

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 12th November, 2003

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:-
Report on the Insurance Amendment Bill, 2003.

(By the Chairman of the Departmental Committee on Finance, Planning and Trade (Mr. Shitanda)

Report of the Departmental Committee on Administration of Justice and Legal Affairs on the deliberations of the nominees from the joint forum of religious organisations to the Kenya Anti-Corruption Advisory Board.

(By Mr. Were, on behalf of the Chairman of the Departmental Committee on Administration of Justice and Legal Affairs (Mr. Muite)

Mr. Speaker: Mr. Were, you have just tabled a report which requires adoption by the House. Would you like to give notice of a Motion?

NOTICE OF MOTION

ADOPTION OF REPORT OF KACAB MEMBERS

Mr. Were: Mr. Speaker, Sir, I rise, on behalf of the Chairman of the Departmental Committee on Administration of Justice and Legal Affairs, to give notice of the following Motion:-

THAT, this House adopts the Report of the Departmental Committee on Administration of Justice and Legal Affairs on the nomination of a representative of the Joint Forum of Religious Organisations to the Kenya Anti-Corruption Advisory Board, laid on the Table of the House on Wednesday, 12th November, 2003.

ORAL ANSWERS TO QUESTIONS

Question No.283

ENLISTMENT OF TBAs AND HEADMEN

INTO CIVIL SERVICE

Dr. Khalwale asked the Minister of State, Office of the President, what urgent plans there are to enlist all traditional birth attendants and village headmen as civil servants and pay them a salary.

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

The Government has no plans to enlist traditional birth attendants and village headmen as civil servants to be paid a salary.

Mr. Speaker: Dr. Khalwale, has your Question been answered?

Dr. Khalwale: Mr. Speaker, Sir, it has been answered very briefly. So, I was waiting for you to ask me to rise on a supplementary question.

Mr. Speaker: You know, Dr. Khalwale, when the answer was read, nobody stood up to ask a supplementary question. To me, this means you are satisfied. Have you changed your mind?

Dr. Khalwale: No, Mr. Speaker, Sir.

Mr. Speaker: Very well then! Next time, be alert.

Dr. Khalwale: Mr. Speaker, Sir, the Assistant Minister has answered part of the Question. The first part was about the traditional birth attendants. The second part of the Question is about the village headmen. So, could he give a complete answer?

Mr. Speaker: Who are headmen? Mr. Dzoro, do you understand who headmen are?

Mr. Dzoro: Mr. Speaker, Sir, I answered both parts of the Question. Perhaps, the hon. Member was not listening, but I would not mind repeating. I said the Government has no plans to enlist traditional birth attendants and village headmen as civil servants to be paid a salary.

Mr. Mganga: Mr. Speaker, Sir, over the years, the Government has utilised the services of village elders across the country. In fact, there is no place in this country that village elders do not exist. These people play a very important role in the management of development programmes and the maintenance of security. Could the Assistant Minister take into consideration the role played by the village elders across the country and consider paying them, if not a salary, some kind of allowance to enable them live some kind of decent life as village elders?

Mr. Dzoro: Mr. Speaker, Sir, while appreciating the good work the headmen and the traditional birth attendants have contributed in this country, I would like to state that any efforts towards employing additional staff within the Civil Service will push the wage bill beyond manageable levels. That is going against the Government policy on Civil Service reforms focusing on cost containment through initiatives to reduce the size of the Civil Service.

Dr. Khalwale: Mr. Speaker, Sir, about 80 per cent of the deliveries in this country are carried out by traditional birth attendants. Could the Assistant Minister undertake to give legal status to traditional birth attendants so that they appear as paramedics and be given a salary?

Mr. Dzoro: Mr. Speaker, Sir, the hon. Member's sentiments have been noted. We will look into ways of taking appropriate action.

Mr. Speaker: Let us proceed to Mr. Abdirahman's Question.

Mr. Abdirahman: Mr. Speaker, Sir, before I ask the Question, I would like to bring to your attention, a typing error in part (b). The word "central" should read "control".

(A cellphone rang)

Mr. Speaker: Order, hon. Members! Where is that gadget?

An hon. Member: It is in a bag!

Mr. Speaker: Where? Is it with a stranger?

An hon. Member: Yes!

Mr. Speaker: Order! Order! All strangers are advised not to disrupt the business of the House. Otherwise, they will be removed from the Galleries.
Let us proceed.

Question No.386

ESTABLISHMENT OF CONTROL VERIFICATION BORDER POSTS

Mr. Abdirahman asked the Minister of State, Office of the President:-

- (a) why passengers travelling through Garissa-Nairobi Road are subjected to Identity Card (ID) verification at the Tana River Bridge; and,
- (b) whether he could consider establishing control border posts for verification purposes.

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

(a) The ID card verification at Tana River Bridge is a normal security measure to detect aliens and refugees who avoid passing through the established immigration points or acquiring the relevant travel authorization.

(b) Border posts are being strengthened. However, this will not eliminate the need for continued identification measures at various points on the trans-national highways and border points to ensure security in the country.

Mr. Abdirahman: Mr. Speaker, Sir, the aged and the sick travelling between Wajir and Mandera suffer a lot because they are also forced to disembark from the buses in which they travel. It is the feeling of Kenyan Somalis that they are being alienated further from their Kenyan brothers. You find that people coming from areas we call "down Kenya" are not asked to show their ID cards. Refugees and refugee camps are everywhere in this country. There are quite a number of refugee camps. Mr. Speaker, Sir, we feel that this is not a normal---

Mr. Speaker: It is becoming a speech, Mr. Abdirahman.

Mr. Abdirahman: I am sorry, Mr. Speaker, Sir. What is inhibiting the Government from strengthening Liboi, Mandera and Gor Fahar Border Posts, so that all the screening is done at those points, instead of inconveniencing Kenyan Somalis, for all this long?

Mr. Tarus: Mr. Speaker, Sir, the Government has, indeed, strengthened Liboi, Gor Fahar, El Wak, Mandera and Hulugho Border Posts. But we are also operating in an environment where security considerations have had to be strengthened, throughout the country, for the basic reason that we would like security for Kenyans, including the passengers. That is why ID card verification should be taken in good faith.

Mr. Mukiri: Mr. Speaker, Sir, ID card verification is not only done at Tana River Bridge; it is done all over the country. Whenever our people travel at night, policemen arrest them on the pretext that they do not have ID cards. This is a colonial law which ought to have been abolished a long time ago. Could the Minister consider using other measures to check insecurity in this country rather than subject innocent citizens to this kind of inhuman treatment?

Mr. Tarus: Mr. Speaker, Sir, whereas we would not like Kenyans harassed on the pretext of security concerns, we have to take due consideration of the fact that the Government has to play its role in ensuring security prevails in the country. In most cases, we have even found people travelling in buses being hijacked. So, ID card verification is for the purpose of the security of these very people.

Mr. Wario: Bw. Spika, barabara kutoka Mandera imeishia Nairobi. Mkoa wa Kaskazini Mashariki unapakana na Mkoa wa Pwani, haswa, Wilaya ya Tana River. Isipokuwa Garissa na Tana River, ni wapi kwengineko ukaguzi kama huu hufanyiwa Wakenya? Kwa nini tunabaguliwa?

(Applause)

Mr. Tarus: Mr. Speaker, Sir, there is no official policy of discrimination.

An hon. Member: Reply in Kiswahili!

Mr. Tarus: Mr. Speaker, Sir, Mr. Wario went to school; he understands English.

There is no official discrimination of any kind. So, can the people of Kenya take the security efforts being made by the **[Mr. Tarus]** Government in good faith? It is for their own good.

Mr. Speaker: Could we have the last question on this matter from Mr. Abdirahman?

Mr. Abdirahman: Mr. Speaker, Sir, mine is not a question but a kind of request. The police post right on our border to the southern part of Wajir is very close to Somalia, and security operations should have been done to enhance security. Could the Assistant Minister consider upgrading that post to offer immigration services alongside other security services?

Mr. Tarus: Mr. Speaker, Sir, the function of providing immigration services lies in the Office of the Vice-President and Ministry of Home Affairs. With regard to the issue of the police post, we shall give it due consideration. If it merits, we shall go in that particular direction.

Question No.404

PAYMENT OF DUTY ON HOSPITAL
SHEETING MATERIALS

Mr. Muturi asked the Minister for Finance:-

- (a) whether water-proof sheeting materials for hospital beds that are imported into Kenya are dutiable, and if so, under what Custom tariff classifications;
- (b) whether he has ever exempted these materials from payment of such Customs Duties and VAT since 1996; and,
- (c) how much money the Exchequer has cumulatively lost over that period.

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

(a) The materials in question are plastic sheeting material of Tariff No.3901.20.00, which are goods of general use. Currently, they attract VAT at the rate of 16 per cent but they do not attract any Customs Duty. It is, however, important to point out that these materials attracted Import Duty at the rate of 5 per cent, between June, 1996 and 13th June, 2002. There has, therefore, been no Import Duty on these materials from 13th June, 2002. The use of these materials is, therefore, not confined to hospital beds only.

(b) The Ministers for Finance have, on a number of occasions, from 1996 to-date, exempted these materials from Customs Duty and VAT. The materials which are exempted from VAT, upon the recommendation of the Director of Agriculture, are those imported for agricultural, horticultural and floricultural use. This exemption is provided for under Item 23 of part (A) of the Eighth Schedule to the VAT Act and Item 28 of Part (B) of the Customs and Excise Act.

(c) Between January 1996 and June 2003, the Exchequer has foregone revenue amounting to Kshs493,647,456 and Kshs1,383,791,344 as a result of Customs Duty and Value Added Tax (VAT) exemptions respectively. The figure for the Customs Duty is up to 13th June, 2002. There has been no duty on those materials since June that time.

Mr. Muturi: Mr. Speaker, Sir, my Question specifically refers to water-proof sheeting materials for hospital beds and, indeed, the Minister acknowledges that the questions are on plastic sheeting materials. I have carried the relevant Tariff Finance Acts of the years 1999 to 2000 and 2000 to 2002. The items that the Minister puts at Tariff No.3901 are clearly indicated and referred

to as "polymers" of "ethylene" in primary forms. Those are not the water-proof sheeting materials I have asked about. The water-proof sheeting materials that I have asked about are classified under Tariff No.3920.49. Could the Minister explain why they have been giving exemptions to items which do not qualify for duty exemption under the wrong tariff classification?

Mr. Mwiraria: Mr. Speaker, Sir, the hon. Member has the advantage of having the book with him but, it sounds as though the item he read is the raw material for making polythene sheeting. What I said in the answer to the Question is that polythene sheeting can be used for hospital beds, covering agricultural crops in the farms among other uses. I said that those are the ones I was referring to.

Mr. Muturi: Mr. Speaker, Sir, to point out that anomaly, I have a letter dated 6th June, 2000, to the Commissioner of Customs and Excise and it is signed by Mr. C.B. Okemo, EGH, Minister for Finance. The reference is sheeting materials for hospital beds. He has classified them as hospital bed material cover, Tariff No.9402.90, and he says that they are to be duty free. Therefore, no duty should be paid on them.

I want to lay a copy of this letter on the Table for the Minister's benefit, so that he can answer my Question properly.

*(Mr. Muturi laid the document
on the Table)*

Mr. Speaker: What is going on?

Mr. Mwiraria: Mr. Speaker, Sir, I do not know whether the hon. Member did not understand me. I said that we have not charged duty on those items since 13th June, 2002.

Mr. Speaker: Last question, Dr. Godana!

Dr. Godana: I hope it is not going to be last question because I do not want to---

Mr. Speaker: It is the last one!

Dr. Godana: You are privileged, Mr. Speaker, Sir! Could the Minister tell us what criteria was used for differentiating between polythene sheeting for hospital mattresses, polythene sheeting for other mattresses and polythene sheeting for other commercial uses?

Mr. Mwiraria: Mr. Speaker, Sir, the international classification for customs use on goods is done internationally. It is the same classification and we do not do it in Kenya. We only adopt it and, perhaps, just vary a little where we think we need to change the international classification.

Mr. Speaker: Last question, Mr. Muturi!

Mr. Muturi: Mr. Speaker, Sir, the Minister in his answer, says that the exemptions which he has listed are for materials to be used in agriculture, horticulture, floriculture and not for polythene covers for hospital mattresses. Since the exemptions can only be in the three areas he has quoted, could he tell us under whose authority he gave the exemptions on covers for hospital mattresses?

Mr. Mwiraria: Mr. Speaker, Sir, let me read part of my answer, so that the hon. Member can understand what I said. I repeat:-

The materials in question are plastic sheeting materials Tariff No.3901, which are goods of general use and currently, attract VAT at the rate of 16 per cent and do not attract Customs Duty.

Question No.703

UTILIZATION OF MONEY COLLECTED
BY KMC RECEIVER MANAGER

Mr. Kaindi asked the Minister for Finance:-

(a) whether he could explain to the House how much money the Receiver Manager

for Kenya Meat Commission (KMC) has collected to date; and,
(b) how the money has been utilised.

(Mr. Gachagua walked across the Chamber without bowing to the Chair)

Hon. Members: On a point of order, Mr. Speaker, Sir.

The Minister for Finance (Mr. Mwiraria): Mr. Speaker, Sir---

Mr. Nyachae: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order! Order! Mr. Nyachae, what is it?

Mr. Nyachae: Mr. Speaker, Sir, there is somebody in this House who has dishonoured the authority of this House. He has walked across the Chamber to the other side without going to the Bar and bowing to the Chair! Could he go back?

Mr. Speaker: Order! Order! Is it Mr. Muchiri?

Hon. Members: Mr. Gachagua!

Mr. Speaker: Order! Order, hon. Members! Mr. Gachagua, you have been here for almost a year. We do not just cross the Floor.

(Laughter)

You must go to the Bar, bow and proceed to wherever you want. You must realise that the House and the Chair do not accept short-cuts. You must follow the procedure! You must now proceed to the Bar, bow and return to wherever you wanted to go!

(Mr. Gachagua moved to the Bar and bowed to the Chair)

That is good. Please, proceed, Mr. Mwiraria!

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

(a) Since the KMC was put under receivership on 17th September, 1998, a total of Kshs49,038,000 as at 30th September, 2003, has been collected by the receiver managers. These collections were earned as follows:-

An old bank account, Kshs781,000; sale of land and buildings, Kshs18,250,000; sale of other non-core assets, Kshs2,423,000; sale of sundry assets, Kshs165,000; lease income, Kshs586,000; rental income, Kshs26,786,000 and interest income, Kshs47,000. The total collections amounted to Kshs49,038,000.

(b) The amount of money collected so far has been utilised to settle part of the outstanding loan owed to the National Bank of Kenya Limited. The total level of indebtedness of KMC to the bank, as at 30th September 2003, stands at Kshs2,272,136,000.

Mr. Kaindi: Could the Minister explain specifically how much money was the Receiver Manager being paid per month? Secondly, is he satisfied that that level of remuneration was commensurate to the Receiver Manager's level of services in view of the fact that he visited Athi River less than three times throughout this period?

Mr. Mwiraria: Mr. Speaker, Sir, the Receiver Manager was earning Kshs3 million but we were dissatisfied with this amount. So, we removed him and appointed a new one.

Mr. Muiruri: Mr. Speaker, Sir, everybody knows that KMC is insolvent and is under receivership. From what sources has the official Receiver Manager been paid this money? Could the Minister also concur with me that this money has always come from the National Bank of Kenya (NBK) and Kshs3 million is far too high? Lastly, could he tell us the name of this Receiver

Manager?

Mr. Mwiraria: Mr. Speaker, Sir, let me say categorically that no money has been coming from NBK. A bank does not normally throw good money after bad money. The second point is that I am afraid this is a Question of inheritance. We inherited this thing from the former Government made up of some of the people sitting on the opposite side and that is KANU!

Mr. Muiruri: On a point of order, Mr. Speaker, Sir. The Minister has totally misled the House. I was a director of NBK and I know for sure that the official Receiver Manager was appointed by NBK and I am ready to verify that.

Dr. Godana: Mr. Speaker, Sir, I think, with due respect, it is very cheeky for the Minister to try and evade responsibility by saying that it is a problem of inheritance. Yes, it is a problem of inheritance and, indeed, while there are people on this side who were---

The Minister for Trade and Industry (Dr. Kituyi): On a point of order, Mr. Speaker, Sir. In the life of the last Parliament you will remember that one hon. Member almost committed sacrilege by attempting to fight the hon. Member on the Floor now when he spoke from the Chair and called hon. Mwai Kibaki "cheeky". Since then we have accepted that the word "cheeky" is not part of parliamentary parlance, could you restrain him from using such irresponsible language to refer to a Minister of Government?

Mr. Speaker: Order! The rules of the House do not discriminate between a Minister of Government, a Back-bencher of Government or a Back-bencher of the Opposition. It applies to all and sundry. I believe the word "cheeky" by itself is cheeky. It connotes evasiveness, slyness and dishonesty, and I think that is not parliamentary language. You must withdraw it.

Dr. Godana: Mr. Speaker, Sir, I stand by the Chair's ruling. I apologise and withdraw. I meant to say the Minister is trying to be very cunning by trying to say that it is people on this side who created the mess at KMC. It cannot be worse.

Mr. Speaker: What have you said? Order! Dr. Godana, I am sure, in your arsenal of words, you must get more respectable words. Just keep the bad ones out of your arsenal for an appropriate occasion outside the House. For the time being, fish the good ones.

Dr. Godana: Mr. Speaker, Sir, I would say the word "cunning" is being less than candid. That will get the benefit of Dr. Kituyi's---

Mr. Twaha: On a point of information, Mr. Speaker, Sir. "Cheeky" has nothing to do with cunningness. "Cheeky" is about being audacious.

Mr. Speaker: What did you say?

Mr. Twaha: Mr. Speaker, Sir, hon. Dr. Godana is misleading the House that cheeky is equivalent to cunning. Cheeky is actually equivalent to being audacious.

(Laughter)

Dr. Godana: Mr. Speaker, Sir, the Minister for Finance, much as he might have inherited this problem, knows very well that much as there are people on this side who were in that Government, many of those who were key in making policy decisions particularly at the time when KMC was put under receivership are actually there on that side now. In any case, could the Minister, as the Minister in charge of Finance, whose portfolio includes overall responsibility when it comes to making policies on privatisation, tell us for sure now what is the Government position on KMC? Do they intend to continue with the receiver manager system which has already fleeced the country or do they intend to close down KMC and privatise it? Could he tell us what exactly he intends to do to arrest the problems from that inheritance?

Mr. Mwiraria: Mr. Speaker, Sir, we have a very clear policy on privatisation. Let me

make it clear to the hon. Member that we have decided to privatise, but after we have asked this House to pass a law which will establish the machinery and put down the guidelines for privatisation in an open and accountable manner.

Mr. Speaker, Sir, the second point that I want to make is that it is extremely difficult to privatise and get value for your company which you are privatising if you are privatising under duress. It is for this reason that the NARC Government wants to restructure some of the companies before we privatise them so that we can get value for money. After all, it is the taxpayers of this nation who paid for this company.

Mr. Kimeto: On a point of order, Mr. Speaker, Sir. You have heard the hon. Minister say that the Kshs3 million which was being paid to the Receiver Manager was on the higher side, and yet Dr. Godana said he was dissatisfied with his answer. Is he in order to be dissatisfied without telling the House whether he wants the Receiver Manager to be paid Kshs10 million or Kshs5 million? What is all this dissatisfaction about?

(Laughter)

Mr. Speaker: Order, Mr. Kimeto! I have absolutely no control over the sensation of hon. Members. When an hon. Member is dissatisfied, there is really nothing I can do about it.

Mr. Angwenyi: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order! Let us have Mr. Kaindi, now.

Mr. Angwenyi: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: What is it?

Mr. Angwenyi: Mr. Speaker, Sir, the Minister told us that the amount of money being paid to the receiver manager does not come from the National Bank of Kenya and yet a former Director of the National Bank of Kenya says that the money comes from the same bank. Which is which?

Mr. Speaker, Sir, is the Minister in order to mislead this House that the money does not come from the National Bank of Kenya when a former Director of the National Bank of Kenya admits that the money comes from the same bank?

Mr. Mwiraria: Mr. Speaker, Sir, it is possible for any two individuals to misunderstand one another and I am pleading with my colleague there that we talk about this matter so that I can find out where the truth lies.

(Laughter)

Mr. Speaker: Order, all of you! Order, Members! Mr. Kaindi was on the Floor and his is the last question!

Mr. Kaindi: Mr. Speaker, Sir, common logic dictates that--- If you look at the Kshs3 million the Minister is talking about, it translates to Kshs36 million a year. Therefore, if you look at the period that the Receiver Manager was on site, all that he collected, he actually consumed it. So, which part was paid to the National Bank of Kenya?

Mr. Mwiraria: Mr. Speaker, Sir, I have noticed here that the Receiver Manager was originally appointed by the National Bank of Kenya, but what we have done is to take over the responsibility.

We have appointed Government officials whom we are paying very little because we noticed that we were undergoing losses.

(Loud consultations)

*Question No.540*TARMACKING OF KATITU-KENDU
BAY-HOMA BAY ROAD

Dr. Awiti asked the Minister for Roads, Public Works and Housing:-

- (a) if he is aware that Katitu-Kendu Bay-Homa Bay road has huge potholes that have made the road impassable; and,
- (b) when the road will be tarmacked.

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

(a) I am aware that the section of the road between Katitu and Kendu Bay has potholes, but the road is still motorable.

(b) My Ministry has already advertised for pre-qualifications for contractors for the construction, to bitumen standards, of the road section between Kendu Bay and Homa Bay.

Dr. Awiti: Mr. Speaker, Sir, I would like to know how much the Ministry has allocated for tarmacking the road between Kendu Bay and Homa Bay? Also, I would like to know what the Ministry is doing about the road between Katitu and Kendu Bay because that particular section of the road is not included in the pre-qualifications for contractors he has just stated?

Eng. Toro: Mr. Speaker, Sir, once we award the tenders, we will be able to release the figure of the amount of money required to bitumenize the section of the road between Kendu Bay and Homa Bay. However, for the section between Katitu and Kendu Bay, which is not in the programme for bitumenization, the Ministry has allocated, this financial, for patch and seal, Kshs50 million which will be used by our resealing unit.

Dr. Awiti: Mr. Speaker, Sir, could the Assistant Minister tell us when the repair-works on the road between Katitu and Kendu Bay is going to be effected? That road is a very bad road and yet it is the road that the current President had promised us that it will be tarmacked.

The former President too, had promised that it would be tarmacked. Even the late President Kenyatta had promised us so. Until today, the road is still untarmacked. So, the people of this area have been suffering a great deal. Could the Assistant Minister tell us when the repairs are going to take off?

Eng. Toro: Mr. Speaker, Sir, there is a difference between a promise and an actual allocation. As I said earlier on, this financial year, we have allocated Kshs50 million for that section of the road and work is going to begin as soon as it is practically possible.

Question No.689

REPAIR OF NKINYANGA-NYAMBENE ROAD

Mr. Muriungi asked the Minister for Roads, Public Works and Housing:-

- (a) if he is aware that the road from Nkinyanga market to Nyambene transmitter station is completely impassable; and,
- (b) in view of the strategic importance of the road, what urgent measures he will take to make the road passable.

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

(a) I am aware that Nkinyanga market to Nyambene transmitter station road is impassable since its destruction by flash floods this year.

(b) My Ministry, in conjunction with the District Roads Committee (DRC), will rehabilitate the road in question at a cost of Kshs1,755,062 this financial year.

Mr. Muriungi: Mr. Speaker, Sir, I am not satisfied with the answer given. First of all, the road the Assistant Minister is saying that will be rehabilitated, is different from the one I had asked about. There are two roads leading to the Nyambene transmitter station. One, is the one I had actually asked about, from Nkinyanga Market direct to the transmitter station. The other one is from Nturuba Market to the transmitter station. The one for which the money has been allocated is not the one I had asked about. So, my question still remains.

Mr. Speaker, Sir, secondly---

Mr. Speaker: Put your question first.

Mr. Muriungi: Mr. Speaker, Sir, the question still remains: When will the Nkinyanga-Nyambene transmitter station be made passable?

Eng. Toro: Mr. Speaker, Sir, our records show that the alternative road that the hon. Member is talking about is from Nturuba to Maua to the Nyambene transmitter station. However, the seven-kilometre stretch that the hon. Member asked about has been allocated the amount of money I have quoted. The money was allocated by the DRC which met on 25th July, 2003 and the Member of Parliament was among the members who approved the expenditure of the amount that I have just talked about. I am surprised, now, to hear that the amount approved to repair this road is now going to be used to repair another road.

Mr. Munya: Mr. Speaker, Sir, that road is a very important one because it leads to the transmitter station. I had a chance to use the road and I can assure you that the road is impassable. Why is the Assistant Minister not allocating enough money to repair the road? Kshs1 million is not enough to repair it. Could he tell us the specific works that would be done on that road using only Kshs1 million?

Eng. Toro: Mr. Speaker, Sir, this allocation was done through the DRC. The Ministry, in conjunction with the DRC, will be able to rehabilitate the seven kilometre stretch to make this road accessible. However, the Kshs1.7 million has not been put to use yet so that the Ministry can come in. It is up to the DRC to start using the money and then tell the Ministry how much more money they need so that we can be able to finish the seven- kilometre stretch.

Mr. Speaker: Very well, let us have the last question by Mr. Muriungi.

Mr. Muriungi: Mr. Speaker, Sir, it seems as if the Assistant Minister has not understood what roads we are talking about. He has not answered the question of the road from Ting'ang'a to the transmitter station. Can the Minister now consider allocating more funds for the Nturova-Nyambene Road so that it can be tarmacked, if it is the more viable of the two? This is due to the strategic importance of this road; a road which serves the Kenya Broadcasting Corporation (KBC), Telkom Kenya, Kenya Police, the Army, Citizen Radio and other organizations of the Government.

The Assistant Minister for Roads, Public Works and Housing (Eng. Toro): Mr. Speaker, Sir, I would request the hon. Member to sit down again in the DRC and tell the Ministry exactly which roads they want prioritized, because according to our records and the information that we got from the District Works Officer (DWO), the seven kilometre stretch of road has been allocated Kshs1.7 million by the DRC, which sat on 25th July, 2003. If they want to forward a different road, they should sit down again and let us know which one they have prioritized.

Mr. Speaker: Very well, last Question, Mr. Leshore! Serjeant-at-Arms, could you, please, help the hon. Member with the microphone?

*Question No.687*HEALTH FACILITIES FOR
WAMBA HEALTH CENTRE

Mr. Leshore asked the Minister for Health:-

- (a) whether she is aware that the maternity facilities at Wamba Health Centre are not in use because of inadequate equipment and staff; and,
- (b) what urgent measures she has put in place to provide modern facilities and trained staff to the centre.

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

(a) I am aware that the staffing levels and equipment at Wamba Health Centre require improvement. In its current position, however, the centre is able to provide maternity services. The operations of the health centre are, however, overshadowed by the Catholic Wamba Mission Hospital, which is only 500 metres away.

(b) More personnel will, however, be deployed to Wamba Health Centre as soon as the Ministry employs additional staff. The Ministry is also assessing the position of equipment at the centre with a view to replacing the old ones, so as to modernize the maternity services at the health centre.

Mr. Leshore: Mr. Speaker, Sir, Wamba Catholic Mission Hospital is a private hospital and this health centre is a Government institution. I would have expected that if the lady Minister goes there, and she is in need, she should also use the same facilities. But if maternity facilities are not there, I am urging the Assistant Minister to state now when he is going to provide them?

Mr. Speaker: Order! Order! I think the Serjeant-At-Arms must help Mr. Nyachae, who is really being helpful to Mr. Leshore; and that is not really his job. Can the Serjeant-At-Arms attend to that microphone, please?

Thank you, Mr. Nyachae!

Mr. Leshore: Thank you, Mr. Speaker, Sir, for saying that on my behalf. As I was saying, there is no equipment there to be improved. So, could the Assistant Minister tell this House when he is going to provide even three maternity beds so that Samburu women and mid-wives can all be using that facility?

Mr. Konchella: Mr. Speaker, Sir, the health centre, as I said, is being overshadowed by the Catholic Mission Hospital, which is well equipped and well managed. So, most of the people go to the mission hospital. But that does not mean that the health centre does not have the equipment. It has all the equipment that is required for the maternity service.

Mr. Speaker, Sir, some of the equipment might be old, and that is why we are saying that we will modernize it in the future. We will also provide additional equipment. But at the moment, they have enough equipment.

Mr. Ngoyoni: Thank you, Mr. Speaker, Sir. Every other day we ask Questions concerning understaffing and shortage of equipment in Arid and Semi-Arid Lands (ASALs).

Mr. Speaker, Sir, could the Assistant Minister consider giving the District Hospital Management Boards (DHMB) authority to employ staff as the demand arises?

Mr. Konchella: Mr. Speaker, Sir, the Ministry has no objection to hospitals employing additional staff using the cost-sharing funds. That is the priority of the hospital. But the Ministry has a problem at the moment because of lack of funds. But should we get the authority, we will consider sending enough staff to those understaffed areas.

Mr. Nyachae: Mr. Speaker, Sir, I am a witness of a message that was given to *Mzee* ole

Pipwi, who used to pray for us here. He was given a promise about a hospital in Wamba, and today I am hearing the Assistant Minister saying that that is a private hospital and, therefore, there is very little they can do about it. What is the Government doing to fulfil what you promised elders?

Mr. Konchella: Mr. Speaker, Sir, with all due respect to the hon. Member, I said that the health centre has enough facilities to undertake maternity services. I have a list of all the equipment, if the hon. Member needs to read it, showing that the health centre can provide the maternity service. So, there is no shortage of equipment. The health centre is able to provide the service, but what is happening is that most people prefer to go to the modern hospital which is 500 metres away, instead of going to the public hospital.

Mr. Speaker, Sir, as a result, most of the staff are idle and not working. So, when somebody goes there and finds that there is no staff, it is because they are not being fully utilized.

Mr. Sasura: Mr. Speaker, Sir, this Assistant Minister is completely misleading the House. The Questioner did not say that there is no equipment; he said that there is nobody to use the equipment because there is no staff there.

Mr. Speaker, Sir, is he in order to keep misleading us that there is enough equipment, when the Questioner is talking about the staff?

Mr. Konchella: Mr. Speaker, Sir, we have one clinical officer, four nurses, two public health technicians and one public health officer at the health centre. So, we have enough staff to run the services.

Mr. Speaker: Order! I am a little amazed, Assistant Minister. Do public health technicians help in maternity affairs?

Mr. Konchella: Mr. Speaker, Sir, I am talking about the overall provision of health care services at the health centre.

Mr. Angwenyi: Mr. Speaker, Sir, you asked the Assistant Minister a very pertinent question: What have public health technicians got to do with a maternity ward? We need a mid-wife or a gynaecologist there, do you have them there or not? That is the question!

Mr. Konchella: Mr. Speaker, Sir, could the hon. Member repeat the question?

Mr. Angwenyi: Mr. Speaker, Sir, the maternity ward is not functional because there is no staff. The Assistant Minister has told us that the hospital has technicians. Are there mid-wives and gynaecologists?

Mr. Konchella: Mr. Speaker, Sir, we have four nurses there, who are qualified to provide maternity services. I have their names here and I can read them out to the hon. Member.

Mr. Leshore: Mr. Speaker, Sir, Samburu District does not have maternity facilities because some of these beds have been raided--- (Inaudible). If the Ministry does not have enough personnel to send to the district, could the Assistant Minister introduce mobile maternity services?

Mr. Konchella: Mr. Speaker, Sir, I will undertake to look at the requirement for additional maternity beds.

Mr. Speaker: Very well! Next Question, Mr. L. Maitha!

Question No.729

SETTLEMENT OF SQUATTERS IN MALINDI

Mr. L. Maitha asked the Minister for Lands and Settlement:-

- (a) whether he is aware that a portion of ADC farm in Malindi was allocated to influential individuals in disregard of the squatters around the farm;
- (b) who the beneficiaries are; and,

(c) what plans he has to settle these squatters.

The Assistant Minister for Lands and Settlement (Mr. Ojode): Mr. Speaker, Sir, I beg to reply.

(a) The Agricultural Development Corporation (ADC) farm in Malindi, Plot No. CR.7982, was not allocated, but was sold by the Corporation to private individuals on a willing buyer, willing seller basis.

(b) I wish to table the list of the beneficiaries.

*(Mr. Ojode laid the document
on the Table)*

(c) Settlement of genuine squatters will be done immediately, once suitable land has been identified.

Mr. L. Maitha: Mr. Speaker, Sir, the Assistant Minister has said that this land was not allocated to private individuals, but sold on a willing buyer, willing seller basis. It surprises me that the sale of this land completely locked out the local community. Although I have not seen the list the Assistant Minister has laid on the Table, I am sure it does not include members of the local community.

Could the Assistant Minister assure this House that all the letters of offer which have not been processed into title deeds will be cancelled, so that the land can revert back to the ADC and be re-advertised for sale?

Mr. Ojode: Mr. Speaker, Sir, this land was initially registered in the name of H.G. Patterson for a term of 99 years with effect from 1st June, 1927. It was 411 acres. In 1974, the land was transferred to Lands Ltd. which is a subsidiary company of the ADC. In 1994, the ADC applied for sub-division of the above land and change of user from agricultural to residential. The resultant sub-plots were sold to interested buyers on the basis of willing buyer, willing seller.

I am also aware that there are some plots whose title deeds have not been processed. I want to assure the hon. Member that I will cancel all letters of offer for plots whose title deeds have not been processed. The land will revert to the ADC.

Mr. Sambu: Mr. Speaker, Sir, the Assistant Minister has said that the Ministry is looking for land to settle the squatters. There are former colonialists who still own land in this country, which they acquired by the force of the gun. Could the Government repossess all that land and distribute it to landless people?

Mr. Ojode: Mr. Speaker, Sir, Mr. Sambu will agree with me that we have tried, as a Ministry, to identify land and distribute it to genuine squatters. The biggest problem we are facing is that the same squatters, whom we allocate plots to, later on sell the plots and come back as squatters again. We want to identify the genuine squatters and if need be, we will include the names of the husband and the wife in one title deed, so that they do not sell the plots.

Mr. Marende: Mr. Speaker, Sir, the Assistant Minister has said that the ADC farms were sold on a willing buyer, willing seller basis. Could he explain why ADC farms would be sold, when, in the first place, they were meant to be model farms for farmers? They were also meant to be instrumental in promoting agricultural research.

Mr. Ojode: Mr. Speaker, Sir, that is a very good question which should have been directed to the Ministry of Agriculture. The ADC falls under the docket of the Ministry of Agriculture. We only do the sub-divisions and issue title deeds. Once the sub-division has been done, the allottees only come for the title deeds. Fortunately, not all the plots have been issued with title deeds. That is where we could come in as a Ministry. We will not process the title deeds which are still pending.

We will cancel them.

Mr. L. Maitha: Mr. Speaker, Sir, today, the ADC is a dead corporation. The remaining portion of the ADC farm is lying idle. Since the Assistant Minister has said that he will settle the squatters if suitable land is available, could he undertake to use funds from the Settlement Fund Trustee (SFT) to acquire the remaining portion of land, and distribute it to squatters?

Mr. Ojode: Mr. Speaker, Sir, once this land reverts to the ADC, we will approach the ADC to sell it to us. We will use SFT funds to purchase it in order to settle genuine squatters.

Question No.275

FAILURE BY ADVOCATE TO
RELEASE CLIENT'S MONEY

Mr. Wamwere asked the Attorney-General why Mr. M.A. Odeny and Co. Advocates refused to pay Ms Margaret Njoki Kshs1,620,000, that he had received arising from court case HCCC No.343, Nakuru?

The Attorney-General (Mr. Wako): Mr. Speaker, Sir, I beg to reply.

By letter dated 24th January, 2001, Messrs. M.A. Odeny and Co. Advocates informed the Complaints Commission that both the Judgement Debtor Company, Kisii Express Bus Service and Access Insurance Company Ltd., which had issued the insurance cover were under liquidation and could not pay the amount. That is why she agreed to instalments of Kshs100,000 per month. The advocate further stated that the cheque for Kshs20,000, which had been dishonoured, was replaced by cash and duly acknowledged by Ms. Njoki.

Mr. Speaker, Sir, the Complaints Commission's further investigations reveal that the said firm of advocates may have received Kshs1.1 million. Ms. Njoki has not stated how much of this amount she received from the advocate, who in his letter to the Complaints Commission, said the amount had been paid. By letter dated 23rd July, 2002, the complainant was requested to see the investigating State Counsel or the Complaints Commission on 27th May or 29th August, 2002, in order to provide details which will enable the Complaints Commission to pursue the matter further. She did not do so. She is kindly requested to visit the Complaints Commission to enable it to take further steps in the matter.

Mr. Wamwere: Mr. Speaker, Sir, the amount which has been paid to Ms. Njoki, according to my information, is Kshs587,000. This is a mere one-third of the Kshs1.62 million that she was entitled to. This means that the lawyers kept two-thirds of the award and paid out only one-third to the accident victim. Could the Attorney-General tell the House when the balance will be paid? Could he also tell us whether he considers keeping clients' money by advocates as a crime? If so, how many of these advocates has the Attorney-General prosecuted?

Mr. Wako: Mr. Speaker, Sir, I cannot answer for the said firm of advocates because I do not know when they will pay the balance. However, I do consider that if what the hon. Member has alleged is true, that Ms. Njoki has only received Kshs583,000, then that is a crime. The advocate concerned will be prosecuted. That is why the Advocates Complaints Commission of Kenya (ACCK) did ask her to go to their offices to confirm how much she has received. This is the first time I have heard how much she received. However, we want her to tell us how much she has actually received from the total of Kshs1.1 million. However, she has not gone there. If she does go, and if she does produce evidence that only that amount has been paid and if it contradicts with what the advocate said, that he has paid everything, then, obviously, the next step will be for the police to take action and prosecute the advocate.

Mr. Kombe: Mr. Speaker, Sir, what action will the Attorney-General take against those lawyers who actually have consumed money that was to be paid to accident victims? The concerned victims have complained to the ACCK, but it has turned a deaf ear to them.

Mr. Wako: Mr. Speaker, Sir, where there is a provable case, prosecution will ensue. The next Question actually on the Order Paper is about one such prosecution. We shall come to it. However, I can inform the House that the Criminal Investigation Department (CID) have now set up a unit. They are investigating over 30 cases which I have forwarded to them of theft of clients' money. I hope that a few of those advocates will be prosecuted, convicted and sentenced. They will be the guests of the Prisons Department which is under the Office of the Vice President and Ministry of Home Affairs.

Mr. Wamwere: Mr. Speaker, Sir, could the Attorney-General tell the House why Ms. Njoki is expected to receive only Kshs1.1 million when the award made to her was Kshs1,620,000? What happened to the Kshs500,000 that will not to be paid to her?

Mr. Wako: Mr. Speaker, Sir, the problem here is that both the insurance company and the bus company have gone under liquidation. It is good that she, did, at least, get something from the bus company before it was finally wound up.

Mr. Speaker: Next Question, Mr. Gachagua!

Question No.838

COMPENSATION FOR FAMILIES
OF PRISON WARDERS

Mr. Gachagua asked the Attorney-General:-

(a) If he is aware that families of prison warders who perished in a road accident at Ruaraka while on their way to attend rehearsals at Uhuru Park on 1st December, 1994, have never been compensated;

(b) how much each family was expected to get from the Government; and,

(c) why the families have not been paid.

The Attorney-General (Mr. Wako): Mr. Speaker, Sir, I beg to reply:-

(a) Yes, I am aware that some of the families of prison warders who perished at Ruaraka while on their way to attend rehearsals at Uhuru Park on 1st December, 1994, have never been compensated partly, or at all.

(b) According to the negotiations done surreptitiously between K.J. Kinyanjui Advocates and the then State Counsel D.M. Kinyanjui, the families of the prison warders who died should have received a total of Kshs52,170,300. Nine families would have received a sum of Ksh2,225,000 each; seven families a sum of Kshs2,125,000 each, three families a sum of Kshs1,925,000 each; two families a sum of Kshs1,625,000 each; one family a sum of Kshs1,373,000 and one family a sum of Kshs485,000 as damages. In addition, costs were payable.

(c) The families have not been paid for the following reasons:-

(i) The said sum of Kshs52,170,300 was paid to K.J. Kinyanjui Advocates. The said advocate never accounted to the 23 families of the prison warders who died. Mr. Kinyanjui was subsequently charged with 23 counts of stealing by agent, contrary to Section 283(C) of the Penal Code. He was tried and found guilty. He was fined Kshs50,000 on each count that he was found guilty of.

It was the Attorney-General's opinion that this was a gross miscarriage of justice. The Attorney-General filed an application for enhancement of sentence which was registered as High

Court Case No.13 of 1999. Mr. Kinyanjui also filed an appeal which is pending before the court. An order for restitution of the amount received and not paid to clients was made, but the same has not been made presumably because of the pending appeal.

(ii) The amounts of compensation which were clandestinely negotiated are not acceptable to the Government. The settlements were highly inflated and were not based upon any authorities, or principles applicable in common law on damages. The intention must have been to defraud, not only the families of the prison warders, but also the Government.

Mr. Gachagua: Mr. Speaker, Sir, I would like to thank the Attorney-General for coming up with that answer though it is now five years later. Could he clarify, first of all, what he means by "the settlements were highly inflated"? These figures were negotiated by officers in his office.

Secondly, it is obvious that even if the figures were---

Mr. Speaker: Mr. Gachagua, ask one question at a time!

Mr. Wako: Mr. Speaker, Sir, as I stated in my reply, the negotiations were carried out in a very clandestine manner. The officer, a Mr. Kinyajui, colluded with the advocate, a Mr. Kinyanjui. They negotiated without opening a proper file. In other words, nobody knew what was going on.

A Mr. Kinyanjui, the former State Counsel, has since gone underground. He cannot be traced by the police. It is only the advocate who was traced and we managed to charge him. Had we traced Mr. Kinyanjui, the State Counsel, he would have been jointly charged with the advocate.

Mr. Munya: On a point of order, Mr. Speaker, Sir. Is it in order for the Attorney-General to tell us that Mr. Kinyanjui went underground when he is seen all over the town? I have had an occasion to see him myself.

Hon. Members: Get him for us!

Mr. Wako: Mr. Speaker, Sir, the Police Department issued a warrant of arrest which kept on failing. Mr. Kinyanjui was a former State Counsel. However, Mr. Kinyanjui the advocate is available and goes round. He was given bail pending appeal and, as I said earlier, we have applied for enhancement of sentence. He is appearing before the disciplinary committee.

Mr. Speaker: I think what the Member is querrying about is that despite all the Kinyanjuis, whether State Counsel or advocate, they are your own servants of State who perished in the course of duty. What is being done to compensate their families? That is what is at issue. You can sort out your internal problems with the two Kinyanjuis!

(Laughter)

Mr. Wako: Mr. Speaker, Sir, I hope that through the order of restitution which was made, we should be able to recover some amount of money from Mr. Kinyanjui the advocate. However, there is some silver lining on this. The Attorney-General was able to intercept another cheque of Kshs23 million which was going to Mr. Kinyanjui not on account of the families of the deceased persons but in paying some of the injured persons in that accident. Subsequent investigations have disclosed that it appears that Kinyanjui the advocate, made use of some of the money that was supposed to have gone to the families of the deceased in paying some of the injured persons. I have directed the Litigation Department to work out the figures and more important, work out the amounts that could legitimately be paid as compensation, either to the families of the deceased or to the families of the injured persons, we know how to use the amount that we intercepted.

Dr. Godana: Mr. Speaker, Sir, I am interested in the earlier issue where the Attorney-General said that Kinyanjui, the former State Counsel, cannot be traced and that the police keep on reporting that they have not found him. I think that is a serious matter. The Attorney-General should be able to come to the House and table a report on those police investigations. Whether the

man left the country, or whether we have to believe the alternative that he is around but the police are conveniently being paid off and telling us that they cannot trace him.

Mr. Wako: Mr. Speaker, Sir, the fact of the matter is that the report I have from the police is that they cannot trace him. The most important issue to me at this time is:-

(a) To ensure that both Kinyanjuis are properly punished particularly Kinyanjui the advocate, who actually received the Kshs52 million and Mr. Kinyanjui the advocate who received that money and is available, alive, walking around and being seen. He must be punished in accordance with the law.

(b) Secondly, I think we should try to mitigate as much as we can on the issue of compensation using what is immediately available. That is the way forward as of now.

Mr. M. Kariuki: Mr. Speaker, Sir, the hon. Attorney-General has said that he launched the appeal in 1999, and there was also a cross-appeal from Mr. K.J. Kinyanjui the advocate. It is now five years since then. What efforts has the Attorney-General made to ensure that this appeal is expeditiously prosecuted because five years is inordinate delay?

Mr. Wako: Mr. Speaker, Sir, as you know, we have had delays in court. However, I can tell this House that, unfortunately, both my appeals went missing in the court. The same has been reconstituted, and we are proceeding with it. As for the appeals of Mr. Kinyanjui, the file somehow went haywire. However, it has now been found and we want to proceed with it.

(Laughter)

Mr. Speaker: Well, is that for real? Mr. Gachagua, ask the last question.

Mr. Gachagua: Mr. Speaker, Sir, I think that there has been a lot of inordinate delay on this matter. I would like the Attorney-General to assure this House that first, because a conviction or a reversal of that order is obvious, what efforts has he made to secure any assets that Mr. Kinyanjui may have so that when the indemnity order is given, there is a possibility of tracing or recovering the money? We would like to know that. Secondly, the issue here is that this case is just one of many. There are so many cases like this one.

Has the Attorney-General taken steps to ensure that advocates in this country have the necessary professional insurance cover to ensure that cases like this, where the advocate takes money from prison warders, do not incur any loss because the insurance company is able to pay them? Could the Attorney-General assure this House that such steps are being taken?

Mr. Wako: Mr. Speaker, Sir, I want to assure this House that such steps are being taken and for those Members who were in this House in the last Parliament in the House can easily remember that, just before the Parliament was dissolved, the House passed very important legislations as the initiative of the Attorney-General. We made proper amendments to the Advocates Act which now enables the LSK to put a scheme in place for the insurance cover which now enables it to have a fund out of which the clients of the advocates of this nature can be compensated from; and, which now enables the steering committee to impose an appropriate fine of up to Kshs5 million on this type of advocates. The money can be used to make sure that their clients do not suffer. The Attorney-General is trying to do his best. I am quite sure that the LSK is in the process of discussing this issue and we are very much cognisant that something has to be done so that clients who are people of this country do not suffer because of professional negligence or because of criminal activities on the part of the advocates.

Mr. Muiruri: On a point of order, Mr. Speaker, Sir. Is the Attorney-General in order not to

disclose the serious kind of corruption in this particular case whereby the lawyer is charged with stealing Kshs52 million and only fined Kshs1 million by a magistrate who was a chief magistrate and later became a public prosecutor?

Mr. Speaker: Order! order! Next time you want to debate an issue, bring a Motion. This is Question Time.

Hon. Members, we are misusing points of order. Last time, I asked Members to go and study what a point of order is. I still believe that we have not done that. Every indication is that you have not bothered to find out. I may be forced to come here next Tuesday just to tell you what a point of order is. However, I do not intend to do that. Because of all that, we are half an hour behind. We should have finished Question Time by 3.30 p.m. I wish to consult the Members to whom the Private Questions stand, whether I could push them.

(Loud consultations)

Bwana Clerk, could you, please, restore some order behind me? Hon. Members who wish to leave the Chamber should not disrupt the Business from outside the Chamber. I am asking whether hon. Members would concede to have all the three Questions by Private Notice asked tomorrow. Maj. Madoka, I will begin with you. Do you have any objection to tomorrow?

Maj. Madoka: Yes, Mr. Speaker, Sir. I do have an objection because Questions by Private Notice are urgent and I believe mine is urgent in nature.

Mr. Speaker: What about you, Mr. Ngoyoni?

Mr. Ngoyoni: Mr. Speaker, Sir, since there are only three Questions by Private Notice maybe we can deal with them.

Mr. Speaker: What about you, Prof. Olweny?

Prof. Olweny: Mr. Speaker, Sir, let us have it done tomorrow.

QUESTIONS BY PRIVATE NOTICE REPAIR OF SCHOOLS DAMAGED BY FLOODS

(Prof. Olweny) to ask the Minister for Education, Science and Technology:-

(a) Is the Minister aware that Nyangoto, Mitando and Achuodho Primary Schools in Ombeyi Location were damaged by floods during the rains of April to July, 2003?

(b) What is the extent and value of the damages suffered by these schools?

(c) What efforts is the Minister making to ensure that the schools get the support needed for the repairs?

(Question deferred)

Mr. Speaker: Very well. I will put yours tomorrow. For the ones who insist we have theirs today, we shall allow only three Questions.

GOVERNMENT POSITION ON RUNNING OF PRIVATE CLINICS BY MEDICAL PERSONNEL

Mr. Ngoyoni: Mr. Speaker, Sir, I beg to ask the Minister for Health the following Question by Private Notice.

(a) Could the Minister confirm or deny whether there is a direct correlation between

shortage of drugs in our public institutions and mushrooming of private clinics?

(b) What is the Ministry's position on the staff who run private clinics while working for the Government?

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

(a) It is not true that the shortage of drugs in Government health institutions leads to mushrooming of private clinics. People go to private clinics with the perception that there is better care there than there is in Government health institutions even if the operators of these private clinics are less qualified. Mushrooming of private clinics is, therefore, due to inadequate public education and exploitation by quacks and unlicensed health care providers.

(b) Prior to May, 2003, consultant doctors were allowed to do private practice. This was, however, widely abused. With the passing of the Public Officer Ethics Act, this arrangement is tantamount to conflict of interest and, therefore, the Ministry has suspended all part-time private practice. No officer working for the Government is, therefore, allowed to operate any private clinic and those who do so will have their licences cancelled unless they opt to leave the Government service for private practice.

Mr. Speaker: Was that Question not answered by Mrs. Ngilu three weeks ago?

Mr. Konchella: Mr. Speaker, Sir, it is partly a repetition because it was answered by the Minister, but this is a Question by Private Notice the hon. Member.

Mr. Ngoyoni: Mr. Speaker, Sir, if you look at parts "a" and "b" of the reply, they do completely contradict each other. My Question was whether there is any direct correlation between mushrooming of **[Mr. Ngoyoni]**

private clinics and lack of drugs in our public health institutions. The Assistant Minister said "no". It is common knowledge that all the drugs meant for our---

Mr. Speaker: What is your question, Mr. Ngoyoni? You know I do not have a lot of time!

Mr. Ngoyoni: My question is this: Could the Assistant Minister confirm or deny that every drug that is meant for our public institutions ends up in private clinics run by Government staff?

Mr. Konchella: Mr. Speaker, Sir, this used to happen and may still be happening, but we have instructed all medical officers and the Provincial Medical Officers to audit all privately-run clinics in every location and to confirm that they are not using drugs meant for Government institutions. If they do so, the police should move in to investigate and arrest the people involved.

Mr. Ngoyoni: Mr. Speaker, Sir, maybe the Assistant Minister could tell this House how many doctors have closed their private clinics and opted to remain in the Government service so far?

Mr. Konchella: Mr. Speaker, Sir, this morning the Public Service Commission interviewed several specialist doctors for absorption into Government service. Most of them are coming now because they have to close their clinics. One of the reasons for the closure is that we have sufficient drugs in all our hospitals, so nobody is going to their clinics. I do not have the figure right now of those who actually did that because it is a private matter and it will be difficult for us to know.

Mr. Ngoyoni: Mr. Speaker, Sir, you can see that the Assistant Minister is not serious. The situation is not different from what used to happen. Kenyans actually expect some amount of seriousness from this Government. These cases are rampant in the remote areas that we come from. Could this Assistant Minister now order all the Government clinical officers to close their private clinics immediately?

Mr. Konchella: Mr. Speaker, Sir, I can assure the House that the Ministry has ordered every employee working for the Government, whether a doctor, clinical officer or a nurse, to close their operations and decide either to run their private clinics or work for the Government. We have cancelled the licences of those ones who chose to work in the Government.

Mr. Speaker: Very well. I am sorry, Maj. Madoka, your Question will still come tomorrow. I will not exceed Question Time. I think 35 minutes beyond Question Time is unacceptable. Tomorrow I will begin with Questions by Private Notice. So, your Question will be top on the list tomorrow.

IMPOSITION OF BAN ON
MOVEMENT OF TIMBER

(Maj. Madoka) to ask the Minister for Environment, Natural Resources and Wildlife:-

- (a) Is the Minister aware that there is a ban on the movement of all timber in the country?
- (b) Why was the ban imposed?
- (c) When will it be lifted?

(Question deferred)

Mr. Speaker: That is the end of Question Time.

(Mr. Bifwoli stood up in his place)

Why are you standing?

(Laughter)

You had better sit down. You have **[Mr. Speaker]** not even contacted the Chair on anything and we have said that the Chair must understand what it is you are raising.

COMMUNICATION FROM THE CHAIR

THE CHAIR TO MAKE CONSIDERED
RULING ON CONSTITUENCIES
DEVELOPMENT FUND BILL

Mr. Speaker: Hon. Members, yesterday I did promise that I will make an attempt today to make a communication on the issue of the Constituencies Development Fund Bill and quite frankly it was not possible for me to make it today. Nevertheless, I will be ready tomorrow.

In the meantime, I have asked the hon. Minister and the hon. Member who was in charge of that Bill to talk and see whether they can reach some form of arrangement in which the matter can be resolved. I hope they will be talking, but my ruling will be ready tomorrow.

Mr. Sambu: On a point of order, Mr. Speaker, Sir. My point of order concerns what you have just raised about the Mover of that Bill, that is Eng. Muriuki and the Minister for Finance discussing and coming up with an arrangement.

We, in the Parliamentary Service Commission (PSC) allocated Kshs20 million to each constituency and---

Mr. Speaker: Order, Mr. Sambu! You raised that issue yesterday. In any case, will the PSC

take over the job of the Speaker? I will make a ruling as the Speaker.

Mr. Sambu: (Inaudible)

Mr. Speaker: Order, Mr. Sambu! I have asked you very kindly several times to stop policing the Chair. Every time I make a ruling you stand to police it. I have said I will be ready with my ruling tomorrow. In the meantime, if the Minister and the hon. Member can find a way out and which will even make it unnecessary for---

(Loud consultations)

Hon. Members: No! No!

Mr. Speaker: Order! Order! Any hon. Member who becomes disorderly will leave the Chamber! You are not saying by any chance that having raised the issue, and the Speaker is not ready, he must, nevertheless, make an unready ruling.

You must also understand that the ruling will be dependent on my understanding of the Constitution and no hon. Member is allowed to put a shotgun on the head of the Speaker and say: "You must rule this way". You must understand that I must obey the Constitution. That is what I swore to do. I have not made my ruling one way or the other, and this is a constitutional issue. It is so important.

Those in a hurry must also imagine the following scenario: Supposing tomorrow, or even now, you force me to make an unprepared ruling - by the way you cannot because I will not accept to be forced - and say, yes, the Minister was right---

An hon. Member: Then we will deal with it!

Mr. Speaker: You will deal with it in good time but, please, for heaven's sake, do not hold the Chair to ransom. I must make a decision that is acceptable to this House, and I have said that I will do it tomorrow.

By the way, for the benefit of all hon. Members who are anxious about this matter, please, revisit the HANSARD of June, when this matter was referred to the Committee and look at the comments of the Chair at that stage, pointing out to the Committee the provisions of the Constitution on this matter and requesting the Committee to liaise with the Minister in relation to Section 48. This was as early as June.

You better check what I commented in June. So, please relax.

All I want is this House, at the end of the day, to transact the business of that Bill in the best way possible. I do not think it will be in anybody's interest to reach a situation where, for example, this Bill cannot be transacted. I think what the House, or any reasonable hon. Member of this House, should want to do is to find a way in which, ultimately, the Bill before the House will be discussed and passed by the House. I think that should be the aim. It is not a showdown between the Minister and the House. That is all we want.

Mr. Kajwang: On a point of order, Mr. Speaker, Sir. We appreciate and respect your ruling, but there is one thing which disturbs us; that this Bill has already been discussed by this House and gone through the First and Second Readings. We were going to the Committee Stage. Now you are asking a private hon. Member who moved the Bill, and who no longer owns it, to discuss it with the Minister for Finance, whom it was not directed to in the first place.

Mr. Speaker, Sir, if the Minister really wants to persuade us, he should ask the whole House to go to the Old Chamber, so that we tell him what we think or how to deal with this matter and we sort it out. It should not be a discussion between a private hon. Member and the Minister personally, because they could short-change us.

Mr. Speaker: Order, Mr. Kajwang! You must understand, that even when a private hon.

Member has a Bill, he has it on behalf of the House and such an hon. Member is referred to as the hon. Member to whose name the Bill stands. That is the legal position, and you will find it in the Standing Orders.

Secondly, I do not see anything wrong with the House ever finding a consensus. I do not think consensus-building is anything wrong. But if you insist that I give you my ruling the way it is, the Minister can relax, Eng. Muriuki can relax, Mr. Kajwang and everybody else can relax, and tomorrow the ruling will be ready. I do not know what it will be for the time being, but I will be prepared to give it tomorrow.

What is it Dr. Godana?

Dr. Godana: Mr. Speaker, Sir, I can see the Minister wants to stand. I wanted to plead that we let the Minister give us the response.

The Minister for Finance (Mr. Mwiraria): Thank you, Mr. Speaker, Sir. I stated yesterday that it was with regret that I had to bring the matter to your attention, because I did not want the House to go through the motion of passing that Bill only to find that we omitted something. I went further and said - I want to repeat - that I fully support that Bill. In fact, hon. Members will remember that, long before the Bill was drafted, I put in some money in the Budget for the Constituency Development Fund, which was an indication that I had good faith and that I wanted to support the move by the hon. Members, and that, really, it was just a question of the mechanism or machinery for implementing the hon. Members' wish, which was missing then.

Mr. Speaker, Sir, let me say that depending on your ruling, I am prepared to work with this House to make sure that the Bill is passed as soon as possible. This is the assurance I want to give this august House. Now, we had a similar experience - I cannot remember whether it was last year or the year before - when Mr. Oloo-Aringo brought a private Bill which, because of the same circumstances, had to be taken over.

Mr. Speaker, Sir, each one of us, particularly those hon. Members who were here during the last Parliament, know how much time Eng. Muriuki has put into the preparation of this Bill. Quite honestly, I do not want to take credit away from him. This will be "the Eng. Muriuki Bill", whatever happens.

My plea to the hon. Members is that we should really understand one another. We should understand that all I wanted is to make sure that this thing is done in the right way, so that when it is passed, there will be no hitches.

I would like to conclude by saying that with the concurrence of the House, we will await your ruling tomorrow, but in the meantime, I have talked to Eng. Muriuki and we will soon be coming to the House with the Bill so that it can go through the processes. The Bill has already been discussed and it is a popular Bill. On the day it was introduced and discussed, I was not here but I know it went through the Second Reading very quickly in the course of one afternoon. Why can it not go through the last stage? Can it not be given priority and given leave of the House to avoid the many movements?

Mr. Speaker: You are now talking for me!

Minister for Finance (Mr. Mwiraria): Mr. Speaker, Sir, in short, I am saying that it was not my intention to try and stop or block the Bill as some hon. Members seem to be thinking. I only wanted to make sure that the right thing is done, so that once the Bill goes through, we could implement it without any problems.

Mr. Speaker: Order, hon. Members! As hon. Members wait for my ruling, I think they must direct themselves to the following; that, if we do anything contrary to the Constitution, it has its own repercussions. If we could get a way of doing it within the Constitution, that is the correct way forward. That is what the Minister is saying.

Dr. Godana: Mr. Speaker, Sir, this is one of the issues that has widespread consensus from

both sides of the House. The consensus has come about because of the importance of this Bill. We take the assurance by the Minister. I also want to plead with you that the ruling you are going to make will be like a judgement. Where it is possible for two sides, even that late in trial, to go back and make a settlement, I think a good judge will normally allow them the latitude. May I plead that you do not rush with your ruling. I am saying this because we know that in one extreme the ruling could be disastrous to the Bill for the next six months. May I plead that you do not rush your ruling until we have finalised the consultations with the Minister and the person who moved the Bill.

Mr. Speaker: Thank you, Dr. Godana. That is exactly what I was trying to promote. That is exactly the position that I was stating much earlier. Hon. Members must understand that and relax. Let us do some work.

Next Order!

Mr. Bifwoli: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Mr. Bifwoli, did you see me about anything?

Mr. Bifwoli: I saw your office! I saw your Deputy!

Mr. Speaker: Sorry! You saw my office?

Mr. Bifwoli: Yes, Sir!

Mr. Speaker: Not me?

Mr. Bifwoli: But your office is there! Your Deputy is here. Why is your office there?

Mr. Speaker: Order!

**NOTICE OF MOTION FOR
THE ADJOURNMENT
UNDER STANDING ORDER NO.20**

PUBLIC UNIVERSITIES ACADEMIC
STAFF STRIKE

Mr. Angwenyi: On a point of order, Mr. Speaker, Sir. I rise under Standing Order No.20 to seek leave to move a Motion for the Adjournment of the House for the purpose of discussing the public universities academic staff strike which is a definite matter of urgent national importance.

Mr. Speaker: Do you have the support?

*(A number of Members stood up
in their places)*

Hon. Members, I do not think you need to be counted. From the look of things, there are more than 20 Members standing. You can sit down.

(Loud consultations)

Order, hon. Members! I do believe and hold the view that the issue being raised by Mr. Angwenyi within the meaning of Standing Order No.20, is a matter of national importance, urgent and definite. I further hold the view that there was the requisite number and, consequently, I will allocate time today. I think I will allocate time from---

An hon. Member: Now!

Mr. Speaker: Order! I will allocate time from 5.30 p.m.

(Applause)

Just let me make further consultations. I think it will be a matter that may interest more Members. If I give one hour, it would probably mean six or eight Members speaking. That means three from each side. I do not think that would be adequate. I shall, therefore, give one and a half hours. So, the Motion of Adjournment will, therefore, begin at 5.00 p.m. this afternoon. I have already warned the Ministry of Education, Science and Technology about it and I hope the Assistant Minister, Dr. Mwiria, will be there to respond. It is so ordered!

Mr. Bifwoli: Mr. Speaker, Sir, Mr. Angwenyi has overtaken me. That is because I was going to seek a Ministerial Statement. I find what he has done more palatable than a Ministerial Statement. I will contribute towards it.

Mr. Speaker: Just relax!

Next Order!

(Loud consultations)

Order, hon. Members! I know that Members have a lot of things to do. But, please, after Question Time, we have some other issues to deal with. Most important, of course, is the First Reading of Bills, which gives you an indication of what Bills are likely to come before this House. So, please, if you must leave, do not leave together. If you must leave together, then do it quietly, so that the remaining Members can understand what is going on.

BILL

First Reading

THE PUBLIC AUDIT BILL

*(Order for First Reading read -
Read the First Time - Ordered to
be referred to the relevant
Departmental Committee)*

**COMMITTEE OF THE
WHOLE HOUSE**

(Order for Committee read)

[Mr. Speaker left the Chair]

IN THE COMMITTEE

[The Temporary Deputy Chairman

(Mr. Ethuro) took the Chair]

THE INSURANCE (AMENDMENT) BILL

Mr. Temporary Deputy Chairman (Mr. Ethuro): Order, hon. Members! We had covered Clauses 1 to 16 of the Insurance (Amendment) Bill. We shall now start from Clause 17.

Clause 17

Mr. Obwocha: Mr. Temporary Deputy Chairman, Sir, I was going to move an amendment on Clause 17(b)(iv). We had requested the Minister to move it. I would like to hear from him whether he is moving the amendment because I think I have adequate notice now. Since we adjourned last time, I think I have adequate notice. It is the amendment that made the Bill to collapse. Could the Minister move it? If he is not willing to do so, then I will do it.

The Minister for Finance (Mr. David Mwiraria): Mr. Chairman, Sir, I beg to move that Clause 17 be deleted.

(Question of the amendment proposed)

Mr. Obwocha: Thank you, Mr. Chairman, Sir. I want to thank the Minister for moving the amendment because, as we said earlier, this clause was very contentious. The bone of contention we had was that when one pays the premium either for life or car, it is taken that the cover starts from the time the insurance company receives the cheque rather than when one has signed the form or given the cheque to either the broker or the agent. So, if the Minister is now deleting the whole clause, then I withdraw my intended amendment and support the Minister's amendment.

*(Question, that the words to be left out
be left out, put and agreed to)*

(Clause 17 deleted)

(Clause 18 agreed to)

(Title agreed to)

(Clause 1 agreed to)

The Minister for Finance (Mr. Mwiraria): Mr. Chairman, Sir, I beg to move that the Committee doth report to the House its consideration of the Insurance (Amendment) Bill and its approval thereof with amendment.

(Question proposed)

(Question put and agreed to)

(The House resumed)

[The Temporary Deputy Speaker

(Mr. Khamasi) in the Chair]

REPORT, CONSIDERATION OF REPORT AND THIRD READING

THE INSURANCE (AMENDMENT) BILL

Mr. Ethuro: Mr. Temporary Deputy Speaker, Sir, I beg to report that a Committee of the whole House has considered the Insurance (Amendment) Bill and approved the same with amendments. I beg to move that the House doth agree with the Committee in the said Report.

The Assistant Minister, Office of the Vice-President and Ministry of Home Affairs (Mr. Mungatana) seconded.

(Question proposed)

Mr. Maore: Mr. Speaker, in supporting this Bill, I just want to say that we need strict supervision of the insurance industry because it involves taking deposits of money from the public. When we pass this kind of law in this House, we hope and expect that the Minister will be very thorough in the supervision of the industry, and, for that kind of goodwill existing between the Ministry and this House, we expect the public to be protected by the Treasury.

With those words, I beg to support the Bill.

(Question put and agreed to)

The Minister for Finance (Mr. Mwiraria): Mr. Temporary Deputy Speaker, Sir, I beg to move that the Insurance (Amendment) Bill be now read a Third Time.

The Assistant Minister, Office of the Vice-President and Ministry of Home Affairs (Mr. Mungatana) seconded.

(Question proposed)

(Question put and agreed to)

*(The Bill was accordingly read
the Third Time and passed)*

MOTION

ADOPTION OF ELEVENTH PIC REPORT

THAT, this House adopts the Eleventh Report of the Public Investments Committee on the Accounts of State Corporations laid on the Table of the House on 3rd July, 2003.

(Mr. Muturi on 11.11.2003)

*(Resumption of Debate interrupted
on 11.11.2003)*

Mr. Muturi: Mr. Temporary Deputy Speaker, Sir, on behalf of the Members of the Public Investments Committee, I beg to move the adoption of the 11th Report of the Committee on the accounts of State Corporations. As it is well known, the mandate of the Public Investments Committee derives from, *inter alia*, Standing Order 148 and more so specifically paragraph 5, subsection 5 of that Standing Order. Our functions are mainly to:-

- (a) examine the reports or accounts of the public investments;
- (b) examine reports, if any, of the Auditor-General (Corporations) on public investments;

and,

(c) examine the context of the autonomy and efficiency of public investments and find out whether the affairs of the public investments are being managed in accordance with sound business principles and prudent commercial practices.

Mr. Temporary Deputy Speaker, Sir, the procedure which was followed by the Committee is to be found, as you all know, from Standing Order No.151 to Standing Order No.152. But the Committee has power under the provisions of the National Assembly Powers and Privileges Act, CAP. 6, State Corporations Act, CAP. 446 and the Exchequer and Audit Act CAP.412, to summon witnesses and receive evidence.

The Eleventh Report is the work of two Committees. The Committee whose Members were nominated during the Fifth Session of the Eighth Parliament were as follows:-

The Hon. Wafula Wamunyinyi, MP	-	Chairman
The Hon. Abubakar Badawy, MP		
The Hon. Grace Mwewa, MP		
The Hon. David Kombe, MP		
The Hon. Said M. Amin, MP		
The Hon. J.B. Muturi, MP		
The Late Hon. G.M. Parpai, MP		
The Hon. Mwangi Kiunjuri, MP		
The Hon. Ochilo-Ayacko, MP; and,		
The Hon. John Mutua Katuku, MP		

The Committee whose Members were nominated during the Sixth Session of the Eighth Parliament were as follows:-

The Hon. Wafula Wamunyinyi,	MP -	Chairman
The Hon. Abubakar Badawy, MP		
The Hon. Grace Mwewa, MP		
The Hon. Ali Isaac Shaaban, MP		
The Hon. Ochilo-Ayacko, MP		
The Hon. Mohamed Weyrah, MP		
The Hon. Eric T. Morogo, MP		
The Hon. Mwangi Kiunjuri, MP		
The Hon. Chege Mbitiru, MP; and,		
The Hon. Maoka Maore, MP		

The Fifth Session of the Committee held a total of 40 sittings during which it examined audited accounts of various State corporations. This Committee did not, however, finalise its work of taking evidence owing to the fact that its term expired around April, last year. This Committee's work then fell in the hands of the Sixth Session Committee, which held a total of ten sittings. As the Chair will notice, ten sittings were too few. But the reason for that was, as you know, that last year was an election year. So, the Sixth Session of Parliament did not have sufficient time but when the Committee compiled its Report, it arrived at all its decisions unanimously and in accordance with

the provisions of Standing Order No.162.

On behalf of the Committee, I beg to move that this House adopts the said Report.

Mr. Temporary Deputy Speaker, Sir, in the Committee's endeavour to improve its effectiveness in exercising oversight functions, it made a number of situational visits. For instance, the Committee visited to check on the spot and study the status of the assets of such corporations as the Kenya Railways and Jomo Kenyatta University of Agriculture and Technology (JKUAT). A summary of the proceedings of the tours is to be found in the respective minutes of the sessions of that Committee. The Committee also undertook study tours outside the country, specifically in the Parliaments of India and Malaysia. The report on those visits, whose purpose was to improve effectiveness of the Committee by borrowing what was applicable for Kenya, is found in Annex "C" of the Eleventh Report. The minutes of the Committee are hereto annexed as Annexure "A", and the copies of the HANSARD reports have been placed in the Library of Parliament.

The implementation status of the Tenth Report has been printed separately as the Treasury memorandum which will also be discussed. This Report is annexed here as Annexure "E".

It is important, as we discuss the Eleventh Report, to take into account what the Treasury has indicated as the implementation status of the Tenth Report of the previous Committee. It is for that reason that, as a tradition, the Treasury Memorandum on Implementation status is always annexed to the current Report. I believe that those of us who may have looked at the Treasury implementation status memorandum will find it useful as it gives the Government's reaction on what Parliament has recommended.

This Report comprises of recommendations made in respect of 21 State corporations. The recommendations on the queries which were raised by the Auditor-General (Corporations) will be found under the appropriate paragraphs of the Report. As I said earlier on, the records of---

(A mobile phone rang)

The Temporary Deputy Speaker (Mr. Khamasi): Order! Whose mobile phone is that? Somebody has got his mobile phone on. Who is that person?

Proceed, Mr. Muturi!

Mr. Muturi: Thank you, Mr. Temporary Deputy Speaker, Sir. As I said earlier on, the HANSARD verbatim reports are already placed in the library of Parliament. The observations made by the Committee and recommendations thereon, if taken into account and implemented without any fear or favour, will enhance accountability, transparency, efficiency, good management and profitability in the various State corporations and the public investments sector as a whole.

In examining the audited accounts of the State corporations, the Committee's primary approach was to elicit background information as to why particular courses of action were not taken, in accordance with the relevant financial management principles and regulations. This should be clearly understood because it is on the basis of the Committee's observations and recommendations.

Of great concern to the Committee is the abdication of duties and responsibilities, and or, obligations by the boards of directors of various State corporations. In the majority of the incidences, mismanagement and imprudence in investments have been presided over by board members who appear to be oblivious of the goings on in various State corporations. Unless these corporations are run in the best interest of the public, they will have no reason to exist and continue drawing funds from the Exchequer. It is, therefore, the duty of the Committee and the Kenyan public at large, to safeguard and promote public interest in State corporations. This cannot be done without due regard to sound business principles in the management of public institutions and assets.

Mr. Temporary Deputy Speaker, Sir, below is a summary of the general observations by the Committee.

Mr. Temporary Deputy Speaker, Sir, in the area of procurement of goods and services, and the award of tenders by State corporations, the Committee noted with concern that despite Government circulars meant to streamline procurement and tendering and the administration of public resources, certain corporations have continued to flout the laid down financial regulations and in procedures of procurement and award of tenders.

Mr. Temporary Deputy Speaker, Sir, one glaring example has been pointed out as the extension and refurbishment of Kipevu headquarters of the Kenya Ports Authority (KPA). In 1994, the Committee found that the KPA initiated a project to construct extra floors, specifically two floors, on its own existing headquarters building at Kipevu. The Authority, without open competitive bidding, appointed a firm of architects, M/S Mode Architects, as lead consultants for the project. The project was abandoned apparently for being impracticable after a sum of Kshs405,659,230.25 had been incurred on it.

Mr. Temporary Deputy Speaker, Sir, in the Ninth and Tenth Reports of the Public Investments Committee (PIC), it had been recommended that the Executive arm of Government should implement all Committee recommendations. The Committee, therefore, reiterates the recommendations of the Ninth and Tenth Reports, and further recommends that the Inspector-General (Corporations) must be made to carry out his duties as specified in the State Corporations Act, Cap. 486 to curb blatant abuse of office and the flouting of financial regulations as issued by the Government from time to time.

Mr. Temporary Deputy Speaker, Sir, another incident noted by the Committee was that of loss of security of public funds which are deposited in ailing and or failed banks and financial institutions. The Committee noted with great concern that some corporations have continued to invest their surplus funds in these banks and institutions in clear violation of Treasury Circular No.10 of 15th July, 1992, which requires that surplus funds be invested in Treasury Bills and Bonds.

Mr. Temporary Deputy Speaker, Sir, an example of this, and there are many, is to be found in a case in which, on 30th of June, 1999, the same KPA had deposits and accrued interest to the sum of Kshs100,336,682 in six collapsed financial institutions. The chances of recoverability are nil. To express itself on that, the Committee reiterates the earlier recommendations in the Ninth Report of PIC, on page 15, that the Office of the Inspector-General (Corporations) should be strengthened to ensure more stringent inspection of State corporations in order to prevent financial mismanagement by chief executives in respect of investment of funds. Further, it recommends that the Treasury should review its Circular No.10 of 1992 to ensure security and profitable returns of corporations' funds and provision of deterrent measures for violations by both officers and their chief executives.

Mr. Temporary Deputy Speaker, Sir, lastly, the Committee recommends that State corporations themselves take active part in the management of the institutions in which they have invested public funds and particularly to be seen to be doing so at their regular Annual General Meetings (AGMs).

Mr. Temporary Deputy Speaker, Sir, the question of public funds invested by State corporations in collapsed and, or collapsing banks and financial institutions is too common. Being a lawyer, I am constrained not to mention the more recent cases of corporations such as the National Hospital Insurance Fund (NHIF) and Kenyatta National Hospital (KNH) which have lost colossal sums of money in a failed bank. Some of these banks include, but are not limited to, the Nairobi

Finance, Pioneer Building Society, Middle Africa Finance, International Finance, Thabiti Finance and Ali Credit and Finance.

Mr. Temporary Deputy Speaker, Sir, the Committee was also concerned that Government Ministries also owe various corporations huge sums of money. As a result, it makes it impossible for those corporations to operate. A good example is to be found with the National Water Conservation and Pipeline Corporation (NWPC). By 30th June, 1998, it was owed Kshs913,401,884 by various Government Ministries and Departments. I believe that this figure has not come down and it keeps rising. The same story is to be found with the Ministry of Education, Science and Technology which continues to owe money to the Kenya National Examinations Council (KNEC). The same situation also applies to the Telkom Kenya and various other State corporations.

Mr. Temporary Deputy Speaker, Sir, the Committee recommends that the Treasury should ensure that all debts owed to State corporations by Government Ministries and Departments are paid in full.

Mr. Temporary Deputy Speaker, Sir, safely, the Committee expressed itself on the continued absence of the State Corporations Advisory Committee. Fortunately, I want to congratulate the Government for appointing the Committee on Thursday last week. We hope that it will perform its mandate according to the terms of Section 27 of the State corporations Act. However, we note that there is a penchant to look for octogenarians and retirees to serve in any new organisation. If it is going to run the affairs of State corporations and advise the Government, we feel that it is important that such a Committee be appointed and made up of people of integrity and who have proven credibility, competent and experienced in the relevant areas in which they are supposed to operate.

Mr. Temporary Deputy Speaker, Sir, the Committee, therefore, recommends that the people who are going to be appointed to run State corporations on the advice of this State corporations Advisory Committee must be people duly qualified both in expertise and age because they serve in public corporations. We do not want to grant powers to people who, when we say that we want to create 500,000 jobs per year, are going to grant in these corporations.

Mr. Temporary Deputy Speaker, Sir, some of the new hon. Members may not fully appreciate the rules.

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. Muturi! It is now exactly 5.00 p.m. The Speaker did allow a Motion for Adjournment under Standing Order No.20. I will now call upon Mr. Angwenyi to move the Motion.

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

Order! Hon. Members, it is now 5.00 p.m. In accordance with the Speaker's ruling, Mr. Angwenyi is supposed to move the Motion for Adjournment.

Mr. Sungu: On a point of order, Mr. Temporary Deputy Speaker, Sir. I remember I moved such a Motion before. Usually, the practice is to allow the Minister to move the Motion "that the House do now adjourn" to allow hon. Members to discuss a definite matter of urgent national importance, then the Mover of the Motion is then called upon to move his Motion. I think that is the procedure.

The Temporary Deputy Speaker (Mr. Khamasi): Mr. Sungu, you are quite right. Therefore, I would like to request the Leader of Government Business, or his representative, to move the Motion before I give Mr. Angwenyi a chance to proceed.

The Minister for Gender, Sports, Culture and Social Services (Mr. Balala): Mr.

Temporary Deputy Speaker, Sir, I beg to move that the House do now adjourn.

The Temporary Deputy Speaker (Mr. Khamasi): Mr. Angwenyi, you should now proceed and move your Motion for the Adjournment under Standing Order No.20. Those hon. Members who have been here for sometime know that no Member speaking on such a Motion shall be allowed to speak more than ten minutes. This gives every hon. Member ten minutes. However, as the Speaker rightly pointed out, this will mean we shall have only six hon. Members speaking. More often than not, we have had hon. Members speaking for five minutes on such a Motion. I believe this is a matter of national importance. It is of interest to very many people and, therefore, I would like to get the view of the House whether we should allow every Member to contribute for five minutes or ten minutes.

Hon. Members: Five minutes!

The Temporary Deputy Speaker (Mr. Khamasi): It is the view of the House that every hon. Member be given five minutes to contribute to this Motion. The Mover and the respondent will be given ten minutes each.

Proceed, Mr. Agwenyi!

**MOTION FOR THE ADJOURNMENT
UNDER STANDING ORDER NO.20
PUBLIC UNIVERSITIES ACADEMIC
STAFF STRIKE**

Mr. Agwenyi: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me an opportunity to bring before this House a matter of urgent national importance to deliberate upon it and give the way forward. The matter is about the public universities academic staff strike. As you are all aware, on 10th November, 2003, the cream of this nation went on strike demanding for better remuneration.

Mr. Temporary Deputy Speaker, Sir, I want to state very clearly that to make a university don, it takes a lot of commitment, perseverance, sacrifice, brains, talent and, above all, patriotism. These values, which are held by our university dons, instead of being a benefit and an advantage to them, they have been a disadvantage. Because they are patient and persevering, and because they have sacrificed to do a patriotic job, they did not go on strike before 10th November, 2003.

For the last 20 years, the salaries of university dons have almost remained stationary, whereas workers in all other sectors of the economy, including civil servants, have had their salaries adjusted accordingly by leaps and bounds. I would like to demonstrate how the salaries of university dons have remained stagnant over the years.

In 1983, some 20 years ago today, a university professor, the highest paid cadre in the public universities, was paid Kshs7,200 per month. At the same time, a Member of Parliament was paid Kshs5,500 per month; a magistrate, Kshs3,850 per month and a Permanent Secretary (PS), Kshs5,000 per month. In 1986, three years later, the university dons got a salary increment to Kshs12,000 per month, while the Member of Parliament got an increment to Kshs20,000 per month. In 1997, which was the next time they got a salary increment, a university don got Kshs20,000 per month, while a Member of Parliament got Kshs70,000 per month. In the year 2000, a university don got Kshs31,060 per month, a judge got Kshs960,000 per month, a Member of Parliament got Kshs177,000 per month and a PS got Kshs400,000 per month.

You can, therefore, see that, for the last 17 years, a full professor has got a salary increment from Kshs7,200 to only Kshs31,000. Over the same period, the salary of a Member of Parliament has been increased from Kshs5,000 to Kshs395,000. Of all people, PSs, most of whom are corrupt,

got Kshs400,000, while judges, most of whom were sacked recently, got Kshs960,000. So, I am saying that this nation has not valued the talent of our university dons. These are the people who mould the nation; they mould our citizenry.

Mr. Temporary Deputy Speaker, Sir, let me now come to the crisis at hand. In February, the National Rainbow Coalition (NARC) Government, in its wisdom, started negotiations with the University Academic Staff Union (UASU) with a view to registering the union. I was part and parcel of the initiators of UASU in the year 1990, but it was not registered until early this year. In February, 2003, the Government gave UASU a go-ahead to form interim committees in the public universities. In March, 2003, UASU gave a proposal to the Government for negotiation of their terms and conditions of service.

In May, 2003, the Government, in its wisdom, officially registered UASU. Immediately it was registered, UASU sought audience with the Government, so that it could discuss the proposal it had forwarded to the Government in March. However, the Government could not give UASU a chance to negotiate its members' terms and conditions of service.

Mr. Temporary Deputy Speaker, Sir, on 4th September, 2003, UASU gave the Government a notice of a strike and, immediately, the Minister for Education, Science and Technology chose a committee of three Vice-Chancellors, namely, Prof. Some of Moi University, Prof. Sitanda of Kenyatta University and Prof. Maritim of Egerton University. Those wise professors came up with a report - which was acceptable to the university academic staff - but the Government neither submitted that report to UASU nor implemented the recommendations contained therein.

Mr. Temporary Deputy Speaker, Sir, UASU still sought audience with the Government, so that they could discuss the terms and conditions of service for its members, but the Government could not respond. In October, 2003, UASU gave a 21-day notice for the strike but, for 17 days, the Government never responded to that notice. It was only on 5th November, 2003 that, for the first time, the Minister for Education, Science and Technology met UASU officials. Only five days to the strike day, the Minister met the officials of UASU casually. He was not serious. He did not give any proposal to them.

Only 7th November, 2003, the Government gave a formal proposal; that, it would want to discuss the terms and conditions of service for members of the UASU in February, 2004. All this time, the Government had the negotiation proposals forwarded to it by the UASU. Sometimes their proposals may look ridiculous, but they were negotiating proposals. The UASU expected the Government to come up with counter-proposals, however small the salary increment proposal would have been, but the Government was not forthcoming. To date, the Government has not given any proposal. It does not say it wants to increase the salaries of university academic staff by, for instance, Kshs10,000 or Kshs50,000 or Kshs100,000.

Mr. Temporary Deputy Speaker, Sir, I know the amount of work that university dons do, because I worked at a university for 17 years. They do not sleep except for three or four hours per night. They have no holiday. Tickling Members of this House have been moulded by the same dons we do not want to pay accordingly. Therefore, I am proposing---

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

Mr. Angwenyi: But I thought I had 15 minutes.

An hon. Member: You had ten minutes!

The Temporary Deputy Speaker (Mr. Khamasi): Order! You had better wind up.

Mr. Angwenyi: Mr. Temporary Deputy Speaker, Sir, I am, therefore, proposing that a special committee be formed and its membership comprise of the Vice-President and Minister for Home Affairs, who is loved by every Kenyan, Mr. Karimi of the Ministry of Education, Science and Technology, Prof. Ikiara of the Ministry Transport and Communications and Ambassador

Muthaura, and I will supervise that committee a little from the sides.

(Laughter)

We will negotiate and come up with a solution to this crisis, so that we continue with our university education programmes.

With those remarks, I beg to move and request Mr. Kajwang to second the Motion.

Mr. Kajwang: Mr. Speaker, Sir, I do not want to say much---

The Temporary Deputy Speaker (Mr. Khamasi): Order! Order, Mr. Kajwang! That is unprocedural. The Minister moved the Motion and then Mr. Angwenyi seconded it. I now want to propose the Question.

(Question proposed)

Mr. Kajwang: Mr. Temporary Deputy Speaker, Sir, I want to thank Mr. Angwenyi for giving me an opportunity to support this Motion. Maybe, it is because I have been associated with UASU for some time.

When UASU was struggling to be registered, its members came to me, Mr. Muite and Dr. Kamau Kuria, and requested us to be their advocates, to press the Government to register the Union, because they did not have a body through which they could communicate with their employers, who were the senates of their respective universities. But you know, as I do, that the Government at that time was not very much impressed by such organisations.

They were of the view that the academic staff were intellectuals and not labourers and, therefore, were not allowed to form a union. That argument sent many lecturers out of this country. I know that Dr. Onyango, who was the then Secretary-General of UASU, was driven out of this country. He is now staying somewhere in California and teaching at a medical university. I know that Mr. Adar, who was the then Chairman, was forced out of the country and he is living somewhere in South Africa. All that was not necessary. Dr. Mwiria, who was then very serious, somehow went underground and came here as a Member of Parliament. He was under protection and ended up being the Assistant Minister for Education, Science and Technology.

Mr. Temporary Deputy Speaker, Sir, we thought that this time round, when some former UASU members have come back from exile and others are in the Government as Ministers, that issue could be brought to some reasonable settlement. The Government agreed to register UASU. It now has a body that it can negotiate with. I do not see why the NARC Government is afraid to negotiate with the professors. We also know the kind of work they do. I have not worked at the university but I know that if I read hard enough and became a professor, I would not be very happy to earn the kind of money they earn. It seems like I am earning a little more because I did not read hard enough. So, in this country, if you work too hard, become too clever and become a professor, then you are doomed to suffer. You are told that you have a commitment to your country. You must be patriotic and it does not matter whether you are walking in torn trousers.

Mr. Temporary Deputy Speaker, Sir, it is important for the Government to take that matter seriously. The Government has negotiated with many other organisations, including the police, parliamentarians and several other bodies. I do not see any reason why they cannot negotiate with the academic staff. In fact, this Government is laden with former university dons. Parliament itself has many dons who used to teach at the universtiy. We sympathise with those gentlemen. If the Government is serious, let it say this: "UASU, you are asking us to pay a lecturer Kshs200,000! We cannot pay that because our economy cannot allow it. Look at what South Africa is paying. They

are little richer than us. Look at what Tanzania, Uganda and Ethiopia are paying." Then you should say: "We can offer this much". But you cannot tell a union of academic staff, which has been negotiating for seven years: "We cannot talk to you! We will talk to you sometimes in February. We do not know what we will offer you!" That is a bit pitiable.

We are asking that because our children have been sent away from the universities. Yesterday, I got calls and short message texts telling me: "Daddy we are in trouble! We have been thrown out and the police are around our campuses! The university has been closed". Sometimes, universities are closed like somebody is closing a school. They do not even know the reason why they are being closed. When we were at the university with Dr. Mukhisa Kituyi, they closed it and sent us away as we were coming from lunch going to class. We just heard over the radio that the university had been closed. So, universities are closed like kiosks. We must have a policy. A university is run by a senate and a governing body. We expect them to make rational decisions, so that our children are not beaten by the police in the streets. We are talking now because this country is in a crisis and all our institutions of higher learning have been closed down. Parents have paid fees to those universities and their children are not getting any benefits from that money.

With those few remarks, I beg to support.

Mr. Mwandawiro: Ahsante sana, Bw. Naibu Spika wa Muda, kwa kunipatia nafasi hii ili nami pia nichangie Hoja hii ya kuliahirisha Bunge ili tupate nafasi ya kujadilia hali ya mzozo ulioko baina ya wahadhiri na Serikali. Naamka kuunga mkono Hoja hii. Wakati umefika, sio tu wa kufikiria hali mishahara ya maprofesa na wakurufunzi wa vyuo vikuu, bali pia kufikiria kuweka mwelekeo mpya kutoka kwa Wizara ya Wafanyakazi, Serikali na taasisi zote kuhusu jinsi wanavyokabiliana na mizozo ya wafanyakazi wote.

Bw. Naibu Spika wa Muda, kama tunavyoelewa, hali ya mishahara katika nchi hii inavunja kaida nyingi sana za haki. Wawe ni wafanyakazi wa Serikali, wafanyakazi katika viwanda, madaktari, waaguzi, ama wafanyakazi wengineo, kuna tatizo kubwa sana la mishahara yao. Kwa hivyo, inafaa kuwepo na sera kuhusu mishahara ya wafanyakazi katika hii nchi yetu. Vile vile, tunajua kwamba mishahara inayolipwa maprofesa na wakurufunzi wa vyuo vikuu, kwa kweli, hata haihitajiki kuzungumziwa kwa kirefu zaidi. Ni mishahara ambayo kila mtu anakubali kwamba ni duni.

Bw. Naibu Spika wa Muda, tunaielewa kwamba kuna mamia, kama sio maelfu, ya Wakenya wenye elimu ya juu ambao wamehamia nchi za nje. Wengine wako huko kwa sababu ya hali duni ya mishahara inayolipwa humu nchini. Wasomi hawa wana utaalumu mkubwa sana katika nyanja tofauti tofauti. Ukienda Afrika Kusini, Uropa, Marekani na kote duniani, utakutana na wasomi Wakenya. Wengine walienda huko kwa sababu ya kunyanyaswa na Serikali iliyokuweco. Huku kulikuwa ni kunyanyaswa kwa kisiasa. Hawa watu walikuwa wasomi kabisa. Kwa sababu sasa tumehaidhuru na tumeirudisha nchi katika hali bora zaidi ya kisiasa; tuna demokrasia zaidi kuliko hapo awali na tunaziheshimu haki za binadamu kuliko hapo awali, hebu sasa tuanze kufikiria namna ya kuhakikisha kwamba wataalamu ambao tunatumia pesa nyingi sana kuwafundisha, hawatoroki na kwenda nchi za nje. Tutafaulu kufanya hivyo ikiwa tu tukihakisha kwamba wataalamu wanalipwa mishahara kadiri kulingana na kazi wanazozifanya. Vile vile, itatupasa kuzingatia na kufikiria hali halisi ya uchumi ulioko katika nchi yetu na mishahara ambayo sekta nyingine zinalipa wafanyakazi wake hapa kwetu na katika nchi jirani. Tukifanya hivyo tutafaulu. Kuna haja ya kuunda sera mahususi ambazo zitawezesha Serikali kuwashawishi wale wataalamu na wasomi Wakenya ambao wako nchi za nje kurudi nchini. Tunawahitaji warudi kufundisha hapa kwetu.

Bw. Naibu Spika wa Muda, kuna haja ya Wizara ya Elimu, Sayansi na Teknolojia kuomba Wakenya msamaha kwa niaba ya Serikali. Wizara hii itakuwa bora ikikiri kwamba Serikali iliyoko sasa inasikitishwa sana na vitendo vilivyofanywa na Serikali iliyokuweco kwa kuwanyanyasha

wasomi wetu kisiasa, kuwaweka viziuzini na kuwalazimisha kwenda nchi za nje. Sasa tumetengeneza hali bora ya kisiasa na kuna mazingira bora ya kufanyia kazi zinazohitaji utaalaamu na usomi wa hali ya juu. Serikali inapawa kuwashawishi warudi humu nchini ili watoe mchango wao katika taasisi za elimu za humu nchini.

Bw. Naibu Spika wa Muda, sitasema mengi ila tu Serikali ichukue hatua za haraka sana za kujadiliana na wahadhiri wanaogoma ili iweze kutatua mzozo ulioko baina yake na wahadhiri. Hivyo itaweza kuboresha hali ya wahadhiri ambao wanatoa huduma kubwa zaidi katika nchi yetu na ambao inawachukua muda mrefu zaidi kufikia hicho kiwango cha uprofesa. Vile vile, tuzingatie masilahi ya wanafunzi na wazazi ambao sasa wanakaa na watoto wao bila kujua mwelekeo ni upi.

Kwa maneno hayo, naunga Hoja hii.

Mrs. Mwendwa: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me an opportunity to support this Motion. There is no question about this issue. The way we have been handling our scholars in this country is not proper. To become an assistant lecturer, one must have two degrees from renowned universities. It takes some time to train assistant lecturers to be able to lecture well. It beats any logic for one to learn in good universities only to come to be paid peanuts when one starts lecturing.

Mr. Temporary Deputy Speaker, Sir, it does not make sense for a driver to be paid more than a lecturer, of course, with a background of good education. We all go for further studies so that we can lead a high standard of living. I do not think it is in order for one to be told to sacrifice, and be a good citizen and yet one is paid peanuts. Due to this problem, we have witnessed a lot of brain drain not only to the Western world or more developed countries, but also to our own sister African countries. If you look just around our neighbouring countries, you will notice that scholars are paid even more than our lecturers. They are paid more in Uganda and Tanzania. So, in fact, it is very difficult to understand why our scholars have stayed and remained in this country.

Mr. Temporary Deputy Speaker, Sir, sometimes it is very sad to see a lecturer or a professor driving a pick-up. I do not think that is in order because even students do not listen to them.

Hon. Members: They drive Volkswagens!

Mrs. Mwendwa: No! They drive pick-ups! So, if our scholars were perhaps given free medical care, free houses, free cars and fuel and free education for their children, we can say, "Yes, at least, they are catered for well." However, if they are not given free medical care, the rents for houses they live in are pegged to market value, and they cannot afford to buy cars even if they are given the facility to buy vehicles duty-free due to their low salaries, then they are not being catered for well. So, you wonder why they are given the duty-free facility if their salaries are very low.

Mr. Temporary Deputy Speaker, Sir, I think it is time we looked after our scholars. This will stop the brain drain which we are experiencing now and encourage Kenyans to invest a lot of money in education. Almost everybody here would like their children, when they leave our local universities, to go and further their education in advanced universities outside the country. When they train and come back, they should lead a high standard of living which they are supposed to lead. This is baffling. One does not understand why people are studying so much only later on to lead poor standards of living. So, I would like to propose that the negotiations should start now. We know that we do not have all the money they are asking for, but if they cannot get a 200 per cent increase, let them get whatever we can afford now. Let them start being paid now so that we can see the seriousness of the Government. If they have stayed all these years earning so little, it is unfair to tell them to wait until next year. I think that is unreasonable.

With those remarks, I beg to support.

Maj. Madoka: Mr. Temporary Deputy Speaker, Sir, I stand to support this Motion.

I think it is evident that our academic staff at the universities are certainly grossly underpaid.

We know that even in this Parliament, our subordinate staff are better paid than the dons in our universities. As somebody put it, in fact, some companies have drivers who do not have any education, and yet they are better paid than the dons. Surely, it is unfair that we do not look after the academic staff of this country.

Concerning the strike by the lecturers, I want to lay the blame squarely on the Ministry of Education, Science and Technology because of the arrogant attitude they have developed when dealing with the lecturers' crisis.

(Applause)

The Ministry agreed to the establishment of the University Academic Staff Union (UASU) and yet they were not prepared to sit and enter into dialogue with the lectures. So, I think the blame is squarely on the Ministry of Education, Science and Technology.

Mr. Temporary Deputy Speaker, Sir, we have heard of officials from the Ministry going to threaten the dons. It was wrong for the Ministry officials to threaten the lecturers by telling them: "If you do not do this, we have other ways". I think it is a shame on the part of the Ministry of Education, Science and Technology.

(Applause)

Mr. Temporary Deputy Speaker, Sir, we understand that, obviously, there are economic difficulties facing the country, but certainly, there is room for discussion. I believe that if our intellectuals in the universities sat with the Minister, definitely, we will find a solution. So, let the Minister sit down and discuss with the lecturers, instead of talking about tomorrow and yesterday. Only that way we will find a solution.

Mr. Temporary Deputy Speaker, Sir, I support the Motion.

The Temporary Deputy Speaker (Mr. Khamasi): We will now give the Government's official responder ten minutes to contribute.

(Loud consultations)

Order, Members! Let us follow the right procedure. The Government responder is on the Floor and under the House rules, he has got ten minutes to contribute.

The Assistant Minister for Education, Science and Technology (Dr. Mwiria): Mr. Temporary Deputy Speaker, Sir, you are great.

I would like to take this opportunity to remove the doubt that many hon. Members have got regarding the fact that the Ministry of Education, Science and Technology, and the Government at large, is not sympathetic or has not done anything to resolve the lecturers' crisis.

(Loud consultations)

The Temporary Deputy Speaker (Mr. Khamasi): Order, Major Madoka!

The Assistant Minister for Education, Science and Technology (Dr. Mwiria): Mr. Temporary Deputy Speaker, Sir, I will not respond to Maj. Madoka's remarks. We need to remember that although UASU officials were trying hard to have their union registered since 1993, it is not until this year, when NARC came to power, and only four months after, that the union was registered.

(Applause)

We did allow for its registration because we value university staff representation in the governance of universities. We see it as a voice that will tell the university administration and the Government what their problems are, including those related to salaries. We did this because we knew that UASU would be a useful intermediary body between the various levels of the Government and the university administration. We believed that UASU would provide a balancing force in terms of checking the excesses of university administration that have sometimes been corrupt and because we think it would promote quality education.

In the same spirit, we believe strongly in dialogue; dialogue that not only takes place between UASU and the Government or UASU and the university administration, but also with regard to students and other stakeholders in university education. We also believe in the independence of universities to the extent of gaining some form of autonomy. That is why this year, again, the President delegated the role of Chancellors of universities to other eminent Kenyans. This was in the spirit of ensuring that the Government is not too powerful with regard to what takes place in institutions of higher learning. Also, the Government is not always directly responsible for the closures of universities.

In response to the question that was being raised by hon. Kajwang, closures of universities ought to be effected according to an academic calendar that has been approved by the universities themselves. In believing in dialogue, we have done a great deal as a Ministry and Government at large. We have made a lot of effort with regard to talking to UASU members. I like to say that, officially, the Minister for Education, Science and Technology, hon. Prof. Saitoti, has met with the University Academic Staff Union (UASU) three times. It may not be many times, but if you consider that previous Ministers never even wanted to think of a union; leave alone meeting them, and that is within a period of four months, it is not so bad. It might not be enough. I would also like to say that I had occasion to meet with the officials, both formally and informally, and we have done a great deal to make it possible for the people in the Government to meet the university administration.

Mr. Temporary Deputy Speaker, Sir, I would also like to say that in addition to these official and informal meetings, the Ministry put together a team or commissioned a research project from Kenya Institute of Public Policy Research and Analysis (KIPPRA) to be able to look at the terms and conditions of service of our dons, with a view to giving us recommendations that would help us stem the exodus of lecturers to universities in the south as well as south of this continent. I know this has been the bone of contention, because people have asked why we need a task force. We know what lecturers at other universities earn, and we can get this information quickly, but a study like this is justified by a number of factors. The first one is that it is used to work on comparative statistics in terms of what it is that lecturers in the East African region are earning, and how much they are earning outside East Africa. Because, if we would like to ensure that they do not run to those other countries, then we need to know what they earn.

The second reason for that is that we also need a justification for deciding that this is what we need to pay as opposed to that other one. If you go to the internet, you will be able to get all the facts! It is not a big problem. But if you go to the internet, you will only get the basic salaries, but you might not get the details related to the earnings of professors, or details about terms and conditions, or details about justifications about why certain professors or certain levels of academic staff are paid whatever they are paid. So, there is a clear justification for the study.

In addition to that, Mr. Temporary Deputy Speaker, Sir, I would also like to make it very

clear to the Members that these issues, after all these discussions, have also been discussed in the Cabinet. In fact, the Cabinet gave the Minister a go-ahead to discuss with the UASU, and tell them for sure that something is going to happen. The problem that remained was one of time and method. Of course, we do appreciate the role that our professors and lecturers play with regard to the development of this country; and this point has been made many times before. We do not really need to over-emphasize it.

Somebody said that most of us have passed through teachers, not to mention professors. All of us have gone through professors, including the people that govern this country or many of these politicians. We also know that universities are the engines of development, especially with regard to science and technological development, and the research that takes place. So, for sure, our professors and lecturers are key with regard to what we need to do in order to develop this country, and we cannot ignore this. We also agree that they are underpaid; of course, we know this. I have been on record here saying that after we implement the full package that was approved by my Ministry for the teachers, a principal of a secondary school will be earning more than a deputy Vice-Chancellor of a university, while a Vice-Chancellor of a university will only be making Kshs2,000 more than a principal of a secondary school. I have also said that a P1 teacher, then without any degree, after six years or so, would be making more money than an assistant lecturer; the one that we have been told by hon. Mrs. Mwendwa has two degrees. Of course, this is scandalous, and we agree. It is in this regard that we would like to do something. The only problem has been how we go about it. We have tried to dialogue and even proposed a time frame within which to implement the lecturers' salary increment. I think the February, 2004, deadline is not too far away, considering a number of factors.

Mr. Temporary Deputy Speaker, Sir, we need to prepare a budget for whatever figures are agreed upon, and that has to be approved by Parliament. We also need to do serious consultations to ensure that the package we come up with is for the future. We do not intend to come up with a package for one year only. We want to come up with a package for our university lecturers for the next 50 years, and so, we need some time to do that. We are now in a position to do that.

I spoke to the management of the Institute that was commissioned to look into the issue of the lecturers' salary increment yesterday and this morning. That is a clear indication that we are concerned with resolving this issue. They have assured us that the report will be ready in the next one week. That report will give information on what professors and lecturers earn elsewhere in the region, so that we can then use that as the basis on which to discuss with the University Academic Staff Union (UASU). Then we will have something to give to UASU. One of their contention is that they were never offered anything. So, we asked them to give us justification for coming up with something that we could use to offer them a package. Now, we are ready. In other words, if that was the main bottleneck, it has been removed. In this regard, a lot of progress is being made.

Mr. Temporary Deputy Speaker, Sir, I have experienced both worlds. People say that I was the Secretary-General of UASU. In fact, I was the First Secretary-General of UASU. To correct Mr. Kajwang, Mr. Omar Onyango was my Deputy Secretary-General. We fought these battles for a year. But a lot of our friends out there would not listen to us. Some of them are on this side, but most of them are on the Opposition side. Some of these hon. Members have openly supported the lecturers' strike. I think this is very irresponsible.

Hon. Members: They are in NARC!

The Assistant Minister for Education, Science and Technology (Dr. Mwiria): No, they are not in NARC, but in KANU!

The Temporary Deputy Speaker (Mr. Khamasi): Order, Dr. Mwiria! Could you address the Chair?

The Assistant Minister for Education, Science and Technology (Dr. Mwiria): Mr. Deputy Speaker, Sir, we experienced these problems and we were really harassed. I would like to remind my former colleagues in UASU that they are quite lucky because they can be listened to. That time, we went to see the Attorney-General and the Registrar of Societies, and all of them ran away from us. We were put in. I must say that, that was my first time to sleep in police custody because of UASU.

Mr. Temporary Deputy Speaker (Mr. Khamasi): Order! Time up!

Mr. Koech: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to comment on the lecturers' strike.

We are aware that lecturers have had a lot of problems for a long time. As has been said by other hon. Members, drivers and office messengers in other institutions earn more than the lecturers. It is also embarrassing to find a lecturer stopping his former students at the road side to ask for a lift because he cannot afford a car. Somebody has talked about lecturers owning pick-ups, but most of them cannot afford it. It is high time the Government improved the terms and conditions of our university lecturers. If we value education, then we shall do much more for this country. For a long time, we have not valued education. That is why salaries for university lecturers have remained so low for a long time.

I am happy the Assistant Minister has said that he will look into this issue, but we should address it immediately. We should give the lecturers something, so that they can go back to teach. We understand the financial situation of the economy of this country.

(Loud consultations)

The Temporary Deputy Speaker (Mr. Khamasi): Order, hon. Members! Could you, please, consult quietly, so that we can hear what the hon. Member is saying?

Mr. Koech: Mr. Temporary Deputy Speaker, Sir, although the financial position of the country is bad, I think the Ministry [**Mr. Koech**] of Education, Science and Technology should initiate negotiations aimed at offering the lecturers something. We should also start planning on how to improve their package in future.

Mr. Temporary Deputy Speaker, Sir, the piecemeal increase of salaries for civil servants has created a lot of disparities in this country. The Government should harmonise salaries of public servants so that we do not have some public servants earning more than others. When the salaries of public servants are increased, they should be harmonised. There should be some basic relationship between the salaries of senior and junior public servants.

Mr. Temporary Deputy Speaker, Sir, in the past, organisations which had strong unions had their salaries increased. For example, the Kenya National Union of Teachers (KNUT) has been very vocal and as a result, teachers have had their salaries increased. They now are higher than those of education officers. Today, if you wanted to employ inspectors of schools or education officers, you will find that it is very difficult to get qualified personnel because teachers' salaries are higher than those of civil servants. The Government must harmonise these salaries.

If you promote a teacher to an inspector or an education officer, he should earn more money than a teacher. But we have a situation where the Chief Principal earns more than the Director of Education. This is unusual. It is high time the Government harmonised the salaries of public servants, so that when they are promoted from one grade to another, there are no disparities in their salaries. Such disharmony has put this country in a very difficult situation and created a lot of confusion.

Mr. Temporary Deputy Speaker, Sir, I welcome this Motion and ask the Government to give

university lecturers a better pay. We should also harmonise our civil servants' salaries. We should ensure that better qualified people are paid better than those who are not qualified. We know that this is a historical problem, but we should not go back to the past. We should ensure that lecturers and other public servants get better pay.

With those few remarks, I beg to support.

Mr. Bifwoli: Mr. Temporary Deputy Speaker, Sir, I want to take this chance to support the Motion.

First, I want to thank the Government for registering the UASU. The Government should ask itself why the lecturers have been pressing for the registration of UASU. It should wake up and address the lecturers' strike with the seriousness it deserves. I have been a branch member of KNUT, and I know that a strike is meant to ask a "sleeping" employer to wake up and go to the negotiating table. It appears that the Ministry is sleeping and the lecturers are knocking on its door, asking it to wake up and go to the negotiating table and discuss the issue with them. They are not asking for a 100 per cent pay hike as alleged by my brothers.

I was a member of a union that had bigger muscles than the KANU Government. We took them to ransom and they gave us better salaries than the civil servants. In fact, a Director of Education earns less than a Senior Principal because teachers had the muscles to negotiate for better terms. Does this Government take care of the civil servants who have no union to fight for their rights? Do not look at UASU and assume they have no muscles. They are merely knocking at the door. Please, wake up, sit down and negotiate with them.

Mr. Temporary Deputy Speaker, Sir, it is actually dehumanizing to find that a university don teaches a student who, later on, when he joins another profession, earns 20 times more than him. It is high time this country realized that teaching is a noble profession. It is a pity that in Kenya, teaching is a curse. Look at the university dons. How much do they earn? Are they condemned to hell? Look at what the teachers were earning before they wrestled with the KANU Government. Look at the nursery teachers. They are earning peanuts. What crime have people done by joining the teaching profession? What crime did they commit by becoming professors? Some of them are trained engineers. They can go elsewhere and earn better pay, but they have sacrificed for this country. We must reciprocate the sacrifice with better pay. They only want to sit down with the Government and negotiate their salaries.

Mr. Temporary Deputy Speaker, Sir, UASU gave a 21-day notice to the Minister for Labour and Manpower Development. We all know that the Trade Disputes Act is very clear. We expected that within those 21 days, the Minister would have met with the Minister for Education, Science and Technology, and sat down and negotiated with the UASU. What steps did he take? He waited until they went on strike to declare it illegal! Do you wait until people go on strike, then come up with your usual song of illegality?

(Applause)

Illegality on an empty stomach? When somebody is hungry, does he know the law? When we, in Government, become very hungry, do we know the law? I remember, when I was a new comer here, and the Minister for Finance wanted to slash our salaries, we walked out in protest. We took him by the neck. Did he not give us the money?

The sad thing about this strike is that public universities were closed down. UASU represents members of both public and private universities. The Government went ahead and closed down the public universities, but left private universities. All lecturers in this country are members of UASU. Are we not being unfair? The students from public universities come from all over the

world. If you have a student studying in London, will you bring him to come and study here, in Kenya, where lecturers go to the streets demanding a better pay package and universities are closed? Surely, this is extremely unfair.

Mr. Temporary Deputy Speaker, Sir, given the long experience I had in the union, I would like to advise the Government, first of all, to appoint a team from the Ministry of Labour and Human Resource Development, the Central Organisation of Trade Unions (COTU) and UASU, to form a reconciliation team.

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

Dr. Godana: Mr. Temporary Deputy Speaker, Sir, thank you. I would like to support this Motion before the House. When all the public universities in the country are closed, and not according to the programme that they established, but because of a strike by the teaching staff, it is a major national crisis. It is a crisis which this House, as the ultimate point of reference by all Kenyans when they are in problems, perhaps, should close ranks and deal with it in an honourable manner.

The Ministry of Education, Science and Technology cannot pass the buck. The problem might have had a historical origin, but the fact is that we have a Government and a Ministry which is responsible for managing the educational system in the country. I think this Ministry will have to accept its terrible failure in not foreseeing this problem. The moment the Ministry of Education, Science and Technology conceded to the demand by the members of KNUT, it should have been natural for them to expect that this concession would have to be replicated across the length of the teaching professionals, universities included. There is no point of the Government boasting of free primary education and so on.

*(Mr. Kimeto stood up between
Mr. Speaker and Dr. Godana
who was contributing)*

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. Kimeto! You know the rules of the House. You cannot come in between the Chair and the person contributing. Can you move to your place?

(Laughter)

Dr. Godana: Thank you, Mr. Temporary Deputy Speaker, Sir. That is the rule of the House which all Members should understand. Nobody should come between the eye of the Speaker and the person contributing.

I think that part of the problem stems from the very irresponsible manner in which the NARC coalition promised heaven to every sector of this society during its campaigns. The chicken is now coming home to roost! Yes, and indeed, there was no point of boasting of free primary education. In the words of one of the two multilateral institutions that this country is looking forward to for aid, I can quote, "If you do not start making plans for tertiary institutions and secondary schools for the intake, the so-called free primary education we are supporting you is hell waiting for you in the next five years." Indeed, if this is the trend, I can see that the hell may be unavoidable.

As a society, we have adopted a very skewed system of rewards for the public sector employees, ourselves included. The range of differences in pay for similar jobs is just unbelievable. At the bottom of the Civil Service cadre are people who start with basic salaries of between

Kshs4,000-5,000. I believe that a police constable starts with Kshs5000. We are getting graduates getting into that service and keeping watch over a politician like you or me overnight, knowing what you earn. For all purposes, you have the same education, and understanding of what is happening in the world. We also adopted a view which was a terrible mistake, that there are some sections of the public service which are so important that we have to pay them exceedingly well, so that they are not tempted to take bribes. That was the justification that was used in enhancing the pay of the KRA employees. It was followed soon by sector after sector.

Mr. Temporary Deputy Speaker, Sir, people who tend to be modest by nature, like the university academic people, and I say this with pride because I was also a member, are prepared to pursue the profession and teach. I do recall the difficulties that we used to face. There are many, as I recall, and also from what the Assistant Minister has said, hon. Prof. Kibwana. I think that it is time that this Parliament took the lead to convince this Government to adopt a coherent system of rewarding the public servants from the bottom to the top. Let by-gones be by-gones. We must have a limit.

There are countries which use that system and it is also possible to apply it here. I know of one or two countries where, at one time, they actually decided to reduce salaries in order to harmonise the top scales of certain public servants, and increased the bottom scales. I think that it will be unavoidable. Many of our key institutions, such as the universities, will be faced with collapse. I do not think that this is a situation that any of us can morally justify.

Mr. Temporary Deputy Speaker, Sir, I want to appeal to the Government to be much more responsible. A crisis like this should not find the Minister for Education, Science and Technology attending a UNESCO Conference or any other conference outside the country. That is a matter that can be attended to by representatives like his juniors. A crisis like this demands that the head of department responsible for it, the Minister for Education, Science and Technology, should be on the forefront everyday, telling Kenyans what he is doing trying to solve it.

With those few remarks, I beg to support.

The Minister for Labour and Human Resource Development (Mr. Mwakwere): Mr. Temporary Deputy Speaker, Sir, it is extremely encouraging to see the former managers of the affairs of this nation criticising themselves, realising, albeit the delay, that the mistakes they made were so serious that it only takes the NARC Government to put things right. They refused to register the University Academic Staff Union (UASU), but the NARC Government has done so. They gave them very poor terms and conditions of service. I was a member of the Nairobi University Council for six years and at the end of it, I was sacked from my job. The details are known elsewhere. The reason for my dismissal was that I was very particular on matters affecting people in this country, particularly, their welfare. They talked of being mindful of the welfare of people in this country, but they were only mindful of the size of their bank accounts. This is really shameful---

Mr. Kamama: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Minister in order to actually bring up a situation whereby he is just talking about KANU and NARC? This is a problem between this Government and the lecturers. He should address this problem.

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mr. Kamama! That is not a point of order. That is frivolous. Every hon. Member has got only five minutes and we should let them finish their time without unnecessary interruptions.

The Minister for Labour and Human Resource Development (Mr. Mwakwere): Mr. Temporary Deputy Speaker, Sir, before going on strike, the university dons initially gave us a 21-day notice on the 17th of October. On the 29th of October, I wrote to them to highlight the consequences of going on an illegal strike without following the provisions stipulated under the Trade Disputes Act, Cap.234, Laws of Kenya. I also reminded them that if they were to go on strike,

they were to give an additional seven days' notice in accordance with the Act. They did not do that, so on 8th November, I declared the strike illegal.

I did not do that to punish them or to make their lives miserable. I did that to make sure that we chart the way forward. In the process, I decided to appoint an arbitration committee so that they may work out a return-to-work formula. I did this, and I appointed Mr. Geoffrey Orao Bura, a lawyer who worked at the ILO. He is a member of the panel that is reviewing our labour laws. He has done a lot of work for the Ministry of Labour and Human Resource Development in matters related to trade disputes. I also appointed Mr. John Namasake of the Federation of Kenya Employers and Mr. Isaiah Kubai of COTU. I appointed joint-secretaries from the Ministry to work out a return-to-work formula. They have already started their work and this morning they met with members of the UASU. Later, they met with vice-chancellors of the universities. As I talk now, the committee is having a meeting with the Permanent Secretary, Ministry of Education, Science and Technology. They will also get in touch with the PS, Ministry of Finance.

(Applause)

The whole objective here is to work out a return-to-work formula because the Ministry of Education, Science and Technology, on behalf of the Government and the people of this country, is out to ensure that the university lecturers have a package that is commensurate with the work that they are doing and acceptable.

We fully support that idea and we are working towards that. However, as we do so, we must be sure that we come up with a package that is implementable because when we took over this Government in January the Treasury had been looted. It takes the genius of the Minister for Finance to keep this country running. All that was done by the KANU Government. I would like to assure the House that---

Dr. Galgalo: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Minister to tell the House that they inherited empty coffers, whereas, when immediately they took over, they bought hundreds of limousines?

The Minister for Labour and Human Resource Management (Mr. Mwakwere): Mr. Temporary Deputy Speaker, Sir, my Ministry has done the needful to ensure that there is a return-to-work formula acceptable to all parties, and thereafter, we will be in a position to negotiate meaningfully with an objective of improving the terms and conditions of service of all our university lecturers in all the public universities.

Thank you very much.

Mr. Onyancha: Thank you, Mr. Temporary Deputy Speaker, for giving me this opportunity to make my remarks on this matter of national importance.

While I want to commend what the Minister for Labour and Human Resource Management has said, I wish to also sympathise with the hon. Assistant Minister for Education, Science and Technology, who is in a very precarious position and, indeed, awkward position, because he was instrumental in the formation of UASU and now he is really getting and feeling the heat over the UASU demands.

It is really unbelievable that when UASU came up with its recommendations in the month of March, the university dons have had to wait until November to get a response from the Minister for Education, Science and Technology.

Mr. Temporary Deputy Speaker, Sir, there is nothing wrong in doing a comparative study so as to know what other lecturers earn in other countries of our region and the southern part of Africa. But I think, even if that study is to be done, we would be starting on the wrong foot. We should have

started by looking at what is happening at the local scene. In any case, even if we carried out those studies, our economies are different. We may not pay as much as South Africa or Botswana are doing because of the differences in our economies.

Mr. Temporary Deputy Speaker, Sir, we appreciate that the dons are being underpaid and all we should do is to lay something on the table, negotiate and be able to pay them well.

It has been stated that most principals of secondary schools are earning more salaries than our university dons. This presents a scenario where there is lack of morale among the teaching staff at the university. This finally affects standards and quality of education in those institutions. This is why, everyday, we are talking about brain drain. How do we curb the brain drain if we do not address this issue? It has taken us so long to realise that lecturers at the universities are paid poorly. They include professionals like doctors who are well trained and are supposed to teach at our universities, but as soon as they are employed at the universities, they again open their own medical facilities and begin doing their private work. So, we are losing a lot of resources and the knowledge that we have built in those minds which we should be utilising for our economy in order to make our students work hard and be good citizens of this country.

Mr. Kimeto: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for Mr. Mwakwere to cross the Floor of the House before going first to the Bar and bowing to you?

The Temporary Deputy Speaker (Mr. Khamasi): I did not see him!

Dr. Khalwale: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Minister in order to walk out of this House now, when we are trying to help solve that crisis? Could he be ordered to come back?

The Temporary Deputy Speaker (Mr. Khamasi): He is very well represented here.

Mr. Onyancha: Mr. Temporary Deputy Speaker, Sir, we expect the Minister for Education, Science and Technology to understand the challenges facing the professionals at the university. He has been one of them. There was talk of the way the Minister himself drove a Volkswagen when he was a lecturer at the university. We expect him to understand the problems that dons are undergoing right now. I would like to give a piece of advice to the Ministry of Education, Science and Technology and the NARC Government. There is a way we can save money and pay the dons. For example, our roads could be constructed by the army. We can build bridges using the army personnel. That has been done elsewhere. We can save a lot of money to pay our workers well. All we need is to work out a formula that would ensure our students resume their studies. We do not want them to stay at home while the dons, who are adults, make noise in the streets. We can avoid such situations.

With those few remarks, I beg to support.

Mr. Kagwe: Mr. Temporary Deputy Speaker, Sir, the minute we declared ourselves a democratic country, and said that there was freedom of expression, we automatically agreed that, in the event the teachers and others feel aggrieved, they are free to do exactly what they did. Therefore, I rise to support this Motion by saying that a nation that does not appreciate people who educate its people is a nation that is sinking downwards. The notice is on the wall for this Government to see. You can expect the strike by dons to be followed by similar action by nurses, doctors, teachers and others. The police will soon be complaining to be paid more. I do not know why Members of Parliament are not complaining.

It is true that the NARC Government took over empty coffers. There is no question about that. The minute you take over a Government with a deficit, it means you took over empty coffers. Not only were the coffers empty, but as a matter of fact, they were negative. If, indeed, they bought anything after that, they bought it with what they got and not what was there. I believe we must create hope for the nation. A nation that has people going on strike from one end to another does not

have hope. It is one that is rotting in hopelessness.

I believe that our lecturers should be paid more. We must also appreciate that, that can only be done on a negotiating table. It cannot be done when people are already on strike. It can only be done when people are sitting down. I, therefore, join my colleagues in urging the Government to create a negotiating team. If it is there, and I appreciate what the Minister for Labour and Human Resource Development has just said--- It is also good to urge the Government to negotiate. We should also urge lecturers to negotiate in good faith, appreciating that the position in which they stand may not be the position in which they might end up. A middle ground is what is going to be the solution as far as that problem is concerned.

Mr. Temporary Deputy Speaker, Sir, I think that quite often, the Governments mistakes being strong to arm-twisting and sticking to its position. To be strong is to be responsive to the weak. You must understand that you have to respond to those who argue with you, in whatever capacity they come from. You have to talk to them, whether they are strong or weak. I believe that the NARC Government is strong enough not to take a hard position. It should go out there and negotiate with the lecturers, so that our students could go back to their colleges. I believe that the Government did the right thing in closing the universities because there is no need of keeping students in the universities while the lecturers are not there. All that we would have experienced would be unruly behaviour and so on.

Therefore, in supporting this Motion, I want to urge the Government to be strong enough to sit and reach a good agreement with the lecturers.

Mr. Kamama: Thank you, Mr. Temporary Deputy Speaker, Sir. I rise to support the Motion. In so doing, I want to point out that the issue of salaries in this country is a dynamite which is bound to explode and we need the Government to address it as a matter of urgency and priority.

I want to thank the NARC Government, like my colleagues have pointed out, for registering the Universities Academic Staff Union (UASU). I am also thankful that my friend, the hon. Dr. Kilemi Mwiria, is in the middle of this crisis. He knows the problem and nobody should give him a brief because he has been in this game for many years. So, I am very sure he will brief his Minister to the best of his knowledge, and they will come up with a tangible solution.

This strike has caused a crisis of national proportion. Right now, the lecturers are out of the universities, the students are not learning and I am even told that the non-teaching staff are also planning to down their tools. This issue must be addressed urgently.

I also want to thank the Mover of this Motion because he belongs to Ford/P, the party that teamed up with Narc to fight KANU that had been oppressing the lecturers for so many years. Since this Ministry is being managed by dons, I am sure this issue will be solved and lecturers will go back to class soon and lecture the way they have been doing.

As a former civil servant, I know that civil servants are even more frustrated and I am sure that they will be the next to go on strike. I even have information that doctors are also planning to go on strike. So, this issue has to be addressed by the Government, or else, it is going to undermine its very existence.

A Permanent Secretary in this country earns over Kshs 300,000 and a Senior Deputy Secretary earns just Kshs 25,000. This is a big gap. How do you expect these people to perform, yet most of the donkey work is usually done by those below the Permanent Secretary? The Government must harmonise the salaries of civil servants, and it should not pass the buck.

With those remarks, I beg to support the Motion.

The Assistant Minister for Education, Science and Technology (Mrs. Mugo): Thank you, Mr. Temporary Deputy Speaker, Sir. I would also like to contribute to the Motion before the

House because it is not only very important to the Ministry of Education, Science and Technology, but also to this country.

I would like to correct a few erroneous insinuations which have been made by some hon. Members. The emotions are high because I was misreported by the Press. Everybody believes in what he or she reads in the print media. To begin with, the Ministry did address this matter. As soon as we received the salaries the University Academic Staff Union (UASU) had proposed to be paid to university lecturers, we did a Cabinet Paper which was sent to the Cabinet. That Paper was approved in June, 2003, and the Permanent Secretary immediately wrote to UASU, informing them that the Government had accepted their proposals. He also informed the union that a committee had been set up to look into their salaries. That was to enable the Ministry offer something during the discussions.

The Minister for Education, Science and Technology and I attended the meeting convened by the Ministry and the UASU. The Minister told the UASU officials that the salaries of university lecturers would be enhanced at the end of this month. He also told the union officials that a committee which will comprise of the Ministry of Education, Science and Technology and the UASU officials, would be formed to compare the salaries the task force would come up with and those of the union. It is fair that the Ministry is given the salaries which it will present to the Treasury. So, if there is any Ministry which is committed to seeing to it that university lecturers are paid better salaries, then it is the Ministry of Education, Science and Technology. This Ministry has never closed avenues for negotiations. Indeed, we have held two meetings since Thursday. In fact, we went home very late because we were discussing this matter.

Mr. Temporary Deputy Speaker, Sir, I would like to tell this House that there was no time that the union was ignored.

Dr. Khalwale: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister in order to give the impression that she cares for the university lecturers, when we know that she was the one who released the inflammatory statement that led to the strike? She should in fact, apologise to the lecturers.

(Applause)

The Assistant Minister for Education, Science and Technology (Mrs. Mugo): Mr. Temporary Deputy Speaker, Sir, what I said at the Press conference was recorded by the media. There was no time I said that the new salaries the lecturers will be paid from February, 2004 will be cancelled if they go on strike. I said that if the lecturers strike, then there will be a different approach to the matter. I also said that if they went on strike, it would be a different ball game. That is true because the matter is now being handled by the Ministry of Labour and Human Resource Development. This matter is no longer in our hands. We cannot be held responsible for the time frame we gave. That is true. Before the strike, the Ministry of Education, Science and Technology was handling the salaries the UASU had proposed. This matter is now being handled by the Ministry of Labour and Human Resource Development. Now, it is upon this Ministry to sit down with the UASU officials and the Ministry of Education, Science and Technology and come up with a time frame. That is all I said. It was not an inflammatory remark. I have a lot of respect for the dons, and I would like them to be paid good salaries.

My brother-in-law, Dr. John Mugo, has a Doctorate Degree in Bio-chemistry. He is also a medical doctor, but he never owned a car, even by the time he retired. I know that university lecturers are paid low salaries. So, the Ministry of Education, Science and Technology and I are not convinced that the salaries paid to university lecturers are good. If there was a Government which

ought to have been convinced that the lecturers were being paid low salaries, then it was the KANU Government. It is that Government which caused all these problems, which the NARC Government is trying to solve now.

(Applause)

This Government has done a lot in the education sector. More than one-third of the national Budget goes to the Ministry of Education, Science and Technology. We started offering free primary school education, and we can only do one thing at a time. I am surprised that some Ministers who were on this side of the House the other day, and did a different thing, are now the biggest advocates of this strike. They are the culprits, and not this side of the House. After implementing the free primary school education programme, we sorted out the salary problem with Kenya Union of Teachers (KNUT). The Ministry has also sorted out the problem of constituency bursary funds, and the other day, the Ministry requested the UASU to give it two months to look into their demands. You can only do one thing at a time.

I think this Government has done a lot in the education sector. The Ministry of Labour and Human Resource Development, the Ministry of Education, Science and Technology, the UASU and the universities administrations should be supported to change what has been created by KANU. They want it to appear as if the NARC Government is scattering.

With those few remarks, I beg to support.

Mr. Poghiso: Mr. Temporary Deputy Speaker, Sir, I also want to lend my voice to this issue. This is an urgent matter that the Government must deal with.

It is very unfortunate that every time somebody gets up to say something, they always blame KANU for the problems facing the Government. I think the NARC Government should grow up and come out of that and solve the matter. Right now, the lecturers do not need KANU, but NARC. So, the Government should pay them increased salaries.

The Assistant Minister for Education, Science and Technology (Mrs. Mugo): But we will pay them, Mr. Temporary Deputy Speaker, Sir!

The Temporary Deputy Speaker (Mr. Khamasi): Order, Mrs. Mugo! You are being disorderly!

Mr. Poghiso: Mr. Temporary Deputy Speaker, Sir, in any case, it is no longer in the Assistant Minister's hand. I do not know why she is getting worked up. The matter is now in another Ministry. I suppose she should just relax.

Mr. Temporary Deputy Speaker, Sir, I was a lecturer and as I rose to become a senior lecturer, I know how paltry we got paid. Whether in private or public universities, lecturers have been neglected. The people neglecting them are neither a political party nor a person. It is us, Kenyans. If we pushed for any teacher to get a rise, we should have pushed for the lecturers. The people who are in the Government now were sitting in these Benches last year. They did not ask the Government to pay the lecturers better salaries. So, what is the pretention now? Let the Government move in with speed and sort out this mess once and for all. The nation is being held hostage. Most Members on the Front Bench were lecturers and they know how much they were being paid. Now, it is time for us to support the lecturers in their quest for better pay. The lecturers are on strike and the situation is in our hands.

Mr. Temporary Deputy Speaker, Sir, all the universities were created and developed under the KANU Government. They are useful institutions and we should give credit to that Government for raising those people.

With those few remarks, I beg to support.

The Assistant Minister for Labour and Human Resource Development (Mr. Odoyo):

Mr. Temporary Deputy Speaker, Sir, as the House is aware, the Ministry of Labour and Human Resource Development is handling this particular problem. There are two issues here. First, there is the substantive demand by the university lecturers. Secondly, there is the crisis that we have to get them back to work before we can discuss further.

Mr. Temporary Deputy Speaker, Sir, so, the Ministry of Labour and Human Resource Development is involved in ensuring that we get these lecturers back to work, and students back to universities. To do that, we have already appointed a committee with very able people. We have already met, as the Assistant Minister for Education, Science and Technology clarified, with the UASU team, and discussions are going on. We have also met with their primary employers; the universities Vice-Chancellors who are representing university councils.

I, therefore, wish to inform the House that the NARC Government is resolving this issue. Many of the issues you have raised here are being addressed and we are moving towards some amicable solutions. As I stand here, I wish to reiterate that the salaries of the lecturers are low and the NARC Government is committed to change them. I also want to assure all hon. Members that we shall do everything within our powers to resolve this matter amicably.

Mr. Temporary Deputy Speaker, Sir, we know all the positive issues that have been said. We have taken into consideration all of them and we shall present them to the negotiating committee, the Minister for Education, Science and Technology and the Minister for Labour and Human Resource Development. There is already a Cabinet sub-committee that is looking into this issue. The matter has been taken at the highest levels of this Government. As you know, our Head of State was at one time a lecturer at the University of Makerere.

Thank you.

Mr. Kimeto: Mr. Temporary Deputy Speaker, Sir, the NARC Government should persuade lecturers to go back to work. If an important person was being operated at the Kenyatta National Hospital, would they leave that person to die?

I also want to inform the NARC Government that the political dustbin is not too far! The Government should address this strike by the lecturers as a matter of urgency.

With those few remarks, I beg to support.

(Laughter)

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Khamasi): Order, hon. Members! It is now time for interruption of business. The House is, therefore, adjourned until tomorrow, Thursday, 13th November, 2003, at 2.30 p.m.

The House rose at 6.35 p.m.