

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 15th February, 2012

The House met at 9.00 a.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No.964

IMPLEMENTATION OF SECTION 53 OF EMPLOYMENT ACT

Mr. Imanyara, on behalf of **Mrs. Odhiambo-Mabona**, asked the Minister for Labour:

(a) when he will make regulations under Section 53 of the Employment Act on activities that are deemed harmful to the health, safety and morals of a child between 13-16 years of age; and,

(b) what is considered “light work” that a child can undertake under the Law.

Mr. Deputy Speaker: Is the Minister for Labour not here? We will leave that Question until the second round.

Question No.987

FUNDING OF SCHOOLS/INSTITUTIONS FOR THE DISABLED

Mr. Ruteere asked the Minister for Education:-

(a) whether he could provide a list of Special Schools and Technical

Training Institutions which are caring for the mentally challenged, physically challenged, deaf and blind in the country;

(b) whether he could consider funding the schools/institutions adequately

considering that most parents/guardians of such students cannot afford high school fees; and,

(c) whether the Government could transfer the Technical Training Institutes to the Ministry of Higher Education, Science and Technology for financial

support and infrastructural development.

Mr. Deputy Speaker: Is the Minister for Education not here? We will leave that Question until the second round.
Next Question!

Question No.1109

LIST OF ACCOUNTING/ENGINEERING
STAFF IN GOVERNMENT DEPARTMENTS

Mr. Deputy Speaker: Mr. Ethuro is not in?

Question No.1160

NON-PAYMENT OF DEATH GRATUITY TO MRS. L.G. NJOGU

Mr. Deputy Speaker: Mr. Gitari also not in?

Question No.1248

REASONS FOR FAILURE TO RETIRE
CHIEF OFFICERS IN PUBLIC SERVICE

Mr. Deputy Speaker: Dr. Monda also not in?

Question No.1255

PLANS TO RELOCATE UNHYGIENIC
DUMPSITE IN NAKURU TOWN

Mr. Deputy Speaker: Mr. Kigen not in too?

Question No1267

SEWERAGE SYSTEM FOR MANDERA TOWN

Mr. Mohamed Hussein Ali asked the Minister for Water and Irrigation what plans he has to construct a sewerage system for Mandera town, which has a population of over 100,000 people.

Mr. Deputy Speaker: Is the Minister for Water and Irrigation not here? We will leave that Question until the second round.
Next Question!

Question No.1346

COMPLETION OF RESIDENTIAL
BUILDINGS IN KAPSABET TOWN

Mr. Lagat also not in?

Question No.1419

NUMBER OF PROJECTS UNDERTAKEN BY EWASO NYIRO NORTH/SOUTH
DEVELOPMENT AUTHORITIES

Mr. Duale is not in?

Question No.1426

NON-TABLING OF REPORT ON
DEATHS OF J. KAMURI AND P. IRUNGU

Mr. Mwangi asked the Minister of State for Provincial Administration and Internal Security:-

(a) whether he could state why he has not tabled the report on the killings of two brothers, John Kamuri and Peter Irungu of Yamugwe Village, Githagara

Location, Kahuro District on 28th December, 2010 as promised in the House when answering Question No. 810 on 6th April, 2011; and,

(b) whether he could table the report.

Mr. Deputy Speaker: Is the Minister of State for Provincial Administration and Internal Security not here? We will leave that Question until the second round.

Let us now go back for the second round.

Question No.964

IMPLEMENTATION OF SECTION 53 OF EMPLOYMENT ACT

Mr. Imanyara, on behalf of **Mrs. Odhiambo Mabona**, asked the Minister for Labour:

(a) when he will make regulations under Section 53 of the Employment Act on activities that are deemed harmful to the health, safety and morals of a child between 13-16 years of age; and,

(b) what is considered "light work" that a child can undertake under the Law.

Mr. Deputy Speaker: Minister for Labour! Minister for Labour! This is a very bad start for the House. For a long time Members of Parliament were raring to come and start business in the House. If you look at the House today, you can see how many hon. Members are here. It is hardly 10 per cent of the total number of the Members of this House. That is the same for the Ministers. Clearly, the Chair is going to serious view of this and is also going to start with very serious sanctions. Under the circumstances, every Member and every Minister who has a Question is supposed to be here by 9.00 a.m. in

the morning. The Order Paper is posted on the internet so Members of Parliament and Ministers have access to the Order Paper well in advance. The Minister for Labour is not going to transact any business in this House until such time that he is able to satisfy the House why he is not here to answer this Question.

Mr. Njuguna: On a point of order, Mr. Deputy Speaker, Sir. This Question No.964 is appearing on the Order Paper for the second time. In my view, this Question carries a lot of weight.

Mr. Deputy Speaker: It is understandable and the Chair has taken cognizance of that and has already given the right sanctions to the Minister.

Next Question, Mr. Ruteere!

Question No.987

FUNDING OF SCHOOLS/INSTITUTIONS FOR THE DISABLED

Mr. Ruteere asked the Minister for Education:-

(a) whether he could provide a list of Special Schools and Technical

Training Institutions which are caring for the mentally challenged, physically challenged, deaf and blind in the country;

(b) whether he could consider funding the schools/institutions adequately

considering that most parents/guardians of such students cannot afford high school fees; and,

(c) whether the Government could transfer the Technical Training Institutes to the Ministry of Higher Education, Science and Technology for financial support and infrastructural development?

Mr. Deputy Speaker: Minister for Education! Clearly the Minister for Education is also going to suffer the same fate and he is not going to be allowed to transact any business in the House until such time that he is able to explain himself. The Chair takes serious view of this.

Next Question!

Question No.1109

NUMBER OF ACCOUNTING/ENGINEERING
STAFF IN GOVERNMENT DEPARTMENTS

Mr. Deputy Speaker: Is Mr. Ethuro not here? Is Mr. Ethuro by any chance out of the House today on any official Parliamentary business?

Question dropped!

(Question dropped)

That is the sanction that you give to Backbenchers.

Question No.1160

NON-PAYMENT OF DEATH GRATUITY TO MRS. L.G. NJOGU

Mr. Deputy Speaker: Is Mr. Gitari not here? Is he by any chance out of the House on any Parliamentary business?

Question dropped!

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): On a point of order, Mr. Deputy Speaker, Sir. I believe that Mr. Gitari is out of the country on official Parliamentary business and maybe the Clerk can confirm that.

Mr. Deputy Speaker: He will be able to explain himself but for now the Question is dropped.

Next Question!

Mr. Monda: Mr. Deputy Speaker, Sir, I want to apologize for coming a little late after you had called out the Question.

Question No.1248

NUMBER OF PUBLIC SERVANTS RETAINED BEYOND RETIREMENT AGE

Dr. Monda asked the Minister of State for Public Service:-

(a) whether he could provide details of all Permanent Secretaries, Directors in Ministries and Chief Executive Officers (CEOs) of State Corporations who have attained the mandatory retirement age but are still in Public Service including their respective names, ages, places of work as well as the reasons for their continued retention in service;

(b) whether he could state to the House when the officers will retire and be replaced with qualified persons from within the Public Service; and,

(c) what the Government policy is on retirement of public officers and why the same is not being implemented?

The Minister of State for Public Service (Mr. Otieno): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The details of Permanent Secretaries who have obtained the mandatory age of 60 years and are still in public service are as follows:-

1. Amb. Francis Muthaura, who was there up to a few days back but has stepped aside in view of the issue surrounding his case at the International Criminal Court (ICC).

2. Patrick Nyoike who is 64 years---

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

Mr. Deputy Speaker: Can you allow the Minister to complete his answer?

Proceed, Mr. Minister!

The Minister of State for Public Service (Mr. Otieno): Number two is Patrick Nyoike Mwaura, aged 64, Permanent Secretary, Ministry of Energy; number three is Dr. James Nyikal Wambura, aged 60, Permanent Secretary, Ministry of Gender and Children Affairs; number four is Prof. Karega Mutahi, aged 68, Permanent Secretary, Ministry of

Local Government; number five is Joseph Kanja Kinyua, aged 60, Permanent Secretary, Ministry of Finance.

Mr. Deputy Speaker, Sir, the Public Service generally has a provision whereby civil servants at any level can be retained on contract beyond the mandatory retirement age if their services and expertise are still required by the Government.

2. The following chief officers attained the age of 60 and may retire at the end of their respective contract periods. One is Michael Waweru, Kenya Revenue Authority, due to retire on 1st March, 2012. Two is Alexander Kaminchia, Kenya National Assurance Company Ltd., who was due to retire actually last December and may have gone. The answer was prepared well before December.

(b) Permanent Secretaries are appointed and retained at the pleasure of the President under the old Constitution. This provision applies until the first general elections are held under the new Constitution.

(c) The Government policy on retirement of public officers is that officers retire from the service on attainment of the age of 60 years with the exception of judges and the academic staff of public universities, who have higher retirement age limits. The Government may, however, retain some officers who have attained the mandatory retirement age if it is found necessary to do so on contract.

Mr. Deputy Speaker, Sir, I can confirm that I know of no other officer in the public service whose age is past 60.

Thank you, Mr. Deputy Speaker, Sir.

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

Mr. Deputy Speaker: What is your point of order, hon. Olago Oluoch?

Mr. Olago: Mr. Deputy Speaker, Sir, my point of order relates to the first part of the answer by the Minister when he mentioned that Amb. Muthaura had stepped aside.

Mr. Deputy Speaker, Sir, the words “stepping aside” is foreign in the public service as the Minister must know that there is either suspension or interdiction. Is it in order for the Minister to mention the words that have no relation or meaning at all in the public service?

Mr. Deputy Speaker: Mr. Minister, what is “stepping aside”?

Mr. Otieno: Mr. Deputy Speaker, Sir, after confirmation of the International Criminal Court (ICC) charges against Amb. Muthaura, he opted to leave office. We have not defined in our laws anywhere what stepping aside is or leaving an office pending determination of a case. So, in the absence of a better word, I said stepped aside because if anything develops in that case that would have allowed him to continue with his contract, he could be free to do so. But in this specific case, officers beyond age 60 are on contract and if a case like this arose, the contract actually ends and we determine it in accordance with the terms of that contract.

Dr. Monda: Mr. Deputy Speaker, Sir, while I thank the Minister for the answer he has given, I find a lot of contradictions in it. At one point, the Minister has told the House that the retirement age for civil servants is 60. Whether they are permanent secretaries or chief executive officers in State Corporations, the age is 60. At the same time, if you heard the Minister he talked about the public service as a provision which will be now outside the law of retirement at 60.

Mr. Deputy Speaker, Sir, can the Minister put it right? Why are these civil servants still in service? If their skills are still needed, how come there are no younger

civil servants who will take these positions while we retire those who are due?

My Question was, could the Minister indicate when will these civil servants retire and give way for younger people to take up these slots?

Mr. Deputy Speaker: Mr. Minister, the hon. Member has asked you a number of questions.

Mr. Otieno: Mr. Deputy Speaker, Sir, I think I explained that the retirement age is 60 and all the public officers retire at that age, but they may be re-engaged on contract. There are specific provisions on how the Government engages anybody on contract, of course, taking note of the age at that time. However, priority on being engaged on contract is on the basis of whether the service and the expertise are still required in the public service.

As to permanent secretaries, these, as hon. Members know, are political appointments and the contract is actually the political decision of the Chief Executive.

Thank you, Mr. Deputy Speaker, Sir.

Mr. Kiptanui: Thank you, Mr. Deputy Speaker, Sir. In answering the Question, the Minister has tried to evade some sections of part “a” of the Question. He was to give specific reasons for their continued retention in service per civil servant. Is there a uniform or standard criterion for retaining and retiring civil servants? Why are others retained and others retired?

Mr. Otieno: Mr. Deputy Speaker, Sir, in fact it is in writing in my answer. The criterion is if the services and expertise are still required by the Government.

Mr. Pesa: Thank you, Mr. Deputy Speaker, Sir. While answering the Question, the Minister has said that those public servants who are taken back on contract may retire at the end of their contract term. That, to me, sounds very funny because I thought when you are hired on contract, at the end of your contract you should actually leave the job.

Mr. Otieno: Mr. Deputy Speaker, Sir, I did not say “anybody retires after the end of the contract.” You retire after the end of your service in Government. You can only be re-hired on contract. Contracts are not for periods exceeding three years. At the end of your contract, we do not say you are retiring now but your contract has terminated.

Mrs. Odhiambo-Mabona: Mr. Deputy Speaker, Sir, could the Minister indicate what policy the Government has of ensuring that youth are employed if we are still retaining people who have served their time, and have served their country well and should now be serving the country by giving us advice while resting at home instead of occupying the positions that the youth should be taking?

Mr. Otieno: Mr. Deputy Speaker, Sir, all the youth are employed in the public service in accordance with the terms we always express in the advertisements for the filling of any vacancies in public service. The retention of officers whose service and expertise may still be required by the Government on contract periods actually may also include training and mentoring their successors for periods that may be necessary a little beyond their retirement age.

Mr. Imanyara: Mr. Deputy Speaker, Sir, in the absence of a clear policy on the part of the Government as to when the expertise is required, could the Minister agree with me that it leads to abuse in that persons who are not qualified for these jobs, are politically correct positions in order to serve interests that suit the appointing authority rather the public interest?

Mr. Otieno: Mr. Deputy Speaker, Sir, in every instance, there will be a clear policy. However, as to whether there were vacuums that allowed abuse---

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

Mr. Otieno: But I am answering a point of order!

Mr. Deputy Speaker: Proceed, hon. Ethuro!

Mr. Ethuro: Mr. Deputy Speaker, Sir, I have lot of respect for my good friend, hon. Minister. However, is he in order to mislead the House that he can create a policy for every instance? Indeed, he did say that there is no policy and that these appointments are done at the behest of the appointing authority. The hon. Imanyara said in the absence of clear policy, it is subject to abuse by the appointing authority. Could he confirm that this can be open to abuse? So, he just needs to confirm or deny, and then I will ask the other substantive question.

Mr. Otieno: Mr. Deputy Speaker, Sir, I think I was just about to accept the vacuum that existed previously was subject to abuse of that discretion. The hon. Member is also aware that we did remove that discretion in the Constitution. We were so specific. Even the appointments of permanent secretaries which had been at the discretion of the President, are no longer at his discretion. They will have to be recommended by the Public Service Commission. The President no longer has the option of taking anybody from anywhere leading to the possibility of this abuse. So, that is already sealed in the new Constitution. However, what I have been answering was regarding past appointments that will run their contract periods. After that, it is clear; it will not be possible.

Mr. Mbadi: Mr. Deputy Speaker, Sir, I heard the Minister say that most of these people who have passed the retirement age are again retained in the service because of special expertise. Could he tell this House which expertise Prof. Karega Mutahi has taken to the Office of the Deputy Prime Minister and Ministry of Local Government while just a few months ago, and even right now, we are still complaining that he led to the loss of billions of shillings through pre-primary education?

Mr. Otieno: I think I did make it clear that as regards Permanent Secretaries, they are up to now political appointments and that their expertise was determined solely by the appointing authority. As regards all other public servants, the expertise has to be expressly indicated during the processing of any contract appointment.

Mr. Ethuro: Mr. Deputy Speaker, Sir, I want the Minister to confirm to the youth of this Republic that the reason he extended the mandatory retirement age from 55 to 60 was to accommodate these old men. As if that is not enough, he has now allowed them to exceed even the age of 60.

He is confusing expertise required by Government and expertise provided by the specific individuals and the ethnicity factor. Indeed, if you look at the five names here, it can only be a coalition of big tribes. There are none from minority tribes like Turkanas and others. They will not be allowed to exceed the mandatory age of 60 years..

Mr. Deputy Speaker, Sir, indeed, could he also confirm the reason why they are being retained is because they have been extremely problematic to this country. If you look at Mr. Kinyua, PS, Ministry of Finance, Prof. Karega Mutahi and the rest, are the ones who have been fighting devolution Bills. Is that the expertise that this Government can convince this House? Mr. Nyoike, PS, Ministry of Energy, we all know the crisis in

the energy sector. Is that your definition of expertise of personnel who are coming to distort the economy of this Republic?

Mr. Otieno: Mr. Deputy Speaker, Sir, the public officers named by hon. Ethuro definitely are very highly experienced public officers. However, I have no comment on his observations which I fairly doubt.

Dr. Monda: Mr. Deputy Speaker, Sir, you heard the Minister mention that the new Constitution does not give the President powers of appointing anyone to be in a public office. Considering that we have a new Constitution which stipulates that public servants must retire at age of 60 years, when will these officers exit from the Civil Service? We want to abide by the new Constitution that Kenyans passed.

Mr. Otieno: Mr. Deputy Speaker, Sir, they will all exit when their contracts expire or not later than after the next general election.

Mr. Deputy Speaker: Next Question, Mr. Lucas Kigen.
His Question is dropped.

Question No.1255

RELOCATION OF NAKURU DUMPSITE

(Question dropped)

Question No.1267

SEWERAGE SYSTEM FOR MANDERA TOWN

Mr. M.H. Ali asked the Minister for Water and Irrigation what plans she has to construct a sewerage system for Mandera town which has a population of over 100,000 people.

Mr. Deputy Speaker: Minister for Water and Irrigation! The Minister for Water and Irrigation will not transact any business on the Floor of this House unless she is able to adequately to explain herself.

Mr. M.H. Ali: Mr. Deputy Speaker, Sir, I have an answer from the Office of the Deputy Prime Minister and Ministry of Local Government. However, I do not know why it is an answer from that Ministry. He is not even here to answer it.

Mr. Deputy Speaker: You will have to see the Chair on that.

Mr. M.H. Ali: Mr. Deputy Speaker, Sir, this Question was earlier deferred from the Office of the Deputy Prime Minister and Minister for Local Government to the Ministry of Water and Irrigation. I do not know why I am still getting an answer from the Office of the Deputy Prime Minister and Minister for Local Government.

Mr. Deputy Speaker: Fair enough! You will have to approach the Chair at a later date to see the right Ministry to answer your Question.

Question No.1346, Hon. Elijah Lagat.

Question No.1346

NON-COMPLETION OF RESIDENTIAL BUILDINGS

IN KAPSABET TOWN

Mr. Lagat asked the Minister for Public Works:-

(a) whether he is aware that there are several residential buildings in Kapsabet Town, started 20 years ago meant for public servants which have stalled and, if so, why;

(b) when the construction will resume and what is the expected completion date.

Mr. Deputy Speaker: Order hon. Elijah Lagat! You came late, you have to apologise to the House.

Mr. Lagat: Mr. Deputy Speaker, Sir, first of all, I apologize for being late because of the traffic jam.

Mr. Deputy Speaker: Traffic jam is not an explanation, but nonetheless proceeds, hon. Minister!

The Minister for Public Works (Mr. Obure): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that there are several residential houses in Kapsabet Town which started approximately 20 years ago, meant for public servants and stalled in the 1990. These pool houses stalled because the Government did not have the money to pay the contractors.

(b) My Ministry commenced technical documentation with a view to completing these houses way back in March, 2007. The documentation has since been completed. But unfortunately we do not have the requisite budgetary allocation to be able to proceed with construction works.

Mr. Deputy Speaker, Sir, this project falls under the stalled projects programme. Unfortunately, the funds allocated to my Ministry are not sufficient to cover all the projects as initially envisaged and what I want to assure the honourable Member of Parliament for Emgwen is that there are three such stalled projects for civil servants in various towns. There is one in Kapsabet. The second one is in Kericho and the third one is in Voi. I want to inform this House that the Kericho pool houses will be commencing this month and the other two, the Voi and Kapsabet ones, hopefully will commence at the beginning of the next financial year, hoping that funds will be provided by the Ministry of Finance.

Mr. Lagat: Mr. Deputy Speaker, Sir, these buildings have stalled for more than 20 years, I think the Government has not been serious and one thing that I am seeing - you say that you are planning to get money - is that it is not guaranteed and the houses are still in the same situation. A stalled building which has stayed in that state for more than 20 years is also a risk; some of them are more than three stories; I think they are also becoming a risk to the residents of Kapsabet. We also want an assurance that these buildings will be completed.

Mr. Obure: Mr. Deputy Speaker, Sir, I share the sentiments of the hon. Member of Parliament. The Ministry of Public Works inherited about 225 stalled projects throughout the country. It was initially envisaged that all these projects would be completed before the end of this year 2012. Unfortunately, the funds provided to the Ministry have not been adequate to enable us to complete the projects as initially envisaged. For example, this year we were hoping to get approximately Kshs5 billion to

enable us to complete these projects. We only received Kshs3 billion, out of which Kshs1 billion was spent on paying for work previously done work, meaning that only Kshs2 billion was available for the stalled projects programme; that is the reason why we were delayed. So, we have to wait for the next financial year which is a little unfortunate; but I want to assure the hon. Member of Parliament that when we undertake these projects, we ensure that the structural integrity of the structures is sound. We will not proceed with any works until that is guaranteed. Therefore, I want to assure the honourable Member of Parliament that this programme is on, and we will be able to commence completion works at the beginning of the next financial year because we know we will get some funds. There are only three such projects left and we have committed ourselves to completing them.

Mr. Kiptanui: Mr. Deputy Speaker, Sir, I need a clarification from the Minister. He has said that the Ministry inherited 200 such stalled projects. If it is true--- He has said that there are only three of them remaining. If he has completed the 197, then he has done very well. Could he confirm that the 197 stalled projects have been completed?

Mr. Obure: Mr. Deputy Speaker, Sir, I did not say that we inherited 200 projects. I said that we inherited 225 stalled projects. We have been able to complete more than 200 out of the 225 stalled projects.

Mr. Ethuro: On a point of order, Mr. Deputy Speaker, Sir. I would like the Minister to clarify something. He is talking of inheriting 225 projects. Could he inform the House from whom they inherited the stalled projects?

Mr. Obure: Mr. Deputy Speaker, Sir, these are projects inherited by the NARC Government from the KANU Government at the beginning of 2003.

Mr. Imanyara: Mr. Deputy Speaker, Sir, the impression the Minister is creating is that he has, in fact, completed more than 200 stalled projects, and that it is only the buildings in Kapsabet and Voi that remain uncompleted, whereas I know that in Meru Police Station, there is a building that has been awaiting completion for more than 20 years. When will it be done since he appears to have the list with him?

Mr. Obure: Mr. Deputy Speaker, Sir, I do not wish to be misunderstood on this. We took over 225 stalled projects and we were hoping that we would be able to complete all these projects by the end of 2012. Unfortunately, this has not been possible; but I can confidently say that approximately 200 out of the 225 stalled projects have been completed. There are a few others which are in various stages of completion. Others are being done in phases, but I want to assure the honourable Member of Parliament that if we receive the Kshs5 billion which we requested, we will have been able to complete them by the end of this year; we are optimistic that we should be able to complete these projects by 2013.

Mr. Ethuro: Mr. Deputy Speaker, Sir, I appreciate that the Minister is keeping hope alive but the stalled projects inherited in 2003, he is hoping to complete them in 2012. When the Government took over they knew that they would be in office for two terms. Actually the NARC Government came up with a Ministry under the late Vice-President that was to complete all the stalled projects. However, that is even a small point. The bigger point now is that there are projects under the Economic Stimulus Programme (ESP) started by this same Government that are in various stages of completion. I doubt if any of them is complete. In the Constitution, the principles of public finance demand that public money shall be used in a prudent and responsible

manner. That is contained in Article 201(d) and Article 201(e); it says that financial management shall be responsible and physical reporting shall be clear. What has the Government done to ensure that projects started are completed within reasonable time, and definitely not before the next general election, which we expect to be in this year.

Mr. Obure: Mr. Deputy Speaker, Sir, he is raising other issues relating to the ESPs; I do not think that I have the mandate to respond on those projects. What I want to assure the hon. Member is that all stalled projects, for which my Ministry is responsible, will be completed by 2013, because I am optimistic that the Government will provide the balance of the funds required.

Mr. Ethuro: On a point of order, Mr. Deputy Speaker, Sir. I would not like to engage my good friend. I really like this hon. Minister because he is one of the few honest ones; but in this particular instance, I think he is suffering from the disease of the Executive. He is part of the ESP. He knows there are projects under his own Ministry and so---

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

Mr. Deputy Speaker: Order, hon. Ethuro! Probably your point of order was out of order and that is why hon. Imanyara is rising on a point of order.

Mr. Imanyara: Mr. Deputy Speaker, Sir. You heard the hon. Ethuro say that this Minister is one of the few honest Ministers. Could he tell us about the majority dishonest Ministers? Can he name them?

Mr. Deputy Speaker: Minister, can you respond to honourable Ethuro's question?

Mr. Ethuro: Mr. Deputy Speaker, Sir, I had a point of order and he was challenging me, but I do not think he was affected. So, I do not see why my good friend, honourable Imanyara would like me to embarrass those ones who are not honest enough. I want to glorify the good ones like the honourable Minister.

Mr. Deputy Speaker: Order! You understand the Standing Orders very well. You cannot impute either collective or individual improper motive on any Member of the House, including a Cabinet Minister without a substantive Motion. So, even the mere fact of saying that some of the Ministers are dishonest is itself contrary to our Standing Orders. Proceed and ask your question.

Mr. Ethuro: Mr. Deputy Speaker, Sir, I stand guided but I thought I would pinpoint that but I did not. So, nobody has suffered any personal injury. The substantive question I am asking is; is it in order for the hon. Minister to mislead this House that just because he inherited certain projects, he is not in a position to inherit more stalled projects? I am reminding him of a case that he is handling of the Economic Stimulus Programme (ESP) projects which every Member of this House is fully aware of, including the Chair.

Mr. Deputy Speaker: Which of course the Chair is also aware that it does not fall within the docket of this Minister. So, you are asking the wrong Minister! Hon. Lagat, ask the last supplementary question on the same.

Proceed hon. Lagat!

Mr. Lagat: Mr. Deputy Speaker, Sir, according to the Minister's answer, he says that in March, 2007, they started working on the stalled projects on the side of technical documentation. However, it has taken five years before anything has been done. The

Minister has told us that in the next financial year's Budget, these projects will be considered. How sure can we be if he started them in 2007 and yet nothing has happened?

Mr. Obure: Mr. Deputy Speaker, Sir, what we started doing in March, 2007 was to commence preparations. Preparations are complete, all documentation is ready and we hoped to raise money to commence actual construction. Unfortunately, we were not able to raise that money. However, I assure the hon. Member that in the next financial year, there is general understanding that the full housing projects in Voi and Kapsabet will be allocated sufficient funds so that they can commence and be completed in approximately one year's time from the time they commence.

Mr. Deputy Speaker: Next Question by Mr. Aden Duale!

Question No.1419

NUMBER OF PROJECTS UNDERTAKEN BY EWASO NYIRO NORTH/SOUTH
DEVELOPMENT AUTHORITIES

Mr. Deputy Speaker: Is Mr. Duale out of the Chambers today on any parliamentary business. The Question is dropped!

(Question dropped)

Mr. Deputy Speaker: Let us move on to the next Question by Mr. Mwangi!

Mr. Mwangi: Mr. Deputy Speaker, Sir, I beg to ask Question No.1426 for the second time.

Question No.1426

NON-TABLING OF REPORT ON DEATHS
OF J. KAMURI AND P. IRUNGU

Mr. Mwangi asked the Minister of State, Ministry of Provincial Administration and Internal Security:-

(a) why he has not tabled the report on the killings of two brothers, John Kamuri and Peter Irungu of Yamugwe Village, Githagara Location, Kahuro District on 28th December, 2010 as promised in the House when answering Question No.810 on 6th April, 2011; and,

(b) whether he could table the report.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Deputy Speaker, Sir, I apologise for coming in late. This was due to the fact that I was still looking for some documents in order to give back up on this Question.

Mr. Deputy Speaker: This is not a Question by Private Notice. These are Ordinary Questions that are filed months in advance.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): That is true, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: So, to say that you have been waiting for this or that documentation is unacceptable. That should have been done much earlier!

Anyway, proceed!

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Thank you Mr. Deputy Speaker, Sir.

I beg to reply.

(a) If you may recall on 6th April, 2011, I answered this Question through Question No.810 on the deaths of the two brothers, John Kamuri and Peter Irungu who hailed from Kahuro District. By then investigations were ongoing and I, therefore, promised to table the reports of the investigations once they were completed. However, I have not tabled the reports since the file has been forwarded to the Director of Public Prosecution (DPP) for advice. Earlier on, a total of 45 witnesses had recorded statements and the file forwarded to the DPP on 25th May, 2011. However, the DPP returned the file to the Director of CID to cover some points on 6th November, 2011 and thereafter resubmitted to the DPP on 6th December, 2011.

(b) I wish to table the letters for ease of reference. The reports will be tabled once the DPP releases the file. So, I have the two correspondences which we exchanged with the DPP for the same purpose.

(Mr. Ojode laid the documents on the Table)

Mr. Mwangi: Mr. Deputy Speaker, Sir, I am very disappointed by the answer given by the Assistant Minister. This is a very sad day. For 10 months, the Assistant Minister has kept on promising. I have raised these points in more than four times between April and December, last year. Every time, the Assistant Minister keeps on saying that he will table the reports. Even today, he has not tabled them. Whatever the Assistant Minister has tabled in this House is the correspondence between his office and the DPP's.

This Assistant Minister has ignored the socio-economic and psychological factors that have affected the youth in my area due to this kind of behavior by the Government. The Assistant Minister is now not committing himself, a year after, as to when he can produce the reports. We are requesting him to report to the House. Could he be candid enough?

(Loud consultations)

Mr. Deputy Speaker, Sir, I beg your ears!

Mr. Deputy Speaker: Order, hon. Members! Given the magnitude of the issue and the period of time you have followed it, can you ask your question?

Mr. Mwangi: Mr. Deputy Speaker, Sir, could the Assistant Minister be categorical and say when he will give a report to this House or is he waiting for us to go into elections and then this Question comes up in the next Government after they have killed fellows all over the constituency? Could he give a definite period of time by which this report will be tabled in this House for discussion?

Mr. Ojode: Mr. Deputy Speaker, Sir, issues pertaining to murder are not taken lightly. We have a process. We have written letters to the DPP who also raised issues

with the CID Director and we resubmitted what the DPP wanted us to do. It is now upon the DPP to release to us the file with some comments. That is when I will give a report to this House. Under circumstances where someone asks a question and he wants me to give a report the following day, if that report is within our parameters, I will exactly do that. However, if we have to do due diligence, anything that touches on murder, we must go by the processes required.

Once we get the file from the DPP, I assure this House that the report will be tabled immediately. In fact, the Questioner should have gone through my correspondences with the DPP. As at now, my hands are tied and there is nothing I can do until I get the file and the comments from the DPP. It is after that is done that I will table the report that is required.

Thank you.

Mr. Mungatana: Mr. Deputy Speaker, Sir, I am not convinced that the Assistant Minister is taking this matter seriously because of the correspondences between his office and the DPP's office. The Member of Parliament is saying that people have been killed and it is one year afterwards. What we want to hear from him, through the Chair, is if he can give a definitive date when this matter will come to an end. What is going on here is not fair. If this was a high profile individual who had been killed and a report had been sought, this matter would have been dealt with in one week. However, because these people are not known, they are not MPs, councilors or senior Government officials; they are being treated that way. But life is life, whether it is a small man or a big man. What we want from the Mr. Assistant Minister is definite undertaking on when this report will be in this House.

Mr. Ojode: Mr. Deputy Speaker, Sir, when this case came up, the police officers managed to arrest 45 people. Those are witnesses. Then we requested the police to fast-track the file in order for us to charge the suspects. We cannot ordinarily do that without getting the DPP's approval. So, within my mandate, we have done what it takes. We have so far performed and I want to commend the police officers who have done this. We are awaiting the approval by the DPP.

Mr. Deputy Speaker: As a Government, you have a collective responsibility. It is clearly an abuse of the process for an Assistant Minister to come here and apportion blame on another department of the Government because it is a collective responsibility. It is there in the new Constitution and in the Standing Orders. So, you cannot feign any hopelessness because other departments are liable to this work.

Mr. Ojode: Mr. Deputy Speaker, Sir, the Chair is absolutely right. That is why we have written four letters on the same that we need to fast track this in order for us to do the work. I will still put a lot of pressure on the DPP in order for us to continue.

Mr. Mwangi: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister has said that they have arrested 45 people and now he is calling them witnesses. In the course of time, one of the witnesses, Kenneth Waituika, was picked after he had left the court and killed in Oloitokitok. Is the Assistant Minister in order to mislead the House that the fellows they picked were witnesses? Were they the fellows who were accused of having committed the crime? Is he in order to mix the two issues?

Mr. Ojode: Mr. Deputy Speaker, Sir, this is a *sub judice* case, but let me just give him the background. We have so far arrested 45 persons, some of whom are witnesses and some are suspects. There is no way you can just arrest suspects without the

witnesses. The police has the mandate to ask whether you are aware of the death of so and so. We must have witnesses also. So, in total, we have arrested 45 people. There are those who are suspects and those who are witnesses also.

Mr. Imanyara: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Assistant Minister to stand up here and with a straight face tell us that he is arresting witnesses when he is supposed to be investigating using witnesses and protecting them? Is he in order?

Mr. Ojode: Mr. Deputy Speaker, Sir, I was just giving the number of suspects who have been arrested. Within those whom we have, we have a total number of 45. The witnesses were not arrested. The witnesses are the people who are helping us to get to the bottom of this case and they are doing a good job. This is a very serious case and we need to fast-track the file in order for us to take these people to court. That is exactly what we are going to do. We will not leave anybody.

Mr. Deputy Speaker: For the benefit of the Chair and the House at large, you mentioned that the DPP has sent the file back. The role of investigating suspects does not fall within the DPP's mandate. It is the CID and the CID comes under your Ministry. So, undoubtedly, the DPP has sent it back to say that he does not have sufficient investigations carried out. Can you then give an undertaking on how fast you can do this because it has taken a long time?

Mr. Ojode: Mr. Deputy Speaker, Sir, that is a good observation. The DPP brought the file back to us with some points in terms of some grey areas that we need to tackle. We have so far done exactly what he wanted us to do and we have taken the file back to him. So, we are just waiting for him to tell us what to do and we will have to wait.

Mr. Kiuna: Mr. Deputy Speaker, Sir, this Question has been raised on several occasions. The Assistant Minister is taking this Question very lightly. This is a very sensitive Ministry and from the way the Assistant Minister is answering this Question, it seems he is not very serious. Could he tell this House whether there is any cover up from his Ministry to make sure that the people who killed these men will never be arrested?

Mr. Ojode: Mr. Deputy Speaker, Sir, I want to assure my colleagues that there is no cover-up and there will be no cover-up. We will wait for the file and continue doing due diligence.

Mr. Ethuro: Mr. Deputy Speaker, Sir, justice delayed is justice denied. In the matter of Kerubo and the Deputy Chief Justice, Nancy Baraza, the police, the CID and the DPP expedited the proceedings and made a statement. What this House is demanding of the Assistant Minister is to tell us exactly when this matter will be brought to a conclusion. The people of Kiharu must be given justice. We want him to give us a time line.

Mr. Ojode: Mr. Deputy Speaker, Sir, we will try and fast-track the issue of this file and then I will ask the Director of CID, to liaise with the DPP in order for him to give us the comments, so that we can start working on it. We can take about three months, latest from now or maybe one month. This is not within my mandate, but I am just saying that we are going to try and fast track through the Director of CID.

Mr. Deputy Speaker: I thought the Chair heard that the gaps that were questioned by the DPP--

Mr. Ojode: We have already worked on the gaps---

Mr. Deputy Speaker: Order! The Chair heard that the gaps that were basically raised by the DPP have been attended to. If those gaps were attended to, what is the further delay for? Why can you not take people to court and prosecute them?

Mr. Ojode: Mr. Deputy Speaker, Sir, that is why I was saying that you should give us one more month because it does not fall directly under my docket. One more month will be okay. That is fair.

Mr. Mututho: Mr. Deputy Speaker, Sir, could the Assistant Minister explain the very many deaths that cannot be explained? In Naivasha, we buried 45 unknown young men who had filled the mortuary. This was requested by the Department of Public Health. Still there are more unknown bodies which are defaced and hands chopped off. Why is there this killing culture including what has happened to one of the most famous advocates?

Mr. Ojode: Mr. Deputy Speaker, Sir, you will agree with me that that is a different Question from the one I am dealing with. We are talking of deaths in Kiharu, which is very far from Naivasha.

Mr. Deputy Speaker: What they have in common is unresolved murders.

Mr. Ojode: Mr. Deputy Speaker, Sir, I am not aware of any unresolved murder, but if he can file the Question, I will investigate and respond to it appropriately.

Mr. Deputy Speaker: Order! Under the circumstances, the Chair is also satisfied that the answer is not that adequate and in any case, the Assistant Minister is asking for more time. He has asked for one month. Is the Member comfortable with one month?

Mr. Mwangi: Mr. Deputy Speaker, Sir, it seems the Government is not willing to give an immediate report because these ordinary relatives do not matter to them. John Kamuri, Peter Irungu and Kenneth Waituika are all cousins. Kenneth Waituika was one of the witnesses that the Assistant Minister has referred to. He left the court, went to Muthurwa, was picked up and in the evening, he was killed in Oloitokitok and the Assistant Minister is covering up all these cases. When you allow this Assistant Minister a month, I am not sure whether next year, the Government is ready to give a report on these poor fellows. The humiliation that the mothers of these three boys have undergone during the last ten months does not seem to bother the Minister, Prof. Saitoti and his team. Shame!

When is the Assistant Minister ready to give us a report? The report belongs to the House and the nation. People have been executed, the Government denies, it does not give a report, but when a big fellow is kicked by the buttocks, they give a report. When are these poor fellows going to be taken care of? It is the responsibility of the Government to give security to people without any discrimination. I am very bitter. Three people have been killed from my village and the Government cannot investigate. Then in ten months, The Assistant Minister says that the DPP is exchanging letters with him. Do you not have a heart to the poor? Could the Assistant Minister be definite and tell us when they will conclude that these fellows do not matter as far as the Government is concerned and they will only take care of big fellows? When will he give the report on the three poor relatives?

Mr. Deputy Speaker: You have made your point!

Mr. Ojode: Mr. Deputy Speaker, Sir, I agree with the anger of the Questioner. I will carry the bashing because this is the Government. However, I do not, at the same time, wish to do a shoddy job. I want to assure this House that once the report is ready,

even if it is ready tomorrow, I will bring it. If it is ready on Thursday, I will bring it here. I will follow up personally and make sure that it will be here within one month. That I will do! We are not saying that we are unable to do certain things. We are! We are the Government! We have the machinery! We have everything and we are doing a good job even those cases---

Mr. Mwangi: On a point of order, Mr. Deputy Speaker, Sir. This Assistant Minister is misleading this House. They are not doing a good job. Which job are they doing?

Mr. Deputy Speaker: Order, Mr. Mwangi! Under the circumstances, the Chair directs that this Question be listed on the Order Paper in the second week of March, which is clearly within the period the Assistant Minister has requested. The Chair hopes and prays that on a matter as serious as this, the Government will take it with all the seriousness it deserves and he will have acted to the satisfaction of both the House and the country.

(Applause)

Mr. Ojode: Mr. Deputy Speaker, Sir, most obliged; I will do exactly what you have ordered.

(Question deferred)

Mr. Deputy Speaker: Next Order!

Mr. M.H. Ali: On a point of order, Mr. Deputy Speaker, Sir. The Minister for Water and Irrigation is in the House. Will I be in order to ask my Question?

Mr. Deputy Speaker: Order, Mr. M.H. Ali! You have been to this House for four years! You should understand how the system works. It is not you who has been sanctioned. It is the Minister who has been sanctioned and until such time that the sanction is lifted, she cannot transact any business on the Floor of the House.

(Several hon. Members stood up in their places)

Order! The Question will be listed on the Order Paper at an appropriate date considering that, that she will already have come to the Floor of the House and explained herself.

Mr. Ethuro: On a point of order, Mr. Deputy Speaker, Sir. It is true that the Chair has a problem with the Minister. But surely Mr. M.H. Ali has no problem with her. It is just that the Minister came late.

My other point is that I apologize for coming late. My Question is also up for answering and the Minister is sitting here and ready to answer the Question. May I be allowed to ask my Question?

(Laughter)

Mr. Deputy Speaker: Order, Mr. Ethuro! This is a dignified House that has precedents, traditions and systems that work.

Next Order!

(Dr. Nuh stood up in his place)

You clearly know what to do for sanctions to be lifted. It is not the first time that sanctions are either imposed on hon. Members who fail to turn up at the right time or Ministers. So proceed and follow the procedure!

Next Order!

Mr. Deputy Speaker: We are now on the next Order. There are many pending Statements which should have been delivered by Ministers. I do not see any Minister willing to give his or her Statement. There is a Statement which was sought by Mr. Mbau and was supposed to have been attended to by the Attorney-General. There is also another on education, a number of them on finance, but it is apparent that there is no Minister who is ready.

Next Order!

MOTION

ALLOCATION OF RESOURCES FOR CONDUCT OF POVERTY SURVEY AT WARD/CONSTITUENCY/COUNTY LEVELS

THAT, aware that Article 202 of the Constitution provides that revenue raised nationally shall be shared equitably among the National and County governments; further aware that Articles 203 and 204 provide criteria for determining the equitable shares and use of the equalization fund respectively; concerned that the last National Poverty Survey that was used to determine poverty levels in different constituencies was undertaken in 2005 and the reliability of the results challenged in different for a; further concerned that the National Revenue Allocation Commission will face serious challenges in discharging its functions unless a new and credible National Poverty Survey is undertaken before the operationalization of County governments; this House urges the government to allocate adequate financial resources for conducting the said survey at a Ward, Constituency and County levels before the end of 2011/2012 Financial Year.

(Dr. Otichillo on 14.12.2011)

(Resumption of debate interrupted on 14.12. 2011)

Mr. Deputy Speaker: Mr. Njuguna, you had six minutes more unless we assume you had concluded your contribution, so that we ask another hon. Member.

Mr. Njuguna: Mr. Deputy Speaker, Sir, thank you for the opportunity to make my concluding remarks on this Motion. The survey that was done in this country in the past covered 69 districts in the country. It was very incomprehensive and this would not give a fair reflection of the entire country. Therefore, planning for a new and very

comprehensive survey will allow the Revenue Allocation Committee to lay a firm foundation for this country.

We realize that currently there are 284 districts in the country and only 69 were covered. The other 215 districts need to be re-surveyed, so that the inequality that has existed in this country will have to be captured in the new survey. A new Revenue Allocation Committee must lay a firm foundation for this country. The country has been talking about inequalities, unfairness and injustice in the distribution of resources.

Therefore, a new national poverty survey will address some of these inequalities in the country. Detailed and comprehensive survey must, therefore, be a priority. It must be planned well and cover the whole country. We are now heading to the 47 county governments and, therefore, this Government must have a proper survey on poverty index in the country, so that resources will be distributed well to all the areas.

Mr. Deputy Speaker, Sir, the sharing of resources has been a critical issue that, time and again, has caused apprehension and even suspicion among communities. There are areas which feel today that they have been marginalized in the distribution of resources. Anomalies have been noted in arid and semi-arid areas and even when it comes to the establishment of social facilities in the country. As we move to the county governments, we want to make sure that the new Constitution has given the Kenyan people real confidence that their fight has met their expectation.

[Mr. Deputy Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, a new national poverty survey will trigger harmony and economic growth in this country. Therefore, it is important that the Government sets aside adequate funds to establish a new survey that will cover the whole country. Since I had already made observations on this crucial survey, I feel that it is important that the Government releases funds before the end of this year to allow for a new survey.

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I very strongly support this Motion.

Mr. Mungatana: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to also make a comment or two. I also want to thank Dr. Otichilo for bringing this Motion before the House.

Mr. Temporary Deputy Speaker, Sir, the survey that we are complaining about was carried out in 2005. At that time, we did not have a new Constitution. Also, the configuration of the thinking of the Ministry of Planning and Treasury was centralized control of resources, as opposed to devolved control of resources that are available within the country, as required in the new Constitution. The survey design that was done at that time was based on 69 districts in the country. We also know that, that poverty survey was not done the way we would expect this sample to be picked. The sample was simply picked from 69 randomly distributed districts. In a country such as ours where there are obvious disparities, we would have expected even in the sampling of a sample, that there is differentiation. You cannot take the sample of Tana Delta District and put it together

with one of the districts in Nairobi and one other district, say, in another high potential area or town, and simply mix them together and say that you will pick 69 districts. If you are doing serious resource allocation, there must be sampling within the sampling itself, so that there is a differentiation of high potential areas and those which are obviously not high potential.

Mr. Temporary Deputy Speaker, Sir, this statistics is critical because it is the basis upon which all the revenue allocation is going to be done in this country. We are unhappy that this same sample was used for Constituencies Development Fund (CDF) and is also being used by the Commission for Revenue Allocation and, yet, these figures by their very method of extraction, are completely unfair and unacceptable. The method of sampling those districts is also unfair, unacceptable and inadequate. Even at the time when they were picking the 69 district, there were more districts in this country. More than double that amount existed within the country. I believe that if the Government is serious about the implementation of the Constitution, it should now order a fresh poverty index survey. This is because, then, we will be fair in terms of allocation of resources within the rest of the Republic.

Mr. Temporary Deputy Speaker, Sir, the Government needs to take what Parliament is saying today with the seriousness it deserves. This is because each county in this Republic will be allocated the resources that we are collecting in terms of taxation. Therefore, that sampling was not correct and reflective of the economic realities. That sampling was done before the implementation of the new Constitution. With the new Constitution we need to, therefore, start on a clean slate. This is because if we do not do it properly some of our areas, through these false figures, are going to be marginalized for a long time to come. This is like rigging an election before it has even been done. Some areas have already been given figures against others. I really urge the Ministry of Planning, National Development and Vision 2030 to do a fresh survey. We want the Treasury to allocate resources for this exercise, because it is a matter of life and death for all the counties which are going to be in place after the general election.

Mr. Temporary Deputy Speaker, Sir, I beg to strongly support this Motion.

The Assistant Minister, Ministry of Regional Development Authorities (Mr. ole Metito): Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to support this Motion. I want to thank the Mover, Dr. Otichilo, for bringing this Motion to the Floor of the House. This is one Motion that the House should follow up, so that the Government implements its resolutions.

Mr. Temporary Deputy Speaker, Sir, the basis of any socioeconomic survey on poverty alleviation is household income and expenditure trends. The parameters that include education, environment, aridity of the land, local and foreign investment, natural resources, land use system, level of literacy among others, are really very important when determining the poverty levels of any institution, be it a household or otherwise.

Mr. Temporary Deputy Speaker, Sir, the other very important thing that was not captured in the current system that is being used is the method that was used and process to quantify the date. In such an activity as poverty survey, sampling as a method of data collection is really inappropriate. If you want to include everybody in such a survey, you cannot have sample design or frame. Sampling as a process is not appropriate. Above all, when you do any survey, it is always good that the stakeholders are asked to verify the

final product. If you do not have give the stakeholders the forum to give a feedback, it will really have negative repercussions on resource sharing.

Mr. Temporary Deputy Speaker, Sir, in 2005 69 districts were used and then constituencies and not districts ranked. That in totality tells you that this system is not really correct. This is because you surveyed districts and then ranked constituencies. They should have just ranked districts. Even though the districts were not 284 as they are currently, I am sure that they were more than 69. So, I really do not understand the logic used by those who carried out the survey in deciding to run constituencies. There are 210 constituencies. We use districts to determine the poverty levels.

Mr. Temporary Deputy Speaker, Sir, another thing is the types of questions asked. When you are trying to look for an objective in a survey, you should ask questions that will add value to the ultimate objective of the survey.

Another thing is the timeframe for carrying out the poverty survey. We know that a national census survey is always done after every ten years. Even if the time frame for doing poverty survey was ten years, another poverty survey is due given that the last poverty survey was done in 2005. Most importantly, I wish to ask the team to take into account several factors, including the diversity of the people and the economic trends in rural and urban areas.

Mr. Temporary Deputy Speaker, Sir, when we were trying to create new constituencies, we considered the outcome of the last census survey. There was a variation – plus or minus 40 per cent – based on the diversities in urban and rural areas. When doing poverty survey, such variation should be taken into account. What is so critical in this Motion is the fact that it has asked for poverty survey at the lowest levels, namely the ward, the constituency and the county. This is because even if we go to devolution, county survey is not enough.

It is good that every county knows the poverty trends in their wards and constituencies; when we use the equitable method of resource allocation at the national level it can translate to the county level. At the county level, what goes to Kajiado County, for instance, must also be shared equitably to the ward level, using both the population and the poverty trends.

Mr. Temporary Deputy Speaker, Sir, I am, therefore, kindly asking those who will carry out this survey to go deep and be very specific and try to give this country value for money. I was so surprised to hear that Kajiado is the richest county in the country. My constituency is in Kajiado County. Year in year out, people in my constituency are given relief food. Even looking at Kajiado as a district, if it was among the 69 districts that were sampled, you will appreciate that Kajiado County has five districts. So, which district was sampled amongst the five districts?

Kajiado County starts from Ngong and covers areas all the way to Taveta. You cannot do a survey in Ngong and say that the results reflect the situation in the whole of Kajiado County.

Mr. Temporary Deputy Speaker, Sir, I have said time and again on the Floor of this House that the poverty levels indicated in the poverty survey report are not reflective of what is on the ground. They are very inappropriate. It is, therefore, high time that the Ministry concerned undertook a new, very objective and inclusive poverty surveys in all the wards in this country. The ward is the smallest unit of devolution in our now governance structure.

With those remarks, I beg to support.

The Temporary Deputy Speaker (Mr. Imanyara): Hon. Members, I can see that some of you want to speak, yet there are only three minutes before the Mover's responding time. So, I will allow those speaking to be mindful of other hon. Members and the limited time that we have.

Yes, Millie.

Mrs. Odhiambo-Mabona: Thank you, Mr. Temporary Deputy Speaker, Sir. I will try to be brief.

I want to indicate that I have worked for very many years on the issue of inequalities, especially on equalising opportunities for all. One of the reasons as to why people fight is inequality. I want to say very clearly that I am one of the people who fought very hard for some of the provisions that are very strong in relation to equalising opportunities. Unfortunately, the way we are moving about it is that we have not learnt a lesson as a country and we are still trying to play tricks.

Mr. Temporary Deputy Speaker, Sir, I want to thank the hon. Member for bringing this Motion, so that we can, even by the way we are putting these figures, we can ensure that we start on the right note. It is very clear that there was an error in the survey. The sample size was very small. Due to shortage of time, I will not quote the figures but it was too small and did not take into account the new structures of governance.

I would also want to encourage the Ministry that when we do a new survey, we must take into account emerging issues that affect us as a country, one of which is the incidence of HIV/AIDS and how it impacts on poverty. We must take into account the issue of child-headed households. There are communities, especially in Nyanza, where the concept of child-headed households is very normal.

Mr. Temporary Deputy Speaker, Sir, we must also take into account the issue of gender relations. Just the other day, I was driving across Migori County in Awendo. Even though Awendo appears rich, I could see that most of it is dotted by mud houses, yet there is sugarcane all over. When I interrogated the matter further, it emerged that it is all about who controls the money.

Another issue we must look at is that of distances and access to services. Places like Mfangano, Kawiri and Ngodhe Islands, compared to other places, for instance, in Homa Bay County--- If we look at them in the same manner, we will be distorting figures.

Mr. Temporary Deputy Speaker, Sir, finally, I want to talk to the issue of intra-county disparities. If we look at even one county, there will be such huge disparities within it. I can give an example of somewhere in Homa Bay County. If you compare Lambwe with Kasipul Kabondo and say that the county is rich because you are using the dynamics in Kasipul Kabondo, you will be distorting figures. In Lambwe, there is no water. People are suffering because they cannot access services. It is impossible. So, we must go to the lowest unit.

With those remarks, I beg to support the Motion and thank the hon. Member for bringing this wonderful Motion to the House.

The Temporary Deputy Speaker (Mr. Imanyara): Hon. Members, the time we have is really the Government Responder's time. So, if the Minister is willing to donate some of his time, I will be quite happy to allow some of you a chance. Otherwise, you

will have to wait until the Mover's time, so that he can also donate some of his minutes to you.

Minister, are you willing to give some of your minutes to some hon. Members to contribute to the Motion?

The Minister for Planning, National Development and Vision 2030 (Mr. Oparanya): Mr. Temporary Deputy Speaker, Sir, let me respond first. If some time is left-

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The Temporary Deputy Speaker (Mr. Imanyara): Hon. Members, it is the Minister's time. If he does not want to give you some minutes, it is unfortunate that the Chair cannot do much about it.

Minister, you can allow each of them a minute or two.

The Minister for Planning, National Development and Vision 2030 (Mr. Oparanya): Mr. Temporary Deputy Speaker, Sir, I can see that the hon. Members standing are very persistent. So, I can give each of them two minutes. There are technical areas on which I need to make statements. So, let me give two minutes to each of the first three hon. Members on the Front Bench.

The Temporary Deputy Speaker (Mr. Imanyara): Hon. Mututho, you have two minutes.

Mr. Mututho: Mr. Temporary Deputy Speaker, Sir, I would like to thank the Minister for donating part of his time to me. I would like to support the Motion and urge the Minister that what is being called for through this Motion is very serious. We are saying that as we implement the new Constitution, we will have a false start. It is just like a major race where some people are a kilometre ahead when others are at the starting point. How can we achieve Vision 2030 if the base is not standardised? In order to achieve this, we should forget the politics of it. We are calling for a scientifically worked baseline survey. This can purely be done by scientists who are none political. They are in the universities and around the world. They can take into account all the parameters, and capture all the issues. Thereafter, even if we talk about places which your brothers represent, and which have the lowest life expectancy, at around over 30 years, we will address such an issue as a nation. We cannot move forward if surveyors in Kajiado County just survey Kiserian and Ngong and conclude that that is the richest constituency.

Mr. Minister, I thank you for your time. I call upon you to really make a difference. Forget about our political differences.

Hon. Minister, I thank you for your time. I am calling upon all of us to really make a difference. Let us forget about our political differences. Yes, some of us are in KANU. Let us have a true baseline data and then we work from that point.

With those few remarks, I beg to support.

Mr. Ogindo: Mr. Temporary Deputy Speaker, Sir, allow me to thank Dr. Otichilo for this Motion.

Let me pick it up from where Mr. Mututho left. I want to plead with the hon. Minister to appreciate the fact that we need reliable data and statistics in this country for the sake of knowing the truth. Once we know it, we will be able to address the problems affecting this country. I want to commend the Minister for the job that he did during the 2009 Census. However, I thought he could have seized that opportunity to do the well-being survey.

Mr. Temporary Deputy Speaker, Sir, I want to continue faulting what we are relying on today. According to the well-being survey that was done in 2005, the sample used was about 13,000 households and 69 districts. The census was only carried out for 158 districts. Today, we have 284 districts with more than 8.7 million households. Therefore, we cannot say that we have the correct data because we relied on a sample of 13,000 households. That is an unreliable sample that cannot be used to determine the resource allocation in this country.

We all appreciate that in the devolved government system, we want to share resources of this country equitably so as to ensure we live in harmony. We will need reliable data to do so. There will be cut throat competition on how counties are run. It is important not to marginalize any part of this country.

With those remarks, I want to persuade this House to pass this Motion and for the Minister to move with speed to make sure that he has a reliable data as we usher in the new political dispensation.

The last census consumed Kshs8.4 billion. I believe with half of that money we will be able to come up with reliable data that anybody can rely on.

With those remarks, I support.

The Temporary Deputy Speaker (Mr. Imanyara): After Mr. Chanzu, the Minister will take the Floor and then, perhaps, Dr. Otichilo can donate his time to the other three that will remain.

The Minister of State for Planning, National Development and Vision 2030 (Mr. Oparanya): Mr. Temporary Deputy Speaker, Sir, I beg that they stick to two minutes that I donated to them. They should not go beyond those two minutes.

Mr. Chanzu: Thank you, Mr. Temporary Deputy Speaker, Sir, I want to congratulate Dr. Otichilo for bringing this very important Motion. In fact, this Motion is telling us what the Government should be doing. Therefore, the Ministry of State for Planning, National Development and Vision 2030 must have the correct data. We must have our priorities right.

There are so many things that we are doing without planning. They are done in a very haphazard manner. The purpose of this Motion is to allow for fairness and equity all over the country. The Government must allocate adequate money for the survey so that we get the right data. We want to see a comprehensive data that will assist this country.

There was a time when the country underwent a lot of stagnation in terms of development. However, between 1999 and 2005, we saw a lot of development taking places in our country especially in urban towns. We saw a lot of development taking place in Kajiado County. I urge those who will be entrusted in doing this survey to do a good job. We do not want that just to visit Ngong and Kiserian towns only. We want them to into the interior and compile a proper data that will assist this country. We do not want to see them doing this survey in hotels. I am very sure that if they go around the country, they will find the situation totally different. So, the survey must be as comprehensive and detailed as possible. We are supporting that the Government must put enough money and rely on the plans that are prepared by the Ministry of State for Planning, National Development and Vision 2030 before they do anything else.

With those few remarks, I beg to support.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Minister, you have 20 minutes.

The Minister of State for Planning, National Development and Vision 2030

(Mr. Oparanya): Mr. Temporary Deputy Speaker, Sir, I stand here to support the Motion and to thank the Member for Emuhaya for bringing this Motion.

This issue of poverty survey became prominent when CDF was established in 2004. Otherwise, the Government has been carrying on surveys for just the purposes of planning. The first survey was done in 1982. This survey was supposed to evaluate and monitor the impact of the Structural Adjustment Programme that time in the mid 1980s.

We went further in 1992 and did another survey which we called Welfare Monitoring Survey I. In 1994, we did another survey which we called the Welfare Monitoring Survey II and we also did the third survey in 1997.

Mr. Temporary Deputy Speaker, Sir, a more comprehensive survey which was called the Kenya Integrated Households Budget Survey was conducted between May 2005 and May 2006. It took 12 months.

As correctly stated by hon. Members who contributed to the Motion, this survey covered a sample of 13,390 households. This particular survey cost the Government Kshs462 million. Since then we have not conducted any other survey. We had planned to carry out a survey in 2010, but unfortunately, this was not possible because we, as a Ministry, we made our proposal to the Ministry of Finance to afford us Kshs600 million to carry out the survey. Unfortunately, this was not availed to the Ministry up to this moment.

Mr. Temporary Deputy Speaker, Sir, every budget year we have always asked for money to carry out survey. You will note that even the survey we did in 2005/06 most of the money came from donors. It shows that we, as a Government, are not serious in the collection of data. However, with now the new Constitution and the new county governments, it is important that we get reliable data that can be used for revenue allocation.

Mr. Temporary Deputy Speaker, Sir, I agree that if we have to allocate revenue equitably, we have to have a survey even from the sub-location level, leave alone the ward level. You find even in my own constituency some locations are poorer than others because of the geographical factors. When the Motion came up I requested my officers to look at this. That particular survey will cost the Government Kshs2 billion. However, I feel this is necessary if we have to ensure that there is equitable distribution of resources.

I want now to take this opportunity to respond to some of the issues that have been raised by Members of Parliament when contributing to this Motion. Dr. Otichilo did indicate that although the Kenya Greatest Household Budget was conducted in 2005/2006 the sample design of the survey does not give direct estimation of constituency level poverty estimates. This is true because when we did the survey at that time, we had 69 districts. The survey was targeting the districts at that time. We had 210 constituencies. When the CDF came up, we were forced to distribute money based on poverty and population at the constituency level. So, it meant that as a Ministry through the Kenya National Bureau of Statistics, we had to do some estimation up to the constituency level. Therefore, what we have that we are using now is actually an estimation because our targeted level of survey at that time was at the district level. I agree with the Member on that issue.

Mr. Temporary Deputy Speaker, Sir, the second issue that was raised by the mover of the Motion as the sample size was too small. I agree that a sample size of

13,000 households is not a representative. If you look at Kenya now, we have 12 million households. However, this was not a census because finally we use some scientific methods to do some estimation. I agree that 13,000 was not an adequate sample size. However, by that particular time, we were doing a survey and not a census. It was used and that is the position now. I promise that if we are to do the exercise we will widen our sample size.

The third issue raised was that the concentration was in urban areas. I do not agree with that. If you looked at the detailed document the sampling was both affecting urban areas and rural areas.

Lastly, Dr. Otichilo says that the questionnaire was too elaborate. I would agree with you that sometimes especially when we are dealing with the rural poor, you need to have a simple questionnaire as possible. Those particular segments will be taken into consideration when we are doing the exercise again.

Dr. Kones when contributing said that he suspects that the figures were manipulated at the Ministry. I want to assure Members of Parliament that actually this particular exercise is done by professionals. We have professionals employed in the Ministry. We have professionals employed at the Kenya National Bureau of Statistics who actually carry out this particular exercise. Dr. Otichilo knows this very well. He has worked in the Ministry before and he knows the competency of the people who work in that particular Ministry.

Dr. Kones also raised the issue that we should not use samples and do 100 per cent survey. It is not possible because this is a survey and it means that you are sampling out. If you are doing 100 per cent then it means that you are doing the entire 12 million households which will not be possible from a practical point of view even the capacity in terms of manpower and finances. I would want Members of Parliament to understand this survey is not a one-off thing like the census. Census is carried out on a particular night. For example, last time we carried out census on the night of 24th and 25 of August. However, this particular survey takes a whole year. It is, therefore, not possible to carry it out on 100 per cent.

Mr. Temporary Deputy Speaker, Sir, I agree with Mr., Munya that it would be very unfair to use old statistics to allocate money. As I said, I would plead with this august House to support me get money to carry out this particular exercise. Unfortunately, time is running out. It will not be possible to get figures ready for the next devolved governments. As I said, this exercise takes a whole year. However, I am hopeful that 450 million which was allocated to the Ministry for a repeat census exercise can be reallocated to this particular exercise so that I start undertaking the new survey.

Procedurally, this particular exercise is supposed to be undertaken after every five years. We have a medium term plan for five years and the exercise should also be taken after five years so that those particular results are picked up in the next medium term plan. We have a medium term plan that is coming to an end (2008 to 2012). If we undertook this particular exercise then the outcome of the exercise would have been taken up in the medium term plan of 2012 to 2017 but unfortunately this has not happened. It is not in a law but it is an international practice that this exercise is undertaken after five years. Since the Government has been unwilling or unable to fund this particular exercise--- As I have said, in most cases, we have been depending on

donors. It is important that maybe legislation comes up to compel the Government to do this exercise every five years.

Mr. Temporary Deputy Speaker, Sir, the survey is usually done by professionals. This notion that it is not properly undertaken is neither here nor there. We have competent people to carry out this exercise and sometimes if we do not have enough capacity we have support from development partners. The figures finally come out scientifically and they are tested because these are figures that we use for planning.

With those few remarks, I highly support the Motion and I hope that the Government will avail money to the Ministry to make sure that the next exercise is carried out as urgent as possible.

The Temporary Deputy Speaker (Mr. Imanyara): Minister, you are responding, so you cannot say you “hope”! Is the Government making money available or is it not making money available?

The Minister of State for Planning, National Development and Vision 2030 (Mr. Oparanya): Mr. Temporary Deputy Speaker, Sir, the Government is committed to this exercise. As I have said, there is already Kshs450 million. I am pushing to have that money taken for this particular exercise.

The Temporary Deputy Speaker (Mr. Imanyara): Dr. Otichilo, you were to donate some of your time?

Dr. Otichilo: Mr. Temporary Deputy Speaker, Sir, I wish to donate time to my two colleagues, Mr. Kiptanui and Mr. Koech.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Koech!

Mr. Koech: Mr. Temporary Deputy Speaker, Sir, let me from the onset thank Dr. Ottichilo for giving me two minutes of his time. I also want to sincerely thank him for this very important Motion. I thank the Minister for accepting this Motion and supporting it.

The new Constitution contemplates equitable distribution of resources and to correct the historical injustices witnessed in our country. When you travel across this country you will realize that there are certain parts that will make you wonder whether you are actually still in Kenya. Sure enough, some of the communities in this country when travelling to Nairobi say that they are travelling to Kenya because they think they are not part of this country. The new Constitution, therefore, ensures that every Kenyan in every corner feels at home. For us to give equitable resources and also ensure that we equalize on the distribution of resources, we need proper and correct statistics. It is unfortunate for the Government to confess that it does not have any survey report. Reading from the Minister, he has openly indicated that naturally and internationally, these surveys should be done after every five years. This particular survey was done in 2005 – it is now eight years down the line. That means that the records and information in the survey could be obsolete. Within the period of eight years we have also witnessed skewed development in our country before the coming in of the new Constitution. It is, therefore, imperative for us to do another survey.

If you look at the results of the survey, you will realize that it only concentrated on the consumption, that is, how much food a Kenyan needs or how much a Kenyan eats in a day. We need a comprehensive survey which should include the infrastructure in our country. It should also address the number of schools in our country and all other amenities and facilities. So, I would like to plead with this House and the Government

that we take this matter very seriously. We should give the Minister money not for 12 months because he could squeeze time and come up with a report within six months so that we do not start on a false premise.

I beg to support.

Mr. Kiptanui: Mr. Temporary Deputy Speaker, Sir, I wish to thank the mover of this Motion, Dr. Ottichilo and also the Minister for supporting this Motion. As a student of mathematics and statistics, I do not question the formula that was used by the experts at that time. I want to believe that the people who came up with this system are professionals and whatever came out was as a result of the parameters used.

Mr. Temporary Deputy Speaker, Sir, when doing a sample size and also choosing the parameters, the two should give you the answer you are looking for. Every two months opinion polls are done. If you want to know who is leading, you just doctor the parameters and you will determine that the person leading in the opinion polls is your friend because you are the creator of the parameters. I want to urge the Minister that as they come up with a new survey, they consider the fact that at that time the districts were still very few. Parameters have since changed. For example, we have over 200 districts now. The population now is over 38 million Kenyans. Basically, some parameters that were applied at that time are very much different from what we have at the moment. I believe we have the time and the resources and so the Minister should move forward and ask both the Cabinet and Parliament to support him get money to do a new survey.

If we do not give this Ministry more money to do a survey, we shall be suffering for very many years because the formula that will be used by the Commission for Revenue Allocation (CRA) in distributing or allocating resources will be based on the formula obtaining at that time and that is likely to affect Kenyans for very many years. I want to urge my colleagues that we support the Ministry so that they get the money and conduct a new survey. With those few remarks, I beg to support.

Dr. Otichilo: Mr. Temporary Deputy Speaker, Sir, I would like to take this opportunity to thank all my colleagues who have contributed to this Motion. I am particularly very happy with the Minister who has been extremely honest by telling us the facts about the report that we are currently using. It is very important that this country moves forward. This can only happen if we recognize that information is power and also the basis upon which we should make our planning. As the Minister has clearly indicated, the report we are currently using is out of date. The survey was carried out in 2005/2006. Clearly, as the report indicates, the survey sample was too small and the resources available to the scientists or statisticians who did the survey were not adequate.

Mr. Temporary Deputy Speaker, Sir, as we move into the county governments, it is extremely important that we give priority to collecting information and particularly socio-economic information where poverty information is extremely important. The CRA is going to have it difficult when it comes to deciding on how to allocate resources. This is because we need an equitable formula or criteria for allocation of resources to our counties. As we move forward to form county governments hopefully early next year, our counties will need information so that they come up with integrated plans for their cities and municipalities. This is not going to be possible without information.

I would like to thank all my colleagues who have supported this Motion and, particularly the Minister who has supported and indicated the importance of this survey. It is important that the Government must budget as a matter of urgency that collection of

information and statistics must be a prerequisite and that in every budget we must have information. Every Ministry must budget to collect information because without it we cannot have rational planning.

Mr. Temporary Deputy Speaker, Sir, with those remarks, I would like to thank all my colleagues and also thank you for allowing us to discuss this very important Motion.

(Question put and agreed to)

ADMISSION OF SEVENTY FIVE PER CENT OF QUALIFIED
STUDENTS TO PUBLIC UNIVERSITIES

Mr. James Maina Kamau: Mr. Temporary Deputy Speaker, Sir, I beg to move the following Motion.

THAT, aware that the Joint Admission Board (JAB) admitted 32,611 students to public universities in the years 2009 and 2010 double intake; concerned that less than a third of the 81,000 students who had qualified to join public universities were admitted; further concerned that parallel degrees programme admissions continue to expand further stretching resources for regular programmes; aware that the economic growth of our nation is tied to the educational development of her people; acknowledging that the first group of students under the free education programme will be graduating by 2015 and more than 150,000 students are likely to qualify for university intake; this House urges the Government to ensure that at least seventy five percent (75%) of all qualifying students are admitted to the regular programmes in our public universities from the year 2011.

Mr. Temporary Deputy Speaker, Sir, the purpose of bringing this Motion is because of what I have said. By 2015 we are going to have very many students going to the universities and nothing is being done to the existing universities. I do not want to over-emphasize the importance of education in this country. We know that for the long term economic growth of a growing nation, skilled manpower is necessary. Where do you get this skilled manpower? We can only get that from a good university or college. So many of our students are qualifying and yet they are not able to go to university. With good education, you are assured of good living because you are able to get a good job and be able to take care of your family. It also reduces poverty in a family. So, education is very vital in any nation.

With the introduction of free primary education in 2003, we expected most students to join primary schools but at the same time we expected more to join secondary schools. It is also good to know that when more join secondary schools, more are expected to join universities. As you can see, there is nothing more important in this country than what we have. So, what is going to happen? Unless the Government does something in terms of expanding the existing facilities, there will come a time when all those students will have nowhere to go. You will notice that in 2009 about 81,000 students qualified to go to the university but only 31,000 managed to go to public universities. If you ask; what happened to all those who did not manage to get a chance in public universities? Most of them are doing nothing and are jobless. They are tarmacking

in the streets and have nowhere to go. I believe that it is the work of the Government to make sure that all these people are given a chance to go to the university. You also notice that the proper qualification is a mean grade of C+. You will notice that this time they are not even giving them a chance. A child who has attained a mean grade of C+ in our education system is actually eligible for admission but unfortunately they are not admitted. They are only admitting those with A, A-, B+ and so on. That means that all those who are qualified do not get a chance to go to the university. So, what is the Government doing about that?

Mr. Temporary Deputy Speaker, Sir, one might ask himself that once we have more universities what are we going to do with the increased manpower? Countries like the United States of America (USA) and India actually export human resource. In our neighbourhood, we have countries like South Sudan and Rwanda. South Sudan is a new nation and infrastructure is not in place. So, we can export our human resource to places like South Sudan and Rwanda. I know that teachers are actually in great demand in countries like Rwanda. So, we are not going to have a problem when we educate our children *en mass*. I believe that there is nothing you can give a child other than proper education. By giving proper education, it requires that a child attains a degree in a university. But in this country, we are just sitting there and doing nothing then we will find that when this influx comes, all these children will not be admitted to the universities. They will just be idle and become useless people. That is the kind of thing that I intend to highlight by bringing this Motion so that something is done in good time.

Mr. Temporary Deputy Speaker, Sir, we expect about 150,000 students to qualify for university admission in 2015. If we go by the current standards, you will find that only about 40,000 students will be admitted. We require the Government to raise this to something like 75 per cent so that about 112,000 students get a chance. This is a good number and most students are not going to get lost.

We need to start planning and the time to start planning is now. If we do not do that, it would be irresponsible of the Government not to make sure that all the students that have qualified get good education. We need skilled manpower and we only have six public universities. If nothing is done to expand what we have, it means that all those students will not be admitted anywhere. So, what can we do? We can take, for instance, Jomo Kenyatta University of Agriculture and Technology (JKUAT) and expand it. Most universities in this country have a lot of land. So, there is room for expansion. So, that cannot be an excuse from the Government saying that we do not have land to expand our universities. All those public universities can be expanded and all the qualified students are admitted.

I would like this Motion to be seconded by the hon. Member for Limuru who has agreed to support me so that we move forward.

The Temporary Deputy Speaker (Mr. Imanyara): Move the Motion!

Mr. James Maina Kamau: With those remarks, I beg to move and ask the hon. Member for Limuru to second the Motion.

Mr. Mwathi: Mr. Temporary Deputy Speaker, Sir, I rise to second this Motion. In seconding, I do not want to belabour the importance of education not just in this nation but in the whole world. At the start, I just want to remind myself that at one time when I was at the University of Nairobi, we were only 22 students in class. That was only one course and it was the only university offering that course. Having looked at the growth of

the students who were aspiring to join universities countrywide, I cannot fail to support this Motion. I am persuaded that the number of students in this country has grown and there is good reason to believe so because the programmes which have been put in place by the Government have actually promoted the growth of the number of students.

Mr. Temporary Deputy Speaker, Sir. It started with the free primary education. It was a very noble idea. It allows most of our youngsters to access education. When we open that window and then move on to the idea which came with the Ministry of Finance of introducing a centre of excellence in every constituency, then we should support our students at the primary level and secondary level, but what is happening in our universities? It is actually constricting. In 1998 I want to believe that there were only two universities and 25 years later, we only had four extra universities making them six. That is well and good but what is more important is that the ones who are being admitted on regular programmes are far much fewer than those who are going on parallel programmes. Therefore, there is capacity in the university to teach, but most of it they want to take through the commercial route under parallel programmes. Why can they not pick these students and take them through the normal programmes?

If you look at the poverty index in Kenya that we are just discussing about and the cost of living, you will find that it has become very heavy on most of Kenyans. Eighty per cent of Kenyans are actually living from hand to mouth. However, when it comes to admission of students in universities, you find that the scenario is the opposite. This is because most of them are required to pay much more than those ones who are under the regular programme.

Mr. Temporary Deputy Speaker, Sir, I want to believe that we require expansion of facilities in the universities, but also implore on the Government to explore the option of e-learning. I was doing a course and in e-learning, I did not have to go and sit in a lecture theatre. I sit in the comfort of my house, my car or any other place, but it is possible for the lecturer to know whether I logged in, whether I was in class from the first minute to the last minute. After that, they are able, first, to give marks on attendance and, secondly, to do the actual examination. We do not have to crowd all the students in one hall. We can also start centres of university excellence in every county, because that is the way we are going. Why can we not have each one of these universities having its own unit in every county doing e-learning and, therefore, expand and allow our students under normal programmes to access this very vital education?

I have been looking at the requirements, including in the institution of Parliament where I am a Commissioner, and I can see the kind of qualifications required even for small jobs. The minimum qualification is a university degree. How will these students who do not have access to university education even get these small jobs? So, it is important for us, as a nation, to know this nation will not end with our lives, but we have to leave something for posterity. That is the fruits of what we shall have planted for our children and our children's children, and that is education. Our population as at the time we were given Independence has grown to more than five or six times up to now. However, what have we done in our education system, especially at the university level? It is still wanting.

Mr. Temporary Deputy Speaker, Sir, I want to support and second this Motion, and request that each one of us of goodwill to imagine that we need all our children – whether within this country or going out to search for jobs – to have the relevant

qualifications. And that, further and most importantly, that in support of this Motion, we are supporting the millions of Kenyans who do not have money to pay for parallel programmes; and that most of them who are living from hand to mouth will, therefore, be able to access university education.

With those few remarks, Mr. Temporary Deputy Speaker, Sir, I beg to second the Motion.

(Question proposed)

Mr. Njuguna: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this chance to also very briefly contribute to this very crucial Motion.

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

*[The Temporary Deputy Speaker
(Prof. Kaloki) took the Chair]*

Let me start by thanking the Mover of this Motion, hon. Kamau, and say that this Motion is overdue.

Education is key to development. We have seen those countries that have invested heavily in education – for instance Israel, China and Egypt – it has made these countries economic and military powers. Education in these countries has created job opportunities for the citizens of these countries and they have continued to be stable and peaceful. Therefore, it is important, in my view, to make sure that qualified students in our schools are accorded opportunities to acquire knowledge in our universities. Therefore, quality learning in our institutions of higher learning must be given due attention by providing the necessary funds. Quantity in terms of admission of our students must also be given due priority.

We recognise the effort that has been made by private investors in university education. Of great significance of private players are the Catholic Church, the PCEA, Mt. Kenya University investor, Kabarak University and Strathmore. These are private investors who have played a critical role in making sure that our students, who have acquired the right qualifications, are not denied a chance to acquire university education. I would, therefore, imagine that university grants or loans must be extended even to private universities so that our students who are there can also access the required education.

Mr. Temporary Deputy Speaker, Sir, university fees has also been a big concern to parents, particularly of poor background. Students particularly from poor families in our society have been frustrated and, therefore, the issue of high fees must be addressed by university administrations so that a bigger number of students are admitted to these universities.

We have seen our students drifting to the neighbouring countries, particularly Uganda and Tanzania, where university education is cheaper. Therefore, our Government must expand and afford opportunities to qualified students.

Security in our universities has also been a concern. Recently, we lost students in Kenyatta University, Moi University and the University of Nairobi. Security matters must also be enhanced if we need to give confidence and security to our students.

Mr. Temporary Deputy Speaker, Sir, in conclusion, Government resources which have been plundered through corruption and impunity are enough to allow our students to advance and acquire knowledge in our public universities.

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I fully support this Motion.

The Assistant Minister for Housing (Bishop Wanjiru): Thank you, Mr. Temporary Deputy Speaker, Sir. I rise to support this very important Motion. I want to thank the hon. Member, Maina Kamau, for bringing it to the Floor of this House. Considering the backlog that we have currently in the education system because of lack of a huge intake within our universities, we have ended up with very many students going for parallel programmes. However, that poses a question for all of us. For how long can we sustain the parallel programmes? My answer would be, not for too long, for the fact that parallel programmes are very expensive. In the absence of parallel programmes, our students, who mainly are youth, end up going out of this country to seek for further education.

I would like to support this Motion and really encourage ourselves to be able to facilitate our universities. One of the hon. Member has already said, even within the six existing public universities, there is already enough space for expansion of university facilities in this country. We just need to reorganize and adequately fund them. We can reduce on the parallel programmes and channel our funds to regular programmes.

Mr. Temporary Deputy Speaker, Sir, it is obvious that we have a problem with our youth in this country. They drop out of school at a certain level. They embark on *Jua Kali* jobs which do not produce skilled labour. Therefore, we end up with a lot of our youth without skilled labour. If we need to impart proper skills on our youth, we definitely have to offer more regular programmes than we are doing at the moment.

Mr. Temporary Deputy Speaker, Sir, there is a great aspiration within our people. They no longer believe that after secondary education that is the end of the road. Their aspiration is to go to university and earn a degree. Therefore, we must be able to facilitate them. Currently, our children are enjoying the benefits of free primary education and the subsidized secondary education. How can we protect and sustain those benefits? We can only do this by making sure many of them are admitted to our public universities.

Mr. Temporary Deputy Speaker, Sir, finally, we are talking about the space and expansion of university education in this country. One of the hon. Members here has said our universities have large tracts of land. We pride in this. For example, when Kenyatta University was constructing the modern library, they used some of its space. That library has now added value to them. I believe our Government can facilitate our universities in their expansion mission. Space or land is not an issue at all. Many students from the marginalised areas would like to pursue university education. So, if we do not create a conducive environment for them where they can have level playing ground with other students from well to do families, then they will never get a university degree.

I support this Motion, and call upon the Minister who is here, to support it and fully commit the Government to implement this Motion.

Mrs. Shebesh: Mr. Temporary Deputy Speaker, Sir, I want to support this Motion by adding my voice to all what my other colleagues have said. I believe they have said what I wanted to say. The Motion before us is clearly talking about the concerns of Kenyans. The concern is whether the parallel programmes are sacrificing the regular programmes. I believe that the Ministry, once and for all, should answer this question. This is because in all universities, parallel programmes are generating a lot of money for the lecturers and the universities themselves more than the regular programmes. I am wondering whether this is the reason why the regular programmes in universities seems to have dwindled or the numbers drastically reduced. I believe that those who qualified for the regular programme and are not taken on board are the same students who pay for these parallel programmes. We have a new Constitution that guarantees us our rights. It is fundamental rights of all young people to pursue university education. How can we explain a situation where one student is admitted to university while another one who is more qualified is denied the chance to pursue his dream? This is a total discrimination. So, the Government needs to look at this issue in line with the Bill of Rights. We should stop infringing on the rights of the young people in this country.

Secondly, I would like to talk about the capacity in the universities. I know we have six public universities. If you visit any of these universities like I do, because I do a lot of mentoring for young students in them, you will be amazed to see the space they have. There are many lecture halls. They have big tracts of land. It bits logic why we do not admit 150,000 students in our universities because we have the capacity to do so. I do not understand it. If you divide that number by the six public universities we have in the country, you will wonder why we do not admit many students as we could to our universities.

Mr. Temporary Deputy Speaker, Sir, I am glad to see the Minister for Education here and I am sure he will support this Motion. Sometimes we bring Motions here and talk to ourselves. It is good today, we have two Motions, and both Ministers are here. It is good that we acknowledge when Ministers are here to listen to Motions.

As I conclude, I would like to ask the Ministry to tell us the plan they have in place to accommodate a big number of students who will be joining universities in 2015. This is because most of them will be left out. This is a critical issue the Ministry needs to address. Are our six public universities enough to accommodate the number of students we expect in 2015? If they have no capacity to do so, why are there no deliberate efforts to expand the number of public universities we have?

With those few remarks, I beg to support.

The Temporary Deputy Speaker (Prof. Kaloki): Dr. Mwiria to respond on behalf of the Government.

The Assistant Minister for Higher Education, Science and Technology (Dr. Mwiria): Mr. Temporary Deputy Speaker, Sir, I would, first, like to thank Bw. James.M. Kamau and those who have spoken in support of this Motion. It is, indeed, important that we open up our universities to as many young Kenyans as possible who are qualified for that education. One Member argued that it is not fair to cut the students in public universities because they can pay and leave the majority out, because they cannot pay.

Mr. Temporary Deputy Speaker, Sir, I agree with the spirit of the Motion, but I think it is too ambitious. It is too ambitious to expect that in 2011, you could do 75 per cent. First of all, I sympathise with the Member of Parliament, because the Motion was to

come last year. The Motion states here that we have to have 75 per cent of the students by 2011. However, 2011 is past, and is not possible. But I want to say it is not realistic even in 2012 for a number of reasons. If you look at what it would mean if you took 75 per cent of the students, 75 per cent of the students---- 97,134 of 2010 would be 72,851. If you took the other 75 per cent of 81,000 in 2009, it would be 60,750. The total would be 133,601. You can see the capacity is there, because we are also taking parallel students. But in terms of those the Government is catering for are 98,000 from both the seven public universities, and the 15 constituent colleges. Therefore, the 75 per cent of the students who have C Plus and above would be 133,601, and that would translate to Kshs33,400,250,000 to be able to support that category. I am not saying it is not possible, if the money is voted. But in addition to paying, the Kshs250,000 per students, which brings it to Kshs33 billion, you also have to do the infrastructure, which is much more than this Kshs33 billion. I am just trying to explain the challenge currently. You will put in Kshs33 billion to support 133,000 at Kshs250,000 per student per annum. But beyond that, you have to provide the infrastructure.

Mr. Temporary Deputy Speaker, Sir, now, about the parallel programmes, I appreciate hon. Shebesh, hon. Mwathi and others who have picked on that issue; it is very painful that universities are open to you if you can pay. It is a serious problem that we talk about bed space and capacity but it is not an issue when you are a rich student who can find that space. It is also not a problem for you to study medicine or architecture and one year in advance if you have the money to buy that space. It is an issue that has interested me for many years since I got into education. There is buying of education as a commodity; education has become a commodity, and you just have to be rich to have a good education. It is not like when you went to your primary and secondary schools, or where some of you went to school. You start buying it from the primary school. You buy the most expensive if you have money; you buy it in secondary school and then in university now, you do not need the best grades to do medicine or architecture. You just need to have money. With a B plus you get in. That is a challenge. That is a serious problem because you block those who could have had the education as the way out of poverty, and as something to create social mobility; also universities have a challenge.

Mr. Temporary Deputy Speaker, Sir, the amount that the Government is providing to universities is not enough to educate as many students as we would like. Parallel or Module II courses are an income generation project for universities, as they are faced with a situation where the Government cannot put in all the money; universities have to find a way of being innovative and raise extra income to be able to support their own lecturers and students. It is as we have two systems in our universities. We have a private and a public university in one. In countries where the private system is developed like South Korea, you will find that 80 per cent of the university students are in private universities. This is not the case in Kenya as I am going to show later on. It is a challenge also and we think that we are blocking out some students. It is important to appreciate universities themselves trying to raise some income that will support some of programmes in view of the fact that the Government is not able to put in all the money that universities require.

Mr. Temporary Deputy Speaker, Sir, I would like to say that there is a move to continue making university education more readily available; last year alone, eight additional constituent colleges were opened; these include Machakos, Murang'a,

Kirinyaga, Kibabii, Rongo, Embu, Taita Taveta and Garissa. So, there is a move to keep on opening new institutions; that will increase the numbers but not as dramatically as we would like. In addition to that, there is a plan underway to establish the Open University of Kenya. The Open University of Kenya will have centres in every county in this country; it goes back to the points that people were making about how we have to be innovative in terms of alternative delivery modes, and you do not have to be in a physical classroom. So, the Open University of Kenya will provide that opportunity and there will be centres in every county. The expectation is that the fees for this university will not be more than Kshs90,000 per annum. We want to make it as cheap as possible and eventually maybe make it Kshs20,000. You get a loan from the Government of Kshs50,000, then your parent can pay only Kshs40,000 to Kshs50,000 per year, and you get a university degree. So, in addition to making it possible for many more to come in, it is also going to be a cheaper way of providing university education. That is underway. We were to start this last year. The task force completed its work and there is every intention hopefully to have it started this year, and that will accommodate an additional 50,000 students or so.

Mr. Temporary Deputy Speaker, Sir, it is also important to note that there are other avenues in addition to the constituent colleges. Certain public universities have 21 constituent colleges. We have other avenues, including new technical institutes. This year we will have like 20 of them and in the coming year there will be another 20. So, the target is to have a technical institute in every county. Some of the courses they will be offering will be diploma courses that can later be upgraded; more importantly it is another avenue for many students who cannot go directly to university. If we can start within the next two years, accommodate every student who has a B or a B minus, that will be progress and then we can begin by 2015, and hope that all C pluses will get in either to physical universities or take advantage of institutions like the open learning and diploma level institutions like the technical institutions.

There are also 26 private universities in this country. Unfortunately, they are not big. They are small and secondly, they also tend to duplicate a lot of the courses that are already offered in the public universities. The new policy in Government is to encourage upcoming universities to begin to offer other disciplines, especially in the sciences and in engineering. However, most students who also go to private universities have access to Government money in the form of loans. So, there is no discrimination. As long as they have a C plus, they are entitled to loans. Again those private universities will also take a substantial number of students, who will also gain from the support of the Government; I have spoken about the parallel programmes that provide those opportunities.

It is also the case that some Kenyans are able to go abroad through different programmes. We should encourage that because they bring diversity and complement whatever new ideas we have in our institutions. There is increased funding to constituent colleges; it is an average of Kshs400 million to Kshs500 million every year. This is affirmative action where we target the most disadvantaged, especially women and students from remote parts of Kenya. Our development partners are also helping us in terms of developing infrastructure to accommodate more students, and there is a deliberate effort again to ask universities to complete stalled projects. You go to Moi University and Egerton University and you find that a lot of projects have not been completed. The Government has subsidies for completing those stalled projects. We are

also saying that we should take advantage of the land that is available. There is no reason why Moi University cannot have a capacity of 60,000 students like the University of New York because land is there. So, provision infrastructure, getting universities themselves to act, and asking to development partners to support expansion will serve us well.

Mr. Temporary Deputy Speaker, Sir, the Government is also supporting universities. We are giving incentives to private providers of university education through tax waivers like when they import construction materials, or when they import educational materials for teaching and learning. The fact is that some Kenyans will be able to pay for private university education, but the cheaper we make it, the better so that we have many more Kenyans and accept the fact that even as we open up universities, we also have to have--- In addition to having the physical universities, we also have to expand that other dimension that we spoke about. I agree completely that capacity is there but the problem is not just capacity. I think we can accommodate the students. The problem is whether or not we have the resources to support education. We need Kshs33 billion at present to subsidise education, and we need maybe Kshs40 billion to Kshs50 billion to build the infrastructure that we require.

Secondly, we have to be realistic. It is not possible to do it now. We have to stagger it just as we have started staggering admission to university. We are also getting rid of the system, where students wait for two years to join university; we have accelerated the intake. Between now and May, the universities will implement this, so that in the next year students who will graduate from high school will not have to wait for two years in order to join universities. These things require time. The intention of the Motion is great and I really hope that by 2015 we can do 75 per cent.

I also say that there is no country in the world where transition to university--- Universities are also generally elitist institutions. The important questions are: How elitist must they be? What can we do to increase the numbers? We still appreciate the fact that many Kenyans who will support the development of this country also have to go to diploma institutions, because for every engineer we need a technician, and for every doctor we need like eight nurses and so on. So, we need to open up universities but we must also appreciate these other components that we must have, so that they support the degree holders.

The Assistant Minister for Higher Education, Science and Technology (Dr. Mwiria): Mr. Deputy Speaker, Sir, I conclude by saying that I agree with hon. Maina Kamau that we need to open up our universities. We are already increasing the numbers gradually. We appreciate that there will be a crisis by 2015 because of the Free Primary Education (FPE) and the Free Secondary Education (FSE) programmes if we do not do something dramatic. That is already being done by constituent colleges, technical institutions, opening up universities and supporting the private sector to be part of the providers of university education in a way that it is not too expensive for the majority of Kenyans. We need time but we should go there. However, for the time being, it is not possible to accommodate the 75 per cent because the resources and the infrastructure are not there but that will be our target.

The Temporary Deputy Speaker (Prof. Kaloki): Thank you, Dr. Mwiria. The Mover of the Motion, hon. James Maina Kamau, you can now respond.

Mr. James Maina Kamau: Mr. Temporary Deputy Speaker, Sir, before I respond, I will donate one or two minutes to my good friend, Eng. Maina, the Member for Mathira.

Eng. Maina: Thank you, Mr. Temporary Deputy Speaker, Sir and my good friend, Mr. Maina Kamau. I think Bwana Kamau gave me this opportunity because of the importance of this Motion and the history that some of us have in relation to this kind of Motion. Mr. Assistant Minister, it is a pity that somebody can be denied education by this country. This is because if you look at the many youth we have in this country, you will wonder what they can do to improve their lives. The only good thing that happens to most children from poor backgrounds, through God's grace is to pass their examinations. Therefore, I would ask the Government to relook into this matter and prioritise the issue of going to university. Where it may not be possible after the transition, could this Government seriously consider opening up polytechnics that used to be in place and other colleges which were kind of interim but gave people very serious education and the same people ended up being employed and gave great service? Let me tell you that is a deficiency in our education system. Some of our children should seriously consider being absorbed in those institutions.

Secondly, it does not make sense for this country to send students outside and finance universities outside. A university in the US or in the UK just needs a third of foreign students and it will meet its budget. People pay the high fees. Truly, the Government should sit down and device a system where we have universities here including talking to people who are capable in investing in education and put in place serious policies that will encourage them to invest in education.

If truly what a third of our students in a university abroad can finance a university, why would we not have programmes, as you have just said, which will be duty free or have tax levied for a number of years? The Government should device a way because denying a child the need to go ahead with education when God has graced the child does not automatically make sense. The Assistant Minister conceded that maybe today you do not have to pass an examination. If you have money you can automatically move right from primary to secondary and university. Maybe, that is why Kenya has graduates but when you employ them, they cannot write a memo and tell you what you wanted to hear. Therefore, I beseech this Government to take Mr. Kamau's Motion seriously and congratulate my friend for bringing this Motion. I would like to say that it is heartache to many parents and most of us. We have children who always come to us to get *harambees* because they were forced to go for the parallel programme.

Let me tell you this and I believe that it is your history as well. Most of us would not be in this House were it not for the free line to pursue education. We would have been condemned to the doldrums of history where we would be roasting maize somewhere in the small towns in the rural areas. Therefore, I beseech the Government through the Assistant Minister whom I have no doubt understands all these to sit down and come up with a policy either way.

Mr. James Maina Kamau: Thank you, Mr. Temporary Deputy Speaker, Sir. There is great interest in this Motion and the hon. Member for Kisumu Town East would like to have a minute. That is with your permission, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Prof. Kaloki): That is fine!

Mr. Shakeel: Thank you, Mr. Temporary Deputy Speaker, Sir. I really thank the Mover for giving me the 30 seconds. I would like to inform the Assistant Minister that there are other countries in the world that are facing the same problem. They have been able to tackle the problem of infrastructure, and I hope the Assistant Minister is hearing, using a 24-hour university system with the same infrastructure and the same teachers but different professors working at different working hours. They work on shifts meaning that the university lessons starts at 7.00 am, one stream ends at 2.00 p.m and the other begins at 2.00 p.m and goes up to 10.00 p.m. This is possible and I request the Assistant Minister to look into that aspect.

I thank the Mover for giving me the 30 seconds.

(Mr. Nyambati stood up in his place)

The Temporary Deputy Speaker (Prof. Kaloki): Proceed, Mr. Nyambati!

Mr. Nyambati: Thank you, Mr. Temporary Deputy Speaker, Sir, for your indulgence to give me a chance to air my views on this very important Motion. I want to say here and now that investment in education of our children is paramount. We must go out of our way to ensure that we give appropriate education, especially university education to our children.

I want to take this opportunity to commend Kisii University College for having expanded in the past two years and admitted more than triple the number of students it was taking. I want to encourage the Ministry to go out of its way to ensure that universities in this country are expanded so that they take enough students who can be the leaders of this country in the near future. I want this House and this country to know that the only investment we can give to our children is education so that the Ministry is given enough money to expand the opportunities in our universities so that our children are equipped with the kind of education that they require.

Mr. Temporary Deputy Speaker, Sir, if you look at countries like Japan which do not have natural resources, you will find that the only major resource they have is human resource. They have developed their resources in such a way that they have become a super power even without natural resources. We cannot do that until and unless this country and this House allocates enough money to the Ministry so that it can expand the facilities required. We cannot accuse the Ministry for not allowing our universities to admit more students when we do not allocate them the resources that they require. So, I urge this House to cognizance of the fact that for us to have quality education, we must fund it. It is the responsibility of this House to do so. It is also the responsibility of the Ministry of Higher Education, Science and Technology to request for more money to cater for the children of this country.

We must also enable our universities to carry out research because a country develops through research. Universities require funding to carry out research. This is whether we are talking about medical or technological research. We are talking about Vision 2030. The Vision 2030 must have the required man power to perform the duties in order for us to be industrialized by 2030. I urge this nation and this House to be vigilant and ensure that as a nation, we will enable any child who is qualified to go to university to get the required education. You understand that most of our children do not attain university education because they are not enabled.

I support this Motion.

The Temporary Deputy Speaker (Prof. Kaloki): Order! I think hon. Kamau donated about two minutes to hon. Nyambati.

Mr. Nyambati: Mr. Temporary Deputy Speaker, Sir, I beg to support.

The Temporary Deputy Speaker (Prof. Kaloki): Hon. Kamau, are you willing to donate another one minute to hon. Gabbow?

Mr. James Maina Kamau: Mr. Temporary Deputy Speaker, Sir, with your permission, I will give him just one minute.

The Assistant Minister, Ministry of State for Special Programmes (Mr. Gabbow): Mr. Temporary Deputy Speaker, Sir, first of all, may I thank hon. Maina Kamau for giving me this chance. I just want to labour on two points and I will take one minute. First, I urge the Ministry of Education to make efforts to revitalize the intermediary colleges because every one of us cannot get into university. These should be spread all over the country to reduce the cost of transport and accommodation. If the colleges are started in the students' backyards, they will gain from those facilities. Those intermediary colleges prepare individuals to do practical jobs. That is why most of the developing countries have had that kind of manpower. Secondly, I also urge the Government to build universities in regions like northern Kenya. Students who come to Nairobi from these regions spend a lot of money in transport and accommodation which should be spent on school fees. I urge the Government to take this seriously and build universities in northern Kenya, so that we can enjoy those facilities.

The Temporary Deputy Speaker (Prof. Kaloki): All right. Do you want to donate an additional one minute to hon. Kilimo?

Mr. James Maina Kamau: Mr. Temporary Deputy Speaker, Sir, I do not think there will be any time left for me, but let me give her just half a minute.

The Assistant Minister for Co-operative Development and Marketing (Mrs. Kilimo): Mr. Temporary Deputy Speaker, Sir, thank you for honouring the new Constitution considering my position as a lady Member. In supporting this Motion, I would propose that the expansion should be towards the area of job creation or innovation where graduates from universities become job creators. We are a nation of job seekers because it is about papers and not what you can do with the knowledge that you get at the university.

With those few remarks, I support.

Mr. James Maina Kamau: Mr. Temporary Deputy Speaker, Sir, first, I would like to thank all those who supported this Motion starting with hon. Mwathi, hon. Njuguna, Bishop Wanjiru, hon. Shebesh, Eng. Maina, hon. Shakeel, hon. Nyambati, hon. Gabbow and finally, hon. Kilimo. I would also like to thank my good Assistant Minister and my former classmate for the answer he has given although I disagree with him on some issues. When he talks about being too ambitious, there is nothing like being too ambitious in this Motion. If the Minister plans properly and sits down with his technocrats, there is nothing ambitious in this Motion. I am not asking for 100 per cent admission. I am only talking about 75 per cent.

The Assistant Minister for Higher Education, Science and Technology (Dr. Mwiria): On a point of order, Mr. Temporary Deputy Speaker, Sir. I am not disagreeing with my friend, hon. Kamau, but what I was calling ambitious is that we can accomplish

this by 2011, which is already passed or 2012. I was saying that we have to do it but we need time. That is what I said.

The Temporary Deputy Speaker (Prof. Kaloki): All right. I think that is information.

Mr. James Maina Kamau: Mr. Temporary Deputy Speaker, Sir, 75 per cent is not asking for too much. We are talking about 2015 and not even 2011. I thank the Assistant Minister for the answer he has given. Again, I am not talking about everybody. I am talking about only those who qualify. You will notice that many students qualify but they cannot be admitted to universities.

You will notice that the parallel programmes are giving our people a lot of problems. They are actually a preserve of the rich. I know of a student who got a B+ and simply missed one point. He could not be admitted into the regular programme. He had to struggle to join the parallel programme. This is big business. These fellows are in business. The parallel programmes are very expensive.

The Assistant Minister, Ministry of State for Special Programmes (Mr. Gabbow): On a point of order, Mr. Temporary Deputy Speaker, Sir. The Member is asking the Government to have the regular programmes admit university students from the year 2011.

The Temporary Deputy Speaker (Prof. Kaloki): What is not in order?

The Assistant Minister for Livestock Development (Mr. Gabbow): Mr. Temporary Deputy Speaker, Sir, he is talking about 2011 and we are already past 2011. Can we say 2015 or something else instead of 2011 which is already passed?

The Temporary Deputy Speaker (Prof. Kaloki): We are debating the Motion as it is. The Assistant Minister clarified a lot of issues and hon. Kamau also knows that this is 2012. I also know that you know we are talking about 2012/2013 and 2014/2015 as we move forward because the Motion should have come towards the end of last year. You are aware of all that. So, proceed!

Mr. James Maina Kamau: Mr. Temporary Deputy Speaker, Sir, I am aware of that because this Motion, as the Assistant Minister stated, was supposed to come to the House last year, but there was no time for it and we went on recess without having debated it. So, it is from 2011 going forward and the Assistant Minister has corrected.

As I was saying, parallel programmes are a preserve of the rich and that is what we are trying to avoid. You notice that most universities are expanding and they are not even teaching. They are doing business. So, I urge the Government to take responsibility and build more universities, so that all those who qualify at least, are admitted into the regular programmes where they can pay less. I would urge the Government to implement this Motion so that our students can get quality education and live good lives.

With those few remarks, I thank all those who have contributed and I urge the Government to implement the Motion immediately.

(Question put and agreed to)

PRIVATIZATION OF NEW KCC

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

THAT, aware that the original Kenya Cooperative Creameries (KCC) was largely owned by dairy farmers who held the majority stake in the assets of the company, estimated at over Kshs5 billion; noting that when the original KCC was converted to New KCC the shareholding of the said farmers was never conclusively determined; further aware that New KCC is at an advanced stage of privatizing fully through public floatation of shares; deeply concerned that if the said privatization proceeds before the original shareholding rights of farmers are conclusively determined and protected, the said farmers run the risk of permanently losing their stake worth billions of shillings; this House resolves that the Government should forthwith stop the planned privatization of the New KCC and immediately constitute a seven member rights reconciliation team composed of representation from the Ministry of Cooperative Development and Marketing (three representatives) and the Kenya Farmers Association (four representatives) to interrogate and conclusively determine the shareholding rights of farmers in KCC as converted into New KCC, which are to be guaranteed protection and duly awarded to the rightful farmers in the planned privatization.

*[The Temporary Deputy Speaker
(Prof. Kaloki) left the Chair]*

*[The Temporary Deputy Speaker
(Dr. Laboso) took the Chair]*

Madam Temporary Deputy Speaker, I move this Motion aware that the right to property is sacrosanct; both in the old constitutional order that we replaced in 2010 and in the new dispensation. Article 40(3) of the Constitution of the Republic of Kenya which is titled "Protection of Right to Property" says as follows:-

"The State shall not deprive a person of property of any description or of any interest in or right over property of any description."

That constitutional protection means that every single citizen of this country has a right to own, hold, claim, protect his property of whatever description, wherever, whenever that property is held. In the case of any interference with that right to property, the State has a responsibility an irreducible minimum responsibility to protect that right.

It is unfortunate, actually it is a national shame, that the one sector we all celebrate as being the backbone of our economy; the one sector that employs 80 per cent of our people, agriculture is one sector that we have not gone the extra mile to protect. When we talk about the agricultural sector, we are talking about the hardworking ordinary Kenyan farmer across the length and breadth of our nation, including the dairy.

The dairy farmer through the history of this land had come to take pride of place as a hardworking Kenyan and the Kenya Co-operative Creameries (KCC) was a platform that provided the dairy farmer in this country the opportunity, not only to produce, market, but also to protect the very best interest of this sector and those who play in this sector.

We know that because of myriad challenges, including complicity on the side of the Government, this KCC ran into strong head winds in the late 1990s which led to insolvency resulting in receivership that ultimately led to the KCC collapsing and being offered for 30 pieces of silver. I literally mean that. This eminent farmers' organization that held the hopes, dreams, aspirations and investment of thousands of farmers across our land, was allowed to totter into the abyss and collapse. In that collapse, it was duly picked up by persons, who I have no doubt, share responsibility for that collapse, for 30 pieces of silver. So, the eminent organization – Kenya Co-operative Creameries (KCC) – was baptized KCC 2000, and there rest as they say is history.

Madam Temporary Deputy Speaker, when the NARC Government came to power in 2003, they made what at that moment, had the appearance of positive measures to rescue this eminent organization, KCC. Hopefully, the Minister in responding to this Motion, could help to lift the veil and let the country know who exactly KCC 2000 was. But the Government did offer Kshs400 million to the directors and owners of KCC 2000 to buy back KCC, which they duly renamed New KCC. The New KCC has since the year 2000 been a wholly owned Government enterprise.

Madam Temporary Deputy Speaker, in that whole metamorphosis and transformation from KCC to KCC 2000 and onwards to New KCC, a series and continuous litany of injustice has been committed to the dairy farmer in this country. When KCC changed hands to private ownership in the form of KCC 2000, nobody bothered to lift the veil and find out the interest of the dairy farmer in that company at that time and what the fate of the interest of this farmer was, as KCC changed hands and even names to KCC 2000. One would have expected that when the Government recovered KCC and renamed it New KCC, effort would have been made to do an evaluation and determine exactly what the original interests of the dairy farmer in KCC were and how those interests could be recovered.

Madam Temporary Deputy Speaker, I have put on record the letter and spirit of the Constitution, which is clear; that the right to property is sacrosanct and cannot be wiped off the slate either by the Government or any other interest. It will be interesting to hear, during debate of this Motion, the measures that the Government has taken to revert the original property rights of the Kenyan dairy farmer held in KCC. Fast-forward, now the Government has made it clear that they want to privatize the New KCC and has offered the following share structure. They say that in the new privatization framework, farmers will be offered a shareholding of 42 per cent. The Stock Exchange; the bourse, will be offered 34 per cent.

The current employees of New KCC Limited will be offered 4 per cent. The Government will retain 20 per cent. That is the proposed shareholding structure in the anticipated privatisation of New KCC Limited. I do not know whether that latest move is going to translate into another name change. The two fundamental questions are: In this new privatisation arrangement, what is the Government saying about the original property rights of the dairy farmer? Remember that at the time when the defunct KCC Limited ran into financial headwinds, the assets for the company were estimated at over Kshs5 billion.

What happened to those assets? What happened to the original assets of the defunct KCC Limited? If by reason of Government laxity or complicity, those properties were wasted or stolen or, for whatever reason disappeared off the face of the earth by

some alien force, does the Government owe the Kenyan dairy farmer the responsibility for restitution to reconstitute the Kenya dairy farmers to their original position?

Secondly, is the Government aware that if these structures were to be implemented as proposed, the Kenyan dairy farmer will lose control over this new company? This is because, by merely putting the Government and the Nairobi Stock Exchange together, the Government could cede its shareholding to private investors at any time. This will be a company where, again, the dairy farmer, who is the foundation for this whole arrangement, will be the minority in terms of shareholding power.

Madam Temporary Deputy Speaker, therefore, what this Motion seeks is very simple and very noble. I hope that the Government will have no reason to fight this Motion. We have no problem with the privatisation. We live in an era where everything seems to be headed in the direction of privatisation. However, before you privatise, just pause and answer some fundamental questions: Where are the original assets of the defunct KCC Limited? How do we determine the rights of the Kenyan dairy farmer in those assets? How do we secure those rights and ensure that they do not get lost in this whole privatisation process? Where is the Kenyan dairy farmer in this whole picture? Why is the producer – the person who should really be at the centre of this whole process – at the periphery? Who is driving this process?

If we can answer those questions, I believe that this privatisation process can proceed. It can move forward but in the best interest of the country ultimately and in the best interest of the Kenyan farmer. We have reached a point where we must stop this habit of impoverishing our primary producers. What we are talking about are the maize farmers or the dairy farmer. We are a country which deliberately breaks the backbone we claimed and celebrate to be the pillar of our economy; by the very policies we implement and by the very actions that we take.

Madam Temporary Deputy Speaker, in the last Session of this Parliament, I brought two Motions to this House, both of which touch on the Kenyan farmer. I brought a Motion here to help resuscitate the Kenya Farmers Association (KFA). We passed the Motion here. The Government stood on the opposite side of this Dispatch area and made a commitment that they were going to place Kshs1.4 billion into the hands of the KFA to resuscitate that eminent farmers' organisation and provide a platform where Kenyan farmers can protect their interests.

After that, I brought another Motion in response to the devastation caused by drought and other phenomena that caused Kenyan farmers heavy losses, making it difficult for them to repay their loans to the Agriculture Finance Corporation (AFC). Again, we asked the Government to put Kshs2 billion in the AFC coffers to enable it provide relief to farmers. Up to-date, in a very cynical conduct and attitude, the Government has not placed single penny in either the coffers of the KFA or AFC. This is very shameful. We are not talking about any other sector. We are talking about a sector that even the Government celebrates must anchor Vision 2030. At this rate, this Government should revise Vision 2030 to become Vision 3020. We cannot be sitting in this House, passing Motions, listening to the Government make commitments and they simply do not move a finger.

I want to urge the Government that this particular Motion in which we are asking the Ministry and the Kenya Farmers Association to constitute a seven member team that will just do a right reconciliation. Let them conduct open, transparent and accountable

rights reconciliation and tell the people of Kenya these are the assets of this company. These are the original rights of the Kenyan dairy farmer. This is how we will protect these rights in the privatization.

I hope that as we undertake that process farmers will reclaim their original stake in this company. We also will come up with an arrangement that will demonstrate, not in rhetoric, but in deeds, that this Government is ready to protect the Kenyan farmer.

I have no doubt in my engagement with the Ministry of Co-operative Development and I can see the hon. Lina Kilimo is here and I have had occasion to interact with her, I am convinced that the Ministry is working on the right side of history on this matter. I want to urge the Ministry to remain on the right side of history and walk hand in glove with the Kenyan dairy farmer and put this matter to bed. They should send a clear message to the Kenyan farmer that this Government cares and they truly places the efforts of the Kenyan farmer at the very heart of this Vision 2030 drive.

I beg to move. Hon. Member for Kisumu Town East, Mr. Shakeel will second this Motion.

I beg to move.

Mr. Shakeel: Thank you, Madam Temporary Deputy Speaker. I have the honour of seconding this Motion brought forward by Mr. Namwamba. The KCC and KFA are our national assets. They are the heritage of Kenya. They are what Kenya was built on even before we got Independence. There was a time when the KFA and the KCC were economic giants. They ran the agricultural economy with great efficiency. The KCC is a word known all over this world for the quality of its butter, milk and milk products. Even now on its deathbed, it was still producing some of the best milk we have ever had. The history has been given by the hon. Mover, so I will not go back to it. The KCC by its name implies the Kenya Co-operative Creameries, not any private organization and nor should it be.

We do not want it to go into the negative implications of privatization over co-operatives.

People come from all over the world and all the developing countries to come and see our model cooperatives. People come from Philippines and all over Africa including South Africa and yet we kill our own. The Cooperative Bank is one such venture that they have seen. The Kenya Cooperative Creameries (KCC) must not be allowed to die or be grabbed like it has. The original shareholders have pre-emptive rights come what may. However, the assets were grabbed during the time of asset-stripping campaign.

Madam Temporary Deputy Speaker, we have seen other property that was grabbed which have been returned to the Kenyan public. We demand that the Kshs400 million that was paid by the Government to these grabbers is Kenyan money and it must be given back. The preemptive rights of the old shareholders must be there. The way KCC was destroyed by butchers using the Insolvency Act and receivership was all illegal. When you look at it, you will find illegality not only in the way it was done but the form and the sort of votes that were taken. So, we want not only an audit--- I am an accountant and I do not understand why I forgot that word. We want an intensive audit to go backwards to see what happened. We want a postmortem of KCC. Did it die or was it killed? If it was killed who was in charge? Before the floatation of new shares this must be looked at.

I support the seven-member committee but I would, with humility and respect, try and suggest that the membership be; two from the cooperative movement, two from KFA, two from KCC and one from the Institute of Chartered Accountants. It can also have somebody from the Nairobi Stock Exchange (NSE). It is a responsibility of any Managing Director or the Financial Executive and we want to know when KCC was killed or strangulated and who was in charge of that process. We want to be able to sue that person under the fiduciary responsibility that he allowed an organization which he was a chief executive to be killed.

Madam Temporary Deputy Speaker, in law, I am told that you cannot go to court and demand justice if your own hands are not clean. Therefore, we are demanding that whoever the new KCC claims to be, they cannot come and ask for privatization without going backward unless, of course, they work hand in gloves with the butchers who butchered KCC.

When I look around here, even Dr. Wekesa, we all had KCC milk in school at very subsidized rates. The assets of the people must go back to the people. I see the Minister is here and I am sure Mr. Kosgey also knows the importance of farmers and cooperatives. A cooperative is the ultimate form of democracy. It is the ultimate form of people who are responsible for the delivery to be allowed to market their products. We have gone through the past where other people have marketed products, be it coffee, tea or whatever.

I, therefore, strongly second this Motion. I request the House to demand for the NSE and other institutions who are in the process of privatizing New KCC to stop that effort immediately until we find out what the real rights of the original shareholders are, the way they lost those rights and where the Kshs5 billion of assets has gone.

With those remarks, I beg to second.

(Question proposed)

Mr. Kosgey: Thank you, Madam Temporary Deputy Speaker. I rise to support this Motion. It is very important to note that before the KCC was put under receivership, there were shareholders who include a number of farmers who were suppliers a lot of them from Rift Valley and Central provinces. The practice at that time was that for every litre of milk delivered by farmers to the KCC, a small amount of money was deducted every month and share certificates issued showing that that particular supplier holds a certain number of shares. When KCC got into financial problems--- We thank the Government for reviving it because we now have somewhere to sell our milk besides the other milk processors. When KCC was revived two things happened. There are people who supplied milk to KCC, but they were never paid. However, more importantly, the shareholding was not clarified. What happened to the shares that the farmers in Rift Valley and Central Provinces held? Who had the original shares? We know that KCC had various assets such as pieces of land, factories, and so on. Those assets were owned by the existing shareholders at that time. At one time there was an attempt to sell KCC to some big people and this was wrong. I hear that the money was eventually refunded to them which was a good thing to do. So, it reverted to the original shareholders. So, before a new step is taken be it floating of new shares in order to get more members, we need it clarified who the original shareholders are and how many shares they hold. If you want to

have a new issue we want to know these things. They need to be clarified. I support the formation of this Committee.

New KCC was going round the other day in Eldoret trying to convince farmers---

The Temporary Deputy Speaker (Dr. Laboso): Hon. Henry Kosgey, you will have a balance of seven minutes when this debate resumes.

ADJOURNMENT

The Temporary Deputy Speaker (Dr. Laboso): It is now time to conclude the business of this House. The House, therefore, stands adjourned until this afternoon at 2.30 p.m.

The House rose at 12.30 p.m.