the public good. In the context of this exhaustive mass of critical personal convictions directed towards a controlling propagation, a welter of the conceit of unfair pontification upon the personal and private lives and rights of others in a dynamic empirical world (as opposed to a purely conceptual world) our complex world of growing consciousness and progressive sensibilities, I shall try to adopt a perspective that avoids monotonous repetition. Suffice it to say at this point that, much as moral pronouncements may be non-naturalistic, they are required to persuade through exemplary iconic pillars on the ground.

2. THE CONCEIT OF CONFRONTATION

2.1 The step taken by the Inter-Religious Council, after parliamentary passage of the *SAFE ABORTION BILL* , to ask His Excellency the President not to sign it into law on the primary grounds that they were not consulted in the legislative process is destructively confrontational on two fronts. Firstly, it reveals a negative attitude of resentful reaction to an illusion of slight. Secondly this ungraduated escalation of power-play in an ego-challenge can cause a national crisis. A clear evidence of this, in my viewpoint, is the judicious, ambivalent handling of the matter by His Excellency the President. While exercising his supreme authority as National President to execute his responsibility to all his people, he has avoided the head-on collision with Parliament proposed by the I.R.C. Significantly the President has present in his thoughts his experience as Minority Party Leader of the House in Parliament.

2.2 I heard in a B.B.C interview that the President refused to sign the Bill into Law as the influential I.R.C. proposed. That is not my interpretation of the present situation, which steps back into space and time not expressly contemplated by the Constitution. The Presidential decision to sign or not to sign is, in my opinion, in abeyance.

3. PROCEDURE FOR PASSAGE OF BILLS IN THE HOUSE

3.1 The Majority Party Leader of the House and Leader of Government Business, Hon. Ibrahim R Bundu (Constituency 52, Port Loko District) and other M.P.s have been at pains to explain the governing procedure in our Standing Orders and the consultation process involved, precedent to and throughout the passage of the Bill. I do not intend to repeat what has been over-explained. Now, evidently, contrary to their claim to social and moral responsibility the I.R.C. did not peacefully signal the omission to consult them, cause an extension of the parliamentary outreach programme, or arrange to come up to Parliament and engage their recognized representatives prior to the passage of the bill. Instead their initial step was to move the President to reject the act of Parliament. Their pugilistic choice of immediate escalation invoked subsection 7 of SECTION 106 of the Constitution:

(7) Where a bill has been passed by Parliament but the President refuses to sign it, the President shall within fourteen days of the presentation of the bill for his signature cause the unsigned Bill to be returned to Parliament giving reasons for his refusal.

The I.R.C.s proposed divisive confrontation follows immediately in subsection (8)

(8) Where the Bill is returned to Parliament pursuant to subsection(7) and that Bill is thereafter passed by the votes of not less than two-thirds of the Members of Parliament, it shall immediately become

law and the Speaker shall thereafter cause it to be published in the Gazette.

However, given that, in my opinion, His Excellency did not react under subsection(7) to the I.R.C.'s representation--- he did not refuse to sign the Bill, he only asked judiciously and graciously for further consultation--- Parliament cannot, for its part correctly follow on with either subsection(8) or STANDING ORDER 58(6) without a substantial modification which drops the concept of override, since there is nothing to override. Rather, the House may wish to move through STANDING ORDER 83 (1) and (2) to enter the STANDING ORDERS OF THE KENYAN PARLIAMENT and borrow a leaf from the section--- REFERRAL OF BILLS BY PRESIDENT. The Bill may then be sent again to His Excellency for his signature, held in abeyance, with a report on the action taken by the House along the lines he suggested, and supported by a parliamentary resolution on a majoritarian not an absolute majority threshold.

4. OF SOULS LOST IN A DARK VACUUM IN THE VARIETIES AND COMPLEXITIES OF THE REALITIES OF LIFE

4.1 We all know through life-experiences, reinforced by our continental, informative African Literature, the desperate and crude decisions of some women, left to their own lonely, secret devices, under the burdensome torturing load of an unwanted pregnancy. To probe into their psychology, perhaps the unwanted baby is seen as an available stand-in for the unavailable predator who has preyed on them *en passant*. Vengefully they abandon their hated baby-bundles to the bloody horror of a feast of dogs. They throw their babies into pit-latrines to drown to death. So much for the "sanctity of life". Once at Race Course Cemetery, a young woman was caught, the alarm raised, after the live-burial of her baby. The rescue unearthed only a suffocated baby-corpse. So much for the "sanctity of life". Neither their religion nor State- policies uphold and tuition them, in their dark night of evil, on a dynamic civilized outlet, a persuasively decent alternative. So let the State unmask the primitive conservative lie legally

to provide, with the growth of consciousness and understanding, for the dynamic realities of life as lived.

5 SANCTIMONIOUS POSTLAPSARIAN PONTIFICATION

5.1 Activist Nasu Fofanah (Hope I have the name right) has eloquently said it all in the brave succinct testimony on the mass-media of her ordeal of sexual exploitation at age 15. Her unabashed revelation is her personal sacrifice for the noble cause of liberating her fellow women from the imposition of a life-denying existence. With characteristic female petulance she spits out, “HYPOCRICY!” Unmask the old-time sanctimonious dissembling for the modern sensibility to breathe, blossom and live a life of unchained sanctity! In the universal dark jungle the swoop of the hawk down on vulnerable chicks is everyday exposed in the fall of celibacy, the suffocating “imprisonment” of young boys in sex- slavery under the charge of their spiritual icons. There is no sanctity of life here and no sanctity of existence either in the torturing wounds of the soul. Since the symbolic fall at Genesis in Eden disgusting beastliness streams through mankind generally. Postlapsarian man can at least refrain from pontificating in prelapsarian poses against an effort in remedial policies such as legitimate safe abortion.

6.1 The procedure of abortion, illicitly undertaken by young students in trouble in the dark, by young women generally, lends itself to sexual blackmail. We all know that. The aroused irrationality in the dark jungle of illegality is well known. The traumatic request for sexual favours in addition to financial payment usually comes into it. Beyond life-long traumatic memories we all know--- from the young to the old, if we are thinking holistically, not in compartments not in little pigeon-holes--- we all know of the lifelong injury to future child-birth. This is the real world, not fancy or fantasy, life as lived responsibly to address for the greater good. Hence the responsive and conclusive policy-conception of safety in abortion in the national interest.

CONCLUSION

Parliament has had the benefit of hearing the position of the opposition outside the House, all of which enriches the democratic debate. The Representatives of the People can now arrive at their decision from a stand- point of greater strength.