

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 5th November, 2003

The House met at 9.00 a.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

QUESTIONS BY PRIVATE NOTICE

UTILIZATION OF NACC MONEY
IN WEST POKOT

Mr. Moroto: Mr. Deputy Speaker, Sir, I beg to ask the Minister of State, Office of the President, the following Question by Private Notice.

How much money has been allocated to West Pokot District by the National AIDS Control Council (NACC) and how has it been utilised?

The Assistant Minister, Office of the President (Prof. Kibwana): Mr. Deputy Speaker, Sir, I beg the indulgence of the House so that we can answer this Question tomorrow.

Mr. Deputy Speaker: For what reason?

The Assistant Minister, Office of the President (Prof. Kibwana): We have not as yet got the proper facts to be able to answer the Question.

Mr. Deputy Speaker: What is your response, Mr. Moroto?

Mr. Moroto: Mr. Deputy Speaker, Sir, I agree that the Question be answered tomorrow because I have not even got the written answer.

Mr. Deputy Speaker: But this is a Private Member's Question which should be answered within 48 hours after it has been put. Therefore, we cannot wait indefinitely. It must be answered tomorrow.

(Question deferred)

Next Question. Mr. Wanjala!

MEASURES TO CONTROL
NZOIA RIVER FLOODS

(Mr. Wanjala) to ask the Minister for Water Resources Management and Development:-

(a) Is the Minister aware that River Nzoia burst its banks in Budalangi in April, 2003, thereby breaking embankment dykes on both sides of the river?

(b) Is he further aware that over 25,000 people are displaced and leading a pathetic life in 13 make-shift camps?

(c) What urgent measures is the Minister taking to control the floods by damming

and rehabilitating broken dykes to enable the displaced families return to their homes?

Mr. Deputy Speaker: Mr. Wanjala is not here?

Hon. Members, I will not permit the practice that has been going on, whereby we go through Questions and then come back. Once you are not there to ask your Question, it will be dropped because we have so many Questions waiting to be

[Mr. Deputy Speaker]

asked.

So, Mr. Wanjala's Question is dropped.

(Question dropped)

ORAL ANSWERS TO QUESTIONS

Question No.532

REPAIR OF ROADS C90 AND D260

Archbishop Ondiek asked the Minister for Roads, Public Works and Housing:-

(a) whether he is aware that Unguja-Ukwala-Rwambwa (C90) and Nzoia-Yenga-Sega (D260) roads are completely impassable; and,

(b) what action he is taking to rectify the situation.

The Assistant Minister for Roads, Public Works and Housing (Eng. Toro): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am not aware that the Unguja-Ukwala-Rwambwa (C90) and the Nzoia-Yenga-Sega (D260) roads are completely inaccessible.

(b) The Ministry has been carrying out spot gravelling along C90 and routine maintenance activities on the two roads.

Archbishop Ondiek: Mr. Deputy Speaker, Sir, I do not know what kind of reply the Assistant Minister is giving. I come from that constituency and at the moment that road is impassable. Even the bridge from Unguja to Ukwala has broken down and vehicles cannot pass through that road. Last month, the Ministry advertised the tarmacking of the roads in the lake region. This road is a security road---

Mr. Deputy Speaker: Ask your question, Archbishop!

Archbishop Ondiek: Mr. Deputy Speaker, Sir, this is a security road and it is so important to the people of Ugenya. I expected that it would be included in the tarmacking programme. Could the Assistant Minister tell us what criteria they used to update the roads that they advertised last month for tarmacking?

Eng. Toro: Mr. Deputy Speaker, Sir, those are too many questions in one. As I said, I am not aware about the inaccessibility of the road. I happen to have travelled through this road three months ago and I bear witness to its condition. However, in May and June just before I went to inspect this road, it was entirely graded. There were some boulders on the road which would prevent even proper grading. They were removed using labour intensive methods. Along the road, about 750 metres cubic of gravel was excavated by the District Roads Engineer so that Road C90 could be spot gravelled on those sections that are impassable. The Ministry has allocated Kshs2 million this financial year for that gravel patching.

Mr. Deputy Speaker: What about the bridge, Mr. Assistant Minister?

Eng. Toro: Mr. Deputy Speaker, Sir, I also remember telling the hon. Member that, that

bridge requires to be re-done. We have not yet had the design made so that we can estimate the amount of money that will be used and put it in the budgetary allocation.

Archbishop Ondiek: Mr. Deputy Speaker, Sir, the Assistant Minister is saying that he passed through that road three months ago, and he knows very well - as he says rightly - that they are trying to get funds to repair the bridge. At the moment, that bridge is broken down and no vehicle can pass through that road. What is he doing about it, because that is the main road that people are using to go to Port Victoria?

Eng. Toro: Mr. Deputy Speaker, Sir, it is only now that I am hearing that the bridge is broken down, because when I was there, it was not broken down. If that is the case, we will have to find out what emergency measures can be put in place to make the road passable.

Mr. Deputy Speaker: Very well! Next Question!

Question No.575

CONSTRUCTION OF KAPTERIT-KAMOI ROAD

Mr. Deputy Speaker: Mr. Sudi is not there and, therefore, the Question is dropped.

(Question dropped)

Question No.630

UTILIZATION OF LATF FUNDS
BY SUNEKA TOWN COUNCIL

Mr. Opo asked the Minister for Local Government:-

- (a) how much money Suneka Town Council has received since the inception of the Local Authority Transfer Fund (LATF);
- (b) what projects the council has initiated using the LATF; and,
- (c) when the books of accounts for the council were last audited.

The Assistant Minister for Local Government (Mrs. Tett): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Suneka Town Council has received Kshs9,155,585 since the start of the Local Authority Transfer Fund (LATF).

(b) The projects which have benefited from the LATF funds include, purchase of a tractor with trailer KAM 057T, at Kshs1,800,000; rehabilitation of roads in eight wards at Kshs2,400,000; water springs for Kshs1,200,000; market fencing at Kshs840,000; purchase of vehicle KAP 294E at Kshs650,000; rehabilitation of council offices at Kshs300,000 and; murraming of roads at a cost of Kshs600,000.

(b) The council's books of accounts have been audited up to 1999/2000 by the Controller and Auditor-General.

Mr. Opo: Mr. Deputy Speaker, Sir, this answer clearly shows that the LATF funds are not well spend. The tractor which was purchased is not functioning. The roads that are said to have been rehabilitated are roads that are being catered for by the Kenya Roads Board. There is nothing like a water spring or market fencing in the town and there are no offices in the town to be rehabilitated. The only thing we can see is the vehicle which was purchased. No road has been murramed since there is only one tarmac road from Kisii to Tanzania which passes through the town. So, the LATF funds have not been well spent in Suneka Town Council.

Could the Assistant Minister make sure that they monitor and confirm that the money allocated to the projects is being spent on those projects? Is the Assistant Minister in control?

Mrs. Tett: Mr. Deputy Speaker, Sir, I am glad that the hon. Member has brought those

issues to my attention, but this is the information I got from our officers on the ground. I would like to assure him that I will personally send somebody to check those facts.

Mr. Waithaka: Mr. Deputy Speaker, Sir, I think there is a countrywide problem in the use of the LATF funds, and unless the Assistant Minister puts in place the right mechanisms to control, monitor and audit this money, the chief officers will continue to misuse it. Sometimes the councillors do not know when this money got to the councils and how it was spent. Could the Assistant Minister tell us what mechanisms they are going to put in place to monitor these funds?

Mrs. Tett: Mr. Deputy Speaker, Sir, I understand that before the money was not monitored, but from January this year we have put in place mechanisms to monitor this funds. We are monitoring every penny of it.

Mr. Sasura: Mr. Deputy Speaker, Sir, the Assistant Minister has said that there are mechanisms in place to monitor this money, and only this year Kshs23 million was misappropriated in Marsabit County Council. The best this Ministry could do was to transfer those officers to Mariakani County Council to misappropriate more money. The LATF funds were intended for capital projects. Could the Assistant Minister confirm or deny that the same money is paying remuneration for councillors, and not serving the purpose it was intended for?

Mrs. Tett: Mr. Deputy Speaker, Sir, the county councils are not allowed to use this money for remuneration of councillors. If they are doing so, they are breaking the law.

Mr. Angwenyi: Mr. Deputy Speaker, Sir, the law on LATF funds is very clear; no county council will be given money, unless and until their books are up to date. We have been informed that the books of Suneka County Council have been audited up to 1999/2000, which is three years ago. Why does Suneka County Council and other councils continue receiving LATF funds against the law, before the books are up to date?

Mrs. Tett: Mr. Deputy Speaker, Sir, the council has prepared an abstract of their accounts for the years 2000 up to 2003. They have been forwarded to the Controller and Auditor-General for audit.

Dr. Kuti: Mr. Deputy Speaker, Sir, the Assistant Minister has said that there are mechanisms in place to check those funds. Could she tell us exactly what mechanisms they have put in place to check those funds, because these irregularities occur in most councils?

Mrs. Tett: Mr. Deputy Speaker, Sir, now and then, we do send our officers to the county councils to check those funds. As I have said we are actually checking them. We have 167 local authorities around the country, and it is a tedious job but we are doing it.

Mr. Opore: Mr. Deputy Speaker, Sir, Kshs9 million is a lot of money, and yet there is nothing on the ground to show that this money has been sent there. Could the Assistant Minister tell this House when they will visit the area, make an assessment of what has been done there, and if she cannot report to the House, she could let me know?

Mrs. Tett: Mr. Deputy Speaker, Sir, I undertake to do that as soon as possible, because it is also in our interest that funds are not misappropriated.

Mr. Opore: On a point of order, Mr. Deputy Speaker, Sir. It is not good enough for the Assistant Minister to say, "as soon as possible".

Mr. Deputy Speaker: Definitely, you do not expect the Assistant Minister to put a date on this issue. I think it is not the House's responsibility to supervise the Assistant Minister's diary. Therefore, you should get in touch with her and agree on the date.

Next Question!

Question No.567

FUNDING OF RURAL
ELECTRIFICATION PROGRAMME

Mr. Marende asked the Minister for Energy:-

(a) if he could table the total amount of money collected from the public through billing by the Kenya Power and Lighting Company on a monthly basis over the last ten years for the Rural Electrification Programme;

(b) if he could give a breakdown of the money that has been distributed in each of the eight provinces for the programme over the same period; and,

(c) when Emuhaya Constituency last benefitted from the programme and if not, what plans he has to ensure that it does.

The Minister for Energy (Mr. Ochilo-Ayacko): Mr. Deputy Speaker, Sir, I beg to reply.

(a) A total of Kshs3,025,650,000 has been collected under the Rural Electrification Fund Levy since 1998.

Mr. Muiruri: On a point of order, Mr. Deputy Speaker, Sir, The Minister is not very specific, he said it was a sum of Kshs3 million and 25 million.

Hon. Members: He said Kshs3 billion!

The Minister for Energy (Mr. Ochilo-Ayacko): Mr. Deputy Speaker, Sir, sorry if I did not articulate it well. Let me start again.

(a) A total of Kshs3,025,650,000 has been collected under the Rural Electrification Fund Levy (REP) since 1998 to June. The REP Levy was introduced through Legal Notice No.96 of 17th July, 1998, and effected on 1st August, 1998.

(b) The figure below shows a summary of the capital expenditure by province for the period 1998 to 2002.

Province	Capital Expenditure	(Kshs)
Central	523,000,000	
Coast	130,000,000	
Eastern	413,000,000	
Nairobi	13,000,000	
N/Eastern	49,000,000	
Nyanza	75,000,000	
R/Valley	1,069,000,000	
Western	149,000,000	
Total	2,626,000,000	

(c) In 1997, maximization work was carried out at Emuhaya Divisional Headquarters. Supply of electricity to Ebusiratsi Health Centre and its environs was also implemented. In the current financial year, the schemes listed below are scheduled for implementation under the French funded Western Kenya Project.

(i) Hobunaka Secondary School.

(ii) Esalwa Secondary School.

(iii) Emuhondo Coffee Factory.

Mr. Marende: Mr. Deputy Speaker, Sir, I am grateful to the Minister for his attempt to answer the Question. However, there are certain areas where the answer is not satisfactory. For example, I wish the Minister to reconcile his answer to part (c) of the Question vis-a-vis his answer in part (a). He states that the programme started in 1998 and yet, in his answer to part (c), he says that the programme was started in Emuhaya from 1997. I cannot reconcile those two positions.

Mr. Ochilo-Ayacko: Mr. Deputy Speaker, Sir, the misunderstanding arises from how part (a) of the Question was asked. We had been asked to show how much had been collected over the last ten years. The Rural Electrification Levy Fund was started in 1998. So, we could not go back as far as ten years. It is a young Fund and it has only Kshs3 billion.

However, before the commencement of the Rural Electrification Levy Fund, some rural electrification work, using some arrangement, was done at Emuhaya and that is what I was citing.

Mr. Kaindi: Mr. Deputy Speaker, Sir, in view of the apparent disparities over that period, what mechanism has the Minister put in place to ensure that there is some basic equity in the distribution of those funds?

Mr. Ochilo-Ayacko: Mr. Deputy Speaker, Sir, as I stated in the past, we have come up with a new formula. The new formula gives priority to areas that have, hitherto, not been given electricity against [Mr. Ochilo-Ayacko] population and potential consumption.

Mr. Kipchumba: Mr. Deputy Speaker, Sir, given the figures that the Minister has just read, the amount of money that has been collected is over Kshs3 billion. But the money that has been distributed is less than that amount. Why can the Minister not ensure that the entire amount collected for rural electrification is ploughed back to the rural areas?

Mr. Ochilo-Ayacko: Mr. Deputy Speaker, Sir, the amount collected from the levy is applied to implement capital projects and also cater for losses arising from rural electrification. For instance, if a power line traverses about 20 kilometres and the consumers at the end of it only generate revenue amounting to Kshs20,000, then that line is uneconomical. So, some funds are set aside to address losses that arise from that line. What I have read is what has been used for capital projects.

Mr. Khamasi: Mr. Deputy Speaker, Sir, power distribution is carried out by the Kenya Power and Lighting Company (KPLC), which is believed to have been one of the most corrupt parastatals in this country. Looking at electricity distribution, you will find that some areas, like Rift Valley Province, have been allocated over Kshs1 billion. Central Province has been allocated over Kshs500 million. Other areas like Nyanza have been allocated a paltry Kshs75 million, while Western Province has been allocated Kshs149 million. What is the Minister doing to make sure that people in that particular parastatal, who did what they did, and made sure that some parts of this country never got electricity, are disciplined? What is the Minister doing to make sure that such areas are provided with electricity?

Mr. Ochilo-Ayacko: Mr. Deputy Speaker, Sir, I am sure the House is aware that, among the people who were distributing those funds, there was a former Managing Director and a former Permanent Secretary who are no longer in service. We have taken that action.

Secondly, I had appointed a committee to investigate what was going on at KPLC, KenGen, Kenya Pipeline Company and National Oil Corporation of Kenya (NOCK). The report has already been handed over to me and we are still studying it. We will make it public soon. Appropriate action will be taken against whoever is found to have misbehaved in that report! In terms of redressing those wrongs, we recently received some little money from the Treasury and it has been shared out among the provinces. I do not think there are variations in what the provinces have received. For instance, you will find that if one province received Kshs30 million, another one received about Kshs35 million. So, there is more equity now than in the past.

Mr. Marende: Mr. Deputy Speaker, Sir, could the Minister indicate which month that programme will be implemented in Emuhaya?

Mr. Ochilo-Ayacko: Mr. Deputy Speaker, Sir, I had wanted the project to be implemented by August this year. Unfortunately, the contractor could not start at that time. I told the contractor to start that project by December. Unfortunately, the contractor will be on Christmas holiday. I have, therefore, instructed the contractor to start that project by the first week of January. I think that by March, there will be electricity in those areas.

EXPLOITATION OF MINERALS
IN ASAL AREAS

Mr. Bahari asked the Minister for Environment, Natural Resources and Wildlife:-

- (a) whether he is aware that Arid and Semi-Arid Lands (ASALs) of this country have a lot of unexploited mineral wealth; and,
(b) what plans he has put in place to exploit the minerals.

Mr. Deputy Speaker: Order! Is the Minister for Environment, Natural Resources and Wildlife here? Do you have the answer?

The Assistant Minister for Environment, Natural Resources and Wildlife (Prof. Maathai): Mr. Deputy Speaker, Sir, I would like to apologise because I do not have a copy of that answer. It was supposed to have reached me, but I do not have it yet.

Mr. Deputy Speaker: Prof. Maathai, are you requesting that the Question be deferred?

The Assistant Minister for Environment, Natural Resources and Wildlife (Prof. Maathai): Mr. Deputy Speaker, Sir, may I request that the Question be deferred.

Mr. Deputy Speaker: Mr. Bahari, what do you say?

Mr. Bahari: Mr. Deputy Speaker, Sir, I have the answer with me. Can I pass it over to the Assistant Minister, so that she can answer the Question?

(Laughter)

The Assistant Minister for Environment, Natural Resources and Wildlife (Prof. Maathai): Mr. Deputy Speaker, Sir, I beg to reply.

(Laughter)

I am aware that the ASALs---

(The Vice President and Minister for Home Affairs (Mr. Awori) was applauded as he entered the Chamber)

Mr. Deputy Speaker: Carry on, Prof. Maathai.

The Assistant Minister for Environment, Natural Resources and Wildlife (Prof. Maathai): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that ASALs of this country have a lot of mineral potential, as most minerals that are being exploited on an economic scale at the moment are from those areas. Additionally, exploration work done by the Ministry and private exploration companies has revealed the occurrence of several minerals in those areas. However, detailed work is needed to establish whether some of the occurrences are of economic value to warrant detailed exploration and subsequent exploitation.

(b) As regards the plans to exploit the minerals in the ASALs, the Government, over the years, has undertaken geological mapping and preliminary mineral exploitation work and documented the information into maps and reports for prospective investors. We have also encouraged private companies to carry out further exploration work in order to establish mineable deposits.

At this juncture, I wish to inform hon. Members that the role of the Government in the mineral resources development is limited to regulation and creation of an enabling environment for the private sector to invest in the mining sector. To that end, the Ministry is putting in place a new

mineral policy and reviewing the existing mineral laws. Already, a draft Bill of the Mining and Minerals Act is being worked on. Once that Bill is finalised, it will be brought to this House for debate and passage.

The new Mining and Minerals Act is aimed at making Kenya more competitive in attracting mining investment into the country. This is important because mining is a high risk business requiring risk capital during the exploration stage. This means that there is no guarantee of getting back the money spent on exploration, as it is not known whether a mineable deposit can be found in the long run. The Government has, and is licensing private companies to explore for minerals in those areas. So far, of those licensed, none has established mineable deposits on a large scale.

Mr. Bahari: Thank you, Mr. Deputy Speaker, Sir. What the Assistant Minister has said, that the ASAL areas of this country have high mineral potential is true. This is the case, and yet they are the poorest in this country. Having high mineral potential is not enough. What concrete steps has the Ministry taken to market these high mineral potential areas?

Prof. Maathai: Mr. Deputy Speaker, Sir, I have said that our Ministry is drafting a new Mining and Mineral Bill which will make it easier for investors to invest in exploration of minerals in this country. Right now, we are operating under a very old Act which discourages exploration of minerals in this country. Perhaps, what is going on at the Coast demonstrates that, indeed, we are encouraging investors to explore minerals in this country. So, the Ministry is working on the new Mining and Mineral Bill which will be brought before this House to encourage people to invest in mineral exploration in this country. Right now, the investors feel that the current Mining and Minerals Act does not encourage them to invest in this business.

Mr. Mganga: Thank you, Mr. Deputy Speaker, Sir. Any country in the world stands to benefit greatly if it takes advantage of whatever mineral potential it has. This country is said to be extremely rich in agricultural and mineral resources but unfortunately we have left most of them to lie idle or go to waste. The Assistant Minister has said that she will invite investors from abroad to exploit the mineral resources in our country. Could the Ministry consider establishing parastatals or some co-operative societies which are supported by the Government in a district like Taita Taveta, where we have large amounts of mineral deposits?

Mr. Deputy Speaker: Mr. Mganga, could you ask your question now? You have had enough time to ask your question.

Mr. Mganga: Mr. Deputy Speaker, Sir, could the Ministry consider establishing a parastatal to conduct mining in this country? The local councils should be shareholders in this parastatal so that the local people can benefit from development programmes initiated from money channelled to the local authorities by mining companies.

Prof. Maathai: Mr. Deputy Speaker, Sir, I think there is a lot of sense in what the hon. Member has said, but as we all know, mining is a very risky and expensive business. The Government has, first, to look for the money to invest in mineral exploration and encourage the local people who want to venture into this business.

Mr. Bahari: Mr. Deputy Speaker, Sir, the few mining areas in this country have been exploited by a cartel which carries out mining activities without the Ministry's supervision. Some of these people are involved in actual mining instead of prospecting minerals. What measures has the Ministry put in place to stop mining activities by the companies which have been licensed to prospect minerals? These companies are lying to the Government and the people of this country.

Prof. Maathai: Mr. Deputy Speaker, Sir, if we follow the issues which have been raised about Titanium mining at the Coast, we will find that there is greater concern among Kenyans and the Government to ensure that when minerals are exploited, indeed, Kenyans benefit. So, political will is required to prevent cartels from carrying out mining activities and ensure that Kenyans benefit from the minerals which are exploited in this country. That is what the Ministry is trying to do.

**COMMUNICATION FROM
THE CHAIR**

MEMBERS OF APNAC IN SPEAKER'S ROW

Mr. Deputy Speaker: Order, hon. Members! It is my pleasure this morning to [**Mr. Deputy Speaker**]

welcome a very distinguished group of guests who are Members of the African Parliamentarian Network Against Corruption (APNAC) who have been attending a regional conference here in Nairobi. They are seated at the Speaker's Row as follows:- The hon. Ruzindana who is from Uganda and also the Chairman of APNAC - Africa region, the hon. Madam Ngadala - Chad, hon. Patchili- Chad, hon. Namabidde - Uganda, hon. Nkuuhe - Uganda, hon. Wanyancha - Tanzania, hon. Ngwatura - Tanzania, hon. Gama - Tanzania, hon. Nomao - Niger, hon. Boureima - Niger, hon. Khupe - Zimbabwe, hon. Tahama - Burkina Faso, hon. Suzanne - Burkina Faso, hon. Langa - Malawi, hon. Bwanali - Malawi, hon. Yirgu - Ethiopia, hon. Gimedhe - Ethiopia, hon. Dessie - Ethiopia, hon. Ofori - Ghana, hon. Akorli - Ghana, hon. Aruthur - Ghana, hon. Dansuah - Ghana, hon. Thiam - Senegal, hon. Wade - Senegal and hon. John Williams from Canada who is also the Chairman of GOPAC.

On behalf of the Kenya National Assembly, and all hon. Members, I wish to thank the hon. Members for having been in our capital City. This House wishes them success in their endeavours in the fight against corruption which is a serious problem in this continent. It is my hope that these ladies and gentlemen will find time to see parts of our country during their short stay.

Next Order!

(Applause)

MOTIONS

DECENTRALISATION OF ISSUANCE
OF PASSPORTS

THAT, in view of the fact that all Kenyans are entitled to equal rights; aware of the difficulties encountered by Kenyans in their bid to acquire passports owing to the fact that passports are issued only in Nairobi and Mombasa; this House urges the Government to decentralise the issuance of passports by creating offices of District Immigration Officers in all districts in order to easily access this important document.

(Mr. Sasura on 29.10.2003)

*(Resumption of Debate interrupted
on 29.10.2003)*

Mr. Deputy Speaker: This Motion by Mr. Sasura was debated last Wednesday and it is now time for the Mover to reply.

Mr. Sasura: Mr. Deputy Speaker, Sir, I take this opportunity to thank hon. Members who have contributed very generously to this Motion.

(Loud consultations)

Mr. Deputy Speaker: Order, hon. Members! We have business continuing. Mr. Sasura is replying to the Motion and so those who want to consult or leave, should do so quietly.

Please proceed, Mr. Sasura!

Mr. Sasura: Mr. Temporary Deputy Speaker, Sir, if Mr. Wanjala would leave the Chamber, we would be safer without him.

Mr. Deputy Speaker, I want to thank hon. Members who have contributed positively to this Motion. Their contribution is a testimony of the fact that centralised services have inconvenienced Kenyans over the years. It is not enough to say that the red tape involved in the issuance of passports has caused a lot of suffering to the applicants.

[Mr. Deputy Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, as has been stated by many hon. Members, the issuance of passports is a right of every Kenyan as much as the national identity card. I have outlined the problems associated with the current system of issuing passports and one very important problem is that of brokerage. We have a group of people who have turned themselves into brokers running between the applicants and the immigration officials collecting money. This has promoted corruption in the issuance of passports in this country, which makes it very difficult to identify the officers in the Immigration Department---

(Loud consultations)

Mr. Temporary Deputy Speaker, Sir, could you kindly protect me? There is so much consultation.

The Temporary Deputy Speaker (Mr. Khamasi): Order, hon. Members! We cannot follow what Mr. Sasura is saying. Could you, please, consult quietly so that we can be able to hear him?

Mr. Sasura: Mr. Temporary Deputy Speaker, Sir, if Dr. Kulundu wants to hold a Ford (K) meeting, I think he should leave the Chamber!

(Laughter)

Mr. Temporary Deputy Speaker, Sir, there is a lot of discrimination when it comes to acquiring passports as far as women are concerned. If a woman applies for a passport, she is required to produce a marriage certificate. As far as I know, marriage is a contract between two people. However, in most African customs, it is perceived that it is the man who marries the woman. The immigration officials are justifying this archaic tradition that a woman is subject to the husband. But when a man applies for a passport, he is not required to produce a marriage certificate even though he is also married to a woman. This is discriminative and that is why we should remove all these red tape so that Kenyans can be issued passports without much ado.

Mr. Temporary Deputy Speaker, Sir, the Minister has said that they have recruited 116 new immigration officials but that is not enough. The Directorate of Personnel Management (DPM) must increase staffing levels in the Immigration Department.

Mr. Temporary Deputy Speaker, Sir, the Office of the Vice-President and Ministry of Home

Affairs is very efficient and experienced in as far as Mr. Awori is concerned. I want to appeal to him to implement this Motion. It does not take much to establish these offices at the district level or at the county councils, because we have offices there which are lying idle. If the DPM has authorised the recruitment of 116 new immigration officers, then we require office facilities which are already on the ground. This Ministry does not have any excuse as to why it should not immediately start issuing passports at the district level. The only people who might need to come to Nairobi are those ones going for studies immediately. They can process their visas and passports in Nairobi. The Office of the Vice-President and the Ministry of Home Affairs should implement the resolution passed by this House.

Mr. Temporary Deputy Speaker, Sir, I want to thank hon. Members who have supported this Motion.

With those few remarks, I beg to move.

(Question put and agreed to)

The Temporary Deputy Speaker (Mr. Khamasi): Next order!

ABOLITION OF QUOTA SYSTEM OF EDUCATION

Mr. Karaba: Mr. Temporary Deputy Speaker, Sir, I beg to move the following Motion:- THAT, while appreciating the Government's commitment to improving education standards in the country; concerned that the quota system of education has denied many deserving students opportunities to study in the schools of their choice; and noting that this system has not added value to education; this House urges the Government to abolish the quota system of education in order to enable deserving students gain admission to schools of their choice.

Mr. Temporary Deputy Speaker, Sir, I urge hon. Members to support the Motion in view of the fact that education is very instrumental in the socio-economic development of any country, and particularly, in Kenya. It is a most reliable vehicle which guarantees escape from poverty. For this reason, therefore, we attempt to discuss education as it is key to progress in our country.

As Kenyans, we are aware that the right of the Kenyan child to education is already entrenched in our Constitution. We are also aware that the Children's Act was passed in 2001 by this House. Currently, we are implementing the free primary education programme and the population of school going children has increased to 7.5 million this year. Education in our beloved country provides the surest means of fostering national unity, besides being a tool that promotes individual and national development. It also creates the realisation of national rhythm and unity.

Mr. Temporary Deputy Speaker, Sir, I would, therefore, wish to state that, out of the 42 ethno-linguistic groups in the country, the feeling of ethnicity is still entrenched in our people. The children are admitted to nursery school in the same area. They go to primary school in the same area. They are then admitted to secondary school in the same district or province. This system has made many students feel like they belong to that region. It has denied them the national philosophy. Therefore, we, as a country, have not achieved the goals of education. Since independence, we have had a lot of national integration. However, this was disrupted in 1985 when the quota system, alongside the 8.4.4 System of Education, were hurriedly introduced. According to this system, 85 per cent of students join secondary schools in a district while 15 per cent are admitted from the rest of the other districts within the province. It is, therefore, worthwhile to note that full enrolment to the district schools is 100 per cent.

Mr. Temporary Deputy Speaker, Sir, the quota system, therefore, focuses on what we call geographical and administrative boundaries. It ignores the individual talent and choices. This is a God-given talent. At the moment, God has randomly given talents. It is very bad for anybody else to deny the students a chance to propel their talents in other districts. This, of course, has been catered for in the national schools. We all know that the national schools selectively admit students. This is an affirmative policy and it is recognised.

Mr. Temporary Deputy Speaker, Sir, I would like some hon. Members to understand what we mean by "quota system". This system was introduced in 1985. However, its effects are enormous. Most hon. Members will bear me witness that we are products of a bigger quota system. Some of us, of course, went to provincial schools and national schools. We know the benefits of attending these schools. However, what we have now is a situation where students believe that the biggest institution in the country is the university. It is even worse when a student from a local district joins a university within his locality. This student will never get to know whether there is nationalism or patriotism in the country. However, this Motion aims to broaden the minds of students who, otherwise, would be reduced to a parochial status---

Mr. Kipchumba: On a point of order, Mr. Temporary Deputy Speaker, Sir. If you carefully look at the House, the Minister and the Assistant Ministers for Education, Science and Technology are not here with us. In fact, there is nobody taking notes. So, could we be told whether the Minister will do the necessary.

The Temporary Deputy Speaker (Mr. Khamasi): Order! Traditionally, we normally have somebody representing the Ministry. Who on the Government side is taking notes on behalf of the Ministry of Education, Science and Technology?

(Loud consultations)

Order! I am told that there are two Ministers here. Probably, they are taking notes.

Proceed, Mr. Karaba.

Mr. Mwandawiro: Hoja ya nidhamu, Bw. Naibu Spika wa Muda. Hoja hizi ambazo tunaleta hapa Bungeni ni Hoja muhimu sana. Ni Hoja ambazo tunazifikiria kwa makini sana. Kwa mfano, Hoja hii ni muhimu sana kwa sababu inahusu elimu. Ikiwa Serikali na Wizara ya Elimu, Sayansi na Ufundi hawazitilii maanani Hoja hizi, basi sijui Bunge hili lina maana gani? Je, tunafanya mchezo hapa?

The Assistant Minister, Office of the President and Ministry for Home Affairs (Dr. Machage): On a point of order, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Khamasi): Order! That was not a point of order, but a statement. What is your point of order, Dr. Machage?

The Assistant Minister, Office of the President and Ministry of Home Affairs (Dr. Machage): Mr. Temporary Deputy Speaker, Sir, is it in order for the hon. Member to suggest that the Government is not serious when we have so many Ministers here taking notes? There is what is called "collective responsibility". All these hon. Ministers are taking notes!

The Temporary Deputy Speaker (Mr. Khamasi): Hon. Members, the Assistant Minister is entitled to his opinion. He is within his right to express his opinion.

Proceed, Mr. Karaba?

Mr. Karaba: Mr. Temporary Deputy Speaker, Sir, I know hon. Ministers are collectively responsible in Parliament. I believe that our sentiments will be communicated to the relevant Minister.

What I was suggesting before that interruption was that we are condemning our students and

making them believe that the moment they are admitted in a nursery school, join a local primary and secondary school, and probably, get admission to a local university, that is all. Some of them will be unlucky not to imagine that there is another province. Under this system, we are educating students who, at the end of the day, will be parochial in their thinking and they will not be able to accommodate diversified culture in this country.

This Motion seeks to advise the Ministry to look at the mistake which was made in 1985. This mistake has made the country lose a lot of money in terms of the destruction done in our schools by our students. Out of the 100 per cent students who pass the Kenya Certificate of Primary Education (KCPE) examinations, 85 per cent of them join provincial schools, whereas 15 per cent are admitted from other districts within the province. This is where the problem lies. This is what we mean by quota system. We are not discussing the national intake in this aspect. So, in this regard, I have in mind cases of schools like Kangaru in Eastern Province, which cannot admit three or two boys from Mbeere District. We all know that Mbeere District was carved out of Embu District. What we see, therefore, is a provincial school admitting less talented students. After four years there will be a lot of disintegration of brains and even education prowess in the provincial schools. This has made many provincial schools not to appear in the top 100 list of schools that perform well in national examinations. Who is to blame? The principal, in most cases, is taken to task for not doing what the society expects. So, if we expect the society to approve what the heads and principals of secondary schools are doing, then we need to help them by allowing them to admit students who merit in the country.

I, therefore, would suggest that instead of having 85 per cent of students from the districts joining the provincial school within the province, we should abolish the quota system so that anybody in the province can join a provincial school within the province. I would like to see a student from Mbeere District joining Kangaru High school purely on merit. We would like to see students from Meru District joining Machakos High School and those from Kitui District joining schools in Meru District. We should discourage this system where 85 per cent of the students from a given district are admitted to one provincial school. This is what the Motion is all about.

Nowadays there are many cases of strikes in secondary schools. Every time we read newspapers, there are incidents of students on strike. They will certainly go on strike because of that parochial feeling. These are the students who have come from the same primary school. You might even find over 40 students being admitted to a given district or province secondary school, and half of them would come from a given primary school in the district. What this entails, therefore, is that you are transferring the problems of some primary schools to provincial secondary schools, and these provincial schools will continue having problems throughout. That is why these schools no longer excel in national examinations. Some of the pupils who fail to join national secondary schools might even commit suicide or suffer from what we call "cultural shock", because they have not made it to their dream schools.

Mr. Temporary Deputy Speaker, Sir, this is a very momentous time as very many students in this country will shortly be sitting for their Kenya Certificate of Primary Education (KCPE) examination. I know that they have already made their choices, but they will be forced to join provincial schools because of the quota system. I have been a school principal for a very long time. I had suffered a lot when I saw students who had done very well in a neighbouring district not even joining a provincial secondary school, where I had been the principal. This made the affected students to suffer mentally. It has also led to a lot of psychological torture to their parents, who had spent a lot of money to educate such children to Standard Eight, only for such children not to get admission to the provincial schools they had chosen. This is because the provision for 15 per cent quota would limit their chances of joining such provincial schools.

Even yourself, if you reflect back in time, you might realise that you went to a school which did not have adequate facilities. You could be from Turkana District, where there is only one provincial secondary school, namely, Lodwar High School. If 85 per cent of the students to be admitted in Form One are strictly to come from Turkana District, even if one scores very high points and missed admission in a national school, one will only have to join Lodwar High School.

In such a case, a student who comes from Lodwar Town will remain in that town throughout his pre-university education. If Lodwar High School does not have the facilities that may be found at Nakuru High School or Sacho High School or Kabarnet High School or Tambach High School or Baringo High School, he will suffer untold misery. Therefore, the passage of this Motion will alleviate the problems of students, parents and teachers. Students will, in future, join provincial schools of their choice, and they will be happy. I am glad that my audience at this moment includes school children who are keenly listening from the Galleries of this House.

(Applause)

Mr. Temporary Deputy Speaker, Sir, we have had a lot of ethnic inclinations. You feel that you only belong to a certain tribe just because you do not know that other tribes exist. This ethnic inclination has led to the wider perspective of tribalism. If we minimise this trend at the grassroots level, and especially at the school level, we will realise the Kenya that we want. That is what this Motion seeks to achieve.

With those remarks, I beg to move and call upon Mr. Muchiri to second the Motion.

Mr. Muchiri: Mr. Temporary Deputy Speaker, Sir, while seconding this Motion, I must appreciate the fact that the Mover is a very experienced educationist, who has been a school principal for a long time. So, he is quite conversant with educational matters.

Mr. Temporary Deputy Speaker, Sir, I want to underscore the fact that education is an investment. Quite often, you put your investment where returns are high. I would like hon. Members of this House to know that in the education system, merit and fair competition should be encouraged. When students go to school, the only criteria that distinguishes one student from another is how many marks that student scores. If we are going to ensure that our students fare well in education, we must take them to schools where facilities are available. We remember in history that the missionaries of the yester-years brought with them religion, education and colonialism, and it is said that the flag always follows the clothe.

When the missionaries came to this country, they did not settle everywhere. They settled in certain areas of this country, where they started schools. In the year 1901, missionaries settled in Nyeri and set up schools in that area. Those schools have always excelled in those areas in terms of academic performance. While appreciating that education was brought to this country, many areas in this country suffered from lack of it. Over the years, such areas have not been able to flourish in education. Therefore, the import of this Motion is to bring about equality in the education sector. Some schools have better physical facilities. Some schools have well-equipped laboratories, while others do not. Some schools have well-stocked libraries, while others do not. Given the fact that to set up a good school is expensive, it is important to ensure that schools with good infrastructure and well-equipped laboratories and libraries are utilised by not just a few people in their localities.

As the Mover has explained, we are trying to bring about a situation where provincial schools will be made available to all students in a province. The fact that we admit 85 per cent from the district in which a provincial school is located is very unfair. The very fact that we admit only 15 per cent from other districts is also very unfair. It is that unfairness that this Motion seeks to cure. The proponents of the quota system of education, while introducing it, thought that they would raise

the education standards of certain disadvantaged areas of this country to be at par with those in other areas. However, the system did not achieve that purpose. Instead, the quota system ensured that education was only concentrated in certain areas, to the exclusion of others. We want to encourage cohesion, stamp out tribalism and cultivate understanding among the people of this nation. If we can abolish the quota system of education in its present form, we should be able to achieve that purpose.

Mr. Temporary Deputy Speaker, Sir, I remember that the secondary school I went to had students from all the tribes of this country. In those days, I could, at least, get somebody from Nyanza and Coast Provinces. However, nowadays, people are so much concentrated in their local schools. I do not think we are trying to achieve what Kenya really fought for. We are trying to nurture nationalism, and nationalism can only be encouraged from the grassroots-level. Let our young people be in a position to understand one another from the very beginning.

We know that most of the schools in this country have been set up on political considerations. Good schools have been set up in areas where there has been a lot of political influence. If such schools are left to continue benefiting only people in their localities, even the new districts that have been hived from other larger districts will not achieve much in education.

We know that many parts of this country are the so-called "settlement areas". I have in mind Nyandarua District, where I come from. We settled in that area effectively only 30 years ago. However, where we came from, we left behind very good schools, namely, Nyeri, Kagumo and Kangaru High Schools, among others. If our children do not access such schools, we are not getting our appropriate share of the "national cake". We know that, from the very beginning, those schools were put up and developed using public funds, yet our children cannot access them.

Mr. Temporary Deputy Speaker, Sir, I remember my high school days at Kagumo High School with nostalgia. During those days, Kagumo High School used to be a centre of academic excellence. The education standards are falling because some of our good schools do not admit students on merit. Students are not admitted to such schools because they have scored high marks in the KCPE, but rather because they come from those particular districts. Certainly, students in young districts that are not properly developed are going to suffer because they cannot access good schools. If building a school is that expensive, then what this Motion is suggesting is that good schools should be accessed by many children in this country. It is also important to state that, while we appreciate that many schools have come up through the *Harambee* effort, some are still developing their facilities. We want the Government to think in terms of affirmative action and give money to under-developed schools, so that they can catch up with those that are developed. If that is done, the issue of quota system will not be a problem. That is because schools in arid and semi-arid areas will be developed and catch up with others.

If we say that schools in a district must only admit students from that district, then we mean that students in remote areas will never get good education. Our children have a lot of talent. That talent can only be tapped if the environment is suitable. If it is not suitable, then we will need to take those students to schools that are better equipped.

With those few remarks, I beg to second.

(Question proposed)

Mr. Kipchumba: Thank you, Mr. Temporary Deputy Speaker, Sir. I wish to state from the outset that I am opposed to this Motion. Since Independence, Kenyans have been able to attend schools all over the country. But we all realised that, that system never worked in many communities in this country. This Motion is equivalent to telling us that, while voting for the development of

roads, we should develop those that are dilapidated more than others, and not look at regions per se.

Mr. Temporary Deputy Speaker, Sir, the residents of this country have a right to build schools of their choice. We all know that many parts of this country have schools with students from outside their districts and yet, their resources were used to develop those schools. This Motion is ambiguous because we do not know whether it is asking us to abolish the quota system in district, provincial or national schools. In fact, many of us would have wanted a system where a district would have 100 per cent occupancy from the same district. It does not make sense for somebody to tell us that education has spread tribalism. All districts in this country are cosmopolitan in nature. The district that I come from has all the tribes of this country and whenever we admit students, they come from all tribes and not indigenous people in the district.

Mr. Temporary Deputy Speaker, Sir, we are being told that since 1985, the standard of education has gone down. What has happened in real sense is that, those who never had education before, especially those in marginal areas, can now get it from their districts. That is because children from areas which were initially developed at Independence got high value education and, therefore, passed the primary schools. When it came to admission into secondary schools, they were the best and, therefore, got admission to schools in other areas of this country, to the detriment of those who came from those areas. What happened is that children from marginalised areas could not get admission to national, provincial or district schools.

We are, therefore, saying: Let every region develop its own schools. Let us leave national schools and those in Nairobi for all Kenyans. But schools in regions like Rift Valley must give priority to children from that province.

Mr. Temporary Deputy Speaker, Sir, in the spirit of *Harambee*, our parents have sold all their livestock to build schools. Then, at the end of it all, we are told that our children cannot be admitted to those schools. That is unacceptable and our people cannot buy that idea. There is no point of saying that a school is the best in a province when all the students who have passed are from outside the said province. It does not make sense to us! It is of no economic value to the residents of that province. It would be better if we got five or 50 indigenous students passing their examinations in that school. We have situations where schools are ranked first or second, but the students who excel come from outside the district. I went to St. Patricks High School, Iten and in those days, 85 per cent of the students used to come from outside the district. In fact, only 15 per cent or so were from the district. What happened is that, at the end of it all, the school was of no economic benefit to the residents of that district. Therefore, when the 85 per cent and 15 per cent quota system came up, many of us embraced the system. We are saying that if there is any bright child in this country, he or she has a chance to go to a national school. He or she has a chance in the 85 per cent and 15 per cent quota system to go to any provincial school in this country. The system is, therefore, not 100 per cent restrictive.

Mr. Temporary Deputy Speaker, Sir, if you have travelled all over this country you have realised that the conditions which exist in the marginal areas cannot allow a student to excel and be the top student in this country. Therefore, if you have a system which allows even the few schools that have been built to admit students from outside that district with the prevailing poor conditions of learning, it means that people will continue forever to lag behind in terms of educational standards. We all agree that education, as one of the speakers has said, is an important investment in this country and that all Kenyans would long to have better education but education must benefit each and every child of this country. We are not being told that when students from say, Nyandarua District, like hon. Gachagua has said, cannot get access to Rift Valley Province and *vice versa*. You cannot tell us that, that is giving quality to education.

Mr. Karaba: On a point of information, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. Karaba! Who do you want to inform?

Mr. Karaba: Mr. Temporary Deputy Speaker, Sir, I want to inform hon. Kipchumba.

The Temporary Deputy Speaker (Mr. Khamasi): Mr. Kipchumba, do you want to be informed?

Mr. Kipchumba: Mr. Temporary Deputy Speaker, Sir, I do not want to be informed.

The Temporary Deputy Speaker (Mr. Khamasi): Since Mr. Kipchumba does not want to be informed, Mr. Karaba do not offer that information.

Mr. Kipchumba: Mr. Temporary Deputy Speaker, Sir, I think the Mover of this Motion, Mr. Karaba, had a lot of time to talk. If he wasted his time, it is not my problem. I was saying that education is a very important investment in this country and children from all over this country must receive education from this Government. Therefore, I was giving an example where children from Nyandarua District get education in Rift Valley Province and yet children from Rift Valley Province cannot get access to education in Nyandarua. I do not know whether that is what we call equity in education. We are opposed to a system---

Mr. Karaba: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to say what I did not say? I said it will not be possible for children in Nyandarua District to access education within Central Province, but not Rift Valley Province.

Mr. Kipchumba: Mr. Temporary Deputy Speaker, Sir, in fact, I did not say that. I said: "For example", and I think that is simple English that the hon. Member should understand. It is very clear from the beginning that if we have to correct past injustices, then one of the best ways of doing so is by ensuring that all areas which have been exploited before and where children have had no chance to receive quality education, can now address that problem themselves.

Mr. Temporary Deputy Speaker, Sir, in fact, as I said before, we would have wanted to see a situation where district schools admit 100 per cent of the students from their districts so that it is only the provincial schools that can actually implement the 85 per cent and 15 per cent quota system requirement. When hon. Members tell us that the system in the past was excellent and that they received education in those days from anywhere in the country, they should realise that during those days only children from certain regions could go to other areas and receive education. Indeed, there were no children from certain regions who went to receive education in other regions. If, indeed---

The Temporary Deputy Speaker (Mr. Khamasi): Order! Your time is up!

Mr. Kipchumba: Mr. Temporary Deputy Speaker, Sir, with those few remarks, I beg to oppose.

Dr. Ojiambo: Mr. Temporary Deputy Speaker, Sir, thank you very much for giving me an opportunity to contribute to this Motion. I want to concur with previous speakers that education is a very important aspect of our national development and we should invest in our children's education.

Mr. Temporary Deputy Speaker, Sir, I want to agree with the assertion that the quota system came as an affirmative action and, indeed, even during those days there were "closed districts" and opportunities for students from these areas to access other districts in Kenya were very limited. It was important that certain districts that had limited opportunities to send their children out of their areas should concentrate on their own and create opportunities for those children to access education in their neighbourhoods. However, now, most Kenyan children live outside their own districts and travel a lot. Also parents have wider experience and opportunities to also send out their children and maybe we need to look at this quota system again and have it reviewed in the sense that Kenya has become a smaller community for our children.

Mr. Temporary Deputy Speaker, Sir, the integration of our children is very important. Education must not only be limited to the classroom experience because children must have access

to meet their colleagues from other parts of Kenya in order to break down ethnicity. We normally see our children breaking down ethnicity in sports and drama venues where they sing in all languages of this country. You can hardly tell that this is a child from Luoland or Kikuyuland because of mixing and having opportunities to learn from each other. It is good that children integrate and learn from other communities as they grow and the best time to do so is when they are still in school. They should learn other languages of Kenya and eating habits of other groups. Today we see children who never ate fish, because at one time it was thought that fish was from the lakeland, eating fish because they have gone to schools in the lake region and *vice versa*. They sing, dance, eat together and appreciate each other and this comes through that integration at the school level.

Mr. Temporary Deputy Speaker, Sir, the school experience, as I have said, should not be left to the classroom only. The teacher-children experience is of fundamental importance to this nation. The teachers should also have an opportunity to teach children who have gone through other schools. If, as my colleagues have already said, certain schools in certain areas have better opportunities and are also blessed with better weather, then other children should share these opportunities. If the opportunities are in Eastern Province, then children from Nyanza or Western Provinces should also have access to them. Those who can move should feel free to do so because we are democratic in Kenya today and the children should not feel restricted to one area.

Mr. Temporary Deputy Speaker, Sir, I feel that keeping so many children in one area does not give that particular area an opportunity to develop. It is like in breeding. So, since we know that Alliance High School and other good schools have excellent opportunities and good teachers, those pupils who, at least, can join them should be allowed to do so without limitations.

Mr. Temporary Deputy Speaker, Sir, I want to suggest that the Ministry of Education, Science and Technology should devise criteria, for instance, at the primary school level, which will allow children from those areas which are not well endowed with educational facilities to excel in the examinations they sit for. We have seen children who did not pass well join university and attaining First Class or Second Class degrees while those who join university from very good schools do not score those high marks. I am saying that to emphasise the point that national schools should be available to all the children and especially children in arid and semi arid lands where standards of education are known to be slightly lower should be given opportunity to join the good national schools. By seeing other children perform well, they too will be encouraged to work harder. Some of them have talents that have not been developed because the areas that they come from have not provided them the opportunity to develop their talents. I want to emphasise the fact that there should be merit in allowing more children who are able to go out of their districts to interact with others in the areas which have potentially high opportunities. These areas need to share out their resources with the less privileged.

Concerning competitiveness among schools, parents from high potential parts of Kenya that are known to also have high potential schools, will do well to send their children to the semi-arid areas where children learn in schools which have no desks or they learn under trees. This will enable them appreciate the fact that there are parents in this country who are not so endowed and that they too can pass some of their resources to develop those particular underprivileged schools. The spirit of *Harambee* has enabled many schools to grow into what they are now. They have done so through the sharing of resources. By parents sending their children to other parts of Kenya, they transfer some of their resources thereby developing some of those less developed areas. I would encourage the spirit of sharing resources so that the less developed schools grow and become more competitive.

Mr. Temporary Deputy Speaker, Sir, I support the national schools. Schools such as

Alliance High School, Maseno High School and Mang'u High School, have been models to other schools in this country. I want to suggest that districts should be encouraged to develop model schools such as the ones that I have mentioned so that children can have quality education near home. Alliance High School must not remain so because we now have older primary schools producing geniuses and yet children from such schools have no where to join to excel in learning. Every district should be assisted by the Ministry to develop a centre of excellence which will enable those children who find themselves idle because they have nowhere to go to get extra skills and have an opportunity to develop their talents.

The Ministry of Education, Science and Technology has done a lot to promote primary education. With the free primary education now, very many children are going to join school and face more challenging opportunities. Therefore, the quota system is becoming redundant.

I beg to support this Motion.

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

The Temporary Deputy Speaker (Mr. Khamasi): Order, Members! Why are you standing even before her time is over?

Mr. Mwandawiro: Ahsante sana Bw. Naibu Spika wa Muda kwa kunipa nafasi ya kuchangia Hoja hii.

Kumekuwa na sera mbali mbali za maendeleo hapo awali ambazo zilikuwa za kupinga usawa katika nchi yetu ya Kenya, hasa katika nyanja ya elimu. Ninaamini kwamba kuna haja ya kurekebisha sera hizo ili tuhakikishe kwamba kila mwananchi, popote alipo, katika nchi yetu ananufaika kutokana na shuguli yoyote ile ya kimaendeleo inayotokea humu nchini. Muhimu ni katika nyanja ya elimu.

Ijapokuwa tumekuwa na hizo sera mbovu, tusijaribu kuzifanyia mabadiliko tukiwa na nia ya kuendeleza ubaguzi na kuwagawanya watu wa taifa letu. Tuhakikishse kwamba wakati tunapozirekebisha sera zetu, mabadiliko hayo tunayafanya kwa misingi ya kuleta umoja humu nchini. Tunapozungumzia sera ya elimu, ni muhimu iwe ni sera inayohakikisha kwamba wanafunzi wanakua huku wakijua kwamba Kenya ni nchi yetu sote. Vile vile waweze kukua wakipambana na mazingira ambayo yanapinga kuibuka kwa sera za kikabila. Sera ya elimu inayosema kuwa mtoto fulani anayetoka wilaya, mkoa au kabila fulani hawezi kupata nafasi ya kusomea katika shule fulani kwa sababu ya ubaguzi uliokuweco hapo awali, ni sera isiyosaidia kujenga umoja wa kitaifa.

Naunga mkono Hoja hii kwa misingi kwamba ni kweli kabisa kuna haja ya kurekebisha maovu yaliyotokea hapo awali. Ovu kubwa zaidi ni lile la kitabaka. Tutazungumzaje kuhusu mikoa ama wilaya fulani ilihali wale watoto ambao wazazi wao wana mapato makubwa zaidi ndio wanaopata nafasi katika shule bora zaidi? Tujaribu kuhakikisha kwamba shule zote humu nchini zinaendelezwa ili ziwe katika kiwango cha juu ambapo kila mwanafunzi ataweza kujiunga nazo. Isiwe kwamba wanafunzi wanasoma kwa bahati nasibu. Eti mwanafunzi akibahatika kupita mtihani basi anachukuliwa kusomea shule za upili kama vile Lenana, St. Mary's, Starehe ama shule nyingine nzuri nzuri. Mtindo huo unawafaidi watu wachache. Tujaribu, hapa Bungeni, kuvumbua hali ambayo itawezesha kila mtoto humu nchini apate elimu bora. Haitoshi kwamba mtihani ni ule ule mmoja wa kitaifa lakini wengine wana nafasi nzuri zaidi kutokana na mazingira ya shule wanazosomea kuliko wengine. Tunajua kwamba elimu ndiyo inawapa wanafunzi wetu uwezo wa kupata kazi na kujiendeleza kimaisha. Mfumo wa elimu katika nchi yetu, kijumla, ni wa ubaguzi mno. Unawabagua na kuwanyanyasa sana wanafunzi wanaotoka katika jamii maskini. Tunaelewa kuwa kuna watoto wanaosomea sehemu za mashambani ambao hawana walimu wa kutosha, vitabu

na madawati na hali yao ya elimu ni mbaya mno. Tunawapa mtihani wa kitaifa kisha mwisho wa mwaka tunashangilia kwamba shule fulani imeongoza katika mtihani wa kitaifa.

Bw. Naibu Spika wa Muda, iwapo tungekuwa temeelekeza juhudi zetu katika kurekebisha maovu hayo bila kuleta mipango ambayo inaendelea kutugawanya zaidi kama taifa, nchi yetu ingeendelea sana. Ni vyema kama wanafunzi wanataka kusomea shule ya Shimo La Tewa mjini Mombasa, wapatiwe nafasi hiyo bila kubaguliwa kwa sababu wanatoka Nyandarua. Inatakikana kila mtoto asomee pale mahali anapotaka. Iwapo atasema anataka kusomea Moyale, na amepita mtihani wake, ni vyema afanye hivyo bila kubaguliwa na mtu yeyote.

Sitasema mambo mengi, na kwa hayo machache, naomba kuunga mkono Hoja hii.

The Assistant Minister, Office of the Vice-President and Ministry of Home Affairs (Mr. Mungatana): Thank you, Mr. Temporary Deputy Speaker, Sir. I just want to also contribute to this Motion as Member of Parliament for Garsen. I must state that I support this Motion.

Mr. Temporary Deputy Speaker, Sir, this country experienced a great deal of nationalism at its inception in 1963, when we were fighting for Independence; when we raised the flag of our Republic and said, "we are one nation". After all those years, things happened and people started disintegrating, with some going their own ways, and others even pursuing tribal policies to the disadvantage of others. In 1977, when Idi Amin stated that the boundaries of Uganda extended all the way to Nakuru, a sense of nationalism arose again, and people were willing to fight and die for this country as one nation. During the last general elections, people felt that they needed a change and they came together as Kenyans to remove the previous regime. What I am trying to say is that it appears that the history of this nation has been that when we have adversity, people come together as a nation. But when we have peace and stability, deliberate policies are put in place to try and disintegrate our nation. I feel that it is time we started looking at every policy in every sector that has tended to make Kenyan people think differently such that some people feel that they belong to certain areas. They will never cross over even to Malindi, Mombasa or to Voi. These are people who want to stay where they were born, attended school and worked. They have never left their district since they were born.

Mr. Temporary Deputy Speaker, Sir, this policy of education needs to be looked at afresh. We need to encourage our children to mix and mingle with people from other areas. This Motion is coming at the right time. We must start building a sense of nationalism even in the education sector. There are soldiers, teachers and other civil servants who are posted to the farthest end of this country. They should enjoy the benefits of a good education system in those areas. It should be the Government's responsibility, as I see it, to develop good schools in all areas, and for children to mix freely. So, if as a constable I am posted to Lokichoggio and I am living there with my children and wife, my children should be free to attend schools in that area. They should not be segregated on the grounds that I do not come from that area. We need to review each and every policy that has tended to separate our people and made them think in small cocoons. We need to encourage policies that will unite this nation; the way we have always said we wanted to be.

So, Mr. Temporary Deputy Speaker, Sir, I urge this House to support this Motion. Indeed, the policy-makers at the Ministry of Education, Science and Technology need to look at the concerns that are being raised by some of the speakers who have spoken here. But as a principle, we must make sure that our children are able to mix with other children. If you are in Shimo La Tewa and you wish to join Kisumu Boys High School, you should be able to do so without any problem. Similarly, if you are in Nyanza and you wish to join Shimo La Tewa, you should be able to do so easily. This will enable our children to mix freely, hence making this country what it needs to be.

With these few remarks, Mr. Temporary Deputy Speaker, Sir, I beg to support this Motion.

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

(Applause)

In opposing this Motion, I have reasons which, if understood by everybody, you will be able to show that there is nothing wrong with the quota system. I am saying this because I have seen the education system throughout; from the colonial times to the Kenyatta and Moi times and now during the Kibaki period. The reason why the quota system was introduced is because, during the colonial system, there were very few good schools, especially secondary schools. There was Alliance and Mangu Secondary Schools among other schools. At that time, the quota system used to pick only the most intelligent students from various places. There was only one institution of higher learning in East Africa; which was Makerere University, and which used to take all those students who had passed. It was necessary at that time to have people coming from various places. These people were deliberately selected. During the Kenyatta period, many schools were introduced through *Harambee* spirit. Therefore, this expanded the educational institutions. All this time, Kenyans were Kenyans and nationalism had never faded. During the Kenyatta time a tendency developed; to promote certain areas, while marginalizing other areas. Syllabuses were introduced which had Pure Science and General Science. Pure Science was for particular schools, while General Science was for the rest of the schools.

Mr. Temporary Deputy Speaker, Sir, therefore, professionals were only found in areas where students did Pure Science and not in areas where they did Physical Sciences. Therefore, some areas were disadvantaged. During the former Moi regime, that system was abolished and everybody was given an equal opportunity. The system of classifying schools in grades A, B, C and so on, was abolished and all schools were graded the same. Schools which were set aside for the Europeans were also abolished. These schools had swimming pools and other facilities. That is only a background. But why do we have the quota system? Kenyans are generally poor and this makes it difficult for them to raise money for their children to travel from one place to another. There is also the problem of accommodation whenever they go far away.

Therefore, that dictates that children should study near their homes. Secondly, because of the fact that the Government cannot provide enough resources to build dormitories in schools, it is necessary that those who build schools through *Harambees* are allowed to enjoy those facilities. You cannot tell a parent to contribute funds towards the construction of a school and then deny his child admission to that school. Most schools in the country are built by parents who would like to see their children study there, but because of nationalism, it is necessary that other children should be admitted from other parts of the country. This is why we have the quota system, similar to the one which existed during the colonial days and still exists where we have elite schools like Alliance High School and Kenya High.

There is no discrimination in the quota system. It is purely based on hard work. You work very hard and build schools in your area and so your children should not be denied access to those schools. There is a wrong notion which I heard somebody talk about here. He said that if you are working away from your home area, your children will be denied admission to schools in that area. That is not the case. The quota system does not affect people who are within a locality. It affects children who are coming from outside to take the places of the children from the area.

Mr. Temporary Deputy Speaker, Sir, we need to understand the quota system very clearly. If we understand it very clearly, we will see that it encourages and motivates parents to build schools in their localities, because they know that their children will study near home. If you look at it from the lack of resources point of view, you will see that it is necessary that parents also take more responsibility. If it was possible for the Government to build schools and dormitories, then I would

support a system where everybody can go to school wherever he wants. Then equal education should be provided for all.

When it comes to nationalism, we build nationalism through mixing during sports, cultural festivals, choirs and tours. It is not necessary that people should study away from their areas. It is true that even if we were to send children to school in other areas, we would not send more than 15 per cent. I think 15 per cent is a very generous figure. Even during the colonial days, the number of students from outside an area was very small. There is also the problem of different endowments in various parts of the country. This should also be reflected here. The first priority is to build good schools, have the same syllabus and build dormitories for everybody. If we do that, then it will be possible for children to study anywhere in the country. We must not think negatively and look backwards. We must also not be yapping about the past system of education. In any case, KANU did not lose the general elections because it was KANU. It lost the elections because it had lost part of itself. In fact, the NARC Government should be congratulating KANU for augmenting that aside, so that you could sit on the side where we had been sitting all that time. We are proud to be in the Opposition because heavy Government responsibilities had exhausted us. The NARC Government should also bear them, so that it may know how it feels to run a Government.

Because of the reasons which I have given, I oppose the Motion. It is unrealistic.

The Minister for Finance (Mr. Mwiraria): Thank you, Mr. Temporary Deputy Speaker, Sir. I rise to contribute to this Motion. It is regrettable that the Motion is rather narrow. I think we have reached a time in Kenya's development where we should be looking for an overhaul of our entire education system.

I would like to start off by telling hon. Biwott that we are already learning how difficult it is to run a Government, but we are doing it better than the former KANU Government. Let me add that honestly and genuinely, we need to look at our education system and ask ourselves: Do we have the right kind of education system or do we need to change it? The NARC Government started off by providing free primary education. This will entail having more children joining secondary schools. The question then becomes: How do we expand secondary schools to respond to the larger number of pupils who will come out of primary schools? I am afraid, we will have no choice, but to go for day secondary schools as one of the options. If we really want to combine the idea of getting Kenyans to know Kenya, my suggestion is that with the improving economy, and I am sure the economy of this country will improve and we will get more money to spend on education, we should, as a nation, agree to build more national schools. We should build, at least, one national school in every district. Once we do that, we can have large schools which will admit the brightest children from all over Kenya without discrimination. Those bright Kenyans will learn that there is no difference between children from different tribes.

I would then suggest a further step. We need to look at our curriculum and see whether the 8-4-4 system of education is serving us well. Today, if you want to join Makerere University from Kenya, you will have to go and do a one-year bridging course, before they can admit you. So, we really need to look into the whole system. I want to suggest that whatever secondary education system we agree on, we should pick the brightest of the bright Kenyans and establish special scholarships for them, so that we can give them education in the best universities outside this country. We have to accept that the world is becoming a global village. If we want to industrialise, we must compete with the Japanese, the Germans and other people. We can only do that if our people are educated to the same level as people in those other nations. I would then recommend that having established a national secondary school in every district, and if we can afford, even two schools, we should then pick the best students and have a bursary system which is non-discriminatory and whose funds will not be disbursed because the child is Mr. Mwiraria's, Mr.

Kajembe's, or Mr. Haji's. It should be given because a child is truly bright. If these bright students are given an opportunity to study in Harvard University, the MIT, or Cambridge University, they will do well and, perhaps, pass their exams in flying colours.

We will require that kind of talent in future if we will make a nation that will compete with the rest of the world. A nation that will compete with Korea who were at the same level with us in 1963, but they are now miles ahead of us. They are now making television sets which are, perhaps, better than any others in the world. They do this because they have utilised education well. Time has come for Kenya to really look broadly at education. We should ask ourselves how we will mould it so that it becomes the engine for our growth and development.

Mr. Temporary Deputy Speaker, Sir, let us look at another aspect of education which, unfortunately, the KANU Government had ignored. This is Special Education; education for the blind, the deaf and the mentally handicapped. All these children are our children. They are Kenyans. They have to be looked after. We have blind children who are brilliant and whose talent needs to be developed. We have deaf people who are also brilliant, whose talent needs to be developed. Therefore, the Government must give priority to this level of education too.

Mr. Temporary Deputy Speaker, Sir, in reviewing the education system, which I think really we must do fairly soon, we need to ask ourselves: Are we really producing university graduates who will benefit this country? It is unfortunate that we are producing too many university graduates for the economy as it is at the moment. However, I am sure that as the economy picks up and grows, we will have more jobs for them. The problem, however, will be who will be assisting the engineers to do their work because we have ignored technical education. An engineer requires at least six technicians if he is to operate effectively. A doctor equally will require as many lower grade people if he is to work effectively. Therefore, we need to even review university education. We need to ask ourselves: What products we are getting out of our universities? We should, in fact, aim at specialisation. Today, all our universities are offering the same courses. This way, there is no way Kenya can specialise and compete with the rest of the world.

Mr. Temporary Deputy Speaker, Sir, I happen to have travelled a little, and I asked the question, how did Korea industrialize? Quite honestly, the Korean people went around the world looking for educated Koreans who had good jobs in factories all over the world, and they paid them the salaries they were earning out there, so that they could go back to their country and lead the industrialization process. We need to be thinking along these lines. We need to be thinking of establishing a science city where 50,000 scientists will start doing research in the frontiers of knowledge. There is no other way we will compete with the rest of the world.

So, what I am really pleading for is that, let us, as a nation, ask ourselves: Is the education system serving us well? We should not despise what we have. The education system has grown, but we want it to grow even further. We should get it to specialise even more. We should spend our money wisely. This is a point I really want to repeat, by giving special scholarships to the brightest students without discrimination so that they can learn all the skills from the best universities in the world to help Kenya industrialise.

Mr. Temporary Deputy Speaker, Sir, I see time is running out and there are many hon. Members who want to contribute. May I stop here by appealing to the Ministry, in fact, I know they are planning a symposium very soon, to use that opportunity to re-examine the education system in the country and particularly see how we can increase the number of national secondary schools and have special scholarships for our bright children.

Dr. Godana: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to make some modest contributions to this Motion. I have to say from the outset, I stand to oppose this horrible Motion. I call it "horrible" because I cannot understand how a Member who

should be among the first-rank nationalist Kenyans could conjure up this kind of a Motion. The question of quotas in admission to schools in this country is twofold; you can look at it from two sides. One is from the side of the guarantee of one slot per district in a few top national schools. The other is the one which Mr. Biwott talked about reserving a certain minimum number of slots, normally a half or more for locals around the school.

Mr. Temporary Deputy Speaker, Sir, there are schools in this country, which for historical reasons have developed into, as it were, the *alma-ata*; all matters of education, for instance, Alliance High School. I think it was a great decision which was made by the previous the Government that such national schools should be, really, national not just in name, but in terms of the profile of the student population. It was decided that one child from at least every district should attend these schools. The Motion is, therefore, seeking to exclude certain districts from this on the basis that they know, performance, obviously, cannot be uniform across the lengths and breadths of this country. When a child in North Horr Constituency sits for Certified Public Accounts (CPA) examinations, to answer questions involving electricity, trains and international air transport, obviously, he is at a great disadvantage *vis-a-vis* my child who is sitting for the same examination in Nairobi. For him, it is something theoretical. No wonder when given equal opportunities, those students who have been admitted to the top national schools on a quota system have ended up, more often than not, excelling and doing better than those who were admitted with almost double points from other areas.

Mr. Temporary Deputy Speaker, Sir, secondly, we are a conglomeration of 42 different ethnic groups. Ethnologically speaking, we are 42 different nationalities. We want to build one Kenyan nation. I was surprised to hear Mr. Mungatana supporting this Motion and yet the logic of his argument actually demolished this Motion. He said that we should not encourage people being locked up in their ethnic or regional cocoons. If you decide to say people should not go outside their areas, then you are actually encouraging such confinement of people to their ethnic cocoons. We know what happened in this country in the past. In the 1960s and 1970s, how did Central Kenya take the lead in human resource formation? There was a certain Minister from Murang'a District who in one year told his people, "build as many secondary schools as you want, I will take them over." These were the days when people used to build schools by *Harambee*. In one year he took over 72 secondary schools, with minimal qualifications.

Mr. Temporary Deputy Speaker, Sir, the whole of northern Kenya has no Forms V and VI because they were considered distant, yet, we were told that, majority of students who would be admitted into these schools would come from the local areas. That is what has aggravated the differences in development levels and resulted in poor educational performance in this country today.

The hon. Minister, Mr. Mwiraria, made an eloquent speech today. I could see that he was constrained to say that he opposed the Motion. In his argument, for all purposes, he showed that this is not a welcome Motion. We wish the quota system was applied elsewhere. I know that the Ministry of Education, Science and Technology has begun to demolish it. We had the quota system applied in terms of minimum numbers for teacher training intake for the last decade. For the first time this year, that was done away with. Marsabit District ended up with three or four places at the teacher training colleges. I guess that is what has happened across the so-called ASAL districts. Now, obviously, the Motion seeks to perpetuate this kind of a trend. As honourable Members of this national Parliament, we cannot accept it, say "yes", justify, and support this kind of resolution.

Mr. Temporary Deputy Speaker, Sir, the hon. Minister who spoke before me, made a very good speech. He talked of day secondary schools. Day secondary schools will be viable only in a highly-urbanised society. We can do it in Mombasa, Nairobi, or Kisumu. Once we get to the rural areas, it will be difficult to have viable day secondary schools because of the distance the students

will have to cover to and from school everyday. Therefore, boarding secondary schools are bound to remain with us for a long time to come.

The idea of quotas in the world and even in the most developed societies such as the USA, have been applied as a measure of redressing historical imbalances. That still applies in the USA. The Government has gone to the Supreme Court to challenge it saying that it is discriminatory. That is one of the most developed societies, yet, the people of USA have said no! It is not discriminative!

The idea of quotas is also used when you want to ensure that particular national institutions and opportunities do represent the national profile of the country. I wish we would come to a time when this country would have official guidelines on ensuring that every public institution, not just schools, but also Ministries in terms of the composition of staffing at all levels, reflects the ethnic diversity of this country.

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

The Temporary Deputy Speaker (Mr. Khamasi): We would now like to hear from the Government Responder.

The Assistant Minister for Education, Science and Technology (Mrs. Mugo): Thank you, Mr. Temporary Deputy Speaker, Sir. Before I give my reply, I would like to give two minutes to the Minister for Co-operative Development and Marketing, and two minutes to the hon. Assistant Minister, Mr. Katuku.

Let me start by apologising to the House---

The Temporary Deputy Speaker (Mr. Khamasi): Order, Madam Assistant Minister! You cannot do that!

The Minister for Co-operative Development and Marketing (Mr. Ndwiga): Thank you, Mr. Temporary Deputy Speaker, Sir. I only have two minutes.

First, I want to say that I oppose this Motion. I think that the quota system is necessary when we look at where we come from. Why was it necessary to have all these boarding schools like Nairobi School, Alliance and others? First, it is because the *Wazungu* schools were built because *Wazungu* in the Rift Valley, and those in the Eastern Province had to have their children go to some boarding school. At this day and age, I want to support that we have day secondary schools. That way, we will be able to capture the numbers we want in our localities.

If you go to Europe today, the *Mzungu* who started the boarding schools there does not have them. If you talked to anybody today in Europe about boarding schools, they would ask if you are building a school for refugees. Even parents abdicate their responsibilities to teachers by taking their children to boarding schools.

I want to say that we support international integration in our schools and in our system and urge that the Ministry of Education, Science and Technology to hurry up the symposium on the entire education system so that we can come up with a system which is acceptable to all Kenyans.

Thank you.

(Applause)

The Assistant Minister for Finance (Mr. Katuku): Mr. Temporary Deputy Speaker, Sir, I want from the outset to state that I oppose the Motion. However, I would like to make one clarification.

One of the speakers, I think hon. Dr. Godana, alluded that this was a Government-sponsored Motion. However, this is a private Members' Motion; it is not a Government-sponsored Motion. I want to thank the Mover of the Motion because whatever is coming out on the Floor of this House

will constitute a lot of input to the forum which is before us and being organised by the Ministry of Education, Science and Technology so that stakeholders can express their views. I had many views to express on this, but because of time limit, I will only say that the whole of our education system needs an overhaul.

Mr. Temporary Deputy Speaker, Sir, there are so many discrepancies which need to be addressed. For example, you will find that teachers in some regions are given hardship allowance while others are not. For example, in the area that I represent, teachers are not given hardship allowance. They end up going to the neighbouring constituency which is better in terms of climate and everything else. For instance, in Yatta Constituency teachers are given hardship allowance. Therefore, teachers tend to shift from my constituency to the neighbouring one simply because of that hardship allowance. You also find that teachers in some areas are given some special allowances for teaching special subjects like Mathematics and other subjects. That has demoralised teachers in some schools.

Mr. Temporary Deputy Speaker, Sir, I want to say that the whole system needs total overhaul. We need to look at the way we should address issues like appointment of those who are supposed to be managers of institutions. Some of those who are already appointed in the institutions were appointed politically, but not because they were qualified to manage the education system.

With those few remarks, I beg to oppose.

The Assistant Minister for Education, Science and Technology (Mrs. Mugo): Thank you, Mr. Temporary Deputy Speaker, Sir. I would like to give two minutes to Prof. Maathai.

The Assistant Minister for Environment, Natural Resources and Wildlife (Prof. Maathai): Thank you, Mr. Temporary Deputy Speaker, Sir. I want to support this Motion and also the sentiments expressed by Mr. Mwiraria. While it is important for us to overhaul the quota system, I know that the Ministry of Education, Science and Technology is planning to hold a conference where these issues will be discussed. I really do believe that it is very important for our children to go to a school of their choice. While I accept that certain areas may feel marginalised, sometimes I wonder to what extent the marginalisation has taken place. For example, I went to school with children from all parts of the country and I have noted that the feeling that we belong to a certain region was actually brought later by politicians.

One disadvantage of the quota system is that you could very easily develop patronage. You could have a situation where, whichever Government is in place will tend to develop schools in their area to only benefit children from that area. Some of the speakers who have contributed to the debate have indicated that because Kenyatta's era was biased towards one area, then Moi's era had to be biased against that area. Maybe at this time---

Ms. Abdalla: On a point of order, Mr. Temporary Deputy Speaker, Sir. The Assistant Minister has said that she is not aware of any marginalisation taking place. Is she aware that not a single Maasai girl has been admitted to a national school in this country for the last five years?

The Assistant Minister for Environment, Natural Resources and Wildlife (Prof. Maathai): Mr. Temporary Deputy Speaker, Sir, there are many communities in this country who still do not want to send their children to school even though primary education is free. We cannot marginalise children because certain communities have certain attitudes. That is the very reason why the quota system should be abolished. This will ensure that if that Maasai girl cannot go to school in her area, she can then go to school wherever it is available. She should not be discriminated because there are no schools in her area.

I do want to encourage the---

The Temporary Deputy Speaker (Mr. Khamasi): Your time is up!

The Assistant Minister for Environment, Natural Resources and Wildlife (Prof. Maathai): Thank you, Mr. Temporary Deputy Speaker, Sir.

The Assistant Minister for Education, Science and Technology (Mrs. Mugo): Thank you, Mr. Temporary Deputy Speaker, Sir. I want to apologise to the House for coming in late when the Motion had started. At first we thought that we would be here by the time the Motion on immigration was concluded. Maybe there were not many speakers who wanted to contribute to the other Motion. As you are aware the Minister for Education, Science and Technology was away attending the Commonwealth Ministers' Meeting. He has just arrived. The Permanent Secretary is away negotiating for money to support the free primary education programme. I was also away at the Technical Vocational Entrepreneurship Training (TVET) curriculum development meeting in Nyeri to discuss reforms in the TVET section until yesterday. But we were discussing this issue in the office with a view to bringing here a policy of the Ministry and not just what one person thought about it. I hope you will forgive us.

Mr. Temporary Deputy Speaker, Sir, in our discussions, we felt very strongly that our Ministry is there to give quality education and learning to all areas of Kenya. As a Ministry, we represent the whole country and not just one section. We have embarked on a process of coming up with what Kenyans want from their education system. That is why we have started with TIVET, which means, Technical Industrial Vocational Entrepreneurship Training. A very strong meeting ended last night in Nyeri, to come up with the reforms in that sector. In attendance were many professors, vice-chancellors and others charting the way forward.

Mr. Temporary Deputy Speaker, Sir, through that effort, together with the Koech Report, we are planning a national symposium on education on 26th of this month, where various representatives will be invited to attend. We have people like the Shadow Minister for Education, Science and Technology, Prof. Oniang'o, who will be taking part in it. She will be chairing one of the sessions. We have invited all Kenyans to look at what reforms we should carry out in the education sector.

Mr. Temporary Deputy Speaker, Sir, as a Ministry, we know there are very many merits and demerits of having or not having the quota system. As a Ministry, we have decided not to take sides because we want to be fair to Kenyans. What we are asking this House to do is to debate freely, so that all the ideas and the outcome of this Motion can be an input into the national symposium which will involve all Kenyans, alongside professionals like the Inspector of Education. This way, we can come out with proper reforms in our education system that will benefit our children; so that, whether a child is educated at the University of Nairobi, Mombasa Technical College, London School or wherever, they have quality education which is acceptable everywhere. That is why I am saying, as a Ministry, we are not going to support or oppose this Motion. We would like Kenyans to decide on what---

Mr. Oloo-Aringo: On a point of order, Mr. Temporary Deputy Speaker, Sir. How can the Assistant Minister say that they are neutral on a major national issue? They must have a standard to provide leadership.

The Assistant Minister for Education, Science and Technology (Mrs. Mugo): Mr. Temporary Deputy Speaker, Sir, I remember we had a major national issue to do with affirmative action on women participation, and there were many hon. Members for it and a few were against it. This House decided to refer that issue to the Constitution of Kenya Review Commission so that it could be dealt with in a holistic manner. I think it is a very fair attitude to think that although we represent the nation as hon. Members, we should also afford to listen to Kenyan professionals, especially those who are qualified in the field of education.

Mr. Temporary Deputy Speaker, Sir, if I could enumerate the merits---

Mr. Ethuro: On a point of order, Mr. Temporary Deputy Speaker, Sir. Now that the Assistant Minister has no opinion to support or not to support this Motion, why can she not terminate her address so that we can proceed with the business of the House?

The Assistant Minister for Education, Science and Technology (Mrs. Mugo): Mr. Temporary Deputy Speaker, Sir, I am responding to the Motion, and I think it is the Ministry's responsibility to respond. The hon. Member was once an Assistant Minister and, therefore, he should know better than that.

Mr. Temporary Deputy Speaker, Sir, I have my own opinion, but I cannot state it here because I am speaking on behalf of the Ministry. I can quote the merits and demerits---

Hon. Members: The Ministry has no opinion!

The Temporary Deputy Speaker (Mr. Khamasi): Hon. Members, let us give the Assistant Minister a chance to talk. She is responding and she must be heard. So, can you, please, give her time?

The Assistant Minister for Education, Science and Technology (Mrs. Mugo): The rest is your opinion. Can you listen to the Temporary Deputy Speaker?

Mr. Sasura: On a point of order, Mr. Temporary Deputy Speaker, Sir. It is not the stand of the Assistant Minister that we are seeking to know. This Motion is talking about the quota system which, as a matter of policy, is under this Ministry. Is the Assistant Minister in order to disown the same policy which is under her Ministry by taking a neutral stand?

The Temporary Deputy Speaker (Mr. Khamasi): To the best of my knowledge, she has not disowned anything.

The Assistant Minister for Education, Science and Technology (Mrs. Mugo): Mr. Temporary Deputy Speaker, Sir, I would like to inform the hon. Member that there is no Act of Parliament on this issue. It is an administrative rule. There is no law that states that this is what should be done.

The Temporary Deputy Speaker (Mr. Khamasi): Order! Could we allow the Assistant Minister to complete her speech?

The Assistant Minister for Education, Science and Technology (Mrs. Mugo): Mr. Temporary Deputy Speaker, Sir, as I was saying, we are open and we want to hear all your views. On 26th November, 2003, we shall have a symposium on education and this important question will be discussed fully. Then, we will come up with a policy. This is not written anywhere. It is not an Act of Parliament. I can speak on merits and demerits. I would like to use the few minutes left to give them.

On merits, I have been on record for supporting the affirmative action for women students. We have that pass mark. I believe those issues are temporary and there will come a time when we will not need affirmative action for women. I would also like to be on record for saying that the quota system, especially in provincial high schools, brings down the quality of education. When you concentrate just a few people - 85 per cent of students in provincial schools come from the local areas and only 15 per cent of them come from outside the provinces. I believe the competitiveness that was there before tends to go down because the students know they have a place anyway, whether they have got D, B or C. When you talk about quality education, there must be room to compete for that education. That is one point that is against the quota system.

Again, when you look at the quota system, and the unruly behaviour that is happening in our schools, it is because students come from one area and they have a feeling that even if they burn the school, they will just walk home and their parents will pay for damages the following day. But when you have students coming from all over the country, they bring in new ideas. There is no mob action of people from one area.

If we have the quota system, there are those children from marginalised areas who may be denied opportunities in national schools. That is why I said it is such an important area that needs a lot of thinking, so that we can come up with a policy that will solve our kind of problems. We should also give it to our professionals to impact on it. That way, we will come out with a better policy. So, I hate to feel that I am being intimidated by some hon. Members to say: "I support! or I do not support", when we have not looked in totality what we could give the children of Kenya. That is my responsibility in this Ministry.

I appreciate the frankness with which the people spoke. You can see the Government was speaking on both areas. It is not really for or against. We are open-minded to Kenyans. Look at the Koech Report, the 8-4-4 system and what came from Nyeri. There was a very big symposium on technical education yesterday. That is the way to go for Kenyan education. The Ministry is not there to have a very narrow mind and start thinking about the problems in Central Province, Coast Province and Nairobi. We must think as Kenyans. Unfortunately, this House, more often than not, has not demonstrated that national outlook. We must stick to our issues. Many times, we are speaking about issues which can benefit ourselves and our areas. Let us, for once, look at the children of Kenya and give them quality education. That is our stand. We hope that hon. Members will support that symposium. You are all welcome to that symposium. Come and give your input and listen to the professionals, and come back to this House and make a law for Kenya's education.

With those few remarks, I will remain neutral.

Mr. Temporary Deputy Speaker (Mr. Khamasi): Order! I have got three minutes before I call upon the Mover to reply, and I will give a chance to Mr. Kosgey.

Mr. Kosgey: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this Motion. First of all, I am really amazed that the Assistant Minister does not have a stand on this matter when the Ministry's current policy is for a quota system of education. This system of education does not have to be enacted in Parliament in order to be a policy. The Assistant Minister should understand that all policies are not enacted into law. We are looking for a system of education which is of high quality, equitable and accessible to Kenyans. The quota system of education was introduced so that children from marginalised areas could get access to quality education.

I am talking about 600,000 pupils who sit for their Kenya Certificate of Primary Education (KCPE) versus about 250,000 places available in our secondary schools. If you look at the pass mark in ASAL areas, you will find that it hardly goes above 300 marks out of 500 marks. If we do not have the quota system of education, where will these students go? This means that children from schools in Nairobi can fill up all the places available in secondary schools in Wajir, Nandi and other districts. I agree that this is not the best system of education. Maybe, we should devise other systems of education, but as of now, this is the only system which guarantees a child from Garsen Constituency a place in Alliance High School, like Mr. Mungatana.

(Applause)

This system also guarantees a child from his constituency a place in the local schools when he or she has obtained low marks.

Mr. Temporary Deputy Speaker, Sir, nationalism cannot be promoted in schools, but in the politics of the country. What we say as politicians is what promotes nationalism. The utterances politicians make from left, right and centre, and particularly from the Government side, have not promoted nationalism at all. In fact, we are now more divided than ever before because of the politics of this Government. I agree that the Government should establish more national schools.

Right now, we only have 16 national schools and we need more to be established.

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I oppose this Motion. I will participate in the symposium and give them better ideas.

(Applause)

The Temporary Deputy Speaker (Mr. Khamasi): It is now time for the Mover to reply!

Hon. Members: Change your mind now!

Mr. Karaba: Mr. Temporary Deputy Speaker, Sir, before I reply, I would like to give five minutes each to Mr. Kajwang and Mr. Kagwe.

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. Karaba! You have got ten minutes!

Mr. Karaba: Mr. Temporary Deputy Speaker, Sir, then I will give the two hon. Members three minutes each to contribute to this Motion.

Mr. Kajwang: Thank you very much, Mr. Temporary Deputy Speaker, Sir. I would like to be very quick in my contribution. What happened in this country, and this is why I support this Motion, is that in the old days when the late Mzee Jomo Kenyatta was the President of this country, the best secondary schools were in Central Province. These schools are still good. When President Moi took over, in a very short time, Sacho, Kapropita, Kabarak and Baringo High Schools were almost made sub-universities. But in Suba District, where I come from, 85 per cent of the pupils who are supposed to go to secondary schools must go to schools within Suba District. There are no schools there because Mr. Mboya died some years ago. We have never had somebody else to help us. So, where will 85 per of our children go if they cannot go to Kapropita, Kabarak or Baringo?

Mr. Temporary Deputy Speaker, Sir, we are trying to balkanise this country. If you are lucky to have a President who builds good schools for you, then you will be ahead of the others in this country for ever. We must change this system, otherwise, we are going to fight among ourselves as to who becomes the President. If we do not have a President or a Minister for Education, Science and Technology coming from Suba District, then we will be marginalised for ever.

I listened to Dr. Godana---

(Loud consultations)

The Temporary Deputy Speaker (Mr. Khamasi): Order, hon. Members! I think we are developing a bad habit here. Let us obey the rules of the House. When somebody is on the Floor contributing, we should not throw words across the Floor.

Mr. Kajwang: Mr. Temporary Deputy Speaker Sir, I listened to Dr. Godana when he was contributing. He comes from Marsabit and knows that there are not many good schools there. At the same time, 85 per cent of the children from Marsabit are stuck there. There is something good in the quota system because we have national schools where children from all over the country can go to. But when we say that 85 per cent of our children must go to schools in their districts, we are saying that if schools and the infrastructure in those districts are bad, then those children are doomed to fail. That is dangerous for this country, especially when districts are created on village basis. Suba, Kuria and Tharaka districts have no schools. Therefore, we should go back to the larger districts.

When I was a young boy, I had a chance to learn in Mbita, and then Homa Bay and Maseno, which are in different districts. Even some of my colleagues were admitted to Shimo la Tewa in Mombasa, and Baringo. We have to be careful on what we are talking about because we have balkanised the country. Some hon. Members were lucky because the President came from their

place and they built good schools. But they do not want other people to enjoy those facilities. It is not good for this country.

Thank you very much.

Mr. Kagwe: Thank you, Mr. Temporary Deputy Speaker, Sir, for this opportunity. I recognise and appreciate the few minutes my colleague has given me, even though I hold a slightly different opinion from his. However, it is good to agree to disagree on certain issues.

Mr. Temporary Deputy Speaker, Sir, I think the first question that we have to ask ourselves in this country is: "What is the purpose of education?" Is the purpose of education to bury you in an information overload? Does it contribute in any way to building a nation called Kenya? If we agree that part of the purpose of education is also to build Kenya, then we must accept that there is no way we can do without some form of quota system. We must ask ourselves whether the quota system that is currently in place is the correct one or not. I contend to say that it is not.

(Applause)

Mr. Temporary Deputy Speaker, Sir, I believe that students in Moyale District should have an opportunity to study in Mukurweini, Nyeri, where I come from. Similarly, students in Mukurweini should be exposed to what is happening in Moyale. This is the only way that, eventually, when they come to this Parliament, these students will contribute and support issues in Moyale because they know what is happening there. For that reason, therefore, my view is that the whole quota system should be overhauled. It should be re-addressed and designed in such a manner that children from all over the country are able to exhibit knowledge about all other parts of the country.

Mr. Temporary Deputy Speaker, Sir, in Switzerland, German-speaking children have to study some element of French. A French-speaking Swiss similarly has got to study some elements of German so that the country can remain integrated. I pose, therefore, that students from areas like Nyanza where my friend, Mr. Kajwang, comes from must have the opportunity to study in Mukurweini. We should not, therefore, restrict that 85 per cent of the students in Kagumo High School, where I studied, must come only from Nyeri District. That does not seem right to me. It should be that 20 per cent or whatever amount that is eventually agreed upon, come from there. However, others can come from Moyale District, Suba District and other parts of the country. Let us build an education system that also builds a nation called Kenya.

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I beg to support.

Mr. Karaba: Mr. Temporary Deputy Speaker, Sir, it is like some hon. Members did not understand this Motion from the beginning. This is because some people from North Eastern Province and other Arid and Semi-Arid land (ASAL) regions are the people who, in the end, will benefit. In this case, we have had national schools which do their selection on quota system basis. However, hon. Members who come from those areas know that there are some districts which have never sent a single student to a national school. Most students are condemned by the 85 per cent rule to a provincial school. That is what the Motion is based on. A student from Turkana District, for example, can never get to a university because he or she will be condemned in a school in that Lodwar environment. This is the truth. He or she cannot even join a school within the province, like Nakuru High School, Tambach High School, Sacho High School or a school in Kajiado District. That is why we cannot even get girls from the Maasai community joining universities. This is because they will not even get access to schools with learning facilities.

I would like to inform those hon. Members who have contributed and, probably, did not understand this Motion, that this Motion aims at trying to introduce fairness in the education system.

The only way to progress in this country is to improve the education system. I am happy that the majority of hon. Members have supported this Motion. The national selection still remains. The provincial schools are the ones which are discriminating against our districts within the province. It will be better if you can get students from a district, for example, to join Nakuru High School all the way from Turkana District. I believe that there would be no tribal infiltration in our schools. So, this is what I wanted to clear before this Motion is put to vote.

If truly, education is a tool to economic development, then we, as a country, must address ourselves to this quota system. As said earlier, I have been a headmaster of a senior school for 20 years. I have seen students cry and some even committing suicide because they could not join provincial schools. Imagine a district like Nyandarua, which would be the best in KCPE examinations in the whole country, sending only three boys with over 600 marks to Kagumo High School because of the quota system. The rest of students would be condemned to a district school. Similarly, the same thing would happen--- Makueni District, which ranked the best in KCPE results, would not even send students to Machakos High School which is in Eastern Province. We would like to see a situation whereby students from Makueni District, for example, are admitted to Kangaru High school and Meru High School. This is what the Motion is seeking to establish. However, some hon. Members still want to protect the quota system. We have had some districts like Baringo with five very good secondary schools; Sacho High School, Kabarnet High School, Tambach High School and others.

Mr. Temporary Deputy Speaker, Sir, I beg to move.

The Assistant Minister for Finance (Mr. Katuku): On a point of order, Mr. Temporary Deputy Speaker, Sir. Having listened to the explanation and the reply by the Mover, I realise that this Motion is not properly drafted. I, therefore, want to change my position---

The Temporary Deputy Speaker (Mr. Khamasi): Order! Order! Mr. Katuku, this has never happened before. You want to make history. You were given a chance to speak. You made your point. We know where you stand. So, you cannot stand here and say that you want to change your mind.

(Question put and negatived)

SELECT COMMITTEE TO
INVESTIGATE DEATH OF HON. NDILINGE

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

THAT, following the sudden disappearance and murder of the late hon. Tony Wambua Ndilinge, MP, on 2nd August, 2001, and the subsequent ruling by the High Court hearing the murder trial that the case was a mistrial; this House resolves that a Select Committee be established to investigate the circumstances leading to the murder of the late hon. Ndilinge and report its findings and recommendations within six months, and that the Committee be composed of the following Members-

The Hon. John M. Mutiso, MP;

The Hon. Benson Mbai, MP;

The Hon. Kalembe Ndile, MP;

The Hon. Morffat Maitha, MP;

The Hon. Kiema Kilonzo, MP;

The Hon. Ivuti Mwangi, MP;

The Hon. Otieno Kajwang, MP;

The Hon. Jimmy Angwenyi, MP;
The Hon. Dr. Abdullahi Ali, MP;
The Hon. Kahindi Kingi, MP;
The Hon. Daudi Mwanzia, MP.

Mr. Temporary Deputy Speaker, Sir, I beg to amend the list of membership to the Committee by adding the following Members to complete the required number of 15 Members to the Select Committee:-

The Hon. David Mwenje, MP;
The Hon. Gor Sungu, MP;
The Hon. Ekwe Ethuro, MP;
The Hon. Charles Kilonzo, MP.

Mr. Temporary Deputy Speaker, Sir, these additional Members are replacing the Hon. Kivutha Kibwana, MP, and the Hon. George Khaniri, MP, whom I had previously included in this list but who have since been appointed Assistant Ministers, and the late Hon. James Mutiso, MP, who has since passed away.

Dr. Godana: On a point of order, Mr. Temporary Deputy Speaker, Sir. I hate to interrupt the Mover of the Motion when he is moving, but it is important that we get our procedures right. The hon. Member had notified the House about the Motion. The Motion is already before the House. He is moving the Motion and yet he is amending it. There is a clear procedure for amending a Motion that is before this House. The best thing is for him to move the Motion first, and then move an amendment later.

The Temporary Deputy Speaker (Mr. Khamasi): You are right, Dr. Godana! I think you will have to follow the right procedure. Just move the Motion as it is and then introduce an amendment later! I think you have already given notice of the intended amendment.

Mr. J.M. Mutiso: Mr. Temporary Deputy Speaker, I beg to move the Motion before the House. The Motion asks the House to give leave to establish a committee which will look into the circumstances that led to the death of the late Member of Parliament for Kilome, Mr. Tony Wambua Ndilinge.

Mr. Temporary Deputy Speaker, Sir, on 2nd August, 2001, one of our leading Members and a leader in this country was shot dead 12 kilometres from this City. It was a sad day for the people of Kilome and Members of this august House, who cherished political advancement and democracy. It was a sad day because one gallant son of Ukambani faced abrupt death.

Mr. Temporary Deputy Speaker, Sir, if you look at the history of this country, many prominent sons have died under very mysterious circumstances. Time and again, this nation has been treated to many investigations by the law enforcing agencies like the police, Criminal Investigation Department (CID) and others, without coming to a conclusion on who might have been the killers.

(Loud consultations)

Mr. Temporary Deputy Speaker, Sir, I need your protection because there is a lot of background noise.

The Temporary Deputy Speaker (Mr. Khamasi): Order! Order, hon. Members! You can see the Mover is unable to concentrate! Could we, please, consult quietly, so that we can give him ample time to Move his Motion? It is an important Motion for us!

Mr. J.M. Mutiso: Thank you, Mr. Temporary Deputy Speaker, Sir, for your protection.

I remember one mysterious death that has remained unsolved to date; that of Mr. J. M.

Kariuki, who was killed in early 1975 under similar circumstances. It has taken ages on end without knowing who the killers were.

Way back in 1990, we also witnessed the murder of our gallant son, hon. Dr. Robert Ouko, who was killed under mysterious circumstances. The list is endless! The question which beckons many Kenyans is: Why have the murders taken place? Many times, we have trusted the rule of law in this country to give us justice without really compromising on the facts. Many times, the files of those mysterious deaths are opened without having credible people who might have executed those heinous deaths.

Mr. Temporary Deputy Speaker, Sir, on 2nd August, at 5.20 a.m. in the morning, the media was announcing the death of hon. Tony Ndilinge. We learnt with a lot of bitterness that the family of the slain Member of Parliament was not informed of his death. Very early in the same morning, we also witnessed unusual and very peculiar investigations being carried out by the Government. On the side of the road at Githurai, we heard that who-is-who was at the scene of the murder. At 9.00 a.m. in the morning, we were also treated to very many theories of what might have transpired that pervious night. We were not informed of the reasons behind the haste the Government had in rushing to the media to announce the death of the slain legislator without informing the next of kin or the family. This question beckons a lot.

Mr. Temporary Deputy Speaker, Sir, we have been told that two people were later on framed to be the killers of the late hon. Ndilinge. These were Joackim Ngure Kagema and Margaret Wambui Njoroge, who were later on discharged by the High Court after declaring the case a mistrial. It beckons a lot for this hon. House to look again at what really might have made this hon. Member to be killed in such a brutal way. Many people at one time thought that the motive behind the murder might have been robbery, but certainly the circumstances of the death and subsequent inspection of the body defies that theory. At the time the hon. Member was found, he had money in his pockets totalling to about Kshs20,055 which was intact. More so, he had also Government cheques totalling to about Kshs45,000. If really the theory of robbery could be sustained, then we could have said, perhaps, the robbers could have enriched themselves with the money which was found in the pocket. The robbery theory fell totally flat on its face.

Mr. Temporary Deputy Speaker, Sir, the other theory we were treated to was the carjacking theory. Seemingly, it also appears to be baseless. We have been told and informed, through the forensic report from the ballistic experts who investigated the scene, that the hon. Member was shot at point blank range. If it was carjacking, then we would not have found the four-wheel drive vehicle only 35 minutes after hearing of the death of hon. Ndilinge at 5.20 a.m. At 5.45 a.m., the vehicle was found in Dandora Phase IV Estate. The chronology of events and the authenticity of the timing also raises a lot of questions. Who is this person who stated that at this particular time, the hon. Member was killed? Again, mysteriously, the car was found within a period of only 35 minutes. On the material morning, we were treated to a story of the late hon. Ndilinge moving from one pub to another, purportedly in a drinking spree with his friends. The fact of the matter is that the crafters of this theory did craft it in a way that it could be seen that the late hon. Ndilinge moved from Sagret Hotel to Dandora, Mwiki and back to Dandora. Who were these people and where were they?

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

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

It is under these circumstances that we are trying to form the Parliamentary Select Committee which will go down to unravel the mysterious death of the late Ndilinge. We understand very well that the late Ndilinge was an articulate politician who enjoyed a lot of grassroot support. That notwithstanding, we know that a general in the army dies in war by a gun because he has been trained to go to war. In the same vein, we will not totally close our eyes as far as the political murder of the late Ndilinge is concerned. We know very well that immediately after the Taveta by-election, we heard the late Ndilinge saying that his life was in danger. He was a distraught man. He talked to some of the hon. Members in this House, including hon. Eng. Toro and hon. Dr. Kulundu, about how much he was upset about the loss KANU suffered in the Taveta by-election.

Mr. Temporary Deputy Speaker, Sir, it is with due respect that this forms the basis of this investigation. Earlier on, the late Ndilinge had told this House that his life was in danger. We cannot close our eyes, given the fact that the late Ndilinge had influence, particularly in Makueni. I do remember the bitter political wrangles in KANU which led to the late Ndilinge being ousted as the KANU Chairman in Ukambani. It was a very acrimonious election marred with a lot of irregularities. It left a bitter taste among the people who were behind the coup in the KANU elections. It is worthy to remember that in the year 2001, the succession battle of the presidency was on and that is why we had coups and counter-coups everywhere in the Republic. People were being told to toe the line in preparation for President Moi's exit.

Mr. Temporary Deputy Speaker, Sir, when Members of Parliament had assembled at Kitaingo in Kilome to chart the map of the Ukambani leadership, I remember categorically the hon. Member saying: "We, as Akamba community, will support one of our own", at which point he mentioned hon. Musyoka's name. He proposed hon. Musyoka to be the presidential candidate to represent the community. He said this at a time when it was anathema for a Back-bencher to mention such unspeakables to the eyes of the existing regime which wanted to hear nothing but the loyalty pledge to them. The stage was set for silencing this hon. Member. We can only speculate, but we can find out the truth if this Parliamentary Select Committee (PSC) is put in place. We can come out with bare facts on who the real killers of hon. Ndilinge were.

Mr. Temporary Deputy Speaker, Sir, I would not like to laden this hon. House with a lot of information. At this point, I would like to call upon my Seconder, hon. Musyoka, to second the Motion.

Thank you.

The Minister for Foreign Affairs (Mr. Musyoka): Thank you, Mr. Deputy Speaker, Sir, for giving me the opportunity to second this absolutely essential Motion.

I will, at the onset, like to congratulate the hon. Member for Kilome for the wisdom in bringing this Motion. Indeed, it is late, but when it comes to establishing justice, we can never be late. The people of his constituency would definitely want to know the truth behind the slaying of the late Tony Ndilinge. When it happened, that killing took this country by storm and many questions were asked. In fact, it was given front-page treatment by all the daily newspapers. When it happened, many people were wondering why it had to happen. When I received the news of the killing from the police very early that morning, I could not believe it. The hon. Members elaborated how it was not possible to activate robbery as the motive. I just want to fall short of saying that it was a political killing, because that would be the work of the proposed PSC. I hope that this Motion will find overwhelming support from both sides of the House because we are dealing with a House that, I think, is given to wanting to see justice, not only being done, but every step of the way seemingly being seen to be done.

Mr. Temporary Deputy Speaker, Sir, I hope that even before the work of the PSC gets under

way, it would be possible for the NARC Government to re-open the Tony Ndilinge File. As I speak, I remember I had to record a statement, and many of my colleagues recorded statements too. I would want to be able to appear before the PSC and be able to be guided through that statement that I wrote, because people would want to know why Ndilinge was killed. I gave the sequence of events at that time, beginning with the breakfast meeting we had at the Serena Hotel. There were many of us; political leaders from the region, and we remember how Ndilinge came storming into that particular meeting full of fear. He was afraid for his life. He actually talked about some of us trying to trail him and wanting to kill him. I want to be given an opportunity to give evidence to the House Select Committee.

Mr. Temporary Deputy Speaker, Sir, even before that happens, the Government should re-open this matter and, perhaps, by way of a public inquest, allow people to give evidence. I will certainly be one them. I will go there and explain the circumstances that led to the death of Tony Ndilinge, at least, as I saw them at the time. We should not have a situation where an hon. Member of this House is assassinated and we do nothing about it.

I am happy that the people of Kilome Constituency elected Mr. J.M. Mutiso, who is an absolutely fearless person. The people of Kilome Constituency made the right choice. I know that Mr. J.M. Mutiso is appealing for justice. The passion with which he has pursued this matter will put him even in better standing with his constituents. I am very happy that he has actually taken up the challenge. I am also happy that the House Business Committee gave priority to this Motion. I hope it will be possible for us, not too distant in the future, to know why Ndilinge was killed. Why did Tony Ndilinge have to die? We cannot wish away Tony Ndilinge's death.

I was present at a ceremony in a place called Kitaingo in the late Ndilinge's constituency. What happened at that ceremony was simple. People were excited because everybody had a right to run for the presidency of this country. People were saying that they had faith in so-and-so, and there was joy in the simple village of Kitaingo. I want to remind this House that what followed that Kitaingo meeting was incredible. We were accused of all manner of wrong-doing, including giving people the abominable *githitu* thing in Ukambani. Some of us are believers. We do not believe in those things. It was said that we conducted some illegal ceremony and the late Ndilinge gave people an oath. I want to say here and now, that no such thing happened. All that happened was that the late Ndilinge's constituents expressed their political preference at the time. If Tony died because of that, I would want to know. However how long this will take, I would want to know why Ndilinge was killed. I know that people expect to know the truth.

Therefore, I wholeheartedly support this Motion and urge my colleagues to support it. It is also in line with the Government policy. We should not have situations that are so fresh in our minds just simply wished away. I know that as we speak, the two suspects were acquitted properly before a court of law. I want to congratulate the Attorney-General for acquitting the suspects. There was no point of going ahead with the case against individuals who were not in any way linked with the killing of the late Ndilinge. We should get the real culprits who killed the late hon. Member for Kilome Constituency.

I, therefore, wholeheartedly support this Motion.

(Question proposed)

Mr. Ndambuki: Mr. Temporary Deputy Speaker, Sir, I rise to support this Motion. I would like to thank the hon. Member for Kilome Constituency for bringing this Motion. What happened to the late Ndilinge was really a sad affair. He was not only a known hon. Member in Ukambani, but he was known in the entire country. It was really unfortunate that such a thing happened to him.

Mr. Temporary Deputy Speaker, Sir, I really support this Motion wholeheartedly because I would like the whole truth on this matter to be known. We know that the truth cannot be hidden forever. Even if we bury it 100 metres deep, it will still come out. During the time of investigations into the death of hon. Ndilinge, there were a lot of emotions and a lot of things were going on. I would like to support the formation of this Select Committee, so that we can know exactly what happened. We know that at that time there were so many people implicated in the death of the late Ndilinge. We would like to urge, every Kenyan and anybody who knows exactly what really happened to the late Ndilinge, to come forward and say what really happened.

Mr. Temporary Deputy Speaker, Sir, I remember at that time, some of us were very much humiliated by the fact that our names were dragged into this issue. God knows the truth. I am not defending myself, and I will get an opportunity to be witness in front of anybody and say this because I am innocent. The truth of the matter is, we would like every single person in Kilome Constituency, Ukambani and in the country in general to know exactly what was the motive behind the murder of the late Ndilinge.

It is also true that I recorded a statement with the police to this effect. I would like to know what happened to the investigations that were conducted by the police regarding this matter. We have read in the newspapers that the gun which shot him, and even his own gun, were found and that they are in police custody. We would like to know why the people who had those guns were not arrested.

Mr. Temporary Deputy Speaker, Sir, this is a very serious matter. This is not an issue where you can implicate some people without substantive reasons. A murder case is very serious. It is not like stealing a goat or a cow. It is a matter which we should take seriously. It is very important for Kenyans to know the truth of this matter. We should go ahead and make sure that all those who were involved in it are brought to book. We should avoid witch-hunting and bringing up issues just to malign other people's names. We should face the truth. It is my appeal to everybody who might have any single idea of what happened to come forward and say it before the Select Committee.

Mr. Temporary Deputy Speaker, Sir, it is also my appeal that the Committee will do its work with a lot of care, honourably, and not drag names into the Committee for the sake of it, because that will be reported to this House. They should not do things to achieve political ambition. We want to know the truth. A few weeks ago, we saw another incident whereby a Member of this House was mentioned in a similar case. We need to stop this issue of people standing up and maligning other people's names.

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I beg to support the formation of the Committee. I urge anyone who has any information to come forward and report to the Committee.

The Minister for Planning and National Development (Prof. Anyang'-Nyong'o): Thank you, Mr. Temporary Deputy Speaker, Sir. I stand to support this Motion wholeheartedly, and following the footsteps of my dear friend, hon. Mr. Mutinda Mutiso, and the Minister for Foreign Affairs, hon. Mr. Musyoka.

Mr. Temporary Deputy Speaker, Sir, hon. Mr. Ndilinge was our colleague in this House. As you see the words we always quote as we sit in this House, "For the welfare of society and the just Government of men," It is indeed that we must, whenever such atrocities happen, remember why we are in this House.

I remember a story in the *Bible* of a shepherd who went to look after 100 sheep. When he took them home, 99 were present but one of them was absent. The shepherd took time to ensure that one sheep that was not there had to come home before the shepherd was contented.

This House cannot rest still until we understand why hon. Mr. Ndilinge was murdered like a

dog, and why one single life in this Republic had to be lost in that manner. Anytime that a Kenyan dies under such circumstances, we are duty-bound, as the representatives of the people, to ensure that justice is done.

If you look at the membership of the Committee, there are 11 proposed members. I would like to submit to this House, just like the disciples of Jesus, that the members of the Committee are actually 12. The "silent member" is God Almighty, who will sit with these Members and ensure that justice is done. We, therefore, do not want to disappoint this "silent member" by not approving the Motion, and by not giving our full support to these hon Members. They should take time and fulfil their duty on behalf of the sovereign Republic of Kenya.

(Applause)

Mr. Temporary Deputy Speaker, Sir, I want to submit fully that the Government of Kenya will, and does support this Motion and the spirit expressed, because without justice, we cannot develop. Without justice, we cannot fulfil the hopes and inspirations of every Kenyan born, who hopes to live under the rule of law, to enjoy his or her potential, as the Government guarantees their security and their freedom of movement.

There is no crime big enough; no offence big enough to justify any life being taken away without the due process of law. I do believe that hon. Mr. Ndilinge never committed any crime or offended anybody that any anger, except the anger of God, should justify his life being taken away in that manner.

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

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Ethuro): Hon. Members, it is time to interrupt the business of the House. The House is, therefore, adjourned until this afternoon at 2.30 p.m.

The House rose at 12.30 p.m.