

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 15th October, 2003

The House met at 9.00 a.m.

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

PRAYERS

ORAL ANSWERS TO QUESTIONS

Question No.067

CONSTRUCTION OF MARICH POLICE STATION

The Temporary Deputy Speaker (Mr. Poghisio): Is Mr. Rotino not here? We will leave his Question until the end.

Let us move on to the next Question.

Question No.306

REVISION OF DEPOSIT PROTECTION FUND REFUND LIMIT

Mr. Obwocha asked the Minister for Finance:-

- (a) whether he is aware that the Deposit Protection Fund caters for refunds up to a maximum of Kshs100,000 in the event of a collapsed bank; and,
(b) if the answer to (a) is in the affirmative, and in view of the fact that there are increased deposits in many banks, whether he could increase the limit to Kshs500,000 and request the commercial banks to contribute to the Fund.

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

(a) Yes, I am aware.

(b) The amount currently covered by the Deposit Protection Fund Board were meant to cater for small unsophisticated depositors, who have little or no knowledge of the operations of the financial industry. Currently, the number of the people or depositors covered for up to Kshs100,000 are as follows:-

Banks	-	81%
Non-Bank Financial Institutions	-	82%
Building Societies	-	96%
Overall Industry	-	83%

The coverage, if enhanced to Kshs500,000, would be as follows:-

Banks	-	93%
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Non-Bank Financial		
Institutions	-	95%
Building Societies	-	99%
Overall Industry	-	94%

The change in terms of depositors coverage overall would only be 11 per cent, which would not lead to a significant increase in the number of accounts covered. However, in absolute terms in the coverage of depositors themselves, the overall coverage would be astronomical as demonstrated below. I have tried to give the hon. Member tabulation in the written answer.

[The Assistant Minister for Finance]

	Kshs100,000 Kshs(bn)	Kshs100,000 Kshs(bn)	Variance Kshs(bn)	%
Banks	53.6	116.4	62.8	117
Non-Banks	2.0	4.2	2.1	101
Building Societies	2.6	4.3	1.7	64
Overall Industry	58.3	124.9	66.6	114

(Loud consultations)

The Temporary Deputy Speaker (Mr. Poghio): Order, Members!

The Assistant Minister for Finance (Mr. Katuku): Mr. Temporary Deputy Speaker, Sir, in view of the above tabulation, it is not considered appropriate, at the moment, to increase the limit of the refunds by the Deposit Protection Fund (DPF).

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, you will appreciate that many Kenyans have lost their money in those collapsed banks. Many people who have put deposits in those banks have lost their money. The purpose of encouraging our people to put deposits in the banks is to try and increase money for borrowing or investment. There is no way we can improve or grow without people saving. The only good thing that Prof. Saitoti did was to establish the Consolidated Bank, where the DPF is being managed from.

Could the Assistant Minister---

The Temporary Deputy Speaker (Mr. Poghio): Could you ask your question?

Mr. Obwocha: That is the question I am asking. Could the Assistant Minister invest the current deposits, which have been given up to a maximum of Kshs100,000, to be able to increase that limit to cover other people who have put their money in those banks?

Mr. Katuku: Mr. Temporary Deputy Speaker, Sir, the fact of the matter is that if we increase that amount, the same will be passed on to the small-scale depositors. If you increase it to Kshs500,000, the banks will not want to bear the responsibility. It will be passed on to the depositors. As far as the situation is concerned, you will find that if we increase the amount to Kshs500,000, the only increment in terms of percentage would be 11 per cent of the money covered. So, the small-scale depositors are covered up to Kshs100,000. But if a need arises in due course, we could consider that.

Mr. Mwenje: Mr. Temporary Deputy Speaker, Sir, you do appreciate that many Kenyans have actually suffered. Although the small-scale depositors are covered up to Kshs100,000, it takes a lot of time to pay the major depositors. In some cases, some institutions are able to pay because they have assets. Could the Assistant Minister ensure that when banks with assets collapse, the money should be realised immediately to take care of major depositors?

Mr. Katuku: Mr. Temporary Deputy Speaker, Sir, that is supposed to be the case. The process of liquidation must go through a court to decide on how the money should be shared. But as far as the Ministry is concerned, we will always ensure that, under such circumstances, the money is recovered as soon as possible.

Mr. Manoti: Mr. Temporary Deputy Speaker, Sir, most of the small banks collapse because of poor supervision from the Central Bank of Kenya (CBK). Could the Assistant Minister ensure that there is enough staff from the CBK's Inspection Section to detect problems before the banks collapse?

Mr. Katuku: Mr. Temporary Deputy Speaker, Sir, the Inspectorate Department of the Central Bank of Kenya (CBK) has enough and properly trained staff. The only problem we had sometime back was that their advice was not taken seriously by the former Government. Now, my Ministry takes very seriously any advice which comes from the Inspectorate Department of the CBK. I assure this House that it will not see cases of commercial banks going under due to lack of prudent management.

Mr. Obwocha: Mr. Temporary Deputy Speaker, Sir, banks contribute money to the Deposit Protection Fund. Currently, where is the money banks contribute to this Fund invested?

Mr. Katuku: Mr. Temporary Deputy Speaker, Sir, I would advise the hon. Member to look at the Deposit Protection Fund's annual report. I would like to table this report so that hon. Members can read it and understand where the surplus money is deposited. Monies deposited with the Deposit Protection Fund are used to compensate those people who get affected when banks collapse. For more details, I would like to table the annual report of the Deposit Protection Fund.

(Mr. Katuku laid the report on the Table)

Question No.201

SUPPLY OF WATER TO KISII/
NYAMIRA DISTRICT HOSPITALS

Mr. Mwanicha asked the Minister for Health what action she is taking to ensure that Kisii and Nyamira District Hospitals are supplied with adequate water.

The Minister for Health (Mrs. Ngilu): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

The Ministry has put in place the following measures to ensure that Kisii and Nyamira District Hospitals are supplied with adequate water.

(i) Kisii District Hospital is connected to the National Water Conservation and Pipeline Corporation (NWCPC) water supply network and a borehole has been sunk and equipped in that hospital. In addition, harvesting of rain water from roof catchment is being done. Two storage tanks have also been installed and are in use as reservoirs in case of interruption of water supply from any of the three sources I have just mentioned.

(ii) Nyamira District Hospital is also connected to the NWCPC water supply network. We have attempted to supplement the water supply by sinking a borehole at a cost of Kshs1.2 million but we were not successful because the borehole did not yield any water. Another attempt will be made using the World Bank credit which the Ministry has obtained.

Mr. Mwanicha: Mr. Temporary Deputy Speaker, Sir, the Minister has said that the two hospitals are connected to the NWCPC water supply. If what she has said is true, I do not think that, that corporation has enough water to supply to the two district hospitals. What is happening is that people have to boil drinking water to take to their patients in these two district hospitals. People who have patients in these two district hospitals have also to carry water to them for washing dirty linen. The answer the Minister has given this House is inappropriate. I would like her to tell us what the Ministry has done to alleviate water shortage in the two district hospitals. For instance, the borehole the Ministry sunk in Nyamira District Hospital did not yield any water, and yet Kshs1.2 million of taxpayers' money was paid to the contractor. What will the Minister do to ensure that this time round, the borehole which will be sunk in that hospital will yield some water?

Mrs. Ngilu: Mr. Temporary Deputy Speaker, Sir, I am aware that Nyamira District Hospital does not have adequate water. The NWCPC supplies this hospital with water for only three days in a week. I have also said that the Ministry sunk a borehole at the hospital but it did not yield any water. I have said that I will get some funds through the World Bank credit to sink another borehole in that

hospital. There is no water shortage problem in Kisii District Hospital.

Mr. Angwenyi: No!

The Temporary Deputy Speaker (Mr. Poghisio): Order! Let her finish her response.

Mrs. Ngilu: Mr. Temporary Deputy Speaker, Sir, I do not think that the hon. Members have been to Kisii District Hospital of late. It is true that this hospital has been facing a water shortage problem in the past but we have addressed it now. However, the problem of water shortage in Nyamira District Hospital has not been addressed.

Mr. Angwenyi: Mr. Temporary Deputy Speaker, Sir, that very nice hon. Minister---

Hon. Members: Very nice!

(Laughter)

Mr. Angwenyi: Mr. Temporary Deputy Speaker, Sir, I have referred to the Minister as "that very nice hon. Minister" because she does her work well in that Ministry. I would like to inform her that there is no water in Kisii District Hospital, Kisii Town hotels and Kisii Town itself. I am saying this because I come from that district. I visit Kisii Town every weekend, except last weekend, because it is in my constituency. Could the Minister, as a matter of urgency, allocate funds to sink a borehole in Kisii District Hospital and another one in Nyamira District Hospital? The Minister cannot tell us that our geologists could not determine that there was water at Nyamira District Hospital before they sunk the borehole. The person who will be awarded the contract to sink another borehole in this hospital must have the necessary knowledge and expertise to determine that there is water before he sinks the borehole. Could the Minister, as a matter of urgency, allocate adequate funds to sink boreholes in the two district hospitals?

Mrs. Ngilu: Mr. Temporary Deputy Speaker, Sir, I thank the hon. Member for the question he has asked me. I do not even understand why the hon. Member has referred to me as a "nice Minister".

(Applause)

However, I would like to bring to the attention of the hon. Member the fact that, whereas the Ministry of Health does not deal with water, the Minister for Water Resources Management and Development and I are working closely to ensure that we have adequate water in these hospitals. We have set aside funds for this project. In the Ministry, we have given the first priority to the supply of water to our hospitals. I would like to say that we do not have adequate water in Nyamira District Hospital, but Kisii District Hospital has adequate water. I would like to challenge the hon. Members that we go out there and make a telephone call to confirm this. I will not talk about water supply in markets and other places in Kisii District but about water supply to Kisii District Hospital.

Mr. Hassan: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to ask the Minister a question. Many a time you find public health officers from the Ministry of Health rushing to hotels and restaurants to close them down on flimsy grounds that they do not meet hygienic standards. This is the case, and yet many district and sub-district hospitals, including the one in my constituency, have no water. What plans has the Minister put in place to ensure that there is adequate water in these hospitals? The Ministry awards individuals contracts to put up wards and other structures in public hospitals. The Ministry should incorporate water supply into construction plans so that we do not have hospitals without adequate water. What plans has the Ministry put in place to supply water to all public hospitals in our country?

Mrs. Ngilu: Thank you, Mr. Temporary Deputy Speaker. Once again, I would like to assure hon. Members that we have adopted a sector-wide approach to the problem of lack of water in our public hospitals. As hon. Members know, my Ministry provides health services to the people of

Kenya, while the Ministry of Water Resources Management and Development provides water services. I know that the Ministry of Water Resources Management and Development has done its best to ensure that we have adequate water in our public hospitals. Besides that, we have released some funds to the Ministry of Water Resources Management and Development to drill boreholes in some of our district and sub-district hospitals. The Minister for Water Resources management and Development can confirm this.

Mr. Obwocha: On a point of order, Mr. Temporary Deputy Speaker, Sir. When Mr. Okioma asked about this borehole in Nyamira, the Minister evaded the question. What is she going to do with the people who took the Kshs1.2 million? The borehole was sunk but never yielded any water.

The Temporary Deputy Speaker (Mr. Poghiso): That is really repeating the question. You have not raised a point of order!

Mrs. Ngilu: Mr. Temporary Deputy Speaker, Sir, let me once again answer this. I am saying that the answer is yes, they sunk a borehole, spent money and time but it did not yield water. However, they had already done the work and there is nothing we can do about that.

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

The Temporary Deputy Speaker (Mr. Poghiso): Order, Mr. Obwocha! Next Question!

Question No.311

REVIVAL OF COLLAPSED NIB SCHEMES

Mr. Kamama asked the Minister for Water Resources Management and Development:-

- (a) how many irrigation schemes under the management of the National Irrigation Board (NIB) are operational;
- (b) how many have collapsed; and,
- (c) what the Ministry is doing to revive the collapsed irrigation schemes so that farmers who live in abject poverty can resume normal lives.

The Minister for Water Resources Management and Development (Ms. Karua): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

There are two national irrigation schemes under the management of the NIB which are still operational. These are Mwea and Pekera Irrigation Schemes. There are four irrigation schemes which are non-operational. These are Ahero, West Kano, Hola and Bunyala Irrigation Schemes. We are aware that there are problems in the collapsed irrigation schemes and we have put in place measures to rehabilitate them so as to restore crop production and enhance the living standards of the farmers.

One problem we have is that irrigation is under-funded and we do not have adequate funds for rehabilitation. We also lack a national irrigation policy and we are coming up with one. I am assuring the hon. Member that we shall very soon address the issues that he is raising.

Mr. Kamama: Mr. Temporary Deputy Speaker, Sir, first, I want to thank the Minister for that well-researched answer. However, I want to say that Mwea Irrigation Scheme is operational but Pekera Irrigation Scheme is partially operational, and she must do something about it. The other four irrigations schemes, Ahero, West Kano, Hola and Bunyala should be revived as soon as is practicable. The farmers---

The Temporary Deputy Speaker (Mr. Poghiso): What is your question?

Mr. Kamama: Mr. Temporary Deputy Speaker, Sir, the Minister should tell me whether she is going to revive these irrigation schemes and give the exact time frame. This is because farmers have given up hope completely.

Ms. Karua: Mr. Temporary Deputy Speaker, Sir, I have indicated that irrigation is under-funded. This financial year, we do not have sufficient funds to complete rehabilitation of the schemes.

However, we have some funds to commence the rehabilitation. Moreover, the Ministry is ensuring that we have a comprehensive irrigation policy. We are also going to ensure that in the next budgetary cycle, we seek enough funding to revive all the collapsed irrigation schemes.

Mr. Wario: Mr. Temporary Deputy Speaker, Sir, knowing very well that tenants brought from different parts of this country into these irrigation settlement projects are languishing in abject poverty and lack food and shelter, what is the Ministry doing to provide basic requirements to them?

Ms. Karua: Mr. Temporary Deputy Speaker, Sir, the Ministry does not aim at sustaining on a daily basis the tenants of the irrigation schemes. We are aiming at empowering them to be self-sustaining like the tenants of Mwea and Pekera Irrigation Schemes. I think the mistake we have made in the past is attempting to sustain the tenants on a daily basis. This Ministry is designing a comprehensive strategy to ensure that we revive the irrigation schemes. This will enable them to be self-sustaining.

Mr. Wanjala: Mr. Temporary Deputy Speaker, Sir, I am sympathetic to those people living in the irrigation schemes that have collapsed. If you see the situation and the kind of life that people are leading in these areas, it is terrible. One of the NARC promises was that it would look into agriculture seriously so that it can create 500,000 jobs.

The Temporary Deputy Speaker (Mr. Poghio): Please, ask your question.

Mr. Wanjala: Mr. Temporary Deputy Speaker, Sir, agriculture is the backbone of the economy of this country.

The Temporary Deputy Speaker (Mr. Poghio): Order, Mr. Wanjala! Ask your question.

Mr. Wanjala: Mr. Temporary Deputy Speaker, Sir, I want to ask my question. In this year's Budget, Kshs42 million was allocated to start irrigation in the Mount Kenya region. Bunyala Irrigation Scheme needs Kshs20 million while Ahero Irrigation Scheme needs Kshs25 million.

(Applause)

You will find that these irrigation schemes---

The Temporary Deputy Speaker (Mr. Poghio): Order, Mr. Wanjala! This is question time, not debate time.

Mr. Wanjala: Mr. Temporary Deputy Speaker, Sir, what criteria did the Government use to allocate funds to some areas and forget needy irrigation schemes like the collapsed ones? What criteria were used to remove irrigation schemes from the Ministry of Agriculture and take them to the Ministry of Water Resources Management and Development?

Ms. Karua: Mr. Temporary Deputy Speaker, Sir, I first want to inform the hon. Member that we do not deal with regions. Mount Kenya area is a part of Kenya and also has citizens of Kenya like Bunyala and any other place.

Having said that, I am not aware of any budgetary provision of Kshs42 million for Mount Kenya region for irrigation, which is in my docket. Mwea Irrigation Scheme is in Mount Kenya area and not a single cent was voted for it this year. Let us be responsible as Members of Parliament and speak factually and without emotions. I have said that irrigation is under-funded.

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

The Temporary Deputy Speaker (Mr. Poghio): Allow her to finish!

Ms. Karua: Mr. Temporary Deputy Speaker, Sir, I have also said that we are now going to have a comprehensive policy on irrigation.

Mr. Wanjala: On a point of order, Mr. Temporary Deputy Speaker, Sir. It is very clear that shs47 million was allocated to start new irrigation schemes in Mount Kenya area. Why did the Ministry not see it fit to rehabilitate these collapsed schemes? That was my question.

(Applause)

The Temporary Deputy Speaker (Mr. Poghisio): That is a question and not a point of order.

Ms. Karua: Mr. Temporary Deputy Speaker, Sir, I will once again state that Mount Kenya area is in Kenya and has citizens who are paying taxes. I am not aware of any such funding. I am going to give services throughout Kenya, including in Mount Kenya, where I come from. Let no hon. Member stand here to question why monies are voted for any region which is within the map of Kenya. I would want to respond as to why monies are not available for---

The Temporary Deputy Speaker (Mr. Poghisio): Order, Madam Minister! Order, everybody! I think if we deviate from the Question as asked, a problem arises and a lot of arguing goes on. However, the question that was asked by Mr. Wanjala was, and I think you can answer it, why start new projects before completing old ones? The issue is not regions.

(Applause)

Ms. Karua: Mr. Temporary Deputy Speaker, Sir, the irrigation docket is in my Ministry and I am not aware of the Kshs47 million. I have said that not a single cent was voted for Mwea Irrigation Scheme. The only money available for irrigation is outlined in my answer. Mwea Irrigation Scheme is a self-sustaining project.

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

The Temporary Deputy Speaker (Mr. Poghisio): Allow her to finish!

Ms. Karua: Mr. Temporary Deputy Speaker, Sir, what hon. Members may be referring to is small-holder irrigation under the water component, but not directly under irrigation. The monies for the NIB are the monies outlined in this answer. However, I will repeat that no question can arise because a part of this country has been budgeted for. You cannot be genuine in questioning that.

Dr. Khalwale: On a point of order, Mr. Temporary Deputy Speaker, Sir. We are all aware of the human development index as it spreads all over the country.

The Temporary Deputy Speaker (Mr. Poghisio): What is your point of order?

Dr. Khalwale: Mr. Temporary Deputy Speaker, Sir, would I be in order to ask Mr. Wanjala, who I believe has the facts, to table them, so that the Minister gives a satisfactory answer to this very serious matter?

Ms. Karua: Could he table the evidence right now?

The Temporary Deputy Speaker (Mr. Poghisio): Order! Mr. Wanjala, if the information you have is in the document that belongs to everyone here, then you are not tabling anything. Unless you get information from elsewhere, you cannot claim to lay any evidence on the Table. So, it is not just a matter of referring to specific pages of the Printed Estimates.

An hon. Member: Let him table!

The Temporary Deputy Speaker (Mr. Poghisio): I do not think he has any evidence. Will he table the Printed Estimates? So, I think we are getting out of the Question. We should not be having a lot of points of order during Question Time. This is because hon. Members are supposed to get all information by asking Questions. That is why it is called Question Time.

Ms. Karua: Mr. Temporary Deputy Speaker, Sir, I wish to welcome the hon. Member to table the evidence that Kshs47 million is allocated for irrigation schemes around Mt. Kenya region so that we stop making statements without substantiation. The Chair has talked as though the Chair is aware of the Kshs47 million. Could we be given the information?

An hon. Member: Is she challenging the Chair?

Mr. Sungu: That is unheard of!

The Temporary Deputy Speaker (Mr. Poghisio): Order! It is not unheard of to challenge the Chair. However, if you cast aspersions on the Chair, then you are treading on a very dangerous

territory.

An hon. Member: Throw her out!

The Temporary Deputy Speaker (Mr. Poghisio): Order! I will not do that now! This is the Chair. The Chair cannot be biased as you are saying.

So, Ms. Karua, you have to withdraw that aspersion that you may be casting on the Chair before we proceed, rather than getting entangled with the Chair.

Ms. Karua: Mr. Temporary Deputy Speaker, Sir, I am happy for the assurance that the Chair is non-partisan. However, it did appear that, other than the Minister, the Chair may have been aware of the Kshs47 million. I accept the assurance that the Chair is not partisan and I am waiting for the hon. Member to give me the evidence of the Kshs47 million.

The Temporary Deputy Speaker (Mr. Poghisio): Ms. Karua, you have not done your part.

Mr. Sungu: On a point of order, Mr. Temporary Deputy Speaker, Sir. With due respect, the Minister who is my very good friend seems to be defying the Chair. This is a very serious matter! The Chair has ordered her to withdraw and, if possible, apologise. She should just withdraw and apologise. The matter ends there. It does not matter whether one is a Minister or not. We are all hon. Members!

Ms. Karua: Mr. Temporary Deputy Speaker, Sir, may I demand for the HANSARD because I do not think I cast aspersions. However, I did indicate that apart from me, the Chair seems to know about the Kshs47 million. I am asking for the HANSARD because all the statements made, including those from the Chair, would be there. From that content, it can be seen whether aspersions were cast. If, indeed, any aspersions were cast, I will be ready to withdraw and apologise. However, let us not ask hon. Members in vain to apologise to the House.

The Temporary Deputy Speaker (Mr. Poghisio): Order, everyone! If the Minister wants us to wait for the HANSARD, we will wait for it. However, if the HANSARD so shows, then the consequences will follow.

Mr. Wanjala, what do you have to say?

Mr. Wanjala: Mr. Temporary Deputy Speaker, Sir, this voluminous book is entitled "Republic of Kenya, 2003/2004 Estimates of Development Expenditure of the Government of Kenya for the year ending 30th June 2004". On page 492, under Head 250, Item 424, there is an allocation of Kshs34 million for Small-Holder Irrigation Programme in Mt. Kenya.

*(Mr. Wanjala laid the Printed
Estimates on the Table)*

(Applause)

Ms. Karua: Mr. Temporary Deputy Speaker, Sir, to begin with the amount is not Kshs47 million as the hon. Member alleged. It is indicated as Kshs34 million. I indicated that these are not monies to the National Irrigation Board (NIB). The Question I was dealing with by Mr. Kamama is on the NIB. However, I did indicate that there is a project called "the Small-Holder Irrigation Scheme". The monies indicated here pertain to a revolving fund for irrigation farmers. It is a project started by the German Government during the previous regime, and which we are now implementing. I see hon. Members who served in the previous regime rising up. They may wish to explain how the project came about.

(Mr. Wanjala stood up in his place)

The Temporary Deputy Speaker (Mr. Poghisio): Order, Mr. Wanjala!

Mr. Kamama: Mr. Temporary Deputy Speaker, Sir, I am very satisfied with the answer

given by the Minister. I only wish to request her to visit Bura Irrigation Scheme. The fact is that our people are very poor and they need assistance.

Ms. Karua: Mr. Temporary Deputy Speaker, Sir, may I assure the hon. Member that I will visit all the irrigation schemes. We will team up with the Ministry of Agriculture and the Ministry of Co-operative Development.

The Temporary Deputy Speaker (Mr. Poghiso): Next Question, Mr. Sungu!

Question No.100

ILLEGAL ALLOCATION OF
KISUMU MUNICIPALITY LAND

Mr. Sungu asked the Minister for Local Government:-

(a) when the Ministry ceded authority for allocation of municipal/or city lands to the Central Government and under what law this took place;

(b) whether he is aware that the land adjacent to the Kisumu Municipal Stadium, the parking lot, public dumping site and land earmarked for expansion of the stadium and building of a secondary school, Plots Nos. Kisumu/Block 9/14, 9/126, 9/134, 9/125, *et cetera*, was allegedly allocated to several individuals or companies by the Central Government; and,

(c) whether he could consider returning these parcels of land to the local authority.

The Assistant Minister for Local Government (Mrs. Tett): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) City and municipal councils are empowered by law to allocate land and plots within their jurisdiction. The councils allocate plots through council resolution and then forward the names of the allottees to the Ministry of Local Government. The Ministry cross-checks whether the proper procedures were followed, and if satisfied, then the names are forwarded to the Commissioner of Lands to issue allotment letters. The local authorities have not ceded the allocation powers to the Central Government.

(b) Land adjacent to the Kisumu Municipal Stadium, the parking lot, public dumping site and land earmarked for expansion of the stadium and building of a secondary school, Plots Nos. Kisumu, Block 9/14, 9/126, 9/134 and 9/125, were allocated by the Commissioner of Lands without involving the Kisumu Municipal Council. The Kisumu Municipal Council was never involved in the allocation of land blocks.

(c) The Kisumu Municipal Council is pursuing the matter with the Commissioner of Lands with a view of repossessing the grabbed plots. The council has lodged a claim with the Commissioner of Lands.

Mr. Sungu: Mr. Temporary Deputy Speaker, Sir, I want to thank the Assistant Minister for a good answer. I learnt that, according to the procedures, the origin of action is supposed to start from the local authority itself, before going to the Central Government. But that is a case where the Central Government, on its own volition, allocated the land to certain individuals! That is an obvious illegality.

Therefore, could I ask the Assistant Minister that, instead of asking the municipality to follow up that matter, the Ministry should order the reversal of the allocation of grabbed plots, as it has done in other municipalities and councils?

Mrs. Tett: Mr. Temporary Deputy Speaker, Sir, we have, indeed, done that, and we are going to repossess those grabbed lands.

Prof. Olweny: Mr. Temporary Deputy Speaker, Sir, may I request the Assistant Minister to give us the names of the allottees of those plots.

Mrs. Tett: Mr. Temporary Deputy Speaker, Sir, the only persons who have identified themselves as beneficiaries of the block are M/S Wero East Africa Ltd. The others have not come forward! Maybe they are afraid. I do not know!

Mr. Kaindi: Mr. Temporary Deputy Speaker, Sir, could the Assistant Minister explain what policy her Ministry is pursuing to ensure that all public land which was under the jurisdiction of the local authorities has been returned to them? That is just one of the cases. In Mavoko Municipal Council, all the public land has been grabbed in the same way. Could you make it a policy that all such land is returned to the local authorities for adjudication?

Mrs. Tett: Mr. Temporary Deputy Speaker, Sir, we have asked for a list of all the public land that has been grabbed. We are in the process of repossessing all the public utility land. I can assure you we are going to get it back to be used for the purpose it was intended.

Prof. Olweny: Order! Order, Mr. Temporary Deputy Speaker, Sir!

The Temporary Deputy Speaker (Mr. Poghisio): Order namna gani? What do you mean by order?

Prof. Olweny: On a point of order, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Poghisio): Prof. Olweny, did you say order to the Chair?

Prof. Olweny: Mr. Temporary Deputy Speaker, Sir, I said "point of order".

The Temporary Deputy Speaker (Mr. Poghisio): What is it? It had better be a point of order!

Prof. Olweny: It is a point of order, Mr. Temporary Deputy Speaker, Sir. The Assistant Minister has indicated that only one person came forward as a beneficiary of that allocation. Is she in order to suggest that they cannot get the names of other allottees and yet, the records are with the Commissioner of Lands?

The Temporary Deputy Speaker (Mr. Poghisio): That is not a point of order! It is a supplementary question!

Mr. Sasura: Mr. Temporary Deputy Speaker, Sir, you have heard the Assistant Minister saying very clearly that, that land was allocated by the Commissioner of Lands without the knowledge of Kisumu Municipal Council. She went ahead and said that the Ministry will reposses all that land. Could she tell us what powers she has to reposses land that has been allocated by the Commissioner of Lands? That is because most of those allottees have letters of allotment from the Commissioner of Lands! What powers does the Minister for Local Government have to reposses land that has been allocated by the Minister for Lands and Settlement?

Mrs. Tett: Mr. Temporary Deputy Speaker, Sir, it was an illegal allocation and we have powers to reposses the land. As I said, we are in consultation with the Commissioner of Lands about those irregularities. We are working together to help one another to reposses all the land that was grabbed.

The Temporary Deputy Speaker (Mr. Poghisio): Order! Order, Madam Assistant Minister! The question is very clear! What are the powers? Where are they? You are saying you have the "powers", but the hon. Member is asking you: "Where are they?"

Mrs. Tett: Mr. Temporary Deputy Speaker, Sir, an illegality is an illegality! I do not the have the section of the law now, but I can avail it. But I know that if one does something wrong, he or she is wrong. If you steal, you are stealing!

The Temporary Deputy Speaker (Mr. Poghisio): When you get the right powers, you can define them.

Mr. Sungu, the last question!

Mr. Sungu: Mr. Temporary Deputy Speaker, Sir, I do agree with the Assistant Minister that

under the Local Government Act, they have the powers. I am very happy with the answer by the fair lady, except--- She could have helped us by naming those people because the records are with the Ministry. For example, we know of Mayhood Kenya and a former Director of Survey, a Mr. Absalom. That is common knowledge! That land was meant for the development of public utilities. Could the Assistant Minister kindly name the persons involved?

Mrs. Tett: Mr. Temporary Deputy Speaker, Sir, I have to go to the Ministry of Lands and Settlement to get the names. I have got only one name of Wero East Africa Limited. The other names are in the Ministry and we will do a search on them.

Mr. Serut: Mr. Temporary Deputy Speaker, Sir, is the Assistant Minister aware that the Minister for Lands and Settlement has powers to change user of any plot, be it public or private, and allocate the same to whoever he or she wishes?

Mrs. Tett: Mr. Temporary Deputy Speaker, Sir, in the past, that has been the trend. The Ministry of Lands---

An hon. Member: That is the law!

Mrs. Tett: Maybe, they did not follow the law! He used to allocate land without the knowledge of local authorities. There are many such cases and that is why we are following them. Those were things that happened in the past and I am not responsible for them. I am in charge of what is happening this minute!

Question No.075

SALE OF KFA PROPERTIES

Mr. Sambu asked the Minister for Co-operative Development and Marketing:-

(a) whether he could table a list of all Kenya Farmers Association (KFA) and KGGCU properties that have been sold, indicating the buyers and the amount paid for each property; and,

(b) what steps he is taking to revive the KFA.

The Minister for Co-operative Development and Marketing (Mr. Ndwiga): Mr. Temporary Deputy Speaker, Sir, first, I would like to apologise to the [**The Minister for Co-operative Development and Marketing**]

hon. Member because I know he does not have a written answer. The reason is because this Question was first taken to Ministry of Agriculture and re-routed to my Ministry only yesterday. But I will strive to give an answer.

The Temporary Deputy Speaker (Mr. Poghio): Did you say the hon. Member does not have a written answer?

The Minister for Co-operative Development and Marketing (Mr. Ndwiga): No, he does not have, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Poghio): Do you have a written answer?

The Minister for Co-operative Development and Marketing (Mr. Ndwiga): Mr. Temporary Deputy Speaker, Sir, I just said that, although he has not complained. I explained to him that the Question was taken to the Ministry of Agriculture and re-routed to my Ministry only yesterday.

The Temporary Deputy Speaker (Mr. Poghio): What about the copies that are brought here?

The Minister for Co-operative Development and Marketing (Mr. Ndwiga): Mr. Temporary Deputy Speaker, Sir, I got this Question yesterday. I hurried to get the information, but I

will give him the answer as soon as I am through with it.

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

Here below is the list of properties that were sold by auction, indicating the buyer and the amount:-

(i) Seven computers plus systems software, plus applications software valued at Kshs11,682,372 or US\$149,774; (ii) Two rebagging machines valued at Kshs20 million were sold to Inter Globe Services Limited for Kshs4 million in the year 2000; (iii) 15 vehicles sold in a batch through public auction fetching Kshs5,140,000; (iv) 14 vehicles valued at Kshs4,160,000 sold by the previous board of directors for Kshs2,729,250.

Mr. Temporary Deputy Speaker, Sir, with regard to the disposal of other KFA investments, these include:- (v) Kenya Seed Company shares of Kshs1.5 million sold to Messrs. Soet Kenya Limited at Kshs31 per share, which raised Kshs46,500,000; (vi) 100,025 Co-operative Bank of Kenya shares sold to Mugama Co-operative Union at Kshs80 per share, and raised Kshs8.2 million, and (vii) 600,000 Royal Insurance Company shares sold to Globe Insurance Limited and Mureka Investment Company Limited at Kshs53.35 per share, and raised Kshs32,500,000.

Mr. Temporary Deputy Speaker, Sir, the total funds raised from the sale of KFA properties and investments was Kshs110,563,622. My Ministry carried out an inquiry into the affairs of KFA, and a report was read and adopted by hon. Members on 27th June, 2003. Among other steps taken towards the revival as contained in the recommendations of the inquiry were:- (i) An interim board was appointed on 3rd July, 2003, in order to resuscitate KFA; (ii) KFA should carry out grassroots elections to elect a competent board from amongst the delegates; (iii) seek parliamentary approval on debts waiver owed to the Government and related institutions, and request the creditors to reschedule KFA debts, and, lastly, seek parliamentary approval for the Government to give credit guarantees.

Mr. Temporary Deputy Speaker, Sir, all the KFA debts amounting to Kshs785,338,672 will be vigorously pursued, using all legal means available. Negotiations are under way with possible strategic partners. All activities involving plunder and collusion with auctioneers are being reviewed and will be handed over to the Anti-Corruption Police Unit for further action.

Mr. Sambu: Mr. Temporary Deputy Speaker, Sir, KFA was formed through farmers' contributions of many years. Overnight, it was turned from KFA to Kenya Grain Growers Co-operative Union (KGGCU). Could the Minister tell us who now owns the senior KFA employees' or directors' houses in Nakuru? Could he name the persons living in those houses and tell us when the auction to sell these houses was done and who were the other bidders?

Mr. Ndwiga: Mr. Temporary Deputy Speaker, Sir, as I have said, we have a loan management committee in KFA. Two weeks ago, the board did appoint a Properties Manager to take stock of the existing properties of KFA. It is true that some of the houses, not only in Nakuru, but also in Eldoret, are said to have been leased out. However, we have some scanty information that some of those houses have been transferred to other people. We are in the process of collecting the available data and as I have said, we intend to hand over that information to the Anti-Corruption Police Unit.

Mr. Osundwa: Mr. Temporary Deputy Speaker, Sir, could the Minister be specific on what steps he is taking to revive KFA because he is just talking of the corruption that has been going on in KFA?

Mr. Ndwiga: Mr. Temporary Deputy Speaker, Sir, apart from saying what has happened in the KFA, I think I have been very specific on the steps that we are taking to revive KFA. First of all, we have a new board in place. Secondly, we are looking for a strategic partner, and thirdly, we intend to obtain parliamentary approval to reschedule some of the debts of KFA because we need authority of this House.

Mr. Sambu: Mr. Temporary Deputy Speaker, Sir, injustice was done to my Question. It was

tabled in January this year and that is why it is numbered No.075. This is something that I will be taking up with the management of the House because I think whoever is in charge of Questions has been doing injustices to hon. Members' Questions. I do not blame the Minister because my Question just got to his Ministry a few days ago. He, in fact, says it reached his Ministry yesterday, and this is why I cannot get the list. We know individuals who are living in KFA houses and yet they cannot be mentioned here.

The Temporary Deputy Speaker (Mr. Poghio): Ask your question!

Mr. Sambu: Mr. Temporary Deputy Speaker, Sir, will the Government repossess all those houses and godowns because they were illegally acquired?

Mr. Ndwiya: Mr. Temporary Speaker, Sir, first of all, I want to thank the hon. Questioner because he has been useful in giving me information on both KFA and KCC. I would like to ask for further assistance from hon. Members. If you have information which I do not seem to have, please, avail it because we want to take action. I want to confirm to hon. Sambu that, yes, we have repossessed all the godowns in Mombasa and Nakuru. Now, they are KFA's property. In fact, as I said, we are already carrying out an audit of all the properties, and very soon, in my usual style, I will come to this House with a Ministerial Statement on how far we have gone.

The Temporary Deputy Speaker (Mr. Poghio): Next Question by Mr. Choge!

Question No.378

PAYMENT OF MR. MUNYOVI'S DIVIDENDS

Mr. Choge asked the Minister for Co-operative Development and Marketing when Mr. Hezron Obale Munyovi will be paid his dividends by Reli Co-operative and Credit Society Limited.

The Assistant Minister for Co-operative Development and Marketing (Mr. Kenneth): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

Mr. Hezron Obale Munyovi has been paid his dividends over the years, but when we took the issue up with Reli Co-operative Savings and Credit Society Limited, we realised that he has not been paid one particular dividend amounting to Kshs375.90, and I have that cheque which I will give to the hon. Questioner.

Mr. Choge: Could the Minister explain why there is delay in making payments of dividends within SACCOS?

The Temporary Deputy Speaker (Mr. Poghio): Did you hear the question?

Mr. Kenneth: Mr. Temporary Deputy Speaker, Sir, Reli Co-operative Savings and Credit Society has had problems just like many other co-operative societies where there have been non-remittances from the employers and the Ministry has taken specific route to ensure that those who have not remitted action is taken against them.

Question No. 643

LOANS OWED TO CO-OPERATIVE
BANK BY RACHUONYO UNION

Dr. Awiti asked the Minister for Co-operative Development whether he could give the break down of the amount of loan and interest, separately, which Rachuonyo Union owes the Co-operative Bank of Kenya from 1963 to date.

The Assistant Minister for Co-operative Development (Mr. Kenneth): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

Mr. Temporary Deputy Speaker, Sir, this Question reached our offices two weeks ago and I was told to give a specific response on the principal and interest that Rachuonyo Union had. The figure was Kshs12,449,819.65.

Dr. Awiti: Mr. Temporary Deputy Speaker, Sir, I would like to thank the Assistant Minister, at least, for coming up with the figure, but in the written reply, the Assistant Minister has indicated that he is unable to give the breakdown of the interest. So, I would like him to confirm to this House that the Kshs12,449,819.65 covers the principal and the interest.

This loan and the interest resulted into the ginnery of the poor farmers being auctioned. Could the Assistant Minister consider waiving the loan so that the poor peasants of Karachuonyo can have back their land, office building and also the ginnery so that we can revive the co-operative union?

Mr. Kenneth: Mr. Temporary Deputy Speaker, Sir, first of all, the hon. Member would like to confirm that the figure I gave covers, indeed, principal plus interest. I have a letter from the Co-operative Bank of Kenya confirming that truly it is the principal plus interest. Yesterday, I spoke to the General Manager of Co-operative Bank and he confirmed the same. I will give the hon. Member a copy of this letter. As to the issue of waiving the loan, I would like to inform the hon. Member that this amount is not attracting any interest whatsoever and I think Rachuonyo Co-operative Union did much to form the greater South Nyanza Co-operative Society. The issue, therefore, of dealing with Rachuonyo Co-operative Union, will have to be dealt with in the bigger picture of South Nyanza Co-operative Society. I would also like to assure the hon. Member that with regard to the issue of ginneries, there is a separate Question and we shall be able to respond to the issue of ginneries more comprehensively.

The Temporary Deputy Speaker (Mr. Poghisio): Mr. Rotino's Question for the second time!

Question No.067

CONSTRUCTION OF MARICH
POLICE STATION

Mr. Muturi: On a point of order, Mr. Temporary Deputy Speaker, Sir. I had a request from hon. Rotino that his Question be deferred to next week as he has an emergency that forced him to be out of Parliament today.

The Temporary Deputy Speaker (Mr. Poghisio): Okay. The Question is deferred to next week.

(Question deferred)

POINTS OF ORDER

CONFISCATION OF FILES IN ARDHI HOUSE

Mr. Serut: On a point of order, Mr. Temporary Deputy Speaker, Sir. I rise to demand a Ministerial Statement from the Minister for Lands and Settlement with regard to circumstances that led to the confiscation of files both in circulation and in officers' offices, at Ardhi House, Nairobi, on 7th October, 2003. As I stand here today, most of the officers in the lands offices are idle. They have no files to work on. Members of the public are not getting services, the building and construction industry is dying because there are no title deeds to enable the owners obtain mortgages. Since the Land Boards have also not been constituted, most constructions in the Ministry of Lands and

Settlement are not being processed.

Mr. Temporary Deputy Speaker, Sir, I would like to ask the Minister to tell us why and when these services will resume for the members of the public.

The Assistant Minister for Lands and Settlement (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, I do undertake to give a Ministerial Statement on Tuesday afternoon.

OWNERSHIP OF SAFETY BELTS
CONSIGNMENT AT MOMBASA PORT

Mr. Mukiri: On a point of order, Mr. Temporary Deputy Speaker, Sir. I stand to seek for a Ministerial Statement from the Minister for Transport and Communications.

Yesterday and today, there are reports in the Press that there is cargo lying at the port of Mombasa which has some safety belts in it. The news item states that the owner of the cargo is not known. If this issue is not clarified, it is likely to tarnish the name of the Government because the waters have not settled since the Minister gazetted the new rules and regulations requiring matatu owners in the transport sector to provide safety belts.

Mr. Temporary Deputy Speaker, Sir, I would like the Minister to clarify who the owner of the cargo is and why the cargo was booked as a general cargo.

(Loud consultations)

The Temporary Deputy Speaker (Mr. Poghio): Order, Members!

The Assistant Minister for Transport and Communications (Mr. Ligale): Mr. Temporary Deputy Speaker, Sir, I shall investigate and report back on Tuesday next week.

The Temporary Deputy Speaker (Mr. Poghio): Order, Mr. Ligale! Do you undertake to give a Ministerial Statement?

The Assistant Minister for Transport and Communications (Mr. Ligale): Yes, Mr. Temporary Deputy Speaker, Sir.

ACTION TO AVERT CONSTITUTIONAL
CRISIS AT THE JUDICIARY

Mr. Ndambuki: Mr. Temporary Deputy Speaker, Sir, I rise to demand a Ministerial Statement from the Minister of Justice and Constitutional Affairs on a matter of grave national concern.

It has been in the media, and it is a matter of public knowledge that there are numerous judges of both the High Court and Court of Appeal who have been implicated in the Report of the Commission appointed to investigate corruption within the Judiciary. Indeed, the high number of judges implicated, and the fact that they are still sitting, means that the Judiciary is in a serious crisis. The Chief Justice has asked the implicated judges to resign or face a tribunal. This has made many judges unable to discharge their constitutional duties. There is no doubt that the Judiciary is one of the key pillars of democracy and the present situation has precipitated a constitutional crisis that will adversely affect the future of democracy in Kenya.

Mr. Temporary Deputy Speaker, Sir, I demand that the Statement that the Justice and Constitutional Affairs Minister will make include the following: What steps his Ministry is taking to avert the constitutional crisis; and, what procedure will be adopted in appointing new judges, if any, considering the Government's stated stance on accountability and transparency.

The Assistant Minister, Office of the President (Mr. Tarus): Mr. Temporary Deputy

Speaker, Sir, I undertake to convey the message to the relevant Minister on the required Statement.

ISSUANCE OF BRITISH VISAS
TO KENYAN STUDENTS

Mr. Kembi-Gitura: On a point of order, Mr. Temporary Deputy Speaker Sir. I rise to seek a Ministerial Statement from the Ministry of Foreign Affairs, but this might end up being an Inter-Ministerial Statement between the Ministry of Foreign Affairs and the Ministry of Education, Science and Technology.

It is common knowledge now that to get a British visa, one has to queue from 4 a.m. every day for about two or three weeks and even then one will not be certain that he will get a visa. This is the season when our children are going back to the universities. Many students have been admitted into British universities. They have paid their tuition and other school fees yet at the end of the day they are denied visas.

I would like the Minister to tell us whether the Government is aware that our students have paid school fees or tuition fees yet they are refused visas and the universities have nothing to do with the visas. Does the Government have any knowledge that there are students who have come here for summer holidays and are registered in British universities yet they have been refused visas to go back to their universities? What are the Ministries of Foreign Affairs and Education, Science and Technology doing to rectify that very worrying situation?

The Assistant Minister, Office of the President (Mr. Tarus): Mr. Temporary Deputy Speaker, Sir, once again I undertake to convey this message to the relevant Minister.

The Temporary Deputy Speaker (Mr. Poghiso): Let us have the next Order.

MOTIONS

UNCONDITIONAL REINSTATEMENT OF
AIR-NAVIGATION SERVICE STAFF

THAT, bearing in mind that the Kenya Civil Aviation Authority (KCAA) is in short of qualified technical personnel; aware that air-navigation service staff dismissed from service on 8th April, 2002, are qualified Kenyans aged between 22 and 35 years; noting that the dismissed staff were not given a hearing according to the rules of natural justice; and realizing that they are likely to suffer irreparable harm and loss of benefits due to them if not reinstated; this

House urges the Government to reinstate the dismissed air-navigation service staff unconditionally.

(Mr. Munya on 1.10.2003)

*(Resumption of Debate
interrupted on 8.10.2003)*

The Assistant Minister for Transport and Communications (Mr. Ligale): Mr. Temporary Deputy Speaker, Sir, I was on the Floor and was just about to conclude my remarks with regard to the Motion that had been moved by hon. Munya, and which was debated at length.

[The Temporary Deputy Speaker

(Mr. Poghisio) left the Chair]

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

I had made the points that this matter had been the subject of detailed consultations within the Government, including my Ministry, the Directorate of Personnel Management (DPM) and the Public Service Commission (PSC) following a declaration by the Minister for Labour that the officers in the Directorate of Civil Aviation (DCA) who had gone on a go-slow strike were carrying out an illegal act. They had been given a chance to report back for service by the 7th of April, 2002, and that the majority had, indeed, reported back for duty. Those who had not done so were given another chance for their cases to be heard at an Inter-Ministerial Committee comprising of my Ministry, the DPM, and the PSC. Indeed, a majority of those officers were reinstated.

But, Mr. Temporary Deputy Speaker, Sir, a small number of 61 officers or thereabouts, who had previously been implicated in similar activities or had been ring-leaders, could not be reinstated. Those officers had, therefore, been dismissed from service and it is not possible to reinstate them at this stage. Every step of the law had been followed, and these employees had been given a chance to appeal and argue out their cases. As I have said before, a majority of those officers were reinstated. The few that were not were dismissed and they stand dismissed.

Mr. Temporary Deputy Speaker, Sir, within the Public Service, there is a code of regulations governing the operations of the Public Service. If officers are going to be reinstated merely by the passing of a resolution in this House, then there is going to be turmoil within the Public Service. There has to be some discipline and law. A majority of the officers were reinstated upon a hearing, in which they were given a chance to state their side of the story. I am, therefore, suggesting; in fact, I am imploring this House to reject this Motion, because to accede to it would be setting a very dangerous precedent within the public service. We do not want public servants who have been judged to be malcontent and to have violated the law to be reinstated through the back door. It would be dangerous. I, therefore, urge this House to reject this Motion in its entirety.

Thank you, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Ethuro): Order, Members! You still have some time remaining before the Mover replies. Is there anybody who wants to contribute to this Motion?

Let us have the Mover replying.

Mr. Munya: Thank you, Mr. Temporary Deputy Speaker, Sir. This Motion is about 71 Kenyans who have been denied their right to work by their own Government. It is not about procedures or reinstating public servants through a back door; Parliament is not the back door! It is the august House and a watchdog that is supposed to check the Executive and ensure that it carries out its mandate in the right way.

From the beginning, I emphasized that when the Kenya Civil Aviation Authority (Amendment) Bill was passed, this Parliament passed a resolution that all the employees who were employed by the DCA must be employed under the new Authority. In contempt of this House, the Ministry did not carry out this mandate. So, it cannot later come and plead with the House not to pass this Motion when it has flagrantly refused to obey the laws passed by this House. That is why I am urging this House not to pass the Vote of this Ministry unless it reinstates those employees who were fired, as they had genuine complaints which were addressed. They wanted to be de-linked from the Public Service so that they could earn salaries that are commensurate with the work they do and which reflect what other air-traffic controllers elsewhere in East Africa and in the world earn. The Ministry did not address those problems, and that is why they went on a go-slow. The air-traffic controllers are not different from teachers who went on a full-scale strike instead of a go-slow strike. Unlike the teachers,

these people were reasonable by opting for a go-slow strike in order to send the message to the Ministry.

After the Ministry acknowledged that there were problems with the Directorate of Personnel Management (DPM) and brought amendments to the law in this House to make sure that it is in keeping with new trends elsewhere in the world, it went ahead to selectively hire a few of those air-traffic controllers. In fact, they were relatives of senior people!

The Assistant Minister for Transport and Communications (Mr. Ligale): On a point of order, Mr. Temporary Deputy Speaker, Sir. Mr. Munya has made an allegation that the officers were reinstated on a selective basis, depending on who was related to who.

Mr. Munya: Mr. Temporary Deputy Speaker, Sir, how else can you account for the fact that majority of the 285 employees who were sacked were reinstated except 71? That was selective rehiring depending on who one knew in the Ministry.

The Temporary Deputy Speaker (Mr. Ethuro): Order, Mr. Munya! You need to substantiate. You are only stating that some employees were rehired and others were not.

Mr. Munya: Mr. Temporary Deputy Speaker, Sir, I do not want to name names. I want to avoid naming names.

The Temporary Deputy Speaker (Mr. Ethuro): Then apologise, withdraw and continue.

Mr. Munya: Mr. Temporary Deputy Speaker, Sir, I will continue, but I do not want to name names. It is clear injustice that 71 of the air-traffic controllers were not reinstated after this House ordered the Ministry to reinstate them. This Motion is requesting the Ministry to reinstate them. They should get their benefits.

The Assistant Minister for Transport and Communications (Mr. Ligale): On a point of order, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Ethuro): Let the hon. Member proceed.

The Assistant Minister for Transport and Communications (Mr. Ligale): Mr. Temporary Deputy Speaker, Sir, he has not apologised and withdrawn the remarks.

Mr. Munya: Mr. Temporary Deputy Speaker, Sir, I have refrained from naming names. I do not know why the Assistant Minister is jittery.

The Temporary Deputy Speaker (Mr. Ethuro): But you need to withdraw and apologise if you do not want to name names. The rules of the House are clear. If you cannot substantiate, withdraw and apologise. Simple.

Mr. Munya: Mr. Temporary Deputy Speaker, Sir, I have withdrawn. I was saying that the reinstatement of the air-traffic controllers was done selectively. That is a fact. Whatever criteria was used to determine which employees had to be reinstated and which ones were not, when all of them had gone on strike, was not fair. What criteria could have been used? They were all qualified, trained and were all working there. They all went on strike and then some were reinstated and others were not. I have letters from the sacked employees appealing to the Public Service Commission (PSC) to reinstate them. Their letters were replied to and they were told that they could not be reinstated. What other criteria could have been used?

We know that there has been a lot of mismanagement in the Directorate of Personnel Management and that is why changes had to be effected. This House is asking the Ministry to carry out its obligations by reinstating these employees back to their jobs. These are specialised people, trained only in civil aviation and cannot work anywhere else. They are very young Kenyans aged between 25 and 35 years. You cannot just decide that these people have no jobs in this country, sit comfortably in your offices when you are well-fed and earning big salaries and forget that these people have families and have been out of service for two years. The Minister is just comfortable. This is the callousness with which we should not handle Kenyans any more. Teachers went on strike and made certain demands. They were fired and when the Teachers Service Commission (TSC) was reinstating

them, it did not reinstate them selectively. It reinstated all the teachers. It did not reinstate some and leave some out. Teachers were all reinstated. We are saying that all the air-traffic controllers should be reinstated.

This is not a partisan Motion. It is a Motion about Kenyans who know no boundaries or tribe, but are suffering. They require to be reinstated back to their jobs. I am urging the House to pass the Motion. The Ministry should implement the Motion once it is passed. The House has no reason not to pass this Motion. Once the Motion is passed, we will follow up to ensure that the Ministry implements it. The Ministry should not treat it like other Motions. We will not pass the Vote of the Ministry of Transport and Communications until the Motion is implemented. If the Motion is not implemented, I will ask the House to support a Motion of censure that I will bring to the House to censure the Minister.

With those few remarks, I urge the House to support the Motion.

(Question put and agreed to)

ESTABLISHMENT OF MODEL SCHOOLS

Mr. Mahamud: Mr. Temporary Deputy Speaker, Sir, thank you, for giving me this chance to introduce this Motion. The objectives of the Motion are two. The first one is to analyze the causes of poor performance in the KCSE examinations in the country and secondly, to recommend solutions to these problems. There are so many factors that contribute to poor performance in examinations, particularly in disadvantaged and marginalised areas, for example, Turkana, Wajir and Tana River districts. There are many other causes of poor performance in examinations, whether in primary and secondary schools or in other learning institutions. They include inadequate teaching and learning facilities; for example, textbooks. We have a problem of quality and quantity of teachers. Most of the teachers in marginalised areas are usually untrained and are not qualified to handle various subjects adequately, hence students perform very poorly. Their number is also inadequate. The TSC will only post teachers to areas with good roads and other basic facilities. As a result, the quality of education in the marginalised areas is affected.

Another thing that affects education in these areas is poverty. As you are aware, there is a lot of poverty in marginalised areas and people cannot afford to send their children to school. The few children that are in school are not able to complete schooling and they drop out. Other factors are nomadism and pastoralism. For many years, the Government has not addressed these two issues. Nomadic and pastoralist children cannot access education because of the nature of their lives. I would like the Ministry to consider posting nomadic teachers to pastoralist home areas, where they will move with the pastoralists from place to place.

Mr. Temporary Deputy Speaker, Sir, the other problems that affect education in this country are poor enrolment, drop-outs, repetition and as a result, the whole system becomes inefficient. Instead of a class having 50 pupils, you have only eight or ten and the education system becomes very ineffective and inefficient.

Mr. Temporary Deputy Speaker, Sir, we have other problems; like poor administration of schools. We have also environmental problems such as harsh climatic conditions. Insecurity which arises from poor governance is another major problem. We know very well that there are certain districts in Kenya where pupils perform very poorly in the national examinations because most of the time in a year, schools are closed and even teachers fear for their lives.

Mr. Temporary Deputy Speaker, Sir, as a result of all the anomalies that I have mentioned, the education standards in those districts have really been compromised. As a result, we have dismal performance in our national examinations, namely, the Kenya Certificate of Primary Education

(KCPE) and the Kenya Certificate of Secondary Education (KCSE). We also have an inefficient and ineffective system of education.

Finally, we will not realize the objectives of education as a result of these anomalies. In other words, the benefits of the free primary education programme will not be realized in the marginalised areas. Much more than that, if parents realize that even the few students who do well in their education are not employed then they will not take their children to school.

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

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

As a result of these disparities in education in the country, there is no unity. For example, Nairobi Province, sends about 1,000 students to universities every year while a district like Tana River may not even send one student to university. There is a big disparity and discrimination. All this arises from---

The Temporary Deputy Speaker (Mr. Y. Haji): Order, Mr. Mahamud! You have not yet moved your Motion. For you to proceed, could you read the terms of your Motion?

Mr. Mahamud: Thank you, Mr. Temporary Deputy Speaker, Sir, for reminding me.

I beg to move the following Motion:-

THAT, in view of the perennial poor performance in the Kenya Certificate of Secondary Education by some districts in the country, occasioned by poverty, poor educational facilities and inadequate teaching staff, among other factors; this House calls upon the Government to establish two fully equipped and adequately staffed model schools, in every district which has performed dismally continuously for the last ten years, to serve as centres of excellence for purposes of improving performance in these districts and further that these schools be fully-funded by the Government.

The Temporary Deputy Speaker (Mr. Y. Haji): Very well. Proceed now!

Mr. Mahamud: Thank you very much, Mr. Temporary Deputy Speaker, Sir.

I would like now to address myself to selected problems affecting education in this country. I will particularly dwell on access or retention of students in schools. We know that the few children who enrol in primary schools do not complete their education. For example, in North Eastern Province, only 26 per cent of boys and 15 per cent of girls enrol in primary schools. However, the retention rate for boys is only 6 per cent while for girls it is only 3 per cent. That is an average of 4 per cent. In other parts of the country, the retention rate is over 80 per cent.

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

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

Mr. Temporary Deputy Speaker, Sir, about 80 per cent of the students in these marginalised areas are out of school. In other words, only 20 per cent of the students attend primary schools. The 20 per cent do not even receive quality education because of the factors I have mentioned. With all these problems, students in those areas cannot do well in their examinations.

Mr. Temporary Deputy Speaker, Sir, I have some statistics from the Provincial Director of

Education, North Eastern Province. They indicate that from 1995 to 2002, there were a total of 9,735 students who sat for KCSE. From this figure, only 44 per cent attained a mean grade of D+ and above. In other words, 56 per cent of the students failed. That is about 5,474 students in five years. Where will these students go? Another appalling thing is that, only 78 students out of the 9,735, which is equivalent to 0.8 per cent, were admitted to universities. This is not even 1 per cent. It is a pity that this figure represents a whole province. I am just taking an example of North Eastern Province. There are so many other districts in Kenya where students perform very poorly. I have already carried out a survey and I have noted that the districts in Kenya that perform poorly according to provinces are as follows: In Western Province, we have Teso and Mt. Elgon districts. In Nyanza Province, we have Kuria and Suba districts. In the Coast Province, we have Tana River, Lamu, Malindi, Kwale, Kilifi and Taita-Taveta districts. In North Eastern Province we have all the four districts of Ijara, Wajir, Mandera and Garisaa. In Eastern Province we have Moyale, Marsabit, Isiolo, Tharaka and Mwingi districts. In the Rift Valley Province we have Samburu, Turkana, Narok, Trans Mara, West Pokot and even parts of Baringo District.

It is very amazing when I talk of only 78 students out of 5,000 students being admitted to university, when in Nairobi alone, 400 girls join university every year. There is no girl who has ever gone to university from Tana River. This is a very big disparity, and we would like the Government to correct it. If these disparities continue, then we are not living in the same country. The Ministry should provide facilities and teachers to these disadvantaged communities.

Mr. Temporary Deputy Speaker, Sir, finally, I would like to give some solutions to some of the problems I have mentioned. There is need to create centres of excellence, fully-funded and staffed by the Government, for both boys and girls. We would like to have two centres of excellence in every district that is performing poorly. Instead of building new schools, we already have established secondary schools and we would like the Government to provide enough teachers, adequate facilities and enough funding. One school should be for boys and another one for girls, so that we can improve the performance and university intake. Nowadays, anybody without university education has no place in this country.

Another measure is the allocation of bursaries. I would like to thank the Government for allocating more than Kshs700 million in form of bursaries. We would like this bursary money to find its way to those disadvantaged areas. Another solution is more funding and adequate boarding facilities to nomadic communities. There should also be a general improvement in the standard of living of disadvantaged communities. Much more is the lowering of the cut-off points for university intake. That is very important, because we cannot compare a student in Mandera with one from Nairobi because of the problems I have mentioned. In other words, the cut off points should be lowered for both boys and girls from the disadvantaged communities. Another important factor is enhanced employment opportunities and resource allocations. This includes teachers and funding. Recently, there was a recruitment into the army and today, I understand they are recruiting Administration Police. We used to get about 20 persons being recruited from Wajir District, but right now, I understand only ten are recruited. Why is this new Government discriminating against people from those areas? We would like the Government to create more jobs and give employment to our people.

With those remarks, I beg to move, and ask Mr. Ethuro to second the Motion.

Mr. Ethuro: Thank you very much, Mr. Temporary Deputy Speaker, Sir. I rise to second this Motion by my good friend, Mr. Mahamud.

The development of this country is uneven and this is because some areas, traditionally, from the colonial times, were basically neglected by the white man. They were treated like security zones in order to protect the other imperial powers. Because of this, you will find that the marginal areas and frontiers, particularly North Eastern Province, the North Rift, Western, Nyanza and all the areas that

Mr. Mahamud has mentioned, have lagged behind in terms of development.

Mr. Temporary Deputy Speaker, Sir, this Motion is asking the Government to put money where its mouth is. The NARC Government has been extremely categorical, and our people have been extremely happy that there is a Government that has come in place, that is talking about some real development in their areas. We want real, tangible development. We do not want situations where, as early as 1986, there was Sessional Paper No.1 which put emphasis on the development of these areas, but nothing has happened. We even had a whole Ministry charged with the development of these areas, but it basically did nothing. We have had national development plans from the 1980s that have focused on these areas, but the situation has not improved. The development of marginal areas is not a matter of choice for this country, it is a matter of necessity. Agricultural production peaked in the mid-1980s and the only way to improve production is not to intensify, but to extensify. That means adding more land to your production zone.

Mr. Temporary Deputy Speaker, Sir, we would like to believe that the basic infrastructure of a particular place is extremely necessary in order to get a framework for development. I would like to submit that education is a very key component in terms of manpower development. This Government should support this Motion, in which we are asking for a specific facility to be put in those places. I would like to thank the Government for the free primary education but the universal standards require that we have free and compulsory primary education. In our areas, primary education is free, but it is not compulsory. So, its effect has not been felt. The Minister for Education, Science and Technology always reminds us that 1.5 million children have come out of the woods to join primary school. But in Turkana District, where I come from, the intake has actually dropped. This is because there are no facilities to keep these children in the schools.

Mr. Temporary Deputy Speaker, Sir, this Motion is seeking for more educational facilities and teaching staff. The Mover has given us statistics from North Eastern Province as an example. At this juncture, I would like to remind the Government that they seem not to understand this issue. Unless you define the problem, you will not be able to get a solution. When this Government and Government Ministers talk about problems of the ASAL areas, they seem to have only North Eastern Province in mind. The ASAL districts are not confined to North Eastern Province. There are about 21 districts and the Government cannot assume not to know, because they know. The other day, a Minister of State, Office of the President launched a programme for the ASAL regions for about US\$78 million; for 21 districts. These are the districts I am talking about. We have only 11 districts which require these facilities. In these districts, even to tap economic potential, you need to invest in education. That is just the basic infrastructure.

Mr. Temporary Deputy Speaker, Sir, in the 1980s the Government built schools in the nomadic areas under World Bank sponsorship. But the problem with the previous Government is that they were very good on experimenting but failed to follow up. We are optimistic that this particular Government will deliver, having given priority to the education sector. Even the statistics of the arid zones are not available. Yesterday I was watching television and the Minister for Regional Development was giving statistics to the World Bank Chief, and he said that there are no statistics from North Eastern Province and the North Rift.

Mr. Temporary Deputy Speaker, Sir, there are no statistics from North Eastern Province and this is a problem to our country. The people living in those areas are *bona fide* Kenyans, they are not Ethiopians, Sudanese or Somalis. They are Kenyans and we need to invest in them. The Government has no choice, and it is not a matter of whether it wants to do it or not. The Government has to do it in order to tap the potential of these areas. We are asking the Government to deal with the problem of illiteracy in order to tackle the problem of cattle rustling, which is crucial. Places like West Pokot and Turkana Districts have illiteracy levels of 75 per cent of the total population which means that there are very few people who have gone to school. The retention rate of children in primary schools in

Turkana District is 1 per cent for girls, while the boys make up 4 per cent of those who joined.

Mr. Temporary Deputy Speaker, Sir, I want to commend the Government for advocating for the girl child education. That is very good. In our pastoral areas, there is no difference between the girl child and the boy child. Both of them do not go to school. I think that this should be amended so that we give support to every child whether a girl or a boy so that they can both be able to access education, and take advantage of it.

Mr. Temporary Deputy Speaker, Sir, you and I are people who have come from the areas that I am talking about. We have some of the best schools in this country and Kenyans can actually see the difference in us who have gone to school because we do not engage in cattle rustling. Those who are involved in cattle rustling do it because they are not in school. They are not in school not because they do not want to be in school, but, because there are no facilities in the areas.

When I was in primary school, we would be taught three lessons per subject, per term. The education system in this country requires that you take three lessons per subject, per week. Right now, we have a shortage of 318 teachers in Turkana District. At Independence, Turkana District had only one African Government school. Once our people finished primary school education, they would go to West Pokot; Choyet Secondary School which the late Vice-President attended. It is important that these facilities are provided to our people so that they can feel as part and parcel of the Republic.

Many times, our people in North Eastern Province talk of "going down Kenya." It is because what happens in the rest of Kenya does not obtain in their areas. There is no water, there are no schools and no teachers. Fortunately, there is a school feeding programme. That is the only thing that has been able to maintain a few pupils in schools. The rest of the facilities do not exist.

We are, therefore, asking the Government through this Motion, to ensure that in the ASAL districts, and there are 11 of them, we have at least two schools in each ASAL district which are fully established and with the best teachers in this country, so that we can be able to produce good people. Our people in these regions are extremely brilliant. Ask anybody who has gone there. Those people only lack facilities. It is a tragedy when a whole country can confine a section of its population to poverty, insecurity, lack of medical services just because they cannot get a chance to go to school. We need to improve the access to education in these areas. We need to ensure that our children go to school.

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I beg to second the Motion.

(Question proposed)

Mr. Y. Haji: Bw. Naibu Spika wa Muda, nakushukuru kwa kunipa nafasi hii. Ningependa kuunga mkono Hoja hii kwa sababu imeletwa katika wakati unaofaa. Kwa kweli, hili ni jambo ambalo Serikali inafaa kuzingatia sana.

Hali ya shule duni katika sehemu kame za nchi hii sio kitu ambacho kimeanza juzi. Swala hili limekuwepo kwa muda mrefu sana. Kwa vile nchi yetu sasa inajaribu kurekebisha mambo mengi, na hata Katiba ya nchi hii ambayo tumekuwa nayo kwa miaka 40, wakati umewadia ambapo Serikali ya sasa yafaa kufanya vile inavyoweza katika kusawawisha hali ya wananchi katika nchi hii. Itakuwa vigumu ikiwa sehemu fulani za nchi zinaendelea ilhali sehemu nyingine zaendelea kubaki nyuma mwaka baada ya mwaka. Tatizo kubwa ni lile la upungufu wa waalimu. Kwanza, hakuna waalimu wa kutosha. Pili, waalimu wengi wanaojaza sehemu ambazo waalimu waliohitimu wangejaza, ni wale ambao hawajapata mafunzo ya ualimu. Kwa hivyo, mara nyingi tunaona mambo kama vile kipofu anapojaribu kuwaongoza vipofu wengine. Waalimu hawa huwa hawajatarishwa na hata wengine huwa wameanguka mitihani yao ya shule za kawaida, lakini utawapata wakifunza kwa sababu ya ukosefu wa waalimu. Mara nyingi, wanayapotosha maisha ya wanafunzi wao.

Jambo lingine ni kuwa, hatuna vifaa vya kutosha. Wakati huu katika karne hii, watoto

wanasomea chini ya miti na kukaa juu ya mikeka. Ukienda miji ambayo imeendelea kama vile Wajir na Mandera, utaona madarasa ambayo watoto wamekaa kwenye mikeka kwa sababu ya ukosefu wa madawati. Unajua vile hali ya joto na vumbi ilivyo. Mara nyingine, hakuna hata mkeka. Kwa hivyo, badala ya watoto kusoma, wao hupata ugonjwa wa *Sinusitis* na pia mara nyingine wao huambukizwa ugonjwa wa kifua kikuu. Mara nyingi, watoto hawa hawapati chakula cha kutosha asubuhi.

Ninapozungumza sasa, shule nyingi katika sehemu ya Ijara ninayowakilisha Bungeni zimefungwa kwa sababu ya ukame. Watu wamehama. Hakuna hata manyatta moja. Tangu zamani, watoto wamekuwa wakitembea kilomita nyingi kutoka kwa manyatta kwenda shule. Sasa, kwa sababu ya ukame, hata watu wamehama kutoka manyatta hizo. Watu wengine wangu sasa wako kule kwa mheshimiwa Bw. Mungatana, wakitafuta malisho na maji. Ni vigumu kutarajia kama watoto hawa watafaulu vyema watakapofanya mitihani. Kuna watoto wachache wanaohudhuria shule katika sehemu hizo, lakini sio kwa sababu hawataki kusoma; watoto wanataka kusoma. Watu pia wanaweza kubadilisha mienendo yao ya zamani ya kuhamahama. Wanajaribu sana, hata wengine wamechimba visima vya maji wakitumia mikono yao karibu na shule ili watoto waendeleo kusoma. Lakini vile ilivyo katika nchi hii yetu, wakati hakuna mvua kuna taabu ya maji. Mvua inaponyesha, barabara zinaharibika na mabwawa yanaharibika. Kuna taabu ikiwa kuna mvua au kama hakuna mvua. Ikiwa tunataka kuwa sambamba na ndugu zetu katika nchi hii yetu, kama vile Mbunge aliyelea Hoja hii alivyosema, ni Nairobi peke yake ambapo wasichana 400 wanaenda katika chuo kikuu kila mwaka. Katika Mkoa wa Kaskazini Mashariki, hata nusu ya msichana haendi katika chuo kikuu, kama kuna "nusu ya msichana". Hilo si jambo la kuchukuliwa rahisi. Tungetaka kuona sehemu hiyo ikipewa mpango maalum ili tuwe sawa sawa na ndugu na dada zetu katika sehemu nyingine za nchi hii. Hiyo tu ndio itaweza kuokoa nchi hii.

Kupata elimu nusu ni hatari kuliko kutokuwa na elimu. Hawa watoto wanaoenda shule na kuanguka mitihani wa Kidato cha Nne au kuacha shule wakiwa Darasa la Nane, hawawezi kuishi pamoja na watu wengine hata kidogo. Kama angekuwa mchungaji wa mifugo, atajiona kuwa amesoma na kwa hivyo, hafai kufanya kazi hiyo. Mwishowe, anakuwa mkora ili apate pesa. Atakuja mjini ili kuwasumbua watu ambao wanatafuta riziki zao kwa njia inayofaa. Ninasema maneno haya kwa sababu wazazi wetu hawakuenda shule, lakini walikuwa na mali. Walikuwa na ng'ombe na mbuzi kwa sababu walijua kuchunga mali yao. Hawakujua kuandika lakini walikuwa na maduka makubwa na magari, wakifanya biashara. Hawakujidanganya ya kwamba wamesoma na kwa hivyo, ni lazima wafanye kazi ya ukarani au ujambazi.

Hata haya matatizo tuliyo nayo kuhusu machokora ni sawa sawa na mambo kama hayo. Utaona kwamba mtu aliyesoma vizuri, wazazi wake wanakaa vizuri na yeye huishi vizuri. Kwa hivyo, atatafuta njia yoyote ya kupata riziki hata kama ni ya kurandaranda. Mapendekezo ya Hoja hii, ya kwamba kila wilaya inafaa kuwa na shule mbili maalum zilizo na vifaa vya kutosha, haitaleta hasara ama upungufu wa mali katika nchi hii yetu. Ile faida ambayo italeta, itakuwa zaidi kuliko uegezaji ambao Serikali inaleta.

Tungetaka kuona Serikali ikijitahidi kuanzisha shule za watu wa kuhamahama kwa sababu watu kama hao niliozungumzia juu yao wamehama kwa sababu ya ukame. Kama tungekuwa na shule za watu kama hao, hata hawa watoto na walimu wangeweza kuhama pamoja nao. Mara nyingine, mambo ya kuwaacha walimu ambao wamezaliwa huku kuwa ndio wanaofundisha kila wakati katika sehemu hizo, ni kujidanganya tu kwa sababu baadala ya walimu hao kuwapa--

The Temporary Deputy Speaker (Mr. Poghisio): Your time is up!

Mr. Y. Haji: Ninaunga mkono Hoja hii.

Prof. Mango: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this very important Motion on education. Education is the key to everything. It is only by educating people that any country can develop. Therefore, in this country, we have to seriously address development of the human resource. For example, a country like Japan does

not have any other resources except the human resource, but they have developed that human resource so well that Japan is now becoming a number one country in the world because of the performance of the human resource. Therefore, in Kenya, we need to go back and look at what we are doing in terms of developing our human resource. We cannot develop as a nation, until we have every child develop to its optimum capacity. Therefore, this Motion is very appropriate.

In developing this nation, first of all, we need to look back at the statistics of education in the whole nation. In some areas, there are many schools while in others, there are none. Therefore, we need to map out how many primary and secondary schools we have in district A, the facilities, teaching staff and so on. You cannot solve a problem until you know the extent of the problem. In the past, we have been doing things piecemeal. Therefore, just as the previous speaker said, some areas are left behind because nobody cares. When it comes to scholarships, bursaries and teachers, in the past, there were those politically-correct areas which used to get more than their fair share of all the national resources. They were getting the best teachers, all the scholarships and bursaries to the detriment of other areas.

We need to develop all Kenyan children and not develop some and leave the rest because the human resource is very important in development. We need to see to it that every Kenyan child has equal opportunity. It should not be a situation where some get opportunities and others are left to languish in ignorance. Ignorance is very expensive. We cannot afford the luxury of having ignorant people in our nation. In some areas, like Busia District from where I come, we are lucky to have even 30 children going to university per year. I look at that as a wastage of human resource. We have many children going to primary school, but we have poor secondary intake. At the end of it, we do not send enough people to the university. We end up with young people loitering around, jobless and uneducated. That is wasted human resource. We cannot afford the luxury of wasting human resource. Therefore, we need equitable planning for the nation so that we give everybody a chance.

This Motion has come at the right time when the NARC Government is taking care of free primary school education. We should now start planning for the provision of free secondary school education. Where will these children go after primary education? We should create facilities and secondary schools to absorb them. It is useless to have these children finish primary school and then they have nowhere to go. We will just be bringing up more ignorant people. The Ministry should start putting mechanisms in place to absorb these children as they finish primary school education so that they do not end up being ignorant.

Similarly, we have polytechnics. Nowadays, students are avoiding them because they do not seem to improve their skills. We need to invest a lot more in polytechnics. We should create facilities and improve the standards, so that people who qualify there can contribute to nation building. Developed countries developed through polytechnics. The polytechnic sector in Germany is highly developed. Ours are looked upon as the place where failures go to. Let us give our children pride. Wherever they go, they should feel they are doing the right thing. They should not go there because they are unable to do anything better. The Ministry should invest a lot in polytechnics and make sure that the students there get the best and they can contribute in nation building.

Mr. Temporary Deputy Speaker, Sir, we have a lot of problems in the universities. I am glad today I saw in the newspapers that the salaries of university staff are going to be upgraded. But not only that; the universities need facilities; that is, lecture halls, equipment and offices. We do not want to run universities like kindergartens where the staff have to carry all their office equipment in their briefcases. They cannot be effective. They need somewhere to sleep, keep their teaching materials, sit and read, and plan research and all that appertains to university teaching. In some of our universities, teaching staff have nowhere to sit. They just come and teach and go away. They cannot do research. Research needs facilities where you can sit, read, plan and be able to do something. But if you do not have that, there is no way you can do research. Our lecturers are blamed for not doing research. It is

not their wish. There are no facilities and money for research.

If we want to develop as a nation, we have to invest a lot in research work because information is power. We cannot rely on other people to generate information for us. If we cannot generate our own information, borrowing somebody else's information may not be relevant to us. Therefore, the Ministry has to cater for research at all levels and not only in research institutions. In many nations, it is the academic institutions that generate information. This information has to be linked up with the private sector if we want to move on. But if we continue the way we are, we cannot industrialise by whatever year we project. Industrialization calls for a lot of information which we are not generating. Let us not remain in the 19th Century. We have to improve and generate information if we want to go to the 20th Century. Therefore, this starts from creating facilities at primary school, secondary school and at the universities level. Otherwise, we will end up as an ignorant nation that is not empowered. We do not want Kenya to remain an ignorant nation in the 21st Century. Therefore, the Ministry has to address all these issues and plan properly if we want to be empowered as a nation. Otherwise, we will go backwards.

Mr. Temporary Deputy Speaker, Sir, I would like to touch slightly on the Higher Education Loans Board (HELB). First of all, it has a very complicated form which many parents or children are unable to fill. We need it to be overly simplified. We need to know that the child has qualified and has been selected to go to university and he is applying for the money. After all, it is a loan. It is not free money. It is money which someone will pay with an interest. Therefore, the student should be facilitated to go to learn and not be restrained. At the end of the day, it is the well-to-do who are getting those loans and the poor children do not get those loans, partially because the form is so complicated that an ignorant parent is unable fill it. Even I, as an educated parent, can hardly deal with that form. Therefore, many kids end up missing on HELB loans because of the inability to complete the form properly. So, we need to simplify that form and enable more Kenyans to access that money.

Also, the loan is very little. It needs to be upgraded. It is no use to give someone half a loaf which will not feed him properly. If you mean to give someone a loaf, you should make sure that the loaf is adequate. Otherwise, you are just increasing the starvation. Therefore, HELB is a very good idea to help Kenyans but it should be restructured properly so that Kenyans can benefit from it. But we tend to forget those students who are in training colleges. They also need financial support.

With those few remarks, I beg to support.

Mr. M.H. Mohammed: Thank you, Mr. Temporary Deputy Speaker, Sir. I stand here to support this Motion. First of all, I would like to thank the hon. Member for bringing this important Motion. It is very unfortunate that this Government is not very serious. I say so because whenever there is an important issue in the House, the Front Bench is always empty. They are not listening to what the representatives of the people are saying.

Mr. Temporary Deputy Speaker, Sir, I want to take this opportunity to thank the Government for providing free primary education. That is the only promise this Government has fulfilled. Even if you do not love somebody, when he does something good, you better congratulate him. We thank the Ministry for providing free basic education. We all know that basic education is a foundation of education for the future of our children. It is true that the Government has provided free basic education, but what they provided is not enough. When people heard about free education, children were brought from all over the country and the classes are congested. There are very few teachers in the schools. Recently, the Government said it was employing teachers, but to our surprise, especially where I come from, very few teachers were employed. I, therefore, appeal to the Ministry to make sure they employ enough teachers so that the free basic education can be a reality.

Free basic education is not enough. We want free secondary education in selected areas, if not in the whole country. It is not a big issue. This Government spent a lot of money on a matter which was not necessary. To give free secondary education to pastoralists and disadvantaged communities is

not a big deal. I think the Government can do that. We, therefore, appeal to the Government to provide free secondary education to the pastoralists and other disadvantaged people.

Mr. Temporary Deputy Speaker, Sir, the number of students in Arid and Semi-Arid Lands (ASALs) is very low. The Government can afford to provide free education to those students. Recently, we were told that there is going to be a bursary fund. We are yet to see it. Last week, I was in my constituency and nothing has come so far. We were told that Kshs1 million will be sent to every constituency. The year is ending! Where is that money? Has somebody taken it to somewhere else? We want to be given that money, so that we can give it to the students before the year ends.

Hon. Members have suggested that, at least, two secondary schools in every district should be equipped and staffed properly. That is very important because in some of our districts where we come from, a number of schools are just there by name. There are no teachers in the secondary schools and, even where they are, they are inexperienced. That is because we do not have our own people who are trained as teachers. The problem is that teachers are posted to our region when they are newly employed. After one or two years, they get experience and ask for transfers.

Mr. Temporary Deputy Speaker, Sir, to solve our problems, we need to have our people trained as teachers. That problem started way back from Independence, when the Government was training teachers free of charge. Some regions were left out and people were not selected for training. The selection was biased. So, you will find that one region has no teachers and another one has more teachers. We appeal to the Ministry of Education, Science and Technology to set some kind of quota system to make sure that people from every region are given an opportunity to train as teachers. That will enable them to teach in their home areas and gain experience.

Mr. Temporary Deputy Speaker, Sir, regarding the issue of equipment, up to now, all the facilities have been left to the parents. Although the Government is providing free education, we have not seen any sign of the Government constructing even one laboratory or classroom in any of our schools. We want the Government to take that matter very seriously, and make sure that there are enough facilities for our students to perform well.

Mr. Temporary Deputy Speaker, Sir, on the issue of university admission-- If you want to bring people up, you must have a formula to bring up those who are left behind. After Independence, Kenyans were given free scholarships by America, Britain and Russia, so that people could get education.

I would like to point out that not every region was lucky to get those scholarships at that time. This is the case, and yet, today, we are told that our students must compete with students from other parts of the country to get admission to public universities. We are not saying that our students should not compete with students from other parts of the country. Our students can compete with students from other districts, but how can they compete with students who have all learning facilities? Students from other parts of the country have good schools, well trained teachers, laboratories and learning equipment provided by the Government. This is the case, and yet in North Eastern Province, we have schools with two or three inexperienced teachers. There must be affirmative action when it comes to admission, especially of girls from ASAL areas, to public universities. The entry points to public universities for girls from ASAL areas should be lowered so that we can have more girls joining public universities from these areas.

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I support the Motion.

Mr. Bifwoli: Thank you, Mr. Temporary Deputy Speaker, Sir. Before I contribute to this Motion, I would like to move an amendment to it. Can the Chair allow me to move an amendment to this Motion? I would like to move an amendment to this Motion.

The Temporary Deputy Speaker (Mr. Poghio): Mr. Bifwoli, if you have an amendment you want to move to this Motion, you should present it to the Chair.

Mr. Bifwoli: Mr. Temporary Deputy Speaker, Sir, Mr. Oparanya has the amendment and I

would like to second it.

The Temporary Deputy Speaker (Mr. Poghiso): Order! Mr. Bifwoli, if you are waiting for that amendment, please, just hold your peace.

Mr. Bifwoli: Mr. Temporary Deputy Speaker, Sir, let me contribute to the Motion if I cannot be allowed to second the amendment.

I would like to thank the hon. Member for moving this Motion. Educational standards in this country will only be improved if we establish the root cause for poor performance in national examinations. When the cost of education was subsidised by the Government some schools in this country performed well in national examinations. But when cost-sharing was introduced some schools from very poor areas started performing badly in national examinations. If we want to improve educational standards in this country, we should ask ourselves: What makes students pass national examinations? One of the factors which contribute to good performance in national examinations is having committed, properly trained and well motivated teachers. The community around the school where teachers teach must provide a good learning atmosphere. The parents and the school administration must also motivate teachers. A teacher is like an animal which ploughs or produces milk. If you do not feed it well, it will not produce milk in the morning. Likewise, if parents do not motivate teachers, they will not get the desired results in national examinations. That is an important factor.

We have 210 constituencies in this country and if the Government establishes one model school for girls and another one for boys in every constituency, such schools will be only 420. The Government can afford to provide facilities and subsidise school fees in the 420 schools. The Government is lucky because hon. Members are asking it to establish 140 model schools in those districts which have performed dismally in national examinations continuously for the last ten years. When we talk of "support", we have in mind learning facilities. A school which has laboratories and a well-designed curriculum, and offers courses to Kenyans and foreigners cannot compete with another school which does not have such facilities. Children go to such a school for the sake of being seen to be also in school. They do subjects that would take them nowhere even if they passed with As. The NARC Government has interest in education, and that is why it gives us free primary education and bursaries. The Government is good but we are only asking it to identify two schools. Personally, I am advocating for identification of two schools in every constituency and construction of classes.

The Temporary Deputy Speaker (Mr. Poghiso): Are you amending the Motion?

Mr. Bifwoli: Mr. Temporary Deputy Speaker, Sir, I am debating it so that if it will be amended---

The Temporary Deputy Speaker (Mr. Poghiso): Order! You must debate the Motion at hand. If an amendment comes, we will debate it. Just debate the Motion as it is.

Mr. Bifwoli: Mr. Temporary Deputy Speaker, Sir, I want to support the Motion. However, I am asking the Government to provide facilities such as science, home science and mechanical engineering equipment and laboratories for schools offering such subjects. The Government should provide those facilities to help teachers in their work.

We are also asking the Government to provide buildings. Children who learn under trees in a secondary school cannot compete with those who learn in classrooms. There are even some secondary schools in this country where students learn while sitting on the floor. In others, students sit on good chairs and this helps them as they do not get very tired when learning. Those without chairs cannot compete with the ones with chairs as the latter are obviously comfortable.

Let us identify two schools and staff them with at least one extra teacher. This will ensure that teachers have time to prepare for their work. If we are going to adopt a ratio of one teacher per class, with no extra teacher to handle relief lessons, it is going to be very hard for teachers to work well.

Mr. Temporary Deputy Speaker, Sir, we also need teaching materials, aids and facilities to use

for communication. You can communicate using apparatus and without talking. There are some schools that do not know anything about apparatus. The Kenya School Equipment Scheme could be funded to manufacture apparatus and supply them to schools. To improve these schools, I propose that they become District Education Board (DEB) Schools.

Another point is that we should not have schools managed by christians or muslims. Schools managed by religious organisations are full of problems. There are certain notorious religions which consider such schools to be their private possession. They offer them nothing, but just because a school is called "Wakoli Muslim Secondary School" or "Wakoli Catholic Secondary School", the catholics or muslims want a catholic or muslim teacher, whether efficient or not. What we are saying is that even if a school is called "Wakoli Catholic School" and there is a Mohammed who is an efficient head teacher, he should be allowed to lead that school without religious bias. Schools should not have sponsors. Let the Government be the main sponsor of our schools, so that it can post to them teachers whom it trusts. We need teachers who can perform and not ones who will go to church to please religious leaders. If we are not going to remove certain elements from the education sector, then education will not improve in this country.

As I have said, the factors that lead to good performance include discipline of students. During our days, we used to be well disciplined. Teachers are not mad men to kill students. A whip or two to make a child disciplined in order to learn is not wrong. If a child is disciplined in order to learn and pass examinations, then that is alright. However, these days, if you tell a child that you will whip them, the next day a parent will ask you why you want to whip their child. The Englishmen say: "Spare the rod and spoil the child". What we are saying is that if children are not going to be properly disciplined, there is no way they are going to perform well.

Finally, the Government has allocated Kshs400 million as bursaries to our schools. It has distributed Kshs1 million to every constituency. The balance should then go to each of the schools we are proposing to assist children. The money should be used to give them the opportunity to learn. Their school fees should be subsidised. If this is done, these children will have all the time to be in school. They will not be send home to go and look for school fees. If they will be at school fulltime, have facilities, buildings, good teachers, proper discipline and lack of interference from religious organisations or politicians, they will pass their examinations. Surely, what crime would such children have committed before they were born for them to fail examinations? With all these, we are saying we want to develop this country and the best way to do so is by developing individuals.

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

Ms. Abdalla: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to support this Motion on the establishment of modern secondary schools in areas where performance has been poor.

This Motion is basically an affirmative-action Motion. It is supposed to assist people who have been historically marginalised through poor educational infrastructure in those areas. As you are aware, the districts that perform poorly in this Republic, both in primary and secondary education are those that were not given attention by the colonial masters and subsequent governments in this country. I would like to point out to Mr. Bifwoli that we are dealing with affirmative action and it should not be spread out to dilute the effect of what is required.

Mr. Temporary Deputy Speaker, Sir, even in this House, a majority of well performers are hon. Members who have benefited from the different affirmative action measures. People from the entire northern Kenya did not benefit from the air lifts and the subsequent measures to improve the number of qualified Kenyans in the regions. In that respect, we do not have people to support education in our areas. We would, therefore, like this Motion to be looked at as an affirmative-action Motion and as a measure to safeguard those in marginalised areas.

Mr. Temporary Deputy Speaker, Sir, without safeguarding the marginalised people in this

country, we will not attain the beautifully scripted information in the NARC Government's Manifesto for economic recovery. We will not be able to realise that if our education is not dealt with.

I am aware that Motions in this House are not technically binding, so I might be speaking here as a mere talk-show. However, I would like to point out that despite this, I can see the Assistant Minister for Education, Science and Technology taking notes. I hope it will not be a mere talk-show.

Mr. Temporary Deputy Speaker, Sir, two months ago, just before the recess, another Motion on the establishment of boarding schools in arid areas was passed in this House. In my opinion, this would set the basis for the model secondary school education programme. Primary education determines the performance of pupils in secondary schools and I would like the Minister to look at these two Motions concurrently. We have been told repeatedly that the NARC Government has provided free primary education. The free primary education is quantitative and not qualitative education. There are no teachers and infrastructure to support the quality of education in schools. In that regard, people living in marginalised areas would still not perform as well as those in other areas. In essence, we are saying that the Minister must look at the Motion that was brought to this House by Mr. Wario, concurrently with this one, because that would form the basis of quality primary education for children from nomadic areas. They can then move to those secondary schools that we intend to call centres of excellence.

Mr. Temporary Deputy Speaker, Sir, while contributing to that Motion, I noted that the quality of teachers posted to marginalised areas is lower than that of the other teachers posted to less marginalised areas. I am on record as mentioning that teachers are sometimes sent there on disciplinary grounds. How do you send a teacher on disciplinary grounds to an area that is already marginalised and has problems with quality of education? In that regard, let us not be given centres of excellence that have infrastructure, but are manned by teachers who are less qualified and less disciplined. In the long run, we will just be playing a game of musical chairs with the education of children in marginalised areas.

Mr. Temporary Deputy Speaker, Sir, qualified teachers who are committed to their jobs would find it difficult to allow themselves to be posted to marginalised areas because of the harsh conditions in those areas. Therefore, it is my proposal that the Ministry of Education, Science and Technology, when implementing this Motion, should make sure that teachers are provided with adequate housing to compensate them for the harsh economic and climatic conditions in those areas, so that we can retain them.

Mr. Temporary Deputy Speaker, Sir, my colleague, Mr. M. Haji, also mentioned the recycling of teachers in pastoral areas, thus making the areas further marginalised because of incorporating clan politics get into the education system. It would be better to increase the number of outsiders who work in our areas for the sake of improving the quality of education and reducing political interference.

On the recruitment of teachers, we are informed that teachers must be recruited from their local areas. I am, however, not sure whether the numbers that are recruited are commensurate with the shortages in those areas. It is important to recruit both the locals and outsiders, so that we can improve the standard of education in those areas.

Mr. Temporary Deputy Speaker, Sir, finally, I would like to talk about the infrastructure in arid and semi-arid areas. Many Kenyans have problems accommodating local realities. When the missionaries built houses and schools of a particular design, we tend to blanketly apply those structural designs to all parts of the country. There are areas in this country that require modification of perceived standards of constructing schools. It is my recommendation to the Ministry, when implementing this Motion, that the infrastructural needs of schools in those areas should take into account the climatic and cultural conditions.

Mr. Temporary Deputy Speaker, Sir, when we blanketly say that we should have two schools per district in areas that have performed poorly, we are leaving out another important affirmative

action element; that is the education of girls in those districts. The number of women lawyers in the entire North Eastern Province cannot fill the palm of one hand. In that regard, we must invest in the education of the girl-child in all marginalised districts and poor performing districts, including areas such as Lamu and Tana River. So, the special conditions of the nomadic child and especially the girl-child of the Muslim faith, need to be taken into account when this Motion is implemented.

With those few remarks, I support this Motion.

The Assistant Minister for Education, Science and Technology (Dr. Mwiria): Thank you, Mr. Temporary Deputy Speaker, Sir. I would like to use some of my time to clarify the position of the Government on this matter. Let me begin by saying that in principle, the idea is a noble one because we realise there are many problems associated with the kind of education that is offered in the pastoral and other disadvantaged regions.

Mr. Temporary Deputy Speaker, Sir, the point has been made about historical imbalances that have resulted from the way education was introduced in the colonial days such that the dry areas of this country and areas that were following the Muslim faith, were more or less ignored by the colonial authorities that introduced formal education in the country.

Mr. Temporary Deputy Speaker, Sir, we are also aware that, as the hon. Mover, Mr. M. Mahamud, explained, the performance in the pastoral regions and other coastal areas is very poor and in those kinds of regions, very few students, if any, qualify to go to university and it is more serious, in fact, when it comes to girls.

Mr. Temporary Deputy Speaker, Sir, there is also the issue of accessibility because there are fewer schools in those regions and, therefore, fewer young people are able to get to school at a very limited proportion. Even more seriously, out of those who enter those schools, a large proportion of them do not complete the cycle. They drop out. It is also a problem at the primary school level.

Mr. Temporary Deputy Speaker, Sir, I am also aware that the policy of cost-sharing which was introduced in 1985 has posed additional problems in that you are asking poor communities that are not as well endowed as the richer ones in other regions of this country to compete in terms of providing facilities so that the Government comes in after you have already set up facilities. It is already a problem because some communities are not as able as others.

Mr. Temporary Deputy Speaker, Sir, however, I would like to say that as we pinpoint the pastoral regions, parts of coastal regions and those that have been identified as ASAL districts in this country, we still have pockets of poverty in many districts in this country. The example of Busia District was given by hon. Prof. Mango, whereby fewer than 30 students are able to make it to university and this also applies to my district, Meru North, and my constituency in particular. Although it is not classified as an ASAL region, there are many problems that resemble many of those that we experience in the dry parts of this country.

Mr. Temporary Deputy Speaker, Sir, so, when we look at this issue, we need to appreciate the fact that the problem is not only limited to 15 districts that are being classified as ASAL regions, but that there are pockets of poverty in many districts in this country. I would like to say that the problem has been amplified with the introduction of new districts. The creation of many districts outside the 42 ones that we had in this country originally, meant that newly created districts did not have good institutions. In many cases, the better secondary schools were left in the more established districts. This applies to secondary schools and other facilities including clinics and even district headquarters. So, that creation of new districts meant that many of the new districts do not have good schools. Again, some of these new districts are only solely located in the ASAL parts of this country.

Mr. Sasura: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Assistant Minister in order to mislead the House by saying that the quality of education has gone down because of the creation of the new districts when, he has, himself, stated that most of these districts were marginalised by the colonial government times to the successive post-independence regimes? Is he in

order to mislead us just because these districts were created the other day?

The Assistant Minister for Education, Science and Technology (Dr. Mwiria): Mr. Temporary Deputy Speaker, Sir, I need to make myself clearer. I did not say that the quality of education in the newly created districts has gone down. What I said is that in a lot of cases, the newly created districts ended up with less well established secondary schools. I will give an example. Meru has four districts now. The top schools in Meru used to be Meru School, Nkubu Boys Secondary School, Kaaga Girls Secondary School and so on. When a new district, for example, Meru North where I come from, was established, we did not have already established schools. So, what I am saying is that sometimes the creation of districts served as a disadvantage, but not necessarily lowering of quality of education. Already established schools, in many cases were maintained in the districts that were traditionally established at Independence. I hope that is adequate as a point of clarification.

We are all aware of some of the causes of poor academic performance in our schools. I want to emphasise that the reasons for poor academic performance are not necessarily related to poverty. Poverty is of course a very important cause of poor academic performance, but there are schools which are established in economically endowed regions of this country yet they are doing very poorly, for example, in Central Province, Nairobi, Meru District and so on.

On the overall, performance in secondary school education, and education in general, in this country, has been going down so much so that schools that were able to compete with top national schools in this country can no longer do so. In the 60's and 70's there were schools in every district, for example, Alliance High School and Mangu High School, Precious Blood Riruta, Precious Blood Kilungu, that would present candidates to the universities. But because of poor management over the last 20 years and before, many schools that were originally performing well are no longer able to do so. So, the problem of quality cuts across the whole country and that is why you find that most parents, presently, are trying to fight for limited places at Alliance High School, Mangu High School, Precious Blood, Kabarak High school and others. If there was an interest in ensuring that the quality of education is good in every school in this country, we will not be confronted with a situation whereby we only talk about ten or 20 good schools in this country. So, the problem cuts across the board.

Mr. Temporary Deputy Speaker, Sir, there are other factors that lead to poor performance in our schools other than management. Management relates to how resources are used, what kind of people are running the schools, what kind of resources are available and so on. It is the policy of the Ministry of Education, Science and Technology to ensure that we do as much as possible to reach as many schools as we can in this country. Already, in collaboration with our development partners, efforts are being made to support infrastructural development; expansion of the already existing facilities including science laboratories and provision of science equipment, provision of teachers and their retraining where necessary and, in fact, ensuring that the disadvantaged regions are not given the worst teachers; provision of bursaries; quality improvement at primary school level because lack of it means poor students attending secondary schools education; focusing on the girl child education. Indeed, there are programmes that are supporting education of girls especially in the disadvantaged regions. Having said that, let me say that the problem pertaining to the quality of education cuts across the whole country. Therefore, to pinpoint only two schools in a district and say that specific districts continuously perform poorly would be creating a problem in terms of both deciding that the causes of poor performance only relate to those historical disadvantages or to the kind of facilities that are available; having indicated that management is also an issue.

What the Ministry of Education, Science and Technology wants to do is to support as many schools as possible, depending on the availability of resources, but giving preference, as has always been the case, to historically and economically disadvantaged regions. I, therefore, would like to propose that as we support the idea in principle, we need to support the Motion with some amendments. The Motion would then read as follows:-

"THAT, in view of the perennial poor performance in the Kenya Certificate of Secondary Education by some districts in the country, occasioned by poverty, poor education facilities and inadequate teaching staff among other factors; this House calls upon the Government to upgrade all schools in the country, but giving preference to schools in disadvantaged regions".

That is the Ministry's position.

Thank you, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Ethuro): Order, Members! Mr. Assistant Minister, are you moving an amendment, making suggestions or comments because the procedure is different?

The Assistant Minister for Education, Science and Technology (Dr. Mwiria): I withdraw the amendment, but I would like to indicate that the Ministry's policy is to support the upgrading of all schools in the country.

Mr. Moroto: Ahsante sana, Bw. Naibu Spika wa Muda kwa kunipa nafasi hii. Kwanza kabisa ningependa kumshukuru mhe. Mahamud kwa kuleta Hoja hii ambayo inanuia kuwasaidia watu ambao wamebaki nyuma kwa muda mrefu.

Bw. Naibu Spika wa Muda, tunaweza kusema sana na kuwalaumu wainjilisti walioleta mambo mengi katika nchi hii, lakini wakoloni walipokuwa wakijitayarisha kuondoka, kulitokea mambo fulani. Wale ndugu zetu waliokuwa wakitutawala mwishowe waliona kuwa walitukosea kama Wakenya, ndipo wakaja na kusema kuwa watatufanyia jambo ambalo litatusaidia. Wakati Wakenya walipochukua jukumu la utawala wa nchi hii, walianza kwa kupeleka maendeleo milangoni mwao. Tunakumbuka wakati ndugu yetu, Rais wa kwanza alipochukua jukumu la utawala, makamu wake alikuwa ametoka Mkoa wa Nyanza. La ajabu ni kwamba watu hawa walishughulikia Mkoa wa Mashariki, Mkoa wa Kati na Mkoa wa Magharibi. Hawakukumbuka kuwa kuna Wakenya wengine waliohitaji elimu na maisha bora katika nchi hii.

Bw. Naibu Spika wa Muda, hawa watu wanaendelea kutatiza Kenya kwa siasa na mambo yao. Kwa wale ambao wamebaki nyuma, ni mwito wetu kusema kwamba tutajikokota na kuona vile tunavyoweza kuinua maisha yetu. Ninasema hivi kwa sababu hata tukisema mara ngapi hapa, hakuna kitu kitakachofanyika. Pengine Mungu ashuke na aingie kwenye mawazo ya hawa watu. Waziri Msaidizi ambaye yuko hapa anawakilisha watu ambao wana taabu kama sisi. Ninajua kwamba huyu Waziri Msaidizi atamwelezea mwenzake vile tunavyosema, lakini mwenzake hatachukua haya maneno kama vile angeyasikia kutoka kwetu. Kwa hivyo, tunaweza kuimbia mawe tukiongea hapa, lakini kwa sababu tunajua hili ni Bunge la watu ambao wanaheshimiwa, ni lazima litetee Wakenya kwa jumla. Ningetaka Bunge hili lichukue hili jukumu na lihakikishe kwamba mambo yanayopitishwa hapa yanatekelezwa kamili.

Ukienda sehemu kama Turkana na Pokot, utapata kwamba watu wanasherehekea na kusema kwamba iko elimu ya bure katika shule za msingi. Hatuoni maana ya elimu ya bure kwa sababu ni shule chache tu ambazo zinafaidika, lakini shule ambazo ziko ndani hazifaidiki. Watu katika sehemu hizi hawaelewi wala kufahamu. Hawajui kwamba kuna kitu ambacho kinaitwa elimu ya bure. Hakuna walimu katika sehemu hizo hata sasa. Nilitembelea shule kadhaa juzi, na nilipata kuwa watoto wanacheza kuanzia asubuhi mpaka jioni. Ukiwauliza, wanasema kwamba mwalimu wao alikuwa mgonjwa na ameenda hospitali. Hii ni kwa sababu katika shule nzima, kuna mwalimu mmoja tu. Huyu mwalimu mmoja akiondoka, watoto wanabaki peke yao, halafu tunajigamba kwamba kuna elimu ya bure.

Ningetaka kushukuru wadhamini, kwa mfano, UNICEF, World Vision na hata makanisa kama vile Katoliki, Evanjeliko na Lutherani, kwa sababu wameingia ndani na wameanza kuajiri watu wetu. Wameona kwamba watu wetu wanateseka. Wanaajiri watu wetu hata kama hawajui kuandika, bora tu wanajua Kiswahili kidogo ili wajisaidie. Tuko na Serikali ambayo inafaa kuangalia maslahi ya Wakenya. Tunauliza Serikali ihakikishe kuwa kuna maji katika shule za sehemu hizi. Katika sehemu nyingine watoto wakipeleka maji shuleni ya kukunyua au kupikia, nyuki wanawavamia. Jambo hili

linasababisha watu kuhama kwa sababu nyuki wanatafuta mahali watapata maji. Kwa hivyo, tunauliza serikali ihakikishe kwamba kuna maji shuleni. Ningetaka kuuliza watu ambao wanahusika na wanyama waangalie maisha ya nyuki pia. Shule haiwezi kuwa shule kama hakuna mawasiliano. Barabara zinafaa kutengenezwa ili uchukuzi uwe rahisi. Kuna ndugu zetu Wamishonari ambao wangetaka kutusaidia lakini imekuwa vigumu sana. Kwa Mfano, huko Sok kuna Mzungu Mkongwe sana ambaye ameishi hapo miaka mingi. Umri wake umezidi miaka 80 na inambidi kupanda milima kwa miguu ili aweze kufikia watu au kutembelea shule zilizoanzishwa chini ya miti. Hii ni aibu sana.

Bw. Naibu Spika wa Muda, ni aibu sana kwa nchi yetu kujilinganisha na nchi ya Uganda. Hii ni kwa sababu nchi ya Uganda imekuwa na matatizo mengi lakini nchi hiyo ina maendeleo mengi kuliko yetu. Hapa tunajigamba tukisema ya kwamba nchi yetu imeendelea. Wengi wetu wanapozuru mji wa Nairobi wanafikiria Kenya yote imeendelea kama mji huu. Sehemu zingine za nchi zimebaki nyuma kimaendeleo.

Bw. Naibu Spika wa Muda, tukiangalia mambo ya walimu, kama vile wenzangu waheshimiwa Wabunge walivyosema hapa, walimu hawawezi kufanya kazi wasipokuwa katika mazingira bora. Kwa mfano, mishahara ya walimu ni ya kiwango cha chini. Jana nilisoma katika gazeti moja la hapa nchini kwamba chama cha walimu, Kenya National Union of Teachers (KNUT), wanataka kujadiliana tena na Serikali kuhusu swala hili la mishahara ya walimu. Sijui watajadiliana nini kwa sababu mishahara hii ilipitishwa. Wakati huu tunaambiwa ya kwamba Serikali hii imeziba mifereji yote ya pesa na kwamba watu hawaibi pesa hizo. Ikiwa ni hivyo, kwa nini Serikali hii haitaki kuwalipa walimu mishahara ya juu? Sasa wanarekebisha tuu mishahara ya askari na wanajeshi. Nafikiri wanawaogopa hawa askari kwa sababu wana rungu na bunduki. Wanawasahau walimu kwa sababu wao ni wapole. Ni lazima Serikali iwafikirie walimu na madaktari. Nigependa kuona kwamba Serikali imechukuwa jukumu la kuongeza mishahara ya walimu ili waweze kuwahudumia watoto wetu kikamilifu.

Bw. Naibu Spika wa Muda, jambo lingine ni kuhusu wanafunzi wanaojuunga na vyuo vya ualimu. Wanafunzi hawa wanatakikana wawe wamepata alama ya C-plus katika mtihani wa kidato cha nne. Si rahisi kwa wanafunzi kutoka wilaya ya Turkana na Pokot kupata alama ya C-plus. Si kupenda kwao, hawa ni wanafunzi ambao wanaweza kufaulu wakifunzwa vizuri--- Kwa hivyo, ningependa Serikali irudishe chini kiwango cha kujuunga na vyuo vya walimu. Pengine baada ya miaka mitano, wanaweze kuipandisha alama hii.

Hon. Members: On a point of order!

The Temporary Deputy Speaker (Mr. Ethuro): Order! Hon. Members, you cannot stand when another Member is on the Floor!

Mr. Moroto: Bw. Naibu Spika wa Muda, wacha niwape fursa hawa ndugu zangu kwa sababu wanataka tufaulu.

Bw. Naibu Spika wa Muda, kwa hayo machache, ninaunga mkono.

The Temporary Deputy Speaker (Mr. Ethuro): Eng. Muriuki, it seems like you have changed your sitting position. However, proceed!

Eng. Muriuki: Mr. Temporary Deputy Speaker, Sir, I will speak from here. Thank you for giving me a chance to say a few words in very strong support of this very important Motion. The whole country now is engulfed in discussions about the new Constitution. We are discussing about devolving power. However, to me, what is more important is to devolve the system of allocating resources in this country. The whole concept of this Motion is affirmative action. Affirmative action calls for equal opportunities. We are discussing people who come from marginalised areas of this country. Some of us come from areas which are a little more endowed. I had a very hard time understanding what we mean by nomadic people. When I was young and we were learning civics, we were told about people who move from one place to another, we could not understand how one could leave his house and go somewhere else. It took us time to learn of how other people live in the country. Even in the Draft Constitution, it has been stated that for one to be a councillor or Member

of Parliament, he or she must have a certain minimum education. How will we get that minimum education if there is no school for one to go to? For this reason, I support very strongly that, at least, two model schools be established in accordance with the terms of the Motion. However, it should be clear that one school will be for boys and another one for girls. I think in nomadic areas, it will not matter which one is established first.

Mr. Temporary Deputy Speaker, Sir, we have had many occasions where Motions are passed in this House, and then they take time to be implemented. Whereas I would like to urge the hon. Minister to make sure that this Motion is implemented, in the meantime, could he ensure that there are scholarships specifically for the marginalised areas? Recently we were talking of the bursary fund, which is only about Kshs2,000 to Kshs3,000 per student. These marginalised areas require scholarships to be awarded to maybe five boys and girls who should be educated free of charge by the State, regardless of which school they attend in the Republic.

Mr. Temporary Deputy Speaker, Sir, this Government and the previous Governments have always been talking to donors about huge airports and ports, the Export Processing Zones, dual carriage highways and provision of water for urban areas like Nairobi and Mombasa while forgetting that if we develop this country and leave some areas behind, then we will also be marginalised as a country in the face of the world. I would like to urge the Government, that when they are talking with the donors and the so-called development partners, they should remember that this Motion requires money and the donors must be reminded of this.

Mr. Temporary Deputy Speaker, Sir, last but not least, we are all very happy that the Government has instituted free primary education as per the promises made during the campaigns last year. However, I would like to urge the Government to revisit the issue. There is another marginalised group in the name of nursery school pupils. If you do not support the nursery schools, where will you get children to join primary schools and the schools which are now going to be established through this Motion? When the Government allocates Kshs600 per pupil in primary schools, they should also allocate Kshs200 per pupil in the nursery schools wherever they are.

With those few remarks, thank you very much, I beg to support.

Mr. Sasura: Thank you, Mr. Temporary Deputy Speaker, Sir. As has been said earlier, this Motion borders on affirmative action. The problem with affirmative action issues in this country, is that affirmative action goes in line with problems associated with women. You find that when we are talking about affirmative action, we always address the problems that have been afflicted upon women; how they were left behind, how they have not been educated properly *et cetera*, to the extent that we forget that there are other groups in our society who have been marginalised and need to be considered when it comes to affirmative action.

Mr. Temporary Deputy Speaker, Sir, the issue of marginalisation in this country is the indicator. That is why we are talking about model schools in the districts. I was surprised when the Assistant Minister said that we should have them in every district in the country. What we are talking about is that there are some districts that are well off. If you look at the poverty level, it is actually related to the performance of students in schools. We have to address the cause of the under-performance. About 95 per cent of most of these schools that do not perform well fall in the ASAL areas. It is very unfortunate that when it comes to receiving funds or allocating funds by the central Government or non-governmental organizations, we always talk about districts that have been left behind. If you look at the input by these organizations and the Government, the impact that comes out after years of implementation is very dismal.

I want to give an example of the Arid Resource Management Programme. This programme has just been signed by the World Bank. It is running to the tune of US\$60 million. For the past five to six years, it has had no impact. In a district where about Ksh30 million had been put in for the various sectors of development like water, education, and others, you cannot see how the money has

been spent. That money was sourced in the basis of the district being marginalised.

Mr. Temporary Deputy Speaker, Sir, donors have a soft spot for areas that were left behind in terms of development by the colonial Government and even by the other regimes after the colonial Government. When the donors give money, it is not reflected on the ground how the money has been used.

We should ask ourselves; is free primary education the way out for the people in the districts which have been left behind in terms of development? In my case, I would like to submit that there is a difference between free education and going to school freely. You will find that what the Government means by free primary school education is going to school with no levy being charged on the children or their parents. However, what is happening in schools at the moment is that children are going to school "free style." They can go to school without shoes on, without wearing uniform, and there are no restrictions at all. All the Government urges is for all the parents to take their children to school. Once the children get to the schools, the Government does not care how many children are in one classroom. A classroom that should hold an average of 40 students is now accommodating about 80 pupils. How do we expect the teachers to deliver to 80 pupils in a classroom while some are sitting on the desks, some on the ground, and others on each other? The Government should scrutinise and critically look at the business of free basic education; whether it is performing well, and, especially in the marginalised areas.

The current situation is a matter of policy. If the Government puts proper policies on the ground, then we shall have better performance in our schools. Lately, the NARC Government has adopted a system whereby all District Education Officers (DEOs) must be graduates. That might not be a positive move. We have had DEOs who are not graduates but have experience of more than 20 to 25 years in the district schools, and their performance has been exemplary. The fact that someone has a document called a degree does not qualify him to head a whole district. The person may not know where to begin. That has started this year and it is very wrong. The Government has started removing all the DEOs who have been performing very well in the past years, replacing them with fresh graduate teachers. The Government has to revisit that before things go wrong.

I want to give an example. For the last five years, Marsabit District has been number 42 in the whole of this country in the national examinations. Five years down the line, we have improved to be the 15th district in this country in the national examinations. We do not even have a graduate DEO. Unless this Government is just creating jobs for fresh graduates from the University or putting people there whom they think should not be put there, we shall not be convinced that it is moving in the right direction in terms of its policies. The Education Act spells out the need for putting in place, Boards of Governors in secondary schools. When it comes to primary schools, the Education Act is kind of silent on this issue. You will find that school committees are formed haphazardly in most of the primary schools. They are like civic elections because education officers do not go down to the ground to find out who is in a school committee and in which school. It reflects very negatively when a school committee has been formed in such a way that it is not professional and is not in line with the needs of the districts or Government education policies. We end up getting very shoddy jobs done by these school committees.

The Temporary Deputy Speaker (Mr. Ethuro): Your time is up, Mr. Sasura. Order, hon. Members. It is now time for the Mover to reply.

Mr. Mahamud: Mr. Temporary Deputy Speaker, Sir, I would like to give part of my time to Mr. Wario, four minutes, Mr. Bahari four minutes and Prof. Maathai one minute.

The Temporary Deputy Speaker (Mr. Ethuro): Order, Mr. Mahamud. That consumes all your time. So, you do not need any time?

Mr. Mahamud: Then let me reduce the time. Mr. Wario will get three minutes, Mr. Bahari three minutes and Prof. Maathai two minutes.

Mr. Wario: Asante mhe. Mahamud kwa Hoja na nafasi ulionipa. Mkoloni mmoja aliyelitwa Sir Charles mnamo mwaka wa 1905 aliongoza sera ya serikali yake akisema kuwa sehemu ya ufugaji isifanyiwe miradi yoyote kwa sababu haina maana kiuchumi. Serikali mbili zilozofuata, Serikali za Kenyatta na Moi, zilitekeleza sera ya Sir Charles na kuacha sehemu kame kuwa sehemu zilizobaki nyuma kuhusiana na miradi ya elimu. Ukiangalia Ripoti ya Ominde ya 1969, idadi ya watoto waliojiandikisha katika sehemu kame ni asilimia 20. Miaka 30 baadaye ukiangalia Ripoti ya Koech, utaona kuwa idadi ya watoto waliojiandikisha katika sehemu kame imeteremka chini kutoka 20 mpaka 17. Tulikuwa na Serikali miaka 30 iliyopita na Wakenya pembe nyingine walikuwa uhuru wakisherehekea. Kwa bahati mbaya, sehemu kame, licha ya hali mbaya ya elimu, Serikali haikuwa na sera wala sheria ya kuweza kushughulikia ile dhuluma.

Ndiposa leo ninasema sheria na sera ya elimu katika nchi ya Kenya ni sheria iliyopangiwa watu wenye makazi rasmi ya kudumu, sio wafugaji. Sheria hii na sera ya elimu ya nchi hii ni sheria na sera bubu kuhusiana na jamii ya wafugaji. Haiwezi ikazungumzia haki ya watoto wafugaji. Sheria hizo na sera hiyo ni chongo na haiwezi ikaona haki ya watoto wafugaji. Ni kiziwi; haiwezi ikazungumzia haki ya watoto wafugaji. Elimu katika sehemu kame ni nadharia. Hiyo si elimu; ni mfano tu wa elimu. Hakuna elimu katika sehemu za ukame.

Ningependa kuunga Hoja hii mkono kwa sababu katika sehemu kame leo, badala ya kufunza mtoto kuhusiana na yale mambo anayojua--- Ukienda Tana River sehemu ninayotoka, itabidi umshurutishe mtoto apande mimea. Hajawahi kuona mimea na macho yake. Mbona usiamwambie yule mtoto ajifunze kuhusu mifugo ambayo ana uhusiano wa karibu zaidi, badala ya kumshurutishisha--

The Temporary Deputy Speaker (Mr. Ethuro): Your time is up.

Mr. Wario: Asante, Bw. Naibu Spika wa Muda. Ninaunga mkono.

Mr. Bahari: Mr. Temporary Deputy Speaker, Sir, I would like to support this Motion because it comes at the right time and particularly because it is about poor performance in arid areas. Due to lack of time, I will try and summarise my points.

The issue of poor performance has reached monumental proportions in this country, particularly in the arid areas. This is what this Motion is trying to address. This is a matter of grave concern and that is why I would like to persuade the Minister responsible who is here not to look at this issue from a different angle altogether. There is a crisis. It is a matter of great concern and we must be seen to be addressing it as a House and the Ministry should take the first step in addressing it. If we start generalising these issues, we will never address them because they will become too big for us. But where a matter is of great concern like this, we need to go in and put this infrastructure in place.

Mr. Temporary Deputy Speaker, Sir, we know that development is a very complex issue. It is dealt with in many countries. That is why we have a very long list of under-developed countries. In this country, we address it, perhaps, in the area of education through airlifts but the arid regions were neglected and nothing has been done. We are not asking for any airlifts. We are just asking the Government to put up the infrastructure where these people can benefit from the advantages of independent Kenya. Like my predecessors have said, the education policy in this country has not addressed the arid regions. I will give an example of how they determine staffing. In my district, the furthest school from the district headquarters is 300 kilometres. That teacher is expected to collect his salary from 300 kilometres away and the mode of transport is terribly bad. He will be away half of the time in a month. These issues are not taken into account when we come to staffing levels. They would say: "If you look at every stream, there is a teacher". In actual sense, that teacher is not there. That is why we are saying the policies in the Ministry are not appropriate. I will give you another example. The only school, perhaps, that was seen to have addressed this issue is called Garbatulla High School, which is in my constituency, collapsed long time ago. Its doors were closed. This Ministry has not

even given it a single shilling and we are discussing this matter now.

Thank you very much.

The Assistant Minister for Environment, Natural Resources and Wildlife (Prof. Maathai): Thank you very much, Mr. Temporary Deputy Speaker, Sir. I want to strongly support this Motion because education is extremely important and every nation should invest in education for the children. All children in this country are very important. Both boys and girls must have the capacity to access quality education. I think that this is a very good innovation which, if it succeeds, could then be replicated in other parts of the country. It has been seen that there is a problem, so instead of just excusing ourselves in the pretext that distances are long and people are on the move, this is their way of life. We have said before that this country has several ways of life. Some of us are farmers, some of us are pastoralists and others are forest dwellers. We should be encouraged to experience and manage our lives within our lifestyle rather than be converted all into farmers, where most of us are. Therefore, the Ministry should create this innovation and support it very strongly.

I also want to call upon the Ministry to look into the whole structure of education in high school. I think it is very expensive even in other areas. We should scrutinise and find out exactly what the parents are paying for in high school that makes high school education so expensive. I have had occasions of parents coming to me to get support. When I look at all the parameters that are cost, sometimes I wonder why they are so expensive.

With these few remarks, I do strongly support this Motion.

Mr. Mahamud: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me the final chance. I would like to take this opportunity to thank both sides of the House for supporting this important Motion. I would like also to thank the hon. Assistant Minister for Education, Science and Technology, who has also been a lecturer in the university. He knows the meaning of education. Therefore, it is my sincere hope that the Government is going to implement this Motion. I would like once again to request both sides of the House to support this Motion.

Thank you very much.

(Question put and agreed to)

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Ethuro): It is now time for the interruption of business. The House is, therefore, adjourned until this afternoon at 2.30 p.m.

The House rose at 12.30 p.m.