

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

**Tuesday, 12th April, 2005**

The House met at 2.30 p.m.

*[Mr. Deputy Speaker in the Chair]*

### PRAYERS

### PAPER LAID

The following Paper was laid on the Table:-

A Manual for the Rules of Establishing, Equipping and Staffing Constituency Offices.

*(By Mr. Oloo-Aringo, on behalf  
of the Chairman, Parliamentary  
Service Commission)*

**Mr. Oloo-Aringo:** Mr. Deputy Speaker, Sir, allow me to say that the document will be available in the Documentation Room, upstairs.

*(Applause)*

**Mr. Deputy Speaker:** Very well. It should be understood that whenever documents are laid here, they are put in the room that Mr. Oloo-Aringo has mentioned; that is Room 8, Documentation Room.

Next Order!

### NOTICE OF MOTION

#### LEAVE TO INTRODUCE SEXUAL OFFENCES BILL

**Ms. Ndung'u:** Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:-

THAT, in view of the unprecedented and shocking rise in crimes of rape, incest and sexual offences; concerned that most rapes occur during the course of other serious crimes; concerned that, everyday, women and girls are the primary victims of that terrible violence; further aware that the current law does not protect all persons including men and boys from those heinous acts; aware of the increase of paedophiles targeting victims who are small children and the increase of sexual deviants who target mentally challenged persons; concerned that punishment of sexual crimes is often lenient and does not serve to rehabilitate offenders; convinced that punishments and deterrents to those crimes must be enhanced, this House grants leave to introduce a

Bill for an Act of Parliament entitled the Sexual Offences Bill, to clearly define offences of a sexual and violent nature, including the rape and sexual violation of all persons including women, men, children and mentally challenged persons; and, to further, enhance the punishment and deterrent effects of such offences to include minimum sentencing for first offenders and the appropriate medical treatment for repeat sexual offenders, paedophiles and sexual deviants.

*(Applause)*

**Mr. Deputy Speaker:** Next Order!

### ORAL ANSWERS TO QUESTIONS

**Mr. Deputy Speaker:** Hon. Members, the first Question is by Mr. Wamwere!

*Question No.013*

MALICIOUS DAMAGE OF PROPERTY  
BY MR. PAUL MUIGAI

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

- (a) whether he could explain if Mr. Paul Muigai, who was summoned to Bahati Police Station on 21st, March, 2002 for maliciously damaging property belonging to Mr. Stephen Karanja Kamau of Bahati Location, has been charged with the offence; and,
- (b) whether he could assure the House that Mr. Kamau's property is safe.

**The Assistant Minister, Office of the President (Mr. M. Kariuki):** Mr. Deputy Speaker, Sir, I beg to reply.

(a) Police investigations did not establish any offence of malicious damage to Mr. Stephen Karanja Kamau's property as alleged. It was, therefore, not possible to charge Mr. Paul Muigai with any criminal offence since none was disclosed.

(b) Mr. Kamau should rest assured that his property is safe. In case of any threat, he should report the same to the police without any hesitation for investigations to be conducted.

**Mr. Wamwere:** Mr. Deputy Speaker, Sir, since Mr. Kamau has not come to me with further complaints, I am satisfied with the answer.

**Mr. Deputy Speaker:** Very well. The next Question by Mr. Awiti is deferred.

*Question No.021*

IMPLEMENTATION OF IFAD  
PROJECT IN SOUTH NYANZA

*(Question deferred)*

Next Question, Prof. Oniang'o!

*Question No.004*

UNIVERSITY CHARTERS FOR

## PRIVATE UNIVERSITIES

**Prof. Oniang'o** asked the Minister for Education, Science and Technology:-

- (a) how many universities were waiting to be granted charters;
- (b) how many were operating without charters; and,
- (c) when he would streamline the process of registration and granting of charters to private universities in Kenya.

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

(a) There are two universities that are waiting to be granted charters. Those are Strathmore University and the Kenya Methodist University.

(b) There are 11 universities that are legally offering degree level courses without charters, and they are working towards getting those charters.

(c) The process of registration and granting of charters to private universities is streamlined. The Commission for Higher Education has an elaborate system of chartering universities. Those are set out in the Universities Act (1985) and Universities Rules (1989).

**Prof. Oniang'o:** Mr. Deputy Speaker, Sir, I wish to thank the Assistant Minister for that elaborate answer. Indeed, as he has spelt out, that process seems to have been streamlined already. However, I do not think members of the public are aware of how many universities exist in this country. They run around looking for universities in neighbouring countries to send their children. They spend a lot of money sending their children to universities whose standards we are not aware of. Could the Assistant Minister tell this House how his Ministry will make the public aware of our existing private universities and what is required to establish them?

**Dr. Mwiria:** Mr. Deputy Speaker, Sir, it is our duty to let the Kenyan public know what is available. In addition to the directories of education that have been prepared by private entrepreneurs, the Ministry is doing a career guideline. That document will indicate all that information to potential students. I agree that we have to do much more in terms of aggressively indicating to Kenyans what is available. If it is necessary to buy space in newspapers or conduct seminars for students and directors of education in provinces and districts, we shall do so to make the public aware of our university education options, other than going out of the country.

**Mr. Karaba:** Mr. Deputy Speaker, Sir, of late, many universities have taken over middle-level colleges. Even some universities are taking over public schools. Could the Assistant Minister tell this House whether that is the way forward? What will happen to the middle-level colleges after they have been taken over by the universities? Will the Ministry build more middle-level colleges?

**Dr. Mwiria:** Mr. Deputy Speaker, Sir, we are aware that we need middle-level colleges. I would like to say that, unfortunately, universities have a certain amount of autonomy in terms of determining which institutions to affiliate with. What we do is to ensure that those institutions meet the standards required to be university campuses. We are, however, concerned that we also need to expand middle-level institutions. So, the taking over of those institutions by universities will not be done without an agreement with the Ministry, in addition to having the right standards. I agree that we need to strengthen middle-level colleges. But, again, between universities and colleges, there needs to be agreements on which should be taken over, and under what circumstances.

**Mr. Marende:** Mr. Deputy Speaker, Sir, could the Assistant Minister inform the House what steps they are taking to curtail the current and unsatisfactory situation where only 30 per cent of children who qualify for admission in public universities are admitted?

**Dr. Mwiria:** Mr. Deputy Speaker, Sir, this issue was debated last week when we tabled the Sessional Paper outlining policy framework on Education, Training and Research. We are very committed to expanding university places in both public and private universities.

With regard to public universities, we need to expand opportunities and ensure that the capacity that is available is utilised to the maximum. We are also thinking of where we can have additional campuses. We have also recommended that the two national polytechnics become universities. In addition to that, we are also supporting private entrepreneurs to establish institutions of higher learning and we will do our best to ensure that there are appropriate incentives to encourage these kinds of individuals to set up universities. So, quite a bit is being done and I promise that we can do some more.

**Mr. Maore:** Mr. Deputy Speaker, Sir, in the conclusion of the last answer, the Assistant Minister seems to have contradicted his previous policy pronouncement. We are having a problem. For example, we have Strathmore College, Kenya Polytechnic and Mombasa Polytechnic. He says that they are going to be upgraded into universities and yet these middle-level colleges are always needed, even 100 years from now. Why can the Government not initiate the establishment of new universities instead of interfering with the courses offered by these middle-level colleges like Kenya Polytechnic, Strathmore College and others?

**Dr. Mwiria:** Mr. Deputy Speaker, Sir, hon. Dr. Kituyi also shares the sentiments of hon. Maore. Yes, I agree with hon. Maore absolutely in the sense that taking over middle-level colleges does not solve the problem but also we have a situation where we have to think of how much is available by way of resources. Secondly, we should also ask ourselves: If we were to set up a university in Mombasa, which institution would be better placed to start, if we cannot start all over? Having said that, I would like to say that we are also considering the possibility of setting up brand new institutions but that costs money. We cannot do that unless we have adequate resources. We have to depend on a system whereby we can upgrade the existing facilities ensuring that the opportunities that were available to the kind of students that went to those institutions are not lost.

Mr. Deputy Speaker, Sir, I think it is possible to have a national polytechnic which is a university campus which offers both diploma and degree programmes. I think that is not impossible and if the limitation of resources is only going to make it possible for us to have it that way, then we may have to do it that way until we have enough money to actually set up institutions. I agree we should democratise university education by ensuring that we reach many parts of the country.

**Prof. Oniang'o:** Mr. Deputy Speaker, Sir, could the Assistant Minister follow up his promise of enlightening Kenyans more by undertaking to publish in the newspapers the number of universities we have, how many have charters, how long they have been chartered, what courses they offer, what the fees are and whether any of them actually offers scholarships for needy children?

**Dr. Mwiria:** Mr. Deputy Speaker, Sir, we shall do that but I would also like to say that every year there is a national universities exhibition where all the universities that are operating in this country exhibit what kind of programmes they offer, if there are scholarships and so on. That comes in August every year. So, in addition to that, yes, it is our duty to make it very clear to potential students of universities what is available and we shall do that in the newspapers and elsewhere.

*Question No.083*

COLLAPSE OF CATTLE DIP SERVICES  
IN THE COUNTRY

**Mr. Deputy Speaker:** Hon. Members, the next Question by hon. Ms. Mbarire is deferred since she is unwell.

*(Question deferred)*

Next Question by Mr. Ndambuki!

*Question No.045*

CLOSURE OF EPZ FACTORIES

**Mr. Deputy Speaker:** Mr. Ndambuki is not present. The Question is dropped.

*(Question dropped)*

Next Question by Mr. Khamisi!

*Question No.069*

ISSUE OF ABSENTEE LANDLORDS  
AT THE COAST

**Mr. Khamisi** asked the Minister for Lands and Housing:-

- (a) whether he could confirm reports that a committee has been formed to study the issue of land owned by absentee landlords along the Kenyan Coast; and,
- (b) if the answer to part "a" above is in the affirmative, whether he could inform the House when the committee was formed and its membership.

**The Assistant Minister for Lands and Housing** (Mr. Mungatana): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am not aware of a committee that has been formed recently to study the issue of land owned by absentee landlords along the Kenyan Coast, but I am aware that an Inter-Ministerial Task Force was established sometimes in 2001.

(b) The Inter-Ministerial Task Force was launched on 12th September 2001 and draws its membership from the Ministry of Agriculture, State Law Office and my Ministry.

**Mr. Khamisi:** Mr. Deputy Speaker, Sir, I am rather surprised by that answer because the former Assistant Minister for Lands and Housing, hon. Ojode, stood here late last year and told this House that, indeed, a committee had been formed to look into the problem of absentee landlords.

Now, that the Assistant Minister has disowned his own committee, can he tell this House the terms and reference of this Inter-Ministerial Task Force?

**Mr. Mungatana:** Mr. Deputy Speaker, Sir, when this task force was launched on 12th September 2001, its specific terms of reference were to study the application of management orders as outlined in the Agriculture Act and the history of the implementation of such orders in past cases as those of the Haraka Scheme in Eastern and Rift Valley Provinces. The Agriculture Act gives power to the Minister to apply management orders in specific situations where, in the opinion of the Minister, the land is being mismanaged or under-utilised. In such a situation, the provisions of the Act are put into force to enable the Minister to acquire that land for purposes of making full utilisation. Those are the terms of reference of that task force.

**Mr. Mwandawiro:** Bw. Naibu Spika, katika historia ya nchi hii hadi sasa kuna tume nyingi sana ambazo zinaundwa kuangalia na kujaribu kutatua matatizo ya ardhi ya usimamizi na utumizi na kuhakikisha kwamba kuna haki hasa ya kuwalisha wale watu ambao hawana ardhi. Je, ni lini Serikali itachukua hatua halisi kusuluhisha swala la tatizo la ardhi kwa wananchi?

**Mr. Mungatana:** Mr. Deputy Speaker, Sir, what we are doing in the Ministry right now is that we are almost done with the land formulation policy in which we are taking all the views that have

been expressed in the various task forces including this task force that I have been just discussing here. We are planning to bring a sessional paper to this House so that we have the final input. What needs to be done is that there are various laws that need to be amended in order for the Government to move the way we want it.

So, with that sessional paper in place and the other laws that we need to amend, we will be able to make actual steps that will make this House satisfied.

**Dr. Khalwale:** Mr. Deputy Speaker, Sir, in the history of land ownership in this country, three prominent political families own hundreds of thousands of acres. Could the Assistant Minister confirm whether this task force will also look into those three families?

**Hon. Members:** Who are they?

**Mr. Deputy Speaker:** Order, hon. Members!

**Mr. Mungatana:** Mr. Deputy Speaker, Sir, I want to confirm that amongst the many complaints or concerns that have been raised by the public is the ownership of land by a few individuals who have created or contributed largely to the problem of squatters. When the sessional paper is brought to this House, we shall all be involved in making a final decision on what we are supposed to do.

**Mr. Khamisi:** Mr. Deputy Speaker, Sir, when the Minister for Lands and Housing and his Assistant, hon. Mungatana visited the Coast Province recently, the issue of absentee landlords was on top of the agenda. Could the Assistant Minister tell us what concrete action this Government is contemplating to take in ensuring that the absentee landlords are actually nationalised and the farms are given to the people of Kenya?

**The Minister for Trade and Industry (Dr. Kituyi):** On a point of order, Mr. Deputy Speaker, Sir. For those of us who are slow in reflecting on issues, how does one nationalise absentee landlords?

*(Laughter)*

**Mr. Khamisi:** But that is the question the Government should be asking and advising us on. The issue of absentee landlords is a very serious one and it is for this Government to find a solution.

**Mr. Deputy Speaker:** Mr. Khamisi, I think what hon. Dr. Kituyi is alluding to is whether the Government is supposed to nationalise the farms or the landlords.

**Mr. Khamisi:** Mr. Deputy Speaker, Sir, I meant, "nationalising the farms" so that they could be reverted to the people of Kenya.

**Mr. Mungatana:** Mr. Deputy Speaker, Sir, perhaps, I need to say one or two things about the issue the hon. Member has raised.

After Independence, in 1965, the problem of squatters became a big issue and a special commission for squatters was created in the Ministry of Agriculture to deal with it, particularly in the Coast Province. The office was abolished in 1971 and was replaced by the Department of Lands and Adjudication. The specific mandate of this department was to try and settle as many people as possible, especially in the Coast Province. Some measure of success has since been achieved. However, there is a lot more that needs to be done. Part of the problem is the issue of absentee landlords because some of them have proper title deeds.

Mr. Deputy Speaker, Sir, in the past, we have applied Section 187 of the Agriculture Act which gives powers to the Minister to acquire land which is not being properly utilised. The Minister has the capacity to do this by exercising his powers under the management orders. However, this is not enough. I can assure the hon. Member that we are looking into all possible ways of ensuring that the question of absentee landlords is sorted out once and forever.

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

**Mr. Deputy Speaker:** Mr. Wanjala, I will allow you to ask a question. Do you really want to ask a question?

**Mr. Wanjala:** Mr. Deputy Speaker, Sir, the Assistant Minister has been saying severally on political platforms that the Government has not given land to the people of Coast Province. Now that he is an Assistant Minister in the Ministry of Lands and Housing, what other assurances is he making, other than using the very act he is talking about, to give the people of Coast Province land?

**Mr. Deputy Speaker:** That is a question, hon. Wanjala. I allowed hon. Wanjala time to ask a question and not to raise a point of order. So, Mr. Mungatana, you may respond.

**Mr. Mungatana:** Mr. Deputy Speaker, Sir, when I was talking outside there under the various---

*(Laughter)*

What I can assure the hon. Member is that, at that time, I was not the Assistant Minister for Lands and Housing. Now that I am the Assistant Minister in that Ministry, and we have all the information, we are pushing and shoving hard to ensure that the people of Coast Province get title deeds as soon as possible.

**Mr. Deputy Speaker:** Last question, hon. Khamisi!

**Hon. Members:** Mr. Ndile! Mr. Ndile!

**Mr. Deputy Speaker:** Order, Members! Order, Mr. Maore! I am in charge here and not you. Proceed, Mr. Khamisi!

**Mr. Khamisi:** Mr. Deputy Speaker, Sir, we have been receiving these promises from the Government for the last two years. What the people of Coast Province are looking for is a definite plan of action from the Government. Could the Assistant Minister tell this House exactly when this matter will be solved?

**Mr. Mungatana:** Mr. Deputy Speaker, Sir, I have told this House before that there are policy and legal issues that must be addressed. The hon. Member is fully aware - we were with him in Coast Province recently - that we have been issuing letters of offer where they are due and we will continue with the same exercise. This morning we approved settlement plans for some squatters.

Mr. Deputy Speaker, Sir, I am sure of that because I am working and I know that we are going to do something about the problem. What I cannot tell this House is that by Friday, or next week, we shall have solved the problem. However, we are working on the problems and we will reduce them. What I cannot do now is to give the hon. Member a definite date.

### QUESTIONS BY PRIVATE NOTICE

#### BANDIT RAIDS IN LOIYANGALANI DIVISION

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

(a) Is the Minister aware that on 25th March, 2005, heavily armed bandits raided Moite area of Loiyangalani Division, killed four persons, injured two and took away over 6,000 goats and sheep?

(b) Is he further aware that on 18th March, 2005, in the same area, bandits raided and killed a herdsboy by the name Esunyen Ngoroko?

(c) How many suspects have been arrested in connection with these incidents and deaths?

(d) What steps has the Minister taken to ensure that the raids do not recur?

**The Assistant Minister, Office of the President (Mr. M. Kariuki):** Mr. Deputy Speaker, Sir, I beg to reply.

(a) Yes, I am aware that on the night of 24th and 25th March 2005 at about 5.00 a.m within

Moite area of Loiyangalani Division, unknown number of bandits believed to be Gabra raided the area and stole about 2,800 to 3,000 goats and sheep and not 6,000.

(b) Yes, I am aware that on 16th March, 2005, at about 8.30 a.m. an unknown number of bandits believed to be Gabra tribesmen attacked Moite Manyatta and injured a juvenile aged eight years by name of Ensunyen Ngoroko on the stomach. He was taken to Loiyangalani Mission Hospital and later died while undergoing treatment.

(c) So far, none has been arrested. The case is still under investigation. Communities in the areas are requested to volunteer any information that can assist the police bring the culprits to book.

(d) Security has been beefed up in the area and District Security Intelligence Committee members are holding reconciliation meetings with warring communities with a view of bringing a lasting solution.

**Mr. Ngoyoni:** Mr. Deputy Speaker, Sir, first of all, I want to thank the Assistant Minister for being plain enough and admitting that there were deaths.

Mr. Deputy Speaker, Sir, there is a growing transgression amongst my people. Every other day there are killings and yet the law enforcers have never taken these killings seriously. The tradition being adopted is that, every other day, whenever there is an incident, the law enforcers appear at the affected area, count the dead bodies, file the report at the headquarters and then close it. What efforts is the Assistant Minister taking to trace these bandits who are on the rampage and have really made so many people hopeless and homeless?

**Mr. M. Kariuki:** Mr. Deputy Speaker, Sir, only last week, I assured the hon. Member that we would deliver a vehicle to the District Officer to assist him in providing security to his people. May I also add that we have the Kenya Police Reservists (KPR) on the ground. These are the local homeguards. If there is need to reinforce the KPR as a force on the ground - they were very useful even on that night in terms of containing the banditry - we are prepared to do so.

**Mr. Ndile:** Bw. Naibu Spika, inajulikana wazi kwamba ni jukumu la Wizara kuwachunga Wakenya usiku na mchana. Utovu wa hali ya usalama umezidi na watu wanaumizwa kila mahali nchini. Je, ni nini Wizara hii inafanya kuhakikisha kwamba wale ambao wamevamiwa, kama mimi mwenyewe, wanapata matibabu ya kutosha? Ni jukumu la Wizara kuhakikisha kwamba kila mwananchi yuko salama.

**Mr. M. Kariuki:** Mr. Deputy Speaker, Sir, I did answer a Question about two weeks ago, and I said that where there are victims of crime, it is the responsibility of the Government to ensure that they get medical attention.

**Archbishop Ondiek:** Mr. Deputy Speaker, Sir, could the Assistant Minister issue a policy circular showing how they are going to supply the vehicles to the district officers (DOs) and the police, including my constituency, which they promised and they did not do so?

**Mr. M. Kariuki:** This Question keeps on recurring. But I did say that I am hoping that this House will support the Ministry in its enhanced budget, come the next financial year, to enable us to secure enough vehicles for DOs and other security agencies.

**Ms. Abdalla:** Thank you, Mr. Deputy Speaker, Sir. We are aware that bandits just walk on foot. What is the Ministry doing to make sure that heavy resources such as the helicopters, which they used to arrest hon. Moroto could be used in Loiyangalani to hunt down those people?

**Mr. M. Kariuki:** I am not aware that you have to use a helicopter to arrest; you actually physically arrest individuals and put them in custody. But be that as it may, we have very limited resources as far as helicopters are concerned. But we have a few helicopters which, if put on notice, we will be able to use. Right now, I think we have two helicopters which are operating in Mandera. If there is a situation demanding the presence of helicopters, we shall be prepared to offer them.

**Mr. Deputy Speaker:** Last question, Mr. Ngoyoni!

**Mr. Ngoyoni:** Mr. Deputy Speaker, Sir, this is a Question that concerns insecurity in my area



and, actually, it is a very serious one. Mr. Sasura has asked me to ask for more time.

**Mr. Deputy Speaker:** Order, Mr. Ngoyoni! I will stop you, because I gave you an opportunity and, instead of asking your question, you are telling me that it is very important and that I should have given you some more time. You should not do that. Please, do not do that in future. I can recall that you have done the same some other time before. So, please, do not do it again. Ask your question now!

**Mr. Ngoyoni:** In his answer, the Assistant Minister is talking about beefing up security. Definitely, the number of regular and administration policemen who have been there are the same ones who are there now, and they are actually concentrated in the district headquarters. Moreover, we do not have any sort of communication in the area we are talking about. So, when people are attacked, actually, the report reaches the policemen in the district or divisional headquarters about two or three days later.

What immediate measures will the Assistant Minister take to ensure that there is good communication in the area, particularly radio communication, such that when there is an attack, information can, at least, be relayed to the relevant areas?

**Mr. M. Kariuki:** Thank you, Mr. Deputy Speaker, Sir. We will look into the issue of radio communication in the area. But I know that the immediate step that we can take is to boost the KPR, because those are the people on the ground who can contain banditry. But we will also look into the issue of communication.

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

**Mr. Deputy Speaker:** Order, Mr. Moroto! No points of order.

Next Question by Mr. Weya! I thought that was the last question?

Proceed, Mr. Weya!

DOMINION GROUP OF COMPANIES'  
VEHICLES HELD BY THE KRA

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

(a) Is the Minister aware that the Kenya Revenue Authority is holding three vehicles belonging to Dominion Group of Companies?

(b) Is he further aware that the above action is jeopardizing the operations of the company, which is investing Kshs2 billion in the country?

(c) What steps will the Minister take to facilitate the release of the vehicles and safeguard the new investment?

**The Assistant Minister for Finance (Mr. Katuku):** Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that the Kenya Revenue Authority is holding three Jeep motor vehicles being imported as "personal effects" by the Directors of Dominion Farm Ltd for non payment of Customs Duty and VAT.

(b) I am not aware that the above action is jeopardizing the operations of the company.

(c) The said vehicles do not qualify for waiver of customs duty and VAT. However, I am ready to consider waiving the customs warehouse rent so far accrued on the vehicles.

**Mr. Weya:** Thank you, Mr. Deputy Speaker, Sir. This country is trying to encourage investors to come and invest here. This particular investor has been frustrated on several occasions; firstly, we had three Cabinet Ministers signing a letter stopping the investor from continuing with his investment.

Mr. Deputy Speaker, Sir, His Excellency the President, on 9th December, 2004, gave an Executive Order to the Minister for Transport to release those vehicles in the presence of hon. Dr.

Kituyi and Mr. J. Kipkoech of IPS. Is the Assistant Minister following the Executive Order that the President had given him?

**Mr. Katuku:** Mr. Deputy Speaker, Sir, as far as the Act governing exemptions is concerned, my hands are tied as the Assistant Minister for Finance and there is nothing I can do about this case, unless the Act is amended.

**Dr. Kibunguchy:** Thank you, Mr. Deputy Speaker, Sir. As much as we would like to encourage investors to come into this country, I would like the Assistant to tell this House what specific incentives the Ministry has to encourage investors to come and invest in this country?

**Mr. Katuku:** We have several incentives, but as far as my Ministry is concerned, we are exempting capital investments or machinery which has been brought in. But in the case of this particular company, we have exempted the company from paying duty on the machinery to be used on this project. The only issue here is about the three cars which are being questioned, and they were imported for personal use. So, they do not fall under the provisions which we have made to encourage investments.

**Mr. Muturi:** Since the Government appreciates that Dominion Group of Companies is a foreign investor, and under the Customs and Excise Act, the Ministry can impose conditions regarding the payment of VAT, customs and excise duties, why can the Ministry not use the provisions of the Act to exempt these vehicles from the payment of customs and excise duty in the same manner that the Minister did to exempt hon. Ndwiga from paying stamp duty because of investing in a farm in Embu?

*(Applause)*

**Mr. Katuku:** Mr. Deputy Speaker, Sir, any exemption has to be done according to the laws which have been laid down and passed by this House. The case of exemption which the hon. Member is talking about falls under Section 106 of the Stamp Duty Act. Regarding this case, my hands are tied by the Customs and Excise Act, which does not allow personal cars to be exempted, and the Minister has no powers at all in relation to this Act. The only power I have is to exempt the fellow from paying demurrage charges, and I have said that I am willing to do so any time he makes that request.

**Rev. Nyagudi:** Mr. Deputy Speaker, Sir, the Assistant Minister is misleading the House because the law allows foreigners who are changing residence to come in with vehicles. This is a case where our country is looking for investors and our country has been rated the 11th least attractive country for investment. Could the Assistant Minister consider doing a cost-benefit analysis to look at the long term benefits that the country can enjoy, because the investor has already indicated that he is going to move to Uganda? Could the Assistant Minister consider waiving the duty on these motor vehicles, because it is not a request--

**Mr. Deputy Speaker:** Order! Order! Order! That is enough!

Proceed, Mr. Katuku!

**Mr. Katuku:** Mr. Deputy Speaker, Sir, the Customs and Excise Act allows exemption only in cases where somebody had bought a car, 90 days prior to change of residence. The other case where we have powers to exempt duty is only where the importer's residence is deemed to have changed immediately the person is issued with a Kenyan work permit. In this case, the director of this company had bought this car in January, 2004, but--

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

**Mr. Deputy Speaker:** What is it?

**Mr. Maore:** Mr. Deputy Speaker, Sir, just for the record of the House, it appears Rev. Nyagudi is associated with Dominion Group of Companies. Would that not be a conflict of interest which should have been declared by the hon. Member?

**Mr. Deputy Speaker:** Rev. Nyagudi, do you have any interest in the Dominion Group of

Companies?

**Rev. Nyagudi:** Mr. Deputy Speaker, Sir, I did not understand what Mr. Maore said!

**Mr. Deputy Speaker:** Rev. Nyagudi, you ought to declare your interest if you are associated with Dominion Group of Companies.

**Rev. Nyagudi:** Mr. Deputy Speaker, Sir, I am only known to the investor because I facilitated that investment.

**The Minister of Trade and Industry (Dr. Kituyi):** On a point of order, Mr. Deputy Speaker, Sir. The matter of domain is very important. I share the sentiments expressed by some hon. Members about signals sent to the investor community. The hon. Member knows that I know a bit more than what he has declared with regard to his association with the Dominion Group of Companies. It is not just about facilitation. It will help us if he was a bit more candid than saying he has not been associated with Dominion Group of Companies before.

*(Loud consultations)*

**Mr. Deputy Speaker:** Order, hon. Members! Rev. Nyagudi, could you declare your interest on this matter?

**Rev. Nyagudi:** Mr. Deputy Speaker, Sir, I was a former Director of Dominion Group of Companies.

**Hon. Members:** When?

**Rev. Nyagudi:** Mr. Deputy Speaker, Sir, I resigned before I joined politics. Therefore, I do not have any particular interest.

**Mr. Deputy Speaker:** Very well! Last question, Mr. Weya.

**Mr. Weya:** Mr. Deputy Speaker, Sir, the law clearly state that a car should be used out of the country for 90 days before it can be exempted. These vehicles were used out of the country for 90 days. Clauses 8 and 9 of the Customs and Excise Act, clearly state that the Commissioner of Customs is allowed to waive duty on those vehicles within 365 days of their entry into the country. Could the Assistant Minister use that law to waive the duty on those vehicles?

**Mr. Katuku:** Mr. Deputy Speaker, Sir, I have considered all those facts. However, the director of this company applied for the same outside the dates given in Clause 8(3) of the Customs and Excise Act. In this case, as I was saying before I was interrupted, he bought those vehicles in January, 2004. So, if you look at the two aspects of the permit and the 90 days, they are all out of the stipulated time. So, the only way I can assist Dominion Group of Companies is to waive the demurrages if applied for. I am ready to do that.

**Mr. Deputy Speaker:** Hon. Members, that has been an overspill as far as this Question is concerned.

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

**Mr. Deputy Speaker:** Order! Mr. Weya, you cannot do that! You have already asked questions twice. This is Question Time. It is not time to give explanations!

Next Question, Mr. Leshore!

EXPORT BAN ON LIVESTOCK  
AND ITS PRODUCTS

**Mr. Leshore:** Mr. Deputy Speaker, Sir, I beg to ask the Minister for Livestock and Fisheries Development the following Question by Private Notice.

(a) Is the Minister aware of an export ban on livestock and livestock products to the Middle East and other countries?

(b) Who has imposed the ban and why?

**The Assistant Minister for Livestock and Fisheries Development** (Dr. Wekesa): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Yes, I am aware of an export ban of livestock and livestock products to the Middle East and other countries.

(b) The ban was imposed by the Kingdom of Saudi Arabia and the United Arab Emirates in response to the epidemic outbreak of Rift Valley Fever (RVF) in Kenya following the excessive rains and flooding during the *El Nino* rains of 1997/1999 that affected cattle, sheep, goats, camels and their products.

**Mr. Leshore:** Mr. Deputy Speaker, Sir, I do not know why the Assistant Minister is misleading this House. The other day, we saw his Minister exporting Kamba cows to Mauritius! Even last year, during the Holy Month of Ramadhan, they exported goats and sheep to Saudi Arabia. Which is which now? Is there a total ban?

**The Assistant Minister for Finance** (Mr. Katuku): On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Member in order to refer to animals as "Kamba cows" when we know very well there are no Kamba or Samburu cows. Could he substantiate?

*(Laughter)*

**Mr. Deputy Speaker:** Order, hon. Members! I think the Assistant Minister will be in a position to differentiate that.

**Dr. Wekesa:** Mr. Deputy Speaker, Sir, I would like to concur with Mr. Katuku. I am a veterinary surgeon and throughout my training, I have never heard of Kamba cows. I know of species of cows such as Friesians, Borans, Guernseys and Sahiwal, among others. However, a ban can be effected by the receiving country, or by us depending on circumstances, for example, existence of diseases within Kenya or the receiving country. In case of the recent export, only animals that were healthy and approved by the Mauritian Veterinary Authority were acceptable.

**Mr. ole Metito:** Mr. Deputy Speaker, Sir, the Ministry of Livestock and Fisheries Development informed this House last week that they have abandoned artificial insemination services and that they also cannot control diseases. I think that is why we cannot export our livestock or their products to the European Union (EU), Middle East and other countries because of foot and mouth disease. What is the relevance of this Ministry to the livestock industry if they cannot do anything about this industry?

**Dr. Wekesa:** Mr. Deputy Speaker, Sir, I am aware of the need to revitalize the livestock industry. Indeed, this Government is doing everything possible to make sure that those whose lives or their incomes depend on livestock production are assisted. Recently, we showed that we are doing that by actually exporting our animals. There is a lot of interest right now from various countries. They need our animals and animal products.

**Mr. Y.M. Haji:** Mr. Deputy Speaker, Sir, the export ban is on the Middle East. The Assistant Minister says it was initiated by Saudi Arabia. However, Saudi Arabia is not the whole of the Middle East. I even heard him say that the Government of Yemen is interested in our livestock. What initiative has this Ministry taken to negotiate for the removal of the ban?

**Dr. Wekesa:** Mr. Deputy Speaker, Sir, I actually agree with the hon. Member, but I want to state one thing very clearly. Kenya Government will do everything in its power to make sure that we have removed diseases from our districts and that we have healthy animals exports. However, there must also be requests from those countries saying that they want our livestock.

Mr. Deputy Speaker, Sir, if there is no request, there is no way we can force our animals to go into any of those countries.

**An hon. Member:** He is avoiding the question!

**Dr. Wekesa:** Mr. Deputy Speaker, Sir, I am not avoiding the question. A country must request for livestock from Kenya and we will supply.

**Mr. Deputy Speaker:** Next question, and the last one on this matter, Mr. Leshore.

**Mr. Leshore:** Mr. Deputy Speaker, Sir, I do not know why the Minister is behaving like that because Egypt has requested for over 1,000 head of cattle. When is he going to facilitate that?

**Dr. Wekesa:** Mr. Deputy Speaker, Sir, it is not only Egypt; Iran, Burundi and many other countries have shown interest. Moreover, showing interest alone is not enough. If one knows of those farmers who want to come and buy our animals, he should come to my office and I will facilitate the provision of animals from Kenyan farmers.

**Mr. Deputy Speaker:** Very well! Next Question!

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

We have finished that matter. We have only five minutes left yet I have one Question remaining.

#### WATER SHORTAGE IN MARSABIT

**Mr. Sasura:** Mr. Deputy Speaker, Sir, I beg to ask the Minister for Water and Irrigation the following Question by Private Notice.

(a) Is the Minister aware that Marsabit Town and its environs are facing acute water shortage?

(b) Is she also aware that residents in the said areas including schools are spending most of their time in search of water in shallow wells located in the Marsabit Forest?

(c) What intervention plans does the Minister have to address this crisis?

**The Minister for Water and Irrigation (Ms. Karua):** Mr. Deputy Speaker, Sir, I beg to reply.

I am aware that Marsabit Town is facing an acute shortage of water due to the prolonged drought that has drastically reduced the yield of Bakuli Springs from the normal 450 cubic metres per day to about 200 cubic metres per day. The current water demand for the Town is over 2,500 cubic metres.

I am also aware that institutions and residents of Marsabit Town spend time looking for water from springs and water wells located in the Marsabit Forest as the dams and pans in the lowland have dried up.

Mr. Deputy Speaker, Sir, the situation is further aggravated by the increase of population in the Town caused by migration of pastoralists from other parts of the district, who bring livestock to Marsabit Forest in search of pasture.

The Ministry has mobilised a tanker in the district for transportation of water from the high yield borehole located at Logologo to institutions and residents of Marsabit Town.

Mr. Deputy Speaker, Sir, my Ministry will undertake short-term intervention measures through the Northern Water Service Board which will include desilting works at Qatakorma Dam which is in progress and is 70 per cent done. This is programmed to be completed this financial year.

There will also be equipping of Parkishon Community Borehole which is located 10 kilometres from Marsabit Town on the Marsabit-Isiolo Road which will be done next financial year. In addition, there will also be desilting of Arabota Dam located in the periphery of Marsabit Town which will also be done next financial year.

Mr. Deputy Speaker, Sir, long-term intervention measures proposed include construction of a

300,000 to 500,000 cubic metres capacity dam at Bakuli intake; desilting and rehabilitation of Karantina Dam located at Marsabit Mountain and construction of Badassa Dam with a capacity of 1 million cubic metres.

**Mr. Sasura:** Mr. Deputy Speaker, Sir, you will remember that this Question was deferred last week because the answer was not adequate. However, I must thank the Minister because the answer is full of facts but I have one question about the water boozier that the Ministry has.

Could she ensure that it is operational? It lacks tyre and so many spare parts and her office is depending on the Arid Lands Office to have it operationalised.

**Ms. Karua:** Mr. Deputy Speaker, Sir, I have been assured that it is operational but we will countercheck.

**Mr. Deputy Speaker:** Last question, Mr. Sasura!

**Mr. Sasura:** Mr. Deputy Speaker, Sir, Marsabit Town is expanding and the Bakuli Dam, as a source of water, was designed for very few people. The last item on long-term interventions is the construction of Bakuli Dam with a capacity of 1 million cubic metres. According to the assessment at the Ministry of Water and Irrigation, it was estimated to cost Kshs300 million. How is the Minister going to meet that because it is not within our capacity?

**Ms. Karua:** Mr. Deputy Speaker, Sir, we will do so through the usual means of budgetary provision. It need not be all the money for one financial year but it can be phased off as the construction goes on. We are looking at when and how we can start.

**Mr Deputy Speaker:** Thank you, Madam Minister. That is the end of Question Time! Before we move on to the Next Order, Mr. Mwenje had something to say.

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

### INSECURITY IN THE COUNTRY

**Mr. Mwenje:** On a point of order, Mr Deputy Speaker, Sir. I would like to refer you to Standing Order No.20(1). I will like move a Motion for the Adjournment of this House to discuss matters of definite national importance. There has been a lot of insecurity in this country.

*(Applause)*

People are being slaughtered like goats. People are being killed every now and then and there are so many guns in this country today. The Government is not able to arrest the people who are perpetrating and killing our people literally, everywhere in this country. The matter is now of a very sad nature and I believe every hon. Member here can cite an example of a case where people from his constituency have been killed by thugs yet those thugs have never been arrested.

Only a few minutes ago, I was at a funeral where somebody was shot last week and the perpetrators have not been arrested. In Ngong, we have been reading how people have been killed and nobody has been arrested up to now.

Today in Kiambu, we saw another killing. I do not want to explain all this because I will do it when I move the Motion.

## COMMUNICATION FROM THE CHAIR

DEFERMENT OF SUPPLEMENTARY ESTIMATES MOTION AND PUBLIC PROCUREMENT AND

## DISPOSAL BILL

**Mr. Deputy Speaker:** Order, Mr. Mwenje! You have done what you ought to do. Please leave the rest to the Chair!

First of all, I want to draw the attention of hon. Members to the fact that Order No.7 is Committee of Supply. In accordance with Standing Order No.43, it would not be interrupted. However, I want to report that the Minister for Finance has requested and has conceded that this matter be deferred until tomorrow because he is busy at a conference.

I have also decided that we defer Order No.8 which is also under the Minister for Finance until tomorrow. It, therefore, means that I can, in fact, consider Mr. Mwenje's request.

*(The Motion and Bill were deferred)*

**Mr. Deputy Speaker:** I said I would acceded to Mr. Mwenje's request if would get support of 15 hon. Members.

I want to rule as follows: I confirm that I received a Notice of Motion in accordance with Standing Order No.20, by Mr. Mwenje, wishing to move a Motion for Adjournment on a definite matter of national importance. I confirm that under the same Standing Order, I have acceded to the request now that he has been able to raise the required number of 15 hon. Members to support him. I allocate this Motion be moved today, at 5.30 to 6.30 p.m.

Hon. Members, before we move on to the next Order, we have a number of Ministerial Statements which will be presented this afternoon. We have a Ministerial Statement by the Minister of State, Office of the President and also by the Minister for Information and Communications. Could we start with the Statement from the Minister of State, Office of the President?

**MINISTERIAL STATEMENTS**

## FOOD SITUATION IN MOYALE DISTRICT

**The Minister of State, Office of the President (Mr. Karume):** Mr. Deputy Speaker, Sir, last week the hon. Member for Moyale, Dr. Galgallo, asked for a Ministerial Statement concerning the food situation in Moyale District.

As it may be recalled, some parts of the country mainly pastoral and agro-pastoral areas did not recover from the devastating effects of the 1998 to 2001 drought. These areas continued to experience poor subsequent rainfall seasons and continued food insecurity to date. Poor performance of the rains in three consecutive seasons in most pastoral and agro-pastoral areas worsened the household food insecurity situation in these areas necessitating declaration by the Government of a national drought emergency in July, 2004. In response to the declaration, an Emergency Operation Programme (EMOP) was implemented for six months, starting September 2004, to February 2005. The EMOP covered 3.3 million people including 500,000 school-going children in 26 arid and semi-arid (ASAL) districts at a cost of about US Dollars 100 million spent on food and non-food interventions.

The short rains of October to December resulted in most pastoral areas receiving fair rainfall. To determine the impact of the short rains of 2004 and the general food security situation, the Kenya Food Security Steering Group (KFSSG) multi-agency carried out an assessment covering 20 districts under EMOP in January. The assessment established that some areas under EMOP were already under recovery and they had significant regeneration of pasture and fair crop production. Despite the impact of the short rains, most communities in the above mentioned areas still remain vulnerable since recovery has just started. Consequently, about 1.6 million people would require 126,000 metric tonnes

still on food aid up to August 2005 depending on the performance of the long rains.

*(Loud consultations)*

**Mr. Deputy Speaker:** Order, hon. Members!

**The Minister of State, Office of the President** (Mr. Karume): Mr. Deputy Speaker, Sir, the first phase of EMOP that began in October 2004 targeted 8,660 people out of the total population of 60,212 in Moyale District. Moyale District was identified by KFSSG as one of the districts that were on drought recovery in January. Consequently, the district was phased out of EMOP alongside other districts which were similarly in recovery.

It is imperative to note that though the EMOP was discontinued in Moyale and other districts, my Ministry will continue addressing specific needs in the affected districts including Moyale on a case by case basis, as advised by the district steering groups. This, therefore, means that pockets in these districts that are still needy will continue receiving food assistance from the Government even if they are not included in the second phase of EMOP which started in March 2005 and is ending in August 2005.

My Ministry has already released 5,110 bags of maize, 55 bags of green grams and 1,400 cartons of vegetable oil to Moyale for distribution.

Mr. Deputy Speaker, Sir, my Ministry will continue reviewing the drought situation in all parts of the country including Moyale from time to time and take appropriate action when necessary. Drought affected populations will continue receiving the required relief support to cushion them from the on-going drought. Until and unless their means of livelihoods are restored and strengthened, these vulnerable population shall continue getting assistance.

My Ministry will put Moyale and any drought affected district under EMOP whenever the district steering group requests so and if the drought situation has not improved.

**Mr. Deputy Speaker:** We will have two clarifications. One from Mr. Ethuro and the other from Mr. Sasura.

**Mr. Sasura:** Thank you, Mr. Deputy Speaker, Sir. I am surprised by the Minister's Statement because some of its contents are not factual. Moyale is a neighbouring district to Marsabit, which is my district.

Recently, a team was sent from Nairobi to do monitoring on behalf of the KFSSG. This group is the one which phased out Moyale from EMOP. Let the Minister clarify why Moyale District is self-sufficient while Marsabit is not.

**Mr. Deputy Speaker:** Order, Mr. Sasura! You must restrict yourself to one clarification.

**Mr. Sasura:** Mr. Deputy Speaker, Sir, the food we get under that programme is mainly from Subukia, when we can get the same food at a cheaper price from Moyale, Ethiopia. What is the Minister's comment about that?

**The Minister of State, Office of the President** (Mr. Karume): Mr. Deputy Speaker, Sir, I agree with the hon. Member. I think the officers from the Ministry who have been going round checking about famine situations in the country have been to his area.

Mr. Deputy Speaker, Sir, as I said in my Statement, we are going to stop this activity. We thought this drought would continue up to the end of February. But since we are not getting enough rain, we are sending people back to check whether we can continue with food distribution and I will consider his district.

On the purchase of maize from Subukia, our policy is to buy maize from local farmers including those in Kitale and Eldoret since they have a lot of maize, instead of importing it from outside the country. We are spending the little money we have on local maize to also boost our farmers.

**Mr. Ethuro:** Mr. Deputy Speaker, Sir, the state of food security is a matter of national



importance. Last Wednesday, I asked about the situation of food distribution in terms of specific quantities in Turkana District and why there was no food distribution during the whole of last month. Even if the Ministry is planning to extend the relief programme, it is prudent that planning takes place early enough, so that before you stop, you can already know you will extend by how long. Why does the Ministry have to stop distribution in order to formulate the next phase? People are still suffering. Could the Minister confirm that he is going to issue new rations?

**Mr. Deputy Speaker:** Mr. Karume, there is already a request by Mr. Ethuro and I hope you will address it at a later time, if not today. There is an issue of famine relief distribution in Turkana District.

**The Minister of State, Office of the President** (Mr. Karume): Mr. Deputy Speaker, Sir, as I said, we did not know about the limited rain and that is why we were thinking about stopping food distribution by February. However, we now realise that there is not enough rain and that is why we are planning to continue with food distribution. I can assure the Member that we are going to reschedule our programme. We cannot sit down and see our people die due to lack of food.

#### STATE OF ECONET WIRELESS INTERNATIONAL

**The Minister for Information and Communications** (Mr. Tuju): Mr. Deputy Speaker, Sir, two weeks ago, there was a request for a Ministerial Statement on the issue of Econet Wireless International and the saga of the Third GSM licence. This issue was raised by hon. Angwenyi. The hon. Member wanted to know what steps my Ministry has taken to protect Kenyans from falling into losses occasioned by Econet as it happened in New Zealand.

Mr. Deputy Speaker, Sir, I wish to state that there is a dispute that is before an honourable court of the Republic of Kenya between Econet Wireless and my Ministry. Out of deference for our honourable court, I have chosen not to engage in Press wars with Econet, leaving it to the courts to adjudicate on this matter. However, the request by the hon. Member is an apt opportunity to set the record straight on what we know and what we are doing about the Econet saga in Kenya. Let me bring to the attention of the House some of the things that we now know about Econet.

In New Zealand, under a special programme of empowerment of minorities in that country, a licence was awarded to a Maori community company who later set up a joint venture with Econet Wireless. Under affirmative action programme meant to benefit the indigenous Maoris, Econet was given US\$4 million by the Maori Trust Fund. In two years, the US\$4 million had been squandered by Econet, leaving a balance of US\$6,804 by last year as the only balance in that account. There is network roll-out in New Zealand and the Ministry in charge is on the spot to account for the money. It is a pathetic public relations exercise by Econet Kenya to run newspaper advertisements claiming that work has started in New Zealand. Details of this fiasco are available in the internet on "www.acp.org.nz" or direct contact with "Debra Codington at www.debra.codington@parliament.govt.nz", for a graphic description of this rip-off by Econet.

**Mr. Deputy Speaker:** Order, Minister! You talked about a case in court. Are you sure what you are doing is not prejudicing that case?

**The Minister for Information and Communications** (Mr. Tuju): No, it will not, Sir.

In Papua New Guinea, Econet won a licence through a bid in which they offered a stratospheric figure. When they took too long to raise the money, the Papua New Guinea Government conducted a due diligence and found that Econet had no money to roll out. The Papua New Guinea Parliament voted to kick Econet out of New Guinea. Of course, Econet has gone to court with more stratospheric figures as claims for damages that fly against their own earlier valuation of the company they had bid for. Interestingly, our own Communications Commission of Kenya (CCK) got involved in that fiasco in Papua New Guinea, but that is a story for another day.

In Lesotho, it is true that Econet went into the Lesotho market through a consortium that they

forged with South Africa's power utility company, Eskom. Econet Wireless refers to this transaction in flowery and favourable superlatives. What they fail to state is that so far, Econet has failed to honour its shareholder obligations to Eskom and have since been deleted from its shareholding.

In Botswana, Econet Wireless is a minor shareholder with only 16 per cent of the business. This is the only place where Econet can claim some credibility.

In Zimbabwe, Econet proprietor, Strive Masiyiwa, is a wanted fugitive. Mr. Masiyiwa had received the GSM licence during a time when he was politically in favour in Zimbabwe. He sold the company to Old Mutual. The money was paid in an account in the United Kingdom. He took off before paying taxes on the proceeds and other obligations to others in Zimbabwe. So, he is a wanted fugitive in Zimbabwe, but currently using the political predicament of President Mugabe to enjoy a false credibility that he is facing political persecution.

The Nigeria case reads like another novel. Econet bid for a licence with Nigerian partners. Econet was to own 40 per cent, a consortium of Nigerian banks, 20 per cent and a group of Nigerians, 40 per cent. After the grant of the licence, the other partners were able to raise the licence money according to their shares. Econet could not raise their bit. Indeed, they were thrown out of their offices for non-payment of rent. So, a new deal had to be structured to save the venture. The other shareholders had to raise the balance of licence money and reduce Econet shares to a mere 3 per cent. In order to avoid that litigation venture, a Nigerian company reached a technical agreement with Econet Wireless International in rolling out the network. Econet flooded Nigeria with bogus expatriates who performed basic functions like counting sim cards and other basic administrative functions. In the meantime, the Nigerians had to pay huge and exaggerated management fees. Within a few months of operations, Econet was kicked out of Nigeria and the issue is in court. So, Econet is not in Nigeria as they would like Kenyans to believe.

Regarding Kenya, I believe that hon. Members can feel my drift. You may recall that, some time last year, I announced on the Floor of this House the cancellation of a licence for the second national operator. That was due to the fact that, all competition in the bidding process were disqualified on technical grounds. The bid price was reduced from US\$37 million to US\$23 million, one day before opening of the financial bid of just one finalist. In the Econet saga, the same pattern is repeated. Out of the six companies that submitted bids, four were disqualified on technical grounds. One of the bidders who had offered US\$55 million went to court. By the time the Econet bid was being opened, their only competitor was some obscure outfit who placed a bid of US\$11 million, compared to Econet's US\$27 million. I wish to draw the attention of the House to the fact that, KenCell paid for the price of its licence a total of US\$55 million. So, the Econet offer was US\$23 million below the market value.

At this juncture, I wish to state that, as a Government, we have received offers of US\$55 million from interested reputable companies from South Africa and Middle East for that licence. In Africa today, we know the major players are MTN, Celtel, Vodafone, Cell C and Orascom. Econet is certainly not one of them. We have also received information that Econet has approached some of those major players to sell them the licence, so that they can pocket the difference of a cool US\$23 million, which is Kshs1.6 billion.

The stakes are high and that is why I am not surprised to witness an aggressive public relations campaign in the local press mounted by Econet. As a Minister, I feel I have a few choices. I can stand on the side and watch it all happen as Kenyans are fleeced of a possibility of getting Kshs1.6 billion or, I can line up and look for the best positioning for receiving a share of the loot or, I can do the more difficult thing; that is, to fight despite having to face a significant media core that has been compromised and are part of that pathetic media campaign by Econet.

*(Applause)*

Fight, despite the possible influence of money that can even infiltrate this House.

**Hon. Members:** Substantiate!

*(Loud consultations)*

**The Minister for Information and Communications** (Mr. Tuju): I will substantiate. It is a lot of money! I am not in the business of mourning! I am in the business of stating the facts and acting in the right way. Those are the facts. Those media houses or individual journalists who have already been compromised are not likely to carry the full text of this particular Statement or significant parts of the Ministerial Statement, because it challenges what they have been saying all along.

*(Applause)*

Secondly, Econet does not have a licence to roll out a network. That is a fact. The matter is still in court. Only this morning, I replied to a Motion they filed in court. I am shocked that they are so arrogant to continue with plans as if they have already won the case. That is grossly disrespectful to our courts. The case in court is under Miscellaneous Civil Application No.1640 of 2004. Econet should tell Kenyans what they know about the outcome of that case, which is still to be heard, that we do not know. It is a fact that a licence is only valid when all provisions---

**Mr. Y. Haji:** On a point of order, Mr. Deputy Speaker, Sir. The Minister has made a very serious allegation that this House has been compromised as far as this matter is concerned. Could he substantiate?

**Mr. Deputy Speaker:** Mr. Minister, did you say that?

**The Minister for Information and Communications** (Mr. Tuju): I did not say that.

**Mr. Deputy Speaker:** What did you say?

**The Minister for Information and Communications** (Mr. Tuju): Mr. Deputy Speaker, Sir, could you allow me to finish the Ministerial Statement? I will clarify that afterwards.

**Mr. Deputy Speaker:** Respond to that first! Then we can continue. We have to dispose that off. Did the Minister say the House is compromised?

**The Minister for Information and Communications** (Mr. Tuju): No, Mr. Deputy Speaker, Sir! I said that the amount of money involved is so much that it could compromise our media and even infiltrate this House. It is a possibility.

**Mr. Deputy Speaker:** Continue!

**The Minister for Information and Communications** (Mr. Tuju): Mr. Deputy Speaker, Sir, if I may just continue with my drift---

**Mr. Deputy Speaker:** How long is it?

**The Minister for Information and Communications** (Mr. Tuju): I am just about to finish, Mr. Deputy Speaker, Sir! Just a few minutes!

Mr. Deputy Speaker, Sir, it is a fact that, a licence is only valid when all the provisions of the licence have been adhered to. Provisions include full payment. Econet Wireless has not paid in full for that licence. So, they do not have it. If they do, then let them show it. The attempt to advertise that they are going on with the roll-out are steps calculated to increase the figure that they would like to conjure up in their suit against the Government. It is a fact that they are in court with their partners, KNFC, that is supposed to be the 82 per cent shareholder.

Mr. Deputy Speaker, Sir, while a competent court may have thrown out the case of KNFC, it is also a fact that, KNFC has appealed to a higher court. It is curious that Econet disrespects the courts to the extent that they believe they have won that case as well and, therefore, they can continue with their plans as if there is no court case.

Mr. Deputy Speaker, Sir, no amount of public relations and handling of various journalists; no amount of lobbying in various places will intimidate this Minister. Indeed, it was interesting to note a report by the *Standard Newspapers* giving an account of my encounter with the Parliamentary

Departmental Committee on Energy, Communications and Public works, which was *in camera*. Somehow, the *Standard Newspaper* was able to put a spin and coin a story that I was put on the spot by hon. Members of the Sub-Committee, with whom I had a very open and honest discussion. Indeed, some of them congratulated me for the steps I had taken so far. They call it investigative journalism; I call it speculative journalism.

Mr. Deputy Speaker, Sir, the stakes are high, but it is my solemn commitment that will act in the best interests of the country. In answer to the hon. Member, I have, in the light of the above, taken certain urgent remedial steps that Econet has challenged in court and are, therefore, the subject court proceedings.

**Mr. Deputy Speaker:** I will allow three or four clarifications! Mr. Angwenyi, Mr. Keter, Mr. Maore and Mr. Khamisi. I request the Minister to note them because they will all be asked at the same time. Mr. Angwenyi!

**Mr. Angwenyi:** Mr. Deputy Speaker, Sir, I thank the Minister for that elaborate Statement. All along, until this hour, I have been thinking that the Minister was the one who was carrying on his back that faceless Anglo Leasing type of company, which is trying to offer services as a third mobile operator. But I now realise that I was mistaken by assuming that the Minister had been compromised, and that is why he was giving that faceless company a licence. I apologise for that.

Be that as it may, I would like the Minister to clarify one thing to me. Before they awarded that licence, or before even the offers were made, were they done with due diligence? In view of the fact that we have gone through the Anglo Leasing saga where no due diligence was exercised, did they exercise due diligence before they took that bid from that company?

Mr. Deputy Speaker, kSir, secondly, why would they allow a company to give a lower bid than the US\$55 million that was each paid by KenCell and Safaricom when they were establishing the market? Now that demand in the market had been established, why did they put a reserve price of US\$30 million instead of US\$60 million, US\$70 million or even US\$100 million?

**Mr. Keter:** Mr. Deputy Speaker, Sir, I wish to seek the following clarifications.

**Mr. Deputy Speaker:** By practice, you should seek only one clarification. Please, allow other hon. Members to also seek clarifications.

**Mr. Keter:** Mr. Deputy Speaker, Sir, last year, before the Communications Commission of Kenya (CCK) awarded this licence, I raised an objection and I outlined all the businesses of Econet Wireless International in Nigeria, South Africa and Botswana. The Government went ahead and awarded the licence.

Mr. Deputy Speaker, Sir, I am very surprised that today, the Minister is giving the same information which I had outlined. I want to know the ruling by Mr. Mohammed Ibrahim concerning Econet Kenya Ltd. I also want to know whether Mr. Cyril Ramphosa, a former trade unionist in South Africa and a major shareholder of MTN, has interest in the cancellation of the licence of Econet Kenya Ltd.?

**Mr. Deputy Speaker:** I will ask the Minister to respond to those issues because I do not want to give him a lot of them. I think the clarifications are loaded. So, I do not want to over-load him more.

**The Minister for Information and Communications (Mr. Tuju):** Mr. Deputy Speaker, Sir, the first due diligence on Econet was conducted by the Ministry of Finance two years ago, when they bid to buy shares of Telkom Kenya. That due diligence, which was conducted before the NARC Government came into office, came to the conclusion that Econet Wireless International was not capable of taking over Telkom Kenya. So, it was curious to me, just as it is to you, that one department of the former KANU Government had found Econet Wireless International not viable and somewhere it slipped through us. I would like to assure the hon. Members that these are some of the things that explain some of the measures that I have taken, that have been described as draconian by a section of the Kenyan media. This is because I had to make tough decisions.

On the issue of paying Kshs27 million instead of Kshs55 million, which is the current market

price, once again, I may only have to say what I had said, which is that out of the six who bade, four were curiously disqualified leaving only two, one with Kshs11 million bid and the other one with Kshs27 million bid. I have no proof of exactly what happened there, but I can leave it to your imagination.

I would like to take note of the objections that were raised by Mr. Keter some time last year. As the Minister, I have to give as much room as possible of independence to the regulator. I should not be interfering unduly until such a time that I am reasonably satisfied that I need to interfere. Unfortunately, the law provides for the regulator to be independent and unlike the courts, there are no checks and balances on the regulator apart from the Minister. That is a weakness which is in our legal framework. I hope to bring amendments to the relevant law, so that it can be a self-regulating body, but with inherent checks and balances.

With respect to Mr. Cyril Ramphosa, I only know that name. I have never met the person. My decision to cancel this licence has

got nothing, at all, to do with any imagination on Cyril Ramphosa.

**Mr. Maore:** Mr. Deputy Speaker, Sir, the Minister has stated that Econet Wireless International had come in with a consortium. In the details of that consortium, the stake of Econet was only 16 per cent when they were opening the bids. Could the Minister explain how Econet Kenya Ltd. is purporting to be having the licence with no other partners and yet, they had only 16 per cent ownership at the beginning?

**Mr. Khamisi:** Mr. Deputy Speaker, Sir, the Minister for Information and Communications has made some sweeping allegations against the media, which is under his control. If he has evidence that the media is corrupt on this matter, why has he not taken this matter to the relevant authorities?

**Mr. Deputy Speaker:** I am obliged to give Mr. Moi a chance, the Chairman of the Departmental Committee on Energy, Communications and Public Works.

**Mr. Moi:** Mr. Deputy Speaker, Sir, I just want to let the House know that this matter is before the Committee, and we shall be tabling a report to the House.

**The Minister for Information and Communications (Mr. Tuju):** Mr. Deputy Speaker, Sir, I wish to thank Mr. Moi for that information. First, the issue of the percentage ownership by Econet is the subject of a court dispute and I would rather leave it to the competent court to adjudicate on the issue. With regard to corruption in the media, the moment I raise my finger on it, they will be up in arms that we are prosecuting them, but, at least, we can name and shame them whenever we see that they are compromised.

**Mr. Deputy Speaker:** Order, hon. Members! We still have some outstanding Ministerial Statements, which I want Ministers to note. We have an outstanding Statement from the Office of the President [**Mr. Deputy Speaker**]

with regard to famine relief food distribution in Turkana District. We have an outstanding Statement from Mr. Mwenje on the issue of where and when the disabled hawkers will be moved to their trading sites. We have an outstanding Statement from Mr. Sambu, which is addressed to the Minister for Energy, in connection with the implementation of the French Government funded rural electrification scheme.

Finally, we have an outstanding Statement, addressed to the Ministry of Foreign Affairs by Mr. Kipchumba, on the reason why the Government did not participate in the mourning of the late John Paul II. May I ask that those statements be issued latest on Thursday, this week.

**Mr. Mwenje:** On a point of order, Mr. Deputy Speaker, Sir. When I requested for the Ministerial Statement, I did not ask about the disabled hawkers. I asked about the normal hawkers and the disabled ones. It was wrongly recorded. I just wanted to make that correction.

#### POINT OF ORDER

## FAILURE OF THE CANCUN MINISTERIAL CONFERENCE ON TRADE

**Mr. Angwenyi:** On a point of order, Mr. Deputy Speaker, Sir. I hope I will be given a chance to seek a Ministerial Statement from the Minister for Trade and Industry with regard to the failure of the Ministerial Conference on Trade in Cancun and the developments thereafter, especially with respect to the Doha development agenda and the Singapore issues.

**The Assistant Minister for Trade and Industry (Mr. Miriti):** Mr. Deputy Speaker, Sir, we shall issue a Ministerial Statement in this regard on Wednesday, next week.

**Mr. Deputy Speaker:** That will be okay.

**Mr. H.M. Mohammed:** On a point of order, Mr. Deputy Speaker, Sir. I also requested a Ministerial Statement from the Ministry of Energy last week. I thought you might have forgotten.

**Mr. Deputy Speaker:** That is true. There is an outstanding Statement for Mr. H.M. Mohammed on the issue of the power blackouts in Garissa. That Statement should also be forthcoming.

Next Order!

## MOTION

ADOPTION OF SESSIONAL PAPER NO.1 ON  
POLICY FRAMEWORK ON EDUCATION, TRAINING AND TECHNOLOGY

THAT, this House adopts Sessional Paper No.1 of 2005 outlining the Policy Framework on Education, Training and Research laid on the Table of the House on Tuesday 22nd March, 2005.

*(The Minister for Education, Science  
and Technology on 31.3.2005)*

*(Resumption of Debate  
interrupted on 7.4.2005)*

**Mr. Deputy Speaker:** Prof. Kibwana was on the Floor. Please, proceed!

**The Assistant Minister, Office of the Vice-President and Ministry of Home Affairs (Prof. Kibwana):** Thank you very much, Mr. Deputy Speaker, Sir, for giving me this opportunity to continue with my contribution on the Sessional Paper No.1 of 2005, on Education, Training and Research.

Last time I ended up by talking about adult literacy. I had noted that, in this Sessional Paper, it is indicated that there has been a serious decline in terms of the number of adults who are being exposed to adult literacy. I pointed out that this is a very worrisome matter which requires to be reversed. I was happy to note that the Paper itself realises that this must be reversed. If we are pursuing national development with our people, this cannot be done when many of them are illiterate. For example, if they will pursue business, agriculture and self-employment and so on, it is necessary that they are educated and have a high level of literacy. I appreciate that this is something that the Ministry will do alongside the Ministry of Gender, Sports, Culture and Social Services.

*[Mr. Deputy Speaker left the Chair]*

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

A very important aspect of adult literacy is civic education. Indeed, on pages 25 to 26 of this

Paper, it is indicated that there is a new philosophy in terms of educating both ordinary students as well as other people generally. In terms of this philosophy's vision, mission and goals of education and training, there is emphasis on national unity, social responsibility, moral, ethical values and so on. This is one aspect that is missing within our education set up, whether it is adult literacy or ordinary education. This is because the emphasis has been educating people, so that they can get employment, or do business. But when it comes to education for purposes of moral edification, national unity, patriotism and so on, this has been absolutely wanting. I think what will be very critical in terms of how the Ministry pursues this aspect is how in real terms, pragmatically, our students will be educated, so that values become part of that education. For example, today, we have our people being mobilised politically on ethnic basis. We have many political parties that are supposed to cater for people from a particular region. There is, therefore, negative ethnicity being promoted. Unless we have within our education system, education on patriotism and national unity to ensure that there is no negative ethnicity, we, as a country, will really fail. I am sure that some of the emerging groups, for example, the Third Progressive Force, are trying to tell the country that we have to move away from negative ethnicity and organise our politics. That is why I think we need to support this aspect of the Sessional Paper on a philosophy of education which ensures that these values become very core in our education. The challenge which needs to be brought out carefully is how those values, in a realistic way, will be part of our education, so that students know that schools belong to them. By so doing, students will also know that they are stakeholders in those schools and, therefore, they will not burn them down.

On this particular point of adult literacy, it is also important to emphasis on how we can get people who have learnt how to read and write. The Government should also know how to get adults to study in primary, secondary or university levels, if they so wish. In some countries, people who get into adult literacy are also helped to get into informal education. They eventually even get to universities. This is a very important aspect of adult literacy.

Mr. Temporary Deputy Speaker, Sir, one of the criticisms that I can level against the path on philosophy of education, values and so on, is that the Ministry and this Paper are timid about emphasizing on religious instruction. They talk about moral and ethical training. This is couched in such a way that they avoid emphasizing that religious instruction must also be part and parcel of the values that mould students. Part of why our society now is almost breaking apart is because we have not emphasized these moral, ethical and religious values. Although we are a secular State, the Ministry must find ways of making sure that religious instructions be part of our education system. This used to happen. When, for example, I was going to school, religious values were very much part of what was emphasized in devotion. We used to go for services and so on. Of course, we know that there is freedom of religion. This must be done consistently without constitutional guarantee.

Mr. Temporary Deputy Speaker, Sir, the aspect of early childhood education has not been addressed and emphasised in this Paper. This is a point that has been raised by many contributors. Many of our citizens do not understand why there should be free primary school education and there is no free early childhood education. This is because it is really the foundation. We need to clarify here that this early childhood education should also be mandatory, so that many parents do not sometimes say, their children will skip it and just go to Standard One because this is where the Government has decided to offer free education. So, I think it is important to really emphasize that early childhood education be free. In addition, there should be proper training because many of the people who teach at this level are untrained. Some of the training is sometimes informal. So, this education has not been properly mainstreamed. I think it is necessary that early childhood education is given the seriousness it deserves, because it is very critical for success in primary, secondary and even university level. Many of the people who teach at these levels are sometimes paid only when parents pay school fees. Therefore, this is really a very important area where the Ministry needs to come out very carefully and clearly. It should make this education also free. In my constituency, for example, I have seen many primary schools actually incorporating early childhood education. But the parents are asked to pay for

that education, whereas pupils in primary are not asked to pay.

Mr. Temporary Deputy Speaker, Sir, there is a very important aspect that this country and Paper, in terms of education, need to very carefully and clearly articulate. How prepared is the Ministry of Education, Science and Technology, or secondary schools, when it comes to admitting students who have benefited from the free primary school programme? If our secondary schools and universities are not ready to admit those students, then it means that what they learnt in primary school will go to waste. Again, it is important to assess the expenses, infrastructure and the staff who will teach the students who have benefited from the free primary school programme. This should be done carefully because very soon the first product of the free primary school education will join secondary schools. As a country, we should prepare, and not simply say that the Constituency Development Fund (CDF) will cater for that. We should not wait until those students join secondary schools and discover that there is no adequate provision for them. We should not treat this as an emergency as we have treated other cases.

Mr. Temporary Deputy Speaker, Sir, the other aspect, which I thought should have come out very clearly in this very important Sessional Paper is that we must have medium-term and long-term plans, like other countries do and offer free education in all learning institutions. This is not something which is a dream because we can achieve it. Some hon. Members who visited Cuba learnt that, that country offers free education from pre-unit up to university and colleges. When you educate people, you create a civilised society. These people will work in various sectors of the economy. Education is not personal, but it is meant to assist our country as a whole. Therefore, we need to think very seriously on how the Government should offer free education in all our learning institutions. For example, it does not make sense for students to spend ten years in secondary schools and obtain certificates which are detained by those schools because they have failed to clear school fees.

We will be talking business if the third progressive force forms a Government and provides free health and education. If this is done, we will have a developed society, just as is the case in Cuba and Libya. Health and education are basic needs which should be provided free of charge by the Government.

Mr. Temporary Deputy Speaker, Sir, this Sessional Paper has discussed about technical, vocational and entrepreneurship education. However, it is time the Government came up with a programme to ensure that computer training is offered in all our learning institutions because our future depends on how information is accessed through the internet and e-mail. Computer training is basic. The Ministry has indicated that it will introduce computer training in our learning institutions, but even private institutions should be encouraged to do so.

Mr. Munya talked a lot about our universities. One aspect which is in a sorry state in our universities is research. Research is almost non-existent. Many of our lecturers cannot write quality research papers or be involved in cutting edge research because they lack funds. We cannot develop without appropriate research because it supports development in all fields. The Ministry should set aside funds, prioritise and emphasize research in institutions of higher learning so that our country can develop. This is very important.

We should also encourage our universities to establish a consultancy firm so that they are our first port of call. If we have a problem and we want experts to solve it, we resort to that firm before we seek the services from abroad because there are very able brains in our universities and colleges.

Mr. Temporary Deputy Speaker, Sir, it is a pity that we do not engage our universities to solve the many problems which face this country. If we use our university brains, we will solve even the many difficult aspects in our Constitution which give us problems. However, even this Government which I serve shies away when it comes to engaging university lecturers.

Mr. Temporary Deputy Speaker, Sir, it is important to have a provision in this Sessional Paper to act as a link between the training which is offered by our learning institutions and employment opportunities in this country. Apart from people having values, we should ask ourselves how we can train the youth to be self-employed. That linkage is necessary so that people do not say that they will



not pursue education because they believe that at the end of the tunnel, they will not be employed. For example, I found a university graduate from my constituency doing *koroga*, which he did not like.

There are many youths who have completed Form IV and universities. They can be employed as interns in educational institutions. We read in today's newspapers that there are many vacancies in the teaching profession. It is very important that the Ministry of Education, Science and Technology thinks about internship programmes so that all the youth who have graduated from our universities can teach adults and in our secondary schools. I commend this Sessional Paper because it is one of the professional papers I have ever looked at. Other Ministries should follow suit and come up with policy papers. We will have a good education paper if the views of this House are incorporated in this Sessional Paper.

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

**Mr. Musila:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to add my voice to those of the many hon. Members who have made very useful contribution. I would like to say at the outset that I support this Motion. However, I would like to say that there are certain aspects concerning the education of our children that this professionally written Sessional Paper, as Prof. Kibwana has said, does not seem to address. I would like to go through them one by one.

The first one is pre-primary education. Since the introduction of the free primary school education programme, we have urged the Government and the Ministry of Education, Science and Technology many times in this House to consider including pre-primary education within this programme. Unfortunately, this Sessional Paper says that this matter will be considered in 2010, which I believe is too far. We ought to have started offering free pre-primary school education alongside free primary school education. This is because the quality of primary, secondary and university education depends on the foundation we give our children. The inequality you see in our education system starts from pre-primary schools. Those parents who can afford pre-primary education for their children take them to good primary schools, and eventually to universities. Here, I have in mind the poor rural areas where most of us come from. We cannot talk about quality education without free pre-primary education facilities, because that is the foundation. Therefore, I urge the Ministry of Education, Science and Technology to reconsider the proposal of 2010 and bring it forward so that free pre-primary education can be implemented alongside the free primary school education programme.

Having talked about pre-primary education, I would like to touch on a few areas on primary education. During my contribution to the Motion on the Presidential Speech, I commended the Ministry of Education, Science and Technology and the Government for introducing the free primary education. We all know that many people said it was not possible. It is possible and it is happening now. The Government must be commended for that. However, I said that free primary education is meaningless to us, so long as the Ministry of Education, Science and Technology does not address the issue of additional teachers to primary schools.

Mr. Temporary Deputy Speaker, Sir, I visited a primary school in my constituency on Friday. A Standard I class had over 100 pupils pretending to be studying. There was a teacher there! There is no way a single teacher can handle 100 kids who have not been to school before. The issue of teachers has been addressed many times. Most hon. Members have talked about it. But I think it is high time the Ministry of Education, Science and Technology takes this matter seriously.

Mr. Temporary Deputy Speaker, Mwingi District has a shortage of over 1,000 teachers. How can the Ministry expect that district to perform well? At the end of national examinations, the Ministry has no shame to announce how schools have performed there. They know that schools that perform well have teachers. How do they expect schools where 100 pupils are taught by one teacher to do well? In Chapter 3 on philosophy, vision, mission, goals and objectives of education and training, they say that one of the goals is to address the issue of equity. The Sessional Paper says that education and training must embrace equity issues such as equal opportunities for all, access, retention and

completion of education. That is not happening.

I, therefore, call upon the Ministry of Education, Science and Technology to address the issue of shortage of teachers very seriously. It is not enough for the Ministry to announce that it is transferring teachers from district "A" to district "Z" to tackle the imbalance. That talk has been going on and it has not happened. Suppose teachers are sent to districts where they do not want to go? How do we expect them to teach well? I am saying that the Ministry of Education, Science and Technology must ensure that every district trains its primary school teachers and posts them to schools in the same district. At the moment, the allocation of vacancies at teacher training colleges is not based on the needs of the districts. I want to submit to the Minister that allocation of vacancies at various teacher training colleges must be based on existing needs for particular districts. What is happening today is that districts which are already over-staffed are getting more trainees in teacher training colleges than districts which are under-staffed by more than 1,000 teachers.

Mr. Temporary Deputy Speaker, Sir, there is no district in this country which does not have qualified candidates for teacher training colleges with a mean grade of C plain. However, when you see the list of admissions at teacher training colleges, more chances are given to districts with more than enough teachers. Why can we not base the quota of training of the teachers on the needs? That way, districts with the greatest needs will be given more opportunities. At the end of the day, let us not cheat ourselves that teachers will teach effectively when they are posted to districts they do not like. We need to address that issue now. Even communities do not want to receive teachers who cannot address their kids in their mother tongues. It is very important that a kid in primary school be taught by a teacher who understands that kid's mother tongue. So, when you bring teachers from Western or Nyanza provinces to Mwingi simply because they are teachers, they are not welcome.

*(Laughter)*

Mr. Temporary Deputy Speaker, Sir, we want those kids to learn their mother tongues so that, by the time they go to secondary schools, they already--- I say that with a lot of seriousness because when I visit primary schools in my constituency, I would like to hear them sing songs for me in Kikamba. But they do not. They sing songs from other communities. Why? It is because right from Standard I to Standard VII, they are given teachers from outside the area. That is not because we do not have qualified candidates to join teacher training colleges. We have thousands, but they are not given an opportunity. I hope the Minister will take that very seriously.

Mr. Temporary Deputy Speaker, Sir, let me move on to secondary school education. It is a repetition of what happens in primary schools. Poor performance of our secondary schools starts from primary schools. In primary schools, you have inadequate teachers and, therefore, the quality of education is very low. If you went to the provincial education office when the selection of students to join secondary schools is going on, they take very low marks from certain districts. They do not have students to fill vacancies in secondary schools. So, if you admit a Form I student with 250 marks, how do you expect him or her to do well in secondary school examinations? That is a problem that has continued for many years, particularly in the districts that are outside urban centres. Time has come for the Ministry not to offer lip service. The Minister stood up and said that the Government is going to address the issue of districts in Arid and Semi-Arid Lands (ASALs). That has been happening for the years that I have been in this House, irrespective of who is the Minister. That is lip service and nothing has been done to correct that. I hope that this time round, the Ministry is going to seriously look into that.

Mr. Temporary Deputy Speaker, Sir, why do our secondary schools perform poorly? They perform poorly because, one, they receive poorly taught pupils from primary schools. Secondly, they do not have enough teachers.

Mr. Temporary Deputy Speaker, Sir, it pains me again to see the Minister classifying schools as number one to number 100 and never even think why the latter schools perform poorly. I raised this

issue three weeks ago here. If the Minister finds one province like North Eastern Province, for example, is able to send only two kids to the university, is that the end of the story? What has the Minister done to ensure that a province like North Eastern Province performs as well as other provinces? I also raised the issue of cheating which has been so common. What has the Ministry done to put it to a stop? These are the issues which the Ministry cannot run away from.

Mr. Temporary Deputy Speaker, Sir, I have some secondary schools in my constituency without teachers. I have one registered secondary school without even a single Government teacher. Why this inequity? One of our "best" schools is Migwani Secondary School. I was the chairman of its board of governors until recently. This school which is supposed to be the best in the district, has a shortage of seven teachers. How do you expect a triple-streamed secondary school which lacks seven teachers to compete with other schools? To make matters worse, these teachers are for very critical subjects that the Ministry keeps on saying they are promoting; namely, Mathematics, English, Biology and Chemistry, and yet at the end of the year, the Minister while smiling, will receive results of Kenya Certificate of Secondary Education (KCSE), make a statement and then go ahead and publish the number one to number 100 secondary schools. We are sick and tired of being cheated that there is competition in this country, and yet the playground is not level. If we want to compete, let us make the playing ground level and I assure you that we will compete, but do not tell us that we are competing and then you give some schools more teachers than they need, and others less. I think it is unfair and there is no equity in that area.

Mr. Temporary Deputy Speaker, Sir, the other reason why our schools are performing very poorly is because of absenteeism on the part of students due to lack of school fees. Secondary school students are only in class 50 per cent or less of the time that they are supposed to be learning because they are told to go home almost every month to bring school fees. The school fees is not there and so the students stay at home. After several weeks, his or her parent decides to take him or her back to school to try to persuade the principal to re-admit him or her back. The student is told to go back home until he or she gets school fees. When you tell a poor woman that she must produce Kshs5,000 before her kid is allowed to study, you are joking because, first and foremost, that parent needs food to eat and it is not there. So, we must address issues of inequity in terms of our population. Let us not make rules which will adversely affect the learning of students.

Mr. Temporary Deputy Speaker, Sir, the Government continues to say that no pupil will be denied education due to lack of school fees. Is that statement correct? It is not! In Mwingi District, we have 100 secondary school students drop-outs due to lack of school fees. Those who remain due to the mercy of the principals learn only 50 per cent of their time and, therefore, they end up failing. The Minister knows that these schools do not appear anywhere as far as numbers one to 100 are concerned and he does nothing about it. He continues to wait for the next results. So, this Sessional Paper does not address that issue. I have gone through it and I have not seen that issue addressed and I want to ask the Minister to look at that matter very seriously.

Mr. Temporary Deputy Speaker, Sir, I know the Minister will say very quickly that there are bursaries. I now want to address the issue of bursaries. Over the years, the Ministry of Education, Science and Technology has continued to allocate Kshs800,000 as bursaries. That is the figure I saw throughout the Eighth Parliament and yet circumstances have changed. We have more levels of poverty in the country. We have more orphans, be it because of the HIV/AIDS scourge, these criminal raids which are taking place every now and then, and many other aspects. However, the Ministry has not considered it prudent or necessary to increase the amount of bursaries to be able to adequately cater for those who are in need. Recently also, there have been insinuations from the Ministry, and especially so when the Minister was moving this Motion, where he alluded to the fact that Members of Parliament do not run bursaries properly since there have been complaints about political interference, *et cetera*.

In fact, the Permanent Secretary of the Ministry of Education, Science and Technology is on record as having said that Members of Parliament who are chairing these bursary committees must

ensure that kids get adequate bursaries and not a few thousand shillings, and yet he does not know the need on the ground and has not even bothered to increase the amount of money. I think the problem with bursaries is not that it is not being allocated properly. The problem is that funds allocated for bursaries are grossly inadequate.

*(Applause)*

I can illustrate this by showing the little money that I got for my constituency, Mwingi South, this time round. The Ministry allocated my Constituency Bursary Committee Kshs2,671,650. That is the amount of money I received. We gave orphans priority. Indeed, it is humane and right. I had 200 orphans and the committee awarded Kshs8,000 to each of them. That is Kshs1.6 million to only orphans, leaving Kshs1.6 million to be allocated to other needy students. I want to say that there are some kids who are not orphans since their parents are alive, but they are so poor financially that their kids are just the same as orphans in respect of school fees payments.

So, I am faced with a situation where I have over 3,000 other kids waiting for bursaries and I only have Kshs1.6 million. How do I allocate it? Some Members agreed that they give Kshs1,000 to each of them. I understand it is inadequate. I will not do it myself, but I sympathise with these Members because what else can they do?

In my case, I gave single parents, Kshs4,000 each. I gave students with both parents Kshs3,000, but very few benefitted and the problem is far from over. The Ministry must address the issue of bursaries. Since poverty levels have increased, the Ministry must also increase the amount of money for bursaries. I hope that this matter will be taken seriously. I hope that in the Supplementary Estimates that are coming, there will be some element of additional bursaries because the situation is acute.

Mr. Temporary Deputy Speaker, Sir, finally, I want to talk about an issue which Prof. Kibwana finished his contribution with. This concerns those students who have completed their secondary school education and left without their certificates because the schools claim that they owe them money and, therefore, they are withholding their certificates as security.

During the last Session of this Parliament, this House passed a Motion which I moved. The Motion was urging the Government to release certificates belonging to students who are unable to pay school fees. The Ministry of Education, Science and Technology admitted that it had 580,000 certificates. I am sure that after last year's examinations, this figure must have risen to beyond 600,000 certificates. This Government is holding about 600,000 certificates belonging to students who cannot afford to pay school fees because they come from poor homes. To make the matter worse, these certificates are not held for two years. I have examples of students who left school in 1992; that is, 13 years ago and yet they have no access to their certificates. These students have been condemned to permanent poverty because their parents are poor and now they cannot access employment because they cannot get their certificates. This is because of the Government which we believe is supposed to look after the welfare of the poor. Can we really say that we are looking at the interests of the poor when, in fact, we are retaining 600,000 certificates belonging to the poor children? Can we say that we are mindful of the welfare of poor people? This is a very serious contradiction and the Ministry needs to address it.

Mr. Temporary Deputy Speaker, Sir, my efforts to address this issue with the Minister and his officers have resulted to nought. I raised an issue in this House that the Government is writing off debts worth billions of shillings that farmers owe it. Why can we not instruct boards of governors to release the certificates belonging to the poor children so that they can also go and line up to look for opportunities in the military or get employed privately? This matter is very dear to me and it touches me. It bothers me that every day parents come to me; and that is what happens to all other hon. Members, to seek for financial help to pay school fees balance which is as old as ten years for their children.

Mr. Temporary Deputy Speaker, Sir, school principals have become very arrogant. I want to give an incident where a child was admitted to Kenyatta University and the principal refused to surrender the child's certificates until I had to pay the fees balance. So, to such a principal, money is so important than the life of the student. I think the Minister must tell us something about this issue when he responds. If he cannot allow the schools to issue out certificates that have been in their possession for two years, why can he not put a cut-off point and say that any certificate that has been held for five years and beyond be released to the owners? Why should the principals hold on to documents that are useless to them? Those children will never pay the school fees balance. I know they will not pay because they have no money; they do not even have food to eat!

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

**Mr. Musila:** Mr. Temporary Deputy Speaker, Sir, I will allow the point of information.

**Mr. Waithaka:** Mr. Temporary Deputy Speaker, Sir, allow me to inform the hon. Member that even those certificates that are held for 13 years are held illegally because any debt that is contractual, and which is more than six years, is actually time-barred. They cannot cling on to the certificates and claim the money because after six years, the claim, as is the case with schools, parents and students, is time-barred. They ought to release those certificates because they cannot claim that money.

**Mr. Musila:** Mr. Temporary Deputy Speaker, Sir, I want to thank hon. Waithaka for that advice. Indeed, he is a lawyer and I want to believe that what he has said is true.

I want to announce here that having failed to convince the Minister for Education, Science and Technology on this matter, and having brought a Motion which was passed by this House; not only that, I even wrote to His Excellency the President to plead for these children. Whatever I have done, I have received no reply. I now want to give notice that following the advice that I have been given by hon. Waithaka, I am going to sue the Government on behalf of these children. Unless the Government addresses this issue in the next 30 days, we will meet in court.

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

**Mr. Wamwere:** Ahsante, Bw. Naibu Spika wa Muda, kwa kuniona hatimaye na kunipa nafasi hii ili nami niseme machache kuhusu elimu.

Kuhusu huu mwongozo wa elimu, ningependa kumkumbusha mhe. Musila ambaye alisema kwamba anasumbuka sana kuona watoto maskini wakinyimwa vyeti vyao eti kwa sababu hawana pesa za kulipa karo ya shule. Ni maoni yangu kwamba mwelekeo wote wa elimu katika nchi hii ni wa kumnyanyasa mtoto maskini. Huduma ya elimu yafaa imfikie kila mtoto nchini, lakini ukiangalia vizuri utagundua kwamba wanaofaidi sana ni watoto wanaotoka katika miji tajiri ilhali watoto ambao wazazi wao ni maskini wakibaki nyuma.

Bw. Naibu Spika wa Muda, mwongozo huu wa elimu unatuambia kwamba huu mfumo wa 8-4-4 unafaa kuendelea. Ukitembea katika shule za upili za watu binafsi, utashangaa kugundua kuwa watu wakubwa kama vile Wabunge, Mawaziri, mameneja wa kampuni kubwa kubwa huwapeleka watoto wao kusomea katika hizo shule. Wale ambao hawapati nafasi katika shule hizo huwapeleka watoto wao kule Uganda. Hii si kwa sababu wanataka watoto wao wale *matoke*, bali ni kwa sababu wanataka watoto wao wapate elimu ya mfumo wa kidato cha sita. Swala la kustaajibisha ni hili: Ikiwa sisi wakubwa tunawatafutia watoto wetu elimu ya mfumo wa kidato cha sita na hali tunasema kwamba mfumo wa 8-4-4 unafaa, je, tunamaanisha nini? Tunasema kuwa mfumo huu wa 8-4-4 unafaa watoto maskini!

Wakati mmoja nilisikia kisa cha kiongozi mmoja ambaye sasa hayuko. Huyo kiongozi alikuwa anaambiwa na watu jinsi ilivyo muhimu kuhakikisha kwamba watoto walioshi katika kijiji kilichokuwa karibu na nyumba yake wameenda shule kusoma. Kiongozi huyo alikuwa akiitwa mhe. Mbiu Koinange. Alipoambiwa hivyo, aliuliza: "Sasa nyinyi mnataka watoto hawa wote waende shuleni kusoma. Ni akina nani watatuchumia kahawa?" Ni lazima tuwe na watoto wa kuvuna kahawa na wengine watakaosoma ili wafikie ngazi za juu.

**Capt. Nakitare:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon.

Wamwere in order to bring in this House a posthumous issue?

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, Capt. Nakitare! You are completely out of order.

**Mr. Wamwere:** Bw. Naibu Spika wa Muda, nilichokuwa ninasema ni kwamba mfumo wetu wa elimu umenuia kufaidi watoto wa matajiri na kuwanyima watoto wa maskini nafasi zaidi za kupata elimu. Nataka kusema hii sio ajali, lakini ni jambo ambalo linafanyika kimakusudi, ijapokuwa sina ushahidi. Lakini ukiangalia namna mfumo huu wa elimu unavyofanya kazi, ni kama makusudi yake ni kumwezesha mtoto wa kitajiri apate elimu na yule wa kimaskini asipate elimu.

Bw. Naibu Spika wa Muda, Bw. Naibu Spika alizungumzia kwa kirefu kuhusu ukosefu wa elimu katika daraja ya nasari kule chini, kabla ya mtoto kuingia katika shule ya msingi. Hebu jiulize: Ni watoto gani ambao hawawezi kupata haya masomo ya nasari? Ukizunguka huku mjini, utakuta kuwa sisi sote ambao tuna mishahara mikubwa na kazi kubwa tunaweza kuwapeleka watoto wetu katika shule za nasari, na watoto wetu wanapata elimu hiyo kabla ya kuingia katika darasa la kwanza. Lakini kule vijijini, utakuta kuwa walimu wa nasari hawaajiriwi na shule za nasari zimefungwa.

Bw. Naibu Spika wa Muda, kuna swala moja tu ambalo unatakikana ujiulize: Je, kama hawa wangekuwa watoto wetu, tungewafungia shule zao za nasari? Je, tungefanya hivyo? La, hatungefanya hivyo. Lakini tunazipuza hizo shule za nasari zikae bila walimu na zifungwe kwa sababu tunajua kuwa hao sio watoto wetu, na hiyo ndio shida kubwa iliyoko katika nchi hii.

Ukiangalia shule za msingi, kuna za aina mbili: Kuna shule ambazo ni za kibinafsi zilizojengwa vizuri, zina walimu wa kutosha, watoto wanakula chakula humo, na watoto wanapofanya mitihani, wanapita vizuri. Hizo ni shule za wale wazazi walio na uwezo. Ie aina nyingine ya shule ni zile shule za umma wanapoenda watoto maskini. Katika shule hizi, utakuta kwamba hakuna vifaa vya kufundishia, hakuna vitabu vya kutosha, walimu hawatoshi na watoto wanasoma wakiwa na njaa; kiasi cha mtoto kuweka maji katika gilasi au kikombe na kuyaweka chumvi halafu ayanywe, ndipo anasema kuwa amepata chakula chake cha mchana, ndio aendelee na masomo. Ataelewa masomo gani? Mtu ambaye amekunywa maji ya chumvi kama chakula chake cha mchana ataelewa masomo gani? Haiwezekani! Utakuta kwamba watoto hao wanaosomea katika shule hizo za umma hawawezi kwenda katika shule zingine kwa sababu hawawezi kulipa zile karo zinazolipishwa na zile shule za kibinafsi.

kwa sababu ni katika shule za kibinafsi ndipo kunapopatikana masomo yanayotosha, utakuta kuwa matokeo ya shule hizo yanakuwa bora kuliko matokeo ya shule za umma. Wakati matokeo ya mitihani yanapotokea, baadaye utakuta kuwa asilimia 90 ya nafasi katika shule za upili za kitaifa zinakwenda kwa watoto wanaosomea shule za kibinafsi, ambazo kwa Kiingereza zinaitwa *academies*. Asilimia 5 peke yake ya watoto kutoka katika shule za kimaskini ndio wanaopata nafasi katika shule za upili za kitaifa. Mtindo unakuwa ni huo huo baada ya kumaliza kufanya mitihani ya shule za upili, kwa sababu wale watoto walioingia katika shule hizo ni watoto wa wazazi matajiri, na hao ndio pia wanaopata nafasi ya kuingia katika vyuo vikuu, na hatimaye hawa ndio watakaopata nafasi ya kuingia serikalini au kupata kazi serikalini; ndio wanaoweza kupata mtajiri wa kuanzisha biashara au kupewa kazi kubwa katika biashara. Hatimaye, hawa ndio wanaopata nafasi ya kuingia katika siasa na uongozini.

Mwishowe kabisa, unakuta kwamba katika nchi yetu, tumejenga mfumo ambao tunaweza kuuita, "*apartheid* ya kitabaka", na hii ni *apartheid* kamili! Wabunge wanaweza kupuuza jambo hili, lakini watu maskini wanajua kuwa kuna kina kirefu kati yao na matajiri wa nchi hii, na haiwezekani kwa mtu kuvuka kutoka ng'ambo moja hadi aingie katika hiyo ng'ambo nyingine; haswa watoto wa kimaskini hawawezi kufanya hivyo!

Bw. Naibu Spika wa Muda, ningetaka kutoa mfano mmoja ili nionyeshe namna matokeo yanavyofanya shule kuwa nzuri au kuwa mbaya. Katika eneo la Bunge ninalowakilisha, kuna shule moja ambayo inafanya vizuri sana katika mitihani. Shule hiyo iko kwetu, Subukia, lakini hatusemi kuwa ni shule yetu. Shule ya wasichana ya Bahati inafanya vizuri kiasi cha kuwa nambari tatu. Wakati mwingine huwa nataka kujivunia matokeo ya shule hiyo; na mara nyingi nimetaka kujivunia matokeo

hayo, lakini ninapofikiria na kukumbuka ingawa shule hiyo inakuwa namba mbili, tatu au nne, hakuna hata mtoto mmoja wa Subukia anayeweza kuchukuliwa katika shule hiyo.

Mwaka uliopita, shule hiyo ilichukua watoto 80, lakini hakuna hata mmoja alichukuliwa kutoka Subukia, kwa sababu shule zote za msingi za Subukia hazikuweza kutoa mtoto hata mmoja ambaye angepata alama 420 katika mtihani wa shule ya msingi. Mwishowe, nililazimika kwenda kupiga magoti kuomba kwa kusema: "Tafadhalini, naomba mtupatie angalau nafasi moja katika shule hii", na shule hiyo iko katika eneo langu la uwakilishi Bungeni! Mwishowe, sisi kama watu wa Subukia tulipewa nafasi nne kati ya nafasi 80 katika shule hiyo.

**Hon. Members:** Pole!

**Mr. Wamwere:** Hii pole ni pole ambayo inafaa kupewa watoto wote maskini katika nchi hii; sio watu wa Subukia peke yake, kwa sababu kila pahali, utakuta kuwa hali ni hii hii!

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

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

**Dr. Khalwale:** Hata Ikolomani!

**Mr. Wamwere:** Huko Ikolomani hakuna shule ya hali ya juu! Nyinyi ni watu kama wa Subukia! Lakini ninachosema ni kwamba, sio haki watu wawe na shule katika sehemu yao na watoto wao wasiweze kuhudhuria shule hiyo.

**Dr. Khalwale:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is hon. Wamwere in order to allege that there is no prominent school in Ikolomani, when Musingu High School, a very serious and top performing school in this country, is in my constituency? Is he in order to mislead this House?

**Mr. Wamwere:** Kama wana shule ya hali ya juu, basi ni sawa sawa. Wacha mimi niendeleo. Lakini kitu nilichokuwa nikisema ni kuwa mwishowe, tulihurumiwa. Kwanza tulipewa nafasi za watoto wanne, na sasa, Wizara imetoa kibali ya kwamba shule ya wasichana ya Bahati inaweza kuanzisha darasa ambalo litahudhuriwa na watoto kutoka Subukia, hata kama alama zao sio za juu sana. Hii ni kwa sababu imekwishaonekana kuwa hata watoto wa kimaskini wakijiunga na shule nzuri na kupewa nafasi sawa, pia hao wanaweza kufanya vizuri kama wale watoto wa kitajiri. Kwa hivyo, naiomba Wizara ihakikishe kuwa jambo hili limefanyika, sio tu kutupatia barua na kuyaachia mambo hayo hapo. Lazima mfuatilie jambo hili na mhakikishe kuwa hakuna watu watakaoleta upinzani katika kuanzisha darasa hilo.

**The Temporary Deputy Speaker (Mr. Khamasi):** Order, Mr. Wamwere. Would you like to be informed?

**Mr. Wamwere:** Bw. Naibu Spika wa Muda, nina mengi ya kusema kuhusu Wizara hii. Kumekuwa na kashfa kubwa ambayo kama tungekuwa katika nchi nyingine, labda Waziri wa Elimu, Sayansi na Ufundi angejiuzulu. Wakati matokeo ya mitihani ya shule za upili yalipotangazwa, tulisikia kupitia vyombo vya habari kuwa Mkoa wa Kaskazini Mashariki ulikuwa na mwanafunzi mmoja ambaye alifaulu kujiunga na chuo kikuu. Nashangaa sana kuwa ni mwanafunzi mmoja tu katika mkoa huo ambaye alifaulu kujiunga na chuo kikuu. Nadhani roho zetu zimekufa kwa sababu hakuna jambo ambalo linaweza kushangaza kuliko hilo. Je, ni upungufu wa shule au hakuna walimu wa kutosha katika mkoa huo? Je, mkoa huo una waheshimiwa Wabunge!

**Mr. Y. M. Haji:** Jambo la nidhamu, Bw. Naibu Spika wa Muda. Kuna waheshimiwa Wabunge katika mkoa huo. Wamesema mambo haya yote, lakini Serikali haitaki kuwasikiliza.

**Mr. Wanjala:** What was your point of order?

**Mr. Wamwere:** Bw. Naibu Spika wa Muda, naelewa vizuri kuwa kuna hata Mawaziri kutoka mkoa huo. Lakini hawa ni viongozi ambao wameshikilia chama cha KANU; chama kilicholeta

uharibifu huu! Hawataki kukihama na kujiunga na chama tawala cha NARC ili wajengewe shule na wapewe walimu wa kutosha. Maendeleo haya yanaweza kuwafanya wanafunzi wa kutoka mkoa huo kupata matokeo mazuri!

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

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

**Mr. Wanjala:** Mr. Temporary Deputy Speaker, Sir, is the hon. Member in order to say hon. Members from other parties who are not in Government will only get development once they join NARC?

*(Applause)*

**The Temporary Deputy Speaker** (Mr. Khamasi): Order, hon. Members! Let us be serious. There is nothing wrong with what Mr. Wamwere said. I think that is frivolous!

Mr. Wamwere, proceed!

**Mr. Wamwere:** Bw. Naibu Spika wa Muda, jambo lingine ambalo linafaa kutazamwa ni kuhusu tofauti iliyopo kati ya watoto ambao wazazi wao ni maskini na watoto wa matajiri. Tunaweza kuwa na mpango maalum ambapo wote wanaweza kusoma sambamba. Kwa mfano, wale wanafunzi ambao hawakufalu vizuri sana tunawapa nafasi ya kulipa karo ya juu ili waweze kusoma sambamba na wale ambao walichukuliwa kulingana na taratibu za kawaida. Ningetaka kusema ya kwamba ukitazama karo inayotozwa katika shule za upili ni ghali sana. Watoto wa kutoka jamii maskini hawezi kulipa karo hiyo. Kama ilivyo sasa, Serikali inainua watoto wa tabaka moja katika mfumo huu. Ni wao tu ambao wanapta elimu. Pendekezo langu ni kuwa ikiwa matajiri wanaweza kulipa karo hiyo, basi wazazi ambao hawajiwezi kifedha, wasaidiwe kwa kupewa mikopo ili walipe karo. Kama tuna haja ya kusawazisha elimu na kuhakikisha ya kwamba inafikia kila mtoto katika nchi hii, haitakuwa vigumu kupata mikopo ya kugharamia elimu.

Bw. Naibu Spika wa Muda, ningetaka kusema ya kwamba elimu ya bure haitoshi kama daraja ya kuwafikishia watoto wa wazazi wasiojiweza elimu. Ni lazima shule za kitaifa zijengwe, kama lile darasa ambalo niliongea juu yake katika shule ya Bahati. Haya ni madarasa ambayo yanaweza kuhudhuriwa na watoto wa kutoka jamii maskini na wale ambao alama zao ni za chini. Ni lazima Mkoa wa Kaskazini Mashariki ujengewe shule za bweni kwa sababu kama watoto na wazazi wao wanahamama, itakuwa ni vigumu sana wakatulia na kusoma. Nina hakika ya kwamba Mhe. Y.M. Haji ataunga jambo hili mkono. Kuna haja kubwa ya kujenga shule za bweni ili watoto kutoka jamii maskini wapate elimu kama vile watoto wa matajiri. Ni lazima pia shule za umma ziongezewe walimu na vifa vya kutosha. Pia karo ya shule za upili na vyo vikiu ipunguzwe.

Bw. Naibu Spika wa Muda, tatizo lingine la mwongozo wa elimu wakati huu ni kwamba haufikirii vya kutosha namna ya kuwasaidia wanafunzi walemavu; vipofu na punguani. Hapa nafikiria juu ya tatizo kubwa ambalo tuliongea juu yake wiki iliyopita. Wanafunzi vipofu ambao walimaliza masomo ya sekondari na kujiunga na vyo vya walimu na kufuzu hawajaajiriwa kazi. Kama Serikali haiwezi kuwaajiri kazi wanafunzi hao, basi itakuwa inawaambia wanafunzi vipofu ambao bado hawajamaliza masomo yao ya kwamba hawana nafasi ya kufanya kazi katika nchi hii. Hata akifuzu kazi ya ualimu au kazi nyingine, hatapata kazi. Nilizuru nchi za Scandinavia na ninajua ya kwamba watoto walemavu hupewa nafasi za kwanza kwa kila jambo. Kwa mfano, wao husafiri kwa urahisi na ubora zaidi kuliko watu wa kawaida. Wakati wengine wanaingia kwa bas, wao hutafutiwa magari yanayowafaa. Wakikamilisha masomo yao hata huwezi kuwaona mitaani wakitafuta kazi; wao huajiriwa mara moja. Hapa kwetu, kwa mfano, watoto punguani hawapati misaada ya masomo. Ninasema hivi kwa sababu katika eneo Bunge langu, najua kuna watoto ambao ni punguani. Wao husoma katika shule ya kipekee ambapo wanatozwa karo ya juu sana. Najua ya kwamba mfumo wa maendeleo, yaani, CDF, hauturuhusu kuwasaidia watoto ambao wanasoma katika shule za msingi.



Hawa watoto punguani na ambao wazazi wao ni maskini hawawezi kulipa karo ambayo inatozwa katika shule za kipekee. Je, watasoma vipi katika shule hizo? Ikiwa Wizara ya Elimu haiwezi kufikiria tatizo linalohusu watoto walemavu, watakuwa wanafikiria matatizo gani mengine?

Bw. Naibu Spika wa Muda, tatizo lingine kubwa katika kutekeleza mwongozo huu wa elimu ni uzembe katika Wizara, na hasa katika taasisi ya kuwaajiri walimu, yaani TSC. Nina hakika ya kwamba ukiwa na tatizo, kisha uende makao makuu ya TSC kutafuta suluhisho, utasumbuka mwaka mzima bila kupata jibu lolote la maana. Watakuzungusha hapa na pale hadi unachoka. Namjua mwalimu mmoja ambaye alifutwa kazi bila sababu wakati wa vita vya kikabila. Alienda kortini akarudishwa kazi wakati vita hivyo vilikoma. Korti pia iliamuru alipwe ridha ya Kshs300,000. Alienda TSC, akapiga magoti na kuwaomba wamlipe haki yake lakini walikataa. Sasa, riba ya ridhaa hiyo imepanda na kufikia kiasi cha Kshs800,000 na bado hawataki kulimpa. Kama ningekuwa Waziri, afisa mhusika anastahili afutwe kazi mara moja. Badala yake, Wizara imenyamaza na wakati mmoja watadaiwa Kshs2 milioni kwa jambo ambalo lingegharimu Wizara Kshs300,000 peke yake. Uzembe wa aina hii hauwezi kusaidia kuendeleza elimu.

Bw. Naibu Spika wa Muda, pia kuna tatizo kubwa la walimu ambao wanastahili kulipwa marupurupu kwa sababu wanafundisha katika sehemu kame zenye matatizo. Walimu hawa, hasa kutoka eneo Bunge langu, wamekuwa wakitaka walipwe marupurupu haya kwa zaidi ya miaka tano. Hata hivyo, TSC imekata kuwalipa. Ukija eneo Bunge langu, utaona shule ambazo zimepakana. Upande mmoja kuna shule ya msingi na ule mwingine kuna shule ya upili. Utapata ya kwamba upande mmoja unalipwa marupuru, na tunajaribu kuonyesha maofisa ya kwamba - hata Mawaziri - hakuna mantiki kwa huyu kupewa marupurupu na yule kunyimwa kwa sababu wako pahali pamoja. Isitoshe, hali ambamo wanafundishia ni ile ile na mmoja anapewa na mwingine ananyimwa. Haki iko wapi? Ikiwa Wizara ya Elimu, Sayansi na Utafiti haiwezi kuelewa maana ya neno "haki", ni nani mwingine atakayeelewa? Hawa ndio wasomi na ndio wanatakiwa waelewe maana ya maneno, lakini wanashindwa kabisa na maana ya neno rahisi kama "haki".

Bw. Naibu Spika wa Muda, pamoja na kuwalaumu, ningetaka kumpongeza afisa mmoja ambaye nilikutana naye juzi anayelitwa Mrs. Kinyua. Tulipewa cheki kule Subukia halafu sijui ilikuwaje haikulipwa. Nilienda kwake, nikamweleza makosa na baada ya wiki mbili tukapata cheki ambayo tungestahili kupata miezi sita iliyopita. Ningetaka kumpongeza huyu mama na kusema kuwa anaelewa kazi yake na kuomba apewe madaraka na wengine waige huo mfano wake.

**An hon. Member:** Anaitwa nani jina la pili?

**Mr. Wamwere:** Nafahamu siasa zenu!

*(Applause)*

Hili Bunge lina siasa mbovu sana! Hata hivyo, huyu mama---

**Mr. Sambu:** Jambo la nidhamu, Bw. Naibu Spika wa Muda. Ni nidhamu kusema kwamba Bunge hili lina siasa mbovu na yeye yuko ndani?

**Hon. Members:** La!

**The Temporary Deputy Speaker** (Mr. Khamasi): Mr. Sambu, you are right.

Mr. Wamwere, you cannot use that sort of language. You should withdraw and debate in the manner in which you were. We are really enjoying your contribution.

**Mr. Wamwere:** Bw. Naibu Spika wa Muda, jambo nililotaka kusema lakini---

**Hon. Members:** Ondoa hiyo sentensi!

**Mr. Wamwere:** Bw. Naibu Spika wa Muda, nimeiondoa.

**Hon. Members:** Omba msamaha!

**Mr. Wamwere:** Nimeomba msamaha pia, Bw. Naibu Spika wa Muda.

**The Temporary Deputy Speaker** (Mr. Khamasi): Have you apologised?

**Mr. Wamwere:** Bw. Naibu Spika wa Muda, nimesema kuwa nimeiondoa hiyo sentensi na nikaomba msamaha.

Nilichokuwa nikisema ni kuwa huyu mama ambaye jina lake ni Mrs. Kinyua, hilo lingine sijui, amefanya kazi nzuri na ningetaka kumpongeza kwa sababu ameonyesha mfano ambao nilikuwa sijauona.

Shida nyingine ambayo ni lazima Wizara ipigane nayo ndio iweze kumaliza matatizo ya elimu ni ya ufisadi. Wiki jana nilihudhuria mkutano wa walimu na walikuwa wakisema kuwa Teachers Service Commission (TSC) imejaa ufisadi ambao unatakiwa kumalizwa. Waalimu wengi walisema kuwa baadhi yao kulikuwa na walimu waliokuwa wamepandishwa vyeo kwa njia isiyo halali. Kidogo nilikuwa nikidhania ya kwamba walikuwa wakisingizia mpaka nikaona taarifa ya kutoka TSC ikisema kwamba kweli kuna walimu kiasi cha 10,000 ambao walipata madaraka kimagendo enzi zilizopita. Kunawezaje kutokea magendo kiasi cha kupatia walimu 10,000 madaraka ambayo hawakustahili? Kwa sasa, TSC inataka hawa walimu ambao walipata madaraka haya kimagendo warudishe pesa walizolipewa, lakini hawasemi---

**The Temporary Deputy Speaker** (Mr. Khamasi): Order, Mr. Wamwere! Time out! Your time is out and I have a request that the shadow Minister for Education, Science and Technology would like to respond.

**Prof. Oniang'o:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to add my voice to the so many comments that have been made by hon. Members. Some of us were away representing Kenya in the Inter-Parliamentary Union (IPU) meeting in Manila but we were able to follow a bit of what was going on, on the internet. It is clear that this Motion has evoked a lot of emotions and a lot of good comments from hon. Members, and it shows that all of us care about education. This is because it is education that is truly the foundation of development at the personal and national level.

**Mr. G.G. Kariuki:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I would like to get clarification from you for having called an hon. Member from the other side to respond. What is the implication of that? Are you closing the debate or what is happening?

**The Temporary Deputy Speaker** (Mr. Khamasi): No! Our rules are very clear on this. The Official Opposition Respondent can respond at any time but that does not mean that we are closing the debate. I have not been asked by the House to close debate, so it is still on.

**Prof. Oniang'o:** Mr. Temporary Deputy Speaker, Sir, I am aware that hon. Members are anxious to start the next Motion, and so I will not go on repeating what they said. Instead, I will try to address myself to issues that, I believe, may not have been probably covered adequately.

**An hon. Member:** (*---inaudible*)

**Prof. Oniang'o:** No! I can speak for a whole day!

**The Temporary Deputy Speaker** (Mr. Khamasi): Order! Let us make it clear. Please, do not exchange words! You have 30 minutes to contribute but at 5.30 p.m., we will move a Motion of Adjournment and any balance of your time will be given when the debate resumes on the same Motion.

**Prof. Oniang'o:** Mr. Temporary Deputy Speaker, Sir, while I wish to compliment the Ministry for bringing forth this Sessional Paper which they clearly put a lot into, I wish to state that the Ministry of Education, Science and Technology does a lot for this country. At the same time, Kenyans are very well known for writing extremely good policies, but normally the implementation is a problem. I believe that many of the points that hon. Members have brought forward are headed towards implementation. Hon. Members are urging the Ministry to ensure that when it comes to implementation, it takes seriously the very good points that they have pointed out here, and those that also come through any time we have a Question on education.

Mr. Temporary Deputy Speaker, Sir, this Sessional Paper follows a national conference that

was held in November, 2003, and it talked about quality, relevance, cost, affordability and equity. Many of these issues have been addressed by hon. Members as they have spoken. We have to make sure that every Kenyan has access to quality education and for that reason, we want to urge the Government and the Ministry that the only way they can do this is to make primary, secondary and university education free. Having visited some education systems in other countries, and also watching the amount of money that this Government squanders, it is possible to provide free education for all Kenyans up to the university level. When it does so, it will then be able to release the 600,000 certificates that are being held by schools for these children to move on in life. We would like to urge the Minister to make sure that he listens to what hon. Members are saying, and that he takes notes, goes back to the HANSARD and tries to address these issues as we move forward. I believe that the only way forward for education is a complete overhaul. We would like to see the Ministry being courageous enough to overhaul the education system so that Kenya restores its credibility as far as our education system is concerned.

I am aware that you are just about to stop me and, therefore, I will leave it there and appeal to the Minister to make sure that he takes the advice that the very knowledgeable hon. Members here have been giving to the Ministry. There is no shortage of advice! Before you stop me, I will stop.

With those few remarks, I beg to support the Motion.

**The Temporary Deputy Speaker** (Mr. Khamasi): Order, hon. Members! As you may be aware, hon. Mwenje requested the Chair to allow him to move a Motion for Adjournment on a definite matter of urgent national importance. The Deputy Speaker consented to that and, therefore, we shall ask Mr. Mwenje to move the Motion under Standing Order No.20. I would also like to refer you to Standing Order No.20(4) which states:-

"No Member speaking on any such matter shall speak for more than 10 minutes without the leave of the House except that the Mover and one Minister may speak for 15 minutes each."

But there is a tradition where, when we have a popular Motion like this one, which is a concern of almost all hon. Members, we would like to at least reduce the time so that we have as many hon. Members speaking as possible. I would like to propose that we do what we have done in the past; that every hon. Member speaks for five minutes. However, the Mover will be given 10 minutes. If there is consensus on that, I will ask hon. Mwenje to move his Motion under Standing Order No.20.

### **MOTION FOR THE ADJOURNMENT UNDER STANDING ORDER NO.20**

#### **INSECURITY IN THE COUNTRY**

**The Assistant Minister, Office of the President** (Mr. M. Kariuki): Mr. Temporary Deputy Speaker, Sir, I beg to move that the House do now adjourn.

**Mr. Mwenje:** Thank you, Mr. Temporary Deputy Speaker, Sir. I beg to move that the House do now adjourn from its normal proceedings so that we may discuss a matter of definite national importance.

The Committee on Administration, National Security and Local Authorities has had to consider inviting hon. Members to travel out of this City to visit places like Mandera and Maai Mahiu and it will soon visit Trans Nzoia District owing to the insecurity situation which has been witnessed in many parts of this country. After visiting some parts of this country, we found out that insecurity can be controlled. The problem is that there has been a lot of laxity on the part of security forces. They do not control insecurity in this country. It is possible for us to go a month and another without hearing someone being killed, if only those who are charged with the responsibility of maintaining security in

this country did their work. Unfortunately, this is not the case.

Here in Nairobi, it is common knowledge that someone may attack you or kill you using two guns. He may shoot you and get away with it. After such an incidence, you may never hear of the criminals being taken to court for murder. I can quote a number of cases where people have been shot and killers do not run away after committing crime. Killers simply walk away. Even when a victim complains to the Criminal Investigations Department (CID) officers, no action is taken. The matter is treated with little weight as if killing a person is the same as killing a chicken.

Today, I was at a funeral where I buried a man, a former mayor of Nyeri, who was killed in Kibera by two fellows who were carrying four guns. The fellows walked away after committing the crime as the sons of the victim watched. The man had reported several times at Buru Buru Police Station about people who wanted to kill him. His statements are still at the CID Office Buru Buru Police Station. The victim had been reporting for the past three months and his fears eventually came true when he was killed. Up to now, no arrests have been made despite the fact that those who killed the man were seen by his son. No action is being taken against this.

Recently, we read about killings which took place in Ngong. We are being told that up to now, no arrests have been made regarding these cases. Today, our local dailies have reported that a lady by the name Margaret was shot near Thindigua in Kiambu. We are also being told that no arrests have been made. We have watched on television someone who is well known cutting people's mouths with a *panga*. This was aired in one of our local television stations. All the victims were shown on television, and they know who is responsible for the crime. There is no way you can cut my mouth without me seeing you! The victims have reported who the criminal is. Up to now, the criminal is still walking freely in this City.

The issue of concern is; have security apparatus in this country broken down? Are they not able to work any more? Can the Commissioner of Police convince anyone that he is working? Can the Director of Criminal Investigations Department say that he is working? Can the Minister for Internal Security tell us what is happening?

When it comes to people's lives, the Government in power has the primary responsibility bestowed in the Constitution to defend the lives of Kenyans. It states clearly that the Government has to defend the lives of Kenyans and their property. Why is this happening up to now? Why is there no action being taken? Why is the Government doing things for the sake of being recognised, yet the worst crime continues to be committed? The Minister for Justice and Constitutional Affairs should be the one taking these people to court. Some of these Ministries should be scrapped. Members of the public are paying Ministries for nothing.

We have three Government apparatus which should be responsible for security in this country. We have the Ministry of Justice and Constitutional Affairs, Office of the President and the Attorney-General's Chambers. What are they all doing? Shame on them!

*(Applause)*

I am hurt by the fact that no action is being taken, yet our people continue to be killed. You cannot walk in this City at night. Try walking, carrying your mobile phone, and someone will take it away from you. Who buys stolen mobile phones? Why have the buyers not been investigated so as to know who they are? Who is this agent who buys stolen mobile phones?

Mr. Temporary Deputy Speaker, Sir, the Government owes Kenyans an explanation as to why it is not able to control crime in this country. We pay tax to employ security forces and buy guns. There are very many guns being captured by police in their operations and they are kept as exhibits. Has anybody ever asked themselves what happens to these guns? They go back to the same criminals on payment of a particular amount! They are the ones which are on hire. The police owe us an

explanation on what happens to these guns and how they find their way in the hands of criminals.

Mr. Temporary Deputy Speaker, Sir, the other day, we went up to Mandera, Marsabit and Garissa, with the Departmental Committee on Administration, National Security and Local Authorities. In all the places we went, there is hue and cry that they are not getting enough security. The police are also complaining that they do not have enough security and yet, every June, a Budget here is read that provides police with vehicles and all the necessary equipment to control crime. Previously, we were being told crime was rampant because the police officers were poorly paid. But the other day, we were asked by the Minister here to authorise more money to increase the salaries of police officers. We also provided them with houses and we voted the money here. Why then are we continuing to witness increase in crime? If the Government is not able to control crime, then it should provide everybody with a gun so that we can defend ourselves. There are too many guns in illegal hands in the country. The Minister comes here and answers Questions as if it is a joke when people are dying! I think we have reached a point where we cannot allow the Government any more to take Kenyans for a ride in as far as their safety is concerned. People will acquire guns to defend themselves. That is where we are heading to.

Mr. Temporary Deputy Speaker, Sir, I brought up this Motion particularly because many Members of Parliament have been raising issues on security. My Committee alone cannot handle this issue any more because we have millions of questions that come to the Committee. Members of Parliament come to us everyday to report different matters. The other day, we were discussing about Marsabit in the presence of hon. Dr. Godana and hon. Ngoyoni and the area District Commissioner. They told us the situation had calmed down. But the following day, four people were killed there. When we went to the border town, we found it is very easy for guns to be sneaked from Somalia and Ethiopia into this country. Even our own chief was kidnapped at the border with Ethiopia. An anti-personnel mine was laid on the road to trap the Officer Commanding Station (OCS) along the border with Ethiopia. It is time we reminded the President that he swore to defend the Constitution. If that Constitution is not defended by making sure that Kenyans are defended from these thugs, then we shall start losing hope in our own country.

Mr. Temporary Deputy Speaker, Sir, if the Commissioner of Police is not able to control crime, let him resign tomorrow morning. If the Director of Criminal Investigations Department (CID) is not able to prosecute the suspects, let him also resign. The situation has gone out of control and we cannot allow it to deteriorate any further.

With those remarks, I beg to move.

**The Temporary Deputy Speaker** (Mr. Khamasi): Order! Hon. Members, first of all, I would like to apologise to the House. We had resolved that the Mover would take 10 minutes, but he has taken more time. We had resolved that each Member contributing would take only five minutes and that is what we are going to observe. If there is a Minister from the Government side who will speak, he will do so for only 10 minutes.

*(Question proposed)*

**Maj-Gen. Nkaiserry:** Thank you, Mr. Temporary Deputy Speaker, Sir. I thank hon. Mwenje for bringing this Motion. Insecurity in our country now is at its highest peak. Insecurity is a non-partisan issue. We are headed in the wrong direction, not because of the failure of the Commissioner of Police or the Director of CID, but because the Government has not been in a position to make sure that it funds the security organs of this country to match the threats of criminals. The security organs of this country must be in a position to match the threat caused by either cattle rustling or external aggression.

For the last two months, the sovereignty of our country has been compromised, not because

our security forces are not in a position to respond to these threats. So, I think it is important that this House must set aside enough money to enable the security forces to function and fight against crime. It is important that we address this issue. When it comes to the issue of insecurity, we know Mandera, Moyale, Marsabit, Trans Nzoia, Turkana and Kwale have been affected. But what was the response of the Government? Very minimal; not because of anything else, but political indecisiveness. We have Ministers who just talk in this House and when citizens are killed by criminals, they do not visit those areas to ascertain and even to encourage the citizens. It is the responsibility of the Minister in charge of internal security to ensure that any time there is an insecurity problem, he moves with the Police Commissioner to the area to assess the damage and give direction. The Government must respond to security threats appropriately.

Mr. Temporary Deputy Speaker, Sir, it is very important for the Government to respond to security threats. The only way we can do that is first by prevention, secondly by deterring and, thirdly, by defeat. The only way we can do that is to appropriately fund security organs like defence forces, the police and others. We need numbers. The Government came up with a plan of employing 500,00 people. Why can it not employ 20,000 in our security forces? We can budget for that, so that we can defend our country appropriately. So, it is actually the way our security structures are structured and budgeted for. The numbers are depleted due to natural attrition, retirement and HIV/AIDS and yet, the Government is not responding to fill those vacant positions.

Unserviceable equipment and lack of communication instruments is another problem. When a policeman calls from Mandera and reports that we are threatened, it takes 20 hours for a chopper to be prepared and sent there! Sometimes there is no fuel, pilot and other logistics. So, how can we defend this country if the response is not forthcoming? We cannot condemn the Police Commissioner and chiefs of other security organs. We must condemn the Government for not planning according to the requirements of this country. That is very important. We must address key issues. How can we make our security organs capable of defending this country? If we approach this issue from that angle, this country will be secure.

Mr. Temporary Deputy Speaker, Sir, when we come to community security, we have district security committees and provincial security committees. Hon. Members of Parliament must be members of those committees, so that they can organise their people. That is the only way we can have community policing. That is the only way we can pass a message to our people that they are supposed to be the defenders of their own security. It is very important to approach the security of this country in that line.

With those few remarks, I beg to support.

**Mr. Wanjala:** Mr. Temporary Deputy Speaker, Sir, thank you for giving me a chance to speak on this very important Motion. This country is behaving as if it is at war with its own people; the armed and unarmed. Today in the morning, I heard on *Radio Citizen* that Pastor Margaret Wanjira was murdered in cold blood. She was shot dead in cold blood. They took nothing! They just shot her and went away. What is happening in this country is worrying. Mr. Michuki, who is the Minister in charge of internal security said the other day that, armed people who confront the police must be shot on sight. That should be the way forward. As Parliament, we should echo Mr. Michuki. In Nairobi, thugs must be shot on sight, whether they are trying to shoot or not. Once you are an armed thug, you should be shot on sight!

Mr. Temporary Deputy Speaker, Sir, I now want to ask Mr. Michuki and his assistant to be in uniform. We want to be in uniform as policemen, be armed and go in the streets. Let us put aside other recruitments---

We promised Kenyans that we will recruit 500,000 people per year. Let us close our eyes in this year's budget and recruit 100,000 police officers and set up some few schools. We will offer you one school in Budalang'i to train police officers! That is because I know they will say they have no

facilities. The Kisii people will offer you one big school, a college or a teacher training college. Let the recruits train there and come to help us in the streets. Meanwhile, let us ensure that renowned security guards like KK Guards, Securicor and others are given guns to take care of our shops and homes.

Mr. Temporary Deputy Speaker, Sir, let us arrest and charge hon. Members in specific constituencies that are causing mayhem in this country. The situation in North Eastern Province, especially Mandera District, where mothers are killed with their three-year old children, should not be condoned. Then you find the Minister in charge of internal security sitting with them discussing matters of security. When you go on the ground, those hon. Members are involved. Let us charge them in court.

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

**The Temporary Deputy Speaker** (Mr. Khamasi): Order, Mr. Wanjala! You asked for it! What is it, Mr. Moi?

**Mr. Moi:** Mr. Temporary Deputy Speaker, Sir, is he in order to impute improper motives on other hon. Members of this House?

**The Temporary Deputy Speaker** (Mr. Khamasi): Mr. Wanjala, we have got very little time! If you want to use yours properly, steer clear from the path you have taken.

**Mr. Wanjala:** Mr. Temporary Deputy Speaker, Sir, I want to alert you that a few minutes ago, I had just separated Mr. Moi and Mrs. Kilimo when they were fighting! That is because he is planning to send thugs from Mr. Moroto's Constituency to her constituency. I separated them there! They were just about to fight outside here! I have witnesses! Mr. Ndile and Mr. G.G. Kariuki were there!

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

**The Temporary Deputy Speaker** (Mr. Khamasi): Order! Order! What is your point of order, Mr. Moi?

**Mr. Moi:** Mr. Temporary Deputy Speaker, Sir, the man sitting over there is trivialising the issue and he is talking poppycock!

*(Applause)*

**Mr. Wanjala:** Mr. Temporary Deputy Speaker, Sir, there is no price you can pay on a human being. I heard over the radio that in Mandera, if you kill one person, you give 100 camels. What is the price of a human being? Whoever was presiding over such kind of meetings must be charged in a court of law.

Mr. Temporary Deputy Speaker, Sir, in Lake Victoria, it is now terrible! Fishermen are not able to go to the lake---

I beg to support the Motion.

**Prof. Olweny:** Mr. Temporary Deputy Speaker, Sir, I wish to support the Motion about the security in this country. It is a fact that, security matters are not being properly addressed by the Government. That is because every now and then, you hear of murders. When Kenyans complain--- When our beloved Minister said that police should shoot robbers on sight, the people who claim to champion human rights said no. What about the people who are shot by thugs? Are they not human beings? Who is championing their rights? Who should talk for the people who are killed by thugs? Recently, a woman with disability was brutally shot dead in a *matatu*. I did not hear any of the people who champion human rights talk about her. Who talks for our police officers when they are shot by thugs and their lives are in danger? It is very unfortunate that we have that kind of situation in this country today. Nobody talks for the innocent! But the murderers are represented by religious people, the clerics and human rights people.

Mr. Temporary Deputy Speaker, Sir, in my constituency, at a place called Awassi, there are

many tycoons who always brag around that they have the capability of getting rid of people and yet, the police are there. In fact, one of them was housing one of the police officers in that area. The senior police officer was his tenant. That is one of the people the community is complaining about with regard to security.

Mr. Temporary Deputy Speaker, Sir, early this year, a gang of thugs in police uniforms shot a person dead as members of his family were watching. One member of the gang was known by the family members to be a police officer. To date, no suspect has been arrested. Instead, they have arrested a mentally disabled person. How can a mentally disabled person carry a gun, go and kill people at night in police uniform with other police officers? I feel that police officers are rebelling against the Police Commissioner, who is a military man. If he is failing in his duties, we should get a Police Commissioner who is a police officer. He is losing control of the police force. Most thugs are usually in police uniforms.

We know very well that the traffic police officers who man our roads are still taking bribes and nobody is taking any action. Sometime back, there was an attempt to stop bribery in the police force, but this did not go far. It is unfortunate that we have failed to stop bribery in the police force.

With those few remarks, I beg to support the Motion.

**Hon. Members:** I am here, Mr. Temporary Deputy Speaker!

**The Temporary Deputy Speaker** (Mr. Khamasi): Order, hon. Members! We are not going to have that disorder here. You should stand up to catch the Chair's eye. You are not allowed to shout at the Chair.

**Mr. Muchiri:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the Floor. This is a very important Motion and because of its gravity, emotions can run high.

I want to appreciate the fact that although insecurity has increased in this country, the Government has tried to do something. However, that is not enough. I know that this is a very serious matter, but it is also correct to say that the Government cannot be everywhere.

**Dr. Godana:** On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Member has said that the Government cannot be everywhere. Do we understand, therefore, that there are parts of this country which are not under the jurisdiction of this Government?

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

**The Temporary Deputy Speaker** (Mr. Khamasi): Order, Mr. Kimeto! Please, let us get the rules straight. The hon. Member has stood on a point of order and before it is responded to, you want to raise another point of order. That is not how it is done.

**Mr. Muchiri:** Mr. Temporary Deputy Speaker, Sir, I want to be practical. In my constituency, insecurity is a problem, but I want to appreciate the fact that the Government cannot be in every corner of the village.

I would like to propose that we encourage community policing. I would also like to request the Government to enhance police patrols in our areas. Last weekend, a gang of thugs attacked a family in my constituency and slashed some members of the family. The police station is ten kilometres away. This was unfortunate and police officers arrived thereafter. Police officers are not patrolling all parts of the country as they should because of lack of facilities. I want to echo and support the speakers who have said that we need to increase the security budget.

Mr. Temporary Deputy Speaker, Sir, it is important for us to appreciate that the process of establishment police stations in certain constituencies in this country has been very slow. As we establish police posts in our constituencies, the Government should deploy police officers to man them. I know that we are spending a lot of money through the Constituency Development Funds (CDFs) to establish police posts, but I want to call upon the Government to deploy officers to man them. Transport in police stations is a problem. Police patrols are important and the Officers Commanding Police Stations (OCS) and District Officers (DOs) should be provided with vehicles.



There are police stations which do not have vehicles. I want to ask the Minister in charge of internal security to provide the police with vehicles, so that they can be able to conduct their patrols.

With those few remarks, I beg to support.

**Dr. Godana:** Mr. Temporary Deputy Speaker, Sir, I want to thank Mr. Mwenje for finding the wherewithal to bring this Motion, and I wish hon. Members had more time to contribute to it.

I hope the Assistant Minister who is holding brief for the Minister is listening. It is really sad that we have to put aside the business of the House to discuss run-away insecurity on the scale that we witnessed in the last two weeks, and in particular in the northern rangelands. It is even more sad because it looks like there is an intention to let our communities burn each other out deliberately. I say this because if a man or a woman has been killed or injured, for each individual, there is a suspect. The responsibility of the police is to follow the root. In almost every case of these major incidents, starting with Mandera, Marsabit, Samburu and Turkana, invariably in every incident, people have given names of individuals. In Mandera, a driver was shot dead. People gave the name of the suspect, but no effort was taken to arrest him. Then, naturally, you expect people to fall back to self-defence.

In my constituency, twice, people have given names of individuals. A suspect who was wounded mentioned, at least, one of the people who shot him, but no effort was made to track down the individual. The net result is that the communities decide to go for the so-called self-defence in the name of revenge. I am glad the Assistant Minister is a lawyer. The law provides that for every death caused by human beings, there must be an inquest. We have come to the sad state in this country where people are killed and they just become entries in Occurrence Books (OBs) and there are no inquests.

I will be asking the Assistant Minister to tell us how many people have been shot by thugs or rustlers in Kenya over the last one year, and how many inquests are pending in courts because of that.

I have just learnt today that the body of a District Education Officer in Baringo is lying at the mortuary in Karbanet. Two days ago, he was transporting school food and thugs shot him dead. He will just become another issue of statistics. The other day, an Officer Commanding Police Division (OCPD) was shot dead. The other day, an illiterate old man told me that during the colonial days, if somebody committed a crime, they would track him down for over three years across four districts. Today, when somebody commits a crime, the police get the information and they cannot track him beyond that house. No wonder, an hon. Member here has said that the Government cannot be everywhere. The Government must be omni-present.

We have already started community policing. In fact, in some areas, it started a long time ago. The homeguard police force started first in Turkana District and North Horr Constituency. It worked in those two areas very well. I am sure the police headquarters can confirm this. However, over the years, we have abused the principle. Homeguards were instituted there, to be auxiliary police officers. They were to assist the police officers when they were raided across the borders. However, homeguards now have come to live even in the centre of the country. In many cases, they are the actual causes of insecurity. Why do I say this? Two days ago, a homeguard was bludgeoned to death in my place, but up to today, the police officers have not visited the scene of crime, and yet, among the killers, we now know, were homeguards.

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

**Prof. Mango:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me a chance to contribute to this Motion. Insecurity has become so rampant in this country that everybody feels insecure. We can tell this by the gates and dogs around the homes. That is a sign of insecurity. People are murdered in daylight, and yet the police officers are unable to arrest the culprits. In this country, we need to beef up security by having, at least, two police stations in every constituency, so that *wananchi* feel that there is security and that the Government does care. Many a times in the rural areas, when a crime is committed, *wananchi* take the criminal to the police station. However, the

police officers will get bribed and set free the criminal. Is that law enforcement? That encourages insecurity. When *wananchi* arrest a criminal next time, they will just apply mob justice because they do not trust the security agents of the land.

Mr. Temporary Deputy Speaker, Sir, security is very important. Without it, even investors will not come to invest and create the most wanted job opportunities for our people. We need to reinforce security in this country to attract investors to come and invest. Unemployment also contributes to insecurity. When you have very many young and able-bodied people being idle with nothing to feed on, they will start mugging others. The insecurity problem is compounded by unemployment in this country.

Mr. Temporary Deputy Speaker, Sir, a lot of money is allocated to the Ministry in charge of security in the budget. But one wonders what this money does. I would like to support the hon. Members who said that most of the money allocated to the Ministry in the budget should go into recruiting even 200,000 Kenyans into the police force, so that we can be secure. We do not want to sleep at night worried that somebody will break in. It has reached a point where, as a woman Member of Parliament, I do not want to stay out beyond 6.00 p.m., because I do not know who is after carjacking me. Insecurity is just that bad and one cannot take chances. This country must spend money to enhance its security. The nation must take care of its citizens. It is part of the human rights. We need security to sleep and think peacefully. Therefore, the relevant Ministry owes Kenyans security.

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

**Mr. Ojaamong:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity. I just want to talk about one important issue. That is the Police Dog Unit which is a very important component of our security forces. During national celebrations, we see these police dogs marching alongside the police officers. However, in most of the invasions in homes and wherever the crimes will occur, the police officers leave behind these dogs for no genuine reason.

Mr. Temporary Deputy Speaker, Sir, there is an incident which occurred in my constituency which was very deliberate. Police officers were engaged in crime and *wananchi* recovered a beret of one of the officers. Because they knew they were police officers who had been engaged in crime for a very long time, they requested for a police dog from Kakamega. When it was brought to track down the people who had been committing crime, they traced the police officers right up to the police station. When a policeman was almost jumping into the police station to arrest the culprit, the police officers at the station armed themselves and chased back *wananchi*. I want to emphasise a few points. One, the police officers are under-utilising the Dog Unit just because they are the ones who are involved in crime activities. If these dogs are utilised properly, they will be able to curb crime such as murder, because they are able to follow criminals up to their hide-outs.

Mr. Temporary Deputy, Sir, I urge the Police Commissioner to activate the Dog Unit, so that it is put into proper use for the benefit of all Kenyans.

With those few remarks, I beg to support the Motion.

**Mr. Angwenyi:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me a chance to add my voice to this very important Motion. First of all, I want to thank the Mover of this Motion. Secondly, I want to declare in this House that this country is increasingly becoming a banana republic. It is a Republic of the same order as the Republic of Fiji where farmers walked into State House with guns and removed the President. Why do I say this?

Today, we have illegal small firearms in the hands of civilians and thugs, which are more than those held by our security forces. For example, I understand that in West Pokot, there are 48,000 AK47 guns. In Samburu, there are 10,000 guns. In Sebei, there are 10,000 guns, while in Kisii, we have more than 100,000 spears. In Luhyaland, there are about 200,000 *rungus*. How can we defend this country when we have got firearms in the hands of civilians and thugs?

Mr. Temporary Deputy Speaker, Sir, I would like to challenge this Government to control

crime in Nairobi alone, being the centre of power. People are killed in Ngong, Dandora, Kangemi and the City Centre where the President and Parliament reside, and yet we say we have security forces in this country. We do vote a lot money for defence and security purposes, and yet it is used to buy phantom jets, guns and equipment that, in essence, are never received in this country. Why do we vote so much money for intelligence, and yet they do not assist us?

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

**The Temporary Deputy Speaker** (Mr. Khamasi): I will now call upon the Government Responder to make his remarks.

Proceed Mr. M. Kariuki!

**The Assistant Minister, Office of the President** (Mr. M. Kariuki): Thank you, Mr. Temporary Deputy Speaker, Sir. First, I would like to appreciate the sentiments expressed by the hon. Members. The concerns which have been expressed in this House are not misplaced, but are well founded. All of us require security. We cannot run our businesses and sleep in our homes comfortably unless we are guaranteed of security.

Mr. Temporary Deputy Speaker, Sir, I would like to thank Mr. Mwenje for bringing this Motion before this House for debate. I would like to inform him that the Departmental Committee on Administration, National Security and Local Authorities, to my recollection, has never laid on the Table its Report for debate. It is important if we debated this Motion from an informed point of view.

**Mr. Mwenje:** On a point of order, Mr. Temporary Deputy Speaker, Sir. The Assistant Minister is totally misleading this House because we have already laid on the Table two Reports. It is only that they have not been allocated time for debate by the House Business Committee.

**The Assistant Minister, Office of the President** (Mr. M. Kariuki): Thank you, Mr. Temporary Deputy Speaker, Sir. I hope that those Motions will be brought before this House for debate.

I would like to admit that there we are facing a number of security challenges and all of us are aware of them. For example, there are too many firearms in the wrong hands, as one of the hon. Member has said. We can understand this from the history of our neighbouring countries. The collapse of the Somali Government, the porous border and insecurity in Southern Sudan, which is being addressed now, have contributed to the high number of illegal firearms in this country. We have a big challenge to mop up these guns.

One of the challenges we are facing is the disarmament. We proposed to disarm some communities which own guns, but they said that the Government should do so while knowing that their enemies are in Uganda and other neighbouring countries, ready to attack them and they will have a massacre.

*(Applause)*

So, we are thinking of a strategy where we can ensure that the disarmament exercise goes hand in hand with the security of our people.

I would like to assure this House that before the end of this month, we will roll out our reform programme within the police force, which is now undergoing the final tuning-up. We hope that some of the proposals we have received this afternoon will be of great help.

I would like to thank Mr. Wanjala for coming up with positive proposals. One of the proposals which is under consideration is whether we should expose our youths to police training quite early. I remember that some of us received police training when we went to school. I received a two-years police training while in high school. We should prepare our people to face insecurity by exposing our youth to police training.

The other proposal which has been made is with regard to private security providers. This

proposal is already on the table and a draft Bill has been done. We hope that before the end of this Session, we will bring the Bill before this House so that it can consider the question of private security providers and how we can arm them to enhance security. The proposal on police dogs is a very positive one and we will take it into account.

On cattle rustling, we will enforce the existing law. We have to put a stop to the movement of livestock across district boundaries because it has provoked ethnic violence in some parts of this country. For example, in Nakuru District, which is my home district, there is not a single piece of land which does not belong to somebody. Obviously, there will be trespass if herders graze livestock anywhere they find grass. This will provoke a nasty situation. The existing legal framework is sufficient to control the movement of livestock to avert explosive situations.

On cattle rustlers, I am informed that homeguards work well in some parts of this country, while in others, they have been compromised and have been associated with banditry. We will take appropriate action with the advice of the District Security Committees (DSCs) to ensure that the guns in the wrong hands of homeguards are repossessed and the culprits charged with appropriate offences.

Mr. Temporary Deputy Speaker, Sir, I would like to say that security is a collective responsibility for all of us. The challenge we face is that members of the public do not have confidence in our police force. When members of the public are requested to volunteer information, and we have tried this here in Nairobi; because the PC has gone round, they clearly state that if they reveal the criminals in public, they will be dead in the evening. This is because they do not trust the police. One aspect of community policing we want to make sure is realised is to build confidence between members of the public and police officers because criminal intelligence has to be shared. We have a very small number of police officers. It translates to one policeman to 1,150 Kenyans, while the minimum number recommended by the United Nations (UN) is one police officer to 430 Kenyans.

If we triple the number of policemen to meet the required figure, it will have serious budgetary implications on our Government. However, we hope that in the next Budget, we will allocate more money to cater for the large number of recruits to the police force, to supplement the existing number as we explore the possibility of private security providers being armed to protect our people.

The element of community policing which is very critical is that once a policeman is in a police station awaiting a report to be made and a crime is committed in Kiambu District, he has no way of finding out who committed it. The only people who can give information about that crime are members of the public, who either witnessed it or knew that their neighbours were committing a crime.

That is why we think that community policing is critical. To build confidence in the police force, we have re-trained our police officers. All police officers have already undergone a three-weeks human rights and public relations course at the provincial level. We may not be able to change all the police officers to good people. It is human nature that some people are inherently bad and they cannot change even with time. However, let us appreciate that we have done something to make our police force approach security differently. We hope that we will get the support of this House as we move ahead with our programme for community policing.

Mr. Temporary Deputy Speaker, Sir, it has been alleged that our courts have contributed to insecurity in this country by releasing many criminals, but sometimes this is as a result of poor investigations. Once the investigations are not properly carried out, you do not expect a magistrate to convict the culprit. We are trying to empower our police in their capacity to investigate so that the investigations are watertight.

Let us not blame the courts for insecurity in this country because in criminal trials, we have what we call "the benefit of doubt". We say that you better give the benefit of doubt to 99 seriously suspected criminals than convict one innocent citizen. That is the criminal justice process. You should appreciate that the courts have to be independent when they release suspects, because you cannot know which side of the law you will be. It might be an innocent person who is being convicted. It will

be a tragedy for the administration of justice if you are convicted without evidence.

Finally, I would like to say that the figures for the last 15 months have shown a drop in armed crime across the country.

**Hon. Members:** Where?

**The Assistant Minister, Office of the President** (Mr. M. Kariuki): Mr. Temporary Deputy Speaker, Sir, we have the figures and we will lay them on the Table at an appropriate time.

**Mr. Mwenje:** On a point of order, Mr. Temporary Deputy Speaker, Sir. If the Assistant Minister is not misleading this House, could he lay those figures on the Table?

**The Temporary Deputy Speaker** (Mr. Khamasi): Order! That is not a point of order. Proceed, Mr. M. Kariuki!

**The Assistant Minister, Office of the President** (Mr. M. Kariuki): Mr. Temporary Deputy Speaker, Sir, I undertake to lay the figures on the Table at an appropriate time.

There has been a lot of condemnation against the Commissioner of Police and Director of CID, but since the two gentlemen took office, we have seen a radical approach in containing crime. We should commend them for the good work they have done so far.

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

#### ADJOURNMENT

**The Temporary Deputy Speaker** (Mr. Khamasi): Hon. Members, it is now time for the interruption of business. The House is, therefore, adjourned until tomorrow, Wednesday, 13th April, 2005, at 9.00 a.m.

The House rose at 6.30