

NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday, 11th March, 2014

The House met at 2.30 p.m.

[The Speaker (Hon. Muturi) in the Chair]

PRAYERS

COMMUNICATION FROM THE CHAIR

DELEGATION FROM PARLIAMENT OF NIGERIA
AT THE SPEAKER'S ROW

Hon. Speaker: Hon. Members getting in, I think you should hasten the process.

(Hon. Members entered the Chamber)

Hon. Members, I have the following Communication to make. I wish to introduce to you and welcome this afternoon, a delegation from the National Assembly of Nigeria seated at the Speaker's Row.

(Applause)

They are members of committees dealing with health, HIV/AIDS, tuberculosis (TB) and malaria in the National Assembly of Nigeria. The delegation is on a study visit to learn about Kenya's HIV/AIDS related legislation with the objective of enriching their proposed HIV/AIDS Anti-discrimination Bill.

They are:-

(i) The Hon. Joseph Haruna Kigbu, Chairperson, Committee on HIV/AIDS, TB and Malaria, who is the leader of the delegation; and

(ii) The Hon. Babatunde Jimoh Adewale, a member of the Committee.

They are accompanied by Mr. Angulu Danlandi, Clerk of the Senate Committee on Health, Ms. Yakubu Muhammad Maimuna Hajiya, Mr. Adeniyi Adenkule Oyeyemi, Mr. Andrew Aiyewumi Adeoluwa, who are members of staff of the National Agency for Control of AIDS of Nigeria and Mr. Victor Omolere Omosehin, who is the Secretary of the Network of People Living with HIV/AIDS.

Hon. Members, on behalf of the House and on my own behalf, I wish the delegation a fruitful and happy stay in Kenya.

(Applause)

REFERRAL OF COUNTY GOVERNMENTS BILL
TO MEDIATION COMMITTEE

Hon. Members, as you are aware, on Thursday, 6th March 2014, this House rejected a motion for the Second Reading of the County Governments (Amendment) (No.2) Bill (Senate Bill No.4 of 2013), which is a Bill originating from the Senate. In accordance with the provisions of Article 112(1)(a) of the Constitution and Standing Order No.149 of the National Assembly, the Bill now stands referred to a mediation committee.

Hon. Members, in this regard the Speaker of the Senate and I held a consultative meeting today in the morning and resolved that a mediation committee on the said Bill should be constituted on or before Thursday, 13th March, 2014. We also agreed that the Committee should comprise three Members from each House.

I, therefore, direct that the Leader of Majority Party and the Leader of Minority Party forward the names of the Members to represent the National Assembly in the said mediation committee. This should be done before the end of business tomorrow, Wednesday 12th March, 2014.

I thank you.

PAPERS LAID

Hon. A.B. Duale: Hon. Speaker, I beg for your indulgence, my card could not work. So, I have taken it for re-activation.

Hon. Speaker, I beg to lay the following Papers on the Table of the House:-

The Report of the Auditor-General on the Financial Statements of the National Crime Research Centre for the year ended 30th June, 2013

The Report of the Auditor-General on the Financial Statements of the Public Service Commission for the year ended 30th June, 2013

The Report of the Auditor-General on the Financial Statements of the Alcoholic Drinks Control Fund for the year ended 30th June, 2013 (The National Authority for the Campaign Against Alcohol and Drug Abuse)

The Report of the Auditor-General on the Financial Statements of the Water Services Trust Fund for the year ended 30th June, 2013

The Report of the Auditor-General on the Financial Statements of Kenya National Library Service Board for the year ended 30th June, 2013

Thank you, hon. Speaker.

Hon. Speaker: Next Order!

POINT OF ORDER

STATUS OF SAN MARCO SPACE APPLICATION CENTRE

Hon. (Dr.) Ottichilo: Hon. Speaker, I rise on a point of order to seek your guidance and direction on the issue regarding Departmental Committee Reports that were tabled in this House during the Tenth Parliament, but which were not deliberated on. In

this regard, I wish to refer to a particular Report on a matter of national importance, on which I would like you to give guidance and direction. This is a joint Report of the Committee on Energy, Communication and Information and the Committee on Education, Research and Technology on the status of San Marco Space Application Centre in Malindi. The Report was tabled in this House in September, 2012 but because Parliament was dissolved for elections, it was not discussed.

Hon. Speaker, the Report tries to answer the following questions:-

- (i) the status of San Marco Space Application Centre in Malindi;
- (ii) how the space application was established;
- (iii) the agreement between the Government of Kenya and the Government of Italy on the management and the running of the station;
- (iv) the benefits of the space station to the people of Kenya, specifically, the monetary and social benefits that this country has received from the centre since it was established in 1964;
- (v) how the centre has been managed since it was established, and how many Kenyans who are professionally qualified as space scientists are seconded to work at that station; and,
- (vi) the future of the station.

Hon. Speaker, the matter was raised in this House during the First Session. As stated, this is a very strategic centre in this country. Therefore, the Report addresses the question of how that centre should be managed, particularly when this country is aspiring to go for space exploration. With your permission, allow me to mention a few names of the Members of the joint Committee that prepared this Report. Some of the Members are in this House.

Hon. Speaker: Why would you want to mention a few? It will look selective.

Hon. (Dr.) Ottichilo: Hon. Speaker, with your permission, I can mention all of them.

Hon. Speaker: Go ahead and do so.

Hon. (Dr.) Ottichilo: Thank you, hon. Speaker.

The first one is hon. David Koech, who was a Co-Chair of the Joint Committee and the substantive Chairman of the Departmental Committee on Education, Research and Technology. Next is hon. (Eng.) Rege, who was a Co-Chair of the Joint Committee and the substantive Chairman of the Committee on Energy, Communication and Information.

The other Members were: Hon. Maina Kamau, MP; hon. F.T. Nyamu, MP; hon. John Deche Pesa; hon. C. Muturi Mwangi, MP; hon. Mohamed Sirat, MP; hon. (Ms.) Shakila Abdala, MP; hon. David Njuguna, MP; hon. (Dr.) Wilbur Ottichilo, MP; hon. Alfred Odhiambo, MP; hon. (Dr.) Joyce Laboso, MP; hon. (Eng.) Nicholas Gumbo, MP; hon. Ekwe Ethuro, MP; hon. Cyprian Omollo, MP; hon. Aden Duale, MP; hon. Emilio Kathuri, MP; hon. Joshua Kutuny, MP; hon. Edwin Yinda, MP; hon. (Prof.) Phillip Kaloki, MP; and hon. Aden Keynan, MP.

Hon. Speaker, I want to inform this House that the Joint Committee did an excellent job. They carried out a very extensive assessment of the centre. Amongst the people they interviewed included the then Minister of State Department, the Minister for Higher Education, Science and Technology, Mr. David Andere; and former Permanent

Secretary for Foreign Affairs, Mr. Evans Mukolwe; the Director of the Kenya Meteorological Department, Mr. Francis Wangusi; the Director of Communications Commission of Kenya, Prof. Malo Otieno, a prominent space scientist of the University of Nairobi; Dr. Farah Hussein, the Director-General of the Regional Centre for Mapping of Resources for Development; the Management of Kenya Maritime Authority; Mr. Albetto La Bella, Deputy Italian Ambassador; Dr. John Njoroge Kamau, Ministry of Defence; Col. Joseph Mwai, Ministry of Defence; and Capt. Andrew Nyawade, Ministry of Defence.

Hon. Speaker, as you can see, this Committee did a very good job. Unfortunately the Report was tabled on the Floor of this House but it could not be discussed because Parliament was breaking for elections. Therefore, I would like to humbly ask for your guidance and direction on how we can re-table this very important Report in order for this House to debate it and make a resolution on the way forward. I am particularly concerned because the station is currently being management without any agreement. If an agreement is entered into without this House giving the go-ahead, there is the possibility that the centre could be managed through an agreement that is not approved by this House as required by the Constitution.

Therefore, I beseech you to make a very positive direction on this matter, so that I can re-table the Report.

Thank you very much.

COMMUNICATION FROM THE CHAIR

(Several hon. Members stood up in their places)

Hon. Speaker: Those hon. Members who are on your feet, please, pay attention to the issue raised by hon. (Dr.) Ottichilo. You should freeze.

RULING ON THE MATTER OF SAN MARCO SPACE CENTRE

Hon. Members, hon. Wilbur Ottichilo has raised a very fundamental issue of a Report of Parliament that was prepared by two Committees. The two Committees deliberated on the issue of San Marco Space Station in Malindi and came up with a Report. I am sure that most of you are aware that hon. Ottichilo has really been on this issue but the more important thing is that some of the hon. Members who took part in the investigation of the matter and came up with the Report are still able Members of this House – including but not limited to the current Speaker of the Senate and, obviously, the Leader of Majority Party. Others include hon. Keynan, hon. James Rege, hon. (Eng.) Gumbo, and hon. (Dr.) Ottichilo himself.

For those of you that served during the Tenth Parliament, you will remember that there is already a precedent set with regard to a matter of this nature. This is in the famous Report on the Artur bothers. Those who are lucky to have served in the Ninth Parliament will recall that, that Report had been prepared by two joint Committees – the Committee on Justice and Legal Affairs then chaired by hon. Paul Muite and the then

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Committee on National Security chaired by hon. Ramadhan Seif Kajembe. The precedent set was that there was nothing wrong with a report that had been made by a Committee or Committees of the House being re-tabled for the House to deliberate and come up with resolutions either in agreement or in rejecting it.

Therefore, I want to reiterate the precedent set by my predecessor, hon. Kenneth Marende, and allow hon. Ottichilo to re-table the Report, which was presented to the Tenth Parliament but never debated. This House needs to express itself appropriately on that Report with regard to the recommendations contained therein, so that we do not have to belabour the point of requiring hon. Ottichilo to seek fresh Statements from those Committees again. So, hon. Ottichilo, it is hereby ruled that you re-table the Report by Thursday this week latest, so that this House can be fully seized of it and deliberate on it.

Thank you.

Hon. Ken Okoth, what is your point of order?

Hon. Okoth: Hon. Speaker, it is not a point of order, but a quick note of some quests we have around.

Hon. Speaker, we have four distinguished Members of this House who benefitted from scholarships from St. Lawrence University, including hon. Joseph Lekuton of Laisamis; hon. Lati Lelelit from Samburu East; hon. Chachu Ganya from North Horr; and myself, hon. Ken Okoth, from Kibra Constituency. For many years, Kenya has had a good relationship with the United States of America (USA), including in exchange programmes and fields such as education, which brought us President Obama.

Today we have with us in the Chamber a visiting group of students from College of Wooster in Ohio, USA, which is one of the top schools. Leading that delegation is a professor of Anthropology, Prof. MacConnel as well as Prof. Grant Cornwell, who is the president of the College of Wooster, and who was a professor of philosophy at the St. Lawrence University, where he managed to teach four of the Members of this House today.

So, I wanted to recognise their presence and welcome them to Kenya, and tell them that it is a pleasure to have them here.

Thank you.

Hon. Speaker: Very well! Noted!

REQUESTS FOR STATEMENTS

Hon. Speaker: Yes, hon. Abdullswamad Sheriff Nassir. I think we better use the name "Nassir". It is easier.

Hon. Nassir: Hon. Speaker, I never question why my late father gave me a very long name, but "hon. Nassir" will do pretty well.

TERMS OF SERVICE FOR FORMER KPA STAFF

Hon. Nassir: Hon. Speaker, pursuant to Standing Order No.44(2)(c), I would like to request for a Statement from the Chairperson of the Departmental Committee on Transport, Public Works and Housing regarding the terms of service for former staff of the Kenya Ports of Authority.

Hon. Speaker, following a trade dispute in 2011, the then management of KPA informed the parastatal's staff members that new terms of employment would be implemented once the restructuring process, which was ongoing then, was completed. Five hundred employees who were serving on contract were to be immediately hired on permanent and pensionable terms on seniority basis. The remaining contract staff members, plus 247 casual employees, were to be considered after the restructuring. In addition, contracts for staff members whose terms had expired during the restructuring process were to be renewed for a period of two years.

The Chairperson should inquire into and report on the following:-

- (i) the number of staff members who were re-hired or considered during the hiring process that occurred after completion of the restructuring and increase in the size of the port;
- (ii) the basis and details on those who have been hired; and,
- (iii) the status of the 247 casuals plus, those whose contract expired during the restructuring period.

Hon. Speaker: Yes, hon. Maina Kamanda.

Hon. Kamanda: Hon. Speaker, I would ask the hon. Member to give me three weeks.

Hon. Nassir: Hon. Speaker, this is information that the management of KPA should have on its shelves. So, three weeks is way too long. As a matter of fact, if we had our Standing Orders in our favour, I would even ask that this Report be brought to this House by tomorrow. However, I believe that a week should be the most ideal time within which they can come up with the Report. I would like to have details on how many people they have hired, and on what basis they have hired those people as well as on the fate of the 247 casual workers whose term had expired and who were meant to be hired by the KPA.

Hon. Kamanda: Hon. Speaker, the procedure is that we have to write to the Ministry. We normally give them seven days to appear before the Committee. We will invite the hon. Member to attend the meeting because that is where the Minister, including the officials from the KPA, will appear. That will allow him to raise any supplementary matter that he may want to raise. So, three weeks is reasonable.

Hon. Speaker: Order, hon. Members! Hon. Kamanda, the Statement sought is not one, in my view, that would require you calling the Cabinet Secretary or anybody. This is a matter that you can just forward the Statement. Let them give you the responses in terms of the request. Committees should not just take all their time calling the Executives. This is something they give you a report and you just come and bring the report. It is then up to the hon. Member to follow up the way it would be. You cannot go and cross-examine those witnesses. Just write to them; forward the request and let them give you an answer, even if it is two weeks.

Hon. Kamanda: Hon. Speaker, we will write to them, they will give us a number and then give the answer to the hon. Member.

Hon. Speaker: In two weeks' time, let us get the answer. Just get a written answer which is required. Hon. Abdullswamad, remember there is something we are working on, on the Standing Orders. It is because of these kinds of issues, we cannot really afford to have Committee time taken trying to purportedly investigate. There is

nothing to investigate. It is the Executive that is supposed to give a written answer. If you want to take it to some place in some mosque or in some funeral over the weekend, that is okay but it will be answer, nevertheless. But we cannot take Committee's time investigating. There is nothing to investigate. This is a straightforward request. So, hon. Kamanda, just take the thing; it will be written to you and you come and read the Statement. Let us move on!

NON-ENFORCEMENT OF ANTI-GAY LAWS

Hon. Kang'ata: Hon. Speaker, pursuant to Standing Order No.44(2)(c), I wish to request for a Statement from the Leader of Majority Party regarding enforcement of anti-gay laws in Kenya by various organs of the national Government. Pursuant to Article 45 of the Constitution, the family is the natural and fundamental unit of society and enjoys protection of the State. Article 45(2) provides the right to form families of persons of opposite sex. One key threat to the family unit as envisaged by the foregoing Article of the Constitution is gayism. Article 43(1)(a) of the Constitution provides the right to healthcare to all Kenyans. Gayism has been found to be a key contributor to some diseases including penile cancer, retrograde infections and anal cancer thus adding to the disease burden of this country. Surveys by various pollsters in the country have confirmed that a majority of Kenyans are opposed to gayism thus an attempt to impose it in Kenya is undemocratic and a violation of the national values and principles of governance as provided for in Article 10(2)(a) of the Constitution. Sections 162 and 165 of the Penal Act, Cap.63 establish the penalties relating to gayism thereof but the Government has been slow in enforcing the said law, contrary to the constitutional principle of rule of law.

In the Statement, the Leader of Majority Party should inquire into and report on:-

- (i) reasons for the non-enforcement of the anti-gay laws;
- (ii) whether there are any organizations which are championing violation of the aforementioned anti-gays laws; and
- (iii) if yes, what steps are being taken by the Government to deregister or curtail such organizations' activities.

(Applause)

Hon. Speaker: Leader of Majority Party, you have your work cut out.

Hon. A.B. Duale: Hon. Speaker, on the outset, I want to confirm that I am up to the task to bring an answer to the House. But some of the scientific terminologies used by hon. Kang'ata, I am sure I will need the help of Dr. Nyikal and the other medical doctors in the House. Because I need to make a number of trips both to the neighbouring countries and to more developed nations, I need a minimum of one and a half months. I need to consult across the board; across neighbours on how this thing can be handled. If I am given one and a half months, I will---

(Laughter)

Hon. Speaker: Order, hon. Members!

Hon. A.B. Duale: Hon. Speaker, I will report to the House and you will indulge me. If by one and a half months I will have no answer, then you will give me either two or three years.

(Laughter)

Hon. Kang'ata: Hon. Speaker, one and a half months is a very long period. I am of the view that it should be within two weeks. This will be sufficient. I think our colleagues from Nigeria have already shown us the way. They can always give us counsel.

Hon. Members: Ah!

Hon. Kang'ata: But one and a half months is long!

Hon. Speaker: Hon. Kang'ata, one of the issues you have raised in your Statement is referring to Sections 162 and 165 of the Penal Code in which you allege that the offences established therein are not being enforced by the Executive, contrary to the constitutional principle of rule of law.

That, in itself, would require that you visit all the courts in Kenya to find out whether there are any people who have been charged with the offences, contrary to Sections 162 and 165 of the Penal Code. So, it obviously would require the Leader of Majority Party to coordinate both with the police, the DPP and the Judiciary. I think he needs quite some time so that he can bring a comprehensive report, which I think would be fair for the House, so that we know who it is that is violating the law and the Constitution. So, let us give the Leader of Majority Party the time that he has requested.

STATUS OF KICC AS A HERITAGE SITE

Hon. Wetangula: Hon. Speaker, pursuant to Standing Order No.44(2)(c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Labour and Social Welfare regarding the status of the Kenyatta International Conference Centre (KICC) in Kenya's architectural and cultural heritage. The KICC has for decades been the face of Kenya and Nairobi's skyline. This is an architectural masterpiece built with public funds and every visitor identifies with this iconic building which depicts the culture and resilience of the Kenyan people. In the Statement, the Chairperson should inquire into and report on:-

(i) why it has taken this long in declaring the KICC, as part of Kenya's cultural heritage, a protected building pursuant to the National Museums and Heritage Act, Cap.216, Laws of Kenya.

(ii) whether the current external alteration to the building were approved by the buildings architects;

(iii) the current and registered name of the building since it was recently rebranded from the well known "KICC" to the "Kenyatta International Convention Center" and the rationale for this;

(iv) the total number of architectural designs and community heritage sites which have not been designated as protected areas.

Hon. Speaker: Hon. David Were.

Hon. Were: Hon. Speaker, I promise to bring the Statement in the next two weeks.

Hon. Speaker: Hon. Wetangula. Two weeks!

Hon. Wetangula: Two weeks are reasonable, hon. Speaker.

Hon. Speaker: Is it okay?

Hon. Wetangula: Yes, Sir.

Hon. Speaker: Very well. Hon. John Njoroge Chege, Member for Kasarani Constituency.

MEASURES TO COMPENSATE KENYANS
EVACUATED FROM SOUTH SUDAN

Hon. J.N. Chege: Hon. Speaker, pursuant to Standing Order No.44(2)(c), I, hereby, request for a Statement from the Chairperson of Defence and Foreign Relations Committee concerning the recent evacuation of Kenyans from South Sudan due to the on-going conflict.

Hon. Speaker, the on-going conflict continues to affect our citizens and others in the region; with a number having lost their lives and others having their livelihoods disrupted and destroyed. There is need to assist Kenyans who have been evacuated from South Sudan to regain their footing as they settle back home.

Hon. Speaker, the Chairperson should inquire into and report on the following:-

(i) how many Kenyans were evacuated from South Sudan and how many remained behind;

(ii) whether those who were evacuated received any compensation and, if so, how much they received;

(iii) how much the Government spent in the evacuation exercise;

(iv) whether the Government will compensate those citizens from public funds or negotiate their compensation from the Government of South Sudan; and

(v) whether there is any action by the Government to facilitate those with money held in bank accounts in South Sudan to get it.

Hon. Speaker: Hon. Gethenji.

Hon. Gethenji: Thank you, hon. Speaker. Due to the highly topical nature of this request - this matter has been in the Kenyan public mind - I had already sought a Statement from the Ministry of Foreign Affairs on this matter and, in keeping with Jubilee Government's digital posture, I am ready to give the response now, if the Members wishes and if the Speaker will allow.

Hon. Speaker: Now?

Hon. Gethenji: Yes, hon. Speaker.

Hon. Speaker: No! Today is not the time for responses.

Hon. Gethenji: Then I will be ready to give it by Thursday this week.

Hon. Speaker: Very well. Thursday, next week. Mr. J.N. Chege.

Hon. J.N. Chege: Hon. Speaker, it is good that the Chairperson has said that he has an answer. I do not know where he got the question so that he could seek an answer. I

do not know whether he has all the information that I have asked. So, I prefer that he answers on Thursday.

Hon. Speaker: Hon. Gethenji, I think the day for responses is Wednesday afternoon. So, hon. Chege, do not worry about where he got the answer from. But you will be at liberty to seek further clarification on the Statement when it is finally read out. So, we will proceed that way, hon. Gethenji.

Hon. Mpuru Aburi.

IMPORTATION OF MACADAMIA NUTS IN KENYA

Hon. Aburi: Hon. Speaker, pursuant to Standing Order No.44(2)(c), I wish to request for a Statement from the Chairperson of the Departmental Committee on Finance, Planning and Trade regarding the importation of macadamia nuts in Kenya.

Hon. Speaker, only one company in Kenya, that is Kenya Nut Company is licensed to trade in international and local business of processing, supply, distribution, importation and export of macadamia nuts. It is claimed that, that irregular monopoly has made the company to fix prices at which they buy macadamia nuts from farmers and yet, after minimal value addition, the company sells the product at more than five times of the purchased price.

Further, the monopoly has discouraged other companies due to the purchase price and money required to invest in the business and yet, there is no law in Kenya that monopolizes the trade in nuts.

Hon. Speaker, in the Statement, the Chairperson should inquire and report on the following:-

(i) why Kenya Nut Company is being allowed to monopolize the trade in macadamia nuts, which is contrary to the law; and

(ii) what the Government is doing to rectify that situation, make the market competitive and allow other companies to enter into the business.

Thank you.

(Loud consultations)

Hon. Speaker: Order, hon. Members! Consult in low tones so that the rest of the Members can participate in the business before the House. The Chairperson of the Departmental Committee on Finance, Planning and Trade, hon. Benjamin Langat, you can answer. Hon. Members, I wish to discourage this habit of just any member of a Committee saying: "I am going to do this" Is it after consideration? Why is the Chairperson or his deputy not present? This thing of every Member rising to claim that he can answer and then two months down the road nothing has happened, is not helping us. Hon. Dawood, I can see you are dying to say something. You have taken over as the Chair in a temporary capacity?

Hon. Dawood: Thank you, hon. Speaker. The Vice-Chair is bereaved and the Chair was a bit late this morning. He did not get a flight. We intend to answer this question in three weeks.

Hon. Speaker: Hon. Aburi.

Hon. Aburi: Hon. Speaker, before we went for recess, I had asked this question. This is the second time hon. Dawood is saying that he will give me a report after one month. Since that time, nothing has happened. So, I cannot agree with him.

Hon. Speaker: Is he the same one who had told you that he was going to respond and now, again, he wants to respond? Hon. Dawood, you are the same one?

Hon. Dawood: Yes, hon. Speaker. We invited hon. Mpuri but he was not available for that meeting. We will invite him again and hopefully, he will be available to give us more information on that.

Thank you, hon. Speaker.

Hon. Speaker: When I look at the request for this Statement, it is so straightforward that it does not even require any serious investigation. You just place it before the people in charge of monopolies. You say that it is alleged that there is a monopoly which is not allowed, why is it so? It is not difficult to get that kind of information unless you really want to engage hon. Mpuri in some village or local politics from your county. Since you come from the same county, you still want him to come and brief you?

Yes, hon. Dawood.

Hon. Dawood: Thank you, hon. Speaker. I will communicate the same to my Chairman. Hopefully, we can give him an answer within the next two weeks and not three weeks.

Thank you, hon. Speaker.

Hon. Speaker: Very well. I think there is an improvement now. Make sure that you give hon. Mpuri the Statement. If you must invite some executives to your Committee, then make sure that you invite hon. Aburi and perhaps, share this information and knowledge.

Yes, hon. Andrew Mwadime!

DISMISSAL OF EMPLOYEES BY TAITA ESTATE LIMITED

Hon. Mwadime: Thank you, hon. Speaker. Pursuant to Standing Order No.44(2)(c), I wish to request a Statement from the Chairperson of the Departmental Committee on Labour and Social Welfare regarding the alleged dismissal of employees by Taita Estate Limited in Mwatate Constituency.

Hon. Speaker, Taita Estate Limited has continuously and allegedly displaced employees without following due process. Further, employees of the said company work under very poor conditions and are forced to work for more than 10 hours in a day thereby encouraging spread of chronic and infectious diseases such as TB and leading to death of its employees.

In the Statement, the Chairperson should inquire into and report on the following:-

(i) the action the Government is taking to ensure that such workers are not subjected to poor working conditions;

(ii) the action the Government is taking to ensure that such employees are paid their terminal dues; and

(iii) whether the employees who are injured in the course of duty are compensated under the Workmen's Compensation law.

Thank you, hon. Speaker.

Hon. Were: Hon. Speaker, I request to be given four weeks because, listening to the Member of Parliament, I think it will be prudent for us to visit the said estate to establish the issues that he has raised.

Hon. Mwadime: Hon. Speaker, considering the enormity of the complaints in my constituency office, I think three weeks could have been better because Mwatate Constituency is 350 kilometres from here.

Hon. Speaker: For the reasons given by the Chair of the Departmental Committee, let us allow him the four weeks, so that a sufficient number of Members of the Committee are able to travel to the said area. I encourage that you too be present at such visits. Since visits are not going to be arranged overnight, I think it is only fair that we give the Chairperson the period that he has requested.

Hon. Mwadime: Much obliged.

Hon. Speaker: Very well. Let us move on to the next Order.

MOTION

NOMINATION OF HON. OMAGWA/HON. TONG'I TO DEPARTMENTAL COMMITTEES

Hon. A.B. Duale: Hon. Speaker. I beg to move the following Motion:-

THAT, pursuant to the provisions of Standing Order 173, this House approves the nomination of:-

(i) The Hon. Joel Onyancha Omagwa, M.P., to the Departmental Committee on Defence and Foreign Relations, and the Public Accounts Committee; and,

(ii) The Hon. Richard Tong'i, M.P., to the Departmental Committee on Energy, Communications and Information.

These two Members of Parliament are the latest entrants to the House after by-elections in their respective constituencies. After consultation with the leadership and the whips of the two sides of the House, both the Majority and the Minority, we have agreed that our two colleagues take over these positions in the specified committees.

This is a very straight matter and I will ask the Leader of Minority, hon Nyenze, to second it.

Thank you.

Hon. Nyenze: Thank you, hon. Speaker. I rise to second the Majority Leader on the nomination of these two Members of Parliament.

Thank you.

(Question proposed)

Hon. Momanyi: Hon. Speaker, I rise to support the nomination of the said Members to the Committees. Having supported this Motion, I also want you to indulge me to raise an issue where students have lost lives at Kisii University.

(Hon. A.B. Duale interjected)

Hon. Speaker, save me from the Leader of Majority Party because he is really on me.

We have very many students who have lost lives and property in that university. I request that you direct the Chairperson of the Departmental Committee on Education, Research and Technology to undertake a comprehensive investigation into what is exactly happening at the university.

With those few remarks, I support the Motion and request that the hon. Members be allowed to participate in these Committees immediately.

Hon. Speaker: Hon. Members, it is not possible that you can direct me because I am best placed to know what business is before the House.

Hon. Pukose, I can see you had placed a request. Perhaps, we can have hon. Richard Onyonka. Are you also speaking to this?

Hon. Onyonka: Thank you, hon. Speaker. First of all, I would like to support what hon. Ben Momanyi has raised for the simple reason that hon. Tong'i, who is our last born brother and comes from the Kisii community, is a dignified and very bright young man. Even when I was on the ODM side, he gave us a good fight and I am proud of him. I welcome him to the House. I hope that he will do good work at the committee level. I also hope that the people of Nyaribari Chache will be proud of him.

Secondly, hon. Joel Onyancha is senior in this House; he is a dignified Member of this House. He is somebody who has been here for the last 15 years and I believe that he will thoroughly and diligently provide the necessary expertise that he has; he has served as an Assistant Minister in several Ministries of the Government. I believe that the people of Bomachoge will be proud and happy with his contribution in this House.

Finally, I think what hon. Ben. Momanyi was trying to say is that Kisii University is located in hon. Tong'i's constituency, which is Nyaribari Chache. Even when it may look unprocedural and, in fact, we may not have time to deliberate on this matter, it has come to our knowledge that, at least, one student has died, over eight women students were raped as of yesterday--- The violence which has been meted out on the students has been extremely heavy. We would like the Government of Jubilee to move in fast and make sure that violence is quelled. If it is necessary for the university to be closed, we want it to be closed until thorough investigations are done, so that we can get a solution to its problem.

Otherwise, I support this Motion and hope that the Members who have been appointed to these committees will do an excellent job.

Thank you.

Hon. Speaker: Hon. Members, I know what business is on the Order Paper. That is what we are trying to make sure that we sort out. So, as many hon. Members as possible may wish to contribute to this; hon. Millie, you want to contribute to this?

Hon. (Ms.) Odhiambo-Mabona: Hon. Speaker, thank you for giving me this opportunity. I want to support the Motion and congratulate the two Members on their

election even though they were not from my party. I want to thank them for putting up a spirited fight. I am sure next time they will be persuaded to come on our side.

Having said that, I want to thank the leadership of the House for moving with speed to ensure that Members are able to do their work effectively in the respective committees. I would urge the House to, with the same speed, move to resolve the issue of the Pan-African Parliament, which is sitting right now and all the Members of the PAP, me included, are in the House when all the other countries are already sitting in South Africa.

I would also want to join hands with the other Members of Parliament who have congratulated the Member who is elected in the constituency where Kisii University sits. I know he has his work cut out for him; that is why it is good that he is in the committee.

Indeed, raping of eight women is a crying shame and I would want to encourage the Government to move in with speed and deal with the officers who shot the students and raped the female students. That was not something that warranted using live bullets. I want to encourage the Inspector-General of Police to tell his boys that when they are dealing with students, and women in particular, they must be empathetic. They must also know that it is unconstitutional to use excessive force.

I support.

Hon. Speaker: Well, hon. Members, do not get unnecessarily excited by what hon. Millie has said about the PAP. Hon. Millie, you should be airborne headed to South Africa. You are our able representative there. The matter has been resolved.

(Applause)

Hon. Angwenyi: Thank you, hon. Speaker for giving me a chance to contribute to this Motion. I rise to support the appointment of the two Members of Parliament from the Gusii region to the committees. I am really happy and excited that the opponents who were running against each other two months ago in Kisii like my nephew, hon. Onyonka, my other nephew, hon. Momanyi, and my indomitable sister, hon. Millie, have supported this. These are the people you were saying that they should not be in this House. You are going to see the fruits of the effort that they made for this nation.

With regard to hon. Onyancha, I would like to request the people of Bomachoge/Borabu not to torment him again with petitions. Hon. Onyancha has gone through six elections in three elections. He would, probably, be among the oldest Members of this Parliament if it were not for those frivolous petitions. I am asking the ODM and the CORD fraternity not to file superfluous petitions, otherwise, we will teach them a lesson.

The incident at the Kisii University is despicable. How can *askaris*, the ones we gave some power to use their arms about two weeks ago, use those same arms against our innocent students, who were just holding innocent demonstrations? Why did they have to shoot? Why could they not arrest them? What punishment are we going to sanction against them? I would ask the Chairpersons of the Committee on Administration and National Security and the Committee on Education, Research and Technology to constitute an investigation team quite fast, so that by next week we know what happened

and what sanctions have been applied against those policemen who portrayed hooliganism and killed and maimed our students.

I beg to support.

Hon. Speaker: Do I see hon. Elijah Moindi?

Hon. Moindi: Thank you, hon. Speaker for the opportunity. I rise to support the Motion. I have been acting for Nyaribari Chache where hon. Tong'i comes from. I have been representing Nyaribari Chache before the new Member was elected, because Nyaribari Masaba was curved out of Nyaribari Chache. So, I am one of those delighted that hon. Tong'i has come in and has been appointed to relieve me of the double work that I have been doing.

Hon. Onyancha, seated next to me, is my old friend. We have been church members together, and I am delighted that he is back. He is a fighter. Very few come back, but he goes and comes back. So, I congratulate him for the brave task that he has done. I wish my two colleagues the best in this House.

Hon. Speaker: Hon. Wanjiku Muhia, I recall that you had tried to approach the Chair with regard to the incident that most of you are now addressing with the permission of the Chair. Members, I am aware about the rule on relevance, but since the matter is also weighty, it is for that reason that the Chair has decided to allow the Members to ventilate it. I can see the Member for South Mugirango, who likes reminding the Members that he is doing his second term, is nodding in appreciation.

Hon. (Ms.) Muhia: Thank you, hon. Speaker for giving me this opportunity to congratulate my colleagues and mostly hon. Onyancha, for coming back to this House through the Jubilee Coalition. It is the right time, specifically for hon. Tong'i to be in this committee because the incident at the Kisii University--- I am a parent or a guardian in that University and I have been following what seems to have been hidden by the media fraternity time and again. In fact, yesterday, it was by mere luck that this incident was aired. So, as he is a Member of the Committee on Energy, Communication and information, he will be able to follow the issue to the end.

I also wish to condemn yesterday's act, particularly raping of students, in the strongest terms possible. It is a shame that universities cannot resolve their differences. This is a country of demonstrations; if students demonstrate peacefully because of a mere Kshs10,000 that was asked from them as attachment fees, I do not see why the university management should go ahead and hire police officers, who then use excessive force. Even if there are 10,000 students and each of them held a stone, that does not warrant the force that we saw the police officers using.

It is also amazing that the management could hire a group called *Sungu Sungu* - I do not know what that means in Kisii - to assist it to restore peace. It is a shame and if time allows tomorrow, I will be glad to seek a Statement from the Committee on Education, Research and Technology. We realize that university students today are the most frustrated in Kenya. Time and again, primary and secondary school parents complain and issues are resolved, but our students in universities are left to demonstrate; the police go and use force on them and, finally, they become very frustrated.

Hon. Speaker, I beg to support.

Hon. Speaker: Hon. Members and Members of various Departmental Committees, let me take this chance to just remind you that sometimes you do not need to

wait to seek Statements. As Committees, if you are dealing with matters of education, you really do not have to wait until a matter becomes an exhibition. You should be seized of the matter and summon the people concerned, so that they explain to you why certain things are happening.

All of you tend to think that you must handle matters through exhibitions first and then be seized of a matter; it is not necessary; you can just go straight into a matter. It is within your mandate, according to Standing Order No.216; it is the mandate, for instance, of the Departmental Committee on Education, Research and Technology---

Hon. Njagagua, I can see you also want to say something about your committee; you should have been seized of the matter.

Hon. Njagagua: Thank you, hon. Speaker for giving me this chance to contribute to this Motion. I congratulate hon. Joel Onyancha for being selected to serve on the Departmental Committee on Defence and Foreign Relations, and also on Public Accounts Committee; so is his colleague, hon. Tongi, who is to serve on the Committee on Energy, Communications and Information.

In as much as Members of Parliament are selected to join various committees, I believe we are not taking our work seriously. That is why I support the move you are making, as the Speaker of this august House, to have Cabinet Secretaries appear in this Parliament, so that we can direct questions to them and they answer them. Departmental Committees Chairmen and Chairwomen are, really letting down this 11th Parliament. Many of them are not taking their work seriously. In fact, I do not know what to call it, but you take notice. I do not want to call it “judicial notice”, but take note that the Front Benches, where these Chairmen should be seated, are always empty.

When questions are directed to those Chairpersons, they are nowhere to be seen. When shall they ever be seen to be working? With a lot of respect, I do not want them to take us back. There was a question that was raised by my very good friend, hon. (Dr.) Ottichilo, on the matter of San Marco Space Station in Malindi. That question was again raised by that hon. Member sometime in the last Session. Indeed, in your wisdom, which we respect, you ruled that the Committee on Energy, Communications and Information and the Committee on Education, Research and Technology, should find time, sit down, discuss this matter and report back to this House whether to adopt the report that was tabled in the 10th Parliament or to discuss the matter afresh.

With a lot of respect to those two committees - I belong to the Committee on Education, Research and Technology - we have not met. Time and again, we have pushed the Chairs in those two committees to give direction and offer leadership, so that we can meet. I am aware that hon. (Dr.) Ottichilo has taken time and trouble to get permission from our committee. We selected a certain group of people to go to Malindi, for purposes of revisiting the site and seeing what is on the ground, but the leadership of the Committee on Education, Research and Technology has done nothing about it.

That is why I believe, again, that matter has been too itchy on hon. Ottichilo; he has had to come back to you and ask the question again. I am happy, because you have seen that this is a report that cannot go to waste. This is a report on which a lot of public money was expended. You have, again wisely, ruled that the report be tabled without us having to go there. This is because we are wasting time. We are not doing our work in that committee as we should.

I want to report that unless something is done, this might go down in history as one of the Parliaments that were ineffective in pushing forward Kenyans' matters. Unless, something is done--- I can see my good friend, the Leader of Majority Party, laughing. I want to put it on record that if we do not push the Chairs of these committees, and if the Members of these committees are not serious in their work, this Parliament will go down in history as having had the most ineffective committees in the history of Kenya.

I again want to associate myself with the sentiments which have been expressed by Members---

Hon. Speaker: Yes, point of order, hon. Kamama.

Hon. Abongotum: On a point of order, hon. Speaker. With all due respect to my good friend, who has just spoken--- The Member is raising very serious issues on the performance of the Chairs of committees. I want to confirm that most, or quite a substantial number of Chairs in this Parliament are extremely efficient and effective.

Hon. Members: No! No!

Hon. Abongotum: On a point of order, hon. Speaker. I know that when these seats are empty, Members would really want to come forward so that they can be seen by their constituents. I want to actually inform the Members that most Chairs are busy. If they are not here, they are leading delegations to represent this Parliament. So the Member is really out of order by actually insinuating and casting aspersions that Chairs are not efficient, or are not doing their work, while we are actually discharging our mandate to the best of our abilities, and that can be seen by all Kenyans. Is he in order, hon. Speaker?

(Laughter)

Hon. Njagagua: As I was saying, the Leader of Majority Party will bear me witness that there are Bills which have come here for the Committee on Education, Research and Technology to handle, but they have been pushed to the next day because nothing is happening. He is a witness.

(Laughter)

Hon. Speaker: Hon. Melly, the Vice-Chair of that Committee, let us not delve into the performance of the Chairs, because you elected them. Look at the next Order, No.9 if, indeed, what is being said is not anything to go by, we would happily be seeing the Chair of the Public Accounts Committee here, since he should be heard moving that Motion.

Yes, hon. Melly.

Hon. Melly: Thank you, hon. Speaker. With due respect to hon. Njagagua, I want to point out that, on the issue of San Marco Space Station, our Committee appointed a sub-committee which was to be headed by hon. (Dr.) Ottichilo and all Members were present. We have also written to the Ministry of Defence and it should be noted that no committee can visit San Marco Space Station without their permission.

(Applause)

Hon. Njagagua was among the Members who were there; we discussed the matter together and took a letter to the Ministry of Defence and we are waiting for a feedback. So, the ball is not in our court, as the leadership of the Committee, because a letter was written and we are only awaiting a reply. Hon. (Dr.) Ottichilo himself is the Chair of that sub-committee; we are waiting, as the leadership, for a follow up.

It is not in order for a Member of the Committee, whom we are discussing issues with---

Secondly, it is also not in order for an hon. Member of the Committee, whom we are discussing issues together, to raise them on the Floor of this House and yet, a few hours ago, when we were in a Committee meeting, he attended and left before the meeting ended. Is he in order?

Hon. Speaker: Well. Of course, if hon. Njagagua did not attend the Committee Meeting, then he will be out of order to criticize the Vice-Chair and the Chair.

Hon. Melly: Hon. Speaker, I want to state clearly that a few hours ago, I was chairing the Committee because our Chairlady is out of the country and we had our issues raised. Hon. Njagagua came in for a few minutes and then left. Therefore, he could have raised those issues at the Committee instead of bringing them here in the House. I think it is a shame for him to do so.

Hon. Njagagua: Hon. Speaker, the House and the world have got information that I sat in that Committee for a few hours. That is good enough because I gave my best.

Hon. Speaker, I again wish to associate myself with the sentiments raised by my colleagues from Kisii about the killing and maiming of some students. It is not the business of the police to use excessive force in quelling either riots or demonstrations.

As per the new constitutional dispensation, it is a right for any person to demonstrate. So, in as much we are saying that we are funding the police, they should exercise caution and not use excessive force when they quell riots.

With regard to matters of the Departmental Committee on Education, Research and Technology, we have agreed to do a house-keeping exercise and its leadership is aware of that.

With those remarks, I support the Motion.

Hon. Speaker: It is good to inform hon. Members that even if one is the Chair of a Committee and he/she intends to travel out of the country, my Office must know. If I do not know, then it means that, that hon. Member is absent and is not desiring to be present. Therefore, Article 103 will begin to come into play and the attendant consequences are likely to follow. It is only fair that for the time being, until you amend that Article, let us try to live within it. It may be inconveniencing, but it is the supreme law of the land. We do not want any hon. Member to lose his/her position merely because of not being diligent.

Hon. Midiwo: Thank you hon. Speaker, for giving me this opportunity to contribute and support the appointment of the two newly elected colleagues to the Committees of the House. I want to note, arising from what hon. Jimmy Angwenyi has said, that he was a bit harsh on CORD because of the liberty and the courts made a good decision. That is a human right and, therefore, hon. Angwenyi, please--- He should have

been thanking CORD if he sees that my friend, hon. Tong'i, has been given a prime position where our former CORD Member was sitting and we are not complaining. Therefore, you should be thanking us because we would have been a bit harsher, but we have resolved to move forward because we are peaceful in CORD. You have just seen the altercations in Jubilee a few minutes ago arising from the utterances of the last speaker. You have seen that there is no peace in your house, therefore, give us a break.

Having said that, I want to add my voice to the sad events that took place in Kisii yesterday – two wrongs do not make a right. It is now a right for every citizen to protest. That is one right. But it is also wrong to destroy property. We cannot justify lawlessness with lawlessness. The excessive powers the police use is another subject. It is criminal for the police to act excessively when students riot. We must, as House, put it clearly that all Kenyans, even if they are two years old, must abide by the law. You cannot wake up and begin destroying property; even if you are a student. Nobody gives that power to any Kenyan.

We have seen openly in the past when there are riots, students have been killed! The mayhem that is meted out on innocent Kenyans on Uhuru Highway is not acceptable. We must not encourage blaming the police. It is true that the act by the police was a criminal act, but it was done by a few policemen. But we must tell our students that we have passed a new Constitution that does not exclude anybody, even if it is hon. Members, to follow the law. If you are going to break the law, you must face the consequences.

A few weeks ago, we were discussing and we pleaded with our friends from the other side that this thing of giving police excessive powers is what we tried to cure with the establishment of the National Police Service Commission (NPSC), so that there could be a proper manual. We wanted the police to be re-trained, but a few conservatives have insisted that the Police Force must remain the way it is.

Hon. Speaker, for two days now, at the border of Kericho and Kisumu - you have seen what has been happening because the police have no proper chain of command. We passed the County Governments law and we said that all the OCPDs should be under the governor; so that the governor can respond to such emergencies like the one happening between Luos and the Kipsigis.

There is a problem. We have the District Commissioners (DCs) who are powerless. I have received phone calls from not less than five DCs. They are saying that they are just sitting in their offices without facilitation. The whole idea of having the Provincial Administration was to beef up security. The DCs are saying that the police are now taking command as per the Constitution, from the Inspector-General. The DCs do not control any security now and therefore, we have a big problem in our country.

Hon. Speaker, even as we are speaking about the burgeoning of the wage bill, the DCs and the County Commissioners have no work. These are people whose job was primarily to offer security to Kenyans. It is not happening because we have to sort out something else. I want to thank the Chair for saying that he will lead us in sorting out the mix-up and mess in the Constitution. We were publicly promised by His Excellency President Kibaki and the former Right hon. Prime Minister Raila Odinga that there is 20 per cent which will be sorted out after we pass the document. We passed the document and now we are in a total mess as a country.

Hon. Speaker, we must figure out the way forward. I have prepared a Motion which I am going to bring to this House; we should have a bi-partisan team of hon. Members to begin looking into the excesses of the Constitution. The 20 per cent which is wrong should be looked at so that, as a country, we can deal with what we can afford and what is within our reach as Kenyans.

(Applause)

Hon. Speaker, hon. Waititu told me today that just a couple of days ago in his constituency, there was a robbery at Kenyatta University. The DCIO showed up and called the Administration Police (AP) officers. However, because he has no powers over the Administration Police (AP) officers, they told him: "You have no powers over us." In other words, all the powers are now with the Inspector-General (IG) and his deputies.

Hon. Speaker, a senior police officer told me last month that Parliament must sort out one mess which was in the Bill which we have just passed about the powers of the IG. He told me that, that is not where the problem is. He said that the AP officers have refused to amalgamate with the regular police. They have refused to report to the IG. They are saying their boss is the Deputy IG. So, the AP officers are sitting in camps doing nothing and they are saying they are waiting for somebody to command them. Their boss has another boss. The Deputy IG has to wait for the IG for command. So, we have a problem as a country. There is a problem of security. That is why a university can go out to look for hooligans to keep peace. It is a shame. We need to look at this and I want to plead with all of us that we can, as a country and as a Parliament, sit down and chart the way forward because I think the time is now.

Hon. Speaker, I want to say that the police cannot use excessive force on students. But I want to say, lastly also, that the students have no right to destroy anybody's property. Everybody must live within the law.

I support.

Hon. Speaker: I think there is nobody to be informed. Hon. Members, I think it is also good to appreciate the point made by hon. Midiwo that, indeed, the Motion we are debating on the inclusion of these Members is one clear example of a bipartisan approach to issues. That is because one of the slots has been donated by CORD to the new Member who I think is hon. Richard Tong'i.

(Applause)

Hon. Midiwo made it appear as if he was informing hon. Jimmy Angwenyi who seemed not to appreciate that Kenyans have a right to go to court as much as they have a right to demonstrate. If you acknowledge that they have a right to demonstrate, then you must also equally acknowledge and accept that they have a right to go to court whenever they feel aggrieved. So, really it is not a matter that we can hope to legislate against because it is one of those very fundamental rights in our Constitution.

The hon. Charles Mong'are, you have pressed it wrongly.

Hon. Geni: Okay. Thank you, hon. Speaker. My two buttons were on – the intervention one and the one for main microphone. That is because I really wanted to say something. It has been long since I stood in this House to, at least, address it.

Hon. Speaker, I wanted to correct my colleague, hon. (Ms.) Ng'ang'a who talked about *Sungu Sungu*. I want to tell her that, that group has not been investigated fully to confirm that it is helping the police to do their work. As I do that, it is again a tactic which I used to get this chance to, at least, support the Leader of Majority Party for having considered my two colleagues – Joel Onyancha and Richard Tong'i – to be given a chance to serve in the two Committees. For that, we say thank you Leader of Majority Party.

Hon. Speaker, Sir, it is only fair that if time allows, you give, at least, each Member of Parliament from the Gusii region time to condemn that shameful act. It is only fair that they comment on issues which happen in their constituencies.

Hon. Speaker, I am only requesting that you do not ask me to sit down unless you want to consider me for another chance on this so that I, at least, comment on it.

(Laughter)

Hon. Speaker, losing lives of students in this country is not very fair. It is something that the police and the administration can be able to handle without injuring students.

Hon. Speaker: There is a point of order there from hon. Angwenyi.

Hon. Angwenyi: On a point of order, hon. Speaker. Please protect that hon. Member. This is his maiden speech. So, please, do not interrupt him.

(Laughter)

Hon. Geni: Hon. Speaker, this is not my maiden speech. I have stood here twice and it is in the HANSARD.

Hon. Speaker: Therefore, hon. Jimmy Angwenyi is totally out of order to claim that you are on your maiden speech.

Hon. Geni: Well, he wants to intimidate and “monolise” me but let me assure him that I am a very able Member and that is why I was elected to come to this House.

Hon. Speaker, it is not only in Gusii where we are losing property and where people are being raped in any manner.

Hon. Speaker: Another point of order there from hon. Muchai.

Hon. Muchai: Hon. Speaker, I would like to know whether the Member is in order in asking you to give time to Members from a particular place to speak on an issue which is of national concern to all of us, to the exclusion of other Members.

Hon. Speaker: Obviously, you do not have to respond because the point of order was not for you but for me to advise whether the issues we are discussing touch on a national university to which students from all over the Republic may be admitted and I believe are admitted. Therefore, anybody from this House and from any corner of the Republic would be at liberty to express themselves on the issues that you are addressing. However, proceed hon. Mong'are.

Hon. Geni: Thank you, hon. Speaker. I stand guided. I wanted to bring in another point because we are now talking of administrative issues where people are being shot and property being lost.

Hon. A.B. Duale: On a point of order, hon. Speaker.

Hon. Speaker: Yes, leader of the Majority Party.

Hon. A.B. Duale: Hon. Speaker, I do not want to cut short my good colleague but if you look at the Order Paper, the next Bill we are going to discuss is a Bill that touches on the Ministry of Education. So, a lot of these issues about what has happened in Kisii could easily have been discussed in that Bill. This was just more of a Procedural Motion from the Committee on Selection and then we go to the more substantive Bill that basically touches on universities, colleges and the Ministry of Education, Science and Technology in totality.

Hon. Members: Which one?

Hon. Speaker: Hold on. The Leader of Majority Party was being gratuitous but just finish, hon. Mong'are since I will bring the attention of the House to this.

Hon. Geni: Thank you, hon. Speaker. Having talked about the Kisii incident, I will also urge the House, because I have heard from my colleague that national issues are supposed to be, at least, considered by all Members from all corners, that the incidents that are happening on the Nyakach/Kericho border need to be condemned in the strongest terms possible by this House.

Thank you.

Hon. Speaker: It is not just "thank you". Do you support the appointment of these Members or not? Do not just say "thank you".

Hon. Geni: Hon. Speaker, I forgot. I support the appointment of my two colleagues to serve in the two Committees. I want to condemn those acts.

Thank you, hon. Speaker.

(Question put and agreed to)

Hon. Speaker: Hon. Members, on request, as you will appreciate on 6th Thursday last week, the Chairperson of the Public Accounts Committee (PAC), hon. Namwamba, had just began moving the PAC Report for the Financial Years 2008/2009 and 2009/2010, but he did not complete moving. He is on his way here to the House. For the convenience of the House, we will not drop the business appearing on Order No.9 but we will skip it. We will drop the business appearing as Order No.10 because the Budget and Appropriations Committee is not ready with their report - and I can see hon. Ng'ongo is acknowledging that. They will be ready to debate and move their report on Thursday next week. We will also drop the business appearing as Order No.11, which is the Constitution of Kenya (Amendment) Bill and move to the business appearing as Order No.12. If we finish that business, you will revert to business appearing as Order No.9 in that order.

(Hon. N'gongo stood up in his place)

Hon. Ng'ongo, do you think there is something out of order?

Hon. Ngo'ngo: Hon. Speaker, I appreciate your ruling but this is an issue that is bringing into focus some fundamental issues. The Mover has a maximum of 60 minutes but he can even move for two minutes. In the event that the Motion had been moved for 15 minutes, I was just thinking that you could either do one of the two: One is to treat the Motion as having been moved because many of us are ready to proceed and two, if that is not agreeable, then given that I stepped down for hon. Namwamba to be the Chair of PAC--- I was very ready to Chair this Committee and given that this is a report of this Committee and I am ready, can I be given the 45 minutes to complete and move the Motion just to show the kind of leadership that I would have offered in the event I did not step down for him?

(Laughter)

Hon. Speaker: Hon. Ng'ongo, you have just informed most hon. Members who were not aware that hon. Namwamba had only spoken for 15 minutes, but he has indicated that he still would want to proceed to move his Report. I think for the very obvious reasons that these two reports relate to quite some period in the past, in order not to break the flow of presentation, it will not be right to assume that it has been moved and yet, the Mover has not even indicated who is to second him. So, it will look extremely untidy and un-procedural. Because we have already ruled that we are not dropping that business, we are merely skipping it to go to the business appearing as Order No.12 so that when we finish, hopefully, hon. Namwamba will have arrived. Let us move in that direction.

BILL

Second Reading

THE KENYA QUALIFICATIONS FRAMEWORK BILL

Hon. A.B. Duale: Hon. Speaker, Sir, I beg to move that the Kenya Qualifications Framework Bill (National Assembly Bill No.29 of 2013) be read a Second Time.

Before I go into this, I thought hon. Namwamba wanted to be the Secretary-General but he got half a loaf in a negotiated democracy. Public accounts records of this country are poorly kept. It is very sad to say that we are dealing with PAC Reports of 2008/2009. It is very sad! PAC has failed because it is on the basis of these audited accounts that the Division of Revenue Bill is arrived at. So, I am sure hon. Namwamba has---

Hon. Nyamweya: On a point of order, hon. Speaker. Is the Leader of Majority Party in order to say that PAC has failed when the Report was tabled in this House last year? You were still in the House Business Committee. You are the people who make decision on which Bills are given priority. It is not us in PAC. In PAC, we have been pushing to get time. So, if there is somebody who is not helping this country to move forward, to discuss this Report to be used as a basis for revenue allocation, it is you the Leader of Majority Party and your Jubilee side.

Hon. A.B. Duale: Hon. Speaker, I want to go---

Hon. Speaker: Hon. Members, Leader of Majority Party and hon. Nyamweya, the record will look--- Remember Parliament is a House of records. The records will look very untidy if the Leader of Majority Party, who is supposed to be moving this Bill, is found to have been in the process of moving the Bill, only to begin discussing the PAC Report.

Hon. Members: Yes!

Hon. Speaker: It will not be in order for our records.

Hon. Members: Thank you!

Hon. A.B. Duale: Hon. Speaker, I beg to move that the Kenya Qualifications Framework Bill of 2013 be now read a Second Time.

So, many Members of Parliament have asked me over a period of time: What is this Kenya Qualifications Framework Bill? The answer I have had for them is that this Bill was published six months ago and they should go to Room 7 and read it. This Bill is not about the flag. It is not about qualifications of a governor, a senator, a Member of Parliament, a women representative or MCA. This is a Bill that is being introduced in Parliament for enactment as an Act. Its main function is to regulate qualifications and awards in Kenya. This is a very fundamental piece of legislation and if we enact it, it will go to the Senate because it touches on the counties. The days when you could open a college that looks like a kiosk and you offer certain certificates or degree courses that will allow one to become a governor are gone. This Bill wants to deal with the various diplomas, certificates and any other kind of qualifications and awards obtained in education from all our training institutions, both in the country and outside.

There are persons who acquire certifiable competencies on the job and there are those who need assessment. All these skills acquired must be regulated. A standard must be given so that if you have a certificate in business administration, across the country, then that is a certificate in business administration. The purpose of this Kenya Qualifications Framework Act is to guarantee the integrity of standards and qualifications obtained through various institutions in our country. So, integrity is very key!

They can go to any interview and the person interviewing will uphold the integrity of that certificate - whether it is a degree, a certificate or a diploma. This Bill, if enacted, will give the way for the transfer of credits from one college to another. As of today, that does not exist. Very vital is the harmonization and the equation of qualifications obtained from different institutions both here and in foreign systems. Kenyan parents send their children to institutions and they pay heavily in terms of fees. But how do we know the credibility and the integrity of the institutions that they go to? So, even foreign institutions qualifications will fall under this.

The Bill has four Parts, 29 Sections and one Schedule. Part I of the Bill gives the title, the interpretation of the terms and the objects of the Kenya qualification framework and a word on qualifications in Sections 1, 2, 3 and 4, respectively. Part II establishes the Kenya Qualification Authority, a body that will deal with harmonization, standardization and upholding the integrity of the certificates that we get as a country. This authority, according to this Bill, will have its headquarters in Nairobi. Part II also gives the functions and the powers of the authority in Sections 5, 6, 7 and 8. Section 9 of the Bill establishes a governing council of the Authority, which will have a director-general, as its

chief executive officer and an assistant. The significant documents of the council are found in Sections 10 to 17 of the Bill. Part III, Sections 18, 19 and 20 make standard financial provisions for this Bill and, more so, on the funds of the Authority, the financial year, accounts and audit respectively. Part IV of this Bill, that is Sections 21 to 29, make a provision for the miscellaneous section on any protection from liability. Still in this Part 4, we have the annual reports, access to information, conflict of interest within the council, the protection of the name of the council and the authority, the regulations and the powers to dissolve the council.

The purpose and objects of this Bill is to establish an Authority and to create a standard in terms of recognizing qualifications of different grades obtained within our country and outside. It aims to develop a system of competence, a lifelong learning process and the attainment of a national qualification. More fundamentally, it will align Kenya with the global standards in terms of educational qualification and standards. Section 4 of the Bill gives the powers of the National Qualification Authority. Section 6 just talks about the functions of the National Qualification Authority. Its work is, among others, to develop a system of assessment of national qualification. It will also do a national data-base of national qualifications. It will be a one-stop-shop where, if you want to find out the integrity of the Medical degree that Prof. Nyikal, my good friend, obtained many years ago when I was, maybe, in primary school, you just need to click a button and get that data-base. So, the council will create a national data-base for national qualifications. So, it will be a referral data-base. This council will publish the manuals, the codes and guidelines that it will use in order to create a national qualification system. This council, under this provision, is also allowed to perform such other functions as may be provided. The chairperson of the council will be appointed by the Cabinet Secretary. It has created a system where six persons to be appointed will come from the following institutions which are key to education:-

- (i) One person representing the Commission for University Education;
- (ii) One person representing the Technical and Vocational Education and Training Authority;
- (iii) One person representing the Education Standards and Quality Assurance Council;
- (iv) The Chairperson of the Association of Professional Standards of East Africa.
- (v) One person nominated by the Federation of Kenya Employers; and
- (vi) One person nominated by the Central Organisations of Trade Unions.

So, that is not just an Authority for busy bodies; this is an Authority that will bring on board men and women whose background and professional competence has something to do with standardization of a qualification system in Kenya.

The functions of the director-general are well stipulated and I do not need to go into them. The financial provisions of this Bill shall consist of money appropriated by Parliament for the purpose of that Authority. So, it will be funded through taxpayers' money.

Then there is Part V and, as I said earlier, the Schedule talks about the conduct of the business of the Council. This Bill concerns county governments and this sets the stage that this Bill will be referred to our sister House – the Senate - for consideration.

The enactment of this Bill shall occasion additional expenditure of public funds which shall be provided through the Estimates.

Through your indulgence, the Public Accounts Committee Report for Financial Years 2008/2009 was tabled in this House barely two weeks ago. Hon. Nyamweya is not here. He must have time to read the HANSARD.

I beg to move and ask the Chairperson of the Departmental Committee on Justice and Legal Affairs, hon. Chepkong'a, to second.

Hon. Speaker: Hon. Chepkong'a.

Hon. Chepkong'a: Thank you hon. Speaker, I rise to second this Bill - the Kenya Qualifications Framework Bill, 2013. This has come at the right time. It is, in fact, very appropriate. It comes soon after the passage of the new Constitution. So, it is well aligned with the new Constitution. The body that is intended to be created pursuant to this Bill - once it is passed - will act as a regulatory body in the style of my own former regulatory body which I headed - the Communications Commission of Kenya. But this one will be working towards setting the standards for qualifications in this country.

As you are aware, a number of institutions and bodies have made attempts to set qualification standards in this country. For instance, the institute of Certified Chartered Accountants and that of the secretaries too, together with the Law Society of Kenya, operate a qualification system called 'Continuous Legal Education' where it accredits members of the legal profession on an annual basis, so that you can be licensed for the subsequent year. That body will regulate all the institutions and bodies which set qualification standards in this country.

This particular Bill and the institution that will be created here will ensure that merit is not only rewarded, but acknowledged and recognized in this country. It should be in a way that meets the standards of education nationally and globally. This will also be providing criteria in setting out qualifications by all the bodies or institutions that have sought to create and come up with qualifications criteria in their own professions.

Hon. Speaker, as you know, education is very important. A number of training institutions are providing qualification standards. So, those institutions will go a long way in creating those qualification criteria in which every institution will be represented.

We are aware that a number of institutions, including the Judiciary, have training institutions in which they have criteria to accredit their members. So, it is important that all those bodies be regulated. However, on a more important point with regard to the Judiciary, the other day, the Chief Justice said that--- We do not have political cases within our legal system. We have only three cases in this country. We have constitutional, criminal and civil cases. So, when you hear the Chief Justice talk about speeding up political cases, one wonders whether this one falls within what we have learnt as jurisprudence in this country. I hope that this body will deal with such situations. This is because continuous education is key and important in every profession. Someone has said that if you do not read, you cannot lead or you do not lead.

Hon. Speaker, I would like to quote what Nelson Mandela said about education. When he came out of prison, he said that education is the most powerful weapon you can use to change your world. With this particular institution, the standards of qualification in this country will be changed. We will ensure that we have uniform and ascertainable qualification standards that will cut across all the professions.

Therefore, I rise to second this very important Bill as it will go a long way in ensuring that this country sits well within the world.

I thank you.

(Question proposed)

Hon. Kaluma: Thank you, hon. Speaker for giving me the opportunity to contribute to this Bill. I rise to oppose it with greatest respect to the Chair of the Committee in which I serve and, indeed, the Leader of Majority Party.

I have looked through this Bill and I do not see what it seeks to do. The only thing that you see in this Bill is the creation of this Authority and jobs for several people to serve in the Authority that is proposed to be created with, of course, the consequences which the State is dealing with already.

Hon. Speaker, we are in a crisis as a nation and I think we should agree as the Legislature to help the Executive to have a lean Government that can effectively deal with issues of governance and administration of various professions and sections.

There is even a proposal by the Head of State, and he is leading by example and we need to support him. The Head of State and the Deputy President have had their salaries reduced and so is the case with the Cabinet Secretaries. Why do we need to create an Authority whose true meaning to the nation in terms of any public good is not clearly defined? In fact, I have been struggling to read this Bill since I laid my hands on it. I do not know whether it even qualifies for the title; you know a Bill worth our consideration but we have to consider it.

Hon. Speaker, the other thing is that we have the Commission for Higher Education. I do not know whether the persons who drafted this Bill considered the existence of that body. It deals with issues of qualification and standards for all tertiary, graduate and post-graduate institutions in the country. The Bill is not telling us whether those other institutions will die or what the Qualifications Authority will do which that commission does not do.

If we go to the legal profession, for instance, we will find that we have the Council for Legal Education dealing with standards in the legal profession. We also have an Act of Parliament that establishes that Council. The Act sets its functions and mandates.

This is a Bill that says that it is dealing with qualifications across all professional sectors now, without reconciling the issues of those qualifications with the various professional standard setting bodies that are also properly legislated and established under Acts of Parliament.

Hon. Speaker, we have universities in this country. All these universities are established under Acts of Parliament. There is the Kenyatta University Act. We also have the University of Nairobi piece of legislation. Even private universities were established under Acts of Parliament. An example is Baraton University. All universities in the country were established under what is generally referred to as general university statute or the statutes specific to those universities. When you come with a document or a proposal such as this, how will you enter the realm of those universities or training institutions to begin contemplating standards?

This is a Bill that I think is not yet concretized in terms of philosophy and thought. This is a Bill that I think will overburden the national economy with a body that may be meaningless. We have a problem in this country. Even at the level of commissions, this Parliament has been crying. How can we bring the commissions together so that we have well-structured governance structures and systems or bodies that any individual, whether in Kenya or outside, can refer to for various issues? How does it benefit the Government of this country particularly if it is the Legislature that is coming up with Bills and authorities of this type?

Look at this Bill clause by clause - I have a lot of respect for my Chair. However, even the Leader of Majority Party is "cutting" from it. We are not being told what this Authority will do which is not capable of being done by other existing authorities.

We are becoming a country of laws---

Hon. Chepkong'a: On a point of order, hon. Speaker.

Hon. Speaker: But let it be a point of order and not a point of argument because hon. Kaluma has valid reasons to express himself.

Hon. Chepkong'a: That is true, hon. Speaker. Of course, hon. Kaluma knows that this Bill does not originate from our Committee in which he is a very able Member. This Bill was sponsored by the Leader of Majority Party. It was submitted by the Cabinet Secretary for Education, Science and Technology. So, that is where it should be situated.

Hon. Speaker: But that is clearly stated in the Memorandum---

Hon. Chepkong'a: Hon. Speaker, this particular Bill ought to have been automatically committed to the Departmental Committee on Education, Science and Technology. One of the things we have not yet seen is the Report of that Committee - and which my learned friend ought to be asking, but not from the Departmental Committee on Justice and Legal Affairs. Of course, he knows that we normally file all our reports and table them in this House.

Thank you.

Hon. Speaker: In that respect, you are right. If you look at the Memorandum of Objects and Reasons, it is clear that the Bill is submitted to the Leader of Majority Party by the Cabinet Secretary responsible for Education, Science and Technology. So, we expect that in keeping with our standards and practice, there should be a report to which hon. Kaluma would be referring from the Departmental Committee on Education, Science and Technology. I saw the hon. Vice-Chair of the Committee, hon. Melly, earlier on putting some spirited effort to suggest that they are working very seriously on many things. I hope that he is within the Chamber now, to also rise and say what reports, if any, that the Committee has prepared to help the plenary. Hon. Kaluma has a right, therefore, to criticize the Bill. Of course, he is raising very valid points. There are those other institutions; all of them charged with setting standards.

Proceed, hon. Kaluma.

Hon. Kaluma: Thank you, hon. Speaker. This is the Kenya Qualifications Framework Bill, and its definition proposes an Act of Parliament to establish the Kenya Qualifications Authority and to provide for the development of Kenya qualification framework. What this Bill does not tell you is that even this thing that the Bill is discussing called "qualification" is not defined. It is qualification in what? Is it qualification in running at night as a night runner or qualification for what? Is it in terms

of how you dress when coming to the House or qualifications in academic circles or sports? It is not clearly defined. This “Kenya qualifications framework”, which the Bill also seeks to underscore, is not defined in the Bill. What is this Kenya qualification framework? It is all not there.

Hon. Speaker, let me end by saying that we are running the risk of becoming a country of laws which are not being implemented. It is becoming too routine particularly at the level of delegated legislation. Every small problem we are faced with as a nation today, you hear a Cabinet Secretary has thrown some regulations or rules. Look at what is happening to the road transport sector, Members and colleagues, every single problem, you have a regulation. Now we have the night travel ban and of course, cumulatively, we do not question what these things are doing to the country. But it is very serious. I traveled by road through Narok the other day and this thing called night travel ban has killed all trading centres along the transport routes. You will remember that the manifestos of Jubilee and CORD promised a 24-hour economy. We have rendered people jobless from the ocean at Mombasa across the country to the north. If you pass through Narok today at around 8.00 p.m., it is total darkness. It is a ghost town. Pass through Voi, Mtito Andei and the transport corridors, we have killed towns. We are rendering people jobless simply because we do not want to think seriously of how to implement laws which already exist. We are thinking of how to rush with new laws to deal with the problems, whether real or imaginary.

I oppose this Bill and pray that the Members take time and look at it keenly and confirm that, at the very best, this Bill is premature. It is not yet ready. It does not speak to anything that we should legislate.

I beg to oppose.

Hon. Gichigi: Thank you, hon. Speaker. In the form that this Bill is, I have no alternative but to oppose it. This is a very short Bill. I got it earlier today and I went through it. I was starting to wonder whether I am having difficulties with my understanding capacity.

As a lawyer, I do not know what this Bill is intended to do. In the last few days, we have been talking about a ballooning wage bill. So, this Bill, rather than helping this country, is enhancing the ballooning wage bill. Somebody had an idea that they want to harmonize the certificates and degrees that are issued by institutions in this country, but it is not coming out that, that is the intention. We do not, therefore, know what this Council or Board or Authority is supposed to do. What is the end product of the work of this Authority? What is it going to give us? It is not clear to me.

I have had problems with the education system in this country. We have given a chance to very many universities and colleges to proliferate in the country and each college or university is coming up with their own courses. When I read the title of this Bill, I thought that the intention is to harmonize the courses offered in this country with the development goals of this country. This business of just churning out diplomas, certificates and degrees to people who are not helping this economy is probably what we need to address. It is not just coming up with another authority. The first thing it will do is to tell our university colleges that they should give certain sorts of certificates and have certain qualifications. But anybody going to the constitutional court will declare that

particular order or directive by the Authority null and void because it does not address universities, village polytechnics or anybody. It is just talking generally.

We are just about to debate a very important issue on even reducing the number of the Members here because we want to bring the wage bill down. Should we be the people who are now creating some funny weird boards and authorities? Let us reject this. The person who came up with it should go back to the drawing board and tell us exactly what he wanted. I imagine even a professor or a person with so many PhDs will not understand this piece of legislation. I do not understand and I oppose.

Hon. Wakhungu: Hon. Speaker, I rise to support the Bill. It is, indeed, important that in this country we have a body that can harmonize qualifications. Sometimes back, we had a university here called Newport University. That university offered degrees, Masters, PhDs and people went there very quickly to get those degrees. They were flooded in the market and were competing among those who had gone through accredited universities in the job market. Afterwards, when due diligence was done, it was realized that Newport University, which claimed to have been from the United States, was not even accredited in the country that it came from.

I know that the presenter was a bit vague and he even had difficulties. He mentioned that many people have been asking him what the role of this Bill is. Indeed, I also have to mention to the Members that we no longer have a Commission for Higher Education. The current commission is called Commission for University Education. As a scholar, I am up to task when it comes to matters of academia and the issue of accreditation is very key. We have bodies like the Association of Professional Society Standards of East Africa. If such a body is in place, it can partner with some of these professional bodies for purposes of harmonization.

In this country, you will meet somebody with different qualifications. For example, the academic standards in the United States and Africa or Kenya are different. If you are a university lecturer, for example, in the United States of America, you are called a professor. But here, in our local academic circles, when you say you are a professor, I stand and look at you. If you go to the University of Nairobi Senior Common Room, if you are a young teacher or lecturer, the sitting arrangement will show that a professor is on one side and the associates on the other side. So, we need to have this harmonized approach. For instance, someone is not a professor at the University of Nairobi, but he is called a professor at USIU. So, when such a body is in place, it will help us to remove the ambiguity. Maybe, what is supposed to be done is for whoever presented the Bill, hon. A.B. Duale, to go and try to bring it in a more objective manner for better understanding. But the logic behind it makes a lot of sense. When you go through the document as my other colleagues, you will be confused and you do not know what you are talking about.

When it comes to the job market, and this is why this Bill is very important, you might find that people have gone for different qualifications and yet they can do the same jobs. So, if such a body is in place, it can help in terms of harmonization. For instance, in the Elections Act, they had initially mentioned that to be a governor, you must have a degree. But to be a Member of Parliament, it was watered down. I know hon. Kimunya had brought this issue on the Floor of the House and it was suspended. His Excellency

Mwai Kibaki did not assent. I heard many people complaining in the streets, but there is also room for people to go back to school and study.

We also have some colleges which are commercially oriented, theirs is to make money. I agree we have bodies which are supposed to do accreditation. It is unfair for somebody who has gone through a public university and they are competing with somebody who has attended, you do not know which university, and has scored As and when it comes to performance, it is zero. A body is supposed to be in place.

Having been a consultant for sometime, when it comes to interviews for example, you will find someone whose transcripts indicate he or she is an “A” student, especially those from private universities. Someone from a public university has not scored those As but when it comes to reasoning, they perform much better because the universities have different intentions and others are commercially oriented. So, if a body is in place, which can bring standardization and equality, it will help those people who have gone through difficult universities to be somewhere.

My humble request is that Members should look at it and, maybe, bring some amendments so that we can come up with a clear framework. That is because I saw the Mover was struggling to move. The idea is good but maybe, on paper, it was not properly put. It is a good idea that we must support, which is going to help us, but let us look further into the issues of how we can improve on it because the intentions are very good. It is going to help Kenyans.

Thank you, hon. Speaker and I support.

Hon. Speaker: Well, of course, given the background that some of us may have, when you go to villages, every judicial officer is a judge, if we are to follow that analogy. Of course, every wound dresser or a sweeper in a hospital is also a doctor. We need to come up with standardization that takes care of all those. Of course, you are at liberty to also make proposals in education requirements in the Elections Act, specifically Section 22, as was being proposed at that time.

This House has the monopoly to do that and not another body. Indeed, you are the sole legislators and you can make changes now. That is because if you wait until another time, you are unlikely to get through because of various reasons. Hon. Gumbo will tell you what they went through from around December, 2012 up to January, 2013, when they were trying to pass various amendments. Hon. Wamalwa this, perhaps, is the time but I am also saying Committees of the House really be seized of these matters and try to come up with as many proposals as possible.

Yes, hon. Pukose.

Hon. (Dr). Pukose: Thank you, hon. Speaker, for allowing me to contribute to this very important Bill. I stand here to support this Bill. Many Kenyans have gone through education in various places. Where I come from, I neighbour Uganda and we have had cases whereby a child who scores a C (minus) and decides to go to Form Five and Six and scores three principals proceeds to university. When the student comes back after completing university, where he was also supported by the Higher Education Loans Board and wants to be a teacher, he is told he does not qualify.

This is an opportunity that gives us the position to be able to clarify some of these issues. To me, the spirit of this Bill is good, but it needs to be done in a proper way. What happens in this country is that we have the Kenya National Examinations Council.

We also have the universities and vocational training colleges. When you look at the membership in this case, it is from the University Council and vocational training colleges, the Federation of Kenya Employers, Central Organizations of Trade Unions (COTU) and others. At the end of the day, we need to look for a framework that can make it appropriate for somebody with certain qualifications to be absorbed in the job market. In this county at times, when you read the newspapers, you will find that some institutions are admitting students with C (minus) after a few weeks of taking them through a crush programme, to enable them to be admitted to degree programmes. That needs to be standardized.

As my colleague, hon. Chris Wamalwa has said, some professors in certain universities do not merit to be called professors. When they move from one university to another one, within a few weeks, a person becomes a professor. All that needs to be standardized, so that you have an authority that indicates the minimum qualifications for a person with a Doctor of Philosophy (PhD) who wants to become a professor. One must have written several publications and headed several research initiatives.

When you come to the other cadres, for example, in a hospital, a sweeper is referred to as a doctor. For us in medicine to become a doctor, you must have gone to the Medical School to be called a doctor. In the past, even pharmacists were not called doctors. Now, they are called doctors and pharmaceutical technologists are saying they are the ones who trained some of those pharmacists. So, how do you call this one a doctor and the one who trained them is not a doctor? These are issues that need to be clarified.

In as much as we want to talk about the increased wage bill, I want to thank the President and his Deputy for making a symbolic gesture. To me, it is symbolic unless we follow it with serious constitutional amendments. When we talk of the issue of a bloated Government, we have 47 counties. When you compare Kenya with a State like Texas, they are the same size. Texas has only one governor. Kenya has 47 governors. These are issues which need to be looked into.

As part of the Members of Parliament who feel that soon we need to go for a referendum to correct the 20 per cent which needs correcting, these are issues that need to come out very clearly. We need to look at areas that can reduce our wage bill like procurement. Why should it be that when the Government is purchasing a commodity, it is three times or 10 times more expensive than when an individual is purchasing the same commodity and yet, we are talking of economies of scale? Why do we have privileges within the Government? We are talking of somebody taking imprest of Kshs2 million and to surrender it, they only need receipts. Are we doing the correct things? So, those are the privileges that we need to look at.

We also need to look at how we can reduce the counties from the current 47 counties to, at least, a manageable size, where we are not balkanizing our country. Hon. Jakoyo Midiwo talked about the issue of governors being in charge of police and Administration Police. I was just wondering, if you have the governor of Kericho in charge of his police and the governor of Kisumu being in charge of his police, if there is something happening between the two counties, each of them will call their police and we will have another internal war within the country. These are things that we need to harmonize and look at how we can correct them.

Look at the commissions, they are bloated. We are talking of nine commissions, with each running its budget and yet, some of those commissions could be working on similar issues. That supports the issue of creating a qualifications framework and authority. Are we creating an authority that is going to do the work that is being done by other organizations? We need to freeze some of these areas.

How do we bring up issues which are being tackled by the Kenya National Examinations Council? Things that are being tackled by the universities, how do we bring them here so that, at the end of the day, we have a lean and efficient authority that can be depended on by Kenyans? If a Kenyan goes to train in any other country or even within, he needs to know that everybody has similar qualifications.

Currently, we are talking about counties setting up village polytechnics within every ward and each constituency setting up a technical training institution. How do we harmonize all those when each one of them will be in different county? How do we have a national policy that can guide and make sure that all these institutions are able to deliver services uniformly and acceptable both to the employer and employees?

With those few remarks, I stand to support this Bill.

Hon. Nyenze: Thank you hon. Speaker, for giving me this chance to contribute to the Kenya Qualifications Framework Bill, 2013. I stand to oppose this Bill with reasons. All these institutions, be it institutions of higher learning or whichever institutions, have their own structures and the manner of setting their qualifications. If we set up a qualification authority, it will not be an expert in all those areas.

Hon. Speaker, hon. Members in this august House should read the mood in the country. We do not want the ballooning wage bill to continue growing big. There is a cash crisis at the moment. Instead of creating more positions that will eat into our economy, we should come up with ideas on how to reduce our expenditure because it is too much. If this Bill was to harmonize everything else, it would have been a good idea. But at the moment I think if we support this Bill, we will be going against the mood in the country.

Hon. Speaker, there are many pressing issues in the country. The President and his Deputy said that at a retreat and did a symbolic reduction of their salaries. For us to support them to cut the wage bill, I think we should resist the creation of authorities that take a lot of money. We cannot go down to the people who earn nothing or very little. If their salaries are reduced, there will be nothing left. For example, teachers, doctors and Members of Parliament have very little left because they have taken loans. But those who are paid so much, like the commissioners, they should give 10 to 20 per cent. I just want to say that for this country to grow a double digit economy, which the Jubilee Coalition promised in their manifesto--- From the look of things, one year down the line, we will be very lucky to reach 9 or 10 per cent growth because of the prevailing circumstances in the country.

Hon. Speaker, while still opposing this Bill, I also want to say that the most critical thing in this country is poverty levels. The constituencies that most of hon. Members represent and the one I represent have poverty, apart from Kabete Constituency which has a low poverty index. But all the rural constituencies have very poor people who want to take their children to school, feed and clothe their families well. But it is a mirage because they cannot do it.

Hon. Speaker, I am sure hon. Members know that more than half of their constituents, wherever they are, do not take breakfast every morning. That is what we should be addressing instead of setting up boards, commissions and so forth. We need to address the poverty problem by making the economy grow and thus, creating more wealth. Equitable sharing of resources should be embraced so that people can educate their children as education is very important.

Hon. Speaker, some districts like mine were ranked over 40 overall, but we are struggling to be number one in the country in the national examinations. We know the importance of education, but we lack teachers. If you go to some rural constituencies like mine, you will find a school of eight classrooms; that is Standard One to Eight with only two teachers. But when you go to other schools, in some constituencies near Nairobi, you will find that they are overstaffed. In fact, there is a school with eight classrooms, from Standard One to Eight, with over 20 teachers. How can we compare or compete fairly? We cannot because of unfair distribution of teachers.

Hon. Speaker, I also want to say this: For us to reduce the wage bill, we should oppose this Bill. By doing that, we will bring the wage bill down. We have also to fight corruption from the highest to the lowest level. We have also to fight nepotism, tribalism and also spread the national cake equally.

Hon. Speaker, I have been wondering why there has been cattle rustling in Turkana, West Pokot and other areas. I have discussed the matter with some legislators from those areas in the National Assembly and most of them have told me that it is because of poverty. It is only camels or cattle that can feed their families and that is why they steal them. They do not want cattle-rustling, but they do not have anything else to do.

This Bill has come at a wrong time. Although they say that it will align the qualifications obtained in Kenya with global qualifications, those institutions, be they universities, schools or health institutions, have their own standards. Some will set higher standards than what this purported authority will do.

Therefore, I just want to oppose this Bill and say that it has come at the wrong time. All of us should oppose it until it comes at the right time. This country belongs to us - even us in CORD or in the Opposition. We will not want this country to go to the dogs. Where possible, we want to help so that this country's economy can grow. That is because in the next elections or in future, we will be in the Government. We do not want to inherit a country that has gone deep down. We want to be in a rich country. The way to do this is not to reduce the salaries, but strive to prevent any wastage. There is so much wastage that goes on in this country. The President has alluded to the fact that ghost workers take so much money. Let that problem be addressed, but to force teachers, doctors, nurses and watchmen to contribute through pay cuts, when life is already unbearable, is impossible.

Hon. Speaker, I also want to say that the monthly salaries of the Members of the National Assembly have been said in the media to be Kshs1.2 million which is wrong and I think we should put it right. Even in our negotiations with the Salaries and Remuneration Commission (SRC) our salary was set at Kshs552,000 per month. So, it is way below the figure that they purport. In fact, I have checked against all the other salaries and I have seen National Assembly Members who are ranked just after the

President and the Deputy President get far below what the chairmen and leaders of commissions get.

Hon. Speaker, so that wrong assumption that Kenyans have got should be corrected so that we are not seen by them as if we are the ones who are consuming most of this money and consequently the economy of the country cannot grow.

Hon. Speaker, last year which was 2013, Kenya had 446,969 children who sat for the Kenya Certificate of Secondary Education (KCSE) and those who attained a mean grade of C plus were 123,000. Out of these, it is only 50,000 who were admitted to universities. Instead of us coming up with bodies like this one which the Leader of Majority Party wanted us to set up, can we address this issue of building more universities and colleges so that these children who have attained C plus can get a place in them? If we can only get 50,000 every year being admitted to our universities out of 123,000 who attained a grade of C plus where will the rest go? These are the worrying things which we should check.

Hon. Speaker, I do not know whether it is Moi's Government or Kibaki's Government who made primary education free. I think it was Moi's Government in those golden years. I want to say whoever's Government it was, it was a noble idea and I most likely think it was Moi's Government.

(Laughter)

That was a very good thing but it has put us in a fix because there are so many children who attend primary schools because education is free but we have not built enough secondary schools. Instead of setting up this qualification authorities, can we build secondary schools so that like it happens in other countries, all primary school going children join secondary schools? We should also make sure that secondary school education is free because most of the families of these children cannot afford to take them to secondary schools. Even when the Government stipulates the school fees to be paid by parents, head teachers in these schools increase it. Who suffers most? It is the children from poor families.

Hon. Speaker, while opposing the Qualifications Framework Bill, I want to say that we have a serious problem of facilities for our children. Education is more important than most other things and our parents understand that everywhere in the remote areas. Let us also take affirmative action whereby we build schools in Turkana, West Pokot, Kitui and Kwale so that we do not have all the "Alliances" here in Central Province. Let us have facilities everywhere and let the secondary school education be free.

I remember the Jubilee Government promised that secondary school education will be free. What happened since it is not free? We want it to be free and when CORD comes to power, we will make secondary education and university education free.

Hon. Speaker: Hon. Gikaria. Hon. Leader of Minority Party, I thought your experience is such as to alert you as to the meaning of the lights.

Hon. Gikaria: Thank you, hon. Speaker for giving me this opportunity to be able to air my views. I think the Bill as it is, is in good spirit. I think what we have seen as has been indicated by the Leader of Majority Party is that if we can have standards of education being brought on board, I think it is long overdue.

[Hon. Speaker left the Chair]

*[The Temporary Deputy Speaker
(Hon. Cheboi) took the Chair]*

Hon. Temporary Deputy Speaker, I represent a constituency where parents struggle to take their kids to college and when they get their certificates, they cannot use them in any place for employment. In fact, the requests that I have in my constituency office are just too much. I agree with what hon. Nyenze has just said that we cannot equate all places. There are some places where facilities and teachers are not equally distributed. I represent a constituency which is not very rich and we feel that we are not properly and adequately facilitated in terms of competing with the rest of the country or the other constituencies.

Hon. Temporary Deputy Speaker, in the past it was suggested that the Kenya Certificate of Primary Education (KCPE) should be abolished. I want to say that these exams sometimes play a big part in demoralising students that we are supposed to be encouraging. I say this because within my constituency you will find public schools which have more facilities competing with schools that do not have enough teachers. In fact, the upper class students are the ones who teach the lower class students. I want to agree that this Bill is not properly before the House as Kaluma had indicated. I do so because bringing councils and the Kenya Qualifications Authority and with the huge wage bill that we are talking about in this country, it is not acceptable.

Hon. Temporary Deputy Speaker, when the Deputy President was the Minister for Higher Education he did a lot of work. Ruto tried to clean up the colleges. He tried to bring some sanity in these institutions. It is only that he was unable to continue because he was of course kicked out. However, I want to say that it is very sad that this Bill which is on the Floor has been brought by the Cabinet Secretary for Education. I want to say that it is not fair for us to continue bringing on board so many authorities. Just the other day, we were discussing about how we can whittle down the commissions and have lean commissions that qualified secretariats can assist. This can be done within the Ministry's departments without necessarily having to bring the Kenya Qualifications Authority.

Hon. Temporary Deputy Speaker, it is very sad that we have to keep on talking about how we should improve the economy of this country and we continue bringing authorities. To me, this authority will just play another role of--- If you look at the composition where they were saying that we need somebody from the university, another from a technical authority, some standard and professionals, I do not think that will augur well for this country in terms of bringing down the huge wage bill that we are continuing to talk about. What we would want to advise the Ministry is to create a department within its Ministry and be able to bring on board whatever they are trying to bring as stipulated in the Bill. It is not fair for us to continue doing this.

I stand to oppose without any amendments.

Hon. (Eng.) Gumbo: Hon. Temporary Deputy Speaker, thank you for giving me the opportunity to contribute to this Bill. From the outset, I want to say that I stand to oppose this Bill because much as the intention may be good, the outline is very vague. I recognize that qualifications ought to relate with ability but that can only be possible if

sufficient fidelity is built into institutions that give those qualifications. I stand here as an engineer and I know as an engineer our profession is one of the most abused. In the villages you find people who repair bicycles being called engineers; people who empty full pit latrines being called engineers and all that. Nevertheless, that still, for me, is not reason enough for us to come up with a Bill like this at this time because even the institutions that we have, in more ways than one, are failing us.

If you look at the objective of this Bill as proposed, it says the purpose of this Bill is to establish a framework for the recognition and standardization of qualifications obtained in institutions within and outside Kenya. That objective may be noble but what becomes of those qualifications and standardization when even at the basic level, we do not seem able to give fidelity to the qualifications that come from even basic examinations? I will give you an example of the recently released Kenya Certificate of Secondary Education (KCSE) exams. It is likely that the school which had the highest number of A and A- (minus) qualifications in the country was not even graded. It is also possible that while this grading is being, there are some counties which out of no fault of their own, the total number of candidates who registered for the KSCE in last year's exams are just about double the number of students who registered in a particular school in one of the counties. So these disparities mean that if we are to standardize, then it has to be an issue that looks at: What are you standardizing? If you are going to compare, for example, a county that has enrolled 15,000 students with a county that has enrolled 900 students, I think that is unfair.

Even as we discuss this Bill, last week I stood here to request that, as a House, we have to be alive to the issues that affect the people of Kenya. You have listened to the debates that have been coming from hon. Members and you realize that even as hon. Members we have difficulty understanding really what this Bill intends. In my view, that is tragic. It is tragic because Article 94 of our Constitution is clear that we draw our legislative authority from the people of Kenya. If we are drawing our legislative authority from the people of Kenya, it means we are here to serve as the servants of the people. But if you look at our country today, if you ask even the average people on the street whether this Bill is what concerns them, I am sure the things that they will tell you that concern them most have to do with the cost of living and the youth unemployment. This is tragic because I read somewhere recently that in Africa, youth unemployment in Kenya, we are second only to the dysfunctional DRC. These are the issues, in my view, which should concern us. Look at the issue of insecurity in our country today, what is going on, for example, in the border between Kisumu and Kericho? That is antediluvian engagement; things that a modern society that aspires to be a middle level economy should never have time for. I think it is incumbent upon us to address these issues that concern us instead of delving, for example, in vague pieces of legislations which even us, hon. Members, really do not understand.

Look at the matter of the rich/poor divide; the matter of corruption in our institutions; the matter of national cohesion; the matter of the transport sector; last week there was a total lock jam in the city of Nairobi; the matter of education and healthcare. These are myriads of issues; issues that the common man will understand. I want to tell you and fellow colleagues that the standards of leadership the world over have been raised and we may be sitting here thinking that we are doing very well for ourselves but

what the *wananchi* are thinking is totally different. I think it is in that light that you can explain the Arab Spring that happened in 2011/2012, what happened in Turkey or what is going on in Ukraine. The voter, sometimes, even looks irrational. The other day I was reading a blog. I like reading blogs on matters of politics and I was reading a blog on the current President of Uruguay. It is very interesting and I think hon. Members may want to know who this man is. This gentleman goes by the name José Alberto "Pepe" Mujica Cordano but the interesting thing about that man is that he was elected at the age of 74 in 2009. When he was elected, he chose not to live at the presidential mansion but went to live in an abandoned farmhouse. And for a presidential motorcade, he chose to drive himself in a 1940s Volkswagen beetle and he discarded his security and his security is a three legged dog. That is the only bodyguard he has. Why am I saying this? I am saying this because---

The Temporary Deputy Speaker (Hon. Cheboi): Actually, I am very eager to know why you are saying it and the real relevance to this subject at hand.

Hon. (Eng.) Gumbo: Hon. Temporary Deputy Speaker, the real relevance is that we are discussing this Bill which Kenyans and I find difficulty relating with yet at the moment the problem that our country is obsessed with is about reducing the wage bill. So if it was up to me, I would ask our President to go to Montevideo and have a chat with President Jose Alberto Mujica to see the drastic changes that we need to bring in this country to bring the wage bill down, starting maybe with reducing the presidential motorcade, the number of bodyguards, even for ourselves. This is because the way the voter thinks now is a little different. It is not the voter of yesterday. We may be thinking here that we are doing very well but the voter may be seeing it differently because at the end of the day, if we legislate and it is not in tandem with what the voter thinks, or the voter wants, we may, in fact, be legislating in vain.

So, the way it has been framed, I think we have not looked at the structural weaknesses of the Kenya National Examinations Council (KNEC) where we are saying: How do you grade a school which has enrolled 500 students and give it the same grading with a school which has enrolled 50 students? That is unfair! We should look at the structural weaknesses that exist in our institutions at the moment and try to improve them before coming up with bodies that will do no more than to increase the wage bill, or bodies that will do no more than duplication of work which other institutions, if properly empowered can do sufficiently.

With those remarks, I beg to oppose.

The Temporary Deputy Speaker (Hon. Cheboi): Let us have the youngest Member of this family, Hon. Tong'i.

Hon. Tong'i: Hon. Temporary Deputy Speaker, I rise to oppose the Bill but before I do that, I want to take this opportunity to thank the Members who supported me in getting my name into the Departmental Committee on Energy, Communication and Information.

I also want to thank the people of my constituency for giving me this rare opportunity for being the petitioner in the entire country to be elected as a Member of Parliament. This is because out of the 188 petitions in the country, none so far has succeeded to the level that I have. For that I am very grateful.

Hon. Temporary Deputy Speaker, I want to mention a couple of issues which are--

Hon. Kaluma: On a point of order, hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Tong'i, to avoid unnecessary interruptions, is that your maiden speech?

Hon. Members: No!

The Temporary Deputy Speaker (Hon. Cheboi): So, you are not protected. Hon. Kaluma, what do you want to say?

Hon. Kaluma: Hon. Speaker, it cannot be that every time hon. Tong'i stands up he is thanking his people as if he is permanently on the maiden speech. We want him to debate the Bill.

The Temporary Deputy Speaker (Hon. Cheboi): I think hon. Tong'i, you are perfectly in order to keep thanking your voters. It is not an easy thing and everybody knows that. I thought hon. Kaluma, you were having an issue as to whether his was a maiden speech or otherwise.

Proceed, hon. Tong'i. You can still thank your voters even now.

(Laughter)

Hon. Tong'i: Thank you, hon. Temporary Deputy Speaker for the protection. I come from the constituency where Kisii University sits. As we speak now, the university is on fire. That is because a few students wanted to raise their concern which the university has been unable to address. In the process, we have lost a student who was shot. Several ladies were raped and we have had several injuries, including involving lecturers. I kindly request that you give us direction and guidance so that the Chairman of the Departmental Committee on Education, Research and Technology can give us some answers as to the cause of the unrest or the chaos being experienced at the university.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Tong'i, of course, I understand that you are a very new Member and that is why I keep on protecting you. However, I want you to stick to the debate. What you are saying is perfectly in order but it would have served in a different issue or Bill. I want you to limit yourself to the Bill that is before the House now.

Hon. Tong'i: I am properly guided, hon. Temporary Deputy Speaker. However, I am glad you were kind enough to accept that there is concern in Kisii which needs some address but I need to raise it at a proper forum.

Concerning the Bill, I rise to oppose it. I oppose it for a number of reasons. The first reason why I oppose the Bill is because we are going through a very difficult moment as a country in terms of the wage bill which is unmanageable. Even the President and the Deputy President have led by example by taking a cut in their pay. I think we need to do a lot more as Members who make laws by way of managing even the authorities that we set up. In my view, if we can have a department in a Ministry doing what the authority should do, we should encourage it.

This Bill should be managed best by having a department in the Ministry of Education, Science and Technology to handle those concerns that the proposed Authority

will address. That way, we will kill two birds with one stone and get everybody else to do the job that they are paid to do.

For example, we have the Commission for University Education whose function is to manage the quality of education both internally and externally. I think they will be best equipped and best prepared to be given that extra responsibility to manage what this Bill aspires to do. Creating a department in the Ministry of Education, Science and Technology will also be one way to ensure that these concerns are being addressed at a very minimal cost.

Hon. Temporary Deputy Speaker, the Bill that we are debating is very general and if we allow it to pass the way it is, we will create a monster which we will not be able to address or control. The good people say that everybody's business becomes nobody's business. We will cause chaos in the education sector if we have this Bill which addresses everything and anything under education. This is because we will not be able to have a chance to take them into account whenever they go overboard.

My take on this Bill is that we need to have it managed differently and with experts and not to create another body to manage it. The commissions which we have put in place, in my view, most of them are duplicating their efforts. For example, why should we have nine commissioners instead of having three? This is the case and yet all these commissioners are full time workers. Why can we not have the commissioners as part time workers where they do consultancy services and help us do the job? We can still achieve the same results as opposed to having them as permanent and pensionable and yet they do not do much other than giving direction from time to time.

Hon. Temporary Deputy Speaker, I might sound radical, but I still think that even the Senators need to be part timers. This is because their job, in my view, is to give direction. If they can be given a chance, we get them to do the job once or thrice quarterly it, will save the cost on the wage bill and the money that the country needs very badly for infrastructure and other development needs such as education, health and security.

Hon. Temporary Deputy Speaker, with those few remarks, I rise to oppose this Bill for the good reasons that it will encourage ballooning of the wage bill which we already have a concern on as a country.

Hon. (Ms.) Nyamunga: Thank you, hon. Temporary Deputy Speaker. I also rise to oppose this Bill and I have several reasons for doing this. As much as it is very important for us to have standards and more so in education---- If you look at the Kenya Bureau of Standards, you will find that it is a body that standardizes the quality of the products that enter the country or are produced in our country. So, that gives many people confidence when they see the diamond quality on any product. It will also be very important to do the same on our education which is very important to me. We should do our best to make sure that it is harmonized.

However, the issues that I have with the Bill, as many of my colleagues have already mentioned, is that we are talking about the issue of the number of commissions; that we cannot have another commission because we have very many commissions and the wage bill is growing by the day. We will not stop running our country because of the issue of the wage bill. In my view, we can form any authority and we are at liberty to run the country the way we should because that is what we are here for. However, we should address corruption.

The President said yesterday that they will forgo 20 per cent of their salary to allow the Government save only Kshs45 million in a whole year. What is Kshs45 million compared to the wage bill which stands at Kshs50 billion? To me, it does not make a lot of difference. I think that the most important thing that we should do with our education-- - This is because if you look at the system, you will realize that sometimes somebody goes to study in America or any other country but when he or she comes here---

A friend of mine left Kenya and she had a Masters degree in Medicine. When she went to the US, she had to be reduced to a mere nurse. It is not that I do not value nurses, but you cannot compare a doctor at a Masters level with a nurse. When she went to America, she was reduced to the level of being a nurse from a Masters level. In Kenya, at a Masters level, you are talking of a consultant. It is important that we regularize our education system, put all the bodies together and harmonize the standards so that they measure up to the international standards. This has to be all inclusive.

First of all, we must look at the bodies that we have. What is it that each body within the Ministry of Education, Science and Technology is addressing? After doing that, then we can come up with a proper Bill that will harmonize the education system. If you look at the Kenya Institute of Management (KIM), it offers certificates, diplomas, Higher Diplomas and then it goes to the degree level. However, you realize that the same students, after getting a diploma from KIM, for instance, when they go to other universities, there is no exemption. Sometimes these students spend like two to three years still at diploma level. If you want to do a degree at the university level, there are no exemptions. You realize that if we put standards, they will allow that if you have a diploma from whichever institution, you must get exemptions. They should get, at least, up to two years. Some universities will accept and give exemptions of two years and others will not give all. We should harmonize the standards and accommodate students across the board. Kenyans value education a lot and we spend a lot of money educating our children. Therefore, there should be a way forward in terms of putting some of these regulations in place.

Another thing which I think is important and we should look at when we are putting the Bill on education together, as I have already mentioned, is the matter of international standards. It should measure across that if I am a doctor in Kenya, if I go to the UK or any other African State, I should be at par with doctors in the rest of the world. If it is lesser than the rest of the world, then it means that we are giving sub-standard education. So, whatever we put in place, it must be up to international levels. However, it is not through another commission or another body. As I said earlier, I do not think we are going to stop regulating issues in Kenya because of the wage bill. The wage bill is a secondary thing. The most important thing is: Can we regulate all these commissions? Can we reduce the number of commissioners? Can we reduce the allowances that they earn? Those are the things that we should look at without going into side issues.

We waste a lot of resources in this country. For example, in the recent Kenya Certificate of Primary Education (KCPE) results, many pupils will not join Form One because of the simple reason that some of them did not meet the threshold. The other reason is that there are no chances. We do not have enough secondary schools. So, we are going to have many dropouts at Standard Eight level. We are going to have many dropouts at Form Four level because universities can only take 100,000 plus. We are

talking of 300,000 who are not going to join universities. In Kenya, something is also going wrong. All of us want to go to the university. We have middle level colleges yet we do not have enough technicians. We lack technicians. You realize that a place like Kisumu, you would rather get technicians from across the border, namely, Uganda. Why would we get technicians from Uganda in things like masonry and carpentry? This is because in Kenya we only value university education and we do not have room for technical colleges and certificates. We can start from whatever level. We should try to strengthen our middle level colleges and village polytechnics so that Kenyans can value it. Sometimes you realize that parents would rather take their children very far leaving the very good village polytechnics where their children can join without the issue of boarding to cut cost on education.

Further, I would also like to take this opportunity to raise the issue of insecurity in this country. You know what has happened in Kisumu and it is a sad thing. We should look at what happened in Kisii, how the policemen treated the students using live bullets and even raping female students. That is another abuse against women in this country. I do not know for how long we are going to talk about insecurity and how we should treat our citizens in this country. If you look at what is happening between Nyakach and Kericho, you clearly see that it is man made. I do not think it is about cattle rustling. On Saturday, I was in Kisumu with the Member for Nyakach attending a funeral. He even showed me an SMS; he had already alerted the police because there was an eminent attack on the people of Nyakach. It was reported and nothing was done. Come two o'clock, we had six people dead.

The Temporary Deputy Speaker (Hon. Cheboi): Order, hon. Member! I have given you a leeway because I know this is an emotive issue and insecurity is a major issue. However, I want you to stick to the debate. I am sure you have made your point and I do not want to interrupt at that point. I know it is an emotive issue.

Hon. Langat: On a point of order, hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Langat, you want to raise a point of order? I hope it is not on the issue which I have already finalized with the Member. But let us have it anyway. What is your point of order?

Hon. Langat: Hon. Temporary Deputy Speaker, the Member is making comments which are suggestive that it is the Kericho people who attacked the Nyakach people.

The Temporary Deputy Speaker (Hon. Cheboi): She did not say that, to the best of my understanding.

Hon. Langat: She said that she was shown an SMS that showed that there was an eminent attack which means, by implication that she is accusing the people of Kericho, which is wrong. She should let the police do their job and not to accuse one community.

The Temporary Deputy Speaker (Hon. Cheboi): I do not want us to go that direction, hon. Langat. We have sorted out that particular issue. To me, she did not look like she implied anything. I am sure if she wanted to say that, she should have said it. So, hon. Nyamunga, proceed and speak to the Bill. We are having a problem with your microphone, so you will have to wait a little. Give the microphone to her. Just hold on a little as we sort out from this side.

Hon. (Ms.) Nyamunga: Hon. Temporary Deputy Speaker, I wish to conclude my contribution. I meant that the police was alerted. That is what I meant to say. If we regularize our education system, we can mobilize our people in the rural areas to go back to school through the adult education programme. This means that even if you did not reach Form Four and left at whatever level and you decide to go for adult education, it should be very clear that after this level, maybe you do Standard Eight, then Form Four and after that, you can continue to college or up to the university. So, it is important that we regularize our education. It is important that we put standards like with the Kenya Bureau of Standards. It is important that we have a body that will regularize our education system.

The Temporary Deputy Speaker (Hon. Cheboi): Your time is over. Probably you should just give the last word.

Hon. (Ms.) Nyamunga: Hon. Temporary Deputy Speaker, I do not support and I have already given the reasons.

Hon. Chanzu: Thank you, hon. Temporary Deputy Speaker, for giving me this opportunity to contribute. I agree with this Motion in principle because it is a good idea. We need to have some kind of harmony. The emerging of universities in this country like Jomo Kenyatta University of Agriculture and Technology and the rest has helped this country to develop. It has created a situation where we need some kind of harmonization or standardization. You will find somebody who did not even study engineering before, but he goes to a university somewhere and comes back with a postgraduate degree in engineering.

I think this has defeated the purpose and that is why you saw last year the board in charge of registering engineers found it difficult to register some of the people who had qualified from universities. Therefore, we need to have some kind of harmony because we are talking about a bloated public service. We are in an era of reforms but it does not mean that if you create something now, you cannot subtract it by removing something which is obsolete or which has outlived its usefulness. I therefore, believe we must have standards because even the colleagues themselves – I disagree with what hon. (Eng.) Gumbo said, but the argument was different.

Hon. Temporary Deputy Speaker, when you look at the qualifications from these universities - there is electrical engineering at Moi University - universities these days produce some of the best engineers. There are old engineers from the University of Nairobi, but the kind of criteria used to register them currently is different. If you go to the university boards, there is a big problem there. Some of them are highly qualified but they cannot be registered by the board. Therefore, we need to have a body to set up, regulate, maintain and uphold standards bearing in mind that it is a time for reforms and they must be continuous.

Hon. Temporary Deputy Speaker, if you look at the Teachers Service Commission (TSC), there are some teachers who were employed recently, but some teachers who qualified much earlier were left out. The reasons given were that the curriculum used to train them did not match the standard of exams set. So, the scoring in examinations was low. Those teachers were left out because we did not have proper criteria for assessing them. Therefore, if there is something known in advance to be the

standard measure, it would then make it much easier for us to assess and get the teachers employed.

Hon. Temporary Deputy Speaker, I know there is a problem of mass production in terms of colleges. When many graduates are produced in the job market, this kind of situation obtains. That is why we need to have a regulatory body to regulate all of them. I do not think it is going to defeat the purpose of those trainings. This is what happened even before.

Hon. Temporary Deputy Speaker, when we got into the 8-4-4 System of Education, we had technical subjects which were taught all over the country. The children were tested in all those subjects at various places, but the examination was set by one body. Therefore, in my view, this Motion, just like some of my colleagues have said, is timely. I think the only problem with it is that, it was done in a hurry. There were not enough thoughts put into it. I wish the Leader of Majority Party was here to listen to the views of hon. Members so that he can see whether to improve it.

Hon. Temporary Deputy Speaker, the other thing which I thought was a good point is when the Mover talked about the issue of transfer of credits. When somebody trains somewhere and goes to another place, he can transfer credits and continue; just like the accountants used to do before. I do not know whether they still do so.

With those few remarks, I support.

Hon. Dido: Thank you, hon. Temporary Deputy Speaker, for giving me this opportunity to contribute to this Bill. I wish to support this Bill primarily on the principle and the spirit of the Bill itself. This Bill is one that must find itself as an authority that checks on the educational standards and qualifications in this country. It may also find itself as an Act within education.

Hon. Temporary Deputy Speaker, it is really not the business of this House to talk about this Bill, particularly in the light of the ballooning wage bill. The business of this House is to legislate. If it does not capture the spirit or the role of this House in terms of legislation, then within education sphere, the Bill itself is not necessary.

If we go by what the Salaries and Remuneration Commission (SRC) is trying to advise the Government to do in terms of cutting pay to reduce the wage bill, I think that is a very short-term benefit to this country. In many countries, you have the national vocational qualification so that at every grade or level, you put an individual within a tier system based on the education or skill qualification. I think generally this has been lacking in this country.

Hon. Temporary Deputy Speaker, enacting Bills in the National Assembly is a process. By the time it reaches the debating Chamber, many thoughts would have gone into the process. With regard to tertiary education, we have seen exponential growth of university and college education since 1990s. Whereas the Government has been licensing those colleges and universities, I think we may have to set up standards to harmonize qualifications across universities and colleges. We realize that every day a new college comes up or a college that has been existing starts a new course. We may see conflicts in terms of the quality of courses offered by different universities and yet they have been duly accredited.

I think through such Bill or an Act, we will then be able to brace ourselves competitively in the globe. We must appreciate that this country is growing in many

folds, particularly in the area of education. If we limit ourselves to those professionals like legal experts, engineers, medicine practitioners; that have clearly set standards, then there are many other new areas and disciplines that may be left out. Unless the Ministry of Education or the national Government are going to look at all these areas critically---

Hon. Temporary Deputy Speaker, when you look at the objects of this Bill, particularly three of them, they are: - Establish standards for recognizing qualification; develop a system of competency; align the qualifications obtained in Kenya with global standards and strengthen the national quality assurance.

Hon. Temporary Deputy Speaker, last week we saw the results of the KCSE. We found out that the results that were read out by the Cabinet Secretary, the sort of tallying of schools in terms of the best performing school and also the not so well performing schools, clearly shows that we have a standard as country. That is why some regions will continue to lag behind as others move at the speed of light. So, there are areas within this Bill where more flesh needs to be put on the bones.

However, in principle and in the spirit, I support.

The Temporary Deputy Speaker (Hon. Cheboi): Let us have hon. Joyce Lay.

Hon. (Ms.) Lay: Thank you, hon. Temporary Deputy Speaker, for recognising gender. My colleagues are complaining about it. I take this opportunity to oppose the Bill.

It is very clear that the Ministry of Education, Science and Technology has the mandate of handling everything that is contained in this Bill. We have the Kenya National Examinations Council (KNEC) and the Commission for University Education. All these institutions should be able to handle what this Bill envisages to do. If it is a matter of standards, they should be able to handle the same.

I can see that the Government is engaged in double speak. We are saying that we want to cut the wage bill in the country but at the same time, we are trying to create some authority. From the Bill, it is clear that they are going to appoint a director-general. This person is not going to sit there for free. He has to be paid a salary. I was ready to accept a 10 per cent cut on my salary but if there is not going to be a clear way of showing that this money is going to trickle down to the common *mwananchi*, I will decline.

As of now, I make sure that whatever I earn reaches my people on the ground. So, as we collect all the money that we are going to realise from cutting the wage bill, we should have a clear way of showing how this money will trickle down to the common person. First of all, we need to find solutions to our ailing education sector. This year alone, we have 200,000 pupils who could not make it to secondary school because they failed in an examination. So, if we have 200,000 pupils this year, and in each of the next two years we have 200,000 pupils not making it to secondary school; then there is a problem.

We need to fix this problem before talking about putting in place a qualification framework. Who are going to qualify if we do not give children a chance to make sure that they reach Form Four? Talk about degrees and diplomas would be useless at this point. None of the 200,000 who have missed out on secondary education will become leaders in the future because according to our Constitution, in order for one to become a leader one needs to obtain a Form Four certificate. We are sending this 13 year old child to a polytechnic, which means that this child will not be a leader in future.

So, in my view, we need to, first of all, reform our education system. After we do that, we can then talk about having the proposed qualification framework because we will make sure that everybody qualifies for admission to university. We should have a smooth transition for our children right from primary school to Form Four. Forth Form education should be basic education for our children. Therefore, the architects of this Bill have a good idea but its timing is not right. We really need to sort out our education system before we talk about putting in place a qualification framework.

With those remarks, I beg to oppose.

The Temporary Deputy Speaker (Cheboi): Let us have hon. Wanyonyi.

Hon. F.K. Wanyonyi: Hon. Temporary Deputy Speaker, I want to say right from the outset that I oppose this Motion for some reasons.

The fact that this Motion has come at this time means that it is misplaced. Right now, for one to set up a nursery school, primary school, secondary school or any technical school, one has to get a certificate from the Ministry of Education, Science and Technology. So, as it has been said by most hon. Members, saying that the standards of education in Kenya are low is not correct. I think they are living in a different world and not in this country. Most hon. Members will agree with me that Kenya's standards of education are very high. I know for sure that people who leave this country and go out there can attest to that fact.

As hon. Pokose mentioned, I come from around the border of Kenya and Uganda. You find that our people leave this country with a Kenya Certificate of Secondary Education mean grade "D" or "D+" or "C" qualification, which is very highly accepted across the border. He goes to Makerere University or to some other university out there but when he comes back with a degree, he cannot be given a job. I have two nieces and a neighbour who went to the neighbouring state for studies. My neighbour got his first degree in Commerce but five years down the line, he has not been employed.

I know that very few of us have gone to India. There is a guy I went to school with. He left this country with a Division III qualification and came back with a Masters degree from India. I have known people who have gone to the United States of America. If you go to the USA with a degree from Kenya in whatever field of study, if you line up with somebody from the USA, you will be the first one to be taken. For one to say that the standards of education in this country are low, one must be misguided. Maybe, he does not know the reality.

Fine, we can have a regulatory body to look at some of the standards. I quite agree---

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Wanyonyi, are you talking of education then or education now?

Hon. F.K. Wanyonyi: Hon. Temporary Deputy Speaker, I am talking about education standards of today.

The Temporary Deputy Speaker (Hon. Cheboi): I can hear you talk about when you were in school. That must be a long time ago.

Hon. F.K. Wanyonyi: Hon. Temporary Deputy Speaker, it is still applicable now. I think that is with a light touch. I hope you do not mean what you are saying. I have got a Masters Degree in Economics, for your information.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Wanyonyi, I am not challenging your qualifications at all. What I am saying is that you are saying that a Kenyan degree or any qualification is very marketable elsewhere. I am saying whether that applies today or in the previous days?

Hon. F.K. Wanyonyi: Hon. Temporary Deputy Speaker, that is the case even now. For example, I have got my niece who graduated in a neighbouring state. She came back to the country with a Bachelor's Degree in Information Technology but she cannot find a job. That is true even for the other neighbouring state. However, a guy with a Kenyan Bachelor's Degree in Information Technology can be picked for a job. If you compare the two degrees, you will find that our standards are very high.

Anyway, that is beside the point. What I am saying is that much as we have this particular proposal for creation of this regulatory body, to me, it is misplaced. As an hon. Member said, we have the Ministry of Education, Science and Technology. Let us have that particular department created in that Ministry, so that it can deal with such matters rather than create another commission. We are already grappling with the problem of a ballooned wage bill.

Somebody in this House is very soon going to move a Motion on reducing the number of commissions that we have in this country. We are, in fact, on record for saying that we are very soon going to reduce the commissions from nine to two or three and provide for them to run on a part time basis. Now, the same people are asking us to create another commission or authority. We cannot do it at this stage. All I can request is that the Leader of Majority Party as the one moving this Bill makes sure that we have a department in the Ministry of Education, Science and Technology or whatever they call it, dealing with these regulatory issues that we are talking about.

This is because it is like now you want to retrench and at the same time you are hiring on the other hand. It beats the purpose. We want to reduce the number of commissions. I will be the first one to actually support the Bill that will come to this House to reduce the number of commissioners because what are they doing? If they are there we want to have them on a part time basis. So, to create another authority here is duplication and, of course, the wage bill is very high. I do not want to reduce my salary because it is very little but we are asking the Mover to look at having a department in the Ministry of Education, Science and Technology to deal with these kinds of things.

With those few remarks, I want to say I actually oppose this Bill and Members of Parliament let us be serious. We should not support this kind of thing. On a light note, I think let us discuss and debate more serious issues than this one which I think is a misplaced Bill.

The Temporary Deputy Speaker (Hon. Cheboi): But you are already discussing it, hon. Wanyonyi.

Hon. F.K. Wanyonyi: Because I have been given the opportunity, hon. Temporary Deputy Speaker. I oppose this Bill.

The Temporary Deputy Speaker (Hon. Cheboi): You are already discussing it and you say that we should not waste time discussing it. That is out of order, hon. Wanyonyi but you have finalised anyway. Hon. Muchai.

Hon. Muchai: Thank you, hon. Temporary Deputy Speaker. The Member who has just been on his feet has urged the Members to be serious in looking at this Bill and it is in that context that I want to say that I seriously support this Bill.

Hon. Temporary Deputy Speaker, far from what has been expressed in this House, this Bill is not just seeking to create employment for some people. This Bill is seeking to achieve what other developed countries in the world achieved many years ago.

Hon. Temporary Deputy Speaker, I invite the Members to google any developed country in the world and they will discover that they have a national qualification framework to the extent that in some countries, and I want to cite the European Union (EU), they even have the EU Qualifications Framework which harmonises the respective national qualifications of the member states of the EU. This is so that there is ease of recognition of certificates obtained in the respective member states within the EU.

The only countries that did not seem to understand the value of a national qualification framework particularly in the continent of Africa are the East African countries. I know the case in point here that Ghana has a very vibrant national qualification framework. South Africa has a very vibrant national qualification framework and many other countries in Africa. I do not blame ourselves because we have a history of colonisation.

Hon. Temporary Deputy Speaker, if Members can take time to go to the national archives and read for themselves the education policies that were developed by the colonialists they will note, without any difficulties, that the education system was tailored to ensure that at no time will the settler go without labour. That is the system that we inherited. What do we have on the ground when you talk about quality assurance on our education system? Look at the example of the construction of our road network. We have seen roads that have been constructed by people who have trained in our institutions or people who have graduated from our universities but if you did a comparative analysis over the recently constructed roads by outsiders in our country, the reality is that the person who is constructing the road on the ground or the people who are doing the work of construction on the ground are Kenyans. However, behind them or those who are ensuring that the standards are met and they are non-Kenyans. They are people from China and the product that comes from that arrangement is a quality product never seen in this country.

Hon. Temporary Deputy Speaker, the education path that we have in this country runs from pre-primary through primary, secondary school to university level. If you look at this Bill, particularly under Clause 2 with regard to what hon. Kaluma had asked on these qualifications, you will find that it defines “the national qualification framework” to mean “qualification in education and training”. The training path that we have in this country stems from informal *Jua Kali*, village polytechnics, institutes of science and technology where I had a privilege to teach, national polytechnics and universities. All these arrangements in the education and training paths, in terms of the measurement of academic ability; in terms of the measurement of the skills attained, you have a competent national education or Kenya National Examinations Council which measures the skill or academic ability of the individuals coming from these institutions.

However, the reality in the training arena in this country is that you have commercial training institutions throughout this country that have been established which

engage in all manner of training for Kenyans. These training institutions recruit students, train them, they write examinations for these students, they moderate the examinations for these students, they invigilate, mark and award certificates. These are in-house certificates, diploma and all manner of certificates which are not subjected in any way to a national examining body. The result is that in the world of work, you have all manner of certificates floating and knocking at the door of the employers.

Hon. Temporary Deputy Speaker, it is my conviction that Members have not sufficiently associated themselves with this Bill because the objects of this Bill are clearly set out under Clause 3. There are six key objects which I invite hon. Members to familiarize themselves with.

Hon. Temporary Deputy Speaker, Clause 4 of this Bill states that:-

“An institution shall not award a national qualification which is not authorised or accredited in accordance with this Act”.

There are consequences under sub-clause 2 of this clause for doing so. It says that:-

“Any person who contravenes the provisions of this section commits an offence and is liable to pay a fine of five hundred thousand shillings on conviction”.

Care is being exercised to ensure that we not only attain quality standards in our education system, but we are also able to relate to the rest of the world. A Member has given a comparison of a Masters Degree obtained here in the field of Medicine. When taken to the United States of America, this person is rated as a nurse. Why is it so? This is because the standards obtaining in the United of America are far superior than those obtaining in our country. One of the objects being sought by this Bill is to establish standards for recognizing qualifications obtained in Kenya and outside Kenya, so that what the Member has cited does not occur when a Kenyan who holds a Masters Degree finds an opportunity to work in America. His rating should be similar to that of a person holding a similar degree in America.

Clause 7 of this Bill speaks to the functions of the Authority. There are 13 key functions that I invite the Members to familiarize themselves with. If you want to change Kenya, and I urge this House, if you want to save and transform Kenya, address the education system and in particular the education standards in this country. You will help Kenya. It will be a sad day when this House does not allow this Bill to pass into law.

Hon. Kipyegon: Hon. Temporary Deputy Speaker, I also stand to oppose this Bill. I oppose not for so many reasons, but I think we are just trying to create parastatals where people will just be spending time and our money.

We have several bodies in this country which look into the education system. If a university wants to offer a certain course, there is a body that gives accreditation. If a particular college or university wants to offer, for example, an engineering course, there is a body that gives accreditation for that particular college to offer that degree course. If a certain college or university wants to offer a degree in Law, there is a body that gives that accreditation and you cannot offer a degree in law or medicine or engineering unless you have been given that accreditation. So, what is the gateway to this particular authority that we are trying to create?

I also understand that when you study outside this country and come back, there is an institution which must attest to the certificate that you come with in terms of whether

it is recognized in this country or not. For example, if the university that gave you that degree is recognized in the country, that particular body is vested with the power to either attest to that certificate as valid or not. I am one of those people who studied abroad and when I came back and I got admitted to do Masters in the University of Nairobi, I had to go to the Commission for Higher Education. They looked at the university I studied in and gave me the letter that allowed me to be admitted at the University of Nairobi. If there is a back door to studies, then maybe it is not in this country.

We are just trying to create some bodies whose purpose I do not even understand.

If you want to join the medical profession, your certificate must be recognized. If you want to become a lawyer and you want to join the Kenya School of Law, you cannot join unless you have got a degree from a recognized university. You cannot tell us that you will be going through this body and then again you go through another vetting at the Kenya School of Law to be admitted. I think we are just trying to create bodies which will not help anybody and we have been complaining about it.

I remember this week was a week of complaints, starting from His Excellency the President, who has actually looked at the country and is worried about the wage bill. All of us are worried about the wage Bill. If we are trying to reduce the wage bill in one hand and increasing in the other, we are not mindful of what we are agitating for.

Hon. Temporary Deputy Speaker, we need not create a parastatal or an authority that will be looking at these matters. We need to give breath to the already existing institutions, be they the Commission for Higher Education, the Commission for University Education or institutions that look at different professions. Those institutions are not independent; they are dependent on the parent institution. Therefore, creating this particular authority is duplicating roles. What the Ministry of Education, Science and Technology is doing is what this authority will do. I think we are just duplicating functions in this case.

Hon. Temporary Deputy Speaker, we believe and we know there are so many universities and colleges in this country and even outside this country that offer fake degrees. Even if we were to create this body, the major intention of this body is to prevent the use---

ADJOURNMENT

The Temporary Deputy Speaker (Hon. Cheboi): Order, hon. Kipyegon! You have a balance of four minutes.

Hon. Members, it is now 6.30 p.m. and it is time to adjourn this House. This House stands adjourned until tomorrow Wednesday, 12th March, 2014 at 9.00 a.m.

The House rose at 6.30 p.m.