

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 29th July, 2009

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:-

Report of the Departmental Committee on Justice and Legal Affairs on the examination of Annual Estimates for the Financial Year 2009/2010 for (i) Vote 17 – Ministry of Justice, National Cohesion and Constitutional Affairs; (ii) Vote 25 – State Law Office; (iii) Vote 26 – Judiciary; (iv) Vote 33 – The Interim Independent Electoral Commission; (v) Vote 34 – The Kenya Anti-Corruption Commission and (vi) Vote 61 – the Interim Independent Boundaries Review Commission.

(By Mr. Abdikadir)

Report of the Departmental Committee on Finance, Planning and Trade on the scrutiny of Annual Estimates for the Financial Year 2009/2010 for (i) Vote 06 – Ministry of Planning, National Development and Vision 2030; (ii) Vote 07 – Office of the Deputy Prime Minister and Ministry of Finance; (iii) Vote 16 – Ministry of Trade; (iv) Vote 46 – Ministry of Tourism and (v) Vote 60 – Ministry of Industrialization.

(By Mr. Okemo)

Report of the Controller and Auditor-General on the abstracts of accounts of the Town Council of Mwingi for the year ended 30th June, 2007.

Report of the Controller and Auditor-General on the abstracts of accounts of the Municipal Council of Nakuru for the year ended 30th June, 2005.

Report of the Controller and Auditor-General on the abstracts of accounts of the County Council of Moyale for the years ended 30th June, 2004, 2005, and 2006.

Report of the Controller and Auditor-General on the abstracts of accounts of the County Council of Nakuru for the year ended 30th June, 2004.

Report of the Controller and Auditor-General on the abstracts of accounts of the County Council of Nakuru for three years ending 30th June, 2003.

Report of the Controller and Auditor-General on the abstracts of accounts of the Municipal Council of Nakuru for the year ended 30th June, 2006.

Report of the Controller and Auditor-General on the abstracts of accounts of the Municipal Council of Thika for the years ended 2003/ 2004 to 2007/2008.

Report of the Controller and Auditor-General on the abstracts of accounts of the Town Council of Kajiado for the year ended 30th June, 2005.

Report of the Controller and Auditor-General on the abstracts of accounts of the Municipal Council of Limuru for the year ended 30th June, 2007.

Report of the Controller and Auditor-General on the abstracts of accounts of the Municipal Council of Garissa for the years ended 30th June, 2006.

Report of the Controller and Auditor-General on the abstracts of accounts of the County Council of Kisumu for the year ended 30th June, 2007.

Report of the Controller and Auditor-General on the abstracts of accounts of the Town Council of Kajiado for the year ended 30th June, 2005.

Report of the Controller and Auditor-General on the abstracts of accounts of the County Council of Laikipia for the year ended 30th June, 2007.

*(By the Assistant Minister for Roads (Dr. Machage) on behalf
of the Deputy Prime Minister and
Minister for Local Government)*

ORAL ANSWER TO QUESTION

Question No.305

UPDATE ON TRITON OIL SCANDAL

Mr. Imanyara, on behalf of **Ms. Karua**, asked the Minister for Energy:-

(a) whether he could update the House on the progress of the Ministry's internal investigations into the Triton oil scandal as well as the measures he has taken to ensure that such an incident does not recur;

(b) what action he has taken against employees who may have been complicit in the matter; and,

(c) how much the Kenya Pipeline Corporation and/or the Government have lost in the scam.

The Assistant Minister for Energy (Eng. M.M. Mahamud): Mr. Speaker, Sir, last Thursday, we provided the answer to Question No.305. I was requested to table a report by PriceWaterHouseCoopers (PWC), which I did. A request was made by the Questioner to defer the Question for the Members to interrogate the report further.

The investigations that led to the preparation of the report on the Triton saga by the PWC were commissioned by Kenya Pipeline Corporation (KPC), arising from several suits that were instituted and are still pending before courts of law and arbitration. As such, I seek your indulgence that the discussion of the report will be against the principles of *sub judice* pending the court proceedings. The KPC will be greatly prejudiced in the pending court proceedings if we discuss the report. I, therefore, wish to request that under Standing Order No.80, the discussion of the report be considered *sub judice* with regard to what is happening.

Mr. Imanyara: Mr. Speaker, Sir, I am not sure whether I got the Assistant Minister's comment. Is he asking for the Question to be deferred? If it is on the basis of the matter being in court, I would oppose that because there has been no basis to show that, indeed, if the matter is in court, answering the Question here would be *sub judice*. The rules are very clear. The mere existence of a law suit is no bar to the proceedings of the House.

Mr. Speaker: Mr. Assistant Minister, will you, please, endeavour, in your response, to lay a basis for your claim that the matter is *sub judice*? Among other things, you need to avail to the House copies of all pleadings and very briefly refer to the area that makes you believe that this matter is *sub judice*.

Eng. M.M. Mahamud: Mr. Speaker, Sir, as I have stated, the report was prepared as a result of claims by various oil companies in the Triton saga. Basically, the report talks about the cases of each of those companies. Several companies have gone to court. We have discussed with them to take the matter out of court and come for arbitration. We are holding discussions with them. Last time, I listed the various stages that we have gone through. I have no pleadings, but I seek your indulgence because even in the preamble to the report, it is stated that the report has been prepared for the client for use in negotiating a settlement with the various financiers, or for use in defending the KPC in the on-going legal proceedings currently before the court or in the anticipated arbitration and as such, it is subject to legal privilege.

A few of our former staff have also been taken to court by KACA and the matter is before the court. I will cite one particular case No.18 of 2009, which is now before the court. Whereas I do not have the pleadings here, our position will be highly prejudiced if we discuss this report openly. There are only three copies of the report available to us. KACA is also having a similar thing going on. So, there are issues of arbitration because the companies are waiting to see how we will proceed. We want to defend our position as much as possible.

Mr. Speaker: Mr. Assistant Minister, you have asserted that there are several cases pending in court. Will you, please, indicate to the House how many cases and, in each case, state the names of the parties?

Eng. M.M. Mahamud: Mr. Speaker, Sir, the claim by Total Oil was---

Mr. Speaker: Order, Mr. Assistant Minister! You have said that several cases are pending in court. Please, just respond to the directions I have given you. How many cases? In each case, give the names of the parties?

Eng. M.M. Mahamud: Mr. Speaker, Sir, there are 12 cases for the oil companies. The companies involved are Total Kenya Ltd., Kenya Shell Ltd., Kenya Commercial Bank, Engen (K) Ltd., Petrol Oil (K) Ltd., Glencore Energy UK, Enoc Singapore, Maureen Ltd., Gapco (K) Ltd., Eco Bank Kenya Ltd., Fortis Bank and Shevelin Products.

Mr. Speaker: You have not given the case numbers!

Eng. M.M. Mahamud: Mr. Speaker, Sir, there are no case numbers for several companies. With regard to Total Kenya, the claim has been referred to arbitration by both parties. It is an arbitration case. For Kenya Shell, the matter has been referred to Mr. Norman Mwalulu for arbitration and hearings are set for 10th, 11th, 12th and 13th August, 2009. The Kenya Commercial Bank has also negotiated settlement with Triton for payment. We have, therefore, been requested to strike out the suit filed by KPC on 16th April, 2009. KCB has raised an objection to the application. Hearings are set for 30th

September, 2009. Engen's proposal for the matter to be referred to Mr. Kairo for arbitration has been agreed to by both parties. Petrol Oil proposes the matter to be referred for arbitration. Application to refer the dispute for arbitration is dated 11th May, 2009. It was scheduled for hearing on 25th June, 2009, but the same was stood over as the judge is now on transfer. The court directed that the matter be fixed for hearing on priority basis. The KPC external lawyers are following up on the matter. On Glencore (K) Ltd., application to refer the matter for arbitration was made on 23rd April, 2009. With regard to Enoc Singapore, the drafting of an arbitration agreement is underway between the two parties. For Maureen, a letter of claim dated 27th March, 2009, was received on 6th April, in regard to the claim by the company. The process of appointing an arbitrator by the parties is going on.

With regard to Gapco (K) Limited, a letter dated 15th March, 2009, was sent by KPC advocates to Gapco requesting information to support the claim. We are also trying to see how we can appoint an arbitrator together. With regard to Eco Bank, there are questions as to whether they over-supplied fuel under the CFN agreement. So, the lawyers are now exchanging papers. I have no particular case numbers, but that shows that the cases are being discussed between the parties and others are a subject of arbitration. Our discussions publicly might prejudice our position.

Mr. Olago: On a point of order, Mr. Speaker, Sir. Your direction to the Assistant Minister was very clear. You wanted him to state the court file numbers. He does not have any court file numbers and the names of the parties. What he has only referred to is negotiation between the parties and claims which have been taken for arbitration. Standing Order No.80 is very clear about what constitutes civil proceedings. Arbitration proceedings are not part of civil proceedings and in the absence of court file numbers and specific names of parties, I urge you to rule that these are not privileged communications.

Mr. C. Kilonzo: On a point of order, Mr. Speaker, Sir. If you do recall, this particular Ministry and more so the particular Assistant Minister, whenever Questions come to the House, he says that the matter is in court. You do recall the issue of Kenol/Kobil where he said the matter was in court and you did ask him to bring the court ruling but he has never done so. He is doing the same thing today. I ask the Chair to rule that he goes back and brings the actual court rulings and court file numbers so that we can know how to proceed.

Mr. Speaker: Mr. Assistant Minister, do you have any response to that?

Eng. M.M. Mahamud: Mr. Speaker, Sir, with all due respect to what my colleagues have said, I do not have court file numbers. I think this House and this Ministry will be best served if these things are discussed publicly. It is not fair for hon. Members---

In any case, the report talks about possibilities here and there. I do not think that it is fair for us to insist to discuss the report. But if that is the wish of the hon. Members, I have nothing to hide. What I know is that this report was requested for because of the saga. That saga is not yet over. Many parties are demanding money from Kenya Pipeline Corporation (KPC). We have said that those payments are due. We have decided that we must go through some rigorous process of law and do the arbitration in court to save ourselves. So, it would not be in our interest as a Government to discuss that in public because this report is not even available to the parties. So, putting it on the table and discussing it publicly will not serve any purpose.

The Minister for Justice, National Cohesion and Constitutional Affairs (Mr. M. Kilonzo): On a point of order, Mr. Speaker, Sir. Would I be in order to suggest that this honourable House looks carefully at Standing Order No.80 and appreciates that in certain instances, in fact, arbitration is superior to court litigation partly because of international treaties and partly because of multilateral investment agreements. This country is a member of the International Centre for Settlement of Disputes based in Washington DC. This country has also passed an arbitration law. While I appreciate the challenge that my colleague has, looking carefully at Standing Order No.80, I would seek your guidance to rule, if you deem fit, that civil proceedings as used in Standing Order No.80 covers and in fact includes arbitral process if that arbitral process is seeking to resolve the dispute.

It would be known to all of us that this country is looking for methods of resolving disputes in a fast way. Our Judiciary has been faced by challenges as to how quickly they resolve disputes. This House should be the last to suggest to the country that arbitration, particularly, when driven by parties who may not be citizens of this country is in itself not a civil proceeding. I seek your guidance because Standing Order No.80 (3) (c) states:-

“Civil proceedings shall be deemed to be active when arrangements for hearing, such as setting down a case for trial have been made, until the proceedings are ended by judgment or discontinuance.”

Then Standing Order No.80(2) states:-

“A matter shall be considered to be *sub judice* when it refers to active criminal or civil proceedings and the discussion of such matter is likely to prejudice its fair determination.”

Mr. Speaker, Sir, I seek your guidance on behalf of my colleague that there is no mention of court case number or the civil case number in these Standing Orders. I just want clarity so that investors who have disputes in Kenyan arbitration tribunal know that they are also protected by this House under its Standing Orders.

Mr. Imanyara: On a point of order, Mr. Speaker, Sir. At the peril of getting this Minister confuse the issue, we have yet to be given the names, the case numbers, the parties and the status of those cases to determine whether a foundation has been laid. We cannot even go to the extent of determining whether the matter is *sub judice* before the Assistant Minister lays on the Table of the House the particulars of the case.

Secondly, the Assistant Minister referred not to arbitration but to negotiations. These are negotiations between parties in a huge conspiracy to defeat justice. This House cannot be prevented from taking measures to protect the assets of this Republic. This is the second time that Triton is involved in a huge scale conspiracy and corrupt dealings amounting to over Kshs10 billion.

Could we be given the particulars of the case so that we can determine whether there is a basis, before we even go to the extent of determining whether the issues are *sub judice*?

Mr. Speaker: Fair enough! That should do it.

Ms. Karua: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Unless it is going to illuminate a different aspect altogether, Ms. Karua, I think I have had you enough. Proceed, let me hear your point of order.

Ms. Karua: On a point of order, Mr. Speaker, Sir. The rule of *sub judice* should not be used to promote opaqueness in this House or this country. There is no way mentioning of the court case number and the package can be prejudicial to the determination of the case. Last week when this Question came up, I had specifically asked the Minister to come prepared to give us the cases, if any, that have been filed against either Mr. Devani or other core-directors of Triton. I would like to say that the previous rulings in this House by yourself and your predecessors and in the House of Commons, which is similar to this Parliament, this House cannot be stopped from discussing a matter even when it is before the court. It is how deep that discussion goes where Parliament tries to balance so as not to prejudice. So, I will leave the matter to you but let it be clear that the Executive cannot hide behind this rule to promote opaqueness and probably underhand deals instead of legal proceedings.

Mr. Speaker: Fair enough! Mr. Assistant Minister, before I give my directions, at this stage I would like you to confirm and clarify a few matters. First, can you be categorical as to whether or not there are any cases filed in court? Are there cases in the High Court? In your response earlier this afternoon, you said that there are several cases. If you made a mistake then I want you to be categorical now and say that there are no civil cases in the High Court, Magistrates' Court or Court of Appeal for that matter. Secondly, if these matters are before arbitration, then arbitration claims will normally have numbers. It would be called arbitration cause number one of 2008 or whatever number. If so, Mr. Assistant Minister, I would want you to confirm to the House if you are able, this afternoon, to lay on the Table the claim in the arbitration cause and the response or answer that has been made by the opposite party? Can you proceed now?

Eng. M.M. Mahamud: Mr. Speaker, Sir, first of all, there are three personnel of the KPC who are now in court and it is case No.18 of 2009 in the Anti-Corruption Court. Secondly, Total Kenya has filed a civil suit No.19 of 2009; Kenya Shell, civil case No.68 of 2009---

Mr. Imanyara: On a point of order, Mr. Speaker, Sir. Could he say who has filed against whom? Who are the parties?

Eng. M. M. Mahamud: Mr. Speaker, Sir, I thought that was obvious. Total Kenya Ltd versus KPC, case No.19 of 2009; Kenya Shell Limited versus KPC, civil suit No.68 of 2009; Kenya Commercial Bank versus KPC, HCC No.115 of 2009; Engen (Kenya) Limited versus KPC, HCC196 of 2009; Petro Oil Kenya Limited, civil suit No.16 of 2009 in Mombasa and Glencore Energy(Kenya) Limited, civil suit No.244 of 2009. It is as a result of these civil suits that the KPC requested to find a way where we can arbitrate the process. So what I am talking about---

Mr. Speaker: Order, Mr. Assistant Minister! We want to be able to conclude this matter quickly. Can you give the arbitration cause number?

Eng. M.M. Mahamud: I do not have that, Mr. Speaker, Sir.

Mr. Speaker: Indicating the claimant, who is the respondent.

Eng. M.M. Mahamud: Mr. Speaker, Sir, for the case of civil suit No.19 of 2009, the claim has been referred to arbitration by both parties but I do not have the number. So where there were civil suits going on, we wanted to take it out of court so that we can do it through arbitration. So, I do not have the numbers here but it is the intention of the parties to solve the matter through arbitration.

Mr. Olago: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order, Mr. Olago! Mr. Assistant Minister, so as to fall within the provisions of Standing Order No.80, you have to, among other things, do what I have asked you to clarify, which you have not done satisfactorily. You have referred to the Anti-Corruption Court case. Do you have the case number? But you have not dealt with that, unfortunately, and I cannot keep on repeating this. It will appear to me that you were not prepared to deal with this matter. You are certainly not prepared! What I would want you to do is that by tomorrow afternoon. In fact, I would have wanted to make the ruling of the Chair on this matter tomorrow at 2.30 p.m., if these documents had been availed to the House. So, with respect to the Anti-Corruption case, the Chair directs that you avail a copy of the charge sheet and indicate the case number. If it is before the Anti-Corruption Court, then it must have a number and a charge sheet. So we will want you to table a copy of the charge sheet with the case number.

The other civil cases that you have referred to, I direct that you table tomorrow afternoon at 2.30 p.m., in each case a copy of the plaint and a copy of the defence together with copies of any orders that may have been made up to where we are. Will you be able to do that tomorrow at 2.30 p.m.?

Eng. M.M. Mahamud: Most obliged, Mr. Speaker, Sir.

Mr. Speaker: Fair enough!

Ms. Karua: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: What is it?

Ms. Karua: I have a question, Mr. Speaker, Sir.

Mr. Speaker: No, there will be no questions on this. I have given directions. I want the Assistant Minister to table all these documents tomorrow and come prepared. If the Chair is able to make a finding immediately, then one way or the other, you will have to proceed.

Eng. M.M. Mahamud: Mr. Speaker, Sir, I said that I am most obliged knowing that I am going to deal with the Anti-Corruption Commission and other people. Would it be fair if I requested for more time because as you know between now and tomorrow getting the Kenya Anti-Corruption Commission and the civil suits takes time? I would like to ask for next week.

Mr. Speaker: Ms. Karua, do you want to react to this? The Assistant Minister wants more time.

Ms. Karua: Mr. Speaker, Sir, Tuesday, next week will be fine so that he can come really ready.

Eng. M.M. Mahamud: Accepted, Mr. Speaker, Sir.

Mr. Olago: On a point of order, Mr. Speaker, Sir. Would it not be in order if the Assistant Minister is advised that where claims are referred by consent of the parties to arbitration, then the court file number be indicated so that we know that this number was referred by consent of the parties to arbitration?

Eng. M.M. Mahamud: Mr. Speaker, Sir, he mentioned that we must indicate when the matters were referred to arbitration by consent, we must have the referral number. Yes, I will do that!

Mr. Speaker: Fair enough! Table all that information on Tuesday at 2.30 p.m. and come ready because it is possible that the Chair may be able to make a finding immediately. In which case if the Chair decides that the matter is not *sub judice*, after all,

or even if it is, that you should proceed to answer the Question, then you must be prepared to answer.

Eng. M.M. Mahamud: Most obliged, Mr. Speaker, Sir.

Mr. Imanyara: On a point of order, Mr. Speaker, Sir. The report that the Assistant Minister is holding is not the subject of any proceedings that he has mentioned, arbitration proceedings that are pending or the criminal cases that are pending, could he table that report now?

Eng. M.M. Mahamud: Mr. Speaker, Sir, I tabled the report last week.

Mr. Speaker: Mr. Imanyara was referring to the report and that is already tabled. So we wait for further developments on Tuesday next week.

Let us move to the next Order!

POINT OF ORDER

Mr. Linturi: Mr. Speaker, Sir, I rise to seek a Ministerial Statement from the Prime Minister regarding the invasion of Igembe South by adults from Isiolo and the Borana community. In the Statement, I would like---

Mr. Speaker: Order, Mr. Linturi! Your request will have to abide Prime Minister's Time. So, we take the Prime Minister's Time first and then we will deal with any requests for Ministerial Statements later.

Mr. Linturi: I am obliged, Mr. Speaker, Sir.

Mr. Speaker: So, we will want to take the Prime Minister. As you will see from the Order Paper, the first part of Prime Minister's Time will be utilized by the Prime Minister issuing a Statement on conservation of the Mau Forest Complex.

PRIME MINISTER'S TIME

CONSERVATION OF MAU FOREST COMPLEX

The Prime Minister (Mr. Odinga): Mr. Speaker, Sir, an hon. Member had asked a Question about the Mau Forest Complex and I decided that I use the time today to brief hon. Members about this particular subject because it is a matter of national importance.

Mr. Speaker, Sir, I stand here to declare that the restoration and conservation of our forests in general and Mau Forest Complex, in particular, is the most critical challenge that confronts the nation today. We must and can address this challenge urgently and decisively. I appeal to each and every hon. Member of this august House to rise to this challenge and, together, find a lasting solution.

Mr. Speaker, Sir, the Mau catastrophe is a national issue that, long after we have gone, will continue to affect all Kenyans, if not addressed now. All of us, citizens of the nation, wish to bequeath to our children and grandchildren a Kenya that is at peace with nature. President Kibaki and I have pledged that the Government will implement required remedies within the spirit of nationalism, patriotism and love for our country.

Mr. Speaker, Sir, Kenya has five water towers; namely, Mt. Kenya, Aberdares, Cherangany Hills, Mt. Elgon and the Mau Forest Complex. I stated recently that much of the country has no water, no food and limited power. Nearly two-thirds of our population live in absolute poverty and about one-quarter face hunger and even starvation. I state

again that the gods are not to blame. As I stated last week, we are paying the price of decades of wanton destruction of our environment. We have consistently abused our water towers, slashed and burnt our forests and farmed in our river basins.

Mr. Speaker, Sir, I cannot over-emphasize how important the Mau Forest Complex is to our country. It forms the largest closed canopy forest ecosystem in Kenya covering over 400,000 hectares or about 40 per cent of the gazetted forests. As a critical water catchment area, it supports key economic activities, including energy, tourism, agriculture and industries. It also provides vital environmental services such as water storage, recharge of ground water, conservation of biodiversity, micro-climate regulation and carbon absorption.

Mr. Speaker, Sir, over the last three decades, the Mau Forest Complex has lost 25 per cent of its forests. It has been, and continues to be seriously degraded through irregular and ill-planned settlements, compounded by illegal forest resource extraction. The entire ecosystem is now under threat. The degradation of the Mau is yet another symptom of the weak law enforcement, limited management capacities of institutions and inadequate governance systems.

Allow me, Mr. Speaker, Sir, to table a map which shows Kenya's five water towers and what their degradation would mean.

(Mr. Raila laid a map on the Table)

But I must emphasize that the environmental degradation going on in this country is not confined to Mau alone, and we will tackle each case with the seriousness that it deserves.

Mr. Speaker, Sir, the restoration of the Mau Forest must, therefore, begin with the strengthening of the integrity of institutions that govern its management. To this end, the Government Task Force on Conservation of the Mau Forest Complex recommends that an independent Mau Forest Complex Authority be established to co-ordinate and oversee the management of the Mau. It also recommends that a joint security enforcement unit be established to secure and protect the Mau under one central command led by the Kenya Wildlife Service. Furthermore, a number of amendments should be made to the Local Government Act and the Trust Land Act, among others, to accommodate the proposed measures.

Mr. Speaker, Sir, it is equally critical to regularize the land ownership. Let me explain the difference between an irregular title and an illegal title. An irregular title means a title issued in respect of land available for alienation without following the legal procedures. An illegal title means a title issued in respect of land which was not available for alienation, such as game parks, forests, monuments, *et cetera*. The Task Force observes that 18,516 title deeds issued in 2001 are irregular and over 80 per cent of them were issued to non-deserving persons, disregarding a restraining court order. In the Maasai Mau Forest, the group ranches have extended into the forest. Currently 29,000 hectares of forest land has been illegally encroached by over 2,500 households.

Mr. Speaker, Sir, the recommendations of the task force have been tabled before the Cabinet for its consideration. Following due deliberation by the Cabinet, the recommendations will be submitted to Parliament for its consideration and possible approval. At this stage, therefore, let me make only two points. First, Kenya is a nation of law and order. The Government is keen to compensate – and I want to repeat – the

Government is keen to compensate those who have title deeds to the land that they own in Mau. At the same time, those small settlers who are very poor and have no means of making a living will not be left un-assisted.

(Applause)

Secondly, Mr. Speaker, Sir, any efforts towards restoration and conservation of the Mau should be made in the context of/and with a view to sustainable development of the country. Therefore, the Government will develop alternative livelihood options such as micro businesses, fisheries and agriculture for the communities currently dependent on the Mau. We will also look into alternative energy saving measures and provide attractive options for the settlers.

Thank you, Mr. Speaker, Sir.

(Applause)

Mr. Speaker: We will take five clarifications beginning with the originator of this request, hon. C. Kilonzo.

Mr. C. Kilonzo: Thank you very much, Mr. Speaker, Sir. The issue of Mau Forest has taken too long to deal with. This House is disappointed. We expect the Government to act. We should not wait for a task force report on Mau for Parliament to approve and the Government to act!

(Applause)

We do not even need to see it! All we need is to save the Mau Forest!

Mr. Speaker, Sir, if I need to remind the Government; this Government has been known to criticize the former Head of State. We had Kyulu Hills in the Tsavo National Park where we had so many squatters settling there. We had people in the Aberdares. There was no task force report done to evict those people!

Mr. Speaker, Sir, this Government, during the day, talks about compensating and at night, it talks about eviction. The Government does not know how to deal with the Mau Forest issue. All this House wants to know is: Is this Government committed? We are not only talking about the Mau Forest. We want the Government to deal with all the cases where forests are involved? We have the Aberdares. There are some people still living in some parts of that forest. We have the Mt. Kenya Forest where some people are still farming inside!

Mr. Speaker, Sir, my question is very simple: When will the Government act? We do not want any task force report brought to this House! We want to hear that the Government has acted!

(Applause)

Mr. Speaker, Sir, in the first place, a task force report was not required.

Mr. Speaker: Since you are the originator of this request, I will allow you to do two requests for clarification. You have done one. I will allow you one more.

Proceed!

Mr. C. Kilonzo: Mr. Speaker, Sir, the first one is: When will the Government act? Secondly, does the Government have a policy on mountains and hills? For example, we have Mbooni Hills – people should not settle on some parts of these hills. In Machakos we have Kiima Kimwi Hill. Also, the boundaries of the Aberdares need to be extended. When will the Government act on these matters?

Mr. Speaker: That is being repetitive now!

Dr. Khalwale: Mr. Speaker, Sir, in 1996, the Government degazetted parts of the Mau Forest. I believe that was the Eastern Mau and the Southern Mau. At that time, powerful individuals formed companies purely for purposes of being given a share of the forest. I would like the Prime Minister to do the country a favour, because of the chest thumping we are seeing, by laying on the Table today the names of the original allottees who provided the route through which the small man eventually found his way into the forest.

When we hear an exchange of words between the Prime Minister and some of the Ministers and Assistant Ministers of Government, we cannot blame *mwananchi* if he thinks that the leadership of the country is weak.

Mr. Speaker: Order, Dr. Khalwale! What clarification do you want, arising from the Statement by the Prime Minister?

Dr. Khalwale: Mr. Speaker, Sir, the clarification I want as a result of what I have said is as follows: Since this House is assuring the Prime Minister today that he does not have to fear for his future political life--- If his political life is going to be hurt, it will not be because of Mau Complex, but rather because of something else. Could the Prime Minister tell us what he will do against the Ministers and Assistant Ministers who keep on defying the Government plans?

Mr. J.M. Kamau: Mr. Speaker, Sir, we understand that the Prime Minister is between a rock and hard place. Let him clarify whether the problem is emanating from the small person or the big fish. Who is senior? Is it the Government or the people we are talking about?

Mr. Imanyara: Mr. Speaker, Sir, I would like to thank the Prime Minister for providing the kind of leadership that this country so desperately needs to deal with this situation. He has said that he and the President are committed to realizing this policy. I noted that he left out the Cabinet. Could the Prime Minister give assurance to this House that the entire Cabinet, that is the 42 Ministers, is united in enforcing this policy of ensuring that squatters and other illegal grabbers in Mau Forest are removed and provide a specific period in which the policy paper will come to this House for approval? We shall approve it unanimously.

Mr. Lessonet: Mr. Speaker, Sir, I would like the Prime Minister to tell us which Government issued the 18,600 title deeds. Are they genuine title deeds or are they fake?

I come from Rift Valley and would like the Prime Minister to tell us where Mau Forest is. I do not seem to know where Mau Forest is.

Mr. Speaker: Mr. Musyimi! I am giving you a chance by virtue of the fact that you are the Chairman of the relevant Departmental Committee.

Mr. Musyimi: Mr. Speaker, Sir, a year ago I came to see you, because I intended to have a Motion discussed here with regard to the gazetted forests, the five water towers, and Mau Forest in particular. That was not possible. A year later, almost to the day, we

sit here to hear the Prime Minister's Statement on a matter of grave national, regional, and international importance. We are talking about the present and future state of Mau Forest.

We have been told that 25 per cent of Mau Forest is gone. We have farmed and built on river beds. I am privileged to chair the Departmental Committee on Lands and Natural Resources. We have discussed this matter and I would like the Prime Minister, to kindly, clarify whether we could have a report of the task force that he saw the need to institute to look into the state of Mau Forest. We would like to have a copy of that report.

Mr. Speaker, Sir, I would like him to know that, in accordance with the powers given to us by the Standing Orders, we shall do a comprehensive investigation of the five water towers and Mau Forest in particular. We will table the report for discussion in this House, I hope, before the end of this year.

Mr. Bahari: Mr. Speaker, Sir, Mr. Musyimi mentioned a lot of the things that I wanted to raise. However, could the Prime Minister clarify, now that a request has been made for all the water towers to be looked into so that this country can be safe, whether there are immediate measures that can be taken to sort out some of these issues? This is because areas like Uaso Nyiro and the Lorian Swamp have completely dried up, yet they are riparian land. A lot of people downstream have been affected adversely. Could the Prime Minister institute immediate measures to sort out the very basic things that can be dealt with without a task force?

Mr. Speaker: Rt. hon Prime Minister, because of the large public interest component in this matter, I will exercise the Chair's discretion to vary our earlier direction and take three more. So, you will bear with the Chair.

Mr. Ruto: Thank you, Mr. Speaker, Sir, for giving me this opportunity. I would like to assure the House that the people living within that region are committed equally to the conservation of that ecosystem. We are committed to the preservation of Mau Forest, the restoration of it, and the reclaiming of any lost environmental area of importance, including the biodiversity. Beyond the platitudes about environmental changes, we are simply asking for an agreeable way forward, that will not cause social and political turmoil. Beyond the issues in Mau Forest, we are asking the Office of the Prime Minister to tell us the exact methodology they intend to use in the reclamation of the forest land, and in reversing the settlement that has gone beyond what was agreed on.

We are asking the Prime Minister to tell us when the marking of the boundaries will start; we want to know this before he sends in the police and other instruments of terror. There is a clear demarcation on where the Mau Forest starts. As of now, it starts in Nakuru. We do not know whether we will start in Njoro, at Egerton University or somewhere. There is need for demarcation. We are also asking for a clear indication of commitment by the Kenya Government. Last year, we asked them to set aside funds to show us that they are committed to the conservation of the Mau Forest. This year, we have not seen any voted money that has been set aside to implement this particular commitment.

Mr. Speaker: Fair enough, Mr. Ruto.

Mr. Ruto: Lastly, Mr. Speaker, Sir---

Mr. Speaker: Order, Mr. Ruto! Your colleagues were allowed a maximum of four clarifications.

Mr. Ruto: Mr. Speaker, Sir, with your indulgence, there is one on human rights. We are asking the Prime Minister to tell us whether this Government continues to subscribe to international human rights accords, including those on habitats. Does it intend to go and burn people's houses? We do not want to see impunity. If the methodology is impunity, then I think nobody else will be restrained from acting similarly.

Mr. Speaker: Very well. Could you now relax? Mr. ole Lankas!

Mr. ole Lankas: Thank you, Mr. Speaker, Sir, for giving me the opportunity. As it has already been said, this is an issue that is very important to this country. Therefore, we need to look at it very critically. My question is that there are very many people in this forest. I want to be very specific that in the Maasai-Mau Forest, there are people who have claims. What I mean by "claims" is that there are those people with title deeds, be they legal or illegal. These are the people I believe the Prime Minister is talking about in respect of a Paper that is yet to go to the Cabinet for approval. There is another group of people in the forest. We have land speculators, who, because of even this debate that is going on now, have flooded the forest. We have charcoal burners who are in the forest in equally large numbers. We have loggers, who are in equally large numbers in the forest. In fact, these are the majority of the people who are in that forest. I am being specific. I am saying that I am talking about the Maasai-Mau Forest. Can these groups of people wait for Cabinet approval, or should they have left like yesterday? That is what I demand.

Mr. Sambu: Thank you, Mr. Speaker, Sir, for giving me the opportunity.

I would like to thank the Prime Minister for the very serious Ministerial Statement he has issued on what everybody knows is a matter of life or death in this country. The Prime Minister has talked a lot on, mainly, the Mau Forest. In other areas, we are told that the forest cover in this country, which used to be at least 10 per cent, is now about 1.7 per cent. This is not due to the destruction of the Mau Forest only. There are other areas that the Prime Minister has mentioned: The Aberdares Forest, Mount Kenya Forest, Cherengany Forest and Mount Elgon Forest. I will be grateful if the Prime Minister could also elaborate a bit on the measures he is going to take, particularly in Mount Elgon and Cherengany, so that we also do not jump from one area of the Mau Forest into another; we should actually look at the forest cover in the country comprehensively, because, as he said, this is a matter of life and death in this country.

Mr. Speaker: Rt. Hon. Prime Minister, you may now give your responses.

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, hon. Charles Kilonzo wanted to know when the Government will act. In answering this Question, I will answer a number of other questions that have been raised by other hon. Members.

The Government is acting now. That is why we have the report. We did not want to just repeat what happened in 2005, when the Government woke up one day and sent security personnel to evict people. We wanted to be more systematic and more humane. That is why we began by appointing a task force to go and carry out extensive investigations and give us a report. As soon as this report is approved by the Cabinet, which is going to be very soon, it will be brought to this House. I hope that it will be approved by the Cabinet in its next sitting, so that we can bring it to this House as soon as possible. I am going to say more on that later on.

Mr. Speaker, Sir, Dr. Khalwale wanted to know about the allottees – the big "fish" who acquired large chunks of land in Mau, some of whom went on to sell it to others,

while others still hold onto it. This report will come to this House. So, I would want this matter discussed when it formally comes to the House.

About the exchanges between Assistant Ministers, Ministers and so on, it is unfortunate that it has happened in the past that Ministers, who have opportunity to raise issues in the Cabinet, took it upon themselves to address issues in the public and engage in chest thumping. However, this is an issue that we will deal with in the Cabinet, and not in Parliament.

Mr. Speaker, Sir, hon. James Maina Kamau was saying that I am between a rock and a hard place. I am not. I am in a very soft place, because, if you are standing by the truth, defending the truth and speaking nothing but the truth, you have nothing to fear.

(Applause)

As I said, I am ready to pay the price!

Hon. Lessonet asked which Government issued the title deeds. I want to say it here that we are actually dealing with the mess that was created, particularly by the previous regime. At one time, what you can call “decency and order” was thrown to the wind in as far as land was concerned. A disease settled in our country. You can call it a disease of land grabbing or “land grabbiosis”.

Mr. Speaker, Sir, in our urban areas and rural areas, land was being taken and issued to people left, right and centre, without following any kind of procedures. That is why we have a situation where portions of forest, which are basically water towers, were excised by the Government of the day and used for human settlement, when we have large chunks of land in other parts of the country, which could have been used to settle these people.

So, I do not know what exactly went wrong. I do not want to apologise for that regime. Those who were there know themselves. I want them to know that we are correcting the mess that they created in this country.

Mr. Speaker, Sir, here, in town, you will find that school playgrounds were grabbed. You will find people constructing buildings on top of rivers. In some places, people are farming up to the river beds. We have a problem in trying to restore the Nairobi Dam, because people grabbed land up to the riparian areas of the dam.

People just used to walk around and look for empty pieces of land. Once one identified a piece of land, one would go to the Lands Office and have a Deed Plan prepared. His Excellency the President would be approached and a letter of allotment would be quickly drafted and signed. That is the cause of the problem we are trying to solve today. Where is Mau? I do not know whether the hon. Member wanted to know the longitudes and the latitudes.

(Laughter)

Mr. Speaker, Sir, I have tabled a map of the Mau and the hon. Member is literate enough to look at it and know where Mau Forest is. Rev. Mutava Musyimi and Mr. Bahari called for the need to extend this matter to other water towers. We will pay attention to all the water towers. We have just begun with Mau because its problem is acute and serious. Mt. Kenya was dealt with some times back. There were several illegal

settlers in Mt. Kenya who were evicted. For a long time if somebody went to Mathira, you would find them living on the sides of the road. They did not have any title deeds. Those were moved out.

The same thing happened in the Aberdares. Hon. Members will remember that there was an effort to fence the Aberdares forest. Funds were raised by the private sector and the Aberdares forest was fenced and secured. A similar exercise has been ongoing in Cherengani Hills. We are trying to find a way of resettling some people who were recently moved from Embobut Forest. The same thing is happening with Mt. Elgon.

We are paying attention to all our water towers. This is a commitment that the Government will not waiver from. We will ensure that all our five water towers are protected.

Mr. Speaker, Sir, Mr. Lankas talked about the loggers who are in the forest. He said that those needed to move out yesterday. As we are talking, we have a force in the Mau Forest which includes the county council *askaris*, the Administration Police, the forest guards and the Kenya Wildlife rangers who are actually policing it. Attention is being paid to these people.

Mr. Isaac Ruto asked what the agreeable way forward is. Last year, we appointed a task force to carry out the investigations, as I have mentioned. This task force was given three months. It requested an extension of another two months. When the task force was in the process of preparing a report, the hon. Members of Parliament from that region came to me and appealed that they had not been consulted. They said that there were also some individuals from their communities who had not been included in the task force and that I should, therefore, allow more time. At their request, I extended the time of the task force by another two months and gazzetted the individuals whose names they gave me. Even before I appointed a task force, I toured the region with all the hon. Members from the area. Having done so, we agreed to convene a conference of leaders and all stakeholders. This conference took place at the Kenyatta International Conference Centre (KICC) where this matter was extensively discussed. At that meeting, it was resolved that a task force should be set up.

Mr. Speaker, Sir, we have consulted and agreed that we want to be peaceful in what we want to do. That is why we have been appealing for the support of hon. Members. The hon. Member asked about the methodology to be used. We now have a list of the people who are there. We know who is there, who has got a legal title deed; who has got a title deed that was issued irregularly and so on.

In a meeting which I held with Members of Parliament from the Rift Valley last Monday, we agreed that anybody with a title deed; it does not matter how it was issued, will be compensated or resettled by the Government.

(Applause)

That is exactly the same statement I made when we were commissioning the Sondu Miriu Hydro-electric power plant. I do not even understand how the same hon. Members went to a public rally and began calling the Prime Minister names and saying: "We will remove him from where we put him. We will ensure that we deal with him." We were speaking the same language. That is why I said these hon. Members were engaging in cheap populist politics.

(Applause)

Mr. Speaker, Sir, the task force has estimated the cost of restoring Mau Forest to its original glory at Kshs38 billion. That Kshs38 billion consists of:

- (i) The amount of money that will be required to do a comprehensive survey, mapping, putting beacon points and fencing of the forest.
- (ii) Reforestation; that is planting trees in the areas to protect the wetlands and biodiversity areas. Part of it will be used for resettlement of those who deserve to be resettled or compensated.

That is what I informed hon. Members. I was surprised when the same hon. Members went and misinformed the media that there is Kshs38 billion for compensation for the people who will be moved from Mau Forest. The bulk of that Kshs38 billion is not for resettlement.

Mr. Speaker, Sir, I want to conclude by saying this: I started by appealing to Members of Parliament and I want to appeal again, this is a very delicate issue. It is very easy to incite a community or a section of a community to make the community feel that they are being discriminated against by their own Government. This will not happen. We want to be a responsible Government. But we also want hon. Members to help us to solve a very serious problem. Some people do not have the knowledge to understand the consequences of what they are doing. That is why they need to be taught.

I said the other time that we need to lead on the front---

Mr. Kutuny: On a point of order, Mr. Speaker, Sir. The statement by the Prime Minister is not going down very well when he says that MPs are using this platform for chest-thumping and political mileage. It is important for him to respect Members of Parliament of Rift Valley Province because we were elected to discuss issues that are affecting our people. If there is anything that is burning, we have an obligation to air it.

Mr. Speaker: Order, Mr. Kutuny! You have stood on a point of order. The content of a point of order must be categorical in this sense, that we have Standing Orders which govern debate in the House and essentially, the transaction of our business. What is it that---

Mr. Kutuny: Is it in order for the Prime Minister---

Mr. Speaker: Order, Mr. Kutuny! You will have to take your seat as the Chair gives you direction. What is it that the Prime Minister has said or done that is out of order? Could you be categorical, specific and precise?

Mr. Kutuny: Mr. Speaker, Sir, what I wanted to ask is that is it in order for the Prime Minister to say that Members of Parliament from Rift Valley Province are seeking cheap politics by introducing politics in the Mau Forest issue?

Mr. Speaker: Order, Mr. Kutuny! I am afraid, that does not amount to a point of order. I could take you further and ask you to cite which Standing Order the Prime Minister has breached as the Standing Orders say. If you are unable to cite one and treat it in the context of what you have said, then you will be out of order and you will have to live with the consequences. Are you prepared to do that?

Mr. Kutuny: No, Mr. Speaker, Sir.

Mr. Speaker: Then leave it there.

Mr. Ruto: On a point of order, Mr. Speaker, Sir. The Prime Minister is imputing improper motives on hon. Members of Parliament who are airing their views on the question of Mau Forest. Is he in order to say that we are only engaging in cheap politicking? I think that is what Mr. Kutuny is trying to say. We do not want the Prime Minister to impute improper motives on our part. We are elected to represent our constituents and we are going to do just that.

Mr. Speaker: Order, Mr. Ruto! Your point is made; that the Prime Minister is imputing improper motives on the part of those Members of Parliament who made certain statements. Can you allow the Prime Minister to respond?

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, some hon. Members need to take a good lesson on Standing Orders.

Mr. Speaker, Sir, I said clearly here that I had a meeting with Members of Parliament from the Rift Valley. We discussed and agreed. Rift Valley consists of several communities. There were Members of Parliament from the Kalenjin community and the Maasai community in that meeting. What we agreed is what I stated again at a function when we were opening the hydro-electric power plant at Sondu-Miriu. I stated clearly what I told these hon. Members. I said that and a day later, they were at a function at which Mr. Isaac Ruto, to be specific, said: "The Prime Minister is trying ---"

Mr. Ruto: On a point of order, Mr. Speaker, Sir.

Hon. Members: He is responding to a point of order!

Mr. Speaker: Order, Mr. Ruto! You will have to respect this House! You will have to carry yourself with integrity and decorum!

(Applause)

Please, do not dare the Chair with that persistence!

Mr. Prime Minister, please proceed!

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, I was not at the meeting but the proceedings were televised live. Mr. Ruto said: "*Tulimweka pale, tutamtoa*". If that is not inciting a population, I do not know what incitement means.

Mr. Speaker, Sir, I want to inform hon. Members that I will not be intimidated! I will not be blackmailed because what I am doing, I know, I am doing it in the best interest of this nation. I said that I am prepared to pay the political price.

(Applause)

Mr. Imanyara: On a point of order, Mr. Speaker, Sir. Is it in order for the Prime Minister to say that he has held meetings with only two communities from the Rift Valley when we know that there are many more communities like the Kisiis, Kikuyus and Merus? Is it in order for the Prime Minister to leave out the other communities that are settled in the Rift Valley?

Mr. Speaker: Rt. hon. Prime Minister that is a genuine concern. Where are the other communities?

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, this meeting was held at the request of Members of Parliament from those particular communities. They requested for this meeting. They asked that before the Report of the Task Force is taken to the Cabinet,

they wanted to see me so that we discuss and agree. They also had some recommendations to make. I am very much aware that the Rift Valley consists of many communities. It is the most cosmopolitan province in our country.

Dr. Khalwale: On a point of order, Mr. Speaker, Sir. I stand under Standing Order No.46 which provides that a Member would be grossly out of conduct and so will a Minister, if without the leave of the Speaker he or she fails to ask or answer a Question. In view of that Standing Order and in view of the fact that the issue of the Task Force is not yet before this House and it makes it difficult for us to anticipate debate, could the Prime Minister go ahead and table the names of the influential personalities, the grabbers and companies involved? He should do so because the Standing Orders dictate so.

Mr. Speaker: Rt. hon. Prime Minister, are you able to table that list? That was one of the clarifications that was sought.

Hon. Members: Toboa! Toboa!

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, I reluctantly table this list!

(Mr. Raila laid the document on the Table)

(Laughter)

Mr. Speaker: Fair enough! That brings us to the end of that Statement!
Next Question!

Question QPM/012

RATE OF COMPLIANCE WITH FINANCE MINISTER'S
DIRECTIVE ON OFFICIAL CARS

Mr. Mungatana asked the Prime Minister, if following the directive by the Deputy Prime Minister and Minister for Finance that Ministers and top Government officials use one official car with an engine capacity of not more than 1800cc, he could:-

(a) state the rate of compliance with the directive and confirm how much savings are expected from the initiative.

(b) table the list of the Ministers, top government and parastatal officials who have complied and those who have not and state whether escort cars will also be affected and;

(c) state when H.E the President, H.E. the Vice President and the Rt. Hon. Prime Minister will start complying and lead by example.

The Prime Minister (Mr. Raila): Mr. Speaker, Sir, this directive was issued by the Deputy Prime Minister and Minister for Finance during the Budget Speech last time. This matter is being enforced by the Ministry of Finance. I have therefore, directed the Deputy Prime Minister and Minister for Finance to answer this Question tomorrow.

Mr. Speaker: Hon. Members, Questions 012 as well as 013 will be deferred to Wednesday, next week. This is for the following reasons: the Prime Minister, from his office, redirected these Questions to different Ministries including one to the Deputy Prime Minister. I am deferring these Questions to Wednesday, next week so that a

position is established as to who should answer these Questions. As they stand now, I am afraid they are supposed to be answered by the Rt. hon. Prime Minister in accordance with directions earlier given.

Hon. Members, you will know that these Questions were approved and directed to the Rt. hon. Prime Minister when the Speaker was away. However, the Speaker is bound by the decision of any Member of the Panel. So, Rt. hon. Prime Minister, stand guided that these Questions are deferred to Wednesday, next week and we will take it up from there.

(Question deferred)

Question No. QPM 013

STATUS/PERFORMANCE OF DONOR-FUNDED GOVERNMENT
CONTRACTS

(Mr. Mungatana) to ask the Prime Minister:-

(a) to list down all the on-going Government contracts as of June 2009 which are donor supported and are over Kshs1 billion in value.

(b) give the status of the performance of these contracts and indicate if the donor has threatened to recall the funds for non-utilization or under-utilization by the Government.

(c) state the measures to be taken by Government to ensure that such funds are utilized in time to avoid demands for refund.

(Question deferred)

COMMUNICATIONS FROM THE CHAIR

BRIEFING SESSION ON MEASURES
CONTAINED IN 2009/2010 BUDGET

Mr. Speaker: Hon. Members, before we proceed to the next Order, I have two communications to make. I will allow Members at the Bar to walk in.

*(Hon. Members at the Bar
proceeded to take their seats)*

Hon. Members, you will recall that yesterday I issued a communication inviting Members of the House to a briefing session by the Deputy Prime Minister and Minister for Finance on measures contained in the 2009/2010 Budget, intended to spur economic growth under Economic Stimulus Package Programme that was scheduled for Thursday the 30th July, 2009.

Please, note that the briefing session has been rescheduled to Tuesday 4th August, 2009 at 10.00 a.m at the same venue, namely; the Old Chamber. This change has been necessitated by the need to consult further on the subject. In the meantime, the Deputy

Prime Minister and Minister for Finance will meet the Constituency Development Fund Committee tomorrow, 30th July, 2009 at 8.00 a.m. All other details remain the same.

TABLING OF REPORTS OF COMMISSIONS
OF INQUIRY/TASK FORCES

Number two, on Thursday, 4th June, 2009, the Member for Gichugu hon. Martha Karua, stood to ask Question No.182 listed on the day's Order Paper by which she sought to know *inter alia*, the following from the Minister of State for Provincial Administration and Internal Security;

(a) The qualifications of each of the members of the newly created taskforce on police reforms;

(b) why the taskforce was necessary considering that the Government had committed to implement the Waki Report on Police Reforms which was adopted by the House;

(c) what became of the Report of the National Taskforce on Police Reforms launched by the Ministry in 2004, the members thereof and their respective qualifications;

(d) how much money was spent in the 2004 taskforce, the Waki Commission and the amount budgeted to be spent by the new taskforce.

The Question was answered by the Assistant Minister, Ministry of State for Provincial Administration and Internal Security, Mr. Orwa Ojode and in the ensuing debate, the hon. Karua, in a supplementary question sought to have the Assistant Minister lay on the Table of the House reports of other taskforces and commissions of enquiry formed by the Government namely; the Report of the Kiruki Commission on the Artur Brothers, Report of the Cockar Commission on the sale of the Grand Regency Hotel, the Eng. Sharawe Report and the Report of the taskforce on the Police Reforms of 2004.

In response, Mr. Ojode, while declaring that the Government had nothing to hide undertook to lay on the Table of the House, if so required, any report which has been received publicly by the appointing authority but added that he could not lay a report which had not been received officially by the appointing authority. The Chair then directed the Assistant Minister to lay on the Table all the reports mentioned above.

Hon. Members, on Thursday, 5th June, 2009, the issue of laying the reports on the Table was raised again when Ms. Karua stood on a point of order and drew the attention of the Chair to the fact that the reports that had been mentioned earlier had not been laid on the Table as directed by the Chair on 4th June, 2009. She accordingly sought the directions of the Chair as to when the reports would be laid on the Table before the House. The Assistant Minister, once more, gave an undertaking that he would present the reports on Wednesday of the following week. The Chair, thereupon ordered, firstly, that the reports be laid on the Table as per hon. Ojode's undertaking and secondly, that the Assistant Minister be barred from transacting any business in the House until those reports were laid on the Table.

Hon. Members, on Wednesday, 22nd July, 2009, Ms. Martha Karua drew the attention of the Chair once more to the fact that the order made by the Chair on 25th June, 2009 requiring the laying on the Table of the Reports as fore-mentioned had not been complied with. In his response, hon. Ojode, in an apparent departure from his earlier

undertaking informed the House that the Commissions of Inquiry Act, Cap 102 of the Laws of Kenya, pursuant to which the Commission which generated the fore-mentioned reports were formed, bars anyone from compelling the President to release a report of any commission formed under the Act. Ms. Karua, in response to a question from the Chair as to whether there is any law that can compel the President to release those reports, informed the House that the public interest is, indeed, the law that would compel the President to do so. It is at this point that the Chair undertook to study the HANSARD and give an appropriate ruling on the matter. The Chair has now studied the HANSARD and is in a position to give an informed ruling on the matter.

Hon. Members, Commissions of Inquiry are established under Section 3(1) of the Commissions of Inquiry Act which reads as follows:

“The President, whenever he considers it advisable to do, may issue a commission under this Act appointing a commissioner or commissioners and authorizing him or them, or any specified quorum, of them to inquire into the conduct of any public officer or the conduct or management of any public body, or into any matter into which an inquiry would, in the opinion of the President, be in the public interest.”

It is clear from the provisions cited above that the Commissions of Inquiry are solely established to deal with matters of public nature and for which there is considerable public interest. Upon conclusion of an inquiry, a commission is under an obligation, pursuant to Section 7(1) of the Act to submit a report to the President. This provision reads as follows:-

“It shall be the duty of a commissioner, after making and subscribing the prescribed oath, to make a full, faithful and impartial inquiry into the matter into which he is commissioned to inquire, to conduct the inquiry in accordance with the directions contained in the commission and, in due course, to report to the President in writing the result of the inquiry and the reasons for the conclusions arrived at, and also, if so required by the President, to furnish to the President a full record of the proceedings of the commission.”

The Act was meant to be an instrument for the Executive through which matters of considerable public interest would be inquired into. However, the existence of the Act does not preclude this House from carrying its own investigations into any matter of public interest even if such a matter is the subject of another inquiry being undertaken by a commission established under the Act. The Chair has not found a provision in the Act on the production, into the public domain, of a report of a commission of inquiry. It can be argued as indeed, it has been done in this case very ably, by Ms. Karua, that public interest would require that such a report be released into the public domain. However, the Act does not specifically require the President to do so on such consideration or at all.

Hon. Members, when the Assistant Minister made an undertaking before this House that he would lay on the Table the reports requested by Ms. Karua, this House and the Chair had every reason to believe that proper consultations had been made within the Executive and that consensus thereby had been reached on the release of the reports to the public after a critical consideration of the applicable law. It is on this understanding that the Chair ordered the Assistant Minister to discharge his undertaking when the matter arose on 25th June, 2009. It would now appear that when the Assistant Minister gave the initial undertaking on 4th June, 2009, he may not have considered the provisions of the Act regarding the issue at hand but nevertheless gave an undertaking that he could

not honour. This appears to be the case because on 22nd July, 2009, the Assistant Minister informed this House that under the Commissions of Inquiry Act, the President could not be compelled to release such reports. Having found that under the law, as it stands, the President cannot be compelled to make public reports of commissions of inquiry subject to the Act, it is evident that the Assistant Minister made an undertaking to the House, which he does not have the capacity or ability to honour.

Hon. Members, no interest will be served in holding the Minister to his word in a situation in which it is not legally possible for him to fulfill the undertaking. This House, as I have repeatedly said before, should not act in vain. I, therefore, rule that the orders made by the Chair on 25th June, 2009, requiring the Minister to produce the reports requested by hon. Karua and barring him from transacting business in this House until the reports are produced, be and are, hereby vacated forthwith.

Hon. Members, having said that, the Chair wishes, on behalf of this House, to register dissatisfaction with the manner in which this matter has been handled. Ministers of Government owe it to the people of Kenya, through their representatives in this House, to properly consider the law on every matter, and its implications, before making any undertaking. Let me, therefore, take this opportunity to put all Ministers on notice, that undertakings made before this House are binding and not to be taken lightly. No Minister will be heard to protest that an undertaking that has been made cannot be lawfully honoured.

In conclusion and, as the hon. Members are aware, the legislative authority of the Republic under the Constitution, is vested in this House. If it should appear to this House that the provisions of Commissions of Inquiry Act or, indeed, those of any other law, do not adequately answer to the public interest, the recourse for this House is to amend that law.

Thank you.

Mr. Imanyara: On a point of order, Mr. Speaker, Sir. Arising out of your ruling, and given the circumstances under which those undertakings were given and, also, the fact that we have recently formed an Implementation Committee that is directed to ensure that there is compliance with the undertakings given by Government Ministers in this House, may I seek your directions that this matter be sent to the Committee on Implementation to come with recommendations on how to deal with issues regarding undertakings that are given in this House on behalf of the President, so that we do not act in vain. We know that all Ministers hold office at the pleasure of the President! They could be taking us for a ride here by giving undertakings which they have no intention of honouring and, therefore, making the House sit in vain. May I seek your direction that this matter be directed to the Implementation Committee to examine the circumstances and come up with recommendations on how to deal with the undertakings that come out of the Office of the President.

Ms. Karua: On a point of order, Mr. Speaker, Sir. I am just seeking your guidance in view of your ruling and the previous ruling by the Chair, compelling the Minister for Finance in 2007, to form the Privatization Commission. There is no law that allowed the Chair to do that. Those two rulings appear to be contradictory. The earlier ruling seems to set out the separation of powers where Parliament has a duty to ensure public interest is safeguarded without regard to what the Executive is doing, but safeguarding public interest. Could you give your guidance after looking at the earlier

ruling of the Chair and tell us exactly what is the way forward? That is because it leads us into confusion? I do not think that we need then to file a Motion to rescind the decision of the Chair. We need the Chair to look at those two rulings and tell us which way to go.

Mr. Speaker: Hon. Members, with respect to the point of order raised by hon. Imanyara, the Chair need not actually give that directive. That is because the Committee is vested with that power. It is part of the mandate of the Committee on Implementation to ensure that resolutions of this House are implemented by the Executive or any other responsible organ. So, the Committee on Implementation stands guided accordingly. The only thing I could, perhaps, do from the Chair is set a time line within which they may complete their inquiry. I wonder if the Chair of the Committee on Implementation is present in the House. The Chair is not here, but if they could carry out their investigations which, indeed, they are mandated to do under the Standing Orders, could we have that report filed within two months from today?

With respect to the point of order raised by hon. Karua, it is only logical for the Chair to have time to look at the HANSARD, acquaint itself with the issues raised and give directions, which I will do in ten days from today.

Dr. Khalwale: On a point of order, Mr. Speaker, Sir. Last week, we requested the Minister for Co-operative Development and Marketing to table before this House---

Mr. Speaker: Order, Dr. Khalwale! I think that is done! Is it on the pyramid schemes?

Dr. Khalwale: Yes, Mr. Speaker, Sir.

Mr. Speaker: I will have a ruling tomorrow. It is just that we ran out of time and it was not going to be possible to deliver that today.

Mr. Olago: On a point of order, Mr. Speaker, Sir. Two days before the House went on recess, I sought a Ministerial Statement from the Minister for Justice, National Cohesion and Constitutional Affairs on the issue of refund of donor funds---

Mr. Speaker: Order, Mr. Olago! We moved away from Statements. So, you are overtaken by time. You can raise that, possibly, tomorrow.

Hon. Members, we will now have to take the next Order. Hon. Linturi, I think you will have to raise your matter tomorrow. We are desperately out of time.

Next Order!

COMMITTEE OF SUPPLY

(Order for Committee read being Second Allotted Day)

MOTION

THAT THE SPEAKER DO NOW LEAVE THE CHAIR

Vote 43 – Ministry of Higher Education, Science and Technology

Mr. Speaker: Hon. Members, note that because of the amount of time we spent on Prime Minister's Time, which we had to in the public interest, sitting time will be extended until 10.12 p.m. That is the law.

Proceed!

The Minister for Higher Education, Science and Technology (Dr. Kosgei):
Mr. Speaker, Sir, I beg to move that the Speaker do now leave the Chair. I wish to record my gratitude for the opportunity accorded to me to move Vote R43 and D43 for my Ministry of Higher Education, Science and Technology. I wish to record my appreciation to the Parliamentary Committee on Education, Research and Technology for the important role it has played in supporting my Ministry on matters of education, research and technology. My Ministry has worked effectively with the Committee.

Mr. Speaker, Sir, may I start by briefly outlining the mandate, mission, objectives and the policy interventions we have put in place for higher education, science, innovation and technology. The mandate and mission of the Ministry is to promote, facilitate and co-ordinate development through provision of quality personnel and integration of science, technology and innovation into the national development system. The objectives of integration of science, technology and innovation includes preparation and equipping the youth with relevant skills and expertise in order to effectively and efficiently serve the needs of the individual and national development.

In addition, our objective is to co-ordinate science research for development. In order to achieve its mandate, mission and objectives, the Ministry has put in place policy intervention for the sector whose implementation strategy takes into account the overall economy policy framework for Kenya. In the process, we advocate for effective participation of all key stakeholders in science, innovation, technology and training programmes. Our aim is to reduce duplication of efforts by optimum mobilisation and utilisation of our resources to achieve technology, innovation, research training goals and objectives.

Mr. Speaker, Sir, my Ministry has strenuously implemented its science, innovation and technology policy strategic plans. Since the creation of the Ministry of Higher Education, Science and Technology since 2008, it has witnessed modest increased Government funding. With increased funding the Ministry has achieved the following: It has carried out rehabilitation works in our technical institutions. It has also provided modern equipment to these schools, effected bursary for students in our technical institutions, and provided vehicles for transport in all 19 technical training institutes. The Ministry is now funding research innovation for development and has created about 50 authorities.

Mr. Speaker, Sir, my Ministry has upgraded 12 institutions to constituent university colleges and another three to universities campuses. This would increase access to university education for our graduates from both technical institutions and secondary schools.

In addition, and in order to further promote technical training, my Ministry has identified 11 technical institutions to be equipped as centres of excellence in various fields. These institutions will be equipped with modern equipment for quality training. To replace some of the upgraded technical institutions, my Ministry has planned to build 13 new technical schools. These new institutions will be funded both by the Government of Kenya and the African Development Bank for the next five years.

In our efforts to maintain high standards of education, we have established the Directorate of Quality Assurance and Standards. This will ensure quality technical education is maintained.

To tap knowledge on science, innovation and technology from developed countries, my Ministry has provided funds for science innovation, technology and education attaches to be posted to some of our missions abroad. These attaches will be involved in prospecting for best possible science and technology ideas that Kenya can use. They will also manage issues faced by our students studying abroad.

Mr. Speaker, Sir, my Ministry is aware of the need to expand university education. Currently, the newly upgraded constituent university colleges require funding for facilities to guarantee quality education. We have, therefore, not relied only on Government of Kenya funding. We have approached other Governments and institutions for funding. In this regard, negotiations between Kenya and the Government of Netherlands are at advanced stage. Successful conclusion of these negotiations will result in supplying much needed modern equipment to our institutions of higher learning. My Ministry has also entered similar preliminary negotiations with the Government of the Peoples Republic China and the Spanish Government. This year, our aim is to look far and wide for training facilities and funding faculty because without trained personnel, equipment and physical facilities would be a waste of time.

Mr. Speaker, Sir, the recently launched Vision 2030, requires a critical mass of skilled people in certain key areas in order to implement the development process. These areas include engineering, technology and medicine. While I appreciate the steps the Government has taken to increase funding for my Ministry, more needs to be done for this country to develop. A country which is serious about development must invest in highly trained people, research and innovation. Currently, Kenya has 170,000 students in public universities. We need to expand and for this to happen we need funding to do so, effectively.

The financing of the Higher Education Loans Board (HELB) has been retained at last year's level despite increased demand for loans, bursaries and scholarships by our students. My Ministry, through the Higher Education Loans Board, provides loans to all university students who are qualified in the public and private universities. It is in the process of extending the facility to students in East African Universities as per the request of Members of Parliament. HELB will require an additional Kshs11 billion if it is to discharge this duty properly.

Mr. Speaker, Sir, one of the core functions of my Ministry is to promote research innovation and technology. Through collaboration with other key stakeholders, my Ministry has developed a policy on science, technology and innovation. To improve the co-ordination of research technology and innovation in the country, my Ministry has drafted Science and Technology and Innovation Bill (STIB) that I will be tabling in this House soon. This Bill proposes in addition to our National Council for Science and Technology to establish two new organs. That is the National Research Foundation (NRF) to deal with the funding of research development and innovation and the National Innovation Agency to manage the process of moving research and innovative ideas from our universities and research institutions to industry and the market and finally into useful goods and services for our people.

Mr. Speaker, Sir, development of tertiary education and training is crucial for the production of qualified personnel that will in turn have impact on social and economic development of the country. My Ministry is, therefore, placing great emphasis on the provision of necessary human and physical facilities in our institutions. In this regard, my

Ministry has prepared both STIB and University draft Bills. These Bills when enacted by this House would improve the management of the two sub-sectors that are critical for the development of Kenya. Our development has recognised the important role this sector plays in development and the African Development Bank has provided some Kshs258 million for some programmes during the Financial Year, 2009-2010.

To implement the above policy interventions, my Ministry will require Kshs21,616,232,500 and Kshs4,045,900,000 for Recurrent and Development Expenditure, respectively during the Financial Year 2009/2010.

Mr. Speaker, Sir, the Ministry's Recurrent Budget is made up of five Sub-Votes and the allocation of Kshs21,616,232,500 is distributed in the following Sub-Votes:-

Sub-Vote 430 – General Administration and Planning.

The Sub-Vote caters for both personal emoluments and operating costs for support, vehicles and it is also allocated a total of Kshs732,602,805 distributed in the following three Expenditure Budget Heads:-

1. Head 147 – Development Planning Services, Kshs52,598,281.

The allocation under this Head caters for the running of the Ministry's Central Planning Unit. The unit compiles all statistical data for the Ministry.

2. Head 726 – Department of Research and Development Kshs84,043,838. The allocation will cater for both salaries and the administrative costs of the Department of Research and Development.

3. Head 831 – Headquarters Administrative Services, Kshs895, 710,630.

All these Votes are well tabulated in what we have placed before the House and one can inspect them. They were distributed earlier on.

However, I want to make the following observation: The allocations to the facilities, the universities and the constituent colleges are far below what is required for an effective training of our own development in the sense of the people we train to carry out the development. The Kenya Government has done it. However, I wish to record our thanks to CIDA, KESSEF, ADD, JAICA and United States of America (USA). In addition, contribution to our Government and development partners includes parents, community leaders, religious organizations and the private sector that has actually invested generously in the training of Kenyans.

Mr. Speaker, Sir, while the Government does what it can to advance higher education in Kenya, I would like to pay tribute to all private sector participants in higher education, science and technology. For Kenya to develop, we must invest effectively in higher education, science and technology. The Ministry has worked hard and received financial support from external sources. We thank them. Although we are aware of financial constraints in our country, we must, nevertheless point out that our country cannot advance effectively with the current levels of funding for education and research, science, technology; research and innovations are prerequisites for development.

With those few remarks, I beg to move and ask my colleague, Mr. Otieno to second.

The Minister of State for Public Service (Mr. Otieno): Mr. Speaker, Sir, thank you for giving me this opportunity to second this important Motion on the Vote of the Ministry of Higher Education, Science and Technology. The first issue of concern is the

extent to which our education is relevant to the needs of our country. It appears that all the way up to primary level, we teach our children how to read and write but very little of how to work and convert the little knowledge they have into any relevant output. Then all the way through secondary, it seems that we continue to teach our children how to read and write. So, we end up with children at 'O' Level who only know how to read and write. When you ask them whether they are capable of converting the knowledge they have acquired after 12 years of education into any wealth, most of them will be looking for clerical jobs. Is our education relevant? How much research is being done to ensure that there is harmony between the output of our education system and the productive need of our economy?

Mr. Speaker, Sir, in this sector, it is like we are giving too little of everything. If you take university level, for example, there are 107,000 students. That means 10,000 students come in every year. If there are 400,000 getting into secondary education, it means that we are talking of only 2 per cent that is reaching university level. We are developing a very elitist society with only a few with access to the knowledge at the top. It gets worse when that knowledge cannot also be converted into wealth.

Mr. Speaker, Sir, I did a little research in my constituency. There is very serious wastage of manpower because of incapacity in our institutions. I found out that in my constituency, over four years, there were 406 students who got B-(minus) and above at 'O' Level but could not go to university because either they could not afford to pay or the facilities were not there. That is really serious wastage of manpower.

When you look at the Ministry's Budget, the amount allocated to the universities for any continuing research is dismal. So, we have universities where increasing numbers are no longer doing any research but just teaching to earn their salaries. They are not promoting knowledge in our institutions. Both at lower and higher level, we are continuing to give too little virtually of everything. Even if you look at their salaries, I had opportunity to look at them. We are giving too little in terms of remuneration to our higher education institutions. Too little of everything apparently is the catch word in the manner in which we handle our education at this level. Therefore, I wish to appeal that if we are serious with our Vision 2030, we should search our expenses in each and every Ministry and do whatever is possible to increase resource allocation to the Ministry of Education and the Ministry of Higher Education, Science and Technology, if we intend to lift this country from poverty to the levels that we want.

Mr. Speaker, Sir, we all know that poverty eradication begins with education. We also know that prosperity begins with education. We all agree that development begins with applied education. We have to be serious. There is somewhere we are spending money which we do not need to spend. There is somewhere we are using our resources which we need to re-allocate to promote education in this country. We are continuing to promote serious inequalities in our country because resources are not flowing to support education in all the corners and villages.

Mr. Speaker, Sir, let me finish by commending both Ministers for the efforts that they are making to bring reforms in the sector. I appeal to all of us in leadership positions to support education seriously if we intend to be competitive in the next 20 years from today.

With those few remarks, I beg to second.

(Question proposed)

Mr. Koech: Mr. Speaker, Sir, thank you for giving me this opportunity to support this Vote of the Ministry of Higher Education, Science and Technology. As a Committee, we had an opportunity to share and be taken through the budget by the Ministry led by the Minister. I want to confirm to the House that we as a Committee, do agree with what they came up with. In agreeing with the budget of the Ministry of Higher Education, Science and Technology, first of all, we looked at the mandate of this very important Ministry. It is the only Ministry in our country that is expected and is empowered to promote the development of quality personnel, not only for the other sectors in Kenya but even outside this country.

Within their mandate, we noted that the Ministry is charged with the responsibility of technology and innovation, technical education, national polytechnics, Higher Education Loans Board (HELB), university education and the continuing education.

Mr. Speaker, Sir, looking at the budget given to this very important Ministry that as a Kenyan country we always are proud of the products from Kenya whenever they are performing their duties within and outside this country; we noted that the Ministry requested a total of Kshs28,116,200,000 for Recurrent Expenditure and Kshs10,022,200,000 for Development Expenditure. However, they were allocated Kshs21 billion for Recurrent Expenditure and Kshs4 billion for Development Expenditure, giving a very serious shortfall of Kshs12.491 billion. This is a Ministry that is charged with ensuring that we are able to do research in order for this country to adapt the best policies for this country. That allocation the Ministry got was merely 2.96 per cent of the national annual Budget. It is the feeling of my Committee that this Ministry deserves more than what was given to them if we really want to change, especially in terms of producing the best personnel for our nation.

Within the proposed new projects in the Ministry, I am glad to note, as the Chairman of the Committee, that the concerns of Kenyans, especially on the taking over of the tertiary institutions by the universities, was addressed in this Budget. Within the Budget, the Minister has provided for the construction of eight technical training institutes and within the Committee meeting, we requested that, that may not be enough especially given the fact that some provinces are too large to accommodate only one Government Technical Institute (GTI). I am glad to note from the Minister's sentiments that this number has risen to 12. We would like, as a Committee, to applaud this kind of move.

Mr. Speaker, Sir, as a Committee, we also considered where these GTIs are going to be constructed. I would like to thank the Minister for the initiative and for the personnel that went out to identify the sites that are going to benefit within this first year. We recommend, as a Committee, that the consideration of the sites in future should be addressed to ensure that the task force that is sent out to identify is fully inclusive of mainly the major stakeholders so that proper and correct places are identified. We also note that this year, we enacted the Biosafety Act and I am glad to note that there is a provision of Kshs50 million to kick-start the operations of this authority. As a Committee, we applaud this kind of move.

Within the budget, we also noted, as a Committee, the intended operationalisation of the TIVET authority. We applaud, as a Committee, that this is a wise decision and we recommend that the TIVET Bill be fast tracked so that it is tabled early enough to enable the operationalisation of the same.

We also noted that in this year's Budget, the Minister allocated Kshs50 million for the establishment of the Higher Education Loans Board (HELB) headquarters. As we applaud this move, we, as a Committee, feel that the HELB, being a revolving fund, should move towards independence so that it does not fully depend on our Budget for a very long time.

Mr. Speaker, Sir, we also noted that within the previous year, there has been a lot of development within our universities and this has led to 12 new constituent colleges of our universities. This is a very big move within the Ministry. We, therefore, applaud the fact that within this financial year, Kshs4 billion was allocated to ensure the operations pick up within the new constituent colleges. Some few recommendations that we have, as a Committee, include that the allocation of funds to the semi-autonomous agencies in the Ministry should be streamlined to ensure equity and ensure that the agencies present their budgets to the Ministry as expected before 28th February every year.

Secondly, we noted as I had said earlier, that the Ministry is still allocating a lot of funds to the HELB, yet it is a revolving fund, hence the need for the Board to be self-reliant in the near future. As a Committee, we believe that research and development are essential prerequisites to the transformation of Kenya into a knowledge-based society. While appreciating the Ministry's proposed establishment of the Kenya National Research Foundation (KNREF), the Committee recommends that the Minister fast-tracks the laying of the same Bill in Parliament. The Committee also lauds the initiative by the Minister to open up the constituent colleges as I had earlier on stated. In this respect, the Committee is hopeful that the proposed Universities' Bill, together with reviewed Commission for Higher Education (CHE) Bill, shall be tabled as soon as possible to empower the CHE to undertake the most crucial role that every other Kenyan is asking about; the expansion of the universities without compromising quality, that is key.

While we are addressing the Budget by our own Government to higher education, at the outset, we would like to applaud the role of our very good partners and friends in assisting us in the development of education. I have in mind the many scholarships that we have kept on receiving from our partners in terms of taking care of our students. I note with a lot of appreciation, India which currently has and sponsors up to 46 of our students. I also note with a lot of appreciation, China which is sponsoring and taking care of 24 students; Cuba, 15 students, Morocco, 20 students; the UK, 12; Egypt, 15 and Poland has 10. I mention this because this will go a long way in ensuring that the many Kenyans who yearn for education, some of them who do not have any money, are assisted. A total of 183 students are studying outside under the scholarships of the many other countries, including the ones I have mentioned. This is laudable and we would like to really thank them and hope that we are going to see many more.

Mr. Speaker, Sir, I note with appreciation the funds set aside for education attachés. You noted and realized that recently, we had a big problem with a few students in China and we believe that if we had an education attaché there, maybe that person could have helped them so that they would not have found themselves where they are. So, we expect that as students go for scholarships or studies outside our country, it is

expected and we believe that our attachés will play a key role of ensuring that their stay is okay. I would like, therefore, to also say that these attachés, we believe will also make friends on behalf of our country so that many more Kenyans will get further scholarships from many other countries.

Mr. Speaker, Sir, we noted with great concern that we still have very few technical institutions and yet, in a majority of them, the enrolment is still very poor. I do recall that during our time in school, before we sat for our Form IV or Form VI examinations, there was a career booklet which enabled the student, as they leave secondary school, to apply for admission to both universities and tertiary institutions. That way, those who did not make it to the universities received admission letters to the tertiary institutions. I am wondering aloud, whether the Ministry should not consider re-introducing the same, so that we can tap the talents of the many Kenyans who are disillusioned because, at the moment, it is taken by the majority that, if you do not make it to the university, you are a failure. We are aware of many Kenyans who have gone through tertiary institutions and all the way to the universities. Some of them are even professors today. We would like all Kenyans to embrace the same.

Mr. Speaker, Sir, as we speak today, there are so many unemployed Kenyans and, in particular, very skilled Kenyans. We are talking about engineers and expert teachers. It is not enough for the Ministry of Higher Education, Science and Technology to just produce graduates. It should ensure that they get employment. The Ministry should also consider exporting part of that labour to other countries. That will create more employment. The rate of unemployment in our country will reduce.

[Mr. Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, the Higher Education Loans Board (HELB) has come in handy to help most of our students – those who do not have enough money. I would like to support the move to support HELB by giving it more money, so that many Kenyans who yearn for education can be able to access the same.

Mr. Temporary Deputy Speaker, Sir, I applaud the need to take care of our students who are studying outside our country. I hope Parliament will authorise the Ministry to take care of students who are outside the country.

Mr. Temporary Deputy Speaker, Sir, there is need for the Ministry to consider making tertiary institutions affordable to our students. At the moment, we know that those who are fully qualified to go to our universities are helped through HELB. It is necessary for the Ministry to consider that.

Mr. Temporary Deputy Speaker, Sir, the Committee was concerned that, whereas the universities are, at the moment, collecting more money mainly through the parallel programs, the Ministry is still allocating the universities a lot of money. We do recommend that, in future, and more so, in the next Budget, the Ministry should be able to put together all the money that is collected by the universities and be reflected in their estimates.

Mr. Temporary Deputy Speaker, Sir, at this juncture, I want to sincerely thank the private sector - those private universities that have come up in Kenya – for assisting in ensuring access to higher education. I would also like to thank the many parents of this country who are currently sponsoring students in universities in and outside Kenya – some of them through parallel programs. They have ensured that there are many Kenyans who are accessing higher education. I would like to also thank honorable Members of this House for supporting higher education through the Constituencies Development Fund (CDF) Bursary Kitty. They have also been able to support it through *Harambees* and I want to urge them to continue supporting those students for the benefit of this country in future.

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

The Minister of State for Provincial Administration and Internal Security (Prof. Saitoti): Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to make my contribution to this very, very, very important Vote.

Mr. Temporary Deputy Speaker, Sir, at the very outset, I want to commend the Minister for Higher Education, Science and Technology who, since she took over that Ministry, has demonstrated a strong capacity to lead a very, very difficult Ministry. There is no doubt that it is due to her intellectual capability. I have no doubt that we could not have found somebody better to lead that important Ministry.

Mr. Temporary Deputy Speaker, Sir, education is extremely important as a matter of investment in human resources. Indeed, there are two really very, very important sectors for human investments; one of them is health, which was discussed yesterday in the sense that it is only a strong healthy people who can actually increase the productivity of the country and, therefore, go a long way towards addressing the challenges of poverty. If there is another area that is worthy of investments, it is education. It has been demonstrated all over the world that there can be no development in any county unless emphasis is put on education. Indeed, one can actually say that there is a symbiotic relationship between education and development.

As things are today, Mr. Temporary Deputy Speaker, Sir, and given the global competition that we have, higher education occupies an important role in the efforts of any country to become competitive in the global market. It is here that, indeed, the talents of those who are gifted in science, technology and innovation are given the opportunity. We need to put a great deal of resources in this area. I was very happy to hear my colleague, the Minister for Higher Education, Science and Technology, say that in not too distant future, a national research foundation is going to be put in place. That is where innovation and major research is carried out. That research eventually translates into development. You cannot have innovation unless somebody has gone through the university, acquired the right education and conducted research. Only then that one can be in a position to innovate. That innovation and research is what we so badly need in this country! The countries that have done extremely well in the world are those that have been able to set aside substantial resources for purposes of research. Unfortunately, I think the allocation of resources for purposes of research is a later comer. I do remember way back in 2003, there was not even a budget line to fund research! It was always expected that the researchers could carry out their own research. They did not require any resources. Whereas other countries all over the world have put in substantial amounts – millions of dollars, sterling pounds, yen and everything else in research--- Those are the

individuals that have actually made countries like Japan, India, Brazil and many others to pull up. Today, they are called the “emerging economies”. As we know today, there are countries we call “Brits”. That is Brazil, India--- Of course, Russians went down and came back up again. We have the Chinese and the Indians. We studied abroad many years ago. They sent many of their students to various advanced countries and to the best universities. They paid for them to make sure that they got the best technical education. Those people have gained very high qualifications after doing a lot of research in various other countries. They returned back. Those are the people who went back to India. They are the ones who are fueling the economies of India. They are the same people who are now fueling the economy of China, which has become the factory of the world! The same has happened in Brazil.

So, Mr. Temporary Deputy Speaker, Sir, we need two things in higher education. We need to expand university education. We need to set aside more resources to have excellent teaching and research facilities. If we do that, we will go far.

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

The Assistant Minister for Labour (Mr. Ojaamong): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to the Vote for the Ministry of Higher Education, Science and Technology.

I think that the direction the Minister is taking is the right one, and I want to encourage her, especially with regard to the expansion of tertiary institutions and universities. I am saying this because I have an interest in my constituency. My constituents have been requesting this Government to do something for a long time now. They have also done their own part. We in Amagoro Constituency have donated about 150 acres to the Ministry of Higher Education, Science and Technology. We did that two years ago. We have been expecting them to move in and start owning the piece of land, which is in Alupe. It would be a very good centre because Alupe is already established. We have buildings, including laboratories there, which we have given to the Ministry free of charge. The University that we wanted to partner with, Moi University, has already moved in and done renovations, but there is a lot of inertia from the headquarters to come and take up this opportunity. We have already talked to Moi University and partners from the private sector and elsewhere.

We have been restrained because the constituent college has not been gazetted yet, so that all the stakeholders can move in to ensure that the institution begins to function. Unfortunately, and I think the Minister knows this, this Government might not have enough money to start anything. However, as a community, we have already moved in. We are prepared to attract other investors from elsewhere, be it the private sector and so on, so that they can come and put up institutions and provide our people with training. That will not be a local institution because it will serve almost the whole country. It is my plea that now that the Minister has indicated that she is going to be very aggressive in the expansion of university education, she is going to consider Alupe Constituent College of Moi University as one of the campuses and then support it as soon as is practicable.

Mr. Temporary Deputy Speaker, Sir, with regard to the Higher Education Loans Board (HELB), we MPs, are constantly challenged by students from our constituencies. They are not given sufficient funds by HELB. It is necessary that we Members of Parliament have a session with officials from the Ministry of Higher Education, Science and Technology, and see where the problem is and how best we can address it as a

nation. In my constituency, so many students drop out of university. Most of them have been funded up to the second year, but HELB stops funding them from the third year. As Members of Parliament, there is very little that we can do. This is because the little money that we get from the CDF bursary kitty, or the Ministry of Education kitty, is just enough to assist secondary school education and other tertiary institutions like the polytechnics and the Medical Training Colleges (MTCs). It is very important that the Ministry officials sit down with Members of Parliament in a Speaker's Kamkunji, so that we can urgently discuss HELB issues. We want HELB to be as transparent as the Roads Board of Kenya is. When they give us money, they show us the road to be constructed and the amount of money allocated for that particular task. We want the Ministry of Higher Education, Science and Technology to tell us, for example, that there are 10 or 20 students from Teso who have benefitted from HELB. They should tell us the amount of money the students have been loaned. We do not want to play hide and seek games, whenever they come to confront us for assistance. We want to know exactly how much they get and how much they are supposed to be getting. I appeal to the Minister to take up this matter urgently, so that during our campaigns, we do not find university students on the other side opposing us, because we never supported them to acquire enough funds for their education.

Mr. Temporary Deputy Speaker, Sir, the Chairman of the Departmental Committee on Higher Education, Science and Technology has said that they have already identified eight centres to be technical training institutions. I hope that was done fairly, because he avoided mentioning them. When somebody avoids mentioning something, then there must be something that he is hiding. We expected him to be very transparent and to tell the public what is happening now, that Parliamentary proceedings are covered live. Everybody would like to know which areas are these. If it was a professional task force that went out, he should be proud to tell us, for example, that in Western Province, it will be the technical institute in Bungoma---

Mr. Koech: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to say that there are some fears, yet I tabled the document before this House and he should have accessed it?

The Assistant Minister for Labour (Mr. Ojaamong): Thank you, Mr. Temporary Deputy Speaker, Sir. I know that my time is up.

The Assistant Minister for Livestock Development (Mr. Duale): Thank you Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to support Vote 43, Ministry of Higher Education, Science and Technology. I also want to thank the Minister in charge of that Ministry because the Minister and her technical team have ensured an equitable distribution of resources in that Ministry across board in this country.

In supporting this Motion, I have a number of issues to raise. The first one is the expansion of university education in this country. Research and education are key to this country's development. The Ministry of Livestock Development, where I am the Assistant Minister, and in the Ministry of Agriculture, we will need professionals to undertake research and higher education. If we do not fund the Ministry of Higher Education, Science and Technology, then we will be talking about passing this over to key production Ministries.

Mr. Temporary Deputy Speaker, Sir, even as we expand university education, the moral question that we need to ask ourselves is whether it is being done equitably. Are all

Kenyans accessing education at their doorstep? I am afraid to say, “No, this is not being done.” I hope and pray that this time when Dr. Kosgey is in office will be the time for the people of northern Kenya and upper Eastern, that is the pastoralist communities, to have a university, a technical college, and a national polytechnic at their doorstep. I would like to urge the Government and the Ministry that we need to have a university in Garissa, where I come from. I want us to have an expansion of higher education that is equitable, fair and available in every corner of this country.

I would like to urge the Ministry of Higher Education, Science and Technology to market Kenyan universities. Many Kenyans want to go out. They want to go an extra mile and that is why they ask their respective Members of Parliament to conduct for them major fundraisings, so that they can go to very expensive universities to do expensive courses that can be competitively provided in our local universities. So, this Ministry must walk the talk. It must market our universities. It needs to talk to the various university senates and councils to do what the private sector does, that is branding and marketing themselves.

Mr. Temporary Deputy Speaker, Sir, my second issue with the Ministry is on the Higher Education Loans Board (HELB). HELB is a Government institution that is there to cushion you. Most of us went through universities, courtesy of loans that were given to us by this institution, but we have reached a stage where this country is moving towards devolution of resources. We want these loans to be decentralised. We want these loans to be given out on constituency basis, so that as the Member of Parliament (MP) for Dujis Constituency, I can know how many students from my constituency studying in local universities have accessed this facility.

I know that the Constituencies Development Fund (CDF) sets aside 15 per cent of its allocation for the support to students in higher institutions of learning and middle-level colleges. So, HELB must be decentralised. It must be effective. We must see equitable distribution of its funds.

Mr. Temporary Deputy Speaker, Sir, I am very much disturbed that the allocation to the Ministry of Higher Education Science and Technology by the Deputy Prime Minister and Minister for Finance will do very little to support the Ministry in terms of research. As a country, in order for us to join the league of developed countries, we need to invest in research and human resource. If we cannot fund the Ministry of Higher Education’s Research Department, as a country, we are losing. I can assure you that Vision 2030 will not be achieved, unless we invest in research.

It is not only a matter of investing in research---

The Temporary Deputy Speaker (Mr. Imanyara): Time up, Mr. Duale!

Dr. Kones!

Dr. Kones: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to support this Ministry’s budget.

First of all, I want to laud the Minister for the initiative she has so far made in the Ministry since she took it over. Our higher education sector requires a lot of attention in terms of financial support. I hope that this year, and in the years to come, we are not going to experience the kind of strikes we have experienced in the past, where lecturers in our State universities call strikes because of poor pay. We read in the Press the other day that their terms of service are being reviewed. I want to urge the Minister to reward professionalism in this country. We have a lot of trained people in the universities, but

their terms of service are generally poor, as compared with those of professionals in other sectors.

Mr. Temporary Deputy Speaker, Sir, I want to appreciate the fact that the Minister has declared that no more middle-level colleges will be converted into universities. This trend, which has existed during the last three years, has suddenly swallowed our middle-level colleges. I am happy to note that in this year's Budget, there is provision for construction of new eight technical institutions in the country. As my colleague said, we hope that the distribution of these colleges will be done equitably in the entire country.

I have concern about award of scholarships and bursaries to university students by the Ministry, and not the HELB. We are aware that there are funds within the Ministry, which are given to students to pursue higher education either in private colleges or even in colleges out of the country. I think there is a lot of mystery. There is no clear-cut procedure on how to access these funds. I hope the Ministry will announce through the media, every year, bursaries available for students in local universities as well as in foreign universities, so that students in the entire country can apply and compete for them.

Mr. Temporary Deputy Speaker, Sir, another area that I would like the Minister to look into more critically is on the parallel degree programmes in all our universities. I am one of those people who are very much opposed to classifying students as "parallel" and "regular". I am one of those people who were teaching in the universities. The parallel degree programme was, indeed, one of the sources of finances but, looking at it critically, I think it is so unfair to treat children of poor parents in this way.

Most of the students who get C+ and B- grades come from poor families. They might even have qualified for admission to national schools but, because those schools are very expensive, they went to day schools. So, they managed to pass with C+ and B-grades. These are the students who are being subjected to applying for the parallel degree programmes.

Mr. Temporary Deputy Speaker, Sir, the Minister was here the other month. She said that she had requested Treasury to allocate more funds to the HELB, so that these children can have a chance to be given loans like the rest of the students. We want to request the Minister that in the Supplementary Estimates, she brings forward that proposal, so that we can support it. A deliberate move should be made to ensure that we scrap the idea of "parallel degree programmes", and also do away with the practice of categorising students as belonging to parallel and regular programmes.

Let us find a way of paying lecturers well, so that they do not waste much of their time moonlighting, or moving from one university to another. We also find that there are many universities that have started what are perceived to be marketable programmes---

The Temporary Deputy Speaker (Mr. Imanyara): Time up, Dr. Kones!

Dr. Kones: With those remarks, I beg to support.

The Temporary Deputy Speaker (Mr. Imanyara): Mrs. Noor, you have five minutes!

Mrs. Noor: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to this very important Vote.

As you know, education is the foundation stone for all development. Education is the most important thing in building the capacity of our human resource sector. It is a tool

that derives all our development. Without education, we will not be able to achieve all our goals.

Mr. Temporary Deputy Speaker, Sir, I want to congratulate the Minister for her hard work, and for introducing major reforms in the Ministry. I want to start by saying that, at the university level, the Government has taken over existing technical and specialised middle-level institutions and converted them into universities and constituent university colleges. This is due to the demand for university education from our communities. That is a noble way of addressing issues. It is very important to address such issues in the short-term, but in the long term, we will face serious challenges when dealing with the shortage of technical schools.

I want to congratulate the Minister for reflecting in the Estimates that we are debating today the fact that they are going to address that important challenge that is already facing us at the national level. I want to differ with my colleague who has just contributed on the parallel education programmes. The parallel programmes have opened up university education. They enabled thousands of our children, who were not able to access university education, to access it. I am worried that the Ministry might reconsider the parallel programme.

Mr. Temporary Deputy Speaker, Sir, the parallel programme is an initiative that is very important because most of children are accessing university education. Many of our children were going to Ugandan universities, but once we introduced the parallel programmes, they were able to access public universities. They are getting opportunities in our country. Many children have benefitted from these programmes. So, I wish to ask the Ministry not to reconsider the parallel degree programmes, but to rather support the initiative.

Mr. Temporary Deputy Speaker, Sir, I also want to congratulate the Ministry for supporting children from poor and vulnerable backgrounds by awarding them scholarships. I wish to urge the Minister to proactively engage with many of our development partners to award more scholarships to our children.

Given that we have global warming as a result of climatic change, we are losing livelihoods in big way in this country. We have not received rains for a long time. The pastoralist and agriculturalist communities are losing their livelihoods. Many families are not able to get their daily meals. So, I am requesting the Minister to look for programmes that can support many Kenyans to access university education.

I would also like to congratulate her for the initiative she has made of trying to expand university education and reaching out to many regions. We must take stock of the existing gaps. What are the problems? Which areas our people not accessing university education? For example, in North Eastern Province, we do not have those facilities. I request her to critically look at those imbalances that are already there, so that her noble initiative of trying to address the critical issues of expanding university education are met. I would wish her to address the existing gaps that we already have, so that she helps us.

Mr. Temporary Deputy Speaker, Sir, I want to conclude by talking about the disparities at the universities, especially the issue of girls getting access to university education. There are many girls who are able and may get the pass mark to be admitted to universities, but they are not able to proactively engage with people to get scholarships. I am urging her to look into these imbalances in giving out the scholarships and address the

plight of girls who are not able to access university education in many parts of this country.

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

Mrs. Noor: Mr. Temporary Deputy Speaker, Sir, I support the Vote.

Mr. I.M. Muoki: Mr. Temporary Deputy Speaker, Sir, I would like to start by saying that I support this Motion on the Vote of the Ministry of Higher Education, Science and Technology. I wish to congratulate the Minister for the good work that she has done since she came to that office. The two Ministers of education have done a very commendable job. They are very dynamic. I am sure we are about to go a long way in terms of developing our education.

Mr. Temporary Deputy Speaker, Sir, I would also like to thank the universities for having been quite innovative. During the time I went to school, once you missed the university entry point by one point or so, you became doomed because there was no way you could access university education. These days, you can go through the parallel university programme or study in the private universities in Kenya. I am very sure that even some Members of this Parliament have been beneficiaries of this programme. I am sure it will go a long way in terms of supporting education in this country.

Mr. Temporary Deputy Speaker, Sir, I would like to say that we are doing very well in terms of university education. I would like to request the Minister to put a bit of emphasis on the issue of tertiary institutions which she talked about. The attitude of students and parents is such that when you start schooling, you aim to go to Form I, Form IV and university. In the thinking of students and parents, there is no provision for these other colleges.

We know very well that some of the very good performers in this country and also in other countries in the world are people who have gone through institutes of technology. You get hands-on knowledge in these institutes which you can be able to apply very effectively.

I would like to request the Minister through the Government funds that she will get, although it is not enough and also through the funds from our partners who are collaborating with us, that we put a lot of stress in these institutions, improve them and also try to spread them all over the country. This will ensure that each region can have access to these institutions. Students who are not able to go to university can go to these institutions and also end up at very high levels. That will help our country in terms of development.

Education is supposed to address the needs of that particular country. Whatever we do in class should be translated to supporting the society in terms of future development.

Mr. Temporary Deputy Speaker, Sir, I would also like to contribute on the issue of research. We have very competent academicians and scholars in this country. However, research is hampered by lack of funding. It is high time that we allocated funds for research, so that whatever we get from research can be implemented and, therefore, help our country in terms of development.

The Government is one of the highest spenders in terms of purchases, consultancies and training. It is high time we thought of giving some of these tasks to the universities to do this kind of work as a corporate body. Part of the money paid can go to the individuals conducting that research. Part of that money can also go to the university

to generate income. If we strengthen the research arm of these institutions, I am sure we will have very good production and this will be useful.

Mr. Temporary Deputy Speaker, Sir, coupled with this one is the connection between research and implementation. I think our researchers have been doing a fairly good job, given the kind of funding they have, but there is some disconnection with regard to implementation. The country needs to have that connection so that whatever they come up with in research can be implemented. It should not just be a question of research and getting good knowledge. It is just kept in the shelves. It is high time that whatever we search on and get very promising results, is translated to our development.

Mr. Temporary Deputy Speaker, Sir, if you look at the kind of funding that we have, you will find that the Ministry of Education has been getting a lot of money in terms of the percentage. When you look at the activities that the Ministry of Education or the Ministry of Higher Education, Science and Technology gets, you will find that it is way below what they require. Therefore, if you give up those, the patient is not likely to recover. It is high time we thought of increasing funding for them, so that they can perform.

With those remarks, I beg to support.

The Assistant Minister for Education (Mr. Mwatela): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to support this Motion.

I would like to congratulate the Minister and the officers of the Ministry of Higher Education for a job well done. There is one area which I think requires all of us to think deeply and create some connection. That is the area of production and education.

Very many times, as has been alluded to by Mr. Dalmas Otieno here, we need to give education but for what? I think time has come when industries should be encouraged to support universities to research in the areas of their production.

Mr. Temporary Deputy Speaker, Sir, for example, a factory that produces a particular product which could be a beauty product, should be encouraged to fund research through the university so that the product is more qualitative and end up with greater benefits as an industry. The same can be said with agriculture and other fields of production. I think the Ministry of Finance, in particular, should think of giving tax breaks to industries and producers who engage in funding research. I am sure this, in the long run, will translate into a connection between the producers and the education institutions.

Many a times, research in our universities ends up on shelves purely because the researchers did not have any intention to get their findings to be used for any purpose. Therefore, it is my humble suggestion that the Ministry of Higher Education, Science and Technology engages the Ministry of Finance so that the Ministry of Finance starts to give tax breaks to industries that engage universities in research.

Mr. Temporary Deputy Speaker, Sir, I do not intend to add anything more than this. To me, many of the things that have been said are agreeable. Indeed, we would like to move towards ensuring that we expand all our areas of education and quality education for that matter.

With those few remarks, I beg to support.

Mrs. Shebesh: Mr. Temporary Deputy Speaker, Sir, I rise to support this Motion. The issue of higher education is not just an issue of learning but also an issue of life. It is through higher education that livelihoods are created.

It is on that basis that I want to start my contribution by asking the Minister, whose record is known in reforming and transforming, to transform the aspect of technology and education in technology.

Mr. Temporary Deputy Speaker, Sir, it is known in this country that if you have technical education, you are considered not worth it. That is why there is clamour for university education. We need to rebrand and relook at the aspect of technical institutes in this country. They should not look like they are for failures. I am a product of a technical institute but I doubt that I am a failure. I am saying this because not all of us were made to go to the university to study law. Not all of us were created to study medicine. There are those of us who are artists by nature. They can, therefore, only find their true calling in a college that teaches them both theory and practical. This is why I would like to ask the Minister to work closely with the Minister for Sports and Youth Affairs. When the Ministry of Sports and Youth Affairs sets up programmes for polytechnics, I find a disconnect when we have a Minister in charge of technology. Between these two, there must be a synergy to create young people who have space to find jobs in this country.

We are now training for Africa. We have become a country that trains for Africa and not Kenya. If this is a deliberate endeavor by this Ministry, then we should really market this as an export commodity. We are exporting our young people who are trained in this country. I know for a fact that we train nurses for Botswana, Namibia, South Africa and the United Kingdom (UK). These countries do not bother to train anymore. They wait for us to train and then they take over our trained nurses.

Mr. Temporary Deputy Speaker, Sir, we have no problem if this is going to create jobs for Kenyans. However, can it be done in a systematic way? The Ministries should work together so that we train for this country as well as train to create more jobs for young people. It is on that note that I would like to encourage the Ministry to look at new areas of training. I am happy to see the Minister here with her officers. I know it is in the policy making that new levels of training can be looked at. I am looking at the issue of new global discussions of climate change on risk reduction. These are areas that, as a country, I know we can excel if we begin to train our young people on these critical issues.

I have been moving around this world talking about climate change. I have become an expert. I am not trained but I have become an expert by simply listening and learning. I know we have the capacity to take over the conversation of climate change in Africa and the world by training more and more people on these delicate subjects that come up and have not been opened up in terms of training in the country.

Mr. Temporary Deputy Speaker, I also want to talk about the new ways to train teachers. I have an interest in this because I am from the background of education in terms of running private schools. Our teachers are still in the archaic ages of teaching students a, b, c, d. If you go to schools in developed countries within Africa, you will find a more holistic approach to training. Some of my colleagues have spoken about the aspect of holistic training. We need to start training our young people about life more than books. Yes, I can be very good at a certain subject, but I do not know who I am and where I am going. I will lose that direction even with the good knowledge in my head.

I am asking that our teacher training colleges be improved, modernized and revolutionized. I know the Minister is able to do this because, as I said from the

beginning, her track record speaks for itself. I would like to ask that issues of counseling and personality training are included. We know that students are not the same and therefore, we should have teachers who can embrace this new training.

Mr. Temporary Deputy Speaker, Sir, I support higher education because, as I have said, it is not only about training people to learn but training for livelihoods. Let us have a new way of thinking in this Ministry because we know we are able to do it. Let us interact more with the Ministries that are left to create livelihoods. Let us train for those Ministries to be successful. Let us work closely with the Ministry of Sports and Youth Affairs so that young people of this country can be trained and secure a livelihood.

I beg to support.

Dr. Otichilo: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this important Vote on the Ministry of Higher Education, Science and Technology. First and foremost, I want to congratulate the Minister and the Ministry for coming up with very good programmes. I am a member of the Education, Research and Technology Committee. We were very much impressed by the programmes that she has come up with, although they were not given the money that they requested for. I think that the programmes that they came up with are very encouraging. If they are well implemented, they will go a long way in improving science and technology in this country.

Having said that, I would like to congratulate the Ministry on a number of decisions they have taken, which I think are very important, with regard to technical institutions. Technical institutions are actually the foundation of development in any country. If you go to the US and also in Europe, you will find that the tertiary institutions are the drivers of the economy. I am very much impressed that the Ministry has taken this very seriously and in this financial year, they have proposed to construct eight technical training institutions. This, to me, is a real milestone. They have gone ahead and proposed to come up with an authority called TIVET which will control or mainstream technical education in this country at the tertiary level. This is something which I would want in future, probably in the next Budget, to be allocated more money. This is where we are going. If we are going to industrialize, it is the technical institutions that will make us industrialize. Producing academic graduates from the universities is good but they cannot be the hands-on people. Therefore, I would like to see the Ministry mainstream and focus mainly on technical institutions.

I also want to congratulate the Ministry, for the first time, for proposing to come up with the research foundation in this country. This is extremely important because previously, research work has been lacking in this country. We have so many institutions such as the National Council of Science and Technology (NCST) which has been there for very many years. However, it has not been given the funding that is required to make it play a major role in research work.

Therefore, the establishment of a research foundation will coordinate all the research in science and technology and innovation in this country. This will give us a real good foundation to play the role of creating knowledge. We are in the 21st century. This is a century of knowledge economy. Research, science and technology are the drivers of knowledge economy. Therefore, the establishment of a research, science and technology foundation is extremely important. So, I will look forward to this foundation being set up, so that we can see our researchers access money to carry out research work.

There should be partnership in research between the Government and the private sector. The private sector should be the key driver and mover of research like in any other developed country.

I also want to take this opportunity to congratulate the Ministry for moving very fast. We passed the Biosafety Act early this year and the Minister has moved very fast to establish a Biosafety Authority. I think this is extremely important because the issue of GMOs in this country has been an issue that people do not understand. I think, by establishing this Authority, people will understand the role of GMOs, how they can be controlled and how, as a country, we should control and regulate them. This is an area that I wish to encourage the Ministry to move forward and set up an authority so that it can become functional. I was disturbed that it was only allocated Kshs50 million. I do not think that this is enough to set up a biosafety authority. We need to employ high caliber scientists. We also need to get very sophisticated equipment to run this authority. I think you need to ask for more money. Being a Member of the Committee, the Chairman is here, we will support that.

I support.

*[The temporary Deputy Speaker
(Mr. Imanyara) left the Chair]*

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

Mr. Muthama: Thank you, Mr. Temporary Deputy Speaker Sir. I also stand to support this Vote. I want to take the shortest time possible and I want to start by asking the Minister for Higher Education, Science and Technology to serve Kenyans by considering their needs. There is a concern with regard to space in our universities. It is my kind request to the Minister to make sure that there is expansion of our universities. The amount of money that poor Kenyans are spending by sending students to South Africa, Europe and to the United States of America is a matter of great concern. If you go to the United States of America Embassy, you will see how our Kenyan students suffer there, queuing to be issued with visas to go and study in America. This also happens in the British High Commission. Therefore, it is paramount that we build enough universities in this country.

The planners in this country must plan and base their plans on issues that concern Kenyans. We spent Kshs700 million recently to buy the Prime Minister's office. We will also spend another Kshs500 million to renovate the same building when in actual fact, we are going to deploy someone there someone who should have worked and operated with what we have. That money should have been used to build more universities.

The Assistant Minister for Livestock Development (Mr. Duale): On a point of order, Mr. Temporary Deputy Speaker, Sir. We are discussing Vote 43 of the Ministry of Higher Education, Science and Technology. Is the Member in order to bring issues regarding another Ministry and in particular, the Kshs750 million that is meant for the purchase of the BP Shell House for office of the Prime Minister?

The Temporary Deputy Speaker (Mr. Ethuro): Order, hon. Duale! What Vote are you talking about?

The Assistant Minister for Livestock Development (Mr. Duale): I am talking about Vote 43.

Mr. Muthama: Mr. Temporary Deputy Speaker, Sir, I am talking about money that is being spent by the Government. I am not talking about the Ministry's expenditure. This is money that could have been used to build an additional university to cater for our children. I am happy that the Permanent Secretary in this Ministry was the former Vice-Chancellor of one of our national universities, Nairobi University, and he understands very well, the problems that lecturers are facing. He was one of them, he headed the department. It is high time that the Minister, through her Ministry considered upgrading the pay of our lecturers. The problems we have been going through when lecturers go on strike as they try to demand for better pay, that time would have been used to offer quality education to our children.

I want to give a very good example. The microphone I am using now is not made in Kenya. This small item is imported, and we are not about to manufacture ours any time soon. This microphone was either manufactured in China or Hong Kong. It is time that the Minister put firm emphasis in the research department so that it is funded to the maximum. This will help us to reach a stage where we can produce our own items.

Electric cables are all imported. Even the machines that produce plastic water bottles are imported. So, what are we doing? It is up to the Ministry to make sure the research department is funded, so that we can compete with the rest of the world. It is a shame to see that even the machines that produce the buttons of our shirts are imported. Even machines that manufacture small items like nuts or wheels are all imported. Kenya has got the capacity to fund its own research and we can achieve the best.

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

Mr. Affey: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to support this Vote. The Minister needs all the support that this House can possibly give in terms of allocating more resources.

Mr. Temporary Deputy Speaker, Sir, I just want to speak about higher education, particularly the universities that continue to come up in this country. While we encourage the growth of universities, it should be uniform in this country to an extent that the Minister herself must be satisfied that every part of this country has got an opportunity to host a university. At the moment, there is too much concentration of universities in areas where those facilities already exist. I have no problem with those universities being situated where there is desire by local leadership to establish them. But the whole of North Eastern Province and northern Kenya, particularly in Turkana and other parts of Rift Valley do not have a single university where the Minister can actually go and officiate a graduation ceremony. I think it is a shame that we continue to build those institutions in a manner that can create hostility in this country. We want to provide facilities for students in the northern part of Kenya. We want a university established in Turkana. In the north-east, we already have facilities and, therefore, want a university established there, so that the people around that area can feel that their students and those from other parts of the country can enroll there. In order to establish national integration, I want the Minister to look at the spread of those universities.

Mr. Temporary Deputy Speaker, Sir, secondly, I want to address the question of education attachés. I would like to ask the Minister to be firm on this matter, because

many of our students who go to seek education opportunities outside the country really suffer and yet, the Ministry of Foreign Affairs thinks that those officers are not necessary. I have served in that Ministry and I know that it has always been very useful to have education attachés' outside the country, so that our students can feel that there is a particular officer who is concerned with their welfare. The way it is now, I think that the Minister for Foreign Affairs, Prime Minister and President must be told that those officers are necessary and they must be posted to all our missions outside. Not only do they help our students there, but they can also attract more scholarships for us, particularly in countries where we can cultivate.

Mr. Temporary Deputy Speaker, Sir, the issue of strikes and discipline in our institutions of higher learning is very critical. I want to plead with the Minister that even though they need to discipline students--- I am referring particularly to what happened at Kenyatta University where I happened to have been a student. I think the students have been punished in a very punitive manner. There is a student who had just six months to go but now, he has been suspended for three years. I think there is need to re-look at the punishment given to those students. They should be a little bit modest in the manner in which they punish them.

Mr. Temporary Deputy Speaker, Sir, regarding the issue of scholarships and bursaries, here again, the Ministry of Foreign Affairs seems to imagine that it is the custodian of scholarships in this country. They should only play a very facilitative role. The Minister must be firm and ensure that when the scholarships come, her staff is careful in their distribution so that, students who apply and meet the basic qualifications can be spread nationally.

The Assistant Minister for Information and Communications (Mr. Godhana): On a point of order, Mr. Temporary Deputy Speaker, Sir. I have been keenly assessing the mood of the House and I am convinced that much of what is supposed to be discussed has been covered. May I, therefore, request the Chair to call the Mover to reply.

The Temporary Deputy Speaker (Ethuro): Hon. Dhadho, that is legitimate, but you should also be counting the time that we are using. It is about time for the Mover to reply. So, it is unnecessary. Proceed, hon. Affey!

Mr. Affey: Mr. Temporary Deputy Speaker, Sir, I was just saying that the Minister must be firm on how those scholarships are distributed, so that Kenyans from all parts of the country can have a possibility to acquire them and achieve their ambitions. The way it is now, if a scholarship comes through the Ministry of Foreign Affairs, the traffic is so long. Before it reaches the Ministry for Higher Education, Science and Technology, they might end up with very few slots which might not be sufficient. So, I think the Minister can even go to an extent of having to establish direct links with embassies here, so that they understand the number that is given to the country. If you leave it to the Ministry of Foreign Affairs, I think it will not reach the desired target that the Minister and this country wishes to realize.

On the issue of bursaries and the Higher Education Loans Board (HELB), there is need to continue to encourage HELB to provide support to parallel degree programmes. That way, many Kenyans can get an opportunity to pursue education.

With those few remarks, I beg to support.

Mr. Namwamba: Mr. Temporary Deputy Speaker, Sir, from the outset, let me say that I support this Vote. It is also gratifying to note that both the Minister and the

Permanent Secretary in the Ministry are persons of great learning and, therefore, issues that we are prosecuting here on this Vote are issues that, perhaps, they, more than any of us, are fully and intimately aware of.

Mr. Temporary Deputy Speaker, Sir, let me start by commending the Ministry for the very encouraging and reformist steps it is taking in moving this Ministry forward, and addressing issues affecting higher education in this country. In this regard, I want to commend the proposed new law that seeks to consolidate the individual statutes that manage our various universities. I do believe that this will really take this country forward in terms of improving regulation and oversight of the council over our universities and other institutions of higher learning. The reason I emphasize this particular point and give my commitment that this is one Bill I cannot wait to see come to the Floor of this House; and one that I believe this House will fully support, is that we need to balance the question of quality versus quantity. So, even as we plan to expand the spectre of higher education in this country, we want to do it in a manner that does not compromise quality. I do believe that this law will go a long way in supporting that.

Mr. Temporary Deputy Speaker, Sir, I also hope that some of the issues that will be addressed as we move towards this direction, is the proliferation of campuses. Of course, everybody wants to see university education expanded. But we do not want proliferation that compromises quality. We want a regulation that is flexible enough to allow growth, but is strict enough to assure quality.

Mr. Temporary Deputy Speaker, Sir, I would also want to see this Ministry addressing what I would call the risk of the missing middle. In the recent past, we have seen a scenario of universities gobbling up every polytechnic and middle level college in the country. I just have this fear that we may go into the scenario of the missing middle where we expand the highest level of learning but then, we do not have the middle level that is critical for the progression of any country.

That is something which I hope that the Ministry will look into, so that we also strengthen middle level colleges and institutes of technology and provide scholarship and other forms of assistance to students accessing education at these levels. Let me commend the Minister for having laid a foundation stone for a new middle level, an institute of technology in my constituency, one that we have fast tracked. I do hope that by next year, it will be taking its first batch of students. I believe this is in the direction of ensuring that we do not miss the middle as we support higher education.

Mr. Temporary Deputy Speaker, Sir, let me also add my voice to supporting the sentiments expressed by colleagues here about linking higher education to the needs of our country. We have the Vision 2030 that sets very concrete target for the development of our country in terms of industrialization and other sectors of the economy. We want to see our institutes of higher learning driving this country towards the realization of the Vision 2030. Let us have target-driven training. Let us connect industry to research in our institutes of our higher education, so that we realize this agenda.

Finally because I know it is virtually time for the Mover to respond, I want to comment on the issue of democracy and democratization in our institutions of higher learning. I am a former student's leader. I have concern that the level of freedom and democracy in our institutions of higher learning may be regressing instead of progressing. I have a feeling that some of our institutions of higher learning may be using overly high-handed measures in the name of discipline. While we want to discipline in our

institutions of higher learning, while we do not want to see a scenario like we witnessed in the Kenyatta University, but we also want to see our institutions of higher learning being the citadels and cradles for democracy for our nation.

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

The Temporary Deputy Speaker (Mr. Ethuro): Order, hon. Members! I think it is time for the Mover to reply. But before she does so, I just want to bring to your attention an issue as a result of the request to terminate the discussion. Actually, our Standing Orders do not allow us to do so. Standing Order No.155(9) says:-

“On any day upon which the Chairperson is under this order directed to put forth with any question, the consideration of the business of supply shall not be anticipated by a Motion for the adjournment of the House, and no dilatory Motion shall be moved in relation to that business, and the business shall not be interrupted under any Standing Order”.

So, hon. Members, be advised!

The Minister for Higher Education, Science and Technology (Dr. Kosgei): Mr. Temporary Deputy Speaker, Sir, thank you for giving me the opportunity to respond.

I would like to thank the House for enormous support it has given to us. I want to assure you that we have taken note of what you say and we will take your remarks into consideration. I am sure the House would understand if I thank the Departmental Committee on Education, Research and Technology because I know how much time and effort they have taken to understand what we want to do and suggest to us what we could do, that we had not thought of. We will, of course, continue to engage you, as a Committee, as we move forward.

Responding more specifically to some of the issues that were raised, I want to confirm to the House that we intend to table the Bills that were referred to as soon as possible. We will bring those Bills to this House because they will assist us in the Ministry and the country to move forward.

In response to the education attaches issue which has been raised here twice and spoken to at length, I want to be fair and point out to the House that if there is any remiss there, it does not rest within the Ministry of Higher Education, Science and Technology. We have tried to do our work. In the last financial year, we had funds and posted education attaches. But for those of you who know how this operates, a Ministry posts and the Ministry of Foreign Affairs takes action according to what the relevant Ministry requests. In our case, for some unexplained reason, we faced enormous stone walling from the Ministry of Foreign Affairs. I heard hon. Affey say the Ministry of Higher Education, Science and Technology should be stronger. We went everywhere and there is enough communication on that effort. We will be posting more because it is, indeed, very difficult for us, as a Ministry, to manage the affairs of the students outside this country without using the officers whom we can ourselves detail and who are accountable to that Ministry. I do not say this out of ignorance because as some of you would know, I was a diplomat myself and served in areas where I had education attaches. I could not duplicate their work. They had to do it under the Ambassador and report to their relevant Ministries. Furthermore, as an administrator, I had run that Ministry for ten years. We allowed the relevant Ministries to post their attaches with funding given to them by the relevant Ministry of Finance. It is, therefore, strange to me that this is even an issue.

Mr. Temporary Deputy Speaker, Sir, hon. Kones spoke about the parallel education. I just want to add that we answered this question effectively on the Floor of the House. Parallel education is not only for young students. It is also for people who work to be able to access education. It is a very good idea and we hope the House will continue to support its existence. Those areas that could be changed had already come into the House and they are on HANSARD and we are doing whatever we can.

Technical training is important. I have heard what the Members have said. They think that the Ministry of Higher Education, Science and Technology should publicise. I do this all the time at every opportunity. May I request you as law makers of this country to continue doing the same. Let our people understand that to get a vocational training in some instances is way better than getting a university degree. This is because currently, you are more likely to be employed if you are properly trained. I want you to support that. It should not be an embarrassment that you go to a technical training institution. Many countries, especially Germany, have developed mainly because of their technical education. We have not sat and waited for Treasury to fund everything; that is why the able officers from the Ministry of Higher Education, Science and Technology and myself have gone out outside to look for support. We shall continue to do so.

Mr. Temporary Deputy Speaker, Sir, scholarships as hon. Affey said, are a challenged to us when we have to try and manage them and yet they do not filter to the Ministry sometime because they are channeled through the Ministry of Foreign Affairs. I am sure the House will be standing with us in trying to streamline this kind of operation.

In thanking the House once more for the support, let me use the Floor of the House to thank the rather thin, but very efficient Ministry of Higher Education, Science and Technology personnel led by the very able Permanent Secretary who is a former Vice-Chancellor. He gives invaluable support and direction to this Ministry

With those few remarks, I beg to move.

The Minister for Education (Prof. Ongeru) seconded.

(Question put and agreed to)

THAT The Speaker Do Now Leave the Chair

Vote 31 – Ministry of Education

The Minister for Education (Prof. Ongeru): Mr. Temporary Deputy Speaker, Sir, I beg to move:-

THAT a sum not exceeding Kshs66,514,162,700 be issued from the Consolidated Fund to complete the sum necessary to meet the Expenditure during the year ending 30th June, 2010 in respect of :-

Vote 31 – Ministry of Education

Mr. Temporary Deputy Speaker, Sir, it is my pleasure to move Vote 31 both Recurrent and Development. Before I present details of these estimates, I wish to reaffirm my Ministry's commitment to the full implementation of the current policy framework governing our education sector whose goal is to provide equal opportunities to education

for all children and other learners, in particular the vulnerable groups, especially the special needs learners who will continue to receive special attention.

Mr. Temporary Deputy Speaker, Sir, as hon. Members are aware, the first medium plan of Vision 2030 provides for a foundation for a new national development strategy that links national policies to specific programmes and projects in order to realize shared national objectives. The Vision document acknowledges the critical role education plays as an enabler in the development of quality human capital which is a critical ingredient for ensuring Kenya's competitiveness in the global arena. To ensure effective take-off of the implementation of Vision 2030, first medium term plan and in the context of the overall objective of the 2009/2010 to stimulate growth, my Ministry has allocated a total of Kshs9.355 billion for the following activities under the economic stimulus programme:-

1. Kshs1.47 billion or Kshs7 million per constituency for the upgrading of two primary schools and equipping them with water harvesting and underground water storage facilities.

2. Kshs6 billion which translates to about Kshs30 million per constituency for the construction/rehabilitation of one secondary school as a centre of academic excellence.

3. Kshs1.3 billion or Kshs6 million per constituency for recruiting additional 10,000 primary school teachers on contract.

4. Kshs353 million to recruit additional 2,100 secondary school teachers on contract terms.

5. Kshs252 million or Kshs60,000 per school for 20 schools in each constituency for seedlings for a tree-planting project.

Mr. Temporary Deputy Speaker, Sir, that constitutes the economic stimulus package to the Ministry. The rest of the budget details how the routine support both in the administrative and other programmes would be carried out. I may say at the outset that to ensure efficiency and timeliness in the implementation of the projects, the implementing agent would be the school management committee for primary schools and the Board of Governors for secondary schools. Detailed guidelines and procedures have been agreed upon between my Ministry and Treasury and that would be made available to hon. Members who are critical stakeholders for the success of this programme.

Mr. Temporary Deputy Speaker, Sir, my Ministry continues to implement the Kenya Education Sector Support Programme (KESSUP) which is the operational framework for the implementation of the sector investment programmes. KESSUP goal is to ensure the provision of quality education and training to all, with a view to enhancing equity, economic growth and expansion of employment opportunities, thus, reducing poverty. KESSUP is financed through both pool financing and outside the pool. The pool funds come from the Government and the various development partners who have committed themselves to the pool system. KESSUP was designed to be implemented over a period of five years with a total outlay of Kshs542 billion. However, the resources allocated to us have continuously fallen short of the projected requirements.

Mr. Temporary Deputy Speaker, Sir, one of the areas of Early Childhood Education (ECE) is that we want it to be mainstreamed into basic education by 2010 in line with Sessional Paper No.1 of 2005. It was envisaged that by 2010 the Government will need the Wage Bill of ECE centre managers for centres attached to primary schools as a first phase of ECE integration. In readiness, my Ministry has prepared 23,100 ECE

centres to benefit from our community support grants, raise the number of diploma teacher training colleges for ECE by 12 to enhance quality in the implementation of ECE policy at the grassroots level among others.

However, and I think that the most important part of it, our request for funds to commence the mainstreaming of this programme into basic education has not been funded. This situation, will no doubt, derail our programmes as approved by this House in 2005.

Mr. Temporary Deputy Speaker, Sir, as a Ministry, we are firmly committed to the consolidation of the gains that have accrued from the implementation of free primary education through which we have seen enrolment increase from 5.9 million Kenya students in 2002 to 8.65 million currently. This rapid growth has exerted enormous pressure on our secondary sub-sector, thus pushing transition from primary to secondary school level from 47 per cent to 70 per cent in 2008. As a result, enrolment in our secondary schools has risen from 778,000 to 1.4 million students currently. This fast growth and the high levels of poverty in many households demand increased support to the poor who cannot afford to meet the cost of secondary education. To make secondary education accessible for children from poor households, the Government with effect from January 2008 initiated the implementation of free day secondary programme on a per capita basis of Kshs10,265 per student in public secondary schools. I am happy to report that despite the teething challenges, the programme remains on course. However, the current budgetary allocation for both programmes are inadequate to meet the per student allocations and other projected enrolments of 1.5 million in secondary and 8.6 million in primary. My Ministry is, however, engaged with the Treasury to address this shortfall.

Arising from acute shortage of teachers at the primary and secondary levels, the pupils/teachers ratios have reached unacceptable levels, particularly urban slums, high population areas and in rural ASAL districts, and thus impact negatively on the quality of education. In addition, the shortage of qualify assurance and standards officers continue to undermine the critical role they are supposed to play in ensuring effective curriculum delivery. Funding for the recruitment of 6,000 teachers as provided for under Vision 2030 has not been provided for in the Budget and this is likely to undermine our efforts to improve the quality of education. Indeed, in order to engage meaningfully in addressing the teacher shortage, it is important to continue with this programme as provided for under Vision 2030. Hon. Members may wish to deliberate on this matter because it is a concern for us, as a Ministry, and we have already discussed it with the relevant Departmental Committee on Education, Research and Technology.

Adult education sub-sector too is constrained in the lack of adequate number of adult education teachers due to their high turnover and low number of adult literacy centres. The National Literacy Survey conducted in 2006 revealed that the 7.6 Kenyan adults and out of school youth are functionally illiterate. This high rate of functional illiteracy in the country means that Kenya is unlikely to realize the desired economic recovery and poverty reduction because illiteracy hinders full participation of communities in productive activities that are aimed at improving their livelihoods.

Again, HIV/AIDS poses a great challenge because it causes increased number of orphans, loss of trained teachers and high absenteeism rates among teachers and learners. Therefore, my Ministry will continue engaging itself in the HIV/AIDS issues, particularly into school curriculum and core curricular programmes.

Mr. Temporary Deputy Speaker, Sir, our special needs education programme aims at assisting persons with special needs to realize their full potential through education. Our efforts to expand educational opportunities for special needs education learners have increased their enrolments from 26,000 in 2004 to 46,000 in 2008. Currently, we have 1,130 special units in regular schools and 122 special primary schools and eight special schools offering special education programmes. Teacher resource is the most important input into the learning process. As a Ministry, the challenges to provide adequate teachers is compounded by the implementation of free primary education and free day secondary education as well as the unco-ordinated establishment of learning institutions through devolved funds such as the Constituencies Development Fund (CDF) and the Local Authority Transfer Fund (LATF). I appeal to hon. Members to carry out appropriate consultations and co-ordination in the establishment of educational institutions in order for us to be more relevant.

Mr. Temporary Deputy Speaker, Sir, the fast changing technology has necessitated continuous review of the curriculum to remain relevant to our national goals of sustained growth and development. Curriculum development review and delivery has been hampered by lack of continuous capacity building in the areas like in the use of Information, Communication and Technology (ICT). In our efforts to address this need, we need to launch our first installment of the digital content by the first week of August, 2009. It is our hope that the use of digital content will help to improve the quality of curriculum delivery amongst all primary and secondary school leavers.

Mr. Temporary Deputy Speaker, Sir, in this financial year, my Ministry has been allocated Kshs117,008,267,900 in the Recurrent Vote, and Kshs17,654,646,708 in the Development Vote. The Recurrent Estimates reflect an additional Kshs10,815,258,900 from last year's budgetary allocations, while the Development Estimates reflect an increase of Kshs7,787,838,235 over the last year's allocation.

Mr. Temporary Deputy Speaker, Sir, I now wish to highlight the major programs in my Ministry's Budget where the above resources will be applied. One, Vote 3 of the Recurrent Expenditure will be distributed as follows:-

Sub-vote 310 – General Administration and Planning – Kshs91,048,108,338. That will be administrative costs, including teacher's salaries. Under this Sub-Vote, I will require a total of Kshs91,048,108,338 distributed in the following Sub-heads. Head 730 – Development Planning Services – Kshs139,430,820. That is to strengthen the education management information systems framework to support timely, consistent and accurate data for planning and decision-making. In addition, there will be Kshs21 million provided for the estimates under this Head, which will go towards the implementation of Phase II of the School Mapping Project, which will involve analysis of the already compiled data and development of district atlases. Head 834 – Headquarters Administrative Services – Kshs692,458,290 is to cater for salaries and operational expenses at the headquarters. Then, of course, under Head 838 – Kshs160,995,741 is to cater for the Kenya National Commission for UNESCO and also the Paris and London offices. Head 839 – Kenya National Examinations Council – Kshs355 million is to supplement what is already available to them. Head 841 – Teachers Service Commission – Kshs87,155,535,803 to support the recent increase in teacher's salaries that was given alongside the other one. Schools audit got Kshs56,349,429. All the provincial and district education services will attract a budget of Kshs1,854,943,444. There will be a special grant of Kshs594,304,810

to the Kenya Institute of Education. Basic education will attract, for the services of free primary education, Kshs8,987,024,000.27.

The post-primary education will require Kshs110 million to fund grants for special technical schools. The special secondary schools will attract Kshs100 million. The Early Childhood Education will get Kshs198, 243,900. Under basic education, again, for the Free Secondary Education, the money allocated is Kshs7,334,011,477. The School Feeding Programme will get Kshs607,146,706, while the Primary Teacher Training Colleges will get Kshs211,643,467. We have allocated Kshs210 million for the Special Primary Schools. We have allocated Kshs7,182,000 to the Kenya Institute of Special Education. The Board of Quality Assurance will get a sum of Kshs200,886,175. Under the Secondary and Tertiary Education, we have allocated Kshs15,368,309,559. All the others will follow suit, depending on the various Sub-Votes. Under the Adult Education, we have a total of Kshs1,223,589,374.

Under the Development Vote, I have already told you that there is an increase of over Kshs7 billion. This money is contribution from our partners towards development of infrastructure in the various vote heads. Because of time, I will not enumerate them. They, however, exist in the disaggregated Votes that we have sent to you. All the districts, including the new districts, will be serviced through the District Education Services. I have set aside Kshs122 million for that purpose. There will also be Kshs6 billion to cater for basic education.

Mr. Temporary Deputy Speaker, Sir, we have allocated Kshs800,400,000 to the Secondary and Tertiary Education Vote for the purpose of provision of science laboratory equipment, the SMASSE Programme, Kibabii Teacher Training College and development of infrastructure. The Directorate of Policy and Planning has been allocated Kshs77 million.

On behalf of the Government, I wish to acknowledge the contribution of our development partners in the development of our education sector, particularly the ongoing implementation of KISE. I also would like to assure them, and all Kenyans, that we will continue to utilize the funds that they provide to us in a transparent manner and for purposes mutually agreed.

There are areas that I may not have touched, but we have already discussed how we shall apply various funds in various specific sector programmes. We will also discuss this with the Departmental Committee on Education, Research and Technology. We have agreed on the modalities of streamlining these areas. Please note that we now employ 6,000 additional people annually.

With those few remarks, I beg to move and request Mrs. Beth Mugo to second.

The Minister for Public Health and Sanitation (Mrs. Mugo): Mr. Temporary Deputy Speaker, Sir, I am pleased to second the Vote on the Ministry of Education. I would like to congratulate the Minister, the Assistant Ministers, the Permanent Secretary and his entire team for a job well done.

We have seen our education sector grow from strength to strength, and in particular, from the time the Free Primary Education (FPE) programme was introduced. It is a success story. This was followed by supported secondary education. Kenya is envied by many countries in this region. I can authoritatively say that we are among the very few countries that offer free primary education and partially paid for secondary education.

Mr. Temporary Deputy Speaker, Sir, I want to congratulate the Ministry, especially for strongly getting the communities involved in education by training management committees on how to manage funds. We have seen the growth in that sector.

I now just want to say a word about early childhood development (ECD) education. I am disappointed to hear that even up to now, we have not got funding for it. We cannot have a strong foundation of education without taking a very special care of ECD. I hope that this is one area where the Ministry of Finance will endeavour to have a line Budget for ECD, so that it can properly become part of basic education and thereby, strengthen our education sector even more.

Mr. Temporary Deputy Speaker, Sir, I also want to commend the Ministry for the continued bursary programme. We have seen how well they have supported the needy students but I still urge the Minister to make sure that the percentage that is supposed to go to the girl child does go to the girl child. I know that in our constituencies, as we administer these bursary schemes, this is not something that happens all the time. The Ministry of Education needs to emphasize to hon. Members of this House that when bursaries are being given, the percentage that is supposed to go to each gender does go to it.

It is commendable, knowing that we have been suffering for a long time from shortage of teachers. We are pleased to hear that the Minister now has the scheme and the money to put teachers on contracts; that will ease the problem of shortage of teachers, thereby improving our education standards even more.

Mr. Temporary Deputy Speaker, Sir, one very commendable thing is the school feeding programme. We know that at the moment, there is famine and hunger in many parts of the country. I was very encouraged to see that some students will still remain in school and get food. I really want to urge the Minister that even in areas where traditionally schools did not need support in feeding children, we see that nowadays, there is a need. So, I hope that the school feeding programme will be expanded to cover most affected areas.

I am very pleased, especially with the partnership we have as the Ministry of Public Health and Sanitation with the Ministry of Education. We have come out with a book on school health, which we shall be launching on Wednesday, next week. This will go a long way in strengthening both the health and education of our children. I want to urge the Ministry, and all the teachers, to use this book and strengthen our partnership, because healthy children will do better in school. I hope this will also become part of the teacher training colleges materials, so that teachers can be acquainted with this book even as they train in other areas.

Mr. Temporary Deputy Speaker, Sir---

The Temporary Deputy Speaker (Mr. Ethuro): Time up, Madam Minister!

The Minister for Public Health and Sanitation (Mrs. Mugo): With those remarks, I beg to second.

(Question proposed)

Mr. Koech: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to contribute to the Vote of this very important Ministry.

The Ministry of Education has the biggest responsibility to the Kenyan child, whose is born today, tomorrow and on any other day. The Ministry's mandate starts at the primary school to the secondary school to teacher colleges and, of course, the Teachers Service Commission, the Kenya Institute of Education, the Kenya National Examinations Council and to what we now refer to as CEMASTEIA.

We, as a committee, were able to sit with the Minister and the entire staff. We were convinced that this Ministry deserves this kind of budget or even more. We noted with a lot of appreciation the fact that the budget to this Ministry has gone up to the point that we are now talking of 15.56 per cent of the national Budget going to this Ministry. This is the Ministry that actually takes the lion's share of our national Budget this year.

Mr. Temporary Deputy Speaker, Sir, I note with appreciation the fact that the Ministry was able to cater for the negotiated increased salaries for teachers. You will note that at the beginning of the year, there was a teachers strike and there were negotiations. Before the agreement was arrived at, there were issues of mistrust in the sense that previously negotiated agreements were never implemented. I want to appreciate the fact that this time, it has been taken care of.

On the same note it is the concern of my committee and this should be a very great concern to the Ministry that last year, we had a lot of unrest in our schools. One thing that the students reminded us and we did discuss and debate it in this House, was the need for us, as leaders, to demonstrate leadership by ensuring that we carry ourselves every other day in a very decent and organized manner. We should try as much as possible to avoid making some leeway that can make the teachers walk to the streets. It is important that the Ministry becomes proactive, so that agreements are implemented.

Mr. Temporary Deputy Speaker, Sir, this Ministry requested for Kshs138,277,241,711. In the provision, there was a shortfall of over Kshs3.6 billion. This is of great concern to us, as a country, because we have made several commitments to ensure that we improve, not only the quality, but access of education to our children.

We, as a country, note with great concern that we introduced Free Primary Education Programme (FPE) in 2003. In this year's Budget, there is a shortfall of Kshs1.9 billion on the money meant for the FPE. Last year we again introduced the free secondary education. We are concerned that there was a shortfall of up to Kshs1.5 billion towards this wonderful and noble endeavor that we have taken as a country.

Mr. Temporary Deputy Speaker, Sir, as I speak, I would like to note that there is no Act of Parliament to protect FPE and free secondary initiatives. We, as a Committee, are also concerned this should be taken very seriously by the Ministry, on the reduction of the money meant for the School Feeding Programme (SFP) in our schools. As you will note, there is serious drought in this country and across the board, you will realize that our schools are not able to access food. Sometimes when they access, it is very expensive. It is very important that we take care of our children because children cannot read and understand anything on empty stomachs.

Mr. Temporary Deputy Speaker, Sir, the shortfall of Kshs20 million for the secondary schools laboratory equipment is of great concern to us. This is a programme that has assisted many small secondary schools across the country. There is need to reconsider this. There are many other things that the Ministry has suspended as a result of the shortfall in allocation. It is the concern of this Committee that most of these things are very important to us.

Mr. Temporary Deputy Speaker, Sir, this is the Ministry that produces human resource at the earliest level. This is a Ministry for which we are voting a very large budget. The performance of our schools is of great concern. It is a concern to all of us that today, most of the students who join good secondary schools with facilities come from private primary schools and academies. Where are the children from our public primary schools? This is a matter of great concern. We want to encourage the Ministry to give an assurance of quality and standards in all our schools. This is key so that children of parents who cannot afford to take them to academies can also compete favourably. I believe that it is possible that children in public schools can compete with those in academies.

Mr. Temporary Deputy Speaker, Sir, teachers' motivation is key. This is a challenge to the Ministry. To what extent do we motivate our teachers? Do we recognize any good effort that they make? The reward system in the Ministry should be improved so that those who perform well can be recognized in order to remind those who are not performing that they need to perform to be recognized.

Mr. Temporary Deputy Speaker, Sir, we are in a very dynamic society and it is only in the Ministry of Education where people learn management skills on the job. What is offered in our universities is not enough. We are asking for the modernization of the Kenya Institute of Education (KIE) to the same standards as the Kenya Institute of Administration (KIA). This way, our teachers would be given enough ammunition before promotion, to enable them perform better.

Mr. Temporary Deputy Speaker, Sir, I would like to applaud the introduction of free primary and subsidized secondary education. However, as a country, you realize that we can only achieve the best if the infrastructure in our schools is put to the right standard. It is a shame to note that we are talking of Vision 2030 when in most parts of this country we still have students learning in temporary structures. I would like to applaud the role of the Constituencies Development Fund (CDF) in assisting schools in this country. This is, however, not enough, considering the poverty index across the board. There is, therefore, need for us to consider allocating more funds so that the Ministry takes over infrastructure in all schools in the country.

Mr. Temporary Deputy Speaker, Sir, I would like to applaud the economic stimulus to the constituencies. The Kshs7 million that has been set aside to upgrade two primary schools in every constituency and the money set aside to build centres of excellence was the best move by the Ministry. I suggest that this does not end this year. We want to see a repeat of the same as years move by.

Mr. Temporary Deputy Speaker, Sir, our concern is the speed at which we will do the construction of these schools. We are, therefore, calling upon the Ministries to expedite the procurement procedures and any other needs to ensure that the money that was meant for this particular endeavor is utilized before June next year. Otherwise, we will fail in the commitment we have assured every constituency that they will be getting Kshs30 million for a good secondary school and seven million for two primary schools.

Mr. Temporary Deputy Speaker, Sir, on the construction of secondary schools, we noted with concern, as a committee the fact that the Minister for Finance provided Kshs6 billion yet we have 210 constituencies. That gives a deficit of Kshs300 million. That means, therefore, that ten constituencies will miss out if no other funding is provided.

The main concern to my committee, and this came as a shock, and we hope that it was an anomaly that can be immediately corrected, is the replacement of the regular employment of teachers by what is now being termed as interns. It is a big anomaly to treat teachers completely different from the rest of the civil servants. We are seeing civil servants being employed in this country and this is provided for in the Budget of this year. Unfortunately, employment of teachers was frozen. We recommend, as a Committee, that the Minister for Education moves with speed and consults fully with the Deputy Prime Minister and Minister for Finance and brings a Motion of a Supplementary Budget to this House latest September, 2009, so that this House, can adopt it and allow for teachers to be employed. The interns should be a top up to the normal employment of teachers.

Mr. Temporary Deputy Speaker, Sir, while applauding the idea of the construction of seven primary schools and three secondary schools for IDPs in Solio Ranch, the Committee noted that the project has a cross-cutting effect amongst the Ministry of State for Special Programmes, the Office of the President and the Ministry of Education. The Committee, therefore, recommends that the project be undertaken only when the purchase of the said land for settlement is confirmed to ensure that no double allocation is done by the other Ministries in question and any other donor.

The Committee also noted with concern the delay in the completion of the construction of the Teachers' Service Commissions Headquarters and recommends that the contractor be surcharged if he fails to comply as per the set timeframe of August 2009 and the funds utilized to ensure that the new headquarters is completed since no allocation was made to that respect in this new financial year.

Mr. Temporary Deputy Speaker, Sir, the Committee also noted with appreciation the introduction of the free primary education and the free secondary education. However, we noted with concern the perennial delay in the release of funds for the free primary and secondary education to our institutions. Therefore, we urge the Minister to release the funds on time or before opening of schools beginning September, 2009. I would also like to thank the Minister because the Adult Education Programme was brought under the Ministry of Education.

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

Mr. Affey: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to also support this very important Vote. The Minister and Permanent Secretary no doubt are very qualified Kenyans. Every Budget time, we have developed a song. As parliamentarians from northern Kenya when the Budget is read, we realize the serious shortfall and lack of attention the Ministry gives to the northern and Arid and Semi-Arid Lands (ASALs). When you speak to them, you get a sense of passion, but that sense of passion is never reflected in the Budget. Therefore, I would like to plead that this is given sufficient attention.

I will begin by access. Twenty per cent of the entire northern Kenya in terms of land size can be equated to 75 per cent of the land size of this country. Educational opportunities are only accessed by 20 per cent while in the rest of the country, nearly 95 per cent get access. Therefore, there is need for the Minister and his staff to rethink their strategy and try to change the mindset.

Mr. Temporary Deputy Speaker, Sir, we want to thank the Deputy Prime Minister and Minister for Finance for giving this Ministry money even though it is not sufficient.

We ask for more to be allocated to this Ministry. In the last Budget, there was a suggestion by the Minister that every constituency recruits 50 teachers for primary schools and ten for secondary schools. I would like the Minister and Permanent Secretary to observe this religiously. That is the only way we can help more of our young people to access education. Many schools are thoroughly understaffed. We know that there is a staffing problem generally throughout the country, but we will be very vigilant, as Members of Parliament, to ensure that this policy, which is a guideline policy by the Deputy Prime Minister and Minister for Finance, is adhered to. I would like to encourage the Minister to make sure that this is done.

Mr. Temporary Deputy Speaker, Sir, we had suggested last year that in order to change the mindset in the Ministry of Education, they should consider establishing what we call a National Nomadic Commission, the way it is done in Nigeria. A lot of the countries that have got nomadic communities, like Nigeria and Senegal, have got these kinds of commissions which will help the Minister, Permanent Secretary and Ministry staff to assist in access of education that we all require. We have said this in past, and I do not know whether it was taken seriously. We will continue to say it until the Minister and his staff think that it is actually necessary to establish this Commission.

Mr. Temporary Deputy Speaker, Sir, together with that, there is a draft policy which the Minister, as we know, is working on. We call it mobile education for highly mobile communities in this country. This draft policy requires the input of Members of Parliament, particularly the Pastoralists Parliamentary Group, whose Secretary-General is the current Chair, the hon. Member for Turkana Central. We need to consult and to be involved in this draft policy, so that we can make some input, because the Minister and Ministry staff mean well when they begin to think that way. But we require the involvement of all stakeholders, including Members of Parliament, so that we can reinforce what we have in that policy.

Mr. Temporary Deputy Speaker, Sir, we talked about the issue of training of teachers last year and we will continue to raise it. We need to see whether the Ministry can review this policy. There are very many young people from the northern part of this country who can be good teachers, but because the Government has raised the ceiling for the basic qualifications, quite a number of them cannot access these institutions. So, we want the Minister to reconsider this. Quite a number of young people who were trained with D plus six years ago are very competent P1 teachers. Why can we not just continue with that in cases where you do not get young people from northern part of this country accessing these colleges because they lack the basic qualifications? This is because students who score a C plain from Marsabit or Wajir go for diploma colleges and proceed to universities. If it is possible, we want that bar to be reduced so that we can get more seeking this education.

Finally, when the Kenya National Examination Council (KNEC) sets examinations, it needs to consider that they are set for the whole country. Therefore, the examiners must be conscious of the fact that this examination will be done by students in rural areas as much as those in urban areas. Therefore, they must consider---

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

Dr. Laboso!

Dr. Laboso: Thank you, Mr. Temporary Deputy Speaker, Sir. I will begin like everybody else by thanking this Ministry most sincerely for their continued commitment

to the education sector. More so, I want to thank them for the provision of the Free Primary Education Programme (FPEP) and partial secondary education.

However, without repeating what has already been said, I would like to make a few remarks. I will, first of all, begin with the primary education. We would like to ask ourselves and continue to interrogate the amount that is being spent in the primary schools. Yet from the indications, less than 50 per cent of the pupils actually transit to secondary schools. We need to seriously address this high level of wastage. There are also regional disparities in this transition. I am saying this because as I travelled round my constituency, I found that actually less than 30 per cent transit from primary to secondary school. If we have this partially funded secondary education, how do students from my constituency benefit, if three-quarters of them are not represented in secondary schools? Again here, I would like to ask the Ministry to seriously address the question of transition from primary to secondary school.

Secondly, we need to rationalise the secondary and national schools. I am happy that now there will be a “national school” in every constituency. I would like to thank the Ministry most sincerely because I believe that if we get schools in each constituency to the standards of the national schools that are all dotted around a few areas around the City, this may help us to not only address the question of equity in education, but also possibly the question of national reconciliation and more understanding of communities in different areas.

We need, nonetheless, to address the question of academies. I am sure this has been said over and over again. Our national schools are still being predominantly fed by private primary schools. The people who are supposed to benefit are still not the ones who get there because most of the rich parents are already used to spending. Parents whose children are in these academies are used to paying over Kshs100,000 per term for their children in primary schools. They then move quickly into our national schools and end up paying very little, yet they were used to paying a lot of money. So, I think it is a question of rationalising whether we should not have a situation where children coming from private academies should again transit into private secondary schools, so that they continue to pay since they are used to that.

I would also like to reiterate the question of regional disparities. We know that ASAL areas are heavily under represented, especially in terms of secondary school education. We need to address that question. We also need to address the question of the girl-child. We must continue to ask ourselves how the girl-child is represented in the secondary schools and the low transition rate from primary into secondary schools. There is also the question of subject choice. We must continue to encourage our girls to be well represented in sciences as well as arts subjects.

Mr. Temporary Deputy Speaker, Sir, I also note that there was a tax waiver that was given for people who are willing to invest in schools. Again we ask ourselves, when you give subsidies for somebody who is going to build his or her own school, meaning that they are going to build academies, is that where we want to spend our money or do we want more to be spent on public schools where more children from less privileged backgrounds access? I would also like to ask what measures---

The Temporary Deputy Speaker (Mr. Ethuro): Dr. Laboso, your time is up! Hon. Members let us observe time, it is only a maximum of five minutes.

Mr. Mwangi: Mr. Temporary Deputy Speaker, Sir, I stand to support. First, I want to congratulate the Minister and his staff for well-done preparations. However, there are a few points, like my colleagues have said, we need to pay attention to.

Let me start with the Development Expenditure. If we are going to give quality education, we should support the Minister to ask for adequate funds that would bring on board the Early Childhood Education Programme to primary schools as well. We need to address that. Internationally, that is a recognized factor and we do not need to belabour that. The Minister should request and allocate adequate finances for that programme.

Mr. Temporary Deputy Speaker, Sir, the other issue that is worrying, although we congratulate the Government through the Ministry of Education for the free primary education, is the delay in getting those finances to our schools. Last year we toured the whole country. This year both primary and secondary schools have not received what they should have received to manage their affairs. We urge the able Minister to do everything possible to get those funds to schools on time in order for our schools to be able to implement the curriculum and other programmes necessary for quality education.

Mr. Temporary Deputy Speaker, Sir, I also want to commend the Minister and his staff for the funds they are providing for infrastructure to our primary and secondary schools. That is good enough but not adequate. Therefore, a little more will be required to bring our school infrastructure to the standards where they will be able to offer quality education.

Regarding the issue of posting P1 teachers, although we have a shortage of teachers, we have enough trained teachers but they are just at home. While I do appreciate that the marginalized areas need to be considered, why would the Minister require that teachers from other areas who are idle human resource for this country be posted to the areas where there is shortage of teachers until they meet certain conditions? There could be a condition that you work there for two years and go to another area. Some schools have not had teachers in advantaged areas but there are teachers who are trained but not employed. I leave that issue to the Minister to consider but this is a human resource that is being wasted and yet we are one country.

I want to support one of my colleagues who said that the requirement for P1 teachers should be brought down. If you require a D+ (Plus), consider that so that some areas do not permanently remain behind in the shortage of teachers.

Mr. Temporary Deputy Speaker, Sir, regarding the issue of mobile schools, we have seen mobile schools operate in other countries. Why not in Northern Kenya and some parts of the Rift Valley? Time has come for every child to get basic education financed by the same Ministry and to access the same resources like other areas.

The other area that is very important is the School Feeding Programme. We are only talking about the semi-arid areas but a large area in this country which had not been affected before is now being affected by drought and famine. I request the Minister to consider all those areas that have been receiving foodstuff from the Central Government to be considered for the School Feeding Programme so that they can continue learning like other areas.

We would also want to, in commending the Ministry, to request more consideration to be given to inspectors of schools or Quality Assurance officers. The Minister would want to create enough room for these officers to be operational. They are there, they have no facilities, there is no transport for the inspectors or so-called Quality

Assurance Officers. The implementation of curriculum is handicapped in the rural areas. This is an area that we need to consider if we want to improve our performance.

Mr. Temporary Deputy Speaker, Sir, there is also another observation that we have made---

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

Mr. Mwangi: With those few remarks, I beg to support.

Dr. Khalwale: Thank you, Mr. Temporary Deputy Speaker, Sir. I rise to support this particular budget proposal and in doing so allow me to congratulate Prof. Ongeru who was my Fourth Year lecturer at the School of Medicine. With all due respect to Ministers in this country--- I had been thinking about Prof. Ongeru and Prof. Saitoti. When Prof. Saitoti was at this Ministry, the Ministry was doing extremely well. Again, Prof. Ongeru has gone there and the Ministry is doing very well. It leaves me wondering: Why are we shy? Why can we not resolve that people who find their way into Ministries must have good qualifications for the sake of this country? Is it purely by chance that the two professors are doing well in this bloated Cabinet? Why can the other people also not do well? I congratulate my two professors!

I also want to congratulate the Shadow Minister for Education, Mr. Koech, for the good response he has given. But I would like to encourage most Chairs of Committees that it will serve this country very little if Chairs come here and start supporting the Ministerial proposals in a lot of flowery language. We should look at ourselves as a Shadow Cabinet whereby Chairs give an alternative view of how the Government could have done better. I believe this will go a long way in making the Ministers to realize that there are loopholes which they should seal.

There are few points that are important in the country, practical ones, which I would like to mention. First, let me comment on the issue of the bursary. I would like to congratulate the Government; the bursary seems to be working fairly well but there is room for us to increase the amount of money that we allocate for bursaries. If the Minister for Education could just go back to Kisumu and look at what is happening in the secondary schools bursary situation, you will find that because of the new rules, we are able to give the money to children in boarding schools but the poorest of the children of Kenya are not in boarding schools. They are in day schools. We should relax the rule and regulation governing the bursary allocation so that we start giving some little amount of money; even if it is Kshs2,000 to Kshs3,000 to day-schools because that is where the majority of the poor children are.

The issue of centres of excellence could not have come at a better time but I want to request the Minister, in the next financial year, to be brave so that we have a centre of excellence in each constituency for boys and a centre of excellence in each constituency for girls. The money that is going to be used for construction of these centres of excellence--- We would like the Minister to seriously consider channeling this money through Constituencies Development Fund Committee (CDFC). The experience that you are going to find, if you do a proper audit, of the school infrastructure funds, you find that whereas the CDF has been able to build two very nice classrooms using, probably, Kshs900,000, when you go and see what the infrastructure funds have done, they have done far less work, qualitatively compared to what the hon. Member and his committee was able to supervise.

Mr. Temporary Deputy Speaker, Sir, the last practical issue I would like to comment on is the issue of quality assurance. Under quality assurance, I want to start with the Government's policy on retirement age. Professor, think about a 60-year old man or, God forbid, a 60-year old woman who is still in service and she is supposed to take children out for physical education. Is it possible? Do not allow our teachers to be forced to remain in classrooms up to the age of 60 when they are grandparents - and some of them even great grandparents - and expect that the quality of education will remain what we require!

The second point on quality of education, Mr. Temporary Deputy Speaker, Sir, is this: I would like the Minister to seriously make up his mind to force out the issue of the 8-4-4 system of education. It is now quite clear that the 8-4-4 system of education is the reason why other sectors of the child development are affected, including the fact that our children are not any more performing well in football and other sports. They do not have enough time to play! It is just about time we phased out the 8-4-4 system of education. I would also like to recommend that the Minister pays a visit to Cuba---

With those few remarks, Mr. Temporary Deputy Speaker, Sir, I beg to reply.

Mr. Nyambati: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me an opportunity to speak. First of all, I want to join my colleagues in thanking the Ministers involved in education for the wonderful work that they have done. I also want to extend my gratitude to the Permanent Secretaries in the relevant Ministries – Prof. Karega and Prof. Kiamba - for the wonderful job they are doing. I am sure that without you and your officers, the Ministries could not be doing the good work that they have done. The credit goes to you and we are very grateful in this country for having the kind of officers that are serving in the Ministry of Education.

Mr. Temporary Deputy Speaker, Sir, I want to say here and now that any country worth its salt must invest in its youth. We must invest in the education of our children. There is no price too high for the education of our children. Countries like Japan have excelled because they have heavily supported the education of their youth. So, we must, as a country, be prepared to sacrifice, to increase and support the Ministry of Education because those are our children! They may not be your children or my children – maybe, we can afford the education of our children - but they are our children and they are our nation's future. So, we must support the education of our children!

Mr. Temporary Deputy Speaker, Sir, having said that, I want to say that for us to have the kind of education that we need in this country, we must start from the very early stage. The Ministry of Education must ensure that we have proper facilities for our education from Early Childhood Development (ECD)! I want to say here that this House must support whatever budget the Ministry of Education gives. I am given to understand that you are short of about Kshs8 billion for you to realize whatever you wanted to do. We must, as a House and as a nation, support the education of our children by giving them enough funds to enable our children to do well.

Mr. Temporary Deputy Speaker, Sir, I want to thank, once again, the Ministry of Education because, recently, their officials visited my area to see why that area is performing so poorly. I want to say that, that was a worthy exercise that should be extended to other parts of the country. Learn first-hand what is happening in those areas. Learn first-hand why our children are doing so badly. There are many reasons that cause our children to do badly. One of the reasons is because most of our schools do not have

enough teachers. Where I come from, some of the secondary schools have got two or three teachers. How do you expect our children to do well if they do not have teachers? We cannot blame the Ministry because we are not giving it enough funds to hire teachers!

Mr. Temporary Deputy Speaker, Sir, I want to propose here that this House must go out of its way and give funds to employ teachers. Forget about the interns! We want to employ teachers for our schools!

(Applause)

I know for sure that we have so many trained teachers out there. In my constituency, I know of teachers who were trained ten years ago, but are still unemployed. This is simply because the TSC has no money to employ them. We, as a nation, must provide those funds to enable our children get the kind of education they need.

Mr. Temporary Deputy Speaker, Sir, I would like to urge the Ministry to ensure that there is proper management in our schools. The little funds that go to those institutions are sometimes mismanaged. It is about time the Ministry took stern action against errant headteachers and principals who misappropriate the little funds that we have. That way, we will have proper management in our schools and it will benefit our children.

The issue of bursary is a fantastic idea for this country. It has enabled children from very poor families to attain the kind of education others are getting. In my constituency, I give priority to all the orphans. This has helped them---

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

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

The Minister of State for Provincial Administration and Internal Security (Prof. Saitoti): Mr. Temporary Deputy Speaker, Sir, I could not resist talking about the two Ministries because they are run professionally. The Ministry of Education and the Ministry of Higher Education, Science and Technology are run by Ministers who understand what education is all about. The Permanent Secretaries in the two Ministries are professors and they understand education. Little wonder then that education in this country is being conducted in the most professional way. For the avoidance of doubt, it is important to say that in all developing countries, it is only Kenya which has implemented education reforms better than any other country. We ought to be proud of that.

Right from the beginning of the implementation of Free Primary Education (FPE) when we ended up recording a very high enrolment in our primary schools yet without sacrificing the quality of education. More important, is the fact that our own education is being conducted within a framework. Hon. Members will recall that, indeed, the blueprint of education was embodied in Sessional Paper No.1 of 2005. It clearly states the path that we are going to take. Both Prof. Ongeru and Dr. Kosgey have done so well. They have paid great attention to the fact that the quality of our education must be preserved. For example, Kshs124 billion has been allocated. That translates to about Kshs7 million per constituency for the purpose of upgrading at least two primary schools. This will ensure that we really have centres of excellence in every constituency.

With regard to the secondary schools, another Kshs30 million per constituency has been allocated for the purpose of developing and fostering centres of excellence. When our children complete primary school, they will not have to say that they must go

to Mangu High School or Alliance High School. We need to create centres back home. That is the most important thing.

Mr. Temporary Deputy Speaker, Sir, the Kshs1.3 billion that is provided for the hiring of 10,500 additional teachers on contract translates to Kshs6 million per constituency. This is not to say that the other teachers are not busy. This is to ensure that quality is preserved. The same goes for the Kshs53 million shillings that will allow every constituency to recruit more teachers in secondary schools. You cannot beat it. If you look at it, you will realise that this is something that is being programmed. Really, the good thing here is the fact that, at least, these Ministries are being run on the basis of knowing where we are going. Vision 2030 is there. It is being properly implemented. We should be able to say "thank you" to the two Ministers and the two Permanent Secretary (PSs) and their very dedicated officials in the Ministries.

Let us continue to salute the teachers, who toil day and night, because the work of a teacher does not end during the day. Teachers do not go home and sleep. They carry work home to mark. They have got to prepare for the next day. I want to say that it is wonderful because these teachers were rewarded not so long time ago. I believe that they have been given good salaries. It is our hope that they are going to continue with this very wonderful work. I want to commend the Minister, because he has provided for all areas. The Early Childhood Development (ECD) is now set to be mainstreamed by the year 2010. That is going to be good, because, again, that is the foundation of education.

Even more important is the fact that we need to ensure that our own education also puts some emphasis on science. This should not be at the expense of the arts; it is important to ensure that we now change the ratio, so that we have a sufficient number of students studying Mathematics and the others---

Mr. Temporary Deputy Speaker, Sir, I can see that I am being called off, but I commend this Vote and support it.

Mr. Ruteere: Mr. Temporary Deputy Speaker, Sir, thank you for giving me the opportunity to contribute to this Vote. I join others in congratulating the Minister for Education, the PS and the staff of the Ministry, especially for giving a very good ear to the suggestions and proposals that people make, for responding to the letters that Members of Parliament (MPs) write to him, and for attending to them promptly.

I have a few comments to make, at the risk of repeating some. The Education Act provides for District Education Boards (DEBs). It does not recognise the constituencies. Here, we are talking more of constituencies than districts and DEBs. I would suggest that we look at districts rather than constituencies, because some of us who have two districts are at a dilemma as to which district to give the Kshs2 million. I have two DEBs. It is like the issue of boys and girls. Do I build a boys' school? Do I build a girls' school?

Mr. Temporary Deputy Speaker, Sir, when I went home after the Budget, I met my two sons and my two daughters fighting over which one will be built. Is it a boys' school or a girls' school? I was unable to give them an answer. I told them that the DEB would decide, and not me. We should look at the parity, and not the affirmative action that is being advocated. I am at a loss in this House because we always talk about the girl child.

In Imenti North District, South Imenti District and Meru Central District, girls have more opportunities than the boys. So, it is time we talked about parity and provision for all sexes, instead of emphasizing one sex at the expense of the other. Our boys feel as

if they are neglected. I would like the Minister to look at that issue very seriously and very critically, because that is what is affecting education in the entire Meru region. The number of boys enrolled in primary and secondary schools is higher than that of girls. If you go to Imenti North Constituency in Meru, you will find more boarding schools for girls and none for boys.

Mr. Temporary Deputy Speaker, Sir, I would like the Minister to also address the issue of hardship areas. The entire Mbori District is a hardship area because it borders Laikipia and Isiolo. Teachers in Isiolo and Laikipia are getting hardship allowance. So, there is an exodus of teachers moving from Mbori to Laikipia and Isiolo. The hardship allowance gives them leeway to move there. Mbori is now very understaffed. It is time that we classified these areas as hardship areas.

I also want to look at the issue of releasing of funds. This time I want to congratulate the Minister because we have not had any school unrest. I think you got the medicine. One of the reasons there were so many school unrests was because funds reached schools late and teachers had a hard time trying to use the little funds that they had. There were chaos in schools and the riots resulted in the kind of issues that we saw. In order to contain these situations and avoid a recurrence, the Minister had better release the funds on time because he know how much he will give to each school. We are almost closing schools. However, funds for the second term have not been released. When funds have been allocated, let them be released on time.

On the issue of understaffing and interns, I do not know how the interns will feel like because their colleagues whom they were with in college got an opportunity to be employed last year. This year, they will be going there as interns. They will earn a very good salary and allowances while these others will not earn a similar amount of money. Then what happens? They will not teach comfortably. They will feel that they have been neglected. It is better that you treat people equally. There should be equal opportunities for people of equal rank, education and those who were trained at the same time.

Mr. Temporary Deputy Speaker, Sir, I would also like the feeding programme to be extended to areas that had no feeding programme where famine has extended. We have famine in Mbori while Imenti North has no famine.

Mr. Temporary Deputy Speaker, Sir, I support.

Mr. Kioni: Thank you, Mr. Temporary Deputy Speaker, Sir, for that opportunity. The Ministries have done very well. However, there are a few issues that I would like to point out. One is the issue of the feeding programme that has just been mentioned. In my constituency, you only need to cross the road to Laikipia where children are getting the school feeding programme. There is no feeding programme in my constituency and yet, it has the same climatic condition as the area across the road. From a very early point, the child is able to see that we have two or three categories of people who are being brought up in this country.

On the issue of hardship allowance, the situation is the same. Across the road, we have teachers earning hardship allowance while there is no hardship allowance in my constituency. The conditions in both areas are the same, but no reason has been advanced for that.

Mr. Temporary Deputy Speaker, Sir, we have this notion of national schools that are there in many parts of this country. These national schools are useful because they help the nation. It is important to note that while the quota system that is in place has had

its benefits it has left the institutions within some areas just as a mere structure in that neighbourhood which does not benefit those who are next to it. It is important that this also comes out, so that when we talk about facilities in regions we should be able to see what benefits these regions are deriving from them. That is the scenario in those national schools.

Mr. Temporary Deputy Speaker, Sir, we have the issue of the Internally Displaced Persons (IDPs). I know and support what has been done at Solio Ranch. However, it is important that the Ministry familiarizes itself with how these IDPs are dotted across the country, especially in Nyandarua District. We have received very many IDPs. This morning, I received 84 families. They need schools and all other support that comes from the Government. It is important that the Ministry pays attention and is able to allocate funds to areas in Nyandarua District. This is because we have facilities that have been overstretched. This is not just Ol Kalou but also in Ndaragua. We have not seen anything in Ndaragua to support the IDPs in that area.

It is important to look at public schools and private schools. The issue of public and private schools is perpetuating the issue of class in this country. All vacancies in public universities end up with children from academies. The children of the poor will never access university education if we do not pay attention to it. We must do it quickly. Otherwise, we are going to end up with another landmine.

On recruitment of teachers by the Teachers Service Commission (TSC), in my constituency, I am dealing with those who graduated in 2000. I know in other constituencies they are waiting for people to graduate and come out for employment. This imbalance must also be sorted out. It is not useful because it is also another landmine in this country.

Mr. Temporary Deputy Speaker, Sir, in Central Province we have a problem because we are talking at a time when the education standard has nose-dived. Last year, we had 230 students with grade A and the other year we had 306 students with grade A. The increase that we noted was in the attainment of grade D, where there was an increase of 45 per cent. We registered an increase of 121 per cent on those who registered grade E. The number of those who went to wastage; those who got grades E and D increased from 14 per cent to 20 per cent. These are issues that must be addressed.

More than 57 per cent of those who sat standard eight examination last year attained 250 marks and below. It is important that we look at that. I think it is important that this money that was promised for both primary and secondary schools is availed. In my constituency, we are ready with 31 acres to contract the secondary school facility tomorrow. If we get the money, we are ready and we hope we will not be marginalized on this.

Thank you.

Mr. Magwanga: Mr. Temporary Deputy Speaker, let me take this opportunity to thank the Ministry of Education for the budget which they presented. Let me congratulate the Minister and his team. The Ministry has a very committed team. I am a frequent visitor to the Ministry of Education and I am very happy with the way the Permanent Secretary, Prof. Karega Mutahi, is managing the Ministry.

The Ministry is channeling a lot of resources to our schools. However, these funds reach the schools but are not properly managed by our head teachers. The funds require very close supervision. Very close and thorough inspection of these institutions is also

required in order for these funds to be put into proper use. Unless that is done, a lot of money will be channeled to these institutions but our schools will not improve.

Mr. Temporary Deputy Speaker, Sir, the future of this country is in the hands of our children if they get quality education. If they do not get quality education, this country will be doomed. For quality education to be realized there must be uniform teaching from primary to secondary schools up to university. What I have realized is that in primary schools, there is lack of uniform teaching. The teaching is only concentrated in standard eight. Pupils in standard one up to seven are not taught. Teachers rarely go to those classes. They will concentrate on their last year and very little will be done. Hence, there will be mass failure in national examinations. So, unless the inspection is intensified, we are not likely to achieve much. The Ministry should put a lot of resources into inspection in order to put teachers on their toes to realize results.

There is also lack of constant testing. You find that only examination classes sit for Continuous Assessment Tests (CATs). This leaves a gap in lower classes. Lower classes hardly do CATs and this will not see them do well in class eight examinations.

I also want to request the Ministry to employ more teachers because there is a serious shortage of teachers in our schools. You will find that in most schools, there are only four teachers against eight classes. It is not possible for the four teachers to attend to the eight classes on one day. Some classes end up not being taught. I would also like to express my concern about training in our schools. You will find that the number of pupils in Standard Seven is about 80 or 90 but in Standard Eight the number reduces to about 20 pupils. All the pupils who are forced to repeat classes end up dropping out of school. So, something should be done so that the importance of the free primary education programme is realized. I would also like to say that there is also lack of complete syllabus coverage in our schools. If inspection was intensified and the syllabus coverage was ensured, then our children would not be wasted in primary and secondary schools.

I wish to support the budget proposals that the Ministry has presented.

Mr. ole Lankas: Thank you, Mr. Temporary Deputy Speaker Sir. I would like to join my colleagues in supporting this very important Motion. It has been said and it is true that this is one Ministry which is being run professionally. I want to say, for records sake, that the Minister had an opportunity of visiting my district and that in itself encouraged us, in the constituency and the district at large.

I just want to talk about a few issues. Some of them we cannot avoid repeating. As we approve this proposed budget, I want to say that these funds should reach the rural areas. This is not the first time we are discussing the budget for this Ministry. However, some areas do not benefit. We have been talking about marginalized areas in this country although we have never been told which these marginalized areas are. Some of us feel that there are certain areas which are marginalized. As we discuss these proposals, we want them to translate to those areas which have not felt the impact of the change we are talking about. Although the money we are talking about is not enough, it should be felt in the grassroots level in the rural areas.

Mr. Temporary Deputy Speaker, Sir, the issue of distribution of teachers is a problem. You will find that the concentration of teachers is mostly in urban centres, leaving some rural schools without teachers. This is a discrepancy that has been mentioned time and again. It has come severally on the Floor of this House; that there are

certain schools which have one or two teachers, and we expect them to perform at the same standards of other schools which are fully staffed. This is one area that is a big challenge to the Ministry. The Ministry should find ways of balancing the distribution of teachers up to the rural schools. In my constituency, for instance, you will find a school with eight classrooms being served by only three teachers employed by the Teachers Service Commission (TSC). The rest are PTA teachers, which is an extra burden to the parents. So, we are challenging the Minister and the Ministry to look into this problem with a view to addressing it very seriously. This is because when we make these comments, we expect them to be taken very seriously.

Mr. Temporary Deputy Speaker, Sir, we have just had the creation of new districts in this country. This is another very big challenge to the Ministry. If you go to a District Education Officer's (DEO's) office, you will find that he cannot operate normally like he is expected to do. This is because he has no office in the first place. I have seen a budget for building new district headquarters. Maybe this might resolve the problem if it is properly handled, so that the new districts that have come up also get a share of that allocation. It will assist in their working and performance of duty. Transport is also a problem. A District Education Officer (DEO) of a district which is in a rural area cannot perform by just being in the office. He needs to move around to see how schools are performing. But because of the limitations which are there, they cannot perform as expected. So, it is another challenge that I feel the Ministry should take up.

Mr. Temporary Deputy Speaker, Sir, there is a problem of recruitment of teachers. In this country, the entry point to teacher training colleges has been raised. It is grade C and above. Certain areas cannot meet that criterion. Therefore, people from other areas who have flooded the market take advantage of these areas. They are enrolled in these teacher training colleges and then they come back to teach for one or two months and then they disappear, hence creating a shortage. How can this problem be addressed? That is another big challenge. When these teachers are recruited in the respective areas, they should come back and teach in those areas for a specified period which is reasonable, instead of them just using those districts as stepping stones and then, once they graduate, they run away. That is another area which is also a problem.

I beg to support the Vote.

The Assistant Minister for Higher Education, Science and Technology (Mr. Kamama): Thank you very much, Mr. Temporary Deputy Speaker, Sir, for granting me the opportunity to support this Motion.

As hon. Saitoti put it, of course, you cannot discuss matters of basic education to the exclusion of higher education. I want to support sentiments expressed by many Members of Parliament that both Ministries are run in the most professional way. I am aware that in the Ministry of Higher Education, Science and Technology, we have come up with several reforms. There are reforms in the science, technology and innovation and many other policies that are coming up.

In the Ministry of Education, I think the Minister has a sterling job in various areas. I am very happy with the extension of the feeding programme in nomadic schools. I am also happy to hear that children will be given food in the month of August when they are supposed to be on holidays. I think this will assist children in pastoral areas where my friend, hon. Chachu, comes from to continue with their education. The Ministry is working very hard. I want to congratulate both the Permanent Secretary for

Higher Education, Science and Technology and his counterpart in the Ministry of Education for a good job. We are all proud of what they are doing.

On the issue of employment of teachers, the Teachers Service Commission Secretary has tried his level best to bring equity. However, I want to remind him that teachers who were recruited are not sufficient. I know that the job is monumental and it is not easy to balance. I want to recommend that the TSC be given a lot of funds so that they can employ many teachers. I know of several schools in pastoral regions where you have one teacher against five classes. This is an extra burden, as somebody said, to many parents. There is also the issue of centres of excellence. This is a brilliant idea by the Ministry. But we want these funds to be disbursed to the respective districts as a matter of urgency. You would find that if you are not careful in disbursing these funds, we may actually reach 2012 without a single school having been built. So, we want disbursement of these funds to be fast-tracked. We also want the issue of bureaucracy and red tape to be reduced so that these schools can be built and the participation of local leaders can be enhanced.

Mr. Temporary Deputy Speaker, Sir, the issue of employment of teachers under our CDF framework is a brilliant idea and will go a long way in reducing understaffing levels. So, we support this idea. There are new districts which have been created. A number of District Education Officers (DEOs) are actually in divisional headquarters. We expect efficiency in the management of the education sector this time round, not like the way we have been doing. We do not want issues of education to be “business as usual”. It has to be “business unusual”.

Mr. Temporary Deputy Speaker, Sir, I know the Ministry introduced quite a number of reforms right from the time we started Free Primary Education, then the universal secondary education. You also know that our universities are highly subsidised. Right now, students in parallel programmes are also accessing loans. So, we know that reforms have actually been instituted by the two Ministries. We all remember that the former President of the United States of America congratulated the current President for actually initiating the free primary education. So, I want us to really focus on education in its entirety because you all know that this country has no minerals. We do not have uranium and oil. We are happy that Ugandans have discovered oil. We must invest in human capital.

With those few remarks, I beg to support.

Mr. Bahari: Mr. Temporary Deputy Speaker, Sir, let me join my colleagues in congratulating this Ministry for a job well-done. This is a Ministry with a vision and it is a Ministry that responds to queries on time. This is the driving force of this country. If this Ministry does not work, then this country can come to a standstill. I know that there have been a lot of compliments but this Ministry must continuously review and reflect on what they are doing so that they remain relevant.

Mr. Temporary Deputy Speaker, Sir, without wasting time, I want to emphasize on the issue of quality assurance. At the district level, many times, the District Education Officer (DEO) tries to bog down the quality assurance yet it is a key department. I want the Ministry to look at the level of independence to be given to the Quality Assurance Department so that they can go to the field and do the work that they are supposed to do without being hindered by the administrators in the name of the DEOs.

I also want this Ministry to take leadership with regard to Information, Communications and Technology (ICT). In fact, at this time the world is going in that direction. The other day I was watching *CNN* and I saw how a small company is having 20 per cent of the global share. That is basically because of ICT. It is time the Ministry focused on ICT and how they can move this country in that direction and not to look at the Ministry of Information and Communications. The Ministry of Education must take leadership.

Mr. Temporary Deputy Speaker, Sir, the direction this country is taking is the constituency-based approach, contrary to some of the views that I have heard here. The Ministry should now be looking at the constituency as the centre of focus. I believe that where there are two districts in a constituency, when this House reviews boundaries, there will be an additional constituency.

Let me address the issue of the Annual Head-Teachers Conference. I like the idea but I am not sure how it is managed because of the numbers involved. They need to review it so that it is more productive than perhaps what it is today. I am saying that I do not attend it and so I am not sure how exactly it is managed to the benefit of the Ministry.

I want to address the issue of transparency. I think one of the other areas is perhaps the recruitment of auditors. There is still need for improvement because a lot of resources have been devolved up to the school level but there is no sufficient training. Therefore, there is need for an improved audit process and training of those who are responsible for disbursement and implementation of programmes. That is an area that needs additional improvement and the Ministry should focus on that.

Mr. Temporary Deputy Speaker, Sir, one thing that I have realized is that this Ministry must be having a lot of money for training. Why do I say that? I find that most of the time, the DEOs and administrators are in workshops. They move from one workshop to another. While I support training because I have been a trainer myself, I wonder what time they do their work in their offices. I do not want to say that they should not hold those workshops but they should decentralize them to regions which are nearer to those districts. In fact, this should be something that is being done by the Provincial Administration in recent times so that they get the training and also have time to be in their offices to work. In fact, most of the time, they are unable to communicate the skills and the new ideas that they got in the workshop. Therefore, we become orphaned in the district to the extent that we are not able to implement what we learn.

Mr. Temporary Deputy Speaker, Sir, overall, I give this Ministry a very good rating. I want to specifically say that the agent of the Ministry in the name of the Teachers Service Commission (TSC) has also done a wonderful job, indeed because you hardly see any complaints in that area. There is efficiency and they are attended to. This is very clear and it applies across the board. I remember that at one time there was a TSC Secretary and everybody felt that if he left, then the TSC was not going to prosper but that was not true because there are so many professionals who can do a good job. Indeed, this time I think that the current management has done it. I can prove and support it. I have looked at their audited accounts and I have seen them continuously improve.

With those few remarks, I beg to support.

Mr. Chachu: Mr. Temporary Deputy Speaker, Sir, I rise to support the budget of the Ministry of Higher Education, Science and Technology and the Ministry of Education. As Kenyans, we should be so proud that these two Ministries are headed by

highly qualified Kenyans; Kenyans who really care about this nation and the different needs of our society. As hon. Members, we do go to their offices to ask for assistance to support our schools in the rural areas. We always leave there officers with the impression that not only do they care but they are very sensitive. They truly want to make an impression; a genuine difference in their docket.

I support this budget because it tries to address the core problem faced by the education sector in this Republic. The issue of under-staffing has always been a major problem. In my own constituency of North Horr, our schools are under-staffed by over 120 teachers. If I will get 50 teachers this year through this budget, over 40 per cent of my problems will be solved. Having ten more teachers for every constituency in our secondary schools, for sure, will go a long way in addressing one of the major problems we have been facing for a very long time. I want to stand on the Floor of this House and support the issue of contract-based tenure for our teachers. There is no job for life all over the world. A contract is the way to go and our teachers should be hired on contract. If they serve the country well, I am very sure there will be many more contracts for them in their lifetimes. But if they are not willing to deliver, like any other professional here and everywhere in the world, they should go and others who are willing and able to serve our children should be hired. I am also very much pleased by the fact that the governance in majority of our schools at the district, school and community levels is being given a chance. It is so important for our board of governors and school management committees to be empowered to hire and fire their teachers. One major problem we have is that there is very little that school management committees and even BoGs can do with their teachers. In our rural areas, North Horr being one good example, our schools open at the beginning of the school term; maybe even a week or two after the official school opening day simply because not much can be done to those teachers. But if the parents and the BoGs are really empowered to deal with those teachers, I am very sure that even if they will walk, they will find their times and ways to be at the school on the right day for our students to be served.

Mr. Temporary Deputy Speaker, Sir, I also support the idea of model secondary schools. There are thousands of secondary schools which were built by communities through Harambee but have failed miserably to serve the intended purpose. The mean grade of two secondary schools in my constituency – they are three but there are only two that are doing KCSE – is between D plus and D. This is simply because of poor facilities. They lack permanent classrooms, ICT centres, internet, reliable water, accommodation for teachers and many other facilities that are critical for those students to do well. When I was in secondary school, the classes used to start at 10.00 a.m. simply because my teachers had to walk for five kilometers every morning from Moyale Town to Butiye where Moyale Secondary School was built. Just providing, under this modern secondary school, accommodation for teachers will go a long way in enabling our students to do well in those secondary schools because teachers will have time to invest in their education.

I would encourage the Ministry to consider the issue of school management and governance. As much as we invest in infrastructure and the staffing of our schools, it is very important for our BoGs and school management committees to be empowered to govern their schools as their own institutions; to be empowered to be custodians of those

schools and punish the teachers and head teachers if they are not serving well, especially for those rural schools whereby, may be, those students in school are the first in their---

The Temporary Deputy Speaker (Mr. Ethuro): Mr. Chachu, your time is up!

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

The Temporary Deputy Speaker (Mr. Ethuro): Order, hon. Members! It is now time for the Mover to reply. Yes, Mr. Minister!

The Minister for Education (Prof. Onger): Mr. Temporary Deputy Speaker, Sir---

Mr. Letimalo: On a point of order, Mr. Temporary Deputy Speaker, Sir. I think the Chair had made a ruling that this debate continues up to 10.12 p.m. So, I think it is too early for the Minister to respond. We need to be given more time to contribute to this Motion!

The Temporary Deputy Speaker (Mr. Ethuro): The Chair made a ruling stating--

Mr. Letimalo: Stating that the debate will continue up to 10.12 p.m. So, we still have plenty of time!

The Assistant Minister, Ministry of State for Defence (Maj-Gen. Nkaisserry): On a point of order, Mr. Temporary Deputy Speaker, Sir, we are here to serve the country and this House is supposed to adjourn at 10.12 p.m. We want to contribute to this very important Motion.

The Temporary Deputy Speaker (Mr. Ethuro): Order! Order, hon. Members! The Chair appreciates your interest and your enthusiasm to work for the nation. But the Chair also has a desk manned by the Clerks, where time is being monitored. Yes, we have four hours; each one hour for each Vote in terms of Committee. Those are two hours and that is the next Session we are heading to. Then, we have the other two hours for the contributions. We have already done that for the Ministry of Higher Education, Science and Technology and we have concluded for the Ministry of Education. Everybody who spoke here, we counted the time they spoke and, so, the Chair is properly advised that it is time for the Government Minister to reply.

(Applause)

(Prof. Onger stood up in his place)

Order, Minister! The Chair is on his feet and you should remain where you are!

Now, hon. Members, you can be sure that the Chair cannot deny you the opportunity to speak. Let the Minister reply and then we will go to the Committee stage.

The Minister for Education (Prof. Onger): Mr. Temporary Deputy Speaker, Sir, first of all, I want to thank all the hon. Members for their support to the Ministry of Education's budget---

The Assistant Minister, Ministry of State for Defence (Maj-Gen. Nkaisserry): On a point of order, Mr. Temporary Deputy Speaker, Sir. This country is under an emergency---

An hon. Member: How?

(Laughter)

The Assistant Minister, Ministry of State for Defence (Maj-Gen. Nkaissery): A drought emergency!

Mr. Temporary Deputy Speaker, Sir, we wanted to send a message to the Government that the Ministry of Education is a very important Ministry, and we wanted the children of pastoralists to be given consideration---

The Temporary Deputy Speaker (Mr. Ethuro): Order! Order, Maj-Gen. Nkaissery!

The Minister for Education (Prof. Ongeru): Thank you, Mr. Temporary Deputy Speaker, Sir---

The Temporary Deputy Speaker (Mr. Ethuro): Order! Order, Minister! I am on my feet again.

Maj-Gen. Nkaissery, you are another Minister. I think it is in your interest to support the Government side by virtue of collective responsibility. More importantly, be satisfied that other hon. Members have expressed similar sentiments and I am sure that the Government has been listening very attentively. So, I am sure that just because you have not said it, it does not mean that others have not said it and that the Government will act accordingly.

But, Mr. Minister, you should appreciate when an hon. Member who belongs to the Government is so compelled to rise on a point of order when he runs the risk of being ruled out. That issue must be serious enough. So, you may consider.

(Applause)

Proceed!

The Minister for Education (Prof. Ongeru): Thank you, Mr. Temporary Deputy Speaker, Sir. We feel humbled by the overwhelming support that we have received from hon. Members in response to the budget proposal that I laid before this House. I want to thank the Chairman of the Education, Research and Technology Committee for the very insightful comments that you have made. We know because we have discussed that together and, together, we shall be able to move so that we can resolve matters that surround education itself.

Mr. Temporary Deputy Speaker, Sir, on the question of curriculum delivery, I want to assure hon. Members that we are addressing the matter across the country and, in fact, it is one area which is already engaging our minds. Therefore, even the launching of the digital content on Monday, next week, is part of the overall picture in ensuring that teachers are equipped with the tools to be able to handle how to deliver the curriculum.

Mr. Temporary Deputy Speaker, Sir, it may also interest hon. Members to know that we have set up what we call "The Field Services", and we are freeing the quality assurance officers and mandating them to spend most of their time in actually seeing how much of the curriculum is being delivered in our schools. I hope that will be able to help them.

I am happy to report that all stakeholders agreed on the need to improve the quality of curriculum delivery. With regard to the Economic Stimulus Package, I would

like to assure hon. Members that all guidelines are ready, and the same will be shared with hon. Members so that you know how it will function.

Mr. Temporary Deputy Speaker, Sir, I want to assure hon. Members that all the schools in Solio Ranch have been allocated land and construction has started. In fact, we have a summary report on Solio Ranch, which we have been able to vindicate and verify the information available. They will build seven primary schools and three secondary schools, which are supposed to have 1,591 students currently. It is projected that the schools will have more than 4,000 students. It is a worthwhile investment that we are undertaking in that area.

I would like to reply to Mr. Affey with regard to his question of ASAL areas and, specifically, North Eastern Province (NEP). I would like to assure him that there is an area that has received affirmative action. We have special grants for boarding schools. This is already operational in schools in ASAL areas, and nowhere else. There are also special scholarships for girls from NEP. We now have more than 200 girls from NEP in our national and provincial schools. That is the affirmative action that we have put in place. The support for mobile schools has increased. We now have 91 mobile schools. That is positive action that we are taking. If you look at the budget, each school is getting about Kshs400,000 plus teachers. Support is being given to secondary schools in ASAL areas. We have targeted support for infrastructure. In fact, the USAID has covered the entire budget. So much money has been provided. I would like to put this matter to rest. The feeling that there is less concern for the ASAL areas is misplaced at this point in time. We have done very well and everything is moving on.

Mr. Temporary Deputy Speaker, Sir, I can confirm that the transition rates have now increased from 47 per cent to 70 per cent. We believe that there are some pocket areas where the transition rates are as low as 22 per cent. This is notable in the NEP and Coast Province. We are addressing this issue seriously.

With regard to bursary for day scholars, things are working. Students only pay caution money and, perhaps, money for their uniform. Any other money they are called upon to pay is that asked for by the school management committee or the Boards of Governors. The education there is highly subsidized. The bursaries are, therefore, meant for boarding schools.

With regard to the 8-4-4 system of education, the world has moved towards a broad-based curriculum rather than a pointed, single line and myopic approach. Countries like Japan and South Korea, which are the tiger nations of today, have a broad-based system of education.

I would like to assure the House that we shall spare no effort against anybody who misappropriates the infrastructure money, which has been sent to schools. That money is meant to address the very issues you are raising here. That is why we put management teams through a broad range of management skills; this is meant to equip them with management skills. If they cannot manage, we are sure of showing them the door. We have done that to a couple of them. We even demoted some, and I think that is the way to go.

I appreciate the concerns about constituencies with two districts. The funding and budgeting has been done on the basis of the constituency and not the district. Let us do that for the time being. Hopefully, when new constituencies are created, they will be supported. We do not have much money now.

Mr. Temporary Deputy Speaker, Sir, on the question of hardship allowance, it is the Ministry of State for Public Service that determines which areas are hardship areas and which ones are not.

On the school feeding programme, I want to assure hon. Nkaisserry that he was not there, unless there is launched a programme which captures Kajiado District, the Northern Corridor, the Coastal areas and most of the ASAL areas, where we can have children staying in school during the vacation, so that we can feed them; we are aware of the difficulties that they may have if they go home. We do not want to lose any of those children.

Mr. Temporary Deputy Speaker, Sir, on school inspection, we have just restructured a field services. As I said earlier, we shall be moving very fast.

On building of schools, this will be carried out by school management committees, where you are members, as Members of Parliament, and by the Board of Governors (BOGs), where you are also members. Therefore, your input will be there. When you are not available, you can be represented by your Constituencies Development (CDF) officer, because we are working together.

Mr. Temporary Deputy Speaker, Sir, there is one area I must comment on – teacher shortages. It is very worrying, and we must address the issue of equity. When I was looking into the question of teacher shortages, I noted that the most hard-hit area by staff shortage, the number one hit area in the primary sector, is Rift Valley Province, which has a shortage of 10,570 teachers. This is followed by Nyanza Province, which has a shortage of 9,642 teachers. This is followed closely at position three by Eastern Province. In the interest of equity, which we are all crying for, it is only fair that we share the teachers based on the shortages that we are seeing in these areas.

Also, in the secondary sector, the most hard hit area is Nyanza with a shortage of 6,244 teachers, followed closely by Rift Valley Province with a shortage of 4,909 teachers, followed closely by Eastern Province, which needs 4,255 teachers, followed by Western Province with a shortfall of 3,000 teachers. Again, we must take this shortage into account when employing the intern teachers, so that we address the imbalance that already exists.

Mr. Temporary Deputy Speaker, Sir, I just want to thank you for your concern, and for your interest in the Ministry of Education. I assure you that we shall spare no effort to ensure that every single cent is profitably used. We are exploring new avenues, and particularly in ICT, where we are the leaders. We intend to continue leading. We shall work with the Ministry of Information and Communication on the mobile buses project. I thank you for your support.

With those remarks, I beg to support.

(Question put and agreed to)

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

IN THE COMMITTEE

[The Temporary Deputy Chairman

(Mr. Chachu) in the Chair]

Vote 43 – Ministry of Higher Education,
Science and Technology

The Minister for Higher Education, Science and Technology (Dr. Kosgei):
Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, a sum not exceeding Kshs12,729,766,250 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2010 in respect of:-

Vote 43 – Ministry of Higher Education, Science and Technology

(Question proposed)

VOTE R43 -RECURRENT EXPENDITURE

SUB-VOTE 430 – GENERAL ADMINISTRATION AND PLANNING

(Heads 147, 726 and 831 agreed to)

(Sub-Vote 430 agreed to)

SUB-VOTE 431 – TECHNICAL EDUCATION

*(Heads 166, 281,565, 651, 652, 662, 663,
664, 671, 694 and 696 agreed to)*

(Sub-Vote 431 agreed to)

SUB-VOTE 432 – NATIONAL COUNCIL FOR SCIENCE AND TECHNOLOGY

(Heads 449 and 901 agreed to)

(Sub-Vote 432 agreed to)

SUB-VOTE 435 – UNIVERSITY EDUCATION

*(Heads 662, 663, 828, 829, 833,
840, 842, 867 and 868 agreed to)*

(Sub-Vote 435 agreed to)

SUB-VOTE 437 – HIGHER EDUCATION SUPPORT SERVICES

(Heads 289, 828, 832, 853 and 854 agreed to)

(Sub-Vote 437 agreed to)

(Vote R43 agreed to)

VOTE D43 - DEVELOPMENT EXPENDITURE

SUB-VOTE 431 – TECHNICAL EDUCATION

(Heads 565, 651, 652, 662, 663, 664,671 and 694 agreed to)

(Sub-Vote 431 agreed to)

SUB-VOTE 432 – NATIONAL COUNCIL FOR SCIENCE AND TECHNOLOGY

(Head 901 agreed to)

(Sub-Vote 432 agreed to)

SUB-VOTE 435 – UNIVERSITY EDUCATION

*(Heads 662, 663, 828, 829, 833,
840, 842, 867 and 868 agreed to)*

(Sub-Vote 435 agreed to)

SUB-VOTE 437 – HIGHER EDUCATION SUPPORT SERVICES

(Head 832 agreed to)

(Sub-Vote 437 agreed to)

(Vote D43 agreed to)

(Question put and agreed to)

(Resolution to be reported without amendment)

Vote 31 – Ministry of Education

The Minister for Education (Prof. Ongeru): Mr. Temporary Deputy Chairman, Sir, I beg to move:-

THAT, a sum not exceeding Kshs66,514,162,700 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure during the year ending 30th June, 2010 in respect of:-

Vote 31 – Ministry of Education

(Question proposed)

VOTE R31 – RECURRENT EXPENDITURE

SUB-VOTE 310 – GENERAL ADMINISTRATION AND PLANNING

*(Heads 730, 834, 837, 838, 839,
841, 845, 862 and 863 agreed to)*

(Sub-Vote 310 agreed to)

SUB-VOTE 311 – BASIC EDUCATION

*(Heads 244, 810, 811, 816,
844, 846, 847, 848 and 852 agreed to)*

(Sub-Vote 311 agreed to)

SUB-VOTE 312 – QUALITY ASSURANCE AND STANDARDS

(Head 836 agreed to)

(Sub-Vote 312 agreed to)

SUB-VOTE 313 – SECONDARY AND TERTIARY EDUCATION

*(Heads 414, 547, 568, 807 and 835 agreed to)
(Sub-Vote 313 agreed to)*

SUB-VOTE 314 – POLICY AND PLANNING

(Head 695 agreed to)

(Sub-Vote 314 agreed to)

SUB-VOTE 315 – DEPARTMENT OF ADULT EDUCATION

*(Heads 813, 814, 815, 819, 882, 883, 905,
908 and 912 agreed to)*

(Vote R31 agreed to)

(Sub-Vote 315 agreed to)

DEVELOPMENT EXPENDITURE

SUB-VOTE 310 – GENERAL ADMINISTRATION AND PLANNING

*(Heads 834, 837, 839, 841, 862
and 863 agreed to)*

(Sub-Vote 310 agreed to)

SUB-VOTE 311 – BASIC EDUCATION

(Heads 816, 844, 846 and 847 agreed to)

(Sub-Vote 311 agreed to)

SUB-VOTE 312 – QUALITY ASSURANCE AND STANDARDS

(Head 836 agreed to)

(Sub-Vote 312 agreed to)

SUB-VOTE 313 – SECONDARY AND TERTIARY EDUCATION

(Heads 414, 547, 568 and 835 agreed to)

(Sub-Vote 313 agreed to)

SUB-VOTE 314 – POLICY AND PLANNING

(Head 695 agreed to)

Sub-Vote 314 agreed to)

SUB-VOTE 315 – DEPARTMENT OF ADULT EDUCATION

(Heads 813, 883 and 912 agreed to)

(Sub-Vote 315 agreed to)

(Vote D31 agreed to)

(Question put and agreed to)

(Resolution to be reported without amendment)

[The House resumed]

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

REPORTS

Vote 43 – Ministry of Higher Education, Science and Technology

Mr. Chachu: Mr. Temporary Deputy Speaker, Sir, I am directed to report that the Committee of Supply has considered the Resolution that a sum not exceeding Kshs12,729,766,250 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure during the year ending 30th June, 2010 in respect of Vote 43 – Ministry of Higher Education, Science and Technology, and has approved the same without amendment.

The Minister for Higher Education, Science and Technology (Dr. Kosgei): Mr. Temporary Deputy Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Resolution.

The Minister for Education (Prof. Ongeru) seconded.

(Question proposed)

Mr. Bahari: Mr. Temporary Deputy Speaker, Sir, I do support the Vote. But I want to ask the Ministry of Higher Education, Science and Technology to look at every constituency and the polytechnics that are there. Where there are no polytechnics, I think we should come up with them so that we can spread the services.

Thank you.

(Question put and agreed to)

Vote 31 – Ministry of Education

Mr. Chachu: Mr. Temporary Deputy Speaker, Sir, I am directed to report that the Committee of Supply has considered the Resolution that a sum not exceeding Kshs66,514,162,700 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 2010, in respect of Vote 31 – Ministry of Education, and has approved the same without amendment.

The Minister for Education (Prof. Ongeru): Mr. Temporary Deputy Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Resolution.

The Assistant Minister for Higher Education, Science and Technology (Mr. Kamama) seconded.

(Question proposed)

Mr. Midiwo: Mr. Temporary Deputy Speaker, Sir, I want to agree with the House in the resolution. This is an important Vote. I would like to tell the Minister and his team that the country and MPs are very thankful for the infrastructure funds. However, there is a problem brewing in the country over infrastructure funds. On the ground, this money is transferred directly to the accounts of the schools. From the DEO's office to Works Officers office, this transaction has elicited massive corruption. We must find a formula. This country is in the process of internalising the issue of CDF. We are trying to improve it. This fund is half of it. I can give you one example---

The Temporary Deputy Speaker (Mr. Ethuro): Order, Mr. Midiwo. Do not open debate.

Mr. Midiwo: Mr. Temporary Deputy Speaker, Sir, I am not opening debate. I am only saying where you send Kshs740,000--- As an MP I have gone to several schools and they say they have only received Kshs700. That is what the teachers tell me. I can tell you that now that these funds are coming to the country, what is brewing is something that this Ministry must deal with and deal with urgently.

Mr. Koech: Mr. Temporary Deputy Speaker, Sir, mine is to sincerely thank the hon. Members for the contributions. I would also like to thank the two Ministers for listening very keenly to the many suggestions as expressed by the hon. Members. I want to concur with the entire House that we approve their Votes without any amendments. I would like to encourage the Ministers to fully implement what they have committed themselves to do in this House.

Mr. Bahari: Mr. Temporary Deputy Speaker, Sir, I agree with the report of the Committee. But the issue of Standard Eight dropout rate is a very critical matter. It is a big problem in this country. We should forget about that examination, so that we do not have that drop out. We must move in the direction of 12 years of continuous education.

Thank you.

(Question put and agreed to)

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Ethuro): Hon. Members, that concludes the business on the Order Paper. Therefore, the House stands adjourned until tomorrow, Thursday, 30th July, 2009 at 2.30 p.m.

The House rose at 8.35 p.m.