

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 24th August, 2016

The House met at 9.30 a.m.

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

PRAYERS

QUORUM

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Members, we obviously do not seem to have the requisite quorum. Therefore, I order the Quorum Bell to be rung for 10 minutes.

(The Quorum Bell was rung)

Order, Members! We now have a quorum and, therefore, business will begin.

PROCEDURAL MOTION

EXEMPTION OF BUSINESS FROM THE PROVISIONS OF STANDING ORDER 40(3)

Hon. Katoo: Hon. Temporary Deputy Speaker, I beg to move the following Procedural Motion:-

THAT, this House orders that the business appearing as Order Nos. 9, 10, 11, 12 and 14 be exempted from the provisions of Standing Order 40(3) today being a Wednesday morning, a day allocated for Business not sponsored by the Majority or Minority Party or a Member belonging to the Majority or Minority Party or Business sponsored by a Committee.

On behalf of the House Business Committee (HBC), I would like to report that it was not wise to exempt Order Nos.9 to No. 14 from Standing Order No. 40(3) because of one main reason.

Hon. Temporary Deputy Speaker, Order No.10 and Order No.11 relate to Bills that have constitutional timeline of 27th August, 2016 at midnight, which is two days to come. Therefore, the HBC resolved that today and tomorrow, being the last two days to the constitutional deadlines of those Bills, we would like to seek leave of the House to have those Orders completed. If the House allows that, we will only be left with one Bill that has the same constitutional timeline - that is the Physical Planning Bill. It is currently in the Second Reading at the Senate. We would like to appeal to the Senators that even as they come back for the Special Sitting, they should try to finalize it today and tomorrow for us to meet that constitutional timeline since we cannot extend the same deadline twice.

With those few remarks, I request the Leader of the Minority Party to second.

Hon. Nyenze: Thank you, Hon. Temporary Deputy Speaker. I rise to second this Procedural Motion.

Thank you, Hon. Temporary Deputy Speaker.

(Question proposed)

(Question put and agreed to)

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Members, what was remaining on Order No. 9 was putting of the Question.

MOTIONS

ADOPTION OF PIC REPORT ON FINANCIAL MISMANAGEMENT OF THE YOUTH ENTERPRISE DEVELOPMENT FUND

THAT, this House adopts the Report of the Public Investments Committee on the Inquiry into allegations of Fraud and Financial Mismanagement at the Youth Enterprise Development Fund, laid on the Table of the House on Wednesday, May 04, 2016.

(Hon. Keynan on 17.8.2016)

(Debate concluded on 23.8.2016 – Afternoon Sitting)

(Question put and agreed to)

APPROVAL OF THE MEDIATED VERSION OF THE FOREST CONSERVATION AND MANAGEMENT BILL

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Ottichilo you are the one who is moving this Motion.

Hon. (Dr.) Otichilo: Yes, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Cheboi): Proceed.

Hon. (Dr.) Otichilo: Thank you, Hon. Temporary Deputy Speaker.

Hon. Temporary Deputy Speaker, I beg to move the following Motion:-

THAT, pursuant to the provisions of Article 113 (2) of the Constitution and Standing Order 150, this House adopts the Report of the Mediation Committee on its consideration of the Forest Conservation and Management Bill (National Assembly Bill No. 49 of 2015), laid on the Table of the House today, Tuesday, 23rd August 2016, and approves the Mediated Version of the Forest Conservation and Management Bill, 2015.

Hon. Temporary Deputy Speaker, this Bill was forwarded to the Senate, which came up with some amendments. The Departmental Committee on Environment and Natural Resources considered the amendments proposed by the Senate and, out of its considerations, it accepted most of the amendments as being very progressive. However, there are a number of amendments

that the Committee on Environment and Natural Resources has rejected. Those were the contested amendments to Clauses 9, 72, 75, 77 and the Third Schedule.

We had a Mediation Committee and in the Committee, we had a chance to discuss those contested clauses. This morning, I wish to inform the House of the resolutions we made on the contested clauses.

First, there was Clause 9, which specifies how members of boards can be removed from those boards. We discussed this matter at the Mediation Committee and we all resolved that the proposal that had been made by the Departmental Committee on Environment and Natural Resources was the best because this is the standard proposal in all Bills, which basically specify the criteria a person has to meet in order to be appointed to a board. Among the criteria that is set out is, for example, a person shall not be appointed to the board if he has been convicted of a criminal offence or imprisoned for a term not exceeding six months, is a member of a governing body of a political party, has previously been removed from public office for contravening the provisions of the Constitution or any other written law, is an un-discharged bankrupt and violates the Constitution and/or any other written law.

Hon. Temporary Deputy Speaker, those are the standard conditions that are laid out in most of the Bills that we pass in this House. We agreed with the Senate that this should be maintained. Therefore, the earlier proposal by the Senate was dropped.

On Clause 72, the Senate had proposed that the relevant counties ought to be furnished with pertinent copies of relevant documents maintained by the Chief Conservator of Forests. We discussed this and all agreed that what the Departmental Committee on Environment and Natural Resources had proposed was right. We noted that if every document held by the Conservator of Forests has to be availed to the counties, it will be very expensive to the Department of Forests. So, we agreed that within this law, there is a provision that all the records available at the Conservator of Forests will be open for inspection by anybody. We agreed to drop the proposal by the Senate and adopt the proposal by the Departmental Committee on Environment and Natural Resources.

On Clause 75, the Senate had proposed that we delete the Environmental Management and Coordination Act of 1999 and replace it with the Environmental Management and Coordination Act of 2015. We all agreed at the mediation that the Environmental Management and Coordination Act of 1999 was not repealed. It was just amended. It is just one clause that was amended. Therefore, if we delete that and replace it with the one of 2015, we will have one clause which will then make no sense. So, we also agreed that this was an oversight by the Senate. Therefore, we agreed that the proposal by the Departmental Committee on Environment and Natural Resources should be upheld.

On Clause 77, the Senate had proposed that it be amended---

(Hon. Gichigi pressed the intervention button.)

The Temporary Deputy Speaker (Hon. Cheboi): Order! What is it Hon. Gichigi. You have pressed the intervention button.

Hon. Gichigi: I wanted to contribute.

The Temporary Deputy Speaker (Hon. Cheboi): Your card is on the intervention slot but, let us proceed.

Hon. (Dr.) Otichilo: On Clause 77, the Senate had proposed that it be amended by inserting the following new paragraph immediately after paragraph (a)-

“The land in Section (a) shall not include Government settlement schemes already registered before the commencement of this Act”.

The Mediation Committee agreed with this proposal. We all agreed that this was the right thing to do and it is already covered because settlement schemes are not part of the public forests or private forests.

Finally, on the Third Schedule, we found out that there were many repetitions of the same forests written several times. We went through forest by forest and found that a number of them had been repeated in the Schedule. So, the Third Schedule says the Bill should be amended by deleting the items indicated. This does not mean those forests are being deleted. They were repeated several times in the Schedule and so, we are just regularising to ensure that each of the forests appears only once. I alert Members because I know they will be more concerned about this deletion but, we have checked and found out that they were repeated several times.

I request Hon. Joyce Emanikor to second.

Hon. (Ms.) Emanikor: Hon. Temporary Speaker, I beg to second this Motion.

Having participated in the Mediation Committee, we realised that most of the things were actually a misunderstanding. Secondly, it was an oversight on our side because, for instance, on the issue of the forests, we had not really gone through the details of the Schedules to discover that some forests had been repeated.

We thank the Senate for the value addition in the amendments which we agreed with.

With those few remarks, I beg to second.

The Temporary Deputy Speaker (Hon. Cheboi): Before I propose the Question, let me take this opportunity to recognise schools that are visiting. In the Speaker’s Gallery we have St. Mary’s Kabarnet, Baringo Central Constituency, Baringo County and AIC Besiebor Primary School from Turbo Constituency, Uasin Gishu County. In the Public Gallery, we have Ekerubo Primary School, North Mugirango, Nyamira County, Kenyoro ELCK Primary School also from North Mugirango, Nyamira County and Katakwa Primary School, Teso North Constituency, Busia County.

Feel welcome to the National Assembly.

(Question proposed)

The Temporary Deputy Speaker (Hon. Cheboi): I will put the Question.

(Loud consultations)

Well, seeing the mood in the House, I will give two Members opportunity to contribute to this one. Hon. Kaluma and---

Hon. Kaluma: Thank you, Hon. Temporary Deputy Speaker. It is usually normal that we pass mediated versions of the Bills coming from Mediation Committees without contestations. But I am grateful for this opportunity to draw the Members’ attention to what is in Clause 9. That is the disqualifying factors to membership of a board particularly as proposed in the proposed new Clause (3A) (a) and (c). What is being said here is that if you were once convicted of a criminal offence for a term exceeding six months without the option of a fine, you cannot serve in that particular board. There are two problems there.

The idea of a conviction is a determination by a judicial officer. You have seen those matters through appellate processes and you have seen them through debates and articles. Many

are the instances where in the exercise of judicial discretion to convict even judicial officers, as human beings, we commit errors of law. You have a situation where there is the possibility of a large number of people or individuals who have been convicted but truly did not commit an offence. As a practising lawyer, I have seen so many cases where if you as a good lawyer did not intervene, a person would have been convicted. That is the first fault.

Secondly, being imprisoned without an option of a fine or being put on a custodial sentence is also the discretion of another human being. You cannot completely pin down someone's career due to matters of discretion. I would like to draw your attention to a simple case which was reported very recently. A tortoise was found in someone's compound. The wildlife conservation law that is currently in place says that the tortoise is a wildlife trophy and it cannot be in your compound. It will be presumed that you are keeping it. You are arrested and taken to court and yet, you had nothing to do with that tortoise. You are convicted. You are imprisoned for a term of many years because it is treated like any other wildlife trophy. It applies to any wildlife, including a tortoise. It is not just an elephant and those other animals. We have situations where even for offences for which there is no act of commission on your part, you risk the danger of a conviction. When you are convicted, you are told that despite imprisonment, you are tied there.

I wanted to draw the attention of the Members to the fact that our prisons are reform institutions. This clause presumes that once you are imprisoned, you can never be reformed to do anything useful in your life. In terms of career, you are put on a life sentence. You cannot do anything, including serving on that board, even if you are qualified. Though the Committee confirmed this provision, I find it to be very dangerous because it can unduly limit careers for offences or convictions due to errors. It also presumes that one does not reform or change and there is no chance for repentance in our law. The clause states that a person shall not be appointed to the Board if he has been previously removed from public office for contravention of the provisions of the Constitution or any other written law.

The Constitution has so many provisions for which a public officer serving the nation in various capacities may be removed from office. They are not necessarily the commission of an offence. Some of them are for matters like incompetence. I could be incompetent if you took me to the Kenya Bureau of Standards (KEBS) to check the chemical quality or the mechanical integrity of structures. My incompetence in one sector of national service does not mean that I am incompetent to serve in other sectors, including in that board. Under the Constitution, if you are removed from serving in the Ministry of Agriculture, Livestock and Fisheries for incompetence due to lack of training in matters of agriculture, it does mean that if this board has space for a legal mind, I cannot serve there simply because I was found incompetent to serve in the Ministry of Agriculture, Livestock and Fisheries.

All our laws prescribe various reasons all over. I personally find this opposable in terms of those two clauses. As a matter of standard, we always talk about being a non-discharged bankrupt, having violated the law or other grounds that disqualify you in terms of academic degrees and others. However, to include the idea that since you were locked up in prison you are locked out of serving on that board is a very dangerous thing. The Clause does not take into consideration whether or not you have appealed. You are stuck if you were once convicted and sentenced. I urge Members that this is a very good reason to kill this Bill. You could be killing the careers of people on very extraneous grounds.

The Temporary Deputy Speaker (Hon. Cheboi): I will give an opportunity to the Member for Narok South, Hon. Lemein.

Hon. ole Lemein: Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity. I rise to support this Motion. In my view, even though my good friend, Hon. Peter Kaluma opposes some sections of the mediated Bill, I still find it to be good for this country.

Clause 72 of this mediated version of the Bill gives some life to this Bill. It says that any register maintained under this section shall be open for inspection by the members of the public at the Office of the Chief Conservator of Forests. This Clause is very important. We have been facing a number of problems as far as land-grabbing is concerned. This particular Clause will assist or help us in maintaining the forests in this country. In the Schedule, as it has been said by the Mover, a number of those forests were repeated. That area was important for the Mediation Committee.

I support the Motion.

The Temporary Deputy Speaker (Hon. Cheboi): Let us have Hon. Gichigi.

Hon. Gichigi: Thank you, Hon. Temporary Deputy Speaker. I am in a quandary. I have consulted and been told that this Bill must be passed as a constitutional requirement within the next two days. Members need to listen to this. The whole of Clause 9(3A) is completely misplaced. The truth of the matter is that those are the sort of provisions that are brought to remove somebody who has already been appointed. Once you are in office, if you get convicted for an offence and you are removed. That is for Clause 9 (3A) (a).

I completely disagree with Clause 9 (3A) (a) and (b). Being a member of a governing body of a political party is not a job. You only go there once in a while. It is not a job. Why do we say that Kenyans who serve in those offices should not serve in those public bodies? That is completely wrong.

In Clause 9 (3A) (a) and (c), I do not want to belabour what Hon. Kaluma has said. If somebody was convicted during the *Nyayo* era in error because of a political issue, you propose that the person should not be appointed to the board. This is something that happened in the past. This clause deals with the ethics and governance provisions in the Constitution. If you violate them, you get disqualified and you are removed from office. You should not be removed due to something historical that happened. This is too general for our own good.

I have no issue with Clause 9 (3A) (d). It says in part that a person shall not be appointed to the board if they contravened the provisions of the Constitution or any other written law. When you say "or any other written law", what do you mean by that? A traffic offence is a written law. If you violate that, it means that you cannot be qualified to be on that board.

I am told that if we do not pass this law - and it is a very bad provision - we would have violated the timelines in the Constitution. I will ask the Committee to find out if there is a way of cleansing this particular provision. If not, we are left with no option but to pass a bad law and subsequently probably amend it. It is important that the Committee takes responsibility for this mess.

The Temporary Deputy Speaker (Hon. Cheboi): Let us have Hon. Namwamba. He should be the last one to contribute on this.

Hon. Ababu: Thank you, Hon. Temporary Deputy Speaker. First of all, let me commend you for allowing us to ventilate on this very important Report. I would like to remind the House that this is a debating Chamber. We come here to debate and make law. We cannot make laws by merely putting the Question on every issue. Thank you for allowing this debate.

Having said that, let me also celebrate this avenue for mediation. It allows the two Houses to work together on legislations. It brings onto the table the combined wisdom and experience of the two Houses. I want to fault the Senate in some of their proposals to this

particular Bill. Proposals to Clause 9 of the Bill are untenable and couched in unlegislative language. Legislation and the law are intended to forestall some kind of mischief. The couching of the language of some of those provisions is mischievous because they attempt to establish basis for rejection or disqualification. In such wide and indeterminate terms, it will be virtually impossible to enforce some of those provisions. I want to fully concur with the Committee in their efforts to clean up and sieve this Bill to come up with provisions that are easier and more effective in terms of enforcement.

Without going into details, disqualification under any written law is a matter that you will have a problem in enforcing. If you say you have been disqualified under any written law, what is the procedure for that disqualification? Who is the authority to determine and enforce that disqualification? Many of those provisions provided in Clause 9 of the Bill by the Senate are untenable and ultimately un-enforceable.

Moving to the proposals by our Committee in their attempt to clean up and sieve those provisions, I have issues with the provision of “any other written law”. Speaking as an attorney of no mean repute, any time you make reference to any written law, you broaden the basis for decision-making to an extent that enforceability becomes an issue. You are actually wading into an arena where you could even infringe on constitutional entitlements of the persons against whom you would seek to enforce this provision.

On the question of whether the Committee can bring amendments to clean up this Bill before we enact it, it is not about whether or not. They must clean up this Bill before we pass it. I have previously said in this House that we are Hammurabi the Law Giver. We can make, unmake and remake any law at any time and in any way. This Committee has no option but to go back, whether this afternoon or tomorrow morning, clean up this Bill and bring it so that we can enact it tomorrow afternoon. They should bring us a Bill that is clean, constitutional, enforceable, justiciable, one that meets all the tenets of constitutional expectations, can be easily enforced in a court of law and meets requirements for administrative justice.

I submit.

The Temporary Deputy Speaker (Hon. Cheboi): I now give this opportunity to Hon. Tong’i.

Hon. Tong’i: Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity. The Mediated Version of the Forest Conservation and Management Bill is good because it addresses most of our concerns.

I have issues with provisions to Clause 9(3A) (a) and (b). When you are jailed, the whole idea is to make you a better person and ensure you can fit back into the society so that you can contribute to the well-being of humanity. But the provisions negate the whole idea of rehabilitating people.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Tong’i, please talk about something else because that has already been cited.

Hon. Tong’i: Hon. Temporary Deputy Speaker, clause 9 (3A)(b) enhances the perception that politics is dirty. What do we mean when we say that anybody who is a member of a political party should not be appointed to that body? Are we saying that people in politics are criminals and cannot make good leaders? This provision is not good for this country. We should amend it so that everybody who is qualified for the job gets an opportunity so that we do not criminalise people.

When you talk about violating the law, what happens to people who have been convicted of traffic offences? Provisions to Clause 9(3A)(b) and (c) are unrealistic and we can only get

angels to perform those duties because they will disqualify almost everybody. I have tremendous respect for Hon. (Dr.) Ottichilo and his team. I think he is one of the best brains in this country and Africa, but he got it all wrong on this. We should amend it so that we can have a Bill that is all inclusive and accommodates all Kenyans; those who have been convicted and have reformed, and those who have not been convicted.

Enhancing the idea that politics is dirty discourages good people from getting into it. We will keep whining on why we have bad politicians if we do not do something about it. We should make politics attractive so that we can get people who are qualified, honest and have integrity. I am a church elder and I am in politics. I do not think laws are meant for criminals.

I support the Mediated Version of the Forest Conservation and Management Bill, but with few amendments. It will go a long way in serving the country better.

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

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Irea, what is your point of order?

Hon. Irea: Hon. Temporary Deputy Speaker, with your guidance, I would like to point out that, as I was walking here today, I saw very excited pupils visiting to observe our proceedings. I want to request that we should go digital so that they can appear in our screens.

(Pupils clapped)

The Temporary Deputy Speaker (Hon. Cheboi): You are now exciting them.

Hon. Irea: Their visit is historic. They should appear in our website so that when they go back home, they can see that they were here. Parliament should have facebook, twitter and instagram pages. Their excitement should not end when they come to this House.

The Temporary Deputy Speaker (Hon. Cheboi): Hon. Irea, you have made your point. I am tempted to feel that you are speaking to the Gallery. For information purposes; pupils, strangers or even Members are not allowed to clap. We have a way of doing things in this House. Our rules should also govern our visitors, including pupils. It is their right to be excited, but there are better ways of doing it other than clapping hands.

Hon. Irea, you have been heard. So, the rest will be done administratively.

Hon. Irea: Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Cheboi): Order! Proceed, Hon. Katoo.

Hon. Katoo: Thank you, Hon. Temporary Deputy Speaker. Mine is a plea to the House. I would like my good friend, Hon. Ababu Namwamba, to listen. When I was moving the Procedural Motion No. 8, I pointed out that those Motions have a constitutional timeline of, basically, tomorrow. This is because the timeline is 27th August 2016, which will be on Saturday.

As a House, we had already extended the timelines for those Bills by one year. We cannot extend for a second time. Therefore, Motion No. 10 and Motion No. 11 are Motions that are in accordance with Article 113(2) of the Constitution, read together with Standing Order No. 150 of this House.

Therefore, I just want to move that the House accepts those Motions the way they are because they are as a result of a mediated version. A mediated version by both Houses means the Bill is lost if one House rejects the mediated Report. There is no room for the two Committees of those Houses, which is the Mediation Committee, to meet again once they have presented their mediated Report to the House. What will happen is that it has to be started afresh. That is my plea to the House.

Yes, the issues raised by the Hon. Members starting from Hon. Kaluma of Homa Bay Town Constituency, Hon. Ababu Namwamba of Budalang'i Constituency and the Member of Parliament for Kipipiri are very pertinent and valid. I could say it was an oversight by the Mediation Committee. But, time for curing those mistakes is not there. The room is now for us to pass the mediated version the way it is and, subsequently, maybe after six months, it is brought back. We see some concerns even on the original Bill. The clauses which were not cited by the Senate and did not go for mediation need to be re-looked into. My plea is that we beat the deadline which is tomorrow. There are two Motions. After six months as required by law, we can cure those clauses even before operationalising the Act.

Therefore, I really appeal to the House not to cause the whole Bill to be lost because the consequences will be severe.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. Cheboi): Okay. Let us lastly have Hon. Ottichilo to do the needful. Hon. Members, of course, that does not remove the Hammurabi thought from Hon. Namwamba. There are options we can take.

Proceed, Hon. Ottichilo.

Hon. (Dr.) Ottichilo: Thank you, Hon. Temporary Deputy Speaker. I want to appreciate the comments that have been made by Members of this House on this Bill. But, as the Whip of the Majority Party has indicated, this is a mediated version of the Bill. We have sat, discussed and agreed.

As Hon. Metito has indicated, it is best for us to go ahead and approve this Bill. Any amendments that are required can be done within six months.

I want to bring to the attention of this House that they have to look at all the other Bills. That is because this clause that is being contested is standard. If you check in all the Bills we have passed in this House, this is exactly what we have been passing.

Therefore, the Departmental Committee on Environment and Natural Resources did not invent any new words. We simply picked it from other Bills as it has been. If it is felt by this House that those clauses are punitive, particularly when it comes to imprisonment or any other written law, it will call upon this House to repeal or remove such clauses in many other Bills.

Personally, I agree with their concern. I just want to plead that we pass this Bill so that we do not fail. If we fail, the consequences are dire.

Thank you.

The Temporary Deputy Speaker (Hon. Cheboi): Okay. I will not put the Question on this one. That could be done in the afternoon.

(Putting of the Question deferred)

So, we will move to the next Order.

APPROVAL OF THE MEDIATED VERSION OF THE NATURAL RESOURCES
(CLASSES OF TRANSACTIONS SUBJECT TO RATIFICATION) BILL

The Temporary Deputy Speaker (Hon. Cheboi): Okay. That is Hon. Ottichilo again.

Hon. (Dr.) Ottichilo: Thank you, Hon. Temporary Deputy Speaker. I beg to move the following Motion:-

THAT, pursuant to the provisions of Article 113(2) of the Constitution and Standing Order 150, this House adopts the Report of the Mediation Committee on its consideration of the Natural Resources (Classes of Transactions Subject to Ratification) Bill (National Assembly Bill No. 54 of 2015), laid on the Table of the House today, Tuesday, 23rd August 2016, and approves the Mediated Version of the Natural Resources (Classes of Transactions Subject to Ratification) Bill, 2015.

Hon. Temporary Deputy Speaker, this is a Bill that was discussed both in this House and the Senate. All the provisions of this Bill were, in overall, agreed to, except the one which the Senate did not approve.

When we came into this House, the Departmental Committee on Environment and Natural Resources rejected the proposal by the Senate. This was an inclusion of a new clause which they indicated as Clause 9(A).

In the inclusion of this clause, the Senate brought in quite a number of proposals which were contrary to what was within the Bill itself, particularly Clause 9, Clause 8 and Clause 10. When we sat in the Mediation Committee, we all agreed that the version that had been brought by the Senate was not consistent with our Standing Orders and Clause 8.

After mediation, we agreed on the following- If you allow, I can just read for the Members to understand what we agreed. I want to make it clear at the outset that this Bill actually allows the Cabinet Secretaries (CSs) to enter into agreement on exploitation of natural resources. Therefore, we are putting up the conditions under which those agreements should be approved. Those agreements will not be assented to by the President. There will be agreements that will be approved by the CS.

I would like Hon. Members to know. They should not think that the agreements will be taken to the Office of the President for assent. This is what we agreed on as a Mediation Committee:-

- (1) The process of approval of an agreement shall commence in the National Assembly.
- (2) The National Assembly shall consider an agreement within 30 days of its submission to the National Assembly and shall forward its resolution to the Senate for consideration.
- (3) If within 30 days of submission of an agreement to the National Assembly it has not forwarded its resolution to the Senate, the Senate shall commence its consideration of the agreement and shall forward its resolution to the National Assembly.
- (4) If both Houses —
 - (a) approve the ratification of an agreement; or,
 - (b) do not approve the ratification of an agreement, the Speaker of the National Assembly shall, within seven days of the decision, notify the relevant Cabinet Secretary.

Our Standing Order No. 50 provides that the whole of this process must be done within 60 days. Therefore, what we agreed as a Mediation Committee is to split the 60 days so that the National Assembly discusses the agreement within 30 days and then we forward our resolutions or proposals to the Senate within those 30 days. The Senate will then discuss the same within 30 days and bring it back to the National Assembly. Depending on the decision, it will be forwarded to the Speaker. Finally, we have put a provision that once an agreement has been discussed in both houses and is presented to the Speaker, the Speaker is mandated to forward it to the Cabinet

Secretary (CS) within seven days. This is meant to ensure that the Speaker does not sit on the agreement once it is agreed on.

I beg to move and urge Hon. Emanikor to second.

Hon. (Ms.) Emanikor: Thank you, Hon. Temporary Deputy Speaker. I rise to second. You realise that the first proposal brought by the Senate was giving the National Assembly 60 days after the submission of the agreement. This is one of the clauses we rejected and agreed that the 60 days be split between the Senate and the National Assembly. I second.

(Question proposed)

Hon. Members: Put the Question.

The Temporary Deputy Speaker (Hon. Cheboi): Can I put the Question? However, Hon. Members, also on this particular one, even if I wanted to put the Question, we do not seem to have the requisite numbers. We will defer the putting of this Question to the afternoon.

(Putting of the Question deferred)

Next Order!

BILL

Second Reading

THE UNIVERSITIES (AMENDMENT) BILL

(Hon. A. B. Duale on 23.8.2016)

(Resumption of Debate interrupted on 23.8.2016)

The Temporary Deputy Speaker (Hon. Cheboi): On this one, we are resuming debate. Let us see if we had anybody who had a balance of time. Hon. Sabina Chege had seconded. Since it had been seconded by Hon. Sabina Chege, I will proceed to propose the Question.

(Question proposed)

I will give the first opportunity to Member for Soy, Hon. Barchilei. Do you want to speak to this one?

Hon. Barchilei: Thank you, Hon. Temporary Deputy Speaker, for giving me this chance. I support this Bill. Our universities and institutions have faced several problems and this Bill provides a framework in which those problems will be solved. It will give proper guidance to our institutions. I support this Bill.

The Temporary Deputy Speaker (Hon. Cheboi): That was brief. Let us have Hon. Mary Seneta.

Hon. (Ms.) Seneta: Thank you, Hon. Temporary Deputy Speaker, for giving me this chance to also support this Bill. It seeks to streamline the operations of the universities. I support this Bill, especially in Clause 13, where it clarifies the provisions relating to the students' associations in our

universities. Recently, we had issues with the Students Organisation of Nairobi University (SONU) elections and other elections pertaining to students' associations in our universities. We have students who cause chaos and riots in the elections. This is due to lack of clear guidelines on appointments and election terms in our universities. Therefore, students are elected and some of them overstay in those offices. So, this Bill seeks to streamline and clarify the provisions relating to students' associations.

There is this particular case of the University of Nairobi (UoN). We are told that Babu Owino is like a career politician in the university. He has been elected for four terms and it seems as if his term has no end. This Bill seeks to cure such cases in our universities. This happens not only in UoN, but also in other public universities. It will clarify on the terms of elections of the students' association officials.

This Bill also seeks to give the Commission powers to regulate courses that are taught in our universities. I really want to support because many of our universities, especially public universities, have ended up allowing the teaching of certificates and diplomas and leaving out PhD and degree courses. This amendment seeks to give the Commission the mandate to regulate courses in the universities such that universities will concentrate majorly on bachelors and master's degrees and also PhDs, so that our students can get quality education. Currently, the universities take certificate and diploma students and do not concentrate on the quality of the certificates and degrees that are offered to our students.

So, I support this Bill in that it will amend the Universities Act and give universities more concentration on what they are supposed to teach. I support this Bill.

The Temporary Deputy Speaker (Hon. Cheboi): I give the Floor to the Member for Budalang'i.

Hon. Ababu: Thank you, Hon. Temporary Deputy Speaker. I support this Bill in terms of the objective of streamlining operations of our institutions of higher learning, especially with regard to focusing more on academic programmes that contribute towards achieving our strategic economic goals as a country.

We know that education, training and acquisition of skills are key to any economic take-off. For a country like ours that has set very ambitious goals in terms of Vision 2030, you want to put focused training based on serious university programmes at the center of that journey towards Vision 2030.

There has been an explosion in the expansion of university education in this country, but that explosion has not been accompanied with a serious focus in terms of the quality of programmes. We have been more obsessed with numbers by merely talking about the number of universities and students that we are admitting to those universities. However, our attention has not focused on the quality and the kind of programmes that we are offering. In so far as this amendment Bill would in some way contribute to that, it is then worth our support. Talking about quality, let me also challenge our universities that this obsession with expansion, nearly growth, taking pride in the fact that we have more institutions and students without auditing the quality of the learning that we are offering, whether we are making a contribution to strategic economic goals of this country, may not be tenable in the long run. Looking at countries that have managed to successfully undertake economic take-offs, the so-called Asian Tigers, economies like Korea and Taiwan that have exploded to incredible levels, you see the effort and deliberate investments in education, especially programmes that are in line with strategic objectives of those economies.

I was in Dubai a few months back and it was very interesting that, other than merely having a city that is a magnet for tourism and investment, this is a city state that has set aside a whole zone for intellectual exploration and exploitation, an almost academic city within a city. You go to places like Hyderabad in India, what is called the Technocity of India and you see a country that has deliberately invested in learning as a means of triggering economic growth. In places like Boston in Massachusetts, universities like Harvard or the Massachusetts Institute of Technology (MIT) and how they are linked to Silicon Valley and other production drivers of the American economy, you see a very clear link between education, higher learning and economic growth.

So, my challenge to our universities is to take advantage of this kind of legislation so that we can invest more resources in research and programmes that are geared towards our strategic economic objectives. There is no need to open every campus all over the place and every campus is offering Education, Arts and the usual stuff. Let us be innovative that even as we expand our institutions of our higher learning, we also go into innovative programmes. I have had the privilege to develop a university campus back in my constituency of Budalang'i. Among the things we are doing at that new campus in collaboration with Masinde Muliro University of Science and Technology (MMUST) together with the Nagoya University of Japan (NUJ) is to develop programmes that can take advantage of the unique location of Budalang'i within the Lake Victoria belt. Those like Marine Science and Water Technology programmes that respond not only to the immediate needs of the community, but are also in line with the ultimate long term strategic economic goals of the country.

My final submission on this Bill is on the university politics. I am a product of university student politics, having been a student leader at the University of Nairobi (UoN). I know the challenges that have crept into university student politics. Today, politics at the university is very much reflective of the ordinary political complexion of our general society. There is a lot of ethnicity that defines student politics. There is a lot of interference in student bodies by the university administration and in so far as this amendment would seek to improve the general environment of student leadership, it has to be supported. It is untenable to turn our universities into breeding grounds for negative ethnicity, violence and all vices that ultimately define our politics in this country. At the same time, let us also not seek to be too controlling because the Constitution in this country provides certain guarantees in the Bill of Rights. So, as we pass legislation to improve and respond to some mischief or challenges within student leadership, it must be done in a manner that is in consonance with the Bill of Rights and that allows students in this country to conduct their politics and leadership issues freely and without undue control.

I want to rebuke those universities whose administration plays a prominent role in interfering in the free expression of the will of students who are members of their various unions. As university administration, your role is limited to facilitating operations of those student unions and providing a conducive atmosphere within which students can lead and participate in the activities of their unions. If you reduce yourself to micro-managing the affairs of student unions, you want to determine who can get elected and who cannot get elected as university administration. That is unacceptable.

I agree that we cannot turn universities into an arena where some students become professional students, where you do not cease being a student and a student leader. That is a matter that is also untenable. Ultimately, I challenge our students and universities to make student politics a true breeding ground for national leaders, persons who upon exiting universities and student leadership, can proudly join the league of national leaders and contribute

to making Kenya a more cohesive, peaceful and polity nation. We have persons that have sat in this Chamber who have grown out of student leadership, people like Sen. James Orengo, the late Sen. Mutula Kilonzo and Hon. Ababu Namwamba. They have grown out of student leadership and gone on to be leaders of worth in this Chamber and beyond.

Hon. Temporary Deputy Speaker, I support the Bill.

The Temporary Deputy Speaker (Hon. Cheboi): Let us have Hon. Nyamunga.

Hon. (Ms.) Nyamunga: Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity. I would like to support this Bill with a few remarks. If you look at the history of universities in Kenya, you will know we have come a long way. During our days, you would find 4,500 students only in the whole nation who had qualified to access university education. Before that, we only had Dar-es-Salaam, Nairobi and Makerere universities in this region. For a long time, university education was a preserve for a few people. We now have thousands of students accessing university education. As we expand, we should recognise the fact that the standards should be kept high and should get even better.

I would like to support this Bill because it aims to streamline the management of the universities, the courses, mentorship and much more. Section 56 of the amendment will allow placement of university students to relevant courses. Right now, we have many cases of students who may have done very well and have their own aspirations. Maybe, some of them wanted to be doctors, lawyers, engineers and things like that. Sometimes, students with grade “A” are placed anywhere. The reason is because there is no proper guidance and alignment. Students are just placed without proper guidance and counselling. It is very important that mentorship of students does not stop in high school. It should go up to the university level because that is where students’ lives are determined. That is where they come to realise their dreams.

Research is very important for any institution and, more so, for our universities. We lack research courses in our institutions and universities are just moving on. The world is moving on with technology, but our universities are at a standstill. Old tricks are still being used in the 21st Century. It is very important that a board that will give guidance is put in place. Money should also be allocated appropriately according to this Bill so that issues of research are well taken care of. That is because with research, we will endeavour to give our students what they need and the nation at large. If you look at developed countries, places like Korea and Singapore, we were at the same level with them at some point. Where did Kenya go wrong? It went wrong because we neglected some of the things that this Bill seeks to put in place. If we need to be industrialised, there are things that we must put in place for us to achieve that. We must have the right education and research if we are to turn and make our villages into small towns. Koreans are now reclaiming land from the sea to make cities out of it because of land scarcity.

In Kenya, we have a lot of land and we can start developing that. Without putting that in people’s minds, the nation as a whole, the leadership and even the students---They should now know where we are shifting to. Are we shifting from the traditional courses like law and medicine? We should now shift from such courses to the relevant courses which will make us move from where we are to the next level. If we need to industrialise, what should we put in place, what kind of students should we have and what level of research should we have at the university level?

Something that has already been mentioned by some of my colleagues is the issue of making available all courses in all universities. Kenyatta University was the only university offering a course in education. It is good to diversify. It is very important but I think they are over-doing it. We are focusing more on many numbers. It is better I have children in the house

who have gone to university without jobs than having children who have not gone to school at all. You find some universities offering courses starting from certificate, diploma, higher diploma up to degree level. That should be avoided. We have middle-level colleges which should take care of the certificates, diplomas and higher diplomas and then the universities should concentrate on offering first degrees and master's moving forward.

Some of the clauses in this Bill are very important, like the issue of funding. It is important to know how universities will be funded according to their needs. That should also be put in place so that some of them are not over-staffed at the expense of others. Some are over-staffed and over-funded. Too many courses do not make sense. University education should be well researched. We should go for technology because that is where we need to go. I think this is an important Bill. University education must be regulated, funded and guided properly. Students must be guided in terms of career choices. If you ask students what course they want to do, they have no idea. A lot of mentorship should be done on students so that they can know what they want to be in future. We should also have those colleges segmented. Long time ago, if you wanted to be a doctor, you would go to Makerere University and if you wanted to do an engineering course, you would go to the University of Nairobi. Why is it now done haphazardly and every university wants to offer everything? Every faculty in each college should be segmented. It is important.

I wish to support the Bill.

The Temporary Deputy Speaker (Hon. Cheboi): Let us have the Member for North Imenti.

Hon. Dawood: Thank you, Hon. Temporary Deputy Speaker. I want to support this Bill. In this Bill, there is conflict with other Acts in approval of programmes. If you notice, we have had many courses which are offered by our universities. Some of them lack accreditation from statutory bodies. For example, there was a time when some students who had done engineering degrees were not recognised by the Board of Engineers and they had a problem in getting accreditation. So, with this one, I think we would have solved part of the problems.

Clause 6 of the Bill is about protection from liability. It is a good thing that the officers who are working in the Commission will be protected from whatever they are doing in the course of their work. However, if we have rogue officers who purport to do things in the name of the Commission, that will not be right. We need to separate rogue officers. We need to see how we can go about it.

We have provisions where we have many arts course which are being provided by most of our universities, as the previous speaker has already said. We are not concentrating on what needs to be done and which courses need to be offered. I believe with this amendment, the Commission will specify how many arts courses we can offer or limit them. This is because we need to go into the science subjects because if we do not do any research and design courses, then I do not think we will go very far as a country. We need to go forward in science and technology as well.

Regarding the variation of the charter in this Bill, that is a good idea. We need to encourage them. If some universities have been given charters and are not fulfilling what they are supposed to do, then the charter needs to be removed and they are disqualified or shut down as it has been proposed in the Bill.

There is the issue of students' elections and councils. Very often, we have students' elections and Members of Parliament are told that students from their areas want to become chairmen, secretaries or hold other posts. We should delink students' elections from ethnicity

and politics because that is where we are messing the student's councils. A case in point is the University of Nairobi where students study a diploma or degree programme for eight to ten years, because they want to be student leaders. We should know how to go about this because a lot of money is spent by people who vie for various positions in universities. We need to come up with ways in which we can stop those kinds of elections which do not help the students but just create problems.

Clause 16 talks about placements. We have problems with placements although we have a very good Chief Executive Officer (CEO), whom I hope is not just acting but will be confirmed, Mr. Muraguri. We also need career development in our universities. Most often than not, students are admitted for courses that they did not apply for and end up studying what they do not like. Other universities offer courses they would like to do but, apparently, they are not given career guidance in choosing better courses to study.

One of my constituents had grade A- (minus) and was called to study Bachelor of Education. He had done very well in the science subjects, but he was not offered a course in science. We need proper placements and correct career guidance.

It is a good thing that the Government will be giving 10,000 qualified students opportunities to study in private universities. That will go along way in sorting out our children who cannot make it to join public universities, but have attained the grades to join private universities and cannot afford.

Regarding vice-chancellors of universities, I believe we need to have a competitive and open process. The other day we heard about vice-chancellors coming from one ethnic group and 80 per cent of the staff in the university also from one ethnic group. The Government needs to take this seriously because other ethnic groups need to be considered. There should not be more than 30 per cent staff for any university from one ethnic group. There should be a balance of people from all over the country so that there is fair representation in our universities.

We need to do much more with regard to career guidance and fake colleges and universities. They should be closed down because they are a hindrance in our society.

With those few remarks, I support.

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

[Hon. Deputy Speaker took the Chair]

Hon. Oyoo: Thank you, Hon. Deputy Speaker, for giving me an opportunity to speak to this very important Motion, given that there is serious demand for quality education in this country.

Recently, the President showed us the way by offering opportunity to those people who did not qualify to join several public universities. The Government will now be taking care of them in terms of school fees by giving them bursaries. This over-diversification of quality university education should not alter or dilute the standards of our education. It is just like what my colleague Hon. Rose Nyamunga has talked about. We grew up in those old days knowing very well that it took one mountain and was a pipe dream to study engineering in the university. My colleague and good friend the MP for Limuru can testify that when he was joining UoN to study electrical engineering, it was not just a walk in the park. He passed through serious vetting and thresholds that were set before him.

Today, I stand to argue my case because in my constituency, I have a concept on education and I give it a big priority in my dispensation. For any student who does KCPE in a public school and is invited to join a national school in this country, I pay 100 per cent to make sure that they all report and I supervise them for the period they are there. Secondly, for any student who is called to join university to study architecture, medicine and any type of engineering, I also support them 100 per cent.

But now my efforts are being diluted because this term, I have seen students coming to me with college letters from Egerton University, Jomo Kenyatta University of Agriculture and Technology (JKUAT) and Kirinyaga University, which I thought was a polytechnic. They have been admitted there with B+ (plus). I have students who are going to study Economics with A (plain) in UoN. It is going to force me to extend the benefit to the students with B+ who have been admitted to Kirinyaga and Egerton universities.

It only occurred to me the other day that even Egerton University offers medicine course. I was left to wonder how and whether we have requisite teaching staff that can mould students. I know for sure that most lecturers are borrowed from other universities. You find a lecturer from UoN or Kenyatta University (KU) going to offer services in Mombasa. They travel with Coast Bus in the night and arrive there in the morning and the class starts at 8.30 a.m. He has not even washed his face or, maybe, the car broke down and is shivering with cold and is required to be in class. Yet, we expect the professor to bring up a qualified doctor.

We have students who are studying medicine in universities like Maseno or KU going for practicals in public hospitals which are run by our chaotic county governments. When they are supposed to be learning, the doctors are on strike and the governors are grandstanding. The doctors who are there are also half-baked and are not real doctors who used to teach our students at King George Hospital - now Kenyatta National Hospital (KNH).

We need to do something to make sure that our students go to the university and get quality education. There is craze for university degrees and even Parliament has got its share. You can see this from the beneficiaries of the so-called liberalized university education on the Floor of the House. They wait when there are hardly any Members they speak to the wall because they are not well tested.

I want to appeal to Kenyans to support the current CS for Education, Dr. Matiang'i, because he is equal to the task. His stand is making sure that we offer quality education to the downtrodden and people who deserve it. We should not over-politicize our stand because we want to make profits and fail to give our students quality education.

Student leadership has been talked about. I do not know if we are going to give democracy room or allow our universities to be traversed by gangs. Student leaders are supposed to be representatives of the interest of students, such that when there is a problem, they can intercede on their behalf. Today we see young men who are professional students. They remain students forever. They drive cars and we do not know where they get them from.

I want to appeal to those in the Government or Opposition who are using them that universities are supposed to be learning institutions. They are not for testing people to be future leaders because they are in good books with some political big wigs. This is wrong. We want order at the universities and secondary schools. We want the students to emulate good conduct so that they are brought up as responsible citizens who are going to learn their specific trades and, afterwards, infuse the citizenry with the requisite experience and education that they will have acquired from those universities.

This is a very good Bill, but we need to help Dr. Matiang'i to establish a responsible education system. I also hope that the recent extension of Government consideration to public universities was not for business purposes, but for providing education for all and sundry in this country. Otherwise, I support.

Thank you very much.

Hon. Deputy Speaker: Hon. Johanna Kipyegon. If he is not in, let us hear Hon. Ali Rasso.

Hon. Dido: Thank you very much, Hon. Deputy Speaker. I wish to add my voice to this Bill. I rise to support it. The university is a fountain of knowledge. This is a place where we incubate the true future leaders of this land. What we have seen in the recent years is the mushrooming of universities where, even in the Central Business District (CBD) of Nairobi, you will find about 10 or 20 university colleges in the most inappropriate places. Through such, quality is affected. If the university is the fountain of knowledge, such location undermines and says a lot about what it stands for.

In this Bill, one of the issues that have been articulated is the variation of charter. The guiding principle of Kenya into the future is Vision 2030. If we are not looking at training, research, technology and skills development, then the universities are not likely to do much in helping Kenya to progress into the future. Our universities, particularly the private ones, appear to duplicate what public universities do. A university charter is given by the Government. Whereas we should not stifle private enterprise, we must see to it that private universities offer something different and special to the young people of Kenya.

University education still remains a preserve of those who have means. The poor still do not access university education, whether they get Grade B or A. The poor student who gets Grade A and would want to do medicine will not likely do it because missing half a point means that they are admitted to courses which they have not applied for and which they would not wish to undertake. Universities have been categorised into the moneyed and the poor. Regular students are about only 20 to 30 per cent of the student body, while 70 per cent are on parallel programmes. I do not know how many Kenyans would afford to pay Kshs100,000 every three months to get university education. This means the best and brightest students are still left in the villages and towns to eke out a living and yet, they are qualified to join universities. It is only that they do not have money to achieve their lifetime dreams.

On the courses, I think one of the major things for Kenya as a developing country is to develop technology-based courses and to allow the young minds who are really interested and have qualified to do courses in medicine and engineering to do them. But the sad part of it is that there are only four universities in Kenya that offer medicine. They are:- University of Nairobi, Moi University, Kenyatta University and Jomo Kenyatta University College of Agriculture and Technology. The total number of doctors trained every year is less than 500 and yet, those who qualify to do medicine are in hundreds and thousands. It is high time we began to think out of the box and provide enough space. As opposed to taking 200 students on regular programme and another 300 on parallel programme, I think we as a country can do better.

The other area is on quality of education. Those who have spoken before me have touched on this matter. When a university course is offered, there must be a professor who is the head of that course. If there is no professor heading a course, its quality is undermined. When universities are given charters, one of the things they must put down in writing is the number of professors they have.

On the relevance of universities in certain areas, it is important that if a university is to be established, say, in Marsabit, Lodwar, Garissa or Kisumu, it must offer courses relevant to that geographical area, whether it is ocean or sea-based---

*(Hon. (Eng.) Gumbo consulted loudly with Hon. (Dr.) Nyikal,
Hon. Oyoo and Hon. (Ms.) Nyamunga)*

Hon. Deputy Speaker: Order! Eng. Gumbo, you cannot have a *kamukunji* inside the Chamber. Let us listen to the Member contributing.

Hon. Dido: Thank you, Hon. Deputy Speaker, for protecting me. I was saying that universities in different geographical areas must provide courses relevant to those areas. I would like to see a university started in Marsabit or Garissa or Mandera offer courses relevant to that area, such as livestock development, range management or irrigation. This is so that such a university is seen by the local population as a serious incubator of helping the people there to develop economically.

Finally, recently, there was a story in one of our dailies about our universities being administered by seven communities of Kenya and yet, we have 42 communities. I think the university is the last institution to be ethnic-based or tribal-based. In itself, this is against the Constitution. Universities cannot exist in exclusion because many of them are public funded. A public institution must be an equal opportunity employer.

Finally, hon. Members have spoken to the issue of students' council. In my opinion, students in the universities are growing leaders. However, we cannot allow our universities to be politicized. Universities cannot be a hub for drugs and all kinds of lawlessness.

With those few remarks, I beg to support.

Hon. Deputy Speaker: Hon. Mwinga Chea.

Hon. Chea: Thank you, Hon. Deputy Speaker for giving me this opportunity. I wish to support the Bill; the Universities (Amendment) Bill, 2015. As I support this Bill, I must say that we have seen so many Kenyans joining universities and others desiring to do so. This is very important. Wherever we go, we try to encourage our youths that they have to look at education in terms of university education. Days are gone when one would consider oneself educated by only completing Form Four. As Kenyans join those universities, there are several challenges that this Bill will go a long way towards addressing. We must equally observe that since after Independence to date, there are so many universities that have come up. I believe that Hon. Members in this Chamber would wish to contribute so much towards the setting up of universities in their various constituencies. As all this is being done, it is equally important to look at the question of standards. We should be looking at the quality of education that is being offered in those universities.

Hon. Deputy Speaker, I find Clause 12 of the Bill quite progressive. This Clause seeks to amend the provisions of Section 39 on the question of recruitment of vice-chancellors. I want to believe that once we have a competitive process, we will have councils that will proceed to recruit on the basis of qualifications. When we talk of qualifications, I want to believe we are not only talking of academic papers; we should look at many other issues, including interests. We should look at the question of incompetent vice-chancellors. That way, we will get rid of people who are intent on mismanaging our universities. If universities get their vice-chancellors from a competitive process, then the issue of ethnicity that has been spoken about so much by Members here will not arise. What saddens us in this country is this: If you look around at the universities

in Kenya, it appears there is a university in every region, but the head of that university must come from that region. I do not think that is a very good trend. If this happens, you will realize that the entire management of the university will come from one ethnic group and this is not healthy for the nation. Once the process is made competitive, and once everybody is given an opportunity to ascend, then that is the day we will be talking good of our universities.

The other issue I want to address is the question of placement. I agree with hon. Members that we have so many students who have gone through certain degrees in the university. Three years later, you find them in the village disinterested in whatever they did at the university. This speaks to the question of interest. So, the board charged with placement of students has to come up with a mechanism where the interests and the qualifications of a student who is to join a university are followed right from secondary school level. If this does not happen, you will find students joining universities to do courses that they never intended to do. Once they proceed to do such courses, you do not expect them to be productive to the nation and the society because they do not feel comfortable with whatever they are doing. You will, therefore, find that resources are being wasted. If today a student goes to do a Bachelor of Laws Degree and after three years, they are not interested with it, and they opt to pursue something else, what happens to the resources that were spent by the society in educating them? My humble belief is that once the placement issue is addressed well, there will be no wastage of resources.

The other issue is on the programmes that are being offered in those universities. I believe that we do not need duplication of courses. If certain universities are competent enough and are endowed with resources to teach a particular course, then we must invest seriously in that university. We do not invest in all those courses that are offered in every university. We want to appreciate that our people would wish to access education at a low cost, but the low cost should not compromise standards. If the University of Nairobi offers a certain course, which they have competent lecturers, then let us give them that opportunity. Let them be funded well so that, at the end of the day, we can produce graduates who know what they are doing in this country and they can assist in the development of this nation.

Hon. Deputy Speaker those are the issues I wanted to raise. With those few remarks, I wish to support this Bill.

Hon. Deputy Speaker: Hon. Sunjeev Birdi.

Hon. (Ms.) Sunjeev: Thank you Hon. Deputy Speaker for giving me this opportunity.

Hon. Deputy Speaker: I have given the opportunity to Hon. Sunjeev. Return your card, Hon. Chebet.

Hon. (Ms.) Sunjeev: May I proceed?

Hon. Deputy Speaker: Yes, you may.

Hon. (Ms.) Sunjeev: Thank you, Hon. Deputy Speaker for giving me this opportunity to add my voice to what everybody is contributing to; the Universities (Amendment) Bill, 2015. Hon. Deputy Speaker, it is important to note that the students that we churn from our educational institutions end up being very important and strong members of our country. For this reason, it is necessary to have a streamlined process so that those institutions can function to get those quality individuals in our society. Therefore, I stand to support this Bill.

We have to note that this Bill is basically cracking down on those universities that act as rogue institutions that fleece money from students by offering them courses that do not have any face. In other words, you might end up enrolling for a course that is substandard and bogus. In the end, the students' parents are robbed of their hard-earned money. That is an act of daylight robbery. I really applaud this action of streamlining universities so that we can make them valid.

There is a high demand for education in our country and it is partly because of demographic reasons. For this reason, we should strive to offer quality education and programmes.

Hon. Deputy Speaker, this Bill also gives direction on rules of election of students. As has been said before by other Members of Parliament, we are not micro-managing those universities. We are simply putting a guideline in place so that the student leadership can be checked a bit.

When I read what has been happening in one institution where a chairperson is elected more than once, I, sometimes, wonder at the aptitude of that sort of student who has very many people following him. As leaders, we always actually admire when a certain person manages to gather so much support behind him. For someone to have this sort of support, it is actually admirable but, of course, if this admiration is left unchecked, some questions may be left unanswered. I am glad that this Bill also brings that into check.

I would like to mention that I recently attended a function where a local enterprise has opened its doors to students by offering them education abroad in different countries. The Chairman of UNIPASS, an organisation that gives accreditation to such organisations, was present. The Chairman of the government organisation that offers accreditation said that it is equally important to give accreditation to local enterprises like UNIPASS who take students abroad. Why are they doing that? It is because our people here in Kenya have the capability of sending their children abroad for better education. From that point of view, we have to accept that Kenya is an international platform in the education sector. So, from that point of view, we have to equip ourselves. How do we do that? This Bill will help us to equip ourselves. We should get ready for that.

Recently, I found out, and it is not a joke, that people find it very difficult to get education that is not very expensive as it is in this country. What do we have to do? We have to get our students to institutions that are accredited and give value for money.

In my closing statement, I like this Bill because it provides career guidance programmes for the benefit of not only universities, but also for all the students who want to be somebody. Not everybody knows what they want to be in the future. Sometimes, parents do not have the best guidance to give on career guidance. So, this Bill brings that out.

Finally, I believe our Cabinet Secretary (CS) Dr. Matiangi is doing pretty well in this sector, but he needs extra support from us.

I support.

Hon. Deputy Speaker: Hon. Wilberforce Otichilo.

Hon. (Dr.) Ottichilo: Hon. Deputy Speaker, thank you for giving me this opportunity to contribute to this very important Bill. Universities worldwide are centres of knowledge creation. They are centres where knowledge and innovations are created. Therefore, any country that would like to prosper must have its universities focusing on knowledge creation. But, as we talk today, our universities are not creating knowledge. Our universities are basically teaching existing knowledge. If we continue on that path, this country will not achieve Vision 2030. To achieve Vision 2030, we must focus on science and technology. Worldwide, any country that has advanced has focused on science and technology.

Our universities today do not focus on science and technology. In fact, they focus on liberal subjects. It is only yesterday in a meeting being held at Kenyatta University, where all vice-chancellors and chairmen of university councils met - and are still meeting today - agreed that 80 per cent of the courses offered in our universities are on pure liberal subjects specifically on business education.

Hon. Deputy Speaker, I can tell you for free that unless we embrace science and technology, this country will remain a developing country for years to come. This Bill is trying to cure some of those problems, particularly by giving the Commission on University Education (CUE) a big mandate to vet the type of programmes that our universities give or allow to be taught in our universities. It also gives very serious conditions for accreditation because quite a number of universities have been accredited on very dubious conditions.

It also gives the Commission for University Education a chance to revoke some of the charters that have been issued where some universities have had charters issued to them, but they are not doing what the charter requires them to.

The other issue this Bill is addressing is that of university statutes or regulations. Most of the universities come up with their own statutes and regulations, and some of those statutes and regulations are a source of conflict and are a source of many controversies in the universities. So, it is important that some of those statutes and regulations are vetted by the CS in charge of Education, Science and Technology. They must be gazetted so that everybody is informed on what they are.

The other issue this Bill is trying to address is the appointment of vice-chancellors in our universities. As most of my colleagues have already alluded to, most of our universities have become village universities. Where you find a university is in the village, the vice-chancellor comes from that village, the lecturers come from that village, the workers come from that village and everything is village. The word “university” comes from the word “universal”. Universities are supposed to be universal where education is the bedrock but, some of our universities are no longer universal. They have become village. We must address this issue on the appointment of vice-chancellors and ensure that they are appointed competitively.

If possible, vice-chancellors should come from any part of this country or even outside Kenya to lead some of the universities. This feeling that all village universities must be led by village people must be discontinued.

The issue of student associations is a very serious problem. As much as we would like students to have freedom of expression and discussion in terms of their welfare while they are in university, student associations in universities have become highly political and very lucrative. In fact, elections in universities are a cut-throat business.

Some of us in this House are approached by university students to fund their elections. This means that students are willing to spend a lot of money to be elected to positions because they are very lucrative. We looked at the University of Nairobi and found out that the amount of money deducted from students to give to student associations is over Kshs60 million. The associations in each university earn millions of shillings. That is why they fight to remain in those positions. That is why we have professional students who have remained student leaders forever.

On this matter, the Departmental Committee on Education, Research and Technology will propose an amendment to ensure that any student leader cannot be re-elected twice in any university he goes to. Some of those students come to the University of Nairobi and are elected as leaders. After they finish their course, they move to another university and are elected leaders. We will propose amendments to ensure that once you are elected twice, that is the end of it. You will never run for office again.

The other issue is on the Kenya Universities and Colleges Central Placement Service (KUCCPS). As our colleagues have said, this service must be very careful with how they place our students. You will find that students who have done very well in sciences or liberal subjects

are admitted to the wrong courses. Sometimes, they have no leeway to change. More students go to university to do courses that they do not like. After they finish, they come out and want to do something else. If you go to the countryside, you will find so many people who have degrees, but are doing things contrary to what they did at the university. It is important that we look at the university academic programmes. We must focus on science and technology. Otherwise, if we focus on liberal subjects, we will continue to suffer for a long time.

The issue of career guidance is very important. Most of our students do not know what they want to do in life. They need to be guided. KUCCPS and schools must give career guidance. When some of us were in school, we had career guidance. Today, students have no career guidance.

In the last law, we outlawed universities from awarding certificates and diplomas. This House brought it back. We will propose an amendment to ensure that our universities do not offer courses in certificate and diplomas. This is not right. Universities should offer degrees and post-graduate degrees.

I wish to support the Bill.

Hon. Deputy Speaker: Let us have Eng. John Kiragu.

Hon. J.K. Chege: Thank you, Hon. Deputy Speaker for giving me an opportunity to add my voice to this very important Bill.

This Bill is very timely. We are living at a time when there are a lot challenges in university education in this country. As engineers, some of us have had a time to reflect and even go back to the colleges that we went through, like the University of Nairobi, to look at the accommodation and laboratories that our students currently use. We found out that, as much as this country is moving ahead, we have forgotten to invest enough in our universities. If you go to the universities, you will find that most of the equipment that our students use has been donated by other universities from overseas. Instead of dumping them in the sea, they bring the equipment here. You start worrying about where we are taking our country.

This country needs to look at the issue of quality university education. We must invest in research and development. We cannot allow our best brains to leave Kenya and start teaching other universities abroad. They leave this country because the number of students per class is much higher than what you find in high school. The facilities that are available cannot be shared properly for quality education. We need to make sure that those people who teach at the university can do so and also do research instead of moving from one university to another looking for extra money, because they cannot survive on teaching in one college alone.

We know the role of polytechnics, particularly Kenya Polytechnic as it was and Mombasa Polytechnic. They used to be very key institutions in supporting university education. They would learn in the university and when they needed practical work, they would go to those other colleges for practical attachments. We converted some of those institutions into universities.

In this country, at the university level, we do not have qualified technicians to support university teaching because we have forgotten the role the technicians play. We have taken over those institutions that used to be for---

(Loud consultations)

Hon. Deputy Speaker, I need help here!

Hon. Deputy Speaker: Order, Members! Can those who are retreating, please, do so silently?

Hon. J.K. Chege: Hon. Deputy Speaker, for universities to succeed in quality teaching, they require technicians who are well-trained. Over the years, we have killed some of those very important institutions and converted them to universities. In a serious country that needs to grow, we must remember that we require all skills so that we can move ahead.

There is one bigger problem. In Nairobi, we have brought some colleges to Koinange Street. If you take a young person from high school to a university along Koinange Street, what culture are you instilling in this young one?

Universities that are established outside Nairobi do not need to bring their constituent colleges to Nairobi. They can grow wherever they are. The students can follow them there. Students will go to those universities seeking certain cultures of those universities. Overseas, there are certain towns that grow around universities. It is important that if it is Egerton University or Moi University, they do not have to come to Nairobi. People will go to Moi University to seek education.

We have to decongest Nairobi. When you see the number of young people moving up and down in the evening, it worries everybody. We have so much space out there. We need to grow Kenya all over; not just Nairobi. The issue of bringing students here and competing for space is something that we need to address.

There is nothing as important as research for a university. If this country has to compete with other countries, we must ensure that we invest in research.

Recently, I went to a world conference on material testing. I was shocked. None of our universities were there presenting a paper. In Africa, there were about 10 out of about 3,000 papers. If we were to compete with the rest of the world, we must be seen at academia platforms. If it is an issue of making this country a supermarket for other people to sell us products, then we are doomed. I believe that we have brains in this country, but we need to make sure that we utilise them. Let us not misuse our bright kids. This country is very interesting and nowadays, they are demanding that cashiers in banks should have post-graduate degrees. There is a machine that is used to count money and so, what would be the use of a post-graduate degree at a cashier's desk? That is pure misuse of brains in this country. We must develop this country so that we create more opportunities for people to be engaged fruitfully for the education they have worked so hard for.

You find our young engineers looking for jobs but after accessing them, you realise that they are brilliant, but the teaching they received was not right. They might not have been given enough time, neither were they supported with what is necessary for them to become professional engineers. They end up making decisions to be accountants or something else. We should safeguard our youth so that when they choose a career, they are supported so that they can support the development of this country.

I support this Bill.

Hon. Deputy Speaker: Hon. (Ms.) Chebet.

Hon. (Ms.) Chebet: Thank you, Hon. Deputy Speaker for giving me this opportunity. I rise to support this Bill that we developed in the Departmental Committee on Education, Research and Technology. We interrogated the Education Act and found out that we need to revisit some of the issues in our universities. We felt that the Commission for University Education (CUE) should be given more powers to regulate universities' activities.

We should look at the roles of universities. One is teaching. They are performing that role quite perfectly, although they have shortage of staff. They also do not have enough knowledge. If they do not carry out research and innovation, they will not get enough knowledge to disseminate to the students.

We also know that extension is part of teaching in the university. Of late, we have realised that it is not being done. Most of the extension work universities do when they go out is market their courses and yet, they are supposed to disseminate knowledge that is generated through research. The CUE should concentrate on that so that we get quality education, have competent students and teaching staff who can produce knowledge that we require to achieve Vision 2030. We have talked a lot about Vision 2030, but we do not have strategies in place that will help us produce the manpower or human resource to steer the economic activities towards it.

We also need to look at the universities that offer similar courses. We have always known what each university is good for. We know the courses that Egerton University, Jomo Kenyatta University of Agriculture and Technology (JKUAT), Moi University, University of Nairobi (UoN) and Kenyatta University offer, but we have a lot of duplication. We should streamline the courses that are offered by universities so that they are specialised and produce quality education.

We also need to look at the courses offered to our students. Sometimes, they choose courses but when choices for universities are released, they realise that they have been offered courses that they did not choose. They find it hard to change those courses and they end up doing courses that were not their choice.

We need to also look at the access to university education in terms of school fees payment. In 1970s and 1980s, we used Government money for our university education that we later repaid when we were employed. We now have the Higher Education Loans Board (HELB) that we thought will sought out the fees issue, but it is not the case. Back in the countryside, we do a lot of *Harambees* to get school fees because the HELB Fund that was passed in this august House is not enough.

The other day, the President said that 10,000 students will start learning in private universities. I wish the Government had put in more money to HELB so that all students can access it. You can imagine two students sitting in the same classroom, but one pays Kshs100,000 and the other one pays Kshs26,000. That is a big discrepancy that might cause bad feelings among students. We should harmonise that so that our students can access HELB loans universally.

We need to produce skills. Currently, our universities are only producing degree papers that are not helping our young generation. We want skills that match the requirements of the industry so that upon graduating, they can access jobs at the industry. Our students are not getting jobs because they are irrelevant to the industries. We should focus on that. We should do research, technology and innovation that matches the needs of the industry. As we design our curriculum in the universities, we should do it with the industries so that they can advise universities on what is required so that students are trained for that purpose instead of doing mass production of courses that are very irrelevant to the job market.

We need to have a databank for each university showing students per course who have graduated, those that have been absorbed into the job market and those that will never get jobs so that we can revisit our curriculum and see how we can help them and the country. Without that, it will be difficult to achieve Vision 2030.

I support the Bill.

Hon. Deputy Speaker: I would like to recognise the presence of Utafiti Primary School from Kipkelion East Constituency, Kericho County. You are welcome to the National Assembly. Hon. Ferdinand Wanyonyi.

Hon. F.K. Wanyonyi: Hon. Deputy Speaker, I wish to contribute to the Universities (Amendment) Bill which seeks to streamline the operations of universities with practical reality.

I take this opportunity to thank all Members. I had a very serious accident on Monday. I have been overwhelmed by the responses and messages of goodwill. I thank most Members of this House who have sent me some messages. I was with Hon. (Dr.) Munyaka in one car when we rolled but came out well. God is good. I take this opportunity to say thank you for those who got a lot of concern and sent me messages of goodwill. I am alive. I have no problem. I came out unhurt. God is good all the time.

As I contribute on this, the practical realities are as mentioned by most Members of this Parliament. Everybody has talked about what is happening at the universities. Indeed, this country has to move to the next level of industrialisation.

(Hon. Shimbwa and Hon. Bedzimba consulted loudly)

Can I be protected from my good brothers in front of me? They are distracting my presentation.

Hon. Deputy Speaker: Hon. Members, you are distracting your colleague.

Hon. F.K. Wanyonyi: First and foremost, it is good because we are having cases like Clause 8 of this Act where we need to make an amendment. We have so many of the so-called universities out there.

In the opinion of the Commission for University Education, they have charters. We are allowing the President to revoke some of those charters because they are not relevant. We do not want to go to where we were in the 1970s. You remember most of our good young men and women went to India with very poor qualifications. When they came back, they were irrelevant in our own case.

We have so many universities that are coming up. With all due respect, some of them are just business institutions. Their programmes are not those you will expect to help our nation. We are saying those universities must be looked into very seriously. For one to be given the green light and the accreditation, we expect the Cabinet Secretary (CS) of the Ministry of Education, Science and Technology, together with the Commission for University Education, to say: "Yes, this meets the requirement of this Bill and this one does not." In other words, we expect some of them not to be deregistered because they are not relevant.

We want standards of higher education that can be accepted. I have heard cases where a whole student who has gone through the 8-4-4 System of Education and spent five or four years in the universities cannot be employed when he comes out and you take him to the market place. It is because he does not know anything. I know many of them. I am sure my colleagues have met cases like that. I have seen a case of a student who has finished university, has been on the streets for about five or two years and is asking for a job and yet, he cannot even prepare a simple Curriculum Vitae (CV). When he brings it, it has a lot of mistakes both in spelling and things those. He says he has come out of university and he is a student.

Of course, there are those who come out and are very serious, but you will find that whatever the qualifications they have are not geared to the realities on the ground. You will find some who have done finance but if taken to a bank, you wonder why he did not do accounting as

an option to be relevant. We have so many of those cases. One of the earlier speakers talked about students coming out of the universities and yet, their entry into university is questionable when you look at it.

This Amendment Bill will help in terms of getting people who are qualified. If it is Grade A, let it be that. In the past, we had cases like Egerton University specialising in agriculture and livestock husbandry. Today, you will find the same university has all the courses that one will think of in the world. We should go back and trace what we used to do. For example, I know Dar-es-Salaam was specifically for law. Anybody who came from the University of Dar-es-Salaam as a lawyer was good. I know some of them in this country and they are super lawyers. Kenyatta University was taking education very well. Now, you will find students in that university are doing all sorts of courses. I do not want to mention names. You know them.

I was here the other day when students who did engineering - and I do not know what engineering it was - could not be recognised. An institution in this country has been giving fake certificates. The Commission for University Education said it cannot recognise that and yet, a poor student has spent so much time in that university. Something should be done. I think those amendments to 17 clauses will cure some of those abnormalities in our education system.

As I conclude, we have had very good brains as vice-chancellors. We would want to move away from appointing vice-chancellors. Let them competitively seek that position so that we get people who have what it takes to lead a university, other than having people just because they come from certain ethnic groups – be it Luhya, Luo, Kikuyu or whichever. God knows this country. When you go to those universities, you will find the establishments are like what somebody was talking about – village universities. The whole lot of the staff come from the area the vice-chancellor comes from. We are not doing something good for our country.

A university vice-chancellor should be somebody from anywhere. Hon. (Dr.) Ottichilo was saying a university is actually “universal”. Let us get people from anywhere. That is even if it means getting somebody from Ghana or South Africa (SA) to lead the particular university.

Lastly, when I went to the university which is a good one in this country, I had to meet the career guidance experts. They asked me what my aspirations and interests were. Those days, students just went and did things as they wished. One may have got a Grade A or B⁺ (Plus) and they say they are going to do commerce without taking their aspirations and interests into consideration. We should have a student who is going to be a career professional. If he is going to study medicine like my brother Dr. Kibunguchy whom I respect, it should be so. He was told to do it. When he looked at his qualifications, he discovered he could study medicine. Of course, with that interest and, because he had wanted to do it, that is something very important.

Therefore, we are asking that before universities take students, they should sit with them to know their aspirations, interests and backgrounds, and see whether they can fit into what is required. If one wants to do law or commercial subjects, he will be guided so that he takes the right course for his future advancements.

With those few remarks, this Bill has come at the right time for us to move our country forward.

I support.

Hon. Deputy Speaker: Hon. Kimani Njuguna.

Hon. H.K. Njuguna: Thank you, Hon. Deputy Speaker. Before I contribute to this Bill, I would like to remember our retired president who is undergoing medical treatment in South Africa. On behalf of the people of Gatanga and my fellow Kenyans, I wish him a quick recovery.

I support this Bill, first of all, as an academician. I have spent more than 20 years in the university. I am still a student and, hopefully, I will graduate with my second doctorate degree at the end of this year. Perhaps, I am addressing this House because I went to university. We are all beneficiaries of education and education is a major indicator of development in any nation. When I went to the University of Nairobi (UoN) for my first degree, the number of students who were admitted was 1,500. At that time, it was only the UoN that was in existence. Kenyatta University was then a constituent college of the university. I remember many students used to go outside this country for further education. Indeed, this country used to lose a lot of foreign exchange. However, years later, we have many universities in this country and Kenya is saving a lot of foreign exchange. The fact that we are now debating amendments to the Universities Act, we are recognising that we have had a problem in our expansion of our university education. Universities have mushroomed. You go to every town and you find a university. As much as we support the expansion of our university education, I think we are admitting there is a problem with the mushrooming of universities. We have a problem with the quality of our education. As much as we are not derailing expansion, we are saying that there is a problem. Some of us who are employers at times doubt when we employ the students from our universities. Have they gone through the requisite programmes? They look like they are half-baked. What has gone wrong? I want to go on record as one of the Members who support this Bill that talks about regulations. Something ought to be done.

I have listened to some of the Members' contributions and I support them. I do not see any reason why Kenyatta University should not have specialised in education. I do not see why Egerton University should not have specialised in matters of agriculture because that is the foundation of Egerton University. I do not see why the UoN should not have specialised in their core areas like medicine, architecture, design and development and so on. Because the statute requires universities to have, at least, 25 acres of land we have seen crowded institutions, say, in Nairobi City, buy land somewhere else, say, in Kitengela, just to cheat Kenyans that they have met the requirements. We are concerned with the quality of papers from our universities. We are saying that, perhaps, we should downsize our universities. When one lecturer traverses across a number of universities, say, Karatina University, Moi University in Eldoret and another one in Mombasa, you really wonder if, indeed, they have time to prepare for teaching. There is a problem.

Do we also consider the lecturer-student ratio? This is because in some cases, you will find a lecturer teaching over 1,000 students in a lecture hall. At our time, we used to have a professor and also tutorial fellows or what we call assistant lecturers. These days, that quality is not there. A professor is the assistant lecturer and the tutorial fellow. You do not even know when there is plagiarism because you do not know whether the students are doing the assignments on their own or they are being done by somebody else. We are concerned with the quality of our university education.

There is a time when you could say that you are from the UoN and even graduates from Harvard University would respect you. Let us not go to a situation where we are just presenting papers. The situation we are headed to is one where, once you tell people that you are from a Kenyan university, they start doubting your papers. We want Kenyan academic papers to be respected the way they were respected those years.

I strongly believe in investing in the lives of our children as opposed to investing for our children. When we invest in education, we invest in the lives of our children. It is important because one of the biggest budget allocations in this country is on education. Even as parents,

one of the biggest budget allocations individually is on education. Therefore, this Bill is very important because not only do we want quality education, but we also want to make sure that if we are training engineers, they are engineers who can stand anywhere in the world. Somebody said that the word “university” comes from the word “universal”. So, a graduate of engineering from a university in Kenya should equal any graduate of engineering anywhere in the world. This is an area we feel, perhaps, we have lost it. However, we want to bring order.

I am also concerned with master’s and PhD programmes. There was a time in this country when it was very difficult to get a master’s degree. That area is now opening up, but we still have a problem with PhD programmes, which are a preserve of a few people who do not want others to go up there. It is important for us to look into those areas so that the PhD programmes also open up in this country. That is because to teach in the university, I believe you need to have a PhD. When you hear a PhD student taking 10 to 13 years before he or she graduates, then there is a problem. There must be a problem. A PhD student should go through the programme at least in three years’ time and at most, four years’ time. However, I know of students who take 10 to 13 years. In this country, about 50 per cent of PhD students never go through the programme because of frustrations. Something ought to be done even as we regulate our education programmes.

Universities are about research. In fact, master’s and PhD programmes are about research. I would like to see a situation where there are a lot of resources pumped into research because it is only through research that we can come up with new findings in the various areas. I do not think we are spending time in research in our universities both at master’s and PhD programmes. Universities are about research. It is important that universities invest in research.

Hon. Members here have talked about ethnicity. If you go to a certain university, you will know the vice-chancellor because of the people who are employed in that particular university. I believe in competition. If you recruit a vice-chancellor, let it be done competitively. If you are talking about the best doctor in medicine, let it be so. There are areas of excellence. As much as you like to talk about regional balancing and so on, I want to see excellence being promoted in those institutions such that if so-and-so has gone through the recruitment process and is the best vice-chancellor, let it be.

With that contribution, I support this Bill.

Hon. Deputy Speaker: Hon. Omar Shimbwa.

Hon. Shimbwa: Thank you, Hon. Deputy Speaker. I am equally privileged to have this opportunity this afternoon to support this important Bill, which is before this House. I would also like to throw my weight on the side of research, which has been spoken about by various legislators in this House. I would like to see a situation whereby our universities are up to the task on the issues and challenges that bedevil the areas where they are situated. A point in case is the coastal region. We have a number of universities along the coast where maritime affairs are important, and none of those universities have developed any programmes to assist the locals in pursuing those goals. I know of some countries where fishing as an industry contributes a big portion of their Gross Domestic Product (GDP). We have a long coastal line, but fishing remains one of the least contributors to the GDP of this country. It means there is something extremely wrong happening in those universities which are situated there.

I would have imagined the former polytechnic which is now Technical University of Mombasa, Pwani University and other universities which are situated along the coast providing programmes which are geared towards improvement of the livelihoods of the people of the Coast region.

The other area which I would like to pinpoint is Kibarani, which is now an eyesore because whoever enters Mombasa has to pass by the Makupa Causeway where the Kibarani dumpsite is situated. Any university along the coast would have been the biggest contributor towards how we can turn those loads of garbage into biogas or energy to be supplied to Mombasa County as a whole. However, there is no university that has come up with any programme to see how to make use of those remains of whatever we produce in our households to be put into useful products. This is a challenge to the universities along the coast. How can they solve this problem which is now a menace to the coastal people and the tourists who visit this coastal area for their holidays?

The other aspect which is also very important is funding. It is very unfortunate that our politics is such that everything is skewed towards certain ethnic communities. When it comes to funding of universities, you find universities which are on the leeward side suffer the same predicament. We have universities which have the same programmes that they are offering to the same number of students and they still get very little funding

Hon. Kimaru: On a point of order.

Hon. Deputy Speaker: Order, Hon. Omar. What is your point of order Hon. James Kimaru?

Hon. J.K. Bett: Thank you, Hon. Deputy Speaker. I rise on a point of order without any intention to derail my friend who was on the Floor, to request that because of the interest that this debate has generated, we reduce the time to speak to three minutes.

Hon. Deputy Speaker: I have a list of 17 names but since he was not in that arrangement, we will let him finish his time.

*(Question, that debating time be reduced to three minutes,
put and agreed to)*

So, the three minutes shall be after Hon. Omar finishes his remaining minutes.

Hon. Shimbwa: Thank you, Hon. Deputy Speaker. I believe this Bill will go a long way in solving this issue. We need to have fair distribution of funding so that programmes can be fulfilled and universities can play the roles they have been assigned to.

We know of universities which are overfunded and cannot even absorb those funds. We have others which are given very limited funds and cannot even undertake a quarter of their programmes, which is unfair. We are looking at a situation whereby we have students who are prepared for the changing environment that we live in today. Long ago, we were looking at university graduates as people who could fit into the society and get white collar jobs that were there. Currently, the country is churning out around 800,000 graduates every year, both from Kenya Certificate of Primary Education (KCPE), KCSE as well as other colleges, and we do not have employment opportunities for them. The same has not been improved so that those university students can play another role such as entrepreneurship.

We need to have courses which are going to enable our students to fit in today's world of unemployment. You will not be surprised to find an engineer telling you: "I want any job. Kindly assist me to get any job." This means there is something wrong in our education system.

I would like to contribute on the moral side of our students. There is moral decadence in our universities. No wonder Koinange Street is very popular with our university students who are engaging in immoral activities. It is not just Koinange Street but right in the universities. When you go there on a Friday, you will be surprised and shocked. You may decide to take your child

to a university outside the country because of the moral decadence in those universities. We need to do something about this situation. We need to have guidance and counselling because students coming from secondary schools are not used to the kind of freedom that is there in the universities. It is important that we give them opportunities to be guided so that they can continue as good students the way they came from their families.

Finally, I would suggest that we have a fair system where the students on parallel programmes will not be disadvantaged because those who are in the regular courses pay very minimal fees compared to those who are attending parallel courses. The gap should be reduced because currently, those who are doing parallel courses are paying three times more than those who are doing regular courses. Most of the students come from disadvantaged areas where the teacher-pupil ratio is low. So, I would encourage and look at a situation whereby this gap is reduced so that the students who are doing parallel courses should not be paying three times more as is the current situation.

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

Hon. Deputy Speaker: So, Members, we have agreed to take three minutes each. So, I will give the first five in the interest of transparency. Hon. Ronald Tonui, Hon. Ken Okoth followed by Hon. Philip Rotino, Hon. (Dr.) James Nyikal and then Hon. Hellen Sambili in that order. The first five to talk for three minutes each.

Hon. Tonui: Thank you, Hon. Deputy Speaker for giving me this opportunity to also contribute to this Bill. At the outset, I support this Bill. It is encouraging fairness and transparency in the recruitment of vice-chancellors and their deputies. That is so important so that we have the best people running our universities. University education is so important to all of us. Kenyans are so keen to ensure that their kids gets access to education and that is why we need a refined law to ensure that whatever goes on in the universities is well managed. Having the recruitment of vice-chancellors and their deputies being done in a very competitive way is a positive development. The issue of approval of academic programmes in our universities is also very important. Currently, universities determine their own programmes and I believe standardisation is not there. Getting quality education might not be there. Therefore, it is important for the Commission for University Education (CUE) to approve academic programmes for our universities so that we get the very best out of our universities and have uniformity in each of those courses.

There is also the issue of representation in the CUE board for both the public and private universities. I believe this is also very important because they are key stakeholders in university education and they need to be incorporated. Where you are the subject, you need to have your input heard and considered. There is also a section dealing with revocation of university charters. This power has been given to the President to ensure that universities follow what is expected of them, so that we can have quality education. It is unfortunate when we see buildings collapsing because we do not have trained people managing the construction industry in this country. Therefore, we need to ensure there is quality education. It is unfortunate when we see our doctors misdiagnosing diseases and treating wrong diseases.

Hon. Deputy Speaker: Hon. Member, your time is up. Unfortunately, three minutes is a very short time. Members, please, organise your points well. Hon. Ken Okoth is next.

Hon. Okoth: Thank you, Hon. Deputy Speaker. I want to thank all contributors who have touched on many of those aspects. I will go very quickly to a few others that may not have been touched. The first is that our whole university and higher education system needs to be well

structured, focused and segmented so that our universities focus on degrees and post-graduate degrees; and that we support technical colleges that will provide certificates and diplomas.

In the German and Swiss models, the technical, vocational, educational and training sector is very clear. Young people can prepare and start with a diploma at that lower level and then convert to Bachelors degree later and it is recognised. I do not think we should all be rushing in that direction recently by converting all our colleges into universities. It is not necessary. One important thing that we need to think about is the example of Korea. We have an opportunity under Vision 2030 and the Konza City model to achieve what Korea achieved. Korea, 41 years ago, established the Korea Advanced Institute of Science and Technology (KAIST). What Korea did in the KAIST model was to exempt all brilliant young students who scored high marks in their exams from military service if they were admitted to that top university which focused on engineering and applied sciences. It was not just pure research, but applied research which has led to Korea being a leading technology country today. I think the co-operation between the Government of Korea and the Government of Kenya in projects like Konza City will go a long way. I urge Members of this House, the Vision 2030 Secretariat and the Departmental Committee on Education, Research and Technology and the Budget and Appropriations Committee to collaborate and make sure that the dream of Konza is funded.

The other aspect that made the KAIST model successful in Korea was exemption of professors who were hired there to work. They were paid better and in different terms compared to other professors and, hence, they attracted Korean talent that had existed anywhere around the globe. When they came back to work in Korea, they were paid very high salaries compared to professors in other universities.

Korea has military service and for those young people who were going into applied sciences and technology courses, they were excused and allowed to work for two years without paying taxes, to skip the military service and get their education because that too was contributing to their national prosperity. It is high time we looked at this Bill carefully and made sure it is promoting our national values. Our universities must not only promote our national values of cohesion, but they must give us value for money in terms of national goals and make sure they are producing the skills set and qualifications that will help us industrialise as a nation.

Hon. Deputy Speaker: Hon. Philip Rotino is next.

Hon. Rotino: Thank you very much, Hon. Deputy Speaker for giving me the opportunity to add my voice to this very important Bill.

At the outset, I support this very important Bill. Just to mention some few points, CUE has really let us down. This is because there are rules and regulations that guide it. They have not lived up to their expectations. This Bill will go a long way in giving them teeth to be able to bite and implement what they are supposed to do. I urge the Government to give them enough money because we need to invest a lot of money to CUE, so they can be able to implement what we need.

I want to talk about the placement of students. Some of us who come from very remote counties suffer from this. This is because many of the students who come from those areas pass very highly, but do not get the relevant courses. The relevant courses are kept for special people. If you go to the university, you have to negotiate to get the course that your child or people from your constituency want, just because they do not have the opportunity to get those courses. The CUE should be able to do their work very well and look at those areas that are not really represented. If you go to the University of Nairobi, 75 per cent of students doing medicine come

from one community and yet, we have people who are qualified. They should consider placement of students.

On the quality of education, I think we have compromised the quality of education of our students because we are just doing mass production at the universities and yet, the quality of education is not there. We should emphasise on education quality.

Our universities should offer research courses because those are the brains of our country. Any country is known for the research its universities produce. Concerning specialisation of our universities, they must specialise the way they used to before. For example, Kenyatta University used to specialise in education, Egerton University in agriculture and University of Nairobi on other specialised courses. This should be done by CUE.

With those few remarks, I beg to support.

Hon. Deputy Speaker: Hon. James Nyikal.

Hon. (Dr.) Nyikal: Thank you, Hon. Deputy Speaker. I stand to support the amendment Bill because it underpins the main functions of universities, which are creation of knowledge and repository of the same which must be done through proper research and, therefore, funding is required. Unless we fund our universities properly, we are going nowhere. Currently, the funding is not really based on need and there are great disparities where one university is getting Kshs1 billion shillings and other universities are getting Kshs40 million. It also underpins the function of a university which is the dissemination of knowledge which is done through teaching and, therefore, through programmes. We have information and every Member has indicated that we have a problem with programmes. Some programmes are actually formulated because of need for income for universities. They have no relation to the needs of the country and students. The students come out with degrees that do not help them to get jobs.

Another function is linking the universities with the industry through production of professionals. Unless the knowledge in universities is taught by professionals in applied industry like medicine, engineering or politics, we cannot grow as a nation. The basis of growth is knowledge. Therefore, we must look at our programmes carefully because many programmes are in conflict with professional bodies. Students are trained and professional bodies cannot register them. They cannot find work.

I support the need to have clear requirements for appointment of vice-chancellors and top level university staff. We cannot have quotas; we can only improve facilities in certain areas. But we cannot give people jobs if they are not properly qualified because some areas are deemed to be marginalized. This can be addressed in other areas. We cannot have marginalized professionals.

Hon. Deputy Speaker: Prof. Hellen Sambili.

Hon. (Prof.) Sambili: Thank you, Hon. Deputy Speaker for giving me the opportunity. I strongly support this Bill. We need to do everything within our means to promote quality education in our country, especially at the university level. I would like to suggest three very important things we should do.

First, this Parliament needs to allocate enough money for research in our universities. The Science Technology and Innovation (STI) Act says 3 per cent of the national revenue, but at the moment, we allocate less than half of that percentage.

Second, we need to ensure there is diversification in the management of our universities. We need to avoid “localization” of management positions. Let there be less than 20 per cent of the top management coming from the local area of where a university is situated. Third, we need to enhance career guidance to the students, particularly in secondary schools, so as to promote

their placement to appropriate programmes which will contribute to the development of this country.

As some of my colleagues have stated earlier, we should avoid focusing on liberal arts, but on science and technology courses. We also need to ensure that our students do courses that help promote quality of life, particularly medicine.

In my constituency, we have lost several mothers because doctors may not have been trained to diagnose the problems they suffer from. I strongly support this Bill. We should promote quality university education.

Hon. Deputy Speaker: The next five are Hon. Richard Onyonka, Kipruto Moi, ole Lemein, Mohamed Maalim and Moses Injendi.

Hon. Onyonka: Ahsante sana Mhe. Naibu Spika. Mswada huu umekuja wakati muhimu sana kwa sababu utaleta maendeleo nchini. Vyuo Vikuu vyetu vyote vina shida. Hata wanafunzi wengine ambao huhitimu kutoka vyuo vyetu hawawezi kuandika ama kuongea kama watu ambao wamesoma. Ningependa kusihi Bunge hili kuhakikisha kwamba tumeleta sheria ambazo zitasawazisha na kuleta usawa katika masomo.

Kwa upande wa uwajiri wa wakuu wa vyuo, lazima wawe watu ambao wamesomea kazi hiyo. Wawe na nidhamu na wafanye hivyo vyuo visifike. Masoma lazima yawe ya kuendeleza nchi yetu kwa sababu wanafunzi wengine wakihitumu, wanakosa kazi. Ukiangalia miungano ya wanafunzi, imeleta ukabila, ukiukaji wa sheria, ukosefu wa nidhamu na mambo mengine. Ingekuwa vizuri kama sheria ingeletwa ili kurekebisha shida hizo.

Waziri wa Elimu, Dkt. Matiang'i alisema atajarabu kuhakikisha amebadilisha na kuleta uongozi mwema vyuoni mwetu. Sheria za vyuo vikuu ambazo zimekuwa zikileta shida lazima tuzibadilishe. Ingekuwa vizuri kama sheria ingepitishwa ya kuhakikisha, kwa mfano, Chuo Kikuu cha Kisii kimejijenga na kujiendeleza kabla ya kufungua matawi kote nchini.

Naunga mkono sheria hii na nina imani kwamba Bunge hili litaleta mabadiliko katika vyuo vikuu nchini Kenya.

Hon. Deputy Speaker: Hon. Kipruto.

Hon. Moi: The Universities (Amendment) Bill 2015 seeks to streamline the Act with the Constitution. Some of the key highlights are that membership of the Commission for University Education (CUE) has been increased by two, so that there is a representative from a public and private university. This is good in the sense that private universities have been given a voice in the regulation of university education in Kenya, which was not there before.

The principal Act also does not provide for the qualifications for appointment of a vice-chancellor. The current Act gives the provision for the CS for Education to prescribe those regulations. Currently, private universities do not receive any funding from the Government. But in Clause 15 of this Act, they have been given a chance to receive conditional grants from the universities fund, which is good.

In advanced economies, there is serious collaboration between the Government and the private universities because both public and private universities are in the agenda of providing a dynamic and productive workforce for the country. I saw a weakness in the Act regarding the chancellor because, currently, they are considered as figure heads. There should be legislation for them to take a more robust and active role in running the affairs of universities. The CS for Education told us that some chancellors did not know they had campuses in certain towns in the country because of being sidelined in the running of university affairs.

Finally, I would like to thank the Government for funding 10,000 students in private universities. The issue of private and public universities has not been over-emphasized in Kenya.

But, if you go to the USA, you will find that 20 per cent of all college students attend private universities. Some private universities in America are the most prominent ones, like Harvard University.

Hon. Deputy Speaker: You have had your bite. Hon. Lemein.

Hon. ole Lemein: Thank you, Hon. Deputy Speaker. I rise to support this Bill. I do not want to dwell so much on what has been said by my colleagues. The backbone of this Bill is research and development. We must allocate funds for that vote-head. A number of people have been speaking about the marginalised areas and communities. One of the areas of interest to me and, perhaps, to others – and that is an amendment I would wish to propose to this Bill – is the creation of county universities. In the rest of the world like in America, India and Europe, there are State universities. If county universities are created in this country, they will be the equivalent of State universities, without compromising quality. The creation of county universities will cure some of those problems we have as marginalised areas and communities.

I believe parallel programmes are there because of the huge number of students which the Government cannot accommodate. As soon as we create the two levels of university – county and national universities – I believe every single Kenyan, wherever he or she is, as long as they have Grade C+ and above in the Kenya Certificate of Secondary Education (KCSE), will get an opportunity to be sponsored by the national Government and the respective county governments. That will drive this nation to greater heights.

I believe that collaboration between universities and the National Commission for Science, Technology and Innovation (NACOSTI) is lacking. A number of research papers which are very important for this country lie in NACOSTI. As soon as there is a link between our universities and NACOSTI, most of the research done will assist this country in a better way.

Hon. Deputy Speaker, I support this Bill.

Hon. Deputy Speaker: Eng. Mahamud.

Hon. (Eng.) Mahamud: Hon. Deputy Speaker, thank you very much for giving me the opportunity. Let me add my voice to this Bill which has come at the right time to help bring clarity in the law. It clarifies the mandate of the Commission for University Education (CUE) in terms of accreditation of universities and approval of academic programmes. We are concerned about the mushrooming of universities in this country. Universities with inadequate facilities have mushroomed everywhere. Most of them lack infrastructure, especially in the practical programmes like medicine and engineering. With this Bill, we hope that sanity will be restored. It is good to have many universities, but we must be careful because we will compromise quality. A university's job is to create knowledge and distribute that knowledge. They must have adequate facilities to be able to do that. Over the years, we have killed our diploma colleges and converted them into universities. It is time we had diploma colleges where we can train professionals. In terms of funding, we have parallel and regular students. I urge that we also fund those who are on parallel programmes.

Quite a number of universities have become village universities because they are employing vice-chancellors and staff from within the villages around the universities. It is time we made our universities universal. When I went to college many years back, during initiation, we were told: "Welcome to the University of Nairobi; the universal community of the world." I want our students to become students of the universal community, not village students. Students go to primary school, secondary school and have their degrees within the same village. They then become village graduates. Let me say that it is time we invested in our university education so that we can have a knowledge-based society where our industry gets knowledge from our

universities and our graduates can find proper jobs in the market. To achieve that, we must ensure a university is a university. We do not want universities in the backstreets. We have some in Koinange Street in flats. Let us have universities standing alone in programmed areas. This Commission must come in and bring sanity so that we do not allow mushrooming of universities. If a university does not have facilities, close it down.

With those few remarks, I beg to support.

Hon. Deputy Speaker: Hon. Moses Injendi.

Hon. Injendi: Thank you, Hon. Deputy Speaker. I also support these amendments. I come from a private university setting. We used to have challenges on equation of certificates and degrees when it came to admission. I recall one time we wanted to get information of a particular certificate and so, I gave that information to the Chairperson of the Commission of Higher Education. I sent the same certificate to the Ministry of Education, Science and Technology and all those institutions gave different information. At that time, I was the Registrar of Academics at the Catholic University. I support this Bill because it has provided another function for the Commission on University Education which is to recognize and equate degrees. This will create some order in our universities.

We also had a challenge because students would come with certificates which have various gradings, like *Summa Cum Laude*, Second Class Honours and others with a GPA system. The Commission for University Education can standardize and interpret for us all those gradings.

Hon. Deputy Speaker, the other thing that my fellow colleague has talked about is the issue of inclusion of private universities in the Commission for University Education. Having come from the Catholic University of Eastern Africa, I recall that the Commission for University Education never used to have a representative from private universities. The Commission would make decisions; some of which were unfavourable to the private universities. With this inclusion of private universities, the decisions they make will create a level playing field for all universities.

Hon. Deputy Speaker, I also recommend and support the amendments on universities student leadership. Previously, we have seen that some students have decided to professionalize student leadership. They take one course, vie as student leaders then seek admission in the same university for a different course and then vie for student leadership position again. The amendments provided for in this Bill have taken care of that issue so that one can only be a student leader for two terms. You serve for one term and then you are re-elected once. After that, you cannot serve as a student leader even if you embark on another programme in the university.

With those few remarks I support.

Hon. Deputy Speaker: We have a minute. Hon. Anami, I do not know if you can spend that minute.

Hon. Anami: Thank you, Hon. Deputy Speaker. University education is fundamental to the growth of our country, especially at the time when our Constitution is focused on creating an equal playing ground for everyone. We know education is an equalizer. If that can be the case and universities being research platforms, it is better that we tailor the instruments that manage university education to a situation where the research grows into policy formulation and creates an enabling environment for equitable development across the country. That is why I want to propose an amendment. We should emphasize on those instruments that create mechanisms for motivation and feedback. This will enable universities to tell Kenyans what they have done.

With those few remarks, I support this Amendment Bill.

ADJOURNMENT

Hon. Deputy Speaker: Hon. Members, the time being 1.00 p.m., this House stands adjourned until 2.30 p.m. today.

The House rose at 1.00 p.m.