

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 9th May, 2007

The House met at 9.00 a.m.

[Mr. Deputy Speaker in the Chair]

### PRAYERS

### NOTICE OF MOTION

#### CENSURE OF THE VICE-PRESIDENT FOR INTERFERENCE WITH COURT PROCESS

**Mr. Midiwo:** Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:-

THAT, in view of the Court Case No.2342/05 in Busia; noting with concern letter No.BSACR2391/05/2 by the Resident Magistrate, Busia, to His Excellency the Vice-President and Minister for Home Affairs on the matter which was a response to inquiries made on the case by His Excellency the Vice-President and Minister for Home Affairs; aware of the need to maintain a truly independent judiciary as envisaged in the Constitution; appreciating that the rule of law is the cornerstone of a democratic society; this House censures His Excellency the Vice-President and Minister for Home Affairs for his correspondence on that matter, that is *sub judice* and calls upon the hon. Chief Justice to ensure that judicial officers are protected when discharging their duties, and urges the Attorney-General to guarantee a free and fair judicial process in this case for the accused person and the complainant.

### QUESTION BY PRIVATE NOTICE

#### IMPOSITION OF NEW TAXES ON COUNCILLORS' ALLOWANCES

**Eng. Muriuki:** Mr. Deputy Speaker, Sir, I beg to ask the Minister for Finance the following Question by Private Notice.

(a) Is the Minister aware that councillors in various local authorities are being charged new taxes on their allowances?

(b) Under what law are these new taxes being imposed on the allowances?

(c) Could the Minister refund the amounts deducted until an appropriate law is in place?

I do not have an answer to this Question.

**Mr. Deputy Speaker:** Is the Minister for Finance not here? Engineer, it is even more serious that you do not have an answer, and the Minister is not here! What do you have to say, Mr. Vice-President and Minister for Home Affairs?

**The Vice-President and Minister for Home Affairs** (Mr. Awori): Mr. Deputy Speaker, Sir, again, it is just the usual Wednesday morning blues. I was sure that the Minister would be here. Since it is an important Question, perhaps, I may seek your indulgence to proceed with other Questions and he may be here in due course.

**Mr. Deputy Speaker:** Well, we will see when we get there.

*(Question deferred)*

## ORAL ANSWERS TO QUESTIONS

*Question No.064*

### REHABILITATION OF CATTLE DIPS IN TESO DISTRICT

**Mr. Ojaamong** asked the Minister for Livestock and Fisheries Development:-

(a) what measures he is putting in place to rehabilitate cattle dips in Teso District; and,

(b) how much money has been earmarked for cattle dip rehabilitation in the district this financial year.

**Mr. Deputy Speaker:** Is the Minister not here? I think this matter is getting out of hand again. I thought we had resolved this issue of Ministers coming late, or not coming at all to answer Questions.

Now, Mr. Vice-President and Minister for Home Affairs, we seem to be slowly drifting back to where we came from. As the Leader of Government Business, could you, please, ensure that Ministers are here, because we are wasting a lot of time calling on Ministers to respond to Questions and they are not in the House?

**The Vice-President and Minister for Home Affairs** (Mr. Awori): Mr. Deputy Speaker, Sir, on behalf of the Minister for Livestock and Fisheries Development, I be to reply.

(a) Communal cattle dips in the country were privatised in 1991. This move effectively passed over ownership and management of the

facilities to the communities. Since then, it has been the responsibility of farmers in the country to run and maintain these dips through elected dip management committees. However, the Government has continued to give assistance to communal dips by training farmers on basic dip management practices, tick and tsetse control methodologies, and also by ensuring that only effective acaricides are sold to them. May I also urge the hon. Members to support the revival of dips through the now improved CDF and LATF.

(b) My Ministry is undertaking a countrywide survey to compile comprehensive data to identify key factors which led to the collapse of dips, and also identify key areas that are in dire need of dipping services. The survey will also guide the Ministry on the review of the current policy of privatisation. Therefore, owing to the policy in place, the Government has not earmarked any money this financial year for dip rehabilitation anywhere in the country, including Teso District.

**Mr. Deputy Speaker:** Thank you, Mr. Vice-President.

**Mr. Ojaamong:** Mr Deputy Speaker, Sir, prior to the 2002 elections, one of NARC's pledges was that it was going to improve the livestock sector. The pledge was very specific that

they were going to rehabilitate all the cattle dips. Was that an empty pledge to Kenyans?

**Mr. Awori:** No, Mr. Deputy Speaker, Sir. We live in a liberalised market. As I have said, there are certain services that have been privatised. We have pushed these now to the communities and in place, we have added, in fact, sources such as the CDF. I am a neighbour of the Questioner. We have dips in my constituency and we are using CDF funds to ensure that they are operational.

**Mr. Waithaka:** Thank you, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Mr. Waithaka, we cannot hear you!

**Mr. Waithaka:** Mr. Deputy Speaker, Sir, I am saying that I am hearing for the first time that the Government gave the cattle dips to the public. All I know is that, in my constituency, the cattle dips were just abandoned. There are people called dip attendants who, up to now and for the last 17 years, are still on the Government's payroll and they do nothing. They are actually an impediment to the rehabilitation of these cattle dips because, if they are rehabilitated, they will go back to work, and they have been getting salaries for no work done. What is the Ministry doing to make sure that either those people are working or they are not on the payroll?

**Mr. Awori:** Mr. Deputy Speaker, Sir, those are extension officers who are there to assist and advise the community so that they can start being self-reliant.

Thank you.

**Mr. Ojaamong:** Mr. Deputy Speaker, Sir, the Leader of Government Business has said that those cattle dips are private entities. The Constituencies Development Fund (CDF) Act does not allow us to pump Government monies into private concerns. Are you confirming to us that we are actually breaching the law with impunity because the CDF Act does not allow us to fund private concerns like those communal cattle dips?

**Mr. Awori:** Mr. Deputy Speaker, Sir, we seem to be confusing the issue. When we talk of "private" as opposed to "public", "public" is what the Government is funding while "private" includes the community, which has got access to quite a lot of money today; as I have said earlier, the CDF, LATF and others.

Thank you.

**Mr. Deputy Speaker:** Next Question by the hon. Member for Bahari, Mr. Khamisi!

*Question No.137*

DENIAL OF KENYAN CITIZENSHIP  
TO REV. SINGH SODI

**Mr. Khamisi** asked the Minister of State for Immigration and Registration of Persons:-

(a) why Rev. Paul Singh Sodi, who applied for Kenyan citizenship in 2001 and holds Immigration Reference No.435689, has not been granted the same; and,

(b) why his daughter, Meena Singh Sodi, is being denied a national identification card yet she is a Kenyan citizen.

**Mr. Deputy Speaker:** Where is the Minister of State for Immigration and Registration of Persons?

**The Vice-President and Minister for Home Affairs (Mr. Awori):** Mr. Deputy Speaker, Sir, I do not want to introduce humour, but I think that there seems to be a sickness this morning and I am hoping that the Minister will be here soon.

**Mr. Deputy Speaker:** Mr. Khamisi, what do you say about the sickness?

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

**Mr. Deputy Speaker:** Order, Mr. Bifwoli! I asked Mr. Khamisi a question! Please, would you sit down?

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

**Mr. Deputy Speaker:** Order, Mr. Bifwoli! I have already invited Mr. Khamisi to comment on that matter!

**Mr. Khamisi:** Mr. Deputy Speaker, Sir, I would appreciate if you could allow me to ask this Question during the second round.

**Mr. Bifwoli:** On a point of order, Mr. Deputy Speaker, Sir. You heard the Vice-President and Minister for Home Affairs say that the Ministers are sick. Would I be in order to request him to take them to hospital?

*(Laughter)*

**Mr. Deputy Speaker:** No! No! What do you have to say, Mr. Vice-President and Minister for Home Affairs?

**The Vice-President and Minister for Home Affairs (Mr. Awori):** Mr. Deputy Speaker, Sir, at the cost of being unparliamentary, I have no comment!

**Mr. Deputy Speaker:** Thank you, Mr. Vice-President and Minister for Home Affairs. I will be dealing with these matters collectively later. We will see how things are turning round.

Mr. Khamisi, therefore, the issue of asking the Question during the second round may not arise because that is the policy of the House. But we will defer it at a suitable time towards the end.

Next Question by the hon. Member for Hamisi, Mr. George Khaniri!

*Question No.182*

SUBDIVISION OF SHAVIRINGA LOCATION

*(Messrs. J. Nyagah and Kingi  
stood up in their places)*

**The Assistant Minister, Office of the President (Mr. Kingi):** Mr. Deputy Speaker, Sir, at least, I am not sick! I am here! I was ready to answer the Question!

**Mr. J. Nyagah:** Mr. Deputy Speaker, Sir, I want to ask the Question as Mr. Khaniri's friend---

**Mr. Deputy Speaker:** Order, Mr. J. Nyagah! You know that is not the procedure. If Mr. Khaniri had a reason to be absent--- I said this last Wednesday; an hon. Member is at liberty to ask his colleague to ask a Question on his behalf and the Chair be informed accordingly. Now, Mr. J. Nyagah, you are saying that you want to ask the Question as his friend. You have not even got the mandate from the owner of the Question or the person who is supposed to ask the Question nor has the Chair been informed! Therefore, Mr. J. Nyagah, you are out of order!

What do you say, Mr. Kingi?

**The Assistant Minister, Office of the President (Mr. Kingi):** Mr. Deputy Speaker, Sir, I was only saying that, at least, I am not one of the sick ones. I am healthy and ready to answer the Question!

*(Laughter)*

**Mr. Deputy Speaker:** Well, Mr. Khaniri is absent. I will deal with that matter later!  
Next Question by the hon. Member for Konoin, Mr. Sammy Koech!

*Question No.187*

DOWNGRADING OF CHEPTALAL  
SUB-DISTRICT HOSPITAL

**Mr. Deputy Speaker:** Is Mr. S.C. Koech absent?

Next Question by the hon. Member for Gachoka addressed to the Minister for Education!

*Question No.189*

RETURN OF SCHOOLS TAKEN  
OVER BY DEB TO AIPCA

**Mr. Deputy Speaker:** Hon. Members, the Minister for Education has called to request that this Question be deferred and I have acceded to the request. Therefore, Mr. J. Nyagah, when do you wish that we defer this Question to?

**Mr. J. Nyagah:** Mr. Deputy Speaker, Sir, I thank you. There are two Assistant Ministers in that Ministry. Could they share amongst themselves and give me an answer this afternoon? Please, I would really appreciate that because---

**Mr. Deputy Speaker:** Order! No, Mr. J. Nyagah! The Order Paper for this afternoon has already been prepared. The best I can do is to defer it until tomorrow. Is that in order?

**Mr. J. Nyagah:** Thank you, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** The Question is deferred until tomorrow!

*(Question deferred)*

Next Question by the hon. Member for Yatta, Mr. C. Kilonzo!

*Question No.219*

MONOPOLIZATION OF REGIONAL  
AIR TRAVEL BY KENYA AIRWAYS

**Mr. Deputy Speaker:** Now, Mr. C. Kilonzo, the Question will be deferred for the following reason. The Minister is out of the country in Cameroon. The two Assistant Ministers, hon. Githae and hon. Mbarire are also out of the country. So, that is a good reason to defer this Question to next week.

**Mr. C. Kilonzo:** It is understandable, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** The Question is deferred until next week!

*(Question deferred)*

Next Question by the hon. Member for Ndhiwa, Mr. Ojode!

*Question No.231*

AMOUNT OF OUTSTANDING PENDING BILLS

**Mr. Ojode** asked the Minister for Finance:-

- (a) how much money is still outstanding as pending bills; and,  
(b) whether the Minister could table a list of the firms owed money to date and how much has been paid or recommended for payment following the Kenya Gazette Notice No.297.

**Mr. Deputy Speaker:** Is the Minister for Finance here? The Minister is absent. The next Question by the hon. Member for Maragua, Mr. Mbau!

*Question No.233*

ADDITIONAL GRADER FOR  
RUIRU MECHANICAL BASE

**Mr. Deputy Speaker:** Mr. Mbau is absent!  
Next Question by the hon. Member for Kilome, Mr. J.M. Mutiso!

*Question No.239*

BURSARY MONEY ALLOCATED  
TO TECHNICAL INSTITUTIONS IN 2006/2007

**Mr. C. Kilonzo:** Thank you, Mr. Deputy Speaker, Sir. I have been asked by hon. J.M. Mutiso to ask the Question on his behalf.

**Mr. C. Kilonzo,** on behalf of **Mr. J.M. Mutiso,** asked the Minister for Science and Technology:-

- (a) how much bursary money has been set aside during the Financial Year 2006/2007 for technical institutions; and,  
(b) how much money the Government collected during the Financial Year 2005/2006 as training levy from various institutions in the country and how it was distributed to various beneficiaries.

**The Assistant Minister for Science and Technology (Mr. Yattani):** Mr. Deputy Speaker, Sir, I beg to reply.

(a) The Ministry of Science and Technology has recognized the importance of providing bursary funds for poor students in technical institutions and has forwarded the request to the Ministry of Finance during the preparation of Financial Year 2005/2006 Supplementary Budget and 2006/2007 Budget. Though the Ministry of Finance supports the idea, it was not possible to provide for the bursary in the Budget due to limitations in revenue collection. The Government provides bursary only for secondary and university education. All other post-secondary and tertiary institutions do not benefit from any bursary.

However, the Government will extend the facility to those institutions when revenue collections improve above current levels.

(b) The Ministry of Science and Technology did not collect any training levy during the Financial Year 2005/2006. However, students are normally charged tuition and accommodation fees to cater for their upkeep and instruction materials.

**Mr. C. Kilonzo:** Mr. Deputy Speaker, Sir, I understand that the problem is not really with the Ministry of Science and Technology. The problem is with the Ministry of Finance. The Minister for Finance does not believe in bursaries. If you recall, he had even scrapped bursaries for secondary schools. Now that the Government is planning to waive tuition fees for secondary schools, could the Government also consider waiving the same for technical institutions?

**Mr. Yattani:** Mr. Deputy Speaker, Sir, that is a matter which can be considered. But, definitely, deeper and wider consultations are required.

**Mr. Bifwoli:** Mr. Deputy Speaker, Sir, the Government hopes to make Kenyans self-employed. This is the only Ministry that can help Kenyans to be self-reliant. What plans does the Ministry have to help students who join youth polytechnics to learn without being disrupted? Since many Kenyans are poor, how much money will the Government allocate to each polytechnic to help it run smoothly?

**Mr. Deputy Speaker:** Mr. Yattani, did you get the question?

**Mr. Yattani:** Mr. Deputy Speaker, Sir, I did not get the question.

**Mr. Deputy Speaker:** That is because you were engaging in consultations! The hon. Member is loud enough, even without the microphone!

**Mr. Bifwoli:** Mr. Deputy Speaker, Sir, I will repeat the question because he was consulting with another senior officer!

**Mr. Deputy Speaker:** Order, Mr. Bifwoli! Repeat your question!

**Mr. Bifwoli:** Mr. Deputy Speaker, Sir, the question is: In this country, we are encouraging our children to be self-reliant after they complete their studies. It is only this Ministry, through the youth polytechnics, that can train Kenyans to be self-reliant. What plans does the Ministry have to fund youth polytechnics so that they can give quality training to Kenyans?

**Mr. Yattani:** Mr. Deputy Speaker, Sir, I wish to inform the hon. Member that youth polytechnics fall under the Ministry of State for Youth Affairs. But, as a Ministry, we have continued to empower our polytechnics and other technical training institutes by giving them funds and training materials. We are helping them to get employment in the relevant agencies and Government departments.

**Prof. Mango:** Mr. Deputy Speaker, Sir, this country hopes to be industrialised by the year 2030. Those technical institutions are supposed to lead us into industrialisation. Could the Assistant Minister tell us the plan he has to enable technical colleges to lead us towards industrialisation?

**Mr. Yattani:** Mr. Deputy Speaker, Sir, as you are aware, ours is, relatively, a very young Ministry. We are in the process of formulating a policy to convert some of our polytechnics into degree-awarding institutions. We are equipping our polytechnics to compete with the demands of the 21st Century. That way, employment and other industrialisation aspects will be tackled.

**Mr. W. Galgalo:** Mr. Deputy Speaker, Sir, this country has several technical institutions in various districts. I come from a very marginalised area where we have only one technical institution, which is poorly equipped. The Assistant Minister also comes from those marginalised areas. Is the Government planning to equip those technical institutions and put them to better use so that they could assist people from those districts?

**Mr. Yattani:** Mr. Deputy Speaker, Sir, it is important to mention that the word "marginalised" is a very relative term. But over a period of time, it is one word that has been fairly abused in many ways. I appreciate the concerns of the hon. Member that quite a number of our technical institutions and polytechnics have been neglected over time. It is the realisation of that, that the Government has set up a separate docket of the Ministry of Science and Technology, so that the technical aspect can be deeply entrenched. We are seriously considering reviving all the technical institutions in this country so that they can be a catalyst in the achievement of Vision 2030. Moyale, Marsabit and other outlying districts will benefit from that plan. Those institutions will be equipped.

**Mr. Deputy Speaker:** Last question, Mr. C. Kilonzo!

**Mr. C. Kilonzo:** Mr. Deputy Speaker, Sir, some few years back, the Government promised

to create 500,000 jobs. One easy way of doing that is to provide bursaries for technical institutions. Those institutions train artisans, electricians, mechanics and so on. But the truth of the matter is that the Minister for Finance does not believe in bursaries. Would I be in order to ask the Leader of Government Business to highly recommend the replacement of that Minister? We are not getting anywhere as far as the issue of bursaries is concerned.

**Mr. Deputy Speaker:** Order, Mr. C. Kilonzo! You have just made a statement! What is your question?

**Mr. C. Kilonzo:** Mr. Deputy Speaker, Sir, my question is directed to the Leader of Government Business, who is not listening to me---

**Mr. Deputy Speaker:** Order, Mr. C. Kilonzo! The Question is addressed to the Minister for Science and Technology. Are you inviting the Vice-President and Minister for Home Affairs to answer it?

**Mr. C. Kilonzo:** Mr. Deputy Speaker, Sir, I am only stating a fact. My last question is: How much money has the Ministry recommended to be included in this year's Budget?

**Mr. Yattani:** Mr. Deputy Speaker, Sir, I wish to state that our Ministry got Kshs25 million. A sum of Kshs20 million was allocated to national polytechnics and Kshs5 million to Kenya Technical Teachers College (KTTC). We have put a request for Kshs50 million in the next financial year. That amount will be used to award bursaries and pay fees for students in those technical institutions.

**Mr. Deputy Speaker:** Hon. Members, that marks the end of Question Time. There is no other Question on the Order Paper.

Hon. Members, I want to deal with issues of Questions generally. You have noted that this morning, we have been able to deal with---

**Eng. Muriuki:** On a point of order, Mr. Deputy Speaker, Sir. There are two very crucial Questions that are supposed to be answered by the Minister for Finance.

**Mr. Deputy Speaker:** But, Eng. Muriuki, I said that I am now dealing with issues concerning Questions. Why can you not let me finish, then hear whether I have taken care of your concerns?

Hon. Members, we have been able to deal with only two Questions this morning because of the absence of Ministers and hon. Members. The Minister for Finance, for example, was absent. We were unable to deal with two Questions because of that. The Minister of State for Immigration and Registration of Persons is absent. Mr. Khaniri was absent, although he came in later. Messrs. Koech and Mbau are also absent. Therefore, it looks to me that dropping Questions by hon. Members is not one-sided, because Ministers are also absent. Therefore, today, exceptionally, I am going to defer those Questions for hon. Members who are absent.

*(Applause)*

Hon. Members, note that I have said "exceptionally". So, do not take it as the practice.

So, Eng. Muriuki's Question by Private Notice will be deferred to tomorrow afternoon. It is supposed to be an urgent Question. It cannot go beyond tomorrow. So, I order that the Question be responded to tomorrow. So, the Leader of Government Business will take care of that.

#### IMPOSITION OF NEW TAXES ON COUNCILLORS' ALLOWANCES

**(Eng. Muriuki)** to ask the Minister for Finance:-

(a) Is the Minister aware that councillors in various local authorities are



being charged new taxes on their allowances?

(b) Under what law are these new taxes being imposed on the allowances?

(c) Could the Minister refund the amounts deducted until an appropriate law is in place?

**Mr. Deputy Speaker:** The Question by Mr. Khamisi is also deferred to tomorrow afternoon. I order that the Minister be present then to respond to the Question.

*(Question deferred)*

*Question No.137*

DENIAL OF KENYAN CITIZENSHIP  
TO REV. SINGH SODI

**Mr. Deputy Speaker:** Again, the Question by Mr. Khaniri, with the concurrence of the Minister of State for Administration and National Security, will be deferred to tomorrow afternoon.

*(Question deferred)*

*Question No.182*

SUB-DIVISION OF SHAVIRINGA LOCATION

**Mr. Deputy Speaker:** Hon. Members, the Question by Mr. S.C. Koech will also be deferred, for the last time, to tomorrow afternoon.

*(Question deferred)*

*Question No.187*

DOWN-GRADING OF CHEPTALAL  
SUB-DISTRICT HOSPITAL

**Mr. Deputy Speaker:** Hon. Members, you realise that we have deferred all these Questions. For sure, if they are not attended to tomorrow, we will deal with them by dropping them.

The Question by Mr. J. Nyagah---

**Mr. Cheboi:** On a point of order, Mr. Deputy Speaker, Sir. Regarding Mr. S.C. Koech's Question, I am aware that he will not be here tomorrow, because there will be a function in his constituency then.

**Mr. Deputy Speaker:** Thank you for that information. Therefore, Question No.187 by Mr. S.C. Koech is deferred to Tuesday next week, and not tomorrow.

*(Question deferred)*

Regarding Question No.189 by Mr. J. Nyagah, the Minister for Education has not given an indication as to when he will be available. However, I will defer the Question to Tuesday next week.

*Question No.189*

RETURN OF SCHOOLS TAKEN  
OVER BY DEB TO AIPCA

*(Question deferred)*

**Mr. Deputy Speaker:** Mr. Ojode's Question to the Minister for Finance is deferred to tomorrow afternoon.

*Question No.231*

AMOUNT OF OUTSTANDING PENDING BILLS

*(Question deferred)*

**Mr. Deputy Speaker:** The Question by Mr. Mbau to the Minister for Roads and Public Works is also deferred to tomorrow afternoon.

*Question No.233*

ADDITIONAL GRADER FOR  
RUIRU MECHANICAL BASE

*(Question deferred)*

**Mr. Deputy Speaker:** Hon. Members, you realise that tomorrow afternoon we will be dealing with work which we should have dealt with today. That is a big waste of time. We still have 30 minutes to deal with Questions but we neither have people to ask them nor Ministers to answer them. Therefore, again, let this be a caution to hon. Members on both sides of the House to take parliamentary work more seriously.

Next Order!

**The Vice-President and Minister for Home Affairs** (Mr. Awori): On a point of order, Mr. Deputy Speaker, Sir. Before we leave the matter of Questions, to lighten the load, I now have the answer from the Ministry of Education. If Mr. J. Nyagah wants to ask his Question, I will answer it.

**Mr. Deputy Speaker:** Your Excellency, the Minister had called and requested deferment of the Question. Since we have already deferred it, let us leave the issue of Questions at that and note very seriously what the Chair has said.

Next Order!

**MOTIONS**

A BILL TO AMEND THE EDUCATION ACT

THAT, this House notes with appreciation the implementation of the free primary education in Kenya since 2003, and observes with regret that the majority

of the pupils who sit for the Kenya Certificate of Primary Education (KCPE) examination do not proceed to secondary or higher education and lack opportunity to acquire proficiency, artisan, craft and other requisite technical skills; this House, therefore, grants leave to introduce a Bill for an Act of Parliament to amend the Education Act, Chapter 211, Laws of Kenya, to provide for 12 years of free and compulsory elementary and secondary education for all children in Kenya.

*(Mr. Oloo-Aringo on 2.5.2007)  
(Resumption of Debate  
interrupted on 2.5.2007)*

**Mr. Deputy Speaker:** At the closure of business on Wednesday morning, Dr. Mwiria had concluded responding. So, the Motion is still on. There is still a balance of one hour for this Motion. Who wants to contribute?

Prof. Maathai!

**Prof. Maathai:** Thank you, Mr. Deputy Speaker, Sir, for giving me the opportunity to contribute to this Motion. First of all, I would like to thank Mr. Oloo-Aringo for bringing this Motion to the House.

Mr. Deputy Speaker, Sir, education is about the most important investment we can make in our country. Taking care of our young people and giving them knowledge are extremely important parts of the responsibility that we ought to embrace both as parents and as Government. Any country that we often quote in this House as we discuss issues, comparing ourselves with them and wondering why they went forward when we remained stagnant or went backwards; often, the difference is that their governments invested in education. Very good examples are India and South Korea. Both countries are very well-known to us. Especially, India provides many personnel that eventually come to work in our country.

We also have a country like South Korea, which has been quoted many times in this House. We often say that in the 1970s, Kenya and South Korea were developing at about the same rate, but at a certain time, Korea took off and is now one of the Asian economic tigers. If we ever aspire to be a tiger and develop to the level that many of us hope for, we must invest in education. It is not possible for all parents to provide education for their children, especially in a country where 60 per cent of the people are poor. Quite often, we send our children to school but after the secondary level - sometimes even after the primary level - we are unable to take them forward.

So, it is very important for us to depend on the Government to give the necessary primary and secondary education. The country can actually afford it if we were to cut down on some of the luxuries that we give ourselves, especially in the Government. We can manage our Budget and be able to provide free education to our children. After all, we used to say that we could not give free primary education, but the NARC Government has managed to do so. We used to say that we could not give bursaries, but we are now giving many bursaries to our children in secondary schools. In the beginning, we were not giving loans to university students. We now have an established loan system in the universities. So, it is possible to stretch ourselves to manage our resources better and do it without sacrificing too much.

*(Loud consultations)*

Mr. Deputy Speaker, Sir, I am having to shout because I can hardly hear myself. It is very important---

**Mr. Muturi:** On a point of order, Mr. Deputy Speaker, Sir. The hon. Member on the Floor

is pleading with you to intervene. She cannot be heard!

**Mr. Deputy Speaker:** Order! Order, hon. Members, particularly those hon. Members seated on the bench in front Prof. Maathai! She cannot be heard! You are consulting too loudly! Please, let the gracious lady be heard!

Proceed!

**Prof. Maathai:** Thank you very much, Mr. Deputy Speaker, Sir. I was saying that it is possible to give free secondary education. We can cut down on many luxuries that we have. If we manage our Budget more prudently, and sacrifice some of the luxuries that we give ourselves, especially amongst the Ministers and in many other Government offices, we can do it. If we became more efficient in managing our resources, I am 100 per cent sure that we could provide free education in both primary and secondary schools.

Mr. Deputy Speaker, Sir, if we found it difficult, I think it is also possible to give loans, especially to our secondary schools. I think it is a shame that so many of our children are not able to undergo secondary school education, because they cannot pay school fees. It is even more shameful that when they finish secondary school, we are not able to give them their results. That has been a subject of discussion in this House so many times. There is no reason why we cannot give loans to our secondary school students, just like we do to our university students, and demand that they repay these loans when they get employed. This is one way of making sure that our students become self-reliant, work hard and learn to take responsibility and not completely depend on their parents. So, instead of literally throwing away young people because their parents cannot pay school fees, we ought to come up with a mechanism such as loans, to make sure that our children go through secondary school and technical schools. We should give them loans which they will repay, as I said, when they get jobs.

Mr. Deputy Speaker, Sir, if we did this, for example, we could then invest in teachers. So many times, in this House, we have asked for more teachers to be employed. We have so many schools in the country which have a shortage of teachers, and yet, the Government is not able to provide them. If we were not struggling to offer free primary or secondary education, and introduced a loan scheme, for example, then we would be able to invest in infrastructure in schools. As a result, we would construct good schools with science laboratories, computers and all the facilities that are needed to bring out students who are creative and innovative. They will then be able to self-employ themselves. That way, we would not have such a large number of Form Four leavers who are literally not able to employ themselves. Many of them are unemployable because they are completely unskilled.

I think it is short-sighted for us to expect students to come out of secondary schools with basic information and knowledge, and work in offices. If you employ some of our youngsters and station them in offices, they do not even know which side of the telephone handset to speak to and which one to listen to. They do not know what a fax or electronic mail (E-mail) look like. Such people are completely unemployable. I think that we could invest our money in institutions that have equipment that makes these students graduate when they are employable.

Mr. Deputy Speaker, Sir, we have to develop a culture of self-reliance. The only way that we can do this is by training our children, even when they are going through school, that they have to be self-reliant. There is no better way of doing this than to give them an opportunity to support part of their education, by knowing that they are getting education, but they will have to repay the loan that they received. This would be a way of eliminating the culture that we have now developed in this country, where we have an army of employable youth, because there are no technical schools for them to join after undergoing secondary education. I would like to thank the NARC Government because it is now beginning to revive the technical schools, which were abandoned for many years. There is no way a person can be helpful in an office if all he or she can

do is read and write. One has to have skills besides knowledge. So, getting children into technical schools is extremely important.

Mr. Deputy Speaker, Sir, this Motion supports a great vision for any country, especially this country which has a great potential. We have such a wonderful country that has so many resources, and people who work very hard. But quite often we waste them away, because we give them half-cooked education that does not enable them to support themselves, because it does not make them creative and innovative.

Mr. Deputy Speaker, Sir, I want to commend the hon. Oloo-Aringo and strongly support this Motion, which I think would be a wonderful vision for this country if we were to approve and support it.

With those few remarks, I beg to support.

**Maj-Gen. Nkaisserry:** Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to support this very important Motion. First of all, I would like to take this opportunity to really commend and thank the hon. Oloo-Aringo for bringing this very important Motion which is long overdue. Compulsory and free education in primary and secondary level is overdue, because a country with educated people is likely to move forward in terms of development. This is because the knowledge acquired at the very basic level would be a very strong foundation for a nation to move forward in terms of development.

Mr. Deputy Speaker, Sir, as I speak, the primary education is not that much free, because we have a shortage of teachers. Therefore, even if the Government is offering free primary education, it is not quality education. But if we pass this Bill, it will compel the Government to employ more teachers, so that free and quality education can be provided to our children. At the moment, one teacher takes care of more than 100 pupils. In Kajiado District, for example, we have a shortage of over 400 teachers. So, free primary education is not effective because a large number of pupils have enrolled in primary schools, yet, we have few teachers.

Mr. Deputy Speaker, Sir, likewise, there has to be a law to ensure that compulsory education is offered. As I speak now, the compulsory aspect of free primary education is not taking place, because there is no law to enable children to compel their parents to take them to school.

This Motion, once it is passed, will enable this country, by law, to ensure that every child is given free education, from primary to secondary level. I think we must aim at providing free primary and secondary education.

Mr. Deputy Speaker, Sir, so many resources are collected in terms of taxes. Therefore, this country has the capacity to offer free primary and secondary education. Therefore, the availability of resources should not be an issue. The Government should not claim that it cannot offer free primary and secondary education because of lack of resources. The Government can provide free secondary education. One of the areas which we can tap from is for this country - we are part of the international community - especially this Government, to stop thumping its chest that we cannot borrow money. We are part of the international community. We have shares in the International Monetary Fund (IMF) and the World Bank. We have the right to borrow long-term loans so that elementary and secondary education can be achievable if we go towards that direction. They should be long term loans because we are part of the international community.

Similarly, Mr. Deputy Speaker, Sir, we must apportion part of the resources accrued through products like tea, soda ash and cement. We must consolidate these resources like wildlife income so that our children can have free primary and secondary education. So, I, indeed, support this Motion. I wish, once again, to thank the mover for bringing this Motion.

With those few remarks, I beg to support.

**Mr. Angwenyi:** Thank you, Mr. Deputy Speaker, Sir, for this opportunity. I would also like to say that Mr. Oloo-Aringo is the indomitable Mr. Oloo-Aringo. The one who would be a doyen

of the Kenyan Opposition politics asked at one time: How can you take cows to the river without a bull? The bull was Mr. Oloo-Aringo.

This Motion should have been brought sometime back. This Government has done a commendable job in plugging the leakages in revenue collection and expenditure such that we have almost doubled the collection of revenue in this country from Kshs197 billion to almost Kshs400 billion. To extend truly free education in this country will not cost much. My estimation is that it will cost about Kshs12 billion. This is a small fraction of some of the indulgences that our country has been involved in.

Mr. Deputy Speaker, Sir, to bring up a human being, you must train him or her between the age of six months and 18 years. Therefore, that is the time you must devote all your resources in that formative period so that you can develop and bring up a wholesome person. This is a person who will not be easily persuaded to commit crime. This will be a person who will be productive to the nation and one who will keep law and order. This will happen if we train them during those formative years. There is no better way of training or bringing up somebody than providing education in those formative years. In fact, when Mr. Oloo-Aringo brings the Bill, he must extend it to nursery and pre-primary school where our small kids are taken to school. The poor parents cannot afford and, therefore, sometimes, they do not go to pre-primary schools. We should have free education from the cradle to Form IV.

If you go around the country, even if you go to the slums of Nairobi, you will see many young people who have dropped out of school because their parents cannot afford to pay for their secondary school education. We are doing this when we are setting aside some money for use by the youth, who constitute a very small fraction of the total population of this country.

Mr. Deputy Speaker, Sir, recently, the President announced that he is going to waive tuition fees. I believe that this Motion will convince him to go the whole way so that he can provide free education in all our secondary schools. If we do not do this, then education will be for the rich. Education will be for those who can afford it. That is a small minority of the population of this country.

We used to have free education. However, one morning, the World Bank imposed on Kenya cost-sharing, right from primary school to secondary school. We never thought that we can be able to provide even free primary education. So, when that was done by this Government, they have discovered that we can actually provide free education. We should, therefore, extend it to secondary school.

Facilities are being built now by the Constituencies Development Fund (CDF). In my constituency, for example, since the introduction of CDF, we have built 19 secondary schools. What we need in those secondary schools is to have kids there. We want to encompass all our kids who qualify to be in Form I so that we can give them this education and prepare them for life. If you were to drop out of school at Standard Eight, you will not have gained knowledge to handle your own life. For example, you will not have been exposed to computers. You will not have been exposed to learning about your own country at Standard Eight because a child completes Standard Eight at the age of 12, 13 or 14 years. So, we should support this Motion. We should also urge the Government, in one voice, as the Parliament, that we believe investment in free secondary school education is proper investment. You have seen this Government investing in loss-making corporations. Recently, we invested Kshs6.7 billion in Telkom Kenya. How many people use Telkom Kenya services in this country as compared to the number of students who would have utilised that money to access secondary school education?

Mr. Deputy Speaker, Sir, we should urge the Government to extend this facility without politicising it. They will be doing it as a national duty as a responsible Government. If you go round the country, if you go to Kibera, for example, you will see young people trekking in the

morning to the Industrial Area to look for casual jobs. Those people have dropped out of school and there is no hope in their lives. Therefore, they will be easily persuaded to indulge themselves in social malpractices.

With those few remarks, I beg to support this Motion vehemently, to extend free education to secondary school.

**Mr. Kipchumba:** Mr. Deputy Speaker, Sir, this is a very important Motion. I wish that we could pass it quickly so that we can have a Bill in this House for the same.

I am aware that everybody would like to have this free education. However, we must put it into law. It is not just enough to make pronouncements all over; that we will make it free. We must put it into law so that irrespective of which Government comes to power, it must be implemented.

Mr. Deputy Speaker, Sir, the amount of money that is put under the Ministry of Education is quite a lot. We are talking of about 30 per cent of this country's Budget going into one Ministry; the Ministry of Education. That is a lot of money! We must re-focus, as a country, and utilise this money properly. I think it is time we prioritised the usage of these funds. We are aware that in secondary schools, teachers are already being paid. In primary schools, teachers are also being paid. However, we have a few issues that can be sorted out and in terms of construction, that should be taken care of by the respective constituencies by use of CDF. This will ensure that all we are left with is money to run the institutes in terms of textbooks and utilities. That is not a lot of money. I think that the Ministry of Education has not been very careful in the use of over Kshs100 billion. That is quite a lot of money. I want to request that we make secondary education free, but then, again, prioritise the usage of the Kshs100 billion that is allocated to this Ministry.

Mr. Deputy Speaker, Sir, we must also, as a country, agree that day secondary schools are essential in this country. This type of schools offer education very cheaply all over the country. Every region in this country must encourage the construction of day secondary schools. After all, we have day secondary schools in the country that perform better than the boarding secondary schools. We must ensure, as a country, that every child in this country reaches Form IV. The reason for this is that anybody who does not reach Form IV becomes almost a useless person in society. We must ensure that these children get confidence. If you do not reach Form IV--- Most employers now, even when recruiting watchmen or other low cadre personnel, require people who have, at least, Form IV education. To that extent, it is, therefore, imperative that we ensure that every child in this country reaches Form IV. Even in our Board of Governors in schools, it is now a requirement that you must have reached Form IV so that you can join the Board. To that extent, even getting a D-, which just requires you to write your name, could be essential for your employment somewhere.

*[Mr. Deputy Speaker left the Chair]*

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

Mr. Temporary Deputy Speaker, Sir, it is, therefore, high time that we passed this Motion. We need not spend a lot of time debating this Motion. I think that Mr. Oloo-Aringo should be called upon to reply because we are all in agreement that we need free primary education. Nobody should use this for political reasons. Every Presidential candidate now is talking of free primary education. Of course, some of them even do not know where the money will come from. Everybody is promising Kenyans free education and free everything. Ultimately, the people who are at the top bracket of income earners in the society are going to bear the brunt. It is a shame to have free education and yet classrooms are crowded, say, 60 pupils in one classroom. That is the

biggest challenge.

Mr. Temporary Deputy Speaker, Sir, I was asking someone the other day why we should talk of free tuition when there are not enough teachers in our schools. Which one comes first? As far as I am concerned, we must first recruit more teachers in all the schools so that we can talk of other free things. We cannot accept, as a country, that one teacher teaches 60 children in a classroom and pretend that we do not see that weakness. Right now there is a shortage of over 60,000 teachers. We have turned a blind eye to that fact to the extent that nobody, not even in the next Budget, will factor in the employment of more teachers. All we are doing now is just replacing those who have died or retired.

Mr. Temporary Deputy Speaker, Sir, as much as we praise the Ministry of Education, in my view, this Ministry has got all its priorities wrong. The Minister for Education must get dedicated and professional staff so that they can serve this country well. The Ministry needs to ensure that we, first, have adequate teachers. We now have classrooms. People must now refocus on how they are going to build the extra classes which are required in their respective constituencies. Therefore, the Ministry of Education must remove the Development Vote so that it only deals with Recurrent Expenditure.

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

**Mr. Musila:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity. First of all, I would like to congratulate Mr. Oloo-Aringo for bringing this timely Motion. I would also like to add my voice to the voices of many hon. Members who have supported this Motion.

Mr. Temporary Deputy Speaker, Sir, the issue of education has become so important in this nation. During the last few weeks, we have been debating Motions by hon. Members seeking this and that in order to improve education in this country. Hon. Kipchumba has also alluded to the fact that the Presidential aspirants are taking the issue of education seriously. I think that is welcome.

I would also like to congratulate His Excellency the President for promising that from January, 2008, the Government will waive the tuition fees payable by students in secondary schools. I think we are headed in the right direction. However, it is not enough. I say this because for many years, in this House, we have been talking about free primary education and quality of education. Therefore, let us not just go for free primary and secondary education, but let us also go for quality education.

The hon. Member for Kajiado Central raised a point which I also raised in this House two weeks ago about the shortage of teachers. In this country, the shortage of teachers is so serious that to talk of free primary and secondary education, you are really saying nothing. In my constituency, and for that matter Mwingi District, we have a shortage of nearly 1,000 primary school teachers and nearly 200 secondary school teachers. We, therefore, must correct this imbalance, if we have to say that we have free education in this country. I would have been happy if my friend, hon. Oloo-Aringo, also included pre-primary education in his Motion. The Ministry of Education brought a Sessional Paper here, which we approved. In that Paper, they promised Kenyans that pre-primary education would be made free because that is the foundation of primary education. I would, therefore, like to urge that when the House gives leave and the Bill is eventually drafted, it should include the provision of free pre-primary education. That way, we shall have free pre-primary education all the way to secondary education.

Mr. Temporary Deputy Speaker, Sir, having said that, I am very happy that the Attorney-General is here and I am begging him to listen to me. Once again, I have to raise the issue of KCSE certificates which are illegally held by schools on account of fees balances. The Attorney-General must advise the Government of the illegality of schools withholding these certificates. The Attorney-General knows very well that you cannot take a certificate of a child as lien of a school



fee balance that has not been paid. The learned Attorney-General also knows that a debt has a limitation period. You cannot keep a certificate of a child for ten years because of a debt that the child owes the school.

*(Messrs. Muturi and Angwenyi  
consulted loudly with Mr. Wako)*

I am pleading with Mr. Muturi and Mr. Angwenyi to let the Attorney-General, please, listen to me! The Attorney-General who is the chief advisor of the Government is allowing the Kenyan Government to continue to commit an illegal act by withholding certificates of students because they have not paid school fees. They are taking the certificates as lien for the debts that they owe. These debts are running up to ten years back.

Mr. Temporary Deputy Speaker, Sir, I am appealing to the Attorney-General to advise the Government that it is committing an illegal act and that they must order that these certificates be released forthwith. If the Attorney-General had advised the President on the waiver of tuition fees the President should have started by announcing the release of these certificates this year and then waiving the tuition next year. I think it does not make much sense that the Government will waive tuition in 2008, but those who have gone through education up to now will have their certificates withheld. I think it does not make a lot of sense. I am appealing to the President again to reconsider this matter and to order the Minister for Education with good advice from the learned Attorney-General to have these certificates released so that these students can access employment like other Kenyans.

I beg to support.

**Mr. Bahari:** Thank you, Mr. Temporary Deputy Speaker, Sir. I want to join my colleagues in congratulating Mr. Oloo-Aringo for bringing this very crucial Motion.

Certainly we have a lot of praise for the attempt to bring free education in this country. It is a good move. I do request that the quality aspects are not compromised. Otherwise, we will be dealing with a completely different product. I do support the President's promise that, perhaps, in January, tuition fees will be waived. At the same time I would like the Ministry to be vigilant and ensure that other forms of levies are not introduced in schools through the back door as the tuition fees are waived. The Ministry must ensure that no additional fees are introduced in January, 2008 when tuition fees will have been waived. They must be standardised because some principals are fond of introducing all manner of fees in schools.

Mr. Temporary Deputy Speaker, Sir, the issue of quality free education is achievable if audit in secondary schools is strengthened. I can assure you that there is a lot of room for improvement in terms of ensuring that the resources that are paid by way of fees are utilized better so that Kenyans can achieve value for money. It is imperative on the part of the Ministry of Education to ensure that audit in secondary schools is strengthened to a level where we will get value for money. If that is done, I have no doubt that there will be a surplus revenue of what we have now of between the margin of 20 per cent to 30 per cent. This is very crucial and the Ministry must treat it with the urgency that it deserves.

Education in this country should not only be free, but should be made mandatory. Unless you do that others will find ways and means of avoiding going to school particularly in the pastoral areas where a number of children still look after livestock and they are not given the opportunity to go to school. It must be made mandatory that all children of school-going age go to school all the way to secondary school. We would prefer to have it up to the university level. We must start somewhere and it must be made mandatory. That is why we support this Motion that free education be introduced.

During the recent drought pastoral communities lost a lot of livestock. On the other hand there have been serious attempts in trying to improve the quality of education in pastoral areas by way of physical infrastructure and actual performance improvement programmes. At a time when we have more qualified children who can go to secondary schools, the issue of school fees is coming and it is becoming an inhibitive factor. It is making it difficult particularly for children in pastoral areas to access secondary schools even when they have done very well.

Mr. Temporary Deputy Speaker, Sir, I would like to appeal to the President to waive fees for secondary schools particularly in pastoralist areas where 90 per cent of the livelihood which is livestock is already gone. Parents in those areas are dependent entirely on relief food. This trend might go on perhaps for the next two or three years. It is a contradiction to ask the same parents to pay school fees when we are providing the basic necessity by way of relief food. It is extremely important that these matters are taken seriously because education is a right and a necessity. It is not something which you can do without.

The level of poverty is on the increase in the pastoralist areas. There is an inverse relationship when it comes to fees which is on the increase. This obviously confirms that a number of school going children who have qualified cannot access secondary school education. It is only proper that the Government comes in and provides free education.

Mr. Temporary Deputy Speaker, Sir, a lot of facilities have already been provided in a number of schools. What is required are the basic running costs. I do believe that this is possible.

I, therefore, beg to support this Motion.

**The Minister of State for Youth Affairs (Dr. Kuti):** Thank you, Mr Temporary Deputy Speaker, Sir. I stand to support this Motion. It is a very, very important Motion because a nation depends for development on the education of its citizens. I would like first to congratulate His Excellency the President and the Government for making free primary education which has now opened the doors for elementary education. It is now possible, all over the country except for marginalised and arid areas where enrolment is still wanting for people to enjoy fruits of free primary education.

Mr. Temporary Deputy Speaker, Sir, most of those graduates from Standard 8 cannot access secondary education because of the high fees. Whenever we go to our constituencies parents tell us that they are paying very high fees. You will find a student in first term being asked to pay up to Kshs20,000 or Kshs30,000 in some schools and yet parents cannot afford this fees. While we are gaining at the primary school level, we are losing at the secondary school level because quite a number of students who qualify to go to secondary school fall out and yet it is very essential that they complete secondary education.

Mr. Temporary Deputy Speaker, Sir, this is, therefore, meant to complete the whole programme from primary school to secondary school. If we make the whole programme free, we will have more literate citizens who will contribute significantly to Vision 2030.

Mr. Temporary Deputy Speaker, Sir, we also need to add the issue of skills. Many form four leavers do not get jobs because they lack skills. I know this because I am the Minister in charge of youth affairs. Youths can read and write after going through primary school, but they lack the necessary skills. Therefore, it is high time we also concentrated on vocational training. We are doing well with our colleges and universities, but many youths still cannot get jobs because they lack the necessary skill. That is why the revamping of youth polytechnics is becoming very handy. I will urge hon. Members to invest in youth polytechnics because we are ready to equip and staff them with qualified teachers.

Mr. Temporary Deputy Speaker, Sir, those who are able to go to universities and colleges after secondary school can do so. However, those students who cannot join universities and colleges, can join vocational training which would be available. They would acquire skills that will

enable them to get jobs.

**The Temporary Deputy Speaker** (Mr. Khamasi): Order, Dr. Kuti!

**The Minister of State for Youth Affairs** (Dr. Kuti): Mr. Temporary Deputy Speaker, Sir, I am coming back to the free secondary school education---

**The Temporary Deputy Speaker** (Mr. Khamasi): Dr. Kuti, you are advised that you have about two minutes left for you to contribute. Therefore, organise yourself to end your speech!

Please, proceed!

**The Minister of State for Youth Affairs** (Dr. Kuti): Mr. Temporary Deputy Speaker, Sir, I support this Motion. It is very important and has come at the right time. We have seen the fruits of free primary education. I, therefore, support that secondary education also be made free. This will increase the numbers of students who finish Form Four education and improve the literacy level of this country.

With those few remarks, I beg to support.

**The Temporary Deputy Speaker** (Mr. Khamasi): I now call upon the Mover of the Motion to reply!

**Mr. Oloo-Aringo**: Mr. Temporary Deputy Speaker, Sir, with your permission, may I give four of my minutes to Mr. ole Metito---

**The Temporary Deputy Speaker** (Mr. Khamasi): Order, Mr. Oloo-Aringo! That practice has been discontinued. If you are not ready---

**Mr. Oloo-Aringo**: Mr. Temporary Deputy Speaker, Sir, I am ready.

**The Temporary Deputy Speaker** (Mr. Khamasi): If you are ready, move on! You are responding to issues which have been raised.

**Mr. Oloo-Aringo**: Mr. Temporary Deputy Speaker, Sir, I just wanted to share my ideas with my colleagues. This is a very popular Motion and as many hon. Members as possible want to contribute to it. I want to give them room to do so.

**The Temporary Deputy Speaker** (Mr. Khamasi): You should have approached the Chair to say you are not ready until a particular time because we do not want to open debate. As the Mover of the Motion, you are required to reply!

**Mr. Oloo-Aringo**: Mr. Temporary Deputy Speaker, Sir, may I thank all hon. Members who have contributed to this Motion. I would like also to thank those hon. Members who support it, but did not get the opportunity to contribute.

Mr. Temporary Deputy Speaker, Sir, I would also like to thank the Government for supporting this Motion. I was very impressed by the Assistant Minister for Education. He made very useful contribution.

Mr. Temporary Deputy Speaker, Sir, I want to assure hon. Members that immediately they give me the permission, I will go straight to the drawing-board and start the drafting of the Bill to be able to amend the Education Act. This Act is outdated. Indeed, having served as the Minister for Education, Science and Technology, I remember proposing to bring these amendments. However, the systems were different and I received a lot of opposition from within the Government itself. Therefore, this has been in abeyance all this time. Now that we have a more open system, I would be very happy to bring the amendments which I had proposed in order to give this country free and compulsory primary and secondary education.

Mr. Temporary Deputy Speaker, Sir, I think hon. Members now have to redefine what basic education is. Basic education comprises pre-primary, primary and secondary education. The whole concept of basic education will change. Instead of looking at it simply as pre-primary and primary, it will now cover all the three spheres; pre-primary, primary and secondary education.

It is important that we extend free and compulsory education to secondary schools, so that we can provide our children with basic skills of literacy and numeracy. But even more important to

prepare them for professional and vocational institutions.

Mr. Temporary Deputy Speaker, Sir, I mourn the death of youth polytechnics. These institutions have a critical role to play and yet, they were allowed to die. That is why I sometimes say that this Government has let the people of Kenya down. During the last campaigns, the NARC team promised to revamp youth polytechnics. However, until today, no mention has been made of youth polytechnics. Even though the Minister in charge of youth affairs has spoken well just now, but he has not done anything about youth polytechnics. To me, it is the provision of sellable skills. Kenyans can then have skills with which they can earn a living. This could be either in self employment or wage employment. Therefore, provision of vocational institutions that can accommodate graduates of basic education is lacking in our education system. Today, we have large numbers of Kenyans who are in the *boda boda* industry. This is not a very viable industry, so we cannot expect those who have graduated from the university or high school to join it. This is because in itself cannot expand. It is, therefore, for that reason that we need an overhaul of the entire education system, so that it can provide both practical and academic work for all students. That is what we are lacking.

Mr. Temporary Deputy Speaker, Sir, all countries that have industrialised have done so because they have provided the necessary skills to their people. It is the human resource that brings about change. We can get our example from what is called the industrial countries of South-East Asia. For example, Kwan Li Jung who was the Prime Minister of Singapore decided to put emphasis on the development of human resource. He expanded education and produced quality citizens. They are now able to export quality people all around South-East Asia. I recently visited Malaysia. I was impressed by the effort the Malaysian Government has made in the areas of providing middle level training colleges for its people. It has now become an industrialised country because of the human resource. We cannot industrialise until we invest in our people. The people are the engines of development. It is the people who determine how the resources of a country are distributed.

Mr. Temporary Deputy Speaker, Sir, I want to encourage that an issue such as this, should not be---

*(Loud consultations)*

**The Temporary Deputy Speaker** (Mr. Khamasi): Order, hon. Members! I think the Minister should be listening very carefully to what the Mover of the Motion is saying!

Mr. Oloo-Aringo, please, proceed!

**Mr. Oloo-Aringo:** Mr. Temporary Deputy Speaker, Sir, the President should not make directives at public rallies. We said we were not going to make roadside policies.

We are suggesting that the Minister should come to this House with a Sessional Paper so that hon. Members can debate on it and give the direction on the policy. The idea of running the Ministry of Education from press conferences and funerals--- Because they are making serious pronouncements at funerals and the House is here deliberately to manufacture policies. What are those people at the funerals supposed to do when the a Minister makes a profound policy statement at the funeral or at a Press conference? We want the Government to be more systematic. Let them come to this House with Sessional Papers. What they call in the House of Commons, "The White Paper". It is that deliberation on those papers that will give policy direction to the Government. That is when the Government will be operating a democratic system. We as hon. Members can then interrogate those policies.

What do you do when you are at Uhuru Park? What are those hundreds or thousands of people supposed to do when the President makes that directive without testing it? What is the

function of the Cabinet? Why can it not come up with Sessional Papers and let them be brought to this House, we digest them and then legislation is made out of what we have digested? That is how the country is supposed to be run and not through roadside pronouncements. The Minister for Education makes Press statements about the policy changes. We want him to come and make those policy changes here, so that hon. Members can interrogate on the behalf of the people of Kenya. This is the place. This is where we cook law and manufacture policy. This is where we want the Government to come to. It should not be afraid of this House. After all, we are here, exactly for that purpose; to be able to discuss and thrash out policy so that we can promote the development of our people.

With those few remarks, I beg to move.

*(Question put and agreed to)*

A BILL TO REGULATE  
PSYCHOLOGICAL PRACTITIONERS

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

THAT, this House grants leave for the introduction of a Bill for an Act of Parliament to make provision for the training, registration and licensing of psychological practitioners; to regulate their practice and standards and to ensure their participation in matters relating to guidance, counselling and therapeutic services in the community and for matters incidental thereto and connected therewith.

Mr. Temporary Deputy Speaker, Sir, this is an important Motion which seeks to introduce a Bill that will put in place a Board to regulate members of the profession; psychologists, counsellors and all those providing such services like spiritual counselling and those related to that profession in this country. With increasing problems of psychological nature in the country and without any regulator, there are many counsellors practising in various offices and offering psychological services. Nobody can tell whether some of them are qualified or have received the necessary training or are equipped with the necessary knowledge to provide counselling. They do not provide those services for free. They do it at a fee. There are various training institutions which are training personnel in counselling. But that kind of curriculum and syllabus is not determined by anybody. With the increase in the need for counselling, it is necessary for us as leaders to come together and put in place some laws within which members of this profession will operate.

Mr. Temporary Deputy Speaker, Sir, there are specific areas which I would like to bring to the attention of hon. Members. Some of them we live with in our every day lives. We all know that there is guidance and counselling in schools and in most of our institutions. But if you take a teacher, for instance, who is responsible for guidance and counselling of students, he would be doing so generally, with the knowledge that he or she is an elder or is able to provide advice to the students. But that is an area that is professional and it is important that there should be a properly trained guidance and counsellor in every school in Kenya. At the same time, in schools, while preparing the students, particularly those leaving schools, it is usually career counselling. Unless one understands that aspect of psychological testing, you cannot determine and give the correct advice to one intending to choose a career for the future. Therefore, it is important that there are properly trained personnel to undertake that requirement.

Mr. Temporary Deputy Speaker, Sir, families all over, even in our communities, usually have problems in family and marriage and usually there is couple counselling provided. There are

some very interesting cases in families that must be handled by a professional. There are various issues such as dysfunction, infidelity and so on. There are usually reasons which must be explored and advice provided. You can go on naming many issues to do with family that require counselling even when couples separate or transfer from one point to another. That usually affects the family. Even when they are dealing with a sick person in the family, the family is greatly affected and, therefore, there is need to have people to do that service.

Mr. Temporary Deputy Speaker, Sir, the other specific area of importance is that, as a community, we have young members of the community growing up. The changes that take place among the young people, particularly, the youth, as such that sometimes they get into very stormy sessions. There is need for adolescent counselling. Let them understand and expect certain changes that will occur in their lives, so that they are able to adjust and cope with, without necessarily getting involved in issues which will impact very negatively on their lives.

Mr. Temporary Deputy Speaker, Sir, you are aware that we all expect, although this is not something that we pray for, that we have instances of major calamities that occur. One time, we had a bomb blast here and many people were injured, many were affected, lives were lost and, of course, it caused a lot of trauma. This trauma must be dealt with. We need professionals; people properly qualified to deal with traumatic cases arising from such incidents, and so that we are able to offer these services, there has to be proper training and standards laid down for people undertaking that purpose, doing that job. It is also important; we see accidents on our roads everyday and we see people injured. People get disabled at some elderly age.

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

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

Mr. Temporary Deputy Speaker, Sir, if, for example, you lost sight at your age, it would be something very difficult because you will see darkness, and you have been seeing light. Now, you start seeing darkness and you cannot walk the way you are walking. Therefore, you will require some psychological and some professional counselling. This cannot be done by a layman, unless you understand that being disabled is not death; it is not a normal thing and anybody can be disabled. If you do not understand this, it is very difficult to deal with these cases.

Mr. Temporary Deputy Speaker, Sir, I pointed out earlier that some of the issues which are of great importance is the family. Among families are children and other members of the community, and they may also get the elements of behaviour that need to be checked. Such behaviour--- Even grown-ups like ourselves get to drink something like alcohol. We can easily slip into alcoholism unless we check ourselves. But more importantly, it actually takes place and there are people who are alcoholic. These people can be helped out of it where counselling is in place, and proper rehabilitation centres are provided. You can deal with people suffering from alcoholism and help them out of it. Equally so for drugs abuse. We are experiencing it; it has been on the rise.

We recently even passed a Motion to create an authority to help to check on drug use and addiction in this country. But counsellors are very important when it comes to rehabilitating people suffering from alcoholism, people who are addicted to drugs, people with sexual adjustment problems. If you have had one of your kin involved in rape, it is usually very difficult to come out of it. If they were children and they grow up, when they get to the time of getting married, it is usually very difficult when they imagine the experiences they went through at that particular moment. This is service which can be provided by a counsellor who is properly trained, who is

qualified and can get this person out of that problem.

Mr. Temporary Deputy Speaker, Sir, institutions with young people, even these colleges and universities, require this service. It is then that you can check the conduct of the student, you can easily harmonise matters within their specific areas and ensure that they grow up as good citizens. Even churches. There is even an example of one church which is located in Kisumu. This is the Holy Ghost Coptic Church of Africa, which is based in Kisumu. I understand they help people with mental illness. They pray for them. So, they lock up patients who are referred to as "mad people". I am told that it is found in the Speaker's constituency.

**The Temporary Deputy Speaker** (Mr. Sungeni): Order, Mr. Wamunyinyi! You will leave the Chair out of arguments. The Chair is special; when the Chair is sitting here, he is not the Member for Kisumu Town East; he is the Chair.

**Mr. Wamunyinyi:** Thank you, Mr. Temporary Deputy Speaker, Sir. But the point I am trying to put across is that this church has some premises within the compound where people with mental illness, that are referred to as mad people, are locked up there and they keep praying for them, but nothing happens. There is no cure for these people; they do not recover. But if we have psychiatrists in our areas working with counsellors, they will easily look at the problems, or what causes this mental illness. The psychiatrists will play their bit and the counsellors will also play their bit in providing this service that will get this person back on track. This locking up of people in Kisumu will not help. They will continue to keep people there, they torture them, they stay without food, just praying to God to help them recover, which can never work. You will agree with me that a case like that cannot work with prayers alone. We appreciate that God also must work. Even for the medicines to work, you require God. But just praying alone is like having someone in a critical condition with an infection, and you are talking of God helping them get out of the infection. This cannot work.

Mr. Temporary Deputy Speaker, Sir, this Motion seeks to first of all create the Board that will act as a regulator and an umbrella of all those involved in this profession. We have individuals practising, institutions, training and various interest groups. They will all be under the umbrella of this Board, and the Board will, of course, put in place various guidelines, syllabi and curriculum to be followed by those training, the standards required for those practising and even the aspects of discipline for those who will be cheating, those who are not ensuring they stick to ethics. They are also dealt with. There are also provisions for that aspect of discipline.

Now, I want to point out basically to Members the envisaged Board's functions. This Board will clearly determine the qualifications of a psychological practitioner and make provision, of course, as I said, for the requisite training and the registration of the person intending to practice. It will also be the responsibility of the Board to co-ordinate and harmonise activities of the members and institutions within the profession in dealing with clients or persons with psychological problems, which require professional help. They will put in place that required standard as I said earlier for the conduct and practice of those in the practice. The Board will also prescribe and regulate syllabuses of instruction for specific courses for certificate, diploma, degree, researches, masters in the profession for all the persons seeking to become counsellors or psycho-therapists and psychologists.

Mr. Temporary Deputy Speaker, Sir, the Board will also supervise the conduct of those who are in the practice and will deal effectively with cases of violation that may be reported.

Mr. Temporary Deputy Speaker, Sir, I want to appeal to hon. Members, that this is not too much to ask. It will only help our communities. Even in the established mental health centres in our regions, I know we have them at the moment at provincial hospitals, I believe. I think that each provincial hospital has a psychiatrist. We need to harmonise these issues to make sure that people who require these services are not condemned and ensure that any cases of this nature can be dealt

with. So, I want to appeal to hon. Members to support the Motion, which only seeks to establish the Board.

Mr. Temporary Deputy Speaker, Sir, having said that, I beg to move and seek your permission to request hon. Miriti to second the Motion.

**The Assistant Minister for Trade and Industry** (Mr. Miriti): Thank you, Mr. Temporary Deputy Speaker, Sir. I rise to second this very important Motion. In fact, this Bill is long, long overdue. All developed countries have recognized psychologists and, therefore, have a place for them in attending to human needs. Psychology or psychologists deal with human behaviour and, sometimes, animal behaviour and mental processes.

Mr. Temporary Deputy Speaker, Sir, every other person considers himself or herself as a psychologist. We have seen people, even under normal circumstances, claiming to be applying psychology in their daily endeavours. That shows that psychology is really valued by humans. We have seen people applying psychological methods, although very primitive, in solving human problems, for example, traditional witchdoctors in their treatment procedures. We have seen faith healers who are mushrooming in the country; we have seen parental advice in the form of psychology; we have seen even marital problems being sorted out by people applying some very primitive psychological methods.

Mr. Temporary Deputy Speaker, Sir, we also know that about 60 per cent of people who go to hospitals have psychological problems. Once they go to those hospitals, they are given a lot of medicines and chemicals in areas which could only have been sorted out through therapy; through just talking to them and advising them and they are cured. This has been witnessed through research and application of placebo, where fake drugs are given to patients who claim to be sick, and they are healed. This solves their problems. So, we know that if psychologists are given a place in this country, they will help in solving a lot of problems. We know that there are so many people who are sick psychologically and they do not know and if you went to such recognized clinics or hospitals dealing with therapy, they will be cured.

There are various fields of specialization in psychology which deal, like other sciences with basic research, applied research and areas like bio-psychology, comparative psychology, environmental psychology, personality psychology, social psychology, experimental psychology and very many other areas of specialization. We know that there are so many psychology professionals who have their various areas of domain in which they help people. For example, we have clinical psychologists who deal with psychological disorders. There are various types of psychological disorders starting from stress and stressful situations to areas like schizophrenia and other areas. An institution like the Mathari Mental Hospital deals with such aspects of disorders of various degrees. Some of the people who are taken to Mathari should not, in the first instance, be taken there. They should be dealt with at clinics around the country or in urban centres.

Other areas of professions are counselling psychologists, who deal with problems of daily living. They deal with day-to-day hassles, where people experience slight problems of stress, family problems, learning problems and such problems. We have the area of psychiatry which deals with medical issues. We have school psychologists who attend to students and teachers in a school situation. We have educational psychologists who deal with the school curriculum and other areas of education. We also have industrial and organizational psychologists who deal with situations at the work place. They help to advise workers on how to go about their daily business and also help the owners of various businesses on how to schedule their workers and their working conditions so that workers are taken care of. We also have engineering psychologists who deal with the design of equipment and instruments in various areas, even in vehicles, so that people relax as they drive; aeroplanes so that they cope with the long periods of air freights and such areas. We also have forensic psychologists who take care of legal institutions and they advise the police and



other people who deal with law on how to handle legal matters in relation to human comfort.

Mr. Temporary Deputy Speaker, Sir, we also have psychologists who deal with sports and help sports people to improve their performance. We also have health psychologists who support medical staff or medics in prevention and treatment of various diseases. We also have environmental psychologists who deal with areas like the design of buildings, how to handle noise and other environmental issues.

Mr. Temporary Deputy Speaker, Sir, psychologists have a very wide scope. As I have said before, there are so many people who feel that they are psychologists and they can help in this area. We have so many quacks around the country who go round saying they can sort out psychological problems. There is, therefore, need, because of the importance of this area, to have well-trained people who are academically and professionally qualified to deal with this human aspect of life. If it is left loose, the quacks will go on cheating people and, sometimes, they may make the conditions worse than when they first handled them.

Mr. Temporary Deputy Speaker, Sir, there is also need to regulate this area so that those who open clinics or practise in this professional area, are registered. We should ensure that there is proper registration of practitioners in this field so that the country knows who are professionally qualified and who are legally registered so that as they enter their clinics to seek their attention, they are sure that there is a guarantee that those people will provide proper advise.

Mr. Temporary Deputy Speaker, Sir, there is also need to license other professionals in that area. That way, those who are not qualified will be left out of the business. Very many people, as the Mover of the Motion has said, suffer when there are floods, clashes and other calamities. Nobody is there to attend to them. Those who provide services to them are not very well qualified.

Mr. Temporary Deputy Speaker, Sir, we also need to introduce professional ethics in that profession so that those who practise in that area can observe them. We should set standards to guide the people who are engaged in that profession. I call upon hon. Members to support this Motion---

**The Temporary Deputy Speaker** (Mr. Sungu): Order, Mr. Miriti! Your time is up! Could you wind up?

**The Assistant Minister for Trade and Industry** (Mr. Miriti): Thank you, Mr. Temporary Deputy Speaker, Sir.

With those few remarks, I beg to second.

*(Question proposed)*

**Mr. Poghiso:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this Motion which has been brought by my good friend, Mr. Wamunyinyi. This is a very timely Motion. It should have been brought long time ago. I am actually very surprised that we do not have what this Motion is calling for.

Mr. Temporary Deputy Speaker, Sir, when terrorists bombed the American Embassy here in Nairobi, many people who were affected did not get adequate counselling services. We did not have enough people who could handle such trauma. When a Bill like this is enacted, it will give legal standing to an organisation. It will vet its members. It will remove quacks in that area. There are many quacks going around posing as psychologists, because there is no regulatory mechanism.

What level of education should one have before he or she becomes a member of that organisation? Before they are licensed, what kind of experience should they have? There are regulations. This is not something new. I want to tell the House that this is not re-inventing the wheel. There are many Parliaments that have passed Bills of this nature. There are many laws in other countries that we can actually look at and enact a Bill that can become a good Act.

Mr. Temporary Deputy Speaker, Sir, I would like to join my friend, Mr. Wamunyinyi, and those who have said that this Motion is worth supporting. It will be followed by a Bill and an Act of Parliament in the end.

Mr. Temporary Deputy Speaker, Sir, psychology, as has been said, is a very old discipline. It is understanding human behaviour and the soul of a person. It is basically understanding what is bothering the human mind and, especially, the factors and the environment that we live in. Many of our health problems can be sorted out by having many psychologists allowed to work and practise. A good number of health problems that affect us can be sorted out by people who understand what is happening within our psyche, so that we do not have to, necessarily, take medication. In that case, many organisations have organised training, registration and licensing of their professionals. But psychological practitioners do not have that opportunity. The possibility that training in that area can be offered up to a degree level at our universities is a indicator that, very soon, we will have a good number of graduates who will be qualified to join the ranks of psychology practitioners. We, therefore, need to encourage and give them an opportunity to excel in an era where there is no direct employment. When they complete their studies and graduate, there is a process through which they can gain experience. They should be tested to know who is qualified and who is not. When they are licensed, they can go into private or public practice, Government institutions and other places where they are required. So, we need to know who will regulate those people.

Mr. Temporary Deputy Speaker, Sir, psychological practitioners in this country are not very many at the moment. A good number of them may have been trained in religious institutions. A good number of them may be theologians who have taken up those matters and are good at counselling. They may only do counselling in certain areas. But to study psychology in our universities or middle level colleges, we also need to have a regulation on the syllabus. That calls not only for registration of those who have completed their studies, but even regulation of their training. I would like to recommend that the Ministry of Education comes up with training programmes, not just for the universities, but also for middle level colleges and certificate courses in that area. There are people who are gifted in that area. They can start at certificate level, build up to diploma level and proceed on to degree level and higher levels. We should give people the opportunity to study psychology at certificate, diploma and degrees levels. That way, the ranks of the practitioners will be beefed up. There is need for practitioners to go to the lower levels of our societies. There is need for practitioners to go to the villages, districts and constituencies and deal with cases of trauma and psychological problems. There are many cases and not everybody can afford to come to Nairobi to get those services.

Mr. Temporary Deputy Speaker, Sir, in a society that is becoming modernised; a society that is facing pressures of modern living, cases of psychological problems are becoming many. Today, the pressures of life require those practitioners. It is not surprising to find very young primary school children experiencing psychological problems simply because of the pressures that we put on them. I sympathise with the children of our generation. Our own children wake up at about 4.00 a.m. to go to school. You find a lot of them on the road, waiting for *matatus* at 4.00 a.m. to go to school. They come home very late. During the holidays, we put them through tuition. They go back to school when they are supposed to be holidaying. They go back to start the term. So, we put in so much pressure in terms of learning in our primary schools. There is so much pressure on young children that they require psychological treatment.

Mr. Temporary Deputy Speaker, Sir, we need to realise that children are just children. They simply need to learn. You and I did not spend all these hours in school, but we turned out okay. We did not have to go through holiday tuition or wake up at 4.00 a.m. to go to school. We even had games sessions. We could play a whole afternoon, and we turned out okay. There is too much

stress put on our little children just in the name of making it through an examination. Are we not destroying the very basic fabric of the human psyche? I have interacted with psychological practitioners and know that they are now dealing with young children.

The other area that is causing concern is our family life. The other day, I read about some very interesting situations. What is causing the stress that is in society? Somebody went home and found that lunch was delayed by one hour. He killed his wife in the process, because she delayed lunch. I think society needs to look into ways of dealing with married life and family life. There is so much stress even here. So, there is need for these practitioners to assist us in coping with the kind of life that we have found ourselves in. That is the kind of life which is commonly referred to as "living on the fast lane", which make us go through psychological problems.

Mr. Temporary Deputy Speaker, Sir, the needs in the family are just too many. Now, as the children go back to school, if you have three or four children in secondary school, you cannot afford to pay. So, I tend to agree with anybody who comes up with the suggestion that we need to make secondary education free. That is a good principle. Therefore, there is need for us to regulate, or get proper, registration for people who are going to deal with your family life, your children's welfare, the aged, the unemployed and others who go through stress. People who are inclined to commit suicide require psychological practitioners. We can no longer ignore them. It is a way of life now. We must have them.

I would like, therefore, to call upon my colleagues to support this Motion. The only problem, as is the case in our education system, is that in many times we are unco-ordinated. People come with degrees and diplomas from places you never know of, and they kind of get a way of practising. The Ministry of Education has the very big challenge of identifying and evaluating where these qualifications come from. Somebody can come with good certificates, but where did he get them from? It is a very tough question.

Mr. Temporary Deputy Speaker, Sir, the Ministry of Education and the Commission for Higher Education must have a procedure of vetting people, so that we do not have quacks or people who just have papers but do not have the qualifications to "inspect" your mind and deal with what is going through it. For them to deal with your psychological problems, they must be vetted to be sure that they are qualified. They must be made to go through certain oaths to the effect that they will be keeping matters confidential, because they will be dealing with matters that are very confidential.

So, I would like to support this Motion, and call upon my friend to speed up the process of preparing the Bill, so that we can get the Act.

I beg to support.

**The Temporary Deputy Speaker** (Mr. Sungu): Dr. Kibunguchy, if you are the Official Responder, let us listen to two more hon. Members and then we can hear your comments from the Floor.

Mr. O.K. Mwangi!

**Mr. O.K. Mwangi:** Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to this very important Motion. I stand to support the Motion but before I do so, I have an issue to pick with the Mover. While moving this Motion, he referred to a church in Kisumu and said that prayers cannot heal. I want to inform him that the power of God does not depend on psychology or training or anything else. It is perfect, and it works. I have personally witnessed many sick people prayed for, and they were healed without any other intervention.

**The Temporary Deputy Speaker** (Mr. Sungu): Order! Order, Mr. O.K. Mwangi! The Mover only said that those people have chained. I am on the Chair. So, I cannot, really, comment, but they have chained. Whereas nobody is doubting the power of God, that was his argument.

**Mr. O.K. Mwangi:** Mr. Temporary Deputy Speaker, Sir, he said that prayer alone cannot work. I am telling him that prayer can work a lot. That notwithstanding, the question of psychological and counselling training is very important. In fact, I am very surprised that the Government has not, up to now, brought to this House a Bill; it had to wait until somebody brought in a Motion seeking the same. The reason for that is that psychology is required in almost every field of our lives. Psychology is required in education, health, in matters of security, in judicial matters, in the police, *et cetera*. Almost every sphere of Government operations requires psychological input, the reason being that most of the problems that we face today, as a nation, emanate from psychological problems. If you consider the problems you get in hospitals, where nurses neglect their duties, if they had a trained psychologist, who guides them in their career, they would not afford to let patients suffer when they just relax. We have had spates of strikes in our schools. Sometimes, when you look at these strikes, you will find that they emanate from a problem of psychology, because somebody just did not address a simple problem. That failure led to a lot of chaos and loss of property.

If you look at the police, you will find officers behaving in a manner that is not called for. If there was a trained psychologist within the police force, who guides officers as to how they should handle their duties, you would not find the confrontations that people have with police officers, particularly where officers just shoot somebody because they think that, that person is a thug. They need to know how to behave and how to approach every problem. That would only be found in a properly trained psychologist. That can only come when we have an established mechanism for training psychologists and counsellors, who will handle every field.

In matters of security, when you think about the behaviour of *Mungiki* adherents today, you will realise that their actions emanate from lack of proper guidance by a psychologist. This is just a matter of behaviour. The way one reacts tells you that, that person has not been coached - and is not sure - on how he should live in society.

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

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

That is one area where we will require psychologists and counsellors, so that such problems can be minimised.

Likewise, when it comes to the Provincial Administration, the chiefs and sub-chiefs sometimes arrest people and detain them. If they had any psychological guidance, they would not be behaving in the manner that they do.

Mr. Temporary Deputy Speaker, Sir, the same applies to the courts of law. You will find a magistrate or Judge giving a sentence which is not reasonable. When such rulings are taken to the Court of Appeal they are either revised or dismissed, because there was lack of psychological advice. This happens because, maybe, the Judge or magistrate, at the time of making a ruling, was suffering under stress.

In fact, I can recommend that we also need political psychologists, because at times some politicians make decisions or utterances which cause lots of problems to the society, including even clashes and bloodshed. These things happen as a result of psychological problems. If we had trained political psychologists or counsellors, such problems would not be recurring. Many a times, this nation ends up paying a very big price, just because we have neglected one area, which is, the training of psychologists and licensing them, so that we can eliminate quacks. This will ensure that

we have a proper and guided psychological and counselling profession.

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

**Prof. Oniang'o:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to support this Motion. I would like to congratulate my colleague, the hon. Wamunyinyi, for bringing this Motion which is long overdue.

It is really surprising that having been independent for this long and having had a school of medicine since then, we do not even have this speciality in our universities. We will recall the latest incident where the Kenya Airways aircraft 507 crashed in Cameroon. When the news of the crash came out and relatives wanted to know what was going on, immediately, we were told that psychologists and psychiatrists were available to be able to counsel them. We continue to see the same faces of psychologists and psychiatrists, because they are few in number. I in 1998, during the bomb blast, I was also hurt. I went through psychological trauma, because whenever I heard the name of the late Rose and that they were trying to reach her, I kept asking myself: "Why have I survived." I realised then that it is so critical to have psychologists and counsellors around who know their job, especially in times of tragedy.

We do not need them only in times of tragedy, but also when dealing with issues of crime. When children commit crime one wonders how they have been brought up. We also have the issue of street children. If you look at them and see the conditions under which they are living, you wonder what kind of adults they are going to be in the future. Likewise, if you trace the lives of some of the hardcore criminals, you can explain why they engage in acts of crime. I think we owe it to them, as a society and caring people and Government, to make sure that we have the right professionals around, to address this issue.

Like a colleague said, we have too many quacks going round. Some Kenyans think that this service is offered for free. But, in fact, it is one of the most expensive services, where it has been institutionalised and professionalised. I am sure that many Kenyans, especially, young people could actually find a profession in this particular area.

Mr. Temporary Deputy Speaker, Sir, there are many incidents of domestic violence. Recently, we read in the press about a man who cut off his private parts, yet, he does not drink alcohol. There had been no quarrel in the family, as far as we know. We need to explain some of these very bad incidents of domestic violence and other incidents which we have never heard of before, in fact, which we call "un-African." I hope that we will begin to address such incidents.

Every form of human behaviour can be addressed and explained psychologically. There are different forms of psychology. My colleague has just talked about political psychology, for example. There is also social, clinical, child psychology, and many other types of psychology. Our police and armed forces also need this kind of training. Virtually, parents, teachers and anybody who deals with people need to understand the various forms of behaviour, so that we can address them properly.

Mr. Temporary Deputy Speaker, Sir, we also need psychological skills when it comes to handling talented students, but who are socially delinquent. Some of the delinquency that we see in children is because they are so bright that they cannot sit in the formal classroom environment. They cannot socialise properly with their colleagues. We are aware that some of the very talented children actually need to go through psychological counselling. As a nation which wants to go into talent search, we actually need this kind of training, so that it is done properly.

Mr. Temporary Deputy Speaker, Sir, unfortunately, as a nation, we have many brilliant students, some of whom may achieve Mean-grade A, who end up in other countries for training. We have read in the press of students who get good grades and they are taken for training in foreign countries. We know very well that they will not come back to this country, to help mould and develop it. So, my view is that we should be able, as a nation, to identify such young people, and

then mould, nurture and support them, knowing that they will come back to the country and help develop it.

Mr. Temporary Deputy Speaker, Sir, we require psychologists even in career selection to help young people to choose careers. This is because many of our young people come from homes where parents may not be educated. Therefore, they just imagine what it is that they could do in life and as a result, they end up choosing the wrong careers. If we want to really put people in proper professions, we need psychologists in schools and colleges. We also need career counselling centres where psychologists can actually help in this particular area.

Mr. Temporary Deputy Speaker, Sir, the way we behave and whatever we do, as adults, can only be explained psychologically, but only by people who have been professionally trained, and not traditional doctors who undertake palm reading.

Once again, I congratulate my colleague for bringing this Motion. With those few remarks, I beg to support.

**The Temporary Deputy Speaker** (Mr. Poghisió): Order, hon. Members! I will now ask for the Official responder. We will then continue after that. However, he needs to respond now.

**The Assistant Minister for Health** (Dr. Kibunguchy): Mr. Temporary Deputy Speaker, Sir, I stand here to support this Motion and to congratulate my friend and colleague, Mr. Wamunyinyi, for having come up with this Motion at this time.

I would like to tell the Mover that as he works towards coming out with a Bill that will eventually end up as an Act, that we are ready, as a Ministry, to put our technocrats in that field to work closely with him. This will enable us come up with a Bill that will stand the test of time.

I will start off by saying that in out-patient practice throughout this country, it is estimated that 20 to 30 per cent of all the out-patients who go to our health facilities, be they Government, Mission or private, are suffering from one form or the other of psychological disorder. There are those patients who will go day in, day out, complaining of chronic Malaria. There are those who go with specifications that they have amoebiasis that cannot be treated. Others will say that they have Typhoid and have moved from hospital to hospital without getting cured. Those are the patients, more often than not, who will have some psychological disorders.

Mr. Temporary Deputy Speaker, Sir, as we support this Motion, we would like to say that if we have these services widespread in our hospitals, we would be able to capture that 20 to 30 per cent of our patients who will not be put on treatment but otherwise, they will be offered psychological counselling. Hopefully, if we have well trained professionals, they will be able to come out of their psychological disorders.

We are living in what many people have called the fast-lane. In this country, you will find - this has been shown time and again - that there are those people who live in abject poverty. That condition alone can predispose them to stress because they cannot be able to educate their children, get decent living or basic needs of life. Even the very rich - rich is relative - also suffer from stress because of trying very much to catch up with the next door neighbour. Maybe, they have a slightly better or latest Mercedes Benz vehicle and they would like to catch up with them. All those conditions that push towards people having stressful living will lead up to psychological disorders.

Mr. Temporary Deputy Speaker, Sir, we also have many cases of drug and substance abuse in this country that more often than not lead to psychological disorders. Many cases, some have been cited in the print and electronic media; even in places we come from. Some have been mentioned in this House today, that bizarre events happen and you cannot just explain them. It is very hard to imagine why a grown up man can rape a one-day old girl. It is very difficult to imagine that and rationalise it. It is very difficult why some men move around with animals.

**An hon. Member:** Move around with animals?

**The Assistant Minister for Health** (Dr. Kibunguchy): It is very difficult to imagine why a

normal man would drag to the bush a great-grandmother and rape her. It is very difficult to understand and rationalise events like those ones that are happening. It is very difficult to be able to understand, as has been mentioned not long time ago, why a young man, who was living very well with his family somewhere in Western Province, locked himself in the kitchen---

**An hon. Member:** From Ikolomani!

**Mr. Bifwoli:** On a point of order, Mr. Temporary Deputy Speaker, Sir. You heard the Assistant Minister say that there are men who move around with animals. I do not know whether it is in this town or where. Where has he seen men walking around with animals? Do they rape them?

**The Temporary Deputy Speaker** (Mr. Poghisio): Was that a point of order? What are you looking for?

**Mr. Bifwoli:** Mr. Temporary Deputy Speaker, Sir, I asked a question.

**The Temporary Deputy Speaker** (Mr. Poghisio): You are arguing!

**Mr. Bifwoli:** Mr. Temporary Deputy Speaker, Sir, is he in order to mislead the House that some men move around with animals?

*(Laughter)*

**The Temporary Deputy Speaker** (Mr. Poghisio): Mr. Assistant Minister, you are not talking about nomadism. Are you?

**The Assistant Minister for Health** (Dr. Kibunguchy): Mr. Temporary Deputy Speaker, Sir, no, I am not talking about nomadism. These are issues that have been documented time and again. I think my friend, Mr. Bifwoli, lives in this country.

**The Temporary Deputy Speaker** (Mr. Poghisio): I think he is looking for the specific word.

**The Assistant Minister for Health** (Dr. Kibunguchy): Mr. Temporary Deputy Speaker, Sir, I was being a little parliamentary. However, I thought the message was well received and I will continue.

**The Temporary Deputy Speaker** (Mr. Poghisio): Really, I think Mr. Bifwoli would be right in asking that. Moving around with animals does not cut it.

**The Assistant Minister for Health** (Dr. Kibunguchy): Mr. Temporary Deputy Speaker, Sir, it is having sex with animals, let me put it that way.

**The Temporary Deputy Speaker** (Mr. Poghisio): I think they are satisfied!

**The Assistant Minister for Health** (Dr. Kibunguchy): Mr. Temporary Deputy Speaker, Sir, we hear, time and again, married couples having a lot of problems to an extent that we are very quickly catching up with the Western world where marriage these days has very little meaning. People get married today and tomorrow they are divorced. It is very quickly catching up in this country.

I was talking about a young man who locked himself in his kitchen, took a kitchen knife and cut off his manhood. Those are events that we cannot quite comprehend. Psychology will definitely be required in incidences where we have these grisly accidents like it happened with the KQ 507 recently.

Mr. Temporary Deputy Speaker, Sir, we know that there is a spectrum in human beings between what we call absolutely normal and the people who have chronic intractable psychiatric illnesses like schizophrenia, severe depression *et cetera*.

Mr. Temporary Deputy Speaker, Sir, as we go through that spectrum, there are those who will go through what we call minor psychological illnesses. Such people do not require any medical treatment, but they require psychological treatment. These are the people who will benefit

from the services of professional psychologists.

Mr. Temporary Deputy Speaker, Sir, as I wind up, I would like to say one or two things. When the Bill is finally being published, we would like to see a situation where we have a board that takes care of the professional matters of psychologists. This Board will take care of matters of training in terms of curriculum, the institutions that will offer training, accreditation and so on. Nowadays, people come with papers, but you do not know where they trained. So, it will be up to this Board to find a way of testing these people to find out whether they are truly qualified in that field or not.

The Board will also take care of the registration of psychologists so that one will not be allowed to practise unless one is registered. The Board will take care of licensing of psychologists and regulations. When we talk about regulations, we are moving to an area where we would like bodies to regulate themselves. Once the psychologists have set up their body, they should be able to regulate themselves. When we talk about regulations, we are talking about standards and discipline. We cannot allow people to call themselves professionals and yet they do not have discipline in their field. We are talking about the setting up of standards and areas where this Board will be able to deal with quacks, that is, people who are masquerading as psychologists and yet they have not been licensed to practise as such.

Mr. Temporary Deputy Speaker, Sir, I would also like to see the Bill providing for an association or a body that will purely deal with trade union matters of this body. Here, I mean trade union matters in terms of agitation for better pay, working conditions and so on. When we have those two bodies; that is, a board and an association, then the welfare of psychologists will be taken care of.

Mr. Temporary Deputy Speaker, Sir, I would like to mention one or two things about what is happening in the country at the moment, especially in the field of HIV/AIDS. You realise that at the moment, we have counsellors for HIV/AIDS patients. We need to have counsellors for all the terminal illnesses. All people suffering from terminal illnesses require some form of counselling or another. Allow me to talk about HIV/AIDS because this is something that we see everywhere in the country. The bodies that are dealing with HIV/AIDS have counsellors who are mostly young men and women who have just finished Form IV. They are put together for about two or four weeks, for some quick training and then they are sent out there to do counselling. That, to me, is not adequate. It is, in fact, grossly inadequate. I do not think that these young men and women will have the capacity to counsel somebody properly. Therefore, one of the things that the Bill will seek to address is to regulate issues like this one in terms of training.

Mr. Temporary Deputy Speaker, Sir, we have so many people who purport to be marriage counsellors and yet we do not know where some of them trained. As has been mentioned here, anybody who deals with people, either in schools or workplace, would need some form of knowledge in counselling. Not all human beings are the same. So, as we welcome and support this Motion, we hope that hon. Wamunyinyi will soon come up with a Bill. I said at the beginning that we welcome him to work closely with our Ministry so that we come up with a very good document that will take care of all these issues that we are talking about and even more. We are looking at the future and as we continue to develop, we are going to get more and more people suffering from psychological disorders.

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

**Mr. Sungu:** Thank you, Mr. Temporary Deputy Speaker, Sir. Allow me also to congratulate the mover of this Motion, hon. Wamunyinyi, for bringing this Motion to the Floor of the House. This goes to show how serious the Ninth Parliament is in terms of issues that affect Kenyans. I would also like to thank the Assistant Minister for being supportive of this Motion. In fact, this particular Assistant Minister is so supportive of hon. Members and so level headed that he



should have been promoted a long time back.

Mr. Temporary Deputy Speaker, Sir, the problem that we have in Africa and in Kenya in particular is that of stigmatisation. Mental disorder is a medical problem just like any other problem, say, malaria. There are very few people who can dare go to hospital and say that they have contracted a venereal disease. HIV/AIDS is largely a big problem because of stigmatisation. Why do we continue to ignore what is essentially a medical problem that can be solved?

On that light, Mr. Temporary Deputy Speaker, Sir, I want to really support this Motion and say that it is timely and important for us. It is clearly necessary to have in place a Board that will regulate the professionals in that field and the treatment of people who require psychological help. These people who do not have sound mental health, we see them, day in, day out, in the streets sometimes walking naked. One then wonders what has happened to our society. Do we really care about our own people? When somebody has got a psychological problem or is mentally ill, he is not in a position to judge for himself whether what he is doing is good or bad.

Mr. Temporary Deputy Speaker, Sir, you will find that even in our institutions of health, we do not have enough capacity to accommodate these people. Government mental institutions are grossly inadequate. For example, Mathari Mental Hospital is basically full. Many mental patients are left wandering in the court yard there without even a bed to lie on. Even most provincial hospitals do not have a ward for mentally ill patients. Sometimes, these mentally ill patients are mixed with other patients. That is why we need a law that will regulate this sector. These services can be provided by professionals, if they are regulated.

At the moment, you will find very many non-professional people dealing with mentally ill patients. A case in point has been mentioned by the mover of this Motion. There is a church in my constituency called the Holy Ghost Coptic Church of Africa. I would have liked to ask hon. O.K. Mwangi to actually talk to his brother, Mr. Pope Pesa. Sometimes he is called Mr. Owigo. This man ties up adult human beings in the name of treating medical diseases. This is done in the church and yet it is not licensed to look after mentally ill patients. This kind of thing goes on as we just watch. We know, for sure, that spiritual confusion has led to some problems elsewhere in the world. You remember Pastor Jones who took so many people to South America and they all killed themselves by taking poison. You remember Branch Davison who burnt himself alive in the face of law enforcement officers. I want to say that if we are to solve problems ourselves, then we must make sure that we have a legal provision for it and that is why I am supporting Mr. Wamunyinyi.

Mr. Temporary Deputy Speaker, Sir, we cannot also forget that some governments have used forms of psychological torture as instruments of dictatorship. I was very keenly listening to an hon. Member here who was seconding this Motion and he displayed such good knowledge of psychological problems that I wonder whether his previous background as a worker in the Special Branch has something to do with it. We know for sure that drugs have been used to torture people psychologically.

With those few remarks, I beg to support.

**Mr. Bifwoli:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the chance to support this Motion that has been brought by Mr. Wamunyinyi. This Motion should have been brought to the House a long time ago. I would like to tell the Minister for Health that it is the responsibility of the Government to make a Bill. They should borrow ideas from Mr. Wamunyinyi and draft a Bill. It should be sponsored by the Government. This Bill is very important because this country needs psychologists and psychotherapists. The services of these practitioners are important.

I do not know why we have never discovered this problem since the colonial era because it has been in existence since those days. In the old days whenever people had a little psychological problem, they would either go to a witchdoctor or a spiritual healer. As an hon. Member said here, God heals. We do not dispute that fact, but we do not need to overload God with problems that we

can solve by ourselves. There are certain things that we can do on our own and it is not necessary to bother God with them.

There are so many people in this country who know that they are not mad, but they are mentally challenged. They are normally taken to witchdoctors or some churches where they are confined. Sometimes the healing process involves being beaten thoroughly by whips so that they come to their senses and heal. We do not need to subject our brothers and sisters to torture in the name of healing when they are suffering from a mental problem.

Today there are so many problems in this country. Financial problems can cause one to be sick. There are some hon. Members who were moved from the Back Bench to the Front Bench. As a result power went into their heads. Therefore, they need psychotherapy. Quite a number of hon. Members sitting on the Front Bench here need psychotherapy. Even if you tell them that you have a problem, they are so much pre-occupied with power that they cannot assist you. Perhaps they need the services of Mr. Wamunyinyi and others. Those hon. Members from the Opposition who want to take over power also need psychotherapy.

Mr. Temporary Deputy Speaker, Sir, we all need these services. We need to set up a board to set up regulations that should be followed by psychologists and counsellors. In the issue of tribal clashes, any person who becomes a refugee in his own country needs counselling.

There are so many criminals in this country. Thugs have taken over this country and Mr. Michuki is no longer in charge. The people in charge are called *Mungiki*. They seem to have some resemblance with his name. If you come into contact with the *Mungiki* you might suffer some mental disorder. These people are mad. You either give them the money or they do what they want to do to you.

Mr. Temporary Deputy Speaker, Sir, it is true that there are so many accidents. The trauma that comes as a result of encountering the *Mungiki*, accidents and the HIV/AIDS is too much for the mind to handle. That is why this Motion is long overdue.

The education system in this country is also a contributing factor to mental problems of our youth. We rate schools as performing well or poorly in exams and yet they are not learning under the same environment nor are they endowed with the same facilities. Some schools have fewer teachers than others and yet they are rated at the same level. We need counsellors to assist the planners of our education system. We need education psychologists. I do not know why they go to university, learn about psychology in education and they do not apply it. No wonder most of the people who are running Ministries are not qualified. They are simply working there because they have god fathers. They go there just to occupy the offices and do nothing.

Mr. Temporary Deputy Speaker, Sir, I would like to recognise the fact Mr. Wamunyinyi has brought to this House a very important Motion. We must look at this Motion critically so that we can have separate certificates in psychology and counselling because these are two different areas. Counselling is something very special. It deals with how a mentally challenged patient should discover why he is in that state and what caused it. He can then be helped out of that problem. Due to the technicality involved, not everybody can be a counsellor. You cannot make me a counsellor in a school to give advice just because I went to a teacher training college and learned elementary counselling or psychology. Advice and counselling are two different stories. Advice comes as a result of experience in life. You must have encountered the problem, seen the problems involved, and now you have refrained. Such people can be good advisors, but they cannot be counsellors on the basis of their experience in life. That is why we want to put a syllabus in existence. A curriculum must be developed for this important issue.

There are some people who cannot afford even a single meal in a day. If you can interpret life positively you will not be badly off. I want to support this Motion. If you want to be a psychological practitioner, you must read and pass the exams of that board then you will be

recognised as a professional. There will always be quacks. It is a question of dealing with your mind. If I can lie to you and give you some herbs or sand and you breath and get healed because of your mind, I will have succeeded.

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

**Mr. Khamisi:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me an opportunity to contribute to this Motion. I would like to congratulate Mr. Wamunyinyi for bringing this very important Motion to this House.

Mr. Temporary Deputy Speaker, Sir, I get the impression that psychology, in general, and counselling, are not popular in this country. We know very well that in developing countries, this is a discipline that has always been practised. It continues to be practised and is included in the day-to-day activities of many countries.

Mr. Temporary Deputy Speaker, Sir, I would like to join hon. Members who have proposed that this discipline be in place in all our institutions. We should have counsellors in both the Government and private sectors. We should also have a counsellor in an institution like the National Assembly of Kenya. Hon. Members work under tremendous stress not only when we are here, but also in the constituencies. It is, therefore, important that they benefit from counselling.

Mr. Temporary Deputy Speaker, Sir, in our prisons, we have tens of thousands of people who are jailed for minor offenses. These are offenses that could have been very well treated through counselling. In jail, we have *mama mboga* or hawkers; men and women jailed for being in possession of *chang'aa*. These are not criminal offenses. These are social offenses which could be treated if the offenders are properly counselled. They should be guided in the direction of being good citizens of this country. We are jailing people who should not be in jail. I would like this proposed Bill to take into consideration the social behaviour of our people. Our people go through a lot of trauma. Poverty levels continue to go up. We have growing unemployment in this country. Those of us who work with rural communities, notice that the rural folks are constantly under stress in their day to day activities. I think that these people should be taken into consideration in the drafting of this Bill.

Mr. Temporary Deputy Speaker, Sir, I would like to bring to the attention of the House the growing anti-social behaviour in this country. This behaviour will in future pose a danger to this nation. I am talking about homosexuality and lesbianism. Only a few months ago, in the centre of this town, we witnessed a demonstration of this anti-social behaviour. These are young people, some of them are college educated, others come from very affluent families. They seem to have lost direction in their social well-being. I think it is the job of this Government, through this proposed Bill, to see how to help these young people to come out of this anti-social behaviour and become good citizens of this country.

Mr. Temporary Deputy Speaker, Sir, homosexuality and lesbianism is a growing phenomenon in our schools. We have read about many cases of high school children who start and practise this behaviour in those institutions. If we say we have counsellors in these institutions, then they have failed in their duty.

Mr. Temporary Deputy Speaker, Sir, we have a deficiency in terms of training. Most of the counsellors we have in various sectors; including in the HIV/AIDS sector, are not well trained. We need standardised training. We need registered counsellors. We need people who know what they are doing. We do not want people who end up misleading instead of helping our people. Therefore, as we look at this Motion, let us also look at the growing cases of suicide in this country. It is very sad that young people are killing themselves for reasons unknown to us. These people need counselling. I would like to appeal and challenge the Government to put in place institutions that will churn out properly trained individuals to carry out this task.

Mr. Temporary Deputy Speaker, Sir, it is also important to say that drug abuse is also an

area we need to focus our counselling efforts on. We have private counselling institutions in this country. However, we do not have a regulating mechanism to ensure that the people who work in these institutions are the right ones. It is important for us to spend money in training these individuals. We should train them, so that we can standardise and regulate those who work for us.

Mr. Temporary Deputy Speaker, Sir, I doubt whether those counselling prisoners have the right qualifications to do so. I think these are just prison warders given a task of rehabilitating individuals found in jail. Prisons are supposed to be places of rehabilitation. They are not places for punishment. We expect those who come from prisons to have been rehabilitated through regular, qualified counselling by qualified individuals. However, we are seeing that people who go to prisons come out more hardened. This is a result of the conditions and the stressful environment they live under. Recently, we saw on television the kind of life prisoners live in. I think it is a shame for this country. Those people need help. They do not need to be punished.

Mr. Temporary Deputy Speaker, Sir, this Motion should be very clear on some of these issues. I support the idea of having a board to manage these activities. I am sure that the board will have independent powers of ensuring that all the aspects of psychological and general counselling are taken care of.

With those few remarks, I beg to support.

**Capt. Nakitare:** Mr. Temporary Deputy Speaker, Sir, I support this Motion moved by Mr. Wamunyinyi. He has practically come up with a testimony which calls for professionalism. To avoid quacks in this field, we require regulation through licensing. When you look at some experiences, as Mr. Khamisi has said, they are diverse. I will pick on one or two things that Kenya has not experienced having travelled the world over. That is the trauma caused by crash-landing to the pilot in the cockpit or the passengers on board. If they have been admitted in hospitals, they are treated. But psychologically, those people are not stable and they are not themselves. Sometimes, it comes to a situation where somebody comes from a nightmare and does not behave normally.

Another aspect of life where Kenya has not experienced is war. I have lived in the United States of America (USA) and I have seen soldiers from Vietnam, Kuwait and now from Iraq. You will require physiotherapy because when you see a child that you sent to go to war coming with one limb having been blown off, that is a family issue that requires a lot of caution, participation and understanding in turning that person and training the mind back to its original, natural formation. This cannot be done by doctors alone. Medical doctors have their own field. Psychologists have their own field. Therefore, to practice this, we need a regulation to avoid imposition.

Mr. Temporary Deputy Speaker, Sir, another line that has commonly come up in the recent times is the Voluntary Counselling and Testing centres (VCT). We did not know what VCT was until the dawn of HIV/AIDS, that now, it calls for somebody to be talked to; the infected, the affected and also those who stay with the infected. Those people need to come back to terms with reality. When a person is maimed in adulthood may be, through a road accident, that person needs a tender touch and a psychological frame-work.

Mr. Temporary Deputy Speaker, Sir, we should reflect back on the children who are going through the dawn of insanity; the Sodom and Gomorrah on this earth. Rape cases traumatise the mother, the child and horrify the father. We need to have a venue and a wind of understanding. As much as we talk about psychologists, you also need to have a licence to practise dentistry. You must have a licence so as to treat a patient. We should avoid quacks who come with briefcases whenever they know that there is money here. Whenever there is a catastrophe, there are those people who capitalise on exploiting those victims. Some of them come in the name of preachers who are soul-searching and they want to pray for the victims. Spiritually, it is okay but even that person may not be a qualified preacher. He may just be a person who wants to frame up his own lie

so that he can find money in one way or another.

Mr. Temporary Deputy Speaker, Sir, even our Parliament does not have counsellors. The laws are made here, good words are spoken from here and taken into archives. Who goes to read the HANSARD after we have talked, apart from what the media has expounded, which may not even disclose much of what we have discussed? Therefore, training, regulating and licensing of psychological "practosomiasis---"

**Mr. Khamisi:** Practitioners!

**Capt. Nakitare:** Mr. Temporary Deputy Speaker, Sir, I tend to stammer because I find myself thinking faster than I am talking.

However, these people are very important and, therefore, we need to have a way forward. I thank Mr. Wamunyinyi for bringing this Motion. I encourage hon. Members to also look at this position and add some more issues on this Motion. Let it become a Bill and later become law. Let the institution establish licensing so that at the end of the day, we have people who can guard our people's spiritual life. We talk about the mind, body and soul. Those are the things that we deal with. So, if we have people who are qualified in that line, our physiotherapy, guidance, practising and licensing will benefit our people. It is a big benefit because we have never had war in this country. What we are seeing now are criminals who have over-powered our police force. They organise themselves into groups called militia and cause mayhem even to their parents in their own homes. If it is for the love of money that those people are committing atrocities, shame on them! One time they will be judged by the evils that they are committing. We wonder which world those people who send others out there to destroy property, lives and the economy of the country want to live.

With those few remarks, I beg to support.

**The Temporary Deputy Speaker** (Mr. Poghiso): It is now time to call upon the Mover to reply. But I will give Mr. Weya just two minutes.

**Mr. Weya:** Mr. Temporary Deputy Speaker, Sir, thank you very much for having given me the opportunity to say one or two words with regard to this Motion by Mr. Wamunyinyi.

The fact is that there are many ills that have occurred in this country. There are tribal clashes, poverty, HIV/AIDS, alcoholism, drug abuse and sexual offences. This Bill is very necessary and it requires a lot of attention. We have school children who go through a lot of trauma in their families and it would be very necessary for us, as a society, to think of putting counsellors in schools. In private schools, that has already been put in place, but in public schools, students have a hard time to cope with some of these traumas that really affect their learning.

Mr. Temporary Deputy Speaker, Sir, recently, there was this high-risk criminal who was killing people aimlessly. At the time he was in school, he used to be very quiet and did not talk much. If that kind of situation had been addressed and that child spoken to at the school level, his problems would have been addressed. He must have been going through a lot of pain and that is why he could kill blatantly. It is critical for that kind of child to have a facility that can assist him. The elite in this country can see counsellors because they can afford to. I think they charge Kshs1,000 for a half-an-hour. This responsibility has been left to the church, where we find that those counsellors are not well-trained but they have been given that opportunity because they are Christians and that they can read the Bible. That is a huge burden for somebody who does not have the necessary experience.

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

*[The Temporary Deputy Speaker*

*(Mr. Khamasi) resumed the Chair]*

**The Temporary Deputy Speaker** (Mr. Khamasi): Finish what you are saying so that I can call upon the Mover to reply.

**Mr. Weya:** Mr. Temporary Deputy Speaker, Sir, I have a friend of mine who was shot in the spinal cord when he was living a very normal life. It was only because he had a facility to enable him to continue with life but he is now disabled. We have a lot of disabled people in society who were not counselled properly to be able to cope with modern life, and you find society looking down upon them as second class citizens. I think it is critical for us, as society, to look into these cases where these things were done in the past so that we can give support. I would like to support hon. Wamunyinyi. This is a very critical Bill that should be brought to this House and we should really support it and do amendments as necessary for society to benefit.

I beg to support.

**Mr. Wamunyinyi:** Thank you, Mr. Temporary Deputy Speaker, Sir, once again for giving me the opportunity to reply. I want to start by thanking the Members for their contributions and to assure them that we will, of course, take into account all their suggestions when working on this Bill, and when it comes to the House, it will sail through without problems.

Mr. Temporary Deputy Speaker, Sir, I want to state that among those proposed to be under the board will be an institute to deal basically with psychology matters. This should be an institute established specifically for psychologists. It should be responsible for all those matters pertaining to training, practice, standards, discipline and all those issues that Members have pointed out. In view of the concurrence by Members, you realise that most Members are exposed to a lot of stress. Many times, they also require to be counselled. They also require to be helped to be able to cope in their lives. It is, therefore, necessary that an environment is put in place that allows interventions to Members and other members of society in organisations and so on.

Obviously, the Ministry of Education will provide the lead in designing the courses, the curriculum, the syllabi and the level of training from certificate, diploma up to degree levels and, of course, the institutions to train the members of this profession also. But more important, which I think will need to be addressed with the help of Government, is to ensure that there are psychologists deployed up to the grassroots, at the sub-location level, preferably at every Assistant Chief's office or Chief's office at the location. There should be deployed psychologists to deal with members of the communities at the grassroots level. We would be giving a helping hand to members of the community by addressing psychological issues.

There may also be need for establishment of career counselling centres to deal with the issues of careers of our young people, those going out of school and those who want to choose what to do in their lives. There are many benefits if we can do all these. As you heard from the Minister for Health, most of the people attending hospitals--- Twenty to 30 per cent of the people, sometimes even more, who go to hospitals have cases which can be dealt with by psychologists. They have problems of a psychological nature which can be dealt with without necessarily having to go to hospitals. All the problems which have been pointed out by hon. Members which range from substance abuse also lead to psychological disorders that could have been avoided if our children are properly counselled and helped professionally.

Mr. Temporary Deputy Speaker, Sir, without even going through all what hon. Members have said, I would like to state that we will take into account more particularly, those cases which are affecting us now: the Voluntary Counselling and Testing (VCT) centres within our areas. We, obviously, have heard that the training for the people undertaking the counselling of those to be tested for HIV/AIDS is not adequate. Therefore, the need to move fast with this Bill, which should eventually put in place a legal framework within which members of this profession will operate

and ensure that members of the public are not exposed to quacks.

Mr. Temporary Deputy Speaker, Sir, with those few remarks and having said many thanks to hon. Members, I beg to move.

*(Applause)*

*(Several hon. Members walked in)*

**The Temporary Deputy Speaker** (Mr. Khamasi): Take your seats, hon. Members!

*(Question put and agreed to)*

Hon. Members, the Speaker has allowed an Adjournment Motion, on an application that was made by hon. J. Nyagah under Standing Order No.18. We would like to proceed with that Motion and I would like a Minister to move the Adjournment Motion.

*(Applause as hon. Moroto stood  
to Move the Motion)*

**The Assistant Minister, Office of the Vice-President and Ministry of Home Affairs** (Mr. Moroto): Mr. Temporary Deputy Speaker, Sir, I beg to move the Motion.

*(Loud consultations)*

**The Temporary Deputy Speaker** (Mr. Khamasi): Order! Order, hon. Members! Let us follow the right procedure. Mr. Assistant Minister, you have to move the Motion in accordance with Standing Order No.18 and you had better do it properly. If you want guidance, we will help you.

*(Loud consultations)*

Order, hon. Members!

Mr. Moroto, proceed!

**MOTION FOR THE ADJOURNMENT  
UNDER STANDING ORDER NO.18(1)**

UNSATISFACTORY REPLY TO  
QUESTION NO.237: STATUS OF  
ANGLO LEASING TYPE  
FINANCING PROMISSORY NOTES

**The Assistant Minister, Office of the Vice-President and Ministry of Home Affairs** (Mr. Moroto): Mr. Temporary Deputy Speaker, Sir, I beg to move that this House do now adjourn.

**The Assistant Minister for Tourism and Wildlife** (Mr. Ndile) seconded.

*(Applause)*

**The Temporary Deputy Speaker** (Mr. Khamasi): Hon. Members, according to our Standing Orders, an hon. Member is not allowed to contribute for more than ten minutes. But on issues like this, where there is a lot of interest, we have agreed in advance that we will give hon. Members far much less time than that. So, it is now up to the House to decide whether hon. Members would contribute for five minutes each or more.

**Hon. Members:** Five minutes!

**The Temporary Deputy Speaker** (Mr. Khamasi): That is fine!

*(Question proposed)*

Proceed, Mr. J. Nyagah!

**Mr. J. Nyagah:** Mr. Temporary Deputy Speaker, Sir, I fully support my colleague who has moved that this House adjourns under Standing Order No.18(1) because, last week, I was given an unsatisfactory reply to Question No.237, regarding the issue of promissory notes that were issued with regard to the Anglo Leasing deals.

Mr. Temporary Deputy Speaker, Sir, yesterday, I wrote to the Minister for Finance, as is the practice in several Commonwealth Parliaments and drew his attention to the specific issues that I would raise. I am disappointed that he is not here. As stated in the letter, I would like him to clarify the following:-

- "(i) Who gave you back the promissory notes? Name the individuals or companies.
- (ii) How and when were they delivered to you?
- (iii) Could you table in Parliament the certified copies of the returned promissory notes?
- (iv) Is there a formal discharge and if so, table a certified copy?
- (v) Could you table the special audits by the Auditor-General on each of the 18 contracts?"

I concluded by writing:-

"If that is done, we will have resolved the various issues that have been raised."

Mr. Temporary Deputy Speaker, Sir, I do not know how to proceed in the absence of the Government and the Minister!

*(Mr. Kimunya walked into the Chamber)*

**Hon. Members:** He is here! Kimunya is here!

**Mr. J. Nyagah:** Mr. Temporary Deputy Speaker, Sir, I am delighted that he has walked in. I wrote to him. He has the five questions. I would plead with this House to focus only on those five points. Do not digress so that we can give the Minister a lot of time to reply to the five points that I have raised.

**Mr. Ojode:** Does he have the letter?

**Mr. J. Nyagah:** I am sure the Minister has received the letter. I can see him shaking his head. He is confirming that he has received the letter that I sent to him yesterday, and the five points that I raised. I do not want us to waste time. So, I did what I thought was reasonable; to give him notice so that he can react. Please, I urge this House to give him time to react to the five issues. That is the best way. If we do not do that, we will waste the 30 minutes and we will not get an answer! This subject will "die".

Thank you.

**Mr. ole Ntimama:** Thank you very much, Mr. Temporary Deputy Speaker, Sir. The time allocated is very short but, what I really want to put across is this: This country has lost the war on graft. The biggest pledge when this Government came into power - and thank God I was part of it until I was sacked - was that the fight to root out corruption would start from the top. The top could



be His Excellency the President, State House, Office of the President and so on.

Mr. Temporary Deputy Speaker, Sir, we have lost the war. The perpetrators of Anglo Leasing and Goldenberg scandals are now floating on the ninth cloud up there. If this country's economy has improved, which I doubt, it is all the money that has gone to those people who have stolen our resources.

**The Temporary Deputy Speaker** (Mr. Khamasi): Mr. ole Ntimama, we must stick to parliamentary language!

**Mr. ole Ntimama:** Mr. Temporary Deputy Speaker, Sir, I apologise. I should stick to the word "perpetrators". Probably, that is a more polite word.

Mr. Temporary Deputy Speaker, Sir, I want to say that, that is wrong. If any country has to be proud of itself, it should be proud of its economy, not even politics. What are we proud of when 17 million people of this country are living below the poverty line, because public resources have been embezzled? The worst part of it is that - I think - there is a cartel involving the Kenya Anti-Corruption Commission, the Attorney-General's Office, the Judiciary and everybody else in charge of this country's economy, which has given these people a clean bill of health. As I said, they are now floating on the ninth cloud up there. In fact, they are now using their ill-gotten money to rule over us. They are all floating around. They want to be chairmen of NARC, or other parties. Thank God, most of them are probably on the other side. They want to be presidents of this country, using their ill-gotten money.

I always think that the State is condoning and abetting corruption. If that is the case, this country will never see the light of the day as far as the economy is concerned. As I said, the economy is the most important thing in any developing country. We are not moving. How do we move? The other day, it was shown very clearly. Which economy is growing? Not the Kenyan economy! How does it grow when we still agree that 17 million of our people, who constitute more than half the country's population, are living below the poverty line? The economy is probably only growing for those people who have embezzled our money.

If anything has to be done, those people must be completely condemned, instead of being glorified. It is those people who perpetrated the Anglo Leasing and Goldenberg scandals. We are now being told that they are going to be returned to the Cabinet. What do we know about this thing? We know very well, as our people do, that these are the people who embezzled our resources. We must be more serious than that about---

**The Assistant Minister for Wildlife and Tourism** (Mr. Ndile): On a point of order, Mr. Temporary Deputy Speaker, Sir.

**Mr. ole Ntimama:** Mr. Temporary Deputy Speaker, Sir, I have only five minutes. So, people should not interfere with other people.

**The Temporary Deputy Speaker** (Mr. Khamasi): What is it, Mr. Ndile?

**The Assistant Minister for Wildlife and Tourism** (Mr. Ndile): Bw. Naibu Spika wa Muda, ni haki kwa Bw. Ntimama kudai kwamba uchumi wa nchi hii bado haujakua, na hali tunafhamu kwamba alipokuwa Waziri katika Serikali iliyopita, alichangia kuanguka kwa uchumi kwa kuwaambia watu kutoka jamii fulani walale chini kama bahasha?

**The Temporary Deputy Speaker** (Mr. Khamasi): Order! Order! I will not allow any frivolous points of order. We are dealing with a serious national matter. We must all be serious and talk about it with a very conscious and proper mind.

Finish up, Mr. ole Ntimama!

**Mr. ole Ntimama:** Thank you, Mr. Temporary Deputy Speaker, Sir. Since the hon. Members is notorious for raising frivolous points of order, I think he should, probably, be educated on the Standing Orders!

With those few remarks, I beg to support.

*(Applause)*

**The Minister of State for Administration and National Security** (Mr. Michuki): Mr. Temporary Deputy Speaker, Sir, for quite a number of years, this issue of the Anglo Leasing scam has really occupied a lot of the time of this House. The mistakes that were made mainly by the former Government, cannot be corrected unless we look forward. This is because if we live in the past, it will not be possible for us to move forward. I think that is why this Government prefers to move forward and forget about the past.

**Hon. Members:** Aaaaah!

**The Minister of State for Administration and National Security** (Mr. Michuki): There have been challenges on the Floor of this House about the growth of the economy. When ever, in the history of Kenya, did the budget of this country reach the figure that it has reached now, of Kshs474 billion, out of which 95.28 per cent has come from the economy itself? This 95.28 per cent is money which has not been begged, like it used to be. People used to travel all over the world to beg. This money has come from the pockets of Kenyans, through taxation. How have they been able to afford this if the economy has not grown?

**Mr. J. Nyagah:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Minister to be irrelevant? We are addressing a specific item and, therefore, he should not be irrelevant!

*(Applause)*

**The Minister of State for Administration and National Security** (Mr. Michuki): Mr. Temporary Deputy Speaker, Sir, I am responding to the Motion, which has been supported by other hon. Members; by over-praising corruption rather than noting the way corruption has been corrected. That is what I am doing!

Mr. Temporary Deputy Speaker, Sir, we know that the economy has grown by 6 per cent. We also know that inflation has been going down and not up. We also know that the Kenya Shilling is now one of the best currencies in the world. It is strengthened by the state in which the economy is. Our currency is exchanging at Kshs67 to the US Dollar, as opposed to what used to prevail when one of the hon. Members who has spoken here was a Minister. The rate of exchange was over Kshs80 to the US Dollar, because the Kenya Shilling had been violated. If that is not growth, then what is it? Maybe we have new principles of economics, which we would be prepared to listen to. But in the conventional and traditional way of looking at the economy, every bit of it is in place in this country. Only those who are blind - and I am yet to see an elected hon. Member of Parliament here who is blind - may not see. Even if they cannot see, some of them should "touch" the prices of wheat, maize and milk which have prevailed in this country.

Mr. Temporary Deputy Speaker, Sir, with those few remarks---

**The Temporary Deputy Speaker** (Mr. Khamasi): Order, hon. Members! We should understand that we must address the Motion as it is. So, please confine yourself to the Motion and discuss it maturely.

*(Applause)*

**Mr. Maore:** Mr. Temporary Deputy Speaker, Sir, very briefly, I remember last week when the Minister for Finance was responding to a Question we raised, he stated very clearly that in his office, he has the Promissory notes. I disputed because I said, on the Floor of this House, that the

Attorney-General of the Republic of Kenya, under his seal, has not, to date, revoked the promissory notes. The Minister said there is none which is out there and that all of them are cancelled and are with them. The letter by the Attorney-General for one of the contracts, because each of them must have a seal, of 17th June, 2003, is very clear. He says:-

"Promissory Notes No.GOK/OP/APTCN/01 up to GOK/OP/APTCN/036---"

These were 36 Promissory Notes. Then he goes on to say:-

"It is for External Loans and Credit Act, Cap.204(22)---"

Then the third paragraph and last one, to quote from this document, which I will table, he says:-

"In my opinion, the credit has been fully authorised and signed and delivered on behalf of the buyer and it is legally binding upon the buyer in accordance with his terms---"

The terms are set therein. I would like to table this letter from the Attorney-General so that when the Minister is responding, he can table a counter which cancelled this one.

*(Applause)*

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

On that contract, specifically, the Minister quoted it here and it is on the HANSARD, on page 12 of 2nd May, 2007. In this HANSARD Report, the Minister says that the projects were all cancelled and the promissory notes returned and he has one of them here. He says:-

"The last project is the telecommunications network for the Administration Police worth Kshs4.423 billion."

Then he says:-

"This project has never started and is still the subject of protracted issues."

Then he says:-

"No promissory notes were issued against this project and there is no refund because no payments were made in respect of this."

I want to table the promissory note for this contract so that the Minister can table the cancelled one. It was GOK/OP/APTCN/36 of 29th May, 2003; Kshs4.2 billion. This is the promissory note!

*(Applause)*

*(Mr. Maore laid the documents  
on the Table)*

Mr. Temporary Deputy Speaker, Sir, the rest of the 35 that I have quoted, the Minister should table the cancelled originals and the Motion will have been achieved.

The promissory notes from No.31 to 35 are here. All of them are here.

*(Applause)*

*(Mr. Maore laid the documents  
on the Table)*

To stick to the point, the concern of this House and this country, is that we do not want the Minister for Finance to help us to join him in burying our heads in the sand, that this money is back here and we are not going to be faced with any litigation of whatever kind out of these transactions.

The Treasury being the custodian of all our finances and our future, should come out and say that they were actually cancelled and we are not liable for anything. Or the Minister tells this country: "We have a problem. Legally, we may not be able to cancel them." In the same HANSARD he says:-

"They are like a bankers cheque; they cannot be revoked!"

In the next sentence, he says that he cannot pay them. Let the Minister come out categorically and conclusively state that we are not indebted to these transactions that amount to Kshs86 billion as he wants Kenyans to believe. If he does that, we shall have no problem. We do not want political lectures or people oppressing and condemning others. Let the truth come out.

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

**The Temporary Deputy Speaker** (Mr. Khamasi): The documents tabled by Mr. Maore are all signed unless somebody challenges them. Since it is now ten minutes to 1.00 p.m, I will call upon the Minister to respond.

**The Minister for Finance** (Mr. Kimunya): Thank you, Mr. Temporary Deputy Speaker, Sir, for this opportunity to, once again, attempt to explain to hon. Members what we have been talking and explaining for all this time.

Mr. Temporary Deputy Speaker, Sir, I explained that there are no promissory notes out there that will be brought to us for payment. I have just seen copies of what hon. Maore laid on the Table of this House. What he has not told us is what those copies are for. Are they copies of the original promissory notes that are out there and that will be brought to us or are they copies of the original promissory notes that I am having at the Treasury?

**Mr. Maore:** You need to give us an answer to that question!

**The Minister for Finance** (Mr. Kimunya): The answer is very clear. These are copies of the promissory notes that are being held at the Treasury. Like the hon. Member said, a promissory note is like a bankers cheque.

**Mr. Ojode:** It is like cash!

**The Minister for Finance** (Mr. Kimunya): No, it is not like cash. It is like a bankers cheque which you take to somebody to pay you. You need to take the original bankers cheque to your bank which will then authenticate it before it pays you. It is on that basis that even if you took a bankers cheque to your bank today, you do not get value for it immediately. The bankers cheque has to be verified by the issuing bank that it is not a forged one and that it is actually payable. It is on that same basis that I am going to bring it down to that level of understanding so that we even understand more about these promissory notes.

I can confirm now, just as I did some time back, that all the promissory notes that were issued by the Government were all cancelled. On this particular one for this project, which was even queried by the Controller and Auditor-General, his argument was, and you will recall from the Report that was presented before the PAC, that some equipment had been delivered to Mombasa. I can quote from the Report of the Controller and Auditor-General.

**Mr. Sungu:** Table!

**The Minister for Finance** (Mr. Kimunya): The Report has already been tabled, and I do not want to table it again.

**The Temporary Deputy Speaker** (Mr. Khamasi): Order, Minister! Address the Chair!

**The Minister for Finance** (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir, on page 15 of the Report that was tabled here, the Controller and Auditor-General raised issues of the loss and how we need to verify that. But, on this particular one, on page 14, he said that there was a project which was not started and for which some equipment is said to have arrived in Mombasa. This is the Telecommunication Network for Police Administration, Globaltel Finance and Middleway Finance all totalling to Kshs4.965 billion. Really, the issue was that a few equipment

that were delivered and said to be lying in the Port of Mombasa may have to be paid for and cancellation of the project considered. The Controller and Auditor-General went on to suggest that any losses suffered by the Government should be ascertained and action taken against the officers responsible for such losses. Now, that is exactly what we are doing. We are ascertaining whether the equipment came, where it is, its value and who was responsible. Based on all that, we would determine whether we should pay for it or not.

Mr. Temporary Deputy Speaker, Sir, in the meantime, all the promissory notes that had been prepared for purposes of that project were never released. That is the confirmation I am giving this House. So, what hon. Maore has tabled here are copies of the promissory notes that were prepared, but never released to a particular person. If he has received them from a particular person, we will be very interested to know where he met the person we are all looking for. That information is what he should be telling this House. Where has he now managed to get this person we all have been looking for?

**Mr. Maore:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I wish to plead with the Chair to appeal to the senses of this Minister. When issues are facing him, he tries to go low and pedestrian. I raised these issues in this House and it is upon him to deny them or say that they are not authentic. Let him say that they are not from the Treasury, then I have a name to protect or worry about. It is him who should explain the issues that I raised in a very sober manner. I did not attack him though he knows that if I want to do so, I can do it.

**The Minister for Finance** (Mr. Kimunya): I think the hon. Member has not said anything different from what I have said. I said that these documents tabled here are copies of bills that are still at the Treasury which have not been released to anyone.

**Hon. Members:** On a point of order, Mr. Temporary Deputy Speaker, Sir!

**The Temporary Deputy Speaker** (Mr. Khamasi): Order, Mr. Kimunya. Hon. Members, if Mr. Maore has raised a point of order and before the Minister responds to it, two of you are standing up completely in disregard of the rules of the House. Let the Minister respond.

**The Minister for Finance** (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir, I just wanted to respond in detail on that specific contract because it has not started. The equipment is being challenged and no payment has been made on it. Neither deposit nor commitment fees have been paid. The promissory notes were not released. This is consistent with all the other projects that were completed. We must remember here that out of the 18 projects we are talking of, 12 projects were started between 1997 and 2002 when Mr. J. Nyagah was sitting in the Cabinet. In 2001 they approved the mode of payment. The hon. Member sat in the Cabinet and did all this contracting, but we are only taking the baby. We are trying to clean up the mess that was created by that administration. Of those 18 contracts, 12---

**Mr. J. Nyagah:** On a point of order, Mr. Temporary Deputy Speaker, Sir, I do not have to be told by anybody that I sat in the Cabinet. I did sit in the Cabinet for five years. Secondly, I wrote to the Minister as is the practice in commonwealth countries. I asked five questions but he has not answered any one of them. If this country gets confused, is it in order that the Minister is now misleading us by refusing to reply to the issue that I raised? He should concentrate on the issue that I raised so that we can finish this subject once and for all. If he does not answer this question this issue will not die. Is it in order for the Minister not to reply to the five simple items that I raised?

**The Temporary Deputy Speaker** (Mr. Khamasi): That is what you should have started with, but you took up a lot of time.

**The Minister for Finance** (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir, I respect the hon. Member for Gachoka for having the courtesy to write to me. Before I could reply to him, other extraneous issues were introduced in the House that I am challenged to clear here.

Let me ignore what has been tabled here and address the issue of the hon. Member for

having taken the pains to write to me. I would like to tell him that in terms of who gave the promissory notes to the individuals or companies, some of them were never issued so they have never left the Treasury. The other ones are now in the Treasury. They have been with the Debt Management Department since August, 2004 when refunds were made and all those were mopped up and were brought. In terms of who brought them, who did not bring them or who was contacted, that is the subject of an investigation that is going on with the Kenya Anti-Corruption Commission and I believe hon. Members will respect that we do not prejudice that ongoing investigation on that.

The second issue that was raised was how they were delivered to me. I mentioned that these promissory notes have always been at the Treasury. All documents at the Treasury are available to me. So, it really does not matter how they were given to me by my department. The third question that the hon. Member raised was that we should table in this House certified copies of the returned promissory notes. I do not intend to table that until the investigation by the Kenya Anti-Corruption Commission that is ongoing is completed and the legal advice is given. I believe that this House will understand the specific circumstances why this is so.

The other question as to whether there has been a formal discharge, the hon. Member will understand that we are waiting for the completion of the PriceWaterHouseCoopers report in accordance with the recommendation of the audit report to be able to cancel all the various contracts because they will have come out with what is payable, what is not payable, what is acceptable and what is not.

Lastly on the item of whether we could table the special audit report, this special audit report was tabled in May, 2006. I tabled it in the House. If there is no copy in this Parliament, I will be happy to provide another copy of the audit report. Since it is here, I would advise that Mr. J. Nyagah gets a copy from Parliament and based on that, we can look at the issues that would have arisen had I tabled the same which I tabled in 2006. Those are the five answers to what Mr. J. Nyagah had requested. I do not know whether there is anything else I can answer apart from what has been asked.

### ADJOURNMENT

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

The House rose at 1.00 p.m.