

NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday, 29th June, 2010

The House met at 2.30 p.m.

[Mr. Speaker in the Chair]

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:-

Abstract of Accounts on the Municipal Council of Mombasa for the year 2000-2005 and the Certificate thereon by the Controller and Auditor-General

*(By the Minister for Livestock Development (Dr. Kuti)
on behalf of the Deputy Prime Minister and
Minister for Local Government)*

Annual Report and Financial Statements of Coffee Development Fund for the year ended 30th June, 2009 and the Certificate thereon by the Controller and Auditor-General

*(By the Minister for Livestock Development (Dr. Kuti)
on behalf of the Minister for Agriculture)*

Financial Statements of Kenya Airports Authority for the year ended 30th June, 2009 and the Certificate thereon by the Controller and Auditor-General

*(By the Minister for Livestock Development (Dr. Kuti)
on behalf of the Minister for Transport)*

Financial Statement of Kenya Industrial Property Institute for the year ended 30th June, 2009 and the Certificate thereon by the Controller and Auditor-General

*(By the Minister for Livestock Development (Dr. Kuti)
on behalf of the Minister for Trade)*

Financial Statements of Industrial and Commercial Development Corporation for the year ended 30th June, 2009 and the Certificate thereon by the Controller and Auditor-General

*(By the Minister for Livestock Development (Dr. Kuti)
on behalf of the Minister for Trade)*

Financial Statement of Kenya Film Corporation for the year ended 30th June, 2009
and the Certificate thereon by the Controller and Auditor-General

*(By the Minister for Livestock Development (Dr. Kuti)
on behalf of the Minister for Information and Communications)*

Annual Report and Financial Statement of Kenya National Examination Council
for the year ended 30th June, 2009 and the Certificate thereon by the Controller and
Auditor-General

*(By the Minister for Livestock Development (Dr. Kuti)
on behalf of the Minister for Education)*

Annual Report and Accounts of Lake Victoria North Water Services Board for the
year ended 30th June, 2009 and the Certificate thereon by the Controller and Auditor-
General

*(By the Minister for Livestock Development (Dr. Kuti)
on behalf of the Minister for Water and Irrigation)*

Financial Statement of Kenya Utalii College for the year ended 30th June, 2009
and the Certificate thereon by the Controller and Auditor-General

*(By the Minister for Livestock Development (Dr. Kuti)
on behalf of the Minister for Tourism)*

QUESTIONS BY PRIVATE NOTICE

REPORTS BY PRICEWATERHOUSECOOPERS / EMU/CID ON MAIZE AND FOOD SECURITY

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

(a) Could the Minister provide the reports by PricewaterhouseCoopers, the
Efficiency Monitoring Unit (EMU) and the Criminal Investigation Department (CID),
and all related documents and annexures thereon, touching on maize and food security?

(b) Could the Minister indicate and give details of all the waivers on maize
importation during the 2009/2010 Financial Year?

(c) Could the Minister also give details of all pending approvals awaiting
deliveries?

**The Assistant Minister, Office of the Deputy Prime Minister and Ministry of
Finance (Dr. Oburu):** Mr. Speaker, Sir, I beg to reply.

(a) The report by PricewaterhouseCoopers was submitted to the Kenya Anti-Corruption Commission (KACC) for further investigations and possible prosecution of suspects. I am not aware of any reports by the EMU and the CID touching on maize and food security.

(b) Importation of maize on duty-free basis was undertaken between 1st July, 2009 and 16th January, 2010 during the 2009/2010 Financial Year. The total duty foregone as a result of this waiver amounts to Kshs17, 696,940,139.

(c) There are no pending approvals or waivers awaiting deliveries.

Thank you.

Mr. Mututho: Mr. Speaker, Sir, part “b” of the Question asks the Minister to indicate and give details of all the waivers on maize importation during the period. The Assistant Minister has not tabled information relating to that bit.

Dr. Oburu: Mr. Speaker, Sir, the waiver was open-ended. It was not given to any specific group of people. The Minister did not approve any quantities to any specific group of people. All Kenyans were free to import as much maize as they could, if they could market it. Therefore, that information is only available for statistical purposes and not for accounting purposes because all Kenyans were allowed to import maize without restrictions.

Mr. Imanyara: Mr. Speaker, Sir, could the Assistant Minister admit that there was a report that was submitted to PricewaterhouseCoopers? Why has he not tabled the report before the House?

Dr. Oburu: Mr. Speaker, Sir, as I have stated, the report was given to the KACC for further investigations and possible prosecution of the suspects. It will be prejudicial to table that report at this stage, because it might interfere with the investigations. However, the Minister is ready to discuss this in a closed session of the relevant Departmental Committee of Parliament.

Mr. Imanyara: On a point of order, Mr. Speaker, Sir. Is it in order for the Assistant Minister to tell us that the report is prejudicial, and that he is only prepared to discuss it in private while, as a House, we are entitled to see the report and share it with the people we represent? Is it not in order for him to be ordered to table that report? Tabling the report does not, in any way, prejudice the work of the KACC.

Dr. Oburu: Mr. Speaker, Sir, we shall table that report at an appropriate time, once the KACC have completed their work. I believe that that is going to be soon. So, I am pleading with hon. Members to give us a little time, so that investigations can be completed before we can table it for discussion in this House.

Mr. Speaker: Last question!

Mr. Mututho: Mr. Speaker, Sir, how much time does the Assistant Minister require to give us that report, and why is he keeping that report away from the public and from Parliament’s scrutiny?

Dr. Oburu: Mr. Speaker, Sir, I have said that we are ready to discuss it with the relevant Departmental Committee of Parliament. So, we are not sealing it from Parliament completely. I have said that immediately the KACC completes its work, we will table that report here for discussion.

Mr. Mututho: On a point of order, Mr. Speaker, Sir. Going by the Assistant Minister’s answer, as the Chairman of the Departmental Committee on Agriculture,

Livestock and Co-operatives, would I be in order to demand for that report so that we can scrutinise it and report to the House?

Mr. Speaker: Mr. Assistant Minister, how long did you indicate that the Kenya Anti-Corruption Commission (KACC) will take before you can table the report?

Dr. Oburu: Mr. Speaker, Sir, I might not be in a position to know the exact time-line for the KACC but we are ready to discuss it with the Departmental Committee on Agriculture, Livestock and Co-operatives

Mr. Speaker: Mr. Assistant Minister, I think the proper thing to do is to have a tentative time-line because even investigations do not go on infinitively. They do not go on forever. So, what in your opinion, do you consider a reasonable time so that we can give a proper direction?

Dr. Oburu: Mr. Speaker, Sir, one month would be appropriate.

Mr. Speaker: I will allow you two months because I think there is a lot more that needs to be done when it comes to criminal investigations.

Dr. Oburu: Mr. Speaker, Sir, I am not a lawyer and so, I am not aware.

Mr. Imanyara: On a point of order, Mr. Speaker, Sir. I just want to seek your clarification on whether the passing of the report to the KACC forbids that report from being laid on the Table of this House. Under what rules or Standing Orders does the Assistant Minister say that a report that has been prepared, signed and submitted to the KACC cannot be laid on the Table of this House?

Mr. Speaker: Order, hon. Members! I have listened to the altercations on this matter between the Assistant Minister Office of the Deputy Prime Minister and Ministry of Finance and Members of the Back Bench to my left. My directions are that where a matter is the subject of investigation by the Criminal Investigation Department (CID) or another investigative arm or organ of Government then it is necessary that they are given adequate opportunity to complete their investigations if not latitude so that we do not end up in a situation where other organs of Government feel that they are denied the opportunity to do their work by Parliament. So, we will allow two months for the Assistant Minister to prevail upon the KACC to expedite their investigations such that if they will take any measures with a view to arresting any suspects and handing over their investigation report to the Attorney-General, they are not obstructed or inhibited from doing so. Therefore, I direct that the Assistant Minister prevails over the KACC to do so and we will tentatively then order that you table that report two months thereafter.

Mr. Imanyara: On a point of order, Mr. Speaker, Sir. I do not wish to question your ruling, but it is a matter of public record that officers who had been suspended as a result of being mentioned in this report have recently been reinstated. Could the Assistant Minister tell us why these officers were reinstated if investigations are still going on?

Mr. Speaker: Mr. Assistant Minister that may be genuine. Let us hear from you. You have said that investigations by the KACC are still going on. The Member for Central Mmenti is saying that the Government has already taken action to reinstate the officers who were “ostensibly” under investigations. That then will be a contradiction in terms because you have said that investigations are going on, and yet you have taken action to reinstate the suspects who were ostensibly under investigation. So, you need to deal with that contradiction even as my direction stands.

Dr. Oburu: Mr. Speaker, Sir, the discretion to suspend or reinstate is with His Excellency the President and what I have stated is a fact. As far as we are concerned, that

report has been handed over to the Government and there are recommendations in that report to the effect that further investigations be carried out. I cannot comment on the aspect of reinstating those officers because that is the discretion of His Excellency the President.

Mr. Imanyara: On a point of order, Mr. Speaker, Sir. Not even the President is unaccountable to this House. This House does hold the President to account---

Mr. Speaker: Order, the hon. Member for Imenti Central! Please, take your seat! If you look at your Standing Orders, you will find that you are not allowed to discuss any actions on the part of the President or even invoke the President's name unless you are a Minister. You will find that somewhere.

Mr. Imanyara: Mr. Speaker, Sir, I am aware that the previous Standing Orders did have those provisions but I am not in any way suggesting that the President may or may not have done wrong. All I am saying is that his House does require accountability even from the President. I am not in any way suggesting that the President may be debated in this House unless there is a substantive Motion. That is why we even have a vote of no confidence in the President. The issue is whether this report was the basis for the suspension of certain Permanent Secretaries who have been reinstated whereas, in fact, investigations are said to be continuing and they require, at least, a month and you have given them two months. What is the basis for this apparent contradiction in the Assistant Minister's answer?

Dr. Oburu: Mr. Speaker, Sir, I have said the report recommends that further investigations be carried out. I repeat that the discretion of suspension is not within my authority. I am not able to answer that, but what I know is that investigations are going on.

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

Mr. Speaker: What is it the Member for Imenti Central, and somewhere along the line we have to come to an end?

Mr. Imanyara: Mr. Speaker, Sir, I accept that. The Assistant Minister has said that certain recommendations were made. Could he tell us the recommendations that were made for further investigations and against who?

Dr. Oburu: Mr. Speaker, Sir, I will be able to say that when we lay the report on the Table. We shall discuss it in detail.

Mr. Speaker: Order, hon. Members! In view of what has transpired even after I gave directions, the position would appear to be this; that the Assistant Minister, Office of the Deputy Prime Minister and Ministry of Finance is not conversant with reasons that led to the suspension of the officers who have since been reinstated. So, I direct that we take up the matter from there, after the report is laid on the Table of this House in two months time. In the meantime, Mr. Assistant Minister, please, acquaint yourself with the reasons why the officers were suspended and why they were reinstated because the House will be wanting to know. Exactly two months from today, that is not too far off, given the fact that the recess is not going to be computed.

Hon. Members, let us move on to Question No.2 by Private Notice.

Mr. Jamleck Irungu Kamau: Mr. Speaker, Sir, although I have not received a copy of the written answer, I beg to ask my Question by Private Notice.

CIRCUMSTANCES SURROUNDING RELEASE

OF CIVIC EDUCATION MONEY TO COE

Mr. Jamleck Irungu Kamau: Mr. Speaker, Sir, I beg to ask the Deputy Prime Minister and Minister for Finance the following Question by Private Notice.

(a) Under what circumstances did the Government release Kshs553 million to the Committee of Experts for civic education?

(b) Could the Minister provide a detailed analysis of the source of the money, considering that Parliament has not approved the expenditure?

The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Finance (Dr. Oburu): Mr. Speaker, Sir, we are not in a position to answer this Question right away. We plead with the hon. Member to allow us a little more time. I know this Question has been postponed twice before but the Deputy Prime Minister and Minister for Finance wanted to answer it in person but at the moment he is indisposed. There are also a few facts we are still trying to find out about this issue. So, we request the Chair to give us until Thursday so that we can answer this Question.

Mr. Keter: On a point of order, Mr. Speaker, Sir. Is it in order for the Assistant Minister to say that he cannot answer the Question because he is waiting for the Minister himself to come and answer the Question?

The Assistant Minister, Office of the Deputy Prime Minister and Ministry of Finance (Dr. Oburu): Mr. Speaker, Sir, I have said that we need just one more and we shall be able to answer this Question on Thursday and the Minister himself will come to answer it.

Mr. Jamleck Irungu Kamau: Mr. Speaker, Sir, this is the third time that they are asking for this Question to be deferred and as much as I know the Deputy Prime Minister and Minister for Finance may be indisposed, I think the Assistant Minister should have been able to do that. But nevertheless, I think I will agree with him. Let us wait and have the Question answered on Thursday. I have no problem.

Mr. Speaker: Hon. Members, given the indication by the Member for Kigumo that he is prepared to accommodate the request by the Deputy Prime Minister and Minister for Finance, I will defer this Question to Thursday this week.

(Question deferred)

ORAL ANSWERS TO QUESTIONS

Question No. 028

GROWTH PATTERN ON TRAINING OPPORTUNITIES IN MEDIUM LEVEL COLLEGES

- Mr. Bahari** asked the Minister for Higher Education, Science and Technology:
- (a) the growth pattern of training opportunities in medium-level colleges in Kenya in the last ten years; and
 - (b) how the Ministry has increased access for Kenyans who aspire to train in these institutions.

The Minister for Higher Education, Science and Technology (Mr. Samoei):

Mr. Speaker, Sir, I beg to reply.

- (a) The responsibility to coordinate middle-level colleges cuts across a number of Ministries. The Ministry of Higher Education, Science and Technology specifically oversees training in the following medium colleges; 26 technical training institutes, 14 institutes of technology, two national polytechnics, five university colleges and one technical teachers college.

The growth pattern over the last ten years in training opportunities especially growth in enrollment in colleges under my Ministry has risen by 25,382 places from 34,453 trainees in the year 2000 to 59,835 in 2010. This is an increase of about 53 percent over the last ten years. The august House needs to be informed that the colleges which have been upgraded recently to offer technical degree programmes still do and will continue to carry on with their mandate to offer middle-level training as provided for in the legal orders establishing individual university colleges in line with Sessional Paper No.1 of 2005 on the policy framework of education training and research.

- (b) As regards to access and especially increasing access for those who aspire to train in Middle-level colleges, the Ministry is involved in a number of strategic activities including but not limited to;

(i) Upgrading existing facilities. In the last two years, we have upgraded facilities in existing middle-level colleges under the Ministry. These include facilities taken over by the Ministry upon request by communities and in consultation with relevant Government Ministries. In order to promote equity, expand quality training opportunities and bring technical training services at diploma level closer to the people, we are in the process of upgrading additional eight training institutes across all the provinces to national polytechnics in order to replace upgraded polytechnics and expand opportunities for participation in training at that level.

(ii) My Ministry is in the process of establishing one new middle level college per province. This will greatly expand access as indicated earlier.

(iii) My Ministry is also engaged in a bursary programme. This year, the Government has allocated Kshs410 million for this bursary allocations to needy students from poor families, orphans, students from arid and semi arid areas, female students pursuing the male dominated science engineering and technology courses and students with special needs such as those living in difficult circumstances in slums.

(iv) To enable expand access and opportunity, my Ministry is involved in the process of bringing on board the private sector in the provision of technical training education. My ministry is going to supervise private sector players and those who have been accredited to offer technical training education and a number have already been registered increasing especially since the beginning of the year. It now stands at 998 different colleges.

Mr. Bahari: Mr. Speaker, Sir, I want to thank the Minister for the detailed answer. Middle-level colleges are extremely important for this country if we have to realize development. However, I want to ask the Minister to table the list of the students who have been awarded bursaries as he has indicated showing their districts or constituencies of origin.

Mr. Samoei: Mr. Speaker, Sir, I am sure the hon. Member agrees with me that, that is a different Question. I am prepared to answer it if he can put that Question directly

to me. I will be able to table that list but I want to agree with him, that if we have to actualize Vision 2030, we must produce the men and women especially from our technical institutes that will actually put the nuts and the bolts together. For a very long time, these middle-level colleges have been neglected and every other institute has been turned into a university. As a result, there is a gap of what is normally called the blue collar jobs; a gap of technicians, engineers and middle-level trained personnel. If we do not have middle-level trained personnel, we will be unable to attain the tenets of Vision 2030. In fact, Vision 2030 might become vision 3020 if we do not train enough men and women to engage meaningfully in the achievements of that Government blueprint.

Therefore, I agree with the Member and I want to tell him I will table the list when he puts that Question to me.

Dr. Eseli: On a point of order, Mr. Speaker, Sir. The Minister has answered part “b” on increased access for Kenyans who aspire to train in these institutions by saying that he has availed bursaries. This Parliament passed a Motion brought by myself which stated that Higher Education Loans Board (HELB) was going to be empowered to be able to give loans to students in tertiary institutions so that they access education. What has the Minister done so far to ensure that HELB meets these needs?

Mr. Samoei: In fact the hon. Member, Mr. Speaker, Sir, is spot on this particular issue. We are actually in the process of transferring even this bursary scheme from the Ministry to the Higher Education Loans Board (HELB), so that it is administered in a much more professional manner.

Secondly, Mr. Speaker, Sir, if we actually have to deal with access to technical colleges, we must make it possible for students in those colleges to access loans for their fees. Apart from pushing this bursary to HELB, we will actually make it mandatory in the very near future when discussions are completed between us and the Treasury that all technical institutes and institutes of technology become beneficiaries of the HELB loans, bursaries and grants just like the universities.

Mr. Abdirahman: Thank you, Mr. Speaker, Sir. In fact, creation of jobs for individuals in the Government has actually contributed greatly to the compromise of quality or standards of services to Kenyans. The Ministry of Education is now divided into basic and higher education. My question to the Minister is, recently, we saw some middle-level colleges where students were taking a certificate course when, in a sense, they had grade B minus. What is the Ministry of Higher Education doing, along with other Ministries like that of education, because these are cross-cutting issues, to standardize admission criteria into middle-level colleges?

Mr. Samoei: Mr. Speaker, Sir, I will shortly be bringing two things to this House; one is the Universities Bill 2010. Hopefully, with that Bill, we will be able to harmonize all statutes that establish the various universities and standardize the management of both private and public universities. This will even introduce the flexibility, so that a Kenyan can go to one university and transfer their grades to another university if they find an issue, which is not possible at the moment. I agree with the hon. Member that we need a rethink of our higher education policy. I want to assure this House that, that discussion is already going on and, in a matter of months before the end of this year, both the Universities Bill 2010 and the Bill which deals with technical education, will be in this House for it to consider and hopefully approve them, so that we can have a firm base and

standardized education, and ensure that education is not about acquisition of papers, but is about acquisition of skills, knowledge and technology.

Mr. Ethuro: Mr. Speaker, Sir, I do not know whether you heard it; I thought I heard the Minister say that the rate at which the institutions of higher learning are going, Vision 2030 is going to become Vision 3020, and I agree with him. In order to move towards Vision 2030, can the Minister consider--- Can the Minister consider a facility built by the Norwegians in Turkana 20 years ago that was meant to be a teacher training college and the Lodwar Polytechnic for upgrading to institutions of higher learning, so that we can realize Vision 2030 within 2030 period?

Mr. Samoei: Mr. Speaker, Sir, I want to agree with hon. Ethuro that he sympathizes with my sentiments. But I want to assure him that we will consider his request in the broad sense as we upgrade colleges. I want to ask for the indulgence of this House because for many of the colleges that have done very well, leaders have pressured us for these colleges to be made universities. In the process, we have lost a lot of very good technical institutes and colleges. Once you upgrade a technical college to a university, you will lose control and, therefore, the university starts to recruit students of arts, anthropology and sociology and they fill up the place. In the process, we lose the original concept for some of these technical institutes. I want to promise the hon. Member that we will consider upgrading these institutions so long as that will be in line with their original mandate, so that we do not lose technical institutes and other institutions.

Mr. Bahari: Mr. Speaker, Sir, while I appreciate the fact that the Minister is planning to have at least one middle-level college per province, he knows very well that some of these provinces are very large and that will not necessarily ensure access to education, especially when it comes to the Rift Valley, Eastern and North Eastern. Could he consider, perhaps, some regional blocks to ensure that there is equity in terms of access to education?

Mr. Samoei: Indeed, Mr. Speaker, Sir, that is already in our planning.

Question No. 046

NON-PAYMENT OF SHARE CONTRIBUTIONS
TO RAILWAY SACCO MEMBERS

Dr. Otichilo asked the Minister for Co-operative Development and Marketing –
(a) whether he is aware that most of the retired members of the Railway Co-operative Society have not been paid their share contributions to the society; and,
(b) when the members, particularly those from Emuhaya Constituency, will be paid their money?

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

(a) The inability of Railway SACCO Society to fully refund members' dues arose from the non-remittances from the Kenya Railways Corporation of over Kshs1 billion, which accumulated over a long period of time starting in 1998. In addition, the concessioning of the corporation in 2006 led to the retrenchment of staff, which then denied the SACCO contributions from members. This led my Ministry to intervene and broker an agreement between the two parties. The corporation was to settle the arrears of

Kshs500 million within 30 months with a down payment of Kshs100 million and subsequently Kshs13 million on a monthly basis. Considerable progress has been achieved in deposit refunds to its members on a first in, first out basis. Out of a total of over 12,000 members originally, only 8,079 members were due for refunds. So far, a total of Kshs102,934,221.95 has been paid out to some 2,494 members since 1998. The balance of 5,585 members will be cleared through the already agreed formula.

(b) The society draws its members from all corners of the country, and are registered on the basis of their individual membership. It would, therefore, not be possible to recognize members on the basis of which constituency they come from, as it was not an initial requirement for joining the SACCO. However, the Society has prepared a share refunds schedule for the remaining 5,585 members on a first in, first out basis. The current refund programme ends in August of this year. The schedule for the remaining list of 5,585 members has already been drawn and will cover a refund period of 20 months from August.

Mr. Speaker, Sir, I now beg to lay on the Table the list of all the members for the hon. Member to check who are from his constituency.

Dr. Otichilo: Mr. Speaker, Sir, I want to thank the Assistant Minister for finally coming to this House to answer this Question which has been pending for the last three to four weeks.

Having said that, could she clarify her answer? The answer she has given is not adequate. The clarification I want is this; the answer says that the arrears owned by the members of the Railway SACCO Society is Kshs500 million. The Ministry entered into an agreement with the SACCO to pay Kshs100 million as deposit and Kshs13 million to be paid per month for 30 months. One of the answers she has given is that overall, they have only paid Kshs102 million, which the Kenya Railways Corporation (KRA) has not been remitting money as agreed. I want her to clarify these figures because they are conflicting.

Mrs. Kilimo: Mr. Speaker, Sir, the schedule of names that I have just tabled contains the refund. Even up to 6th June 2010 they remitted Kshs13 million. From 15th of September 2009, they have been remitting Kshs13 million every month.

Mr. Mureithi: Mr. Speaker, Sir, considering that the Co-operative Societies Act (Cap.490) was repealed and then amended; and considering that a clause was put where any employer keeping members' contributions is liable for prosecution, what is the Ministry doing to prosecute the KRA for keeping members' contributions to the SACCO?

Mrs. Kilimo: Mr. Speaker, Sir, you can prosecute or agree. I have answered that the Ministry entered into a brokerage with the KRA to remit these funds. It is better that we agreed instead of going the court way so that they can get their Kshs13 million remittances every month.

Mr. Speaker: Last question by the Member for Emuhaya!

Dr. Otichilo: Mr. Speaker, Sir, given that the Members of the Railway SACCO Society have been denied access to their money for a long time and they are still going to wait for the next two or three years, is the Assistant Minister going to work out interest on this money?

Mrs. Kilimo: Mr. Speaker, Sir, according to the list, the Member is misleading the House. People are being paid on a first-in first-out basis. In fact, one of the questions

he asked was whether the Members from his constituency have been paid. I have put this there. People are being paid their money out of these remittances of Kshs13 million every month.

Dr. Otichilo: On a point of order, Mr. Speaker, Sir. Is interest being considered because this money should have been paid earlier on? Why is interest not being considered?

Mrs. Kilimo: Mr. Speaker, Sir, there will be no interest paid to these members because this is not an investment. In the first place, it was because of the concession of the corporation in 2006, they were in problems and, indeed, if the Ministry did not step in, they could have lost completely.

Right now, I believe the putting in place of SACCO Societies Regulatory Authority (SASRA) will be able to regulate the operations of many SACCOs which were not being catered for in the first place.

Mr. Speaker: Member for Nyakach!

Question No.158

DISMISSAL OF RANGER PAUL
OKUNGU FROM TSAVO EAST NATIONAL PARK

Mr. Ochieng' asked the Minister for Forestry and Wildlife:-

(a) why Mr. Paul O. Okungu (KWS No.8315) who was working as a ranger at Tsavo East National Park, was dismissed from service in September 2009; and,

(b) whether he could consider reinstating him.

Mr. Speaker: Hon. Members, with respect to Question No.158, I have received a letter from the Minister for Forestry and Wildlife dated today. I have just received this letter at the commencement of this sitting when we were already in session.

I want to read it out to the House:-

“Order Paper No.NA/10A/4/SCH/2010 – Parliamentary Question No.158.

The Above Question has been scheduled to be tabled on the Floor today 29th June 2010. The response was prepared and is already with Parliament. However, we have just learnt that the Assistant Minister is not feeling well and will not be available to present the response. The hon. Minister is attending a Cabinet meeting today. The purpose of this letter is to inform you of the Assistant Minister’s inability to be in Parliament today and request that the Question be rescheduled for next sitting.

Yours sincerely,

Permanent Secretary”

The letter is addressed to the Clerk of the National Assembly.

Mr. Imanyara: On a point of order, Mr. Speaker, Sir. As you can see, we have very senior Members of the Cabinet seated right in your presence. Is it in order for a Minister to date a letter today when he should have been in the House to say what he is saying in the letter? We can see on the face of it he is misleading the House and the Speaker by informing you that the Cabinet is in session. I can see Mr. Michuki, Dr. Sally Kosgei, Mr. Wetangula and Mr. Shitanda here. I have seen almost all the Ministers except that particular Minister.

Mr. Speaker, Sir, are you satisfied that he is not taking this House for a ride? Is he not in gross misconduct warranting that disciplinary proceedings be taken against him in accordance with the Standing Orders?

Mr. Olago: On a point of order, Mr. Speaker, Sir. I wish to concur with the views expressed by Mr. Imanyara. However, I think the issue is much more serious than that. To accept that letter on its value would be to set a very bad precedence where members of the Executive particularly Permanent Secretaries can be addressing Parliament when they should not be doing it.

Secondly, if you were to accept that letter, the precedence you would be setting would be failing to come to Parliament and instead be sending letters. That is not right.

Mr. Speaker: I think those two points of order have captured what is important here. It was on the initiative of the Chair that I read out this letter so that both Members of the Cabinet and other Members of Parliament understand the contents of this letter. I think the contents, on the face of it, are contemptuous. However, I have the Attorney-General here and he is the principal advisor to the Government.

Attorney-General, this letter is purporting to state what is not true. What would your advice be?

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

Mr. Speaker: Order, Member for Imenti Central! Allow the Attorney-General to acquaint himself with the contents of the letter.

The Attorney-General (Mr. Wako): Mr. Speaker, Sir, I need some guidance. What is not true here? I do not know!

(Loud consultations)

An hon. Member: Are you in the Cabinet? Is the Cabinet meeting still on?

The Attorney-General (Mr. Wako): Mr. Speaker, Sir, no! On the issue of the Cabinet, I can confirm that it met today, 29th June, 2010. But now, the Cabinet is not meeting and that is why the Attorney-General is here. If it was meeting, I would not be here. Hon. Michuki and the Front Bench would not be here. So, we finalized our meeting just before lunch today. That is a minor issue. But now, as to whether the Permanent Secretary should write to the Clerk, my practice has always been – and maybe that is the best practice – that---

Mr. Speaker: Order, Mr. Attorney-General! So as to save time, what is important in that letter are three things. First, the Minister says that the answer to the Question is ready and it is with Parliament. Obviously, if that is correct, then the Ministry should not have a problem answering the Question. Secondly, the Minister has said that he cannot be in Parliament to answer the Question because he is attending a Cabinet meeting. The Cabinet meeting ended before the commencement of this Sitting. So, that cannot be true.

(Applause)

So, on the face of it, it is a falsehood and you are the Principal Advisor to the Government!

The Attorney-General (Mr. Wako): Mr. Speaker, Sir, as you know, I am now reading this letter and that is why I asked you what is false about the letter. Now, on

reading the letter, I would say that on Tuesdays, Parliament sits in the afternoon and, therefore, the Minister knowing that the practice of the Cabinet when Parliament is sitting is always to have Cabinet meetings in the morning and not in the afternoon, the statement that the Minister will be attending Cabinet today is irrelevant because Parliament sits in the afternoon. The practice has been that the Cabinet does not sit in the afternoon when Parliament is sitting. If the response is prepared and is already with Parliament, that is for the Clerk to state. From what you say, it appears as if it is not already with Parliament. But if it is with Parliament, then I would request that the Minister, if he is available, can answer that Question or any other Minister for that matter.

(Loud consultations)

Mr. Speaker: Order, hon. Members! It is clear from the wording of that letter and the reaction of the Attorney-General that what the Minister has stated, in fact, has an element of irrelevance if not falsehood. That being so, I will defer this Question to Thursday this week and I will expect the Minister to come and give a reasonable account as to why he was not here to answer this Question. Otherwise, he is guilty of disorderly conduct as provided by Standing Order No.97 and this House would be entitled to take sanctions against the Minister if there is no rational account and we will leave it at that. We will take sanctions against the Minister if there is no rational account.

(Applause)

Question No. 168

DESTOCKING OF RANCHES IN KENYA

Mr. Speaker: Hon. Members, I have received a letter dated 28th June, 2010 from the Member for Voi and it reads as follows:-

“Regards deferment of Question No.168. In pursuant to the Standing Orders of the House, I wish to ask Mr. Speaker, Sir, to defer the above mentioned Question as I will not be available on Tuesday 29th June, 2010. I am attending a Coast Parliamentary Group meeting in Mombasa for one week.”

(Laughter)

Order, hon. Members! The penultimate paragraph reads: “The same can be rescheduled to the week commencing 5th July, 2010. Thank you for continued support.”

(Laughter)

The Assistant Minister for Livestock Development (Mr. Duale): On a point of order, Mr. Speaker, Sir. This is the third time I am ready to answer this Question from the Ministry of Livestock. I can see that 80 per cent of hon. Members from the Coast are here, unless Mr. Mwakulegwa is attending as a single member. He has an organization called Coast Parliamentary Group. Can we get some directions? Mr. Yakub and a number

of them are here! So, can we get to the bottom of the matter just like we have handled the matter regarding the Cabinet meeting?

Mr. Yakub: On a point of order, Mr. Speaker, Sir. With all due respect to Mr. Duale, I think there is a meeting of our Executive Committee. I am not one of them and neither is Ms. S. Abdalla. So, there is an Executive Committee meeting.

(Laughter)

Mr. Speaker: Order, hon. Members!

Mr. Ethuro: On a point of order, Mr. Speaker, Sir! The Chair is aware that the roles of hon. Member are various. Unfortunately, the hon. Member has seen it fit to inform the Chair early enough. It is not on the material day like the Minister. So, I feel it is completely in order for the hon. Member to request for that deferment and he has explained the reasons. Mr. Yakub has just confirmed that he is an executive member of the Coast PG.

Mr. Speaker: Order, hon. Members! I would like to give the following directions: First, Members of Parliament who serve in the Executive and otherwise, your duty to Parliament must take priority over all other duties. It is through Parliament that you account to the people of Kenya as a Member of Parliament who has a role, among others, to represent Kenyans as a Cabinet Minister and to account to Kenyans. So, Parliament ordinarily must take priority over everything else, but there would be exceptions; exceptions which are warranted, exceptions which can be justified and understood. In the event that you are going to be absent or unable to attend Parliament, then you must give reasonable notice to the House of your inability to be available. What we will then do is that we will save the time of the House by ensuring that the business which you would have transacted is left out of the Order Paper.

(Mr. Wako and Mrs. Kilimo consulted loudly)

Order, Mr. Wako! Order, Mrs. Kilimo! That way, we will be able to transact business that we ought to in a timely manner. So, the letter from the Member for Voi actually arrived after the Order Paper was prepared. So where you want your absence to be taken into account, then, please, ensure that you communicate with the Speaker's Office, at least, two days before the due date. That will help us to save time!

In the meantime, in both cases, Parliament has been treated rather casually, it is a bit of indifference towards Parliament. It is actually callous, if you ask me. So, I will drop Question No.168.

(Question dropped)

Member for Laisamis.

Question No.005

UN POLICY ON CLIMATE CHANGE
IN DEVELOPING COUNTRIES

Mr. Lekuton asked the Minister for Environment and Mineral Resources:-

- (a) whether the U.N. has asked developing countries to make concerted efforts to address the issues of climate change;
- (b) whether the U.N. is formulating any new policy for developing countries in this regard and if so, the details thereof as well as the time by which the policy is likely to be formulated; and,
- (c) What action the Government has taken to combat climate change and what achievements have been made so far.

The Minister for Environment and Mineral Resources (Mr. Michuki): Mr. Speaker, Sir, I beg to reply.

I wish to confirm that the United Nations has asked developed countries to make concerted efforts to address issues of climate change. The United Nations, through the United Nations Framework Convention on Climate Change, did have a meeting in Copenhagen last year. I want to confirm that the meeting did not end well, in that the agenda for the meeting was never concluded at the technical level. Therefore, there was no report to be considered by the conference of parties No.15, neither was there a report that had been finalized for consideration by heads of Government who went to Copenhagen.

The Question also demands that we explain as to whether Kenya is taking any action. My Ministry, on behalf of the Government, has developed a strategy on climate change, which has been published and distributed to all Members of Parliament. I would request them to read it before they frame their Questions on environment.

This issue of policies takes two dimensions. There is the international forum to create policy like this Copenhagen meeting. There are also decisions at the government level. We, as a country, have developed our own and we will take mitigations; also, we will apply clean development because we do think that adaptation is a more compromising and defeatist approach to the problems.

In that report we have shown ten sectors of the economy of Kenya which require very drastic changes in order to reverse the process of floods, droughts and lack of water, even for hydro-electric.

Mr. Speaker, Sir, therefore, we have a policy. We are working with the United Nations. I think this House ought to know that internationally, and following the Copenhagen meeting, we have almost come to a standstill at the technical level, in that the Kyoto Protocol which forms the one arm of the framework convention, and the Berlin Agreement, where issues of the way forward about finances would be discussed, are now being disowned by the developed world. It requires that, politically, the world meets again to give political direction, because the technicians are likely to carry forward the disagreements that arose in Copenhagen to the next meeting, which is to be held in Mexico in December.

Mr. Lekuton: Mr. Speaker, Sir, I would like to thank the Minister for an excellent answer. Coming closer home, I would like to ask the Minister if he is planning to formulate any policies based on emission standards of vehicles that pollute the streets of this country, including even the new *Tuk Tuks* and motorcycles from China. Are we doing anything to address the emissions that come out of those vehicles?

Mr. Michuki: Mr. Speaker, Sir, the draft regulations to control the emissions from vehicles and industries and so on have actually been on my table for quite some time. The issue is not so much that we lack regulations, but rather that we lack the capacity to enforce them. From the governance point of view, it is ill advised to introduce a law which you cannot enforce.

Mrs. Shabesh: Mr. Speaker, Sir, in the National Response Strategy on Climate Change---

(Loud consultations)

Mr. Speaker: Order, hon. Members. Please lower the level of your consultations, so that we can hear those who are transacting business.

Mrs. Shabesh: Mr. Speaker, Sir, with regard to the National Response Strategy on Climate Change developed by his Ministry, some Ministries have put in some efforts but I have noticed that others have not. Will this particular document be something that other Ministries, that have not put in anything, will contribute to?

Mr. Michuki: Mr. Speaker, Sir, the Kenya strategy to face problems of climate change is a document that was produced after very close consultations with the private sector, provinces and district committees that are mentioned in the Act. Those who have read that document have seen that we have programmes for the Ministry of Agriculture, Ministry of Energy, Ministry of Water and Irrigation and the Ministry of Forestry and Wildlife. We have those areas that are mentioned within the Vision 2030 that will bring change and produce sustainable development.

We have estimated that we would need over US\$2 billion a year to implement those programmes. Right now, the Government is beginning to provide for environment. If you look at the Budget that has been laid before this House, there is Kshs2 billion which the Ministry of Environment and Minerals Resources, working closely with the Ministry of Forestry and Wildlife, has to spend in the next one financial year for the rehabilitation of all water towers in Kenya. It is because of this that I have set up a taskforce to come up with proposals in the next six months as to how this is to be done. We in the Ministry are also working on this.

Mr. Chachu: Mr. Speaker, Sir, one major impact of climate change is that the world will realize extreme weather conditions. In our continent, the recurrent droughts and famine is affecting the livelihoods of so many Kenyans. This is a major problem in this country. As the Ministry works in the adaptation strategies for climate change for this country, have the Minister considered dealing, particularly with the issues of managing drought in this country?

Mr. Michuki: Mr. Speaker, Sir, there are two important documents to guide this House and the country on the issues that we have to deal with. I have just referred to one as the climate change strategy that we have published. There is another document which we have published and we have supplied this document to some Members of Parliament. We did this in Mombasa. That is the atlas of our changing environment. If the hon. Member would refer to page four of that document, he will see what all of us are expected to do. At the end of the day, we are expected to plant more trees for this country. It is the forest cover that conserves the water table. It is the forest that encourages rain. It is the forest that restores fertility to our degraded soil. It is the forest

that will purify even water. So, my appeal is to Members of Parliament to encourage their people to plant more trees in their constituencies. We can use the 35,000 schools in the country to start growing trees. Even money to rehabilitate water towers will be given to schools to start tree nurseries.

We want to grow trees because we are no longer growing trees. We have planted many trees that have died and many people who claim to have done this work cannot show us where those forests are. So, we want really to grow trees. I commend the hon. Member to read that atlas.

Mr. Lekuton: Mr. Speaker, Sir, we, as a country, we are trying to feed ourselves by growing foodstuffs. We also realise that we need to grow a lot of trees so that we make our country green. Here is competition between planting trees and growing food. Does the Ministry have any plans to compensate farmers who use half or part of their land to grow trees for the greener environment for this country?

Mr. Michuki: Mr. Speaker, Sir, farmers will grow trees for their own benefit. Farmers will grow trees to restore fertility to their small holdings. But we shall help in supply of seedlings some of which would be grown by them.

Indeed, so far, we have been buying seedlings from farmers alongside the Ministry of Forestry and Wildlife. I want this House, if I may say so, to regard the Ministry of Forestry and Wildlife and the Ministry of Environment as twin brothers; twin brothers who have no reason to quarrel; twin brothers who are working in the same direction for the same purpose. Hon. Wekesa and myself want to be treated that way. I am sure when he has his time he will confirm this. So, schools will grow seedlings so that they are available in Kenya. Each school will be supplied with a water tank if it has none. It will be supplied with a 10,000 litre tank and the necessary gutters for it to harvest water to start tree nurseries.

Question No. 183

PER-SCHOOL/PER-DIVISION TEACHER
VACANCIES IN KURESOI

Mr. Cheruiyot asked the Minister for Education:-

(a) whether he could indicate per-school and per-division teacher vacancies in Kuresoi District; and,

(b) what immediate steps he will take to reduce staffing shortfalls in the district.

The Assistant Minister for Education (Prof. Olweny): Mr. Speaker, Sir, I beg to reply.

(a) The attached tables show teacher vacancies per school and per division in Kuresoi district totalling 812; that means 630 for primary schools and 182 for secondary schools. That is the teacher shortage in Kuresoi District.

(b) The teacher shortage is currently standing at 66,000 teachers; that are 43,000 teachers for primary schools and 23,000 teachers for secondary schools is both a national and global problem facing other countries in Asia, Latin America and Anglophones. This problem can only be effectively and permanently addressed through massive recruitment of teachers.

However, this plan has been hampered by lack of funds from the Treasury. Meanwhile the Ministry is undertaking the following measures to reduce teachers staffing shortfalls in Kuresoi district: Recruiting eight teachers for primary schools and nine teachers for secondary schools under the normal annual replacement exercise; conducting staff balancing and rationalising exercise for schools with acute shortage of over eight teachers and above; freezing registration of new schools and merging new schools to utilize available teachers, the DEB will start consolidating the schools; introducing e-learning programme to reduce teacher/student ratio; hiring part time teachers by board of governors and parents teachers associations and lastly formulating a redeployment policy for teachers to achieve equity and better utilization of teachers.

Mr. Cheriuyot: I want to thank the Assistant Minister for attempting to respond to my Question, but I am concerned that instead of him giving me the immediate steps he will take to really reduce staff shortage in Kuresoi, he tells me he will recruit 20 teachers every year so as to fill the shortage. This will take about 20 years for the shortage to be filled in Kuresoi.

I am not happy that he is telling me that the situation is comparable to the one in America. It does not sort out my issue at all.

Prof. Olweny: Mr. Speaker, Sir, I did not get the hon. Member's question clearly, but the immediate remedy to this problem is that if the Ministry gets money from the Treasury, we shall employ teachers today.

This is a crisis for us in this country. We are in a big problem on how to address it because the Ministry does not have money to employ teachers. This is the House of Representatives. Your people are suffering because of this problem. We have pushed our case to the Deputy Prime Minister and Minister for Finance and got nothing. If this House can help us, we shall employ the teachers today.

Mr. Imanyara: On a point of order, Mr. Speaker, Sir. Since the Assistant Minister is blaming this House, could he tell this House how much money he has demanded from the Deputy Prime Minister and Minister for Finance which this House has not approved before he makes that accusation against hon. Members?

Prof. Olweny: Mr. Speaker, Sir, I do not have the records on the amount of money we demanded for the recruitment of teachers. However, this is the House that puts pressure on such issues. This is now a national problem and we all know about it.

Mr. Speaker: Order, Prof. Olweny! Your response is not helpful. You will have to refrain from making generalized aspersions. So, withdraw blame on the House and apologise. Next time, you must be equipped with the facts. Withdraw and apologise for that aspersion

Prof. Olweny: Mr. Speaker, Sir, I withdraw my remarks about blaming the House.

Dr. Nuh: Mr. Speaker, Sir, I want to remind the Assistant Minister that he is a professor today because he had teachers. This is a Ministry of many professors, beginning with the Minister, the Assistant Minister and the Permanent Secretary. The Assistant Minister has said that they want to address the issue of shortage of teachers in this country by merging and freezing the registration of new schools. We want the Assistant Minister to repeat that statement and clarify whether, indeed, that is what the Government is doing. What does the Ministry intend to do with the upcoming centres of excellence if they freeze registration of new schools?

Prof. Olweny: Mr. Speaker, Sir, if we cannot get more teachers, then what we shall do is to merge the schools so that we have fewer classes for the teachers that we have. We do not have another alternative.

Dr. Machage: Thank you, Mr. Speaker, Sir. It is common knowledge---

Mr. Mbadi: On a point of order, Mr. Speaker, Sir. You have just given a chance to Dr. Machage to ask a question and I am aware that he is a suspended Assistant Minister. Is it procedural for suspended Ministers to ask questions in this House?

Dr. Machage: Mr. Speaker, Sir, allow me to ask my question.

Mr. Speaker: Order! Dr. Machage, I want to allow you to make a response to the point of order raised by the Member for Gwassi as to whether or not you can legitimately ask a question, notwithstanding that you are suspended. Let me just hear your response and then I will give directions.

Dr. Machage: Mr. Speaker, Sir, there is no previous precedence on the current position I hold in this House. Indeed, I have not been given descriptions of my duties as a suspended Assistant Minister.

(Laughter)

I, therefore, believe that I have to carry on my mandate as the Member of Parliament for Kuria. I demand that I be given my right to ask the question.

(Applause)

Dr. Khalwale: On a point of order, Mr. Speaker, Sir!

Mr. Speaker: Order, the Member for Ikolomani! Hon. Members, indeed, as Dr. Machage has correctly observed, the situation in which he is, is completely unprecedented. It is not clear even to me, as your Speaker, on how to deal with this situation because if a person is suspended, ordinary industrial law says that he retains his position, except that he is rendered dysfunctional to exercise the mandate of that office. But then we have a situation here where Dr. Machage also represents a constituency. If he is unable to exercise his mandate as an Assistant Minister, then he should be able to exercise his mandate as a Member of Parliament. But obviously, this matter calls for deeper thinking and consideration than I have had the opportunity to. So, Dr. Machage, I am afraid that I will have to deny you that privilege until tomorrow afternoon, when I will give proper directions that will guide you and those that may come after you and fall in similar situations.

(Laughter)

Dr. Khalwale: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order, the Member for Ikolomani! The only person I can hear is Dr. Machage, but I want to guide him adequately tomorrow afternoon.

Dr. Machage: Much obliged, Mr. Speaker, Sir.

Mr. Speaker: Thank you, Dr. Machage. Who else is interested in this matter?

Mr. Lessonet: Mr. Speaker, Sir, when the Assistant Minister was responding to this Question, he indicated many times that the failure to employ teachers is because of

lack of funding from the Office of the Deputy Prime Minister and Ministry of Finance and yet we are aware that he is definitely misleading the House. We are aware that the Minister for Education is entangled in a case with the KNUT and that is why they were unable to employ teachers in the last financial year, despite the generous funding given to them by the Office of the Deputy Prime Minister and Ministry of Finance.

Prof. Olweny: Mr. Speaker, Sir, what the hon. Member is talking about falls under the Economic Stimulus Programme (ESP), where each constituency was given an opportunity to employ the intern teachers. That is 50 teachers for primary schools and ten for secondary schools. The intern teachers are to be employed on contractual arrangement. The normal teacher employment or the permanent teacher employment by the Teachers Service Commission (TSC) is another issue.

Mr. Cheruyiot: Mr. Speaker, Sir, I am really not satisfied with the Assistant Minister's answer. Could he, at least, consider allowing the neighbouring districts with excess teachers to move them to Kuresoi? This is because there are many teachers who have sought to be transferred to Kuresoi. For him to tell us that he will merge the schools-- Most of the schools are ten kilometers apart. How will he merge them and yet there are pupils in those schools? I am not happy at all with the Assistant Minister's response.

Prof. Olweny: Mr. Speaker, Sir, it is not for the hon. Member to know which districts have excess teachers. The teachers he may be seeing in the neighbouring districts may not be enough for those districts. This is because the number of teachers in a school is curriculum-based establishment. So, some of those schools may not be having enough teachers. All the same, we shall rationalise the number of teachers we have in this country so that some equitable arrangements are made.

Question No. 196.

DETAILS OF FUEL LEVY FUNDS
ALLOCATION

Mr. Lessonet asked the Minister for Roads whether he could provide details of the allocations for the year 2009/2010 in respect of the 22 per cent and 10 per cent of Fuel Levy Funds to be shared equally among all constituencies as required by the Kenya Roads Act.

The Assistant Minister for Roads (Mr. Kinyanjui): Mr. Speaker, Sir, I beg to reply.

The rates mentioned in the Question of 22 per cent and 10 per cent for the allocation of the Fuel Levy Funds to constituencies became effective in December, 2009 following the enactment of the Kenya Roads Act, 2007. The budgeting process for the fuel levy was completed before the commencement of the Financial Year 2009/2010 and prior to the amendment of the Kenya Roads Board Act by the Finance Act of December, 2009.

Thereafter, the Board in accordance with the Kenya Roads Board Act of 1999 as amended by the Kenya Roads Act, 2007, allocated funds for constituencies and districts as follows:

1. Twenty percent of the monies from the Fund allocated equally to all constituencies in the country to be administered by the Kenya Rural Roads Authority (KeRRA).

2. Twelve percent of the monies from the Fund to be allocated equitably to districts in respect of rural roads administered by the Kenya Roads Authority. The portion of 12 per cent for the districts had been released by December, 2009 to address the critical challenges of road maintenance following the rains. It was, therefore, not possible to disburse the funds to---

(Loud consultations)

Mr. Mbadi: On a point of order, Mr. Speaker, Sir. The Question is of interest to us but the consultation is too loud.

Mr. Speaker: Order, hon. Members! Please, lower the level of your consultations, so that we can hear the Assistant Minister.

Proceed, Mr. Assistant Minister!

The Assistant Minister for Roads (Mr. Kinyanjui): Mr. Speaker, Sir, I beg to proceed.

The portion of 12 per cent for the districts had been released by December 2009 to address the critical challenge of road maintenance following the rains. It was, therefore, not possible to disburse the funds retrospectively to reflect the amended criteria.

Mr. Speaker, Sir, I beg to table the allocation of 2009/2010 as explained above.

(Mr. Kinyanjui laid the document on the Table)

Mr. Lessonet: Mr. Speaker, Sir, sometimes last year, we passed an amendment to the Roads Act with the same purpose of removing inequity in the distribution of this 12 per cent. That inequity includes what the Assistant Minister has laid on the Table, where there is Gatundu District which is getting Kshs63 million, against Emuhaya which is getting Kshs5 million; Kirinyaga - Kshs52 million against Bungoma - Kshs5.7 million; Thika getting Kshs42 million against West Pokot which is getting Kshs7 million; Tana River getting Kshs46 million, against Naivasha which is getting Kshs8 million; Wajir getting Kshs50 million against Kibwezi which is getting Kshs3 million.

Mr. Speaker: Order! Order!

Mr. Lessonet: Mr. Speaker, Sir, why did the Assistant Minister choose to ignore the amendment which was passed rightly on time, last year before even distributing this money? As at now, they have not even received the amount which he has tabled?

Mr. Kinyanjui: Mr. Speaker, Sir, I think the hon. Member has acknowledged that the amendment was in December, 2009. The financial year had already begun and money had already been disbursed. We could not reverse a process that had already begun. Therefore, we will be able to reflect that in the coming financial year.

Mr. Mbadi: On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order to mislead this House that by December 2009 the money had been disbursed to the constituencies, while we are aware that just a portion has been advanced in 2010 and so, by December, 2009, there was no money which had been disbursed to the constituencies and districts?

Mr. Kinyanjui: Mr. Speaker, Sir, the Kenya Roads Board (KRB) sits every year immediately after the Budget to disburse the funds. By the time we got to December, the money had already been disbursed to the Kenya Rural Roads Authority for further disbursement to the constituencies and districts. Therefore, the money had already been disbursed and I can table the records, if the hon. Member requires that.

Dr. Machage: On a point of order, Mr. Speaker, Sir. Would I be in order to ask the Assistant Minister to make sure that in his next disbursement of the finances, the areas that were underprivileged in the last financial year allocation are given more?

Mr. Speaker: Order! Order! Dr. Machage, that is not a point of order! A point of order would have been allowed, but that now is a question or opinion, which the Assistant Minister does not have to respond to.

Mr. Koech: On a point of order, Mr. Speaker, Sir. You heard the Assistant Minister indicate that the problem was the lateness in the decision that was taken. He has also just tabled a document showing the disbursement for 2010/2011 and I can see the same discrepancy. Is he in order to mislead the House that he is going to take into account proper distribution of the same resources this financial year?

Mr. Speaker: Mr. Assistant Minister, are you misleading the House?

Mr. Kinyanjui: Mr. Speaker, Sir, I am not misleading the House. The criteria of getting to exactly what amount is allocated to what district can be availed. But the Question that had been asked by the hon. Member is to provide details of the allocation and not the criteria for the allocation. I have provided details of the allocation.

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

Mr. Speaker: Order, Member for Turkana Central! You do not catch the Speaker's Eye to ask a question and be automatically entitled to a point of order.

Proceed, Member for Eldama Ravine!

Mr. Lessonet: Mr. Speaker, Sir, I just hope that you are not calling me for the last question, because this is a Question---

Mr. Speaker: Order, Member for Eldama Ravine! That is not within your prerogative. Ask your last question!

Mr. Lessonet: Mr. Speaker, Sir, I am a Member of the Constituencies Development Fund Committee. On 8th October, we sat with the Minister for Roads and agreed that he was going to hold on to the funds such that by the time he disburses them, it shall be done equally to all constituencies and not the 140 districts. We do not even know where he is getting the 140 districts, when we know that this country has over 250 districts. He has disbursed funds to only 140 districts. Is it in order for the Assistant Minister to come and mislead this House that the Act came in after the disbursement when by February this year, he had only disbursed Kshs1 billion out of a total of Kshs2.45 billion? The Assistant Minister should go back and apply the Act. I have a letter here which I wish to table. The Assistant Minister should go back and do the arithmetic so that we can get equal contribution per constituency and not district, where a district is getting Kshs63 million when another miserable district is getting Kshs3 million. Is it unfair?

(Mr. Lessonet laid the document on the Table)

Mr. Speaker: Order, Member for Eldama Ravine! What is your question? If you have no question, please, say so.

Mr. Lessonet: Mr. Speaker, Sir, I have a question. We would like the Assistant Minister to tell us when he is going to implement this Act because he is breaking the law.

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

Mr. Speaker: A point of order to a question? That would be out of order! Let the Assistant Minister answer the question first.

Mr. Kinyanjui: Mr. Speaker, Sir, I am not aware of any law that has been broken. I want to assure the hon. Member that the discussions by the Committee---

Mr. Ethuro: On a point of order, Mr. Speaker, Sir. The Assistant Minister says that the law has not been broken. I stand here as the Chairman of the CDF Committee that sponsored the amendments to the Finance Bill, which resulted into the Finance Act of 2009.

Mr. Speaker, Sir, the sequence of events is this. On 8th October, the Minister appeared before the Committee and agreed Treasury had released money to the Ministry, but it was going to hold it until the new law was enacted. In November, this House passed the Finance Bill. On 23rd December, the Finance Bill became the Finance Act. The letter that my deputy has just tabled, dated 19th February was addressed to the Clerk, and is only talking of Kshs1.05 billion. How can you now bring a breakdown of almost Kshs3 billion? This is a serious matter. We sponsored the amendment to address the mischief of giving some people more money for roads than others. The Chair cannot allow that to go unpunished.

Mr. Speaker: Order! That is a genuine point of order. Mr. Assistant Minister, do you confirm that you have breached and broken the law which the Chairman of the CDF Committee has cited?

Mr. Kinyanjui: Mr. Speaker, Sir, the Chairman of the CDF Committee has just confirmed that the law was passed in December, 2009. The financial year began in June last year. The meetings between my Ministry and the Committee were in respect to the 22 per cent and not the 12 per cent. Therefore, by the time we spoke, we had already disbursed the funds. We can lay the facts on the Table of the House. Lastly, I want to say that the issue that the hon. Member has talked about is specific to the criteria; why one district gets a certain amount as opposed to the other. If it is on the criteria of arriving at those amounts, then a proper Question to that effect should be brought and we will give the criteria.

Mr. Mbadi: On a point of order, Mr. Speaker, Sir. Is the hon. Assistant Minister in order to evade answering this question on criteria? If you look at Bureti Constituency where the Minister comes from, it was allocated Kshs30 million. The neighbouring constituency, which is Sotik, was allocated Kshs7 million. What is the rationale for that, if not favouritism?

Mr. Speaker: Order! Hon. Member for Gwasi, that, quite obviously, even to me as the Chair, is a very good question. However, unfortunately, if it is interpreted strictly, it is a different question. The Question here is categorical. It reads: Could the Minister provide details of the allocations for the referred year? The Assistant Minister has provided the details. So, if you want to know the criteria, the Assistant Minister can volunteer the answer. However, if he is not equipped with the answer, then he is entitled to claim that it is a different question because, indeed, it is a different question!

Mr. Imanyara: On a point of order, Mr. Speaker, Sir. This document which has been laid before the House and signed by the Permanent Secretary, Ministry of Roads, is addressed to the Clerk of the National Assembly. It clearly talks about money--- In paragraph 4, it says that Kshs16 million per constituency is now available equally in all 210 constituencies for road works. I have authorized KERRA to enter into road works commitments accordingly. So, the answer that he has given does not show that the money was shared equally. It does not show that because some constituencies have Kshs5 million, while others have Kshs63 million. Apart from the criteria, it does not tally with the document that has its origin from the Ministry of Roads and has been laid on the Table before the House. That is the issue we are asking.

(Loud consultations)

Mr. Speaker: Order, hon. Members! I hear those concerns. The answer to those concerns should come from the Committee that is charged with the duty of playing oversight over the roads department. It should inquire into this matter. The Standing Orders allow the Departmental Committee to do so. The Committee on Transport, Public Works and Housing should delve into this matter and table a report in this House at the earliest opportunity. That is the way to proceed!

So, I direct the Committee on Transport, Public Works and Housing to execute its mandate and let the House have a report. The matter will have to rest there!

Dr. Machage: On a point of order, Mr. Speaker, Sir!

Mr. Speaker: Order, Dr. Machage!

Mr. Speaker: I have already given directions which will allow this matter to be addressed exhaustively. It must rest there at the moment!

Mr. Lessonet: On a point of order, Mr. Speaker, Sir!

Mr. Speaker: What is it Member for Eldama Ravine? Do not persist on the same line because I have already given direction.

Mr. Lessonet: On a point of order, Mr. Speaker, Sir. Thank you for your direction which I appreciate. We have the history of the CDF Committee with regard to this issue. We brought in the amendment to the Finance Bill as the CDF Committee. I just want to request that you make it a joint effort between the CDF Committee and the Committee on Transport, Public Works and Housing.

Mr. Speaker: Fair enough! That is legitimate. Could the two Committees carry out the requisite inquiry jointly?

(Applause)

Hon. Members, we will now take only one Question because we have run out of time. We will take Question No.234 because it was deferred from last week. It has been pending for quite some time.

So, hon. Keynan!

Mr. Mwangi: On a point of order, Mr. Speaker, Sir!

Mr. Speaker: Order, Member for Kandara. You should comply with those directions for the moment.

Question No.234

FREQUENT CHANGE OF OWNERSHIP
OF ZAIN COMPANY

Mr. Keynan asked the Minister for Information and Communications:-

- (a) whether he could explain why there has been a high frequency of change of ownership of the Zain Company from Kencell, Celtel, Zain and finally to Bharti Airtel; and,
- (b) the effects of the frequent change of ownership of the company on the security of the country and economic stability.

The Assistant Minister for Information and Communications (Mr. Godhana):
Mr. Speaker, Sir, I beg to reply.

- (a) I agree with the hon. Member for Wajir West, Mr. Keynan, that, indeed, the ownership of Kencell has changed hands too frequently.

Mr. Keynan: On a point of order, Mr. Speaker, Sir. Last week, you made a ruling that before the Minister for Information and Communications is allowed to transact any business in this House, he has to offer a plausible explanation to the Chair in writing. I wonder whether that has been done before we get an answer from the Ministry.

Mr. Speaker: Order, hon. Members. I will need to ascertain that from the Clerks-at-the-Table.

(Consultations)

Order, hon. Members! I have confirmed that it is recorded that directions were made by the Chair for the Minister to offer a written explanation. I am afraid that, as we speak, I have not seen or received any written explanation.

So, Assistant Minister, you have not complied with the directions of the Chair.

The Assistant Minister for Information and Communications (Mr. Godhana): Mr. Speaker, Sir, I promise that I will bring the explanation. I beg to be allowed to reply.

Mr. Speaker: You cannot! Not before you comply. I will defer this Question to tomorrow afternoon at 2.30 p.m.

(Question deferred)

I want to defer Questions No.236 and 248 to tomorrow morning.

So, tomorrow morning, hon. Members who are supposed to ask those Questions and the Ministers responsible, please, ensure that you are in the House to deal with them.

Question No.236

LIST OF CLASSIFIED ROADS IN MIGORI

(Question deferred)

Question No.248

MANDATE OF MINISTRY OF DEVELOPMENT OF NORTHERN
KENYA AND OTHER ARID LANDS

(Question deferred)

Order hon. Members! Before we move to the next order, I wish to communicate as follows:-

Because of developments that have emerged, including facts as to how Order No.10 was processed to get to the position that it is, I will defer the Order until the House Business Committee has time to consider it and allot it space for transaction.

BILLS

First Readings

THE FINANCE BILL

THE INSURANCE (MOTOR VEHICLE THIRD PARTY RISKS)
(AMENDMENT) BILL

*(Orders for the First Readings read – Read the First Time
and ordered to be referred to the relevant
Departmental Committees)*

MOTION

ADOPTION OF REPORT ON STUDENTS' DISTURBANCES
AT KENYATTA UNIVERSITY

Mr. Koech: Mr. Speaker, Sir, I beg to move the following Motion:-

THAT, this House adopts the Report of the Departmental Committee on Education, Research and Technology on the inquiry into the students' disturbances at the Kenyatta University in March, 2009, laid on the Table of the House on Thursday, 3rd December, 2009.

This report touches on education, which is key to the success of any country. We have many Kenyans serving internationally and locally and all of us are serving, courtesy of education.

[Mr. Speaker left the Chair]

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

Mr. Temporary Deputy Speaker, Sir, we, as a Committee, have just come from Israel. The development in Israel is fantastic. We, as a Kenyan nation, wish we would

copy and adapt all that they have done. The secret behind their success is funding education, science and technology. The report which we shall be tabling before the House, understates that for us to prosper as a country, we must address issues affecting education.

(Loud consultations)

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

Mr. Koech: Mr. Temporary Deputy Speaker, Sir, for us to move forward and prosper as a country, we must ensure that we fully invest in education, research and technology. This report touches on the highest institution of learning in our country, namely, Kenyatta University, where the top cream of the Kenyan academicians are. It is important that as we address the issues in our universities, to also think of the source of the students. The students in our universities originate from our secondary schools and before then, they were in primary schools. For us to have a society that values human resource, we must address the challenges that face our education sector right from the pre-unit level.

We are debating this Report after listening to our able Minister for Education, stating very clearly, the country is in a crisis. The country is in a crisis because of lack of enough teachers. We release funds to our schools very late to the extent that the curriculum is sincerely and seriously affected. I plead with the Government to seriously address the issues affecting our schools today.

This country is also faced with serious cases of strikes and sometimes threats of strikes by university lecturers and school teachers, mainly because of poor remuneration. We, as a Committee, recommend the need to develop a scheme which is very clear that will always ensure that people are remunerated properly and at the appropriate levels, so that we do not become a country of threats. Something needs to be done. We would like the issue of strikes to be a thing of the past. Our students learn a lot from our teachers and our lecturers, especially through the hidden curriculum.

We are also faced with issues of quality of education in our schools. We need to beef up, as a country, the Quality Assurance Departments both in the Ministry of Education and the Ministry of Higher Education, Science and Technology to ensure we provide quality education in our schools. Education is supposed to bridge the gap between the rich and the poor. It is this time that we seriously need to address the issues affecting our students in public schools, so that they can get an avenue of also being part of decision making in future.

Mr. Temporary Deputy Speaker, Sir, the Report before this House is touching on our universities. I want to impress upon all those who are charged with the responsibility of providing leadership in our universities across the country, not necessarily at Kenyatta University, to look at the recommendations and make maximum use of them, so that we can avert strikes. This report touches on the strikes that took place in Kenyatta University on 18th and 29th March, 2009. These two strikes were very destructive in the sense that the first one led to the loss of over Kshs15 million and the second one led to a loss of Kshs112 million in one single day. We also lost one student.

On the onset, I want to thank the following institutions because they helped with information. They also provided recommendations on the way forward. These are the

students of Kenyatta University, including the Kenyatta University Students Association (KUSA) officials, the lecturers, the chaplains, the UASU, the KUDHEA, the Senate, the Council, the parents and the sponsors of the students, the Ministry of Higher Education, Science and Technology and the Ministry of State for Provincial Administration and Internal Security. On behalf of the Committee on Education, Research and Technology, I want to sincerely thank all of them for what they provided to us as a Committee that informed what we tabled before this House, which I want to plead with this House to pass, so that it can be of great help to the Ministry and the universities at large, in forging the way forward.

The major causes of the two strikes in Kenyatta University revolve around the following. The first one is the issue of the registration deadline. As a way of managing the payment of fees, Kenyatta University gave a deadline to the students within which they were supposed to register. They were supposed to register by 2nd February, which gave them three weeks from the day of reporting to the university. Students were paying fees online and not directly to the university. The fees is paid from various sources, which include the Higher Education Loans Board (HELB), parents, well-wishers and some even from Members of Parliament who are also helping in harambees in order to help these students progress with their education. The request by the students was accepted by the university quite late, which was around 10th February and that only took care of those who had registered by 7th February, and some of the students who had already paid were not considered. It also came out very clear that within the same stipulated time, there were campaigns for elections for KUSA officials in Kenyatta University. As part of the campaign tool, the student leaders promised the students that once elected, they were going to request the administration to defer the deadline. We noted with great concern that the university administration did not deny that within the campaign period.

Mr. Temporary Deputy Speaker, Sir, the students were suspended after the first commotion on 18th, and within that period, the student leadership, who were hardly a week in office, were also suspended. When the rest of the students were coming back on 29th, it was felt, amongst the students, that their own leaders had actually been victimised for what they actually requested the administration, on behalf of the students, to do.

The second cause was the suspension of the KUSO officials. The third, and very important cause, of the second strike was that when the students were sent home, each one of them was told to pay Kshs1,000. It was the feeling of the students – and the investigations revealed so – that the first strike was actually done by not more than 5 per cent of the students.

So, those who did not participate felt that they were being told to pay for something they did not participate in. Secondly, they thought that the figure was exaggerated because, it was claimed, it was only the gate that was destroyed, which would have cost the university a maximum of Kshs12 million. If each of entire university population of the university was to pay Kshs1,000, the university would have collected Kshs22 million.

Mr. Temporary Deputy Speaker, Sir, again, the second strike happened because of failure by the security personnel to respond. It is very important to note that there was disconnect between the three security providers in Kenyatta University. There is the

university security. There is also a firm employed by the university to provide security. In addition, there are police officers seconded to the university to provide security.

We noted with great concern that there was a serious disconnect amongst these bodies. More importantly, the Provincial Administration was also informed in time on the likelihood that the strike would take place. Surprisingly, the security personnel from that area responded after 9.00 p.m., after the destruction. As a Committee, we felt that if the external security personnel had responded on time, they would have saved the situation.

Mr. Temporary Deputy Speaker, Sir, another issue we noted is that within the same week, when the students were on suspension, the University Academic Staff Union held their general meeting, and they were able to discuss issues affecting the coming back of the students. The UASU made several suggestions to the administration of the university. On the issue of the fine, UASU felt that it was a bit high. The second one was the issue of certain campuses like Parklands, where there was nothing that took place, but whose students were told to pay.

The UASU also raised the issue of examinations. The students were reporting back on 29th, and were supposed to start taking examinations on 30th. The response from the lecturers was that the students needed at least one week or so, to prepare. So, another issue that led to this strike was the fear by students to sit for the examinations, because they felt that they may not have been prepared for the same. There were also issues and allegations of doing examinations before the completion of the syllabus. There was the feeling that the semester was shortened.

Mr. Temporary Deputy Speaker, Sir, there is a very serious matter, which does not affect Kenyatta University alone, and which must be addressed very urgently. Our universities are national institutions but, today, if you mention the name of a Vice-Chancellor, you can easily tell which university that Vice-Chancellor is heading. This is because we have somehow localised the management and leadership of our public universities.

So, issues of nepotism and tribalism will always come up in our national universities. This is the trend that needs to be addressed. This scenario is affecting all the universities, and the new Bill on universities should be able to provide a better way of identifying Vice-Chancellors. If necessary, Vice-Chancellors need to be appointed at the national level and be rotated on transfer, so that we finish the issue of tribalism, and eradicate the feeling that some people are advantaged in some places.

Mr. Temporary Deputy Speaker, Sir, on security, again, we noted with great concern that the security personnel who were deployed to Kenyatta University were 14 Administration Police officers. Surprisingly, all of them are from one community. That cannot help in providing security to our students, if those who are providing security cannot communicate with the majority of the students.

We have indicated various causes of the strikes in the Report. In our recommendations, which are very key, we propose that, as a House, we condemn situations where students who have grievances burn or destroy property. That is something which must be condemned by all Kenyans. Students must be encouraged to sit down and dialogue whenever an issue arises. University administration should also be open to students. So, dialogue should be encouraged and the destruction fully condemned by all of us.

Mr. Temporary Deputy Speaker, Sir, we are in a democratic state. I want to express my appreciation to the universities that have opened up to students and encouraged them to choose their own leaders. We must encourage all the students to participate democratically in elections of their leaders. We need to welcome them. As a Committee, we recommend that once student leaders are elected, they are immediately taken to a workshop for capacity building and welcome them to their new role of responsibility.

We also recommend that universities stick to the semester calendars. Most students pay fees for themselves. When a semester is shortened by one week, they feel cheated. Therefore, it is important that universities cover the syllabuses within the stipulated time, and everybody is informed of such a decision.

Mr. Temporary Deputy Speaker, Sir, I mentioned earlier on that we need a policy on the recruitment of Vice-Chancellors and senior officers in our public universities. In the course of our investigations, we noted with great concern that those who were suspected to have participated in the strike have actually been suspended. Some of them have been removed from the university. It is the feeling of this Committee that there was lapse in the university management, especially on handling the issue of deadlines, and on the issue of KUSA officials, given that they had just come out of an election. Therefore, there is need for the university to reinstate the staff members and students who were suspended and define a new roadmap for the university.

As a Committee, we noted that deadlines are very important in life. We cannot live in a vacuum where there are no deadlines. However, let us have deadlines which can accommodate everybody. The poverty that Kenyans face has caused some students to pay fees in bits. We noted that the three weeks given to Kenyatta University students to clear their fees balances was too short. We recommend that they be given, at least, six weeks, and that this be made public through newspapers, so that even those who may be sponsoring the students can be aware of the deadline.

Mr. Temporary Deputy Speaker, Sir, we further recommend that there should be a system of ensuring that no student pays more fees after the deadline because, the bone of contention at Kenyatta University was that several students had paid, but they did so outside the deadline. However, the money had already been received by the university.

Mr. Temporary Deputy Speaker, Sir, I said the security system is of great concern. There should be harmony for any university having more than one group providing security. As I said earlier on, the security officials should reflect the face of Kenya. The chief security officer of any given institution should be somebody responsible and employees of the institution. We noted with concern that the Chief Security Officer at Kenyatta University was seconded there. Therefore, he was not being paid by the university.

I would like to conclude by saying that we have made several recommendations, some of them touching on specific individuals. We mentioned that we did not complete investigations but further investigations could be carried out on, first; the Vice-Chancellor, especially on how she handled the issue of deadlines with the students so that she could provide more information on the same. The Deputy Vice-Chancellor--- We also noted with great concern that there are so many Deans who have been acting for one to three years. It is important for people to be given full responsibility so that they are responsible. So, the Deputy Vice-Chancellor, especially in charge of Administration

should also provide information on employment and promotion criteria at the university. This is because they inform a lot about the distance from various people. The Chief Security Officer must also be investigated further.

It is important to note in this House that one student died in Kenyatta University while the security from outside had not reported to the university. To date, the person who gunned down the student is still at large. I think it is important that this information is received. What Dr. Tom Namwamba teaches at Kenyatta University borders a lot on what we can call incitement. How do we draw the line between political science and critical thinking and the issue of incitement? These are some of the things that need to be addressed. We want to produce students who are critical thinkers. How do you critique something? It touches and borders on that. Two students of Kenyatta University Students' Association (KUSA), that is, the Chairman and the Secretary-General could provide more information on the issues.

Mr. Temporary Deputy Speaker, Sir, I want to state here that, as a Committee, we were given a warm welcome all over. I want to commend everybody for what they gave us. These recommendations plus others that I have not touched, should be able to guide our universities so that we are able to get students who are responsible, patriotic and who will lead this country in future in the right direction. I recommend that the rest of the universities could borrow a leaf from this report. I believe that my good friend, the Minister for Higher Education will make maximum use of this report so that we can move this country forward.

With those remarks, I beg to move and request my colleague, Dr. Otichilo, to second.

Dr. Otichilo: Thank you, Mr. Temporary Deputy Speaker, Sir. I wish to take this opportunity, first, to thank the Ministry of Higher Education, Science and Technology for the contribution that they gave towards the writing of this report. I also want to take this opportunity to thank the Kenyatta University management for the co-operation that they gave us while the Committee was compiling this report. I also wish to thank all the key stakeholders who we summoned to come and give us information regarding investigation on this matter. I want to say that we received very useful information from various key stakeholders. As the Chairman has said, the Committee looked into all the matters that were submitted to it and we were able after analyzing the information in a more impartial manner, to come up with various recommendations which the Chairman has already enumerated.

Mr. Temporary Deputy Speaker, Sir, as I second this Motion, I would like to say that the key problem that led to the strike at Kenyatta University was the issue of registration deadline. This was one of the key precursors to the starting of the strike. Another issue that also contributed to the strike, as the Chairman has said, was the poor relationship between the students and the university administration. The students made every effort to meet the university administration but along the line, it was not possible and the dialogue broke down. One of the other issues that led to the strike was rumour-mongering. There was information that was not authenticated that led to people peddling rumours which were unfounded. I also want to note that the suspension of the newly elected KUSA officials also contributed to the strike. Again, after the students were sent home, the penalty of Kshs1,000 that was levelled against the students before being readmitted was also very punitive and many students including the key stakeholders felt

that it was too harsh. So, this also led to the strike. There are many other issues that led to the strike and among them was negative ethnicity. There was also the neighbouring community. We noted that there was not a very good relationship between the community and the university. That is an area where we recommended that there should be a concerted effort to see to it that the community and the university somehow strike a balance and live in harmony.

The issue of co-ordination of security at the university was also noted as one of the key problems. There was a problem between the university regular security officials and the hired security firm. It appeared that the security firm that was hired seemed to have more power than the regular security staff of the university. Again, that had a major contribution to the strike. I also want to note that there were other issues that were raised. One of the major issues that was raised was the form of administration at the university. From all the submissions that we received, it became clear to us that there was a centralized management-type of system where everything had to be referred to the Vice-Chancellor. This again caused a lot of problems in terms of decision-making because no decision could be made without referring to the Vice-Chancellor. We have reported very strongly in our report that the management of the university should be decentralized. We should have autonomy. If there are faculties or schools, they should have the autonomy to be able to make decisions without necessarily having to refer everything to the Vice-Chancellor.

Mr. Temporary Deputy Speaker, Sir, the other area that we found was lacking and caused many problems was lack of communication among the university stakeholders, particularly communication between university management, the lecturers and the students. There was a breakdown. As I said earlier, it appeared to us that everything had to emanate from the Vice-Chancellor's office. This, we noted, caused many problems. In our recommendations, we have made it very clear that there should be decentralization of management; giving various faculties or schools autonomy to be able to run their schools or faculties with, of course, guiding principles as spelt out in the University Charter

The other area we found very lacking was the financial management system of the university. The financial management of the university was not well-structured to provide the students with their fee balances and so on.

So, there was a big problem where students would indicate that they had paid their fees, they have received loans from HELB but the university financial management system could not provide that information. So, some students felt very bad that they had to be denied to register for a semester and yet they had paid. So, there was also a very poor communication between the university financial management and the HELB. That is an area we have also recommended that the university should take care of and make sure that the financial management system of the university is well founded, so that it can provide information online so that the students can be able to know their financial commitments and balances right on line.

The other issue that was of major concern to the Committee was the issue of curricula. Most of the students we talked to were very concerned that the curricula was not covered in most cases. Therefore, they said that they were not getting value for their money because they felt that the semester was sometimes cut short or shortened and in the process, the lecturers and, indeed, some of the lecturers admitted that they did not have adequate time to be able to cover the curricula. Most of the students felt that the

type of education they were receiving was not commensurate to what they expected. So, this is an area again which I think with the parallel programme, we need to consider. Also, the Ministry must come out very clearly and see how the parallel programme impacts on the normal programme of the university and if possible, it should be made clear that the parallel programme and the normal regular programme somehow, they should be brought together because the differentiation of these programmes also cause a lot of problems.

So with all those few comments I have made, I beg to second this Report.

(Questioned Proposed)

Dr. Laboso: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity. First of all, I want to start by stating my interest; that this university is my university. Therefore, I feel a special need to contribute and to also find ways of making sure that we can get the university back to the university that it was or it has always been. Universities are the fountains of knowledge. Many of our youths and a lot of us went through universities and know what formations we were able to get in the universities. When we started looking at the unrest that took place in Kenyatta University, it was a most unfortunate incident because you cannot believe that a hall like Kilimo Hall which we used for the years that I was in that university was razed to the ground as a result of student riots. It is unbelievable that a sum of Kshs127 million went down just because of student unrest. So, I think this is a very serious problem and we really hope that the recommendations that this Committee has given will be taken seriously so that we never and not just in Kenyatta University, but in all the universities in Kenya, have to lose a student through riots. Even up to now, we do not know who killed that student. Over 200 computers were stolen from that building and today, there is not a trace of even a single one, and yet investigations were carried out and all the the arms of security forces came into the university after what took place but to date, as I said, we are told there is no trace of where the computers went or who killed that student during the riots.

Mr. Temporary Deputy Speaker, Sir, I do not want to belabor the point but it is quite clear from our findings; I am talking as a member of the Committee on Education, Research and Technology, that there was a very clear disconnect between the students, the administration, and even the top management of Kenyatta University. It is clear that it was top heavy in the sense that most of the decisions were coming from the top and there was very little connection. There was a complete disconnect between what the students were doing. It came out more particularly clearly that after the student elections were held, it was as if the new team that had been put in was not recognized by the administration. In fact, there was a claim that one of the officials was actually imposed on the management of the students management body. Quite clearly, this contributed quite heavily to what took place because it was like the management was recognizing the old officials that had already come out of managing the students body and was actually taking the new officials for granted or ignoring them in total.

Lack of communication was a clear cause of what took place in Kenyatta University. So really, like our recommendations have stated, more needs to be looked at into how that university is being managed and how to improve the relationship between

both the top management, the staff, the teaching staff and the non-teaching, as well the student body in the university.

I, again, do not want to belabor the issue of negative ethnicity. It is the saddest day when we see that our universities have been reduced to tribal institutions. It is one of the saddest things to imagine that students were being accused even by the management that this was something that was orchestrated, that students from one community or from a particular region are being accused of having conducted or leading the strike because they were opposed to the management which was supposed to be coming from a different community or a different region of this country.

Mr. Temporary Deputy Speaker, Sir, we must make sure that we return our universities to the past glory where it did not matter where you came from, where the management of the university need not come from a particular region where the university is situated. We know that this is something that is happening but nobody is willing or ready to actually address the issue as it should be.

So, again, I want to support this Motion so that if there is a way of making sure that anybody who is from that region does not become a Vice-Chancellor in the region they come from; you should rotate them and let them come from different regions. Let the staff be the face of Kenya; let all the staff not come from where the university is situated.

Mr. Temporary Deputy Speaker, Sir, we have heard from the submissions that we got about the syllabus, the completion or the lack of completion. It is becoming apparent that we are getting over-excited about the role of the parallel programmes. We are going overboard trying to get more and more students into the universities and, probably, at some point, compromising quality. That is why we are rushing syllabuses according to the students. We are rushing through the syllabus, so that we can get another group of the school-based programmes students coming into the institution. We heard the reasons by the staff of Kenyatta University; they complained about having to teach both regular and parallel students in the same classroom and not being paid for the parallel students. So, again, there is another question of management, and they are very much aware that in other universities, the lecturers are paid for teaching in the parallel programmes. It looks like, again, there are some issues around that in Kenyatta University.

Mr. Temporary Deputy Speaker, Sir, I will not again repeat the issue of the fees. Clear guidelines was one of the issues that came out. I just want to say again that it was very clear that on information, there was lack of clear communication. When a fine of Kshs1,000 was imposed on students, they claimed it was one of the reasons why the second and more destructive strike took place. There are a lot of suspicion between the management and the staff – both the teaching and non-teaching staff. There was no good working relationship; it was very clear that there was not clear and smooth working relationship in that institution. So, again, another call for dialogue and more clear interactions between all the stakeholders of that university.

Of course the last one, Mr. Temporary Deputy Speaker, Sir, is about the security in that university. Security is very much compromised. There are almost porous fences around the university and it was clear that, again, there were no good relations between the university and neighbouring Community. I make another call for there to be clearer working relationship between the university and the neighbouring community.

So, Mr. Temporary Deputy Speaker, Sir, I want to support this Report and the recommendations and ask that not just Kenyatta University, but also other universities also take our Report into consideration in their programmes.

Thank you very much, Mr. Temporary Deputy Speaker.

Mrs. Shabesh: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity. As I listened to debate on this Report by the Departmental Committee on Education, Research and Technology, I was appalled, to say the least. I have been writing down what the Chair and other hon. Members have been saying. I see only negative terminology coming out about what Kenyatta University is supposed to stand for. I hear about theft, arson, curriculum failure, security failures, elections that are totally influenced by outsiders, negative ethnicity, decision making that is centralized, no dialogue, issues of remuneration, the normal programme versus the parallel programme.

Mr. Temporary Deputy Speaker, Sir, because I do not want to speak for long, I just simply want to ask both the Committee and the Minister how it is that a university that is supposed to be churning out the future of this country, the professionals of this country who, then, must run our economy and our social systems can have such a negative atmosphere and we continue to say that we have leading university institutions in this country, which are going to give us professionals---

Mr. Temporary Deputy Speaker, Sir, I think that on this issue, and also on the issue of Nairobi University – which also went on strike the other day – and all other universities, I think it cannot be business as usual. How to deal with strikes, lack of communication in the universities and the many issues that the Committee has enumerated cannot be business as usual. I really want to thank the Committee for going into details. I just want to plead with the Minister that when he comes to respond to this Committee's Report, not just to give the normal response that the Ministry will do this and say; "we have taken these issues into consideration". He should really put in place a reform strategy for Kenyatta University, which has been a leading university in this country, and other universities.

Mr. Temporary Deputy Speaker, Sir, reform means that even amongst the leadership, as we have said, the Vice-Chancellors and the lecturers--- We cannot have lecturers who incite students. Also, amongst the students, a hooligan is a hooligan and can be detected, if you have security systems that are working in those universities. You will tell who the inciters are, which students can lead strikes, those who will go ahead and burn buildings and steal computers. I believe that these are students who can be identified and they can be separated from student activism.

Mr. Temporary Deputy Speaker, Sir, we must not stifle student activism in this country; the right of students to be heard must continue to be safeguarded in our society. To be part and parcel of the running of the universities is not a new thing; actually, it is the new way to go. Universities have become more stable and viable due to closer interactions between students, lecturers and the administration.

So, Mr. Temporary Deputy Speaker, Sir, all I want to ask is that it should not be business as usual; we need a real reform strategy for universities so that, at least, we can stop churning out the same kind of characters that are being bred by this kind of atmosphere in the universities.

Thank you, Mr. Temporary Deputy Speaker, Sir.

(Applause)

The Assistant Minister for Labor and Human Resource Development (Mr. Ojaamong): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this Report by the Departmental Committee on Education, Research and Technology. I must also say that I went through Kenyatta University and graduated as a teacher. I taught for three years before I joined you in the struggle to liberate our country from the then political tyrants.

(Applause)

Mr. Temporary Deputy Speaker, Sir, you will find that there are around 24 recommendations that have been made by the Departmental Committee on Education, Research and Technology. My recent visit to Kenyatta University showed that there are quite a number of infrastructural developments, which were quite good and impressive. As a member of Kenyatta University Alumni, we accepted, at least, to do something for the university so that we continue supporting the programmes there.

But, Mr. Temporary Deputy Speaker, Sir, we were very disturbed about the disturbances by the university students. I thought we had already matured from the university students of long time ago, who used to be adored so much in the villages, but right now, almost everybody has gone to the university. So, there is no pride that you can show in the village because you are in the university and for that reason go on strike and then destroy other people's property.

So, Mr. Temporary Deputy Speaker, Sir, I wish to take this opportunity to condemn the riotous behavior that the students in Kenyatta University displayed in destroying people's property, stealing property from the university – the computers – and destroying property. This should not come from academicians, because in this era of technology, people have sobered up. In the developed countries, you rarely hear of people going on strike. People go to learn and then go back home. So, it is my appeal that the Minister for Higher Education, Science and Technology goes to educate the students. Also, as hon. Members of Parliament, when we meet the students, we should tell them that the university is a place where you go to acquire knowledge and not to riot and destroy property. Eventually, they waste a lot of time when they are sent away; some do not have fares and the rest.

But, Mr. Temporary Deputy Speaker, Sir, the very issues that have been enumerated here, especially the negative ethnicity--- I remember I had a professor who had risen and he was almost joining the top in Kenyatta University after struggling so much--- But because they saw that he was almost succeeding and he was very much qualified, he was to be given a leave of over two years. His name is Prof. Etyang. He was given a leave and when that vacancy was filled, he was now told to come back and do some small, small things in the department. So many other tribal things do happen in our universities. It is very unfortunate that women whom we expect to uphold fairness are the very ones who are unleashing unfairness to other Kenyans. So, even if we brought very many women to Parliament, I do not think our country will---

Mrs. Shabesh: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the hon. Assistant Minister, as he is contributing, to impute improper motives on women leadership in this country?

The Assistant Minister for Labour (Mr. Ojaamong): Mr. Temporary Deputy Speaker, as far as I know the Vice-Chancellor of the University is a woman. She is the one doing these tribal things---

The Temporary Deputy Speaker (Mr. Imanyara): Order! The issue that is legitimate is, are you equating bad leadership of one person to the women in general?

The Assistant Minister for Labour (Mr. Ojamoong): Mr. Temporary Deputy Speaker, Sir, because we anticipate so many women to come here, I want her to uphold fairness.

The Temporary Deputy Speaker (Mr. Imanyara): I want you to respond to the specific issue raised by Mrs. Shabesh.

The Assistant Minister for Labour (Mr. Ojaamong): Mrs. Shabesh has just---

The Temporary Deputy Speaker (Mr. Imanyara): Order! There is a point of order raised that you are casting aspersions on the entire women gender on the basis of one person.

The Assistant Minister for Labour (Mr. Ojaamong): Mr. Temporary Deputy Speaker, Sir, I am just highlighting what Mrs. Shabesh said, that everything that is in this Report is negative. I am saying that the institution is led by a woman. I am just appealing that in future, women who come to power should not encourage this. That is the point I am trying to bring out.

Mr. Affey: On a point of order, Mr. Temporary Deputy Speaker, Sir. Clearly, the Assistant Minister is out of order---

The Temporary Deputy Speaker (Mr. Imanyara): It is not for you to determine that!

(Laughter)

Mr. Affey: Mr. Temporary Deputy Speaker, Sir, is it in order for the Assistant Minister to contradict himself? We are privileged to have attended a function at Kenyatta University and in his opening remarks the Assistant Minister acknowledged the massive--

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

Mr. Affey: Mr. Temporary Deputy Speaker, Sir, is it in order for him to contradict himself by saying at one time that the university has done massive development and at the same time he is casting aspersions?

The Temporary Deputy Speaker (Mr. Imanyara): Order, Ambassador! Assistant Minister, please, proceed!

The Assistant Minister for Labour (Mr. Ojaamong): Mr. Temporary Deputy Speaker, Sir, what I had said was massive infrastructure development.

The Assistant Minister for Higher Education, Science and Technology (Dr. Mwiria): on a point of order, Mr. Temporary Deputy Speaker, Sir. The Assistant Minister claims that there is tribalism because one Dr. Etiang' who happens to come from his ethnic group was compulsorily sent on leave. Does he have evidence to prove that? He

could just be alleging. How come that the person happens to be someone who is almost his villager?

The Assistant Minister for Labour (Mr. Ojaamong): Mr. Temporary Deputy Speaker, Sir, it is not a secret that there is tribalism at Kenyatta University. If the Assistant Minister wants us to table the evidence, he will be shocked. It will be very shameful to him and the Government.

The Temporary Deputy Speaker (Mr. Imanyara): Order! If you are asked for substantiation you must respond to it. You cannot respond by saying, "If the Assistant Minister wants"

The Assistant Minister for Labour (Mr. Ojaamong): Mr. Temporary Deputy Speaker, Sir, given an opportunity I will table the evidence. It is something I am talking clearly from---

The Temporary Deputy Speaker (Mr. Imanyara): Order! Order! You know the Standing Orders.

The Assistant Minister for Labour (Mr. Ojaamong): Mr. Temporary Deputy Speaker, Sir, I can even tell you the names. He is Prof. Martin Etiang'. I can even table the man here so that he can argue the case for himself, if you so wish.

(Laughter)

Mr. Affey: On a point of order, Mr. Temporary Deputy Speaker, Sir. Clearly the Assistant Minister is introducing ethnicity in Parliament. Is it in order for him to continue misleading the House that there is ethnicity at Kenyatta University when the only example he has is somebody from his ethnic group?

The Temporary Deputy Speaker (Mr. Imanyara): Assistant Minister, I order that you become relevant. The rules clearly require you to be relevant to the Motion before the House. Please, restrict yourself to that.

The Assistant Minister for Labour (Mr. Ojaamong): Mr. Temporary Deputy Speaker, Sir, if you read the Report on page 34 and recommendation No.14, let me read it, for the benefit of Members:-

"The University should take into consideration the regional representation in the recruitment and promotion of its employees so as to counter the negative ethnicity that is currently perceived. The allegations of the use of vernacular in meetings in some departments said to be dominated by one ethnic group is serious and the University must stop this behavior"

I am not cooking issues. I am just being polite by mentioning one name.

Mr. Temporary Deputy Speaker, Sir, Kenyatta University is a national and international university. We need good programmes but for instance, we find that semesters are shortened the disadvantage of students who lack preparation towards the end. All of a sudden, a semester which is supposed to run for around 16 weeks is reduced to 15 weeks, 12 weeks or 10 weeks. The students are so disadvantaged and cannot prepare well. These courses are stressful and eventually, students can go on strike.

Mr. Temporary Deputy Speaker, Sir, the next thing I want to talk about is the Higher Education Loans Board (HELB). Sometime back, I said that the HELB acts in secrecy for no reason at all. The students blame Members of Parliament saying that we should assist them through the Constituencies Development Fund (CEF) and yet we

cannot even know how much they are given. Unfortunately, the university administration also does not know how much they are given. Even the students themselves are not able to know exactly how much. At the time the money is disbursed from the HELB to universities, you cannot know when it is remitted.

If the HELB needs us to assist it, let it bring whatever requirements students have in this Parliament so that we can see how we can best assist them other than torturing the students and subjecting them to unnecessary stress and eventually, making them not do exams.

Mr. Temporary Deputy Speaker, Sir, it is my appeal that the HELB should be very transparent. It should be publishing how much money the students get in time so that they can prepare for exams.

You will find that at the universities now, as we talk about corruption, we have special students from certain regions who are given specific courses to study. Those from other communities in Kenya are admitted to study very bad courses. I do not think the constituency I represent has engineering students at the university. They are qualified but because---

Dr. Nuh: On a point of order, Mr. Temporary Deputy Speaker, Sir. I am not aware of any bad course in a learning institute in this country. Is the Assistant Minister in order to talk about bad courses in our institutions?

The Assistant Minister for Labour (Mr. Ojaamong): Mr. Temporary Deputy Speaker, Sir, I am talking about respected courses worldwide like engineering, medicine and nursing. You find that students from certain communities are just admitted to study religion when they qualify to study engineering.

Dr. Nuh knows these people; they are members of his community. He comes from Tana River---

The Assistant Minister for Higher Education, Science and Technology (Dr. Mwiria): On a point of order, Mr. Temporary Deputy Speaker, Sir. This is a very serious allegation. As far as we know, there is no evidence in any university that certain faculties are dominated by students from certain regions, or that there is a deliberate attempt to ensure that only students from certain regions are members of particular departments. This is very wild and I think very unfortunate because it not true.

The Assistant Minister for Labour (Mr. Ojaamong): Mr. Temporary Deputy Speaker, Sir, let us tell the Assistant Minister the hard facts so that he goes and acts on them. I know we participated in the liberation of this country. We almost saved Dr. Mwiria himself from torture and all that because he was a victim of the previous Government. It is not a laughing matter because you find that a student from Teso who qualifies for engineering is admitted to study a funny course.

I am saying that there should be a balanced and proper placement of students in various courses at our universities.

With those few remarks, I beg to support.

Mr. Affey: Mr. Temporary Deputy Speaker, Sir, like my colleague, I would like to confirm that Kenyatta University actually trained me, molded me and in many ways made me what I am today.

Mr. Temporary Deputy Speaker, Sir, we had an opportunity fairly recently to visit the university together with Mr. Ojaamong. We were invited by the university to launch the Alumni Society of Kenyatta University. It was very clear to us that the leadership of

the university was up to the task. You cannot run an institution of that magnitude efficiently with growth not only of student population but also infrastructure, with poor leadership. Therefore, as I support the Report, it is also important to cite, congratulate and thank our managers in the universities where they have done well. It is pointless to complain about the weaknesses all the time when we know the progress that these universities make.

Definitely, the university has several challenges. It has substantial weaknesses that we should all address as a country. It would not be fair to cite all the weaknesses while remaining silent and not even appreciating the success the university has made. Therefore, we must agree that of all the university managers, this is the only public university with a female Vice-Chancellor.

That lady is doing very well and instead of encouraging more of our ladies to take responsible positions in the Government, we want to bring them down. Therefore, I want to request hon. Members to applaud the efforts made by that wonderful lady because she has done a good job. I am not saying that everything she has done is excellent. I am not also saying that she has not done anything wrong. She is a human being and she could have done quite a number of things wrong. But as I know, the university is not only run by the Vice-Chancellor. There is a council. Prof. ole Moyoi happens to be the Chairman of that wonderful institution. But he has since been replaced and I do not know who the chairman is now. As we focus our attention on the management, let us focus on the overall leadership of the university.

Mr. Temporary Deputy Speaker, Sir, it has been said - and I want to thank the Chairman of the Committee for executing their mandate and doing a good job--- But when you say you need the autonomy of the universities, I think there is a difference between autonomy and delegation of duties. We cannot have several semi-vice chancellors in all the campuses that we have. Otherwise, we will wreck the institution because we will not know who is in charge. It is important to emphasize the duty of delegation. The Minister can do that with the Vice-Chancellor and Chairman in order to improve dialogue. Then, you can be able to delegate responsibility. You cannot say that you have an autonomous law or medical school. Kenyatta University has grown. They did not have a medical school but now they do. They did not have a law school but now they have. They even have a campus here in Nairobi City. So, they have decentralized their operations. It is good to ask the officials there to make sure that delegation is improved and not insist on autonomy. If we go the route of autonomy, we will bring more chaos to the management of our universities.

What the Committee did not investigate--- I expected them to raise it – at least, the Chairman or Secunder. The issue of politicizing our universities. There is too much politics in the universities! If there are elections at the University of Nairobi (UoN), all the political parties flock there as if those guys are the ones who determine who will become the next president or member of parliament . There is too much politics and we, the politicians, are the culprits. I thought that the Chairman of the Committee would have reprimanded the politicians just like the way he has reprimanded everybody else. I think we are greatly responsible for the indiscipline that we see in our universities. It was very clear. The Chairman told us that one of the lecturers at the university was inciting students. As we condemn them, let us condemn those of us, politicians, who have made business out of politicizing university administration in this country.

I thought that as the universities grow and have a large number of students, the Ministry will also focus on courses that will help in conflict management. Quite a number of our universities do not provide courses in conflict management and how to have discipline in our universities. If those courses are provided, we could get quite a number of diplomats within the university itself; students or lecturers who are ready to go out of their way to inculcate discipline and conflict resolution. It is very important for the universities to diversify their courses. As they do many other courses, that is a very important issue that we have not, over the time---

The Assistant Minister for Higher Education, Science and Technology (Mr. Kamama): On a point of information, Mr. Temporary Deputy Speaker, Sir. I just want to inform my good friend, Amb. Affey, that our universities have started providing those courses. Quite a number of them have started. It is not all of them. So, we are on course on that and we will try to do that.

Mr. Affey: Mr. Temporary Deputy Speaker, Sir, congratulations to the Assistant Minister. I think they just need to do this in all the universities so that we are able to reduce the damage that students cause.

Mr. Temporary Deputy Speaker, Sir, discipline is very important. It is very dangerous to allow students to be given the leeway to fight and riot all the time. Even if the registration exercise was reduced to three weeks, that is not a reason to justify the destruction of a facility that is worth Kshs100 million. Therefore, I would like to appeal to our students to ensure that they become as disciplined as possible because they are the future leaders. We do not want people who riot in the universities all the time. They transfer that habit to politics or public service and Kenya will become a very difficult country to run.

I want to thank the Minister because of the students who were sent away from Kenyatta University. The Question came to the Floor of the House. Some of them were incited by their lecturers. Others were incited by politicians. So, it was very clear that there was too much foreign pressure. I am quite happy that the discipline that was meted to those students was not as punitive as the university had suggested. Some of them were finishing their courses. I had one guy from Wajir South Constituency who was finishing his university degree. He was left with two months. He was sent away for three years. After interventions and pleading with the Minister and officials, they reduced the period. Can you imagine something of that nature? We do not have students from Wajir at the universities. If the few we have fall victim to those kinds of punitive disciplinary measures, then we will be suffering even more. I just want to acknowledge that even as we discipline students, we do not allow our university material not to be destroyed. That is because you can chase somebody away for four years and yet, he has spent four years in the university. You will have destroyed a career and, perhaps, somebody who would have been useful to the country.

Mr. Temporary Deputy Speaker, Sir, the problem of ethnicity is very real. It is not only at the KU, but in all the universities in Kenya. The other day, as a Committee of Parliament, we had an opportunity to interrogate the Minister for Higher Education, Science and Technology. If some universities are established in Eldoret, Kisii or Mt. Kenya, you do not have to look for people from that area to manage them. It is a very dangerous issue that is becoming very apparent. Today, if you establish a university in Meru, you must get a Meru vice-chancellor. If you establish one in Eldoret or North

Eastern Province, you must look for somebody from there. We do not want our universities to be run that way. They are becoming incubators of tribalism in this country. There is a rush to establish universities all over Kenya, but the way the Ministry of Higher Education, Science and Technology is managing those universities is very dangerous. I would prefer that we have a national spread. Even where you do not have people with that background, create them. We have a capacity to mould professionals very quickly and allow them to work anywhere in the country. That way, you will not go to a university and find one ethnic group managing it. That is happening in all the universities in Kenya. It is not only in KU. All of them are culprits of that practice. I do not know whether we should blame the university, the Ministry or the council? How do we blame the management of the university? Who posts them there? There must be some kind of a policy and it must be reviewed. If the policy is to encourage tribalism, the Minister should sit down with his officials, PS and other colleagues and see whether we can fast-track the Bill that the Ministry is about to bring before Parliament. We want a Bill that prevents ethnicity from growing in our universities. If you do that, then you are not creating national leaders. We will just be creating tribal warlords in the form of professors, and that will be very dangerous for this country.

There is some information on Kenyatta which the Chairman had said about the communities. Kenyatta University has one of the largest land space and it is quite attractive for anybody who wants to “grab” land. There is a good chunk of land for the university. We had an occasion to raise this issue with the Vice-Chancellor, that there were fears that land grabbers and the so-called communities that surround the university could encroach on the university’s land and we do not want to lose this facility. We would like the Minister to ensure first of all that, that land which belongs to Kenyatta University has a proper title deed. There are people who have come into the university and taken it to court. You can imagine; you squat there for months and suddenly, you establish big structures there because when we were at the university we were victims of these communities who encroach on university land and establish small kiosks to attract university students who come for tea and *chapati* in the evening. The university has a wonderful facility there in terms of land. We would like the Minister to protect it and even to fence it off. This brings in the question of funding. You must be able to fund this university along Thika Road. Now that there is a highway with eight lanes going to Thika, it is very tempting for some politicians to go to the Ministries and get that land from the university. It will be very dangerous if that happens.

Mr. Temporary Deputy Speaker, Sir, I would like to support the Report but as I do so, I would like to acknowledge that this university has done very well. I would like to congratulate the only woman vice-chancellor we have in Kenya. We need more of these women to occupy these positions.

An hon. Member: There are four!

Mr. Affey: If there are four women vice-chancellors, then we should encourage all of them. We should get even eight. Thank you very much.

Mr. Kizito: Mr. Temporary Deputy Speaker, Sir, I rise to support this Report. I would like to take the first opportunity to commend the Committee for having come up with a very good Report. I want to observe that this is not a negative Report. This is a very positive Report. For those who have gone through it, they will find that is not negative. It is very positive towards helping Kenyan universities.

Mr. Temporary Deputy Speaker, Sir, we should look at the reflection of the universities. Universities are a proper reflection of this nation. When we talk about ethnicity and tribalism, it is what goes on everywhere in the Government sector. So, universities will not be blamed only for that but let them go by merit. Let the people who manage offices do so by merit.

Mr. Temporary Deputy Speaker, Sir, when it comes to Kenyatta University, I want to declare that I have been a former student in that university. That is where I did my masters degree in education administration and management. I want to say that on the management front, it will be very wrong to judge Kenyatta University and say that let them send autonomy to each and every school in that particular institution. This will be a recipe for chaos in that particular institution. We would like the Vice-Chancellor to decentralize the administration so that each and every department can have some level of decision making but at the same time she should not do away with accountability. She should remain accountable for all these things.

As a woman Vice-Chancellor, I would like to tell this House that there is no other vice-chancellor who has driven that university to where it is now. I have been there for a long time and I know this. It has been restructured. It has increased in terms of courses. She has done very well and it is good for us to commend her for the good things that she has done.

Mr. Temporary Deputy Speaker, Sir, I would like to say that the students are young people in hot pursuit for knowledge. They are people with critical minds. These students come from our community, Kenya. They stay in this country and they see what happens here. They see a Minister exchanging words with the Prime Minister or disobeying the President. They see a Member of Parliament arguing with the Prime Minister and all these. They see councillors abusing one another and all those chaos happening in this country. What do you expect of them? Do you expect them to be sane?

All of us are to blame and not Kenyatta University. We must come together and find out what went wrong. Let us correct ourselves first before we blame institutions in this country because when a Minister is suspended by the Prime Minister, he refuses to go and the students are watching. Do you not expect them to emulate the same behavior at the university? So, I think we must change. I request the entire Kenya, including the students, to have a change of heart so that we can have smooth running of our institutions.

Mr. Temporary Deputy Speaker, Sir, secondly, I would like to urge that if we can only encourage the vice-chancellors, not only of Kenyatta University, it will be very good. We are talking of Kenyatta University because this unrest has happened there but what about other universities? There are so many problems in other universities in this country. There is a lot of nepotism in them. I can quickly point out and say that there is a university in this country that has the vice-chancellor from one area. The deputy vice-chancellor is a cousin. All the administration from top to down are related and speak the same language. I can mention Masinde Muliro University and Maseno University. We should not only pick out Kenyatta University for tribalism. We need to look at this vice and help this country. Let us talk about institutions together as a family of Kenya because we are talking about the young person of this country. If we do not take care of the intelligentsia of this country, then we will leave it to go to the dogs.

So, the Ministry of Education should come up with a way of recognizing needy students and giving them bursaries or loans in good time so that we do not have these kind of situation recurring. The cause of the strike would have been the little things that pricked the whole balloon that was already red. I think there were other issues that might have triggered this but narrowing on only this, then we would be leaving other things outside.

Mr. Temporary Deputy Speaker, Sir, thirdly, I would like to ask the politicians to keep off university students' affairs. Let us go to the universities to advise students and help them learn. I can tell you that there was an election for KUSA and one Minister from Western Province gave Kshs150, 000 to a student and told him to make sure that he votes for leaders from our community. Therefore, it begins with us. So, we cannot go and pin down one individual. Politicians should leave students to practise their young democracy. We should not be the ones imposing what we know in politics. Let their young democracy flourish so that they can take our positions when their time comes.

Mr. Temporary Deputy Speaker, Sir, what could also have been the role of lecturers in this? I want to inform the Ministry of Education that they are underpaid. That is their major problem. Recently, I looked at the pay slip of my former lecturer who is a professor at Kenyatta University and he was earning less than Kshs100, 000. Now, a student from Shinyalu Constituency who did mechanical engineering and got a job recently earns Kshs169, 000 per month and yet it is the first degree. Then we are talking about a lecturer who is hungry and cannot meet his or her obligations and cannot pay his or her bills. They come to the class with lugubrious looking faces because they cannot manage their affairs. The students will see the sadness on their faces. These students will see that the lecturer is bitter in the class. What happens? They may tend to talk about their communities and send wrong signals to the students who may wake up and strike.

Mr. Temporary Deputy Speaker, Sir, I also want to point out that there are some disciplines in the university which are very controversial like philosophy and political science. They are critical subjects. They might be construed by students to mean that they are being incited. So, if we can find a way of enumerating lecturers well, then this country will move forward well.

Mr. Temporary Deputy Speaker, Sir, I would like to encourage dialogue in the university. I would like to ask the Ministry to take the first initiative to retrain the chancellors in this country. Most chancellors in this country are not specialists of administration and management. They are only pedagogists. They are only people who have knowledge philosophies which they want to pass across but they may not have skills in administration and management.

We are making a mistake here. There is a difference between management and administration. The vice-chancellor does what we call administration at the university, which is running the day to day activities of an institution. The management of an institution is done by what we call council. There is a council with a chairman that has to give long-term decisions to the vice-chancellor to do the administration; he breaks tasks into small units of day to day activities.

This is why we are saying that we cannot pin the blame on the vice-chancellor when the university is run by an amorphous group. So, we need to really be very genuine when we are looking at what we want to do.

Mr. Temporary Deputy Speaker, Sir, we may also need to check on mass values and if it can result in this kind of a problem. When you punish people en masse, there is that mob psychology, and it leads to this. The issue of strikes is not new, and we need to deal with it once and for all. I know that there have been strikes in schools. I am one of the people who took the initiative to do a research in the role of student leadership. The research can be very useful to help this country in terms of getting into the quagmire of destruction of poverty by students who feel aggrieved.

When rumours exist in an institution, it means there is little information circulating. There has to be communication. This affects all our Government institutions. Communication is very important. As the Chairman of the committee indicated, it is important that information is made available, so that rumour mongering does not occur at the university, and we are capable of practising the proper management and leadership of our students.

Mr. Temporary Deputy Speaker, Sir, Dr. Mwiria, who was my lecturer in the university, will agree with me that there is a lot of *laissez faire* administration at the university, because of the vastness of the university and the many courses that are coming up. If the vice-chancellors could have time to listen to the lecturers, they would be able to iron out some differences. Lecturers should make themselves part and parcel of the administration of the university, so that they, like the university, are comfortable, iron out differences; for this reason, I am sure strikes would not be in our institutions.

I also want to say that there is a major problem of financial management in our institutions. The universities now offer junior courses that would have been taken care of by other colleges. We do not expect a university to offer certificate courses. Certificate courses should be offered by middle level colleges, so that the universities can only offer diploma, degree and post-graduate courses; this way we would reduce congestion.

I want to commend the Ministry for having allowed the university to also run parallel programmes. These parallel programmes are good. They are supporting our universities. They are good for our students who would have otherwise got lost. They are able to train many Kenyans in specialized areas. You can agree with me that most of our students who have attained university requirements have always gone out to Uganda and Tanzania. As a result, we lose a lot of income to pay fees in other countries. Through parallel programmes, we have money coming back here and our people can get jobs. That should not be a problem. We need to streamline so that the regular and parallel programmes do not look like they are in conflict, and bring in dissatisfaction on the part of the students.

I also want to correct the impression created about low or base courses. All courses are necessary for the development of this nation. I would like to inform my colleagues that it was a wrong assertion to refer to them as “base” courses. They are not base courses. All courses are very important. I am a teacher. I trained in bachelor of education, and I do not think that the person who studied law is more important than I am. He is good in law. I am an educated friend while the lawyer is a learned friend.

Learning is a small sub-set of education. So, education is better than learning. Nobody should come here and tell us that some courses are lower than others. All of them are equal, depending on where you use them and how well you can utilize them for the development of this nation.

I would like to commend the university. Let them move on but let us talk together. I want to commend Kenyatta University. It has taken the lead. I am sure it is the university that started parallel programmes and open learning. My lecturer, Dr. Mwiria was one person who was very much into research and opened up many areas in the university. I want to commend them; I want them to continue taking the lead, and to take education everywhere in this country. As much as possible, they should find ways of getting students to read and pursue knowledge that will help them in the development of this nation.

I would like to ask the Government to allocate more funds to universities to avoid overcrowding. In the same vein, I would like to say that we should open up more institutions, so that we do not continue killing smaller institutions. This will also ensure that we do not overload universities with junior courses like those leading to certificates. You will find a university offering a CPA course or a certificate in computer course. This can be done by other smaller colleges, so that we can continue giving people enough jobs and universities can only concentrate on what they do best.

With those few remarks, I commend the committee and support the report because it is very positive.

Mr. Wamalwa: Mr. Temporary Deputy Speaker, Sir, I also wish to join my colleagues in supporting the recommendations of the departmental Committee on Education under the very able leadership of Mr. Koech. The fact that we have so many Members of this House who were students at Kenyatta University tells you how important this institution is and its contribution to this nation.

Amb. Affey talked very nostalgically about this institution, and he did not want anything bad to be said about it. But I do not think that is the issue. Kenyatta University is not on trial here. What reached this House was disturbing news that one student had been killed in a riot and property worth over Kshs112 million had gone up in smoke.

This was disturbing news and we needed, as a House, to find out exactly what had happened at Kenyatta University and the cause of the riot. I do commend the committee for the good work they have done in giving us a very elaborate report that has dissected the problem and made recommendations on the necessary remedial measures that must be put in place to deal with the problems that arose and that are likely to also arise in future.

We also had similar problems at the University of Nairobi, and the students were sent away when they had the SONU elections. At Kenyatta University, we are told there had been KUSA elections. The atmosphere was still charged on campus when this happened, and there were registration deadlines. The situation built up and exploded. This is what happened.

As a nation, we did host a conference that looked at the problems that we are facing. That conference came up with two issues that stand in the way of the Kenyan dream. They said that we have the twin evils of tribalism and corruption. This is what bedevils Kenya and stands in the way of the Kenyan dream. Looking at this report, you will realize that these twin evils have permeated every level of our society, including our institutions of higher learning.

Mr. Temporary Deputy Speaker, Sir, it is the truth that, indeed, whenever we have elections in this country we have resolved our differences through violence. It happened in 1992, 1997 and 2008. Whenever we have had elections, we have won our seats through bribery and through using a lot of money. Those that we use as agents during the

polling are mostly university students. When they hold their elections on campuses, we have seen them approaching politicians asking for money. Politicians have been giving money generously, particularly on the basis of party affiliations and tribes. When you see a student leader from the Luo or Luhya community running, you would find that each would go to Luhya MPs or Luo MPs for backing. As we are doing this, we are, indeed, corrupting these minds. I believe universities are Export Processing Zones (EPZs) where we package what should be the finest of our society and we export outside into the society and into the international community. When we export products that have been seasoned in tribalism, they know that to become a leader, you must be supported by your tribe. To become a leader, you must get money to buy fellow students to be elected. When they get out, this is what they would be doing. These are the leaders that we are grooming for the future of this nation.

Mr. Temporary Deputy Speaker, Sir, we need to encourage students. We, as leaders in this House, have interfered with our institutions. We have polluted them. We, as leaders, must stop this practice. We must encourage our students and tell them that when you are at the university, that is your finest hour, be the best you can be. If you wish to be a student leader, that is where you should be like Socrates, the Philosopher who stands at street corners to philosophise and talk to your colleagues; sell your ideas, but do not go to your tribesmen to support you to be elected leaders or give them money from your political or region. These are some of the areas in which we are failing as a society. We are polluting our institutions and we need to change this.

Mr. Temporary Deputy Speaker, Sir, on the issue of tribalism, the truth is that it is there. We must look for a way of dealing with this monster head-on. We must do an audit. I would ask the Minister to consider doing an audit of all public universities to find out who are leading these universities. We have put in place laws to try and deal with the issue of tribalism. We have the National Cohesion Act that we have put in place to try and fight the issue of negative ethnicity. We have the Public Officer's Ethics Act. We must follow up to ensure that we are not only looking at Ministries and parastatals. We must actually go into public institutions as well to see how many of these tribes are leading this area. You will be shocked to find out the truth, like what hon. Kizito has said here. He has given examples, but they are not only at universities. You will be shocked that even in secondary schools and BOGs, we do not look at merit and professionalism. We are influenced by tribal considerations.

I was very saddened to hear of a story of one principal who was sent to a school in Central Province and the principal came from Nyanza and they could not give him landing in Central Province at one of the top schools. Yet, when this principal went back to Nyanza and took one of the schools there, it is one of the top schools. That school has done better than the school he went to in Central Province and was turned away. He beat that school and it became like the proverbial stone that was rejected by the builders that turned out to be the corner stone. I think the day is coming when we, as leaders, must put our foot down to fight for meritocracy in our society; to say no to tribalism in our institutions because these are problems that are bedevilling our institutions.

What triggered this problem was the deadline of registration. As I speak, we do have a deadline that the Ministry of Education put that students must get birth certificates if they have not by 30th of June. The deadline runs out tomorrow. Many students have not gotten their birth certificates. I had raised this issue with the Ministry. We are hoping that

they would give us an answer tomorrow that the deadline will be extended. But the deadline that was put in Kenyatta University is what triggered off these riots, as we have seen from the report. But it did not have to be the student's problems. We know the problems in the HELB. We know the problems in CDF. As Members of Parliament we are supporting many university students. We have had delays in receiving and disbursing of bursaries even in our CDF kitties. We have held harambees as Members of Parliament to try and assist our students at these institutions. Therefore, the institutions must be able to take this into consideration, even as they set deadlines that no student should be locked out or should lose a whole year and a semester and be forced to rewind because they did not have money.

It was only last week that hon. Dr. Mwiria was answering a Question in this House over the sad story of diploma students who were trying to obtain degrees at the same university. Out of 400, hon. Dr. Mwiria told us about 200 students could not qualify. There were problems with the students; most of them financial. I know that some of these students are teachers.

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

It is actually a very sad thing. I just want to inform the Member on the Floor that it was 209 who were unable to continue, but at the end of it all, I think it is only one who will graduate.

Mr. Wamalwa: Thank you, hon. Chanzu. In fact, the hon. Member is the one who had raised the issue that the Assistant Minister was answering. We, as Members of Parliament, were very saddened that this is happening in our society where there is thirst for knowledge.

We have Kenyans who have limited payslips. Some of them are primary school teachers who are trying to educate their children and at the same time get higher education through the institutions. Because of whatever problems they have had, some were not meeting this deadline. The fact that they were going to be locked out, must have contributed greatly to the riots that occurred. We, as a society, must start looking into these issues to see how we can assist Kenyans who have thirst for knowledge to have access to this knowledge. We must make sure that their dreams are not limited by their pockets and payslips.

This is one of the issues that has been highlighted by the Committee and we want to support their recommendations. The House is looking forward to the Universities Bill that the Minister for Higher Education, Science and Technology talked about today. Indeed, the time has come. Most of these issues that have been touched by the Committee are policy issues that have to be addressed through legislation. We are hoping that this Bill will be comprehensive enough to address the issue of administration and make recommendations on the improvement of administration in our institutions of higher learning. The Bill should deal with the issue of bursaries and centralising of this kitty and, most importantly, the regulation of the mushrooming satellite campuses.

We, as a nation, are suffering from the problem of commercialisation of education where we have campuses mushrooming all over and running out of control. Indeed, we are hoping that this Bill as it comes will address some of these issues. We do know that even as we speak, this very institution suffers from congestion. It has a population of over 22,000 students. As a result of this, they have tried to force and even shorten semesters. They have tried to cut down the syllabus as we have heard from the Committee. In this

case, it is very serious that there was an attempt to shorten the syllabuses and semester from 16 weeks to only 11 weeks, to push these students out of the way, so that they could bring in more students. This is compromising our standards of education. It is contributing greatly to the riots that have occurred in our institutions of higher learning.

With this few remarks, I wish to support.

Mr. Chanzu: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this chance to support this very important Report which is based on education and what affects all these universities. I want to commend the Committee for the work they did. I have not had time to go through the Report, but I know that education is very important for a developing country like this one. So, whatever recommendations are made, there must be a way of following up to ensure they are implemented. I am happy that we already have the Implementation Committee in this Parliament. I hope they will follow up and act accordingly.

Mr. Temporary Deputy Speaker, Sir, in life there are so many factors that would lead to problems. It is not only in universities, but also in homesteads. There are many things that affect these people who are growing up with a lot of hope for their future. I think the Government must take care of this. I remember there was peace at the University of Nairobi when Prof. Mbithi became the Vice-Chancellor. The number of strikes went down during his tenure at that university. We came to learn that he was interacting with students from time to time. However, something interesting happened because when he was appointed the Permanent Secretary, Secretary to the Cabinet and Head of Public Service, he could not manage. I think the factors are very interesting and they should be handled in a very special way. It is high time professionals in the field were left to handle issues to do with this. If you look at the way the headship of the universities is appointed, for example, the councils, sometimes you wonder if it is based on education or a reward for political expediency.

There is a lot of ethnicity in this country. The moment you talk about something, somebody thinks that you are talking about his or her community. The Chairman of this Committee is here. With regard to the naming of these universities, we have the University of Nairobi. Before it, we had Makerere University which was the University for East Africa. We had Dar es salaam University. We got into the habit of naming universities using leadership names which are tribal. You will find that now we have Kenyatta University in that region; Jomo Kenyatta University of Agriculture and Technology (JKUAT) and Moi University on the other side. The communities there come from where these leaders come from. There is also Masinde Muliro University. You will have to look into this. I do not mind the names of our leaders being used, but why can we not have--- If somebody was leading this country, why can we not have a name from Western Province being given to a university in Coast Province? Why can we not have a name from Central Province being given to a university in Maseno? I have just been wondering about this naming. It is causing a problem. Our human nature is that way. Even me, and you have seen it even in this House. There are people here who are more comfortable going to Musalia Mudavadi because he comes from Western Province. There are also those who are comfortable going to Uhuru Kenyatta because he comes from Central Province. So, this thing is happening at all levels. I was wondering if this Committee could look into this matter. I am very happy with the way our Committees work in general. However, we are doing these things for posterity and not for ourselves.

One thing I want to commend President Kibaki for is there were days when one person used to trot the whole country to attend graduation ceremonies. President Kibaki managed to remove that. He even removed himself from being a Chancellor of the university. This has made universities look more educational and professional. But then there is the issue of appointment of the chancellors. We need a special arm of the Government to deal with this so that we do not have to appoint people because they come from certain areas or communities.

We are trying to introduce a Motion in this House although I do not want to pre-empt that. Our thinking with regard to the issue of fees, is that the basic requirement for someone to join university is supposed to be a C+ (Plus). I think that is still the rule. The reason this was kept aside is because of lack of space. I do not know why somebody who acquires the basic qualifications should be made to pay higher fees, and yet it is supposed to be the responsibility of Government to bring up these people for national development. This is what is causing problems in the universities. Politicians are now having a lot of problems with these programmes. Mhe. Kizito said that it is good because it is helping our people to pay here, but somebody comes to you to tell you that he has been admitted to the university. The regular student is supposed to pay about Kshs30,000 while the other one is paying about Kshs200,000. I do not know how my colleagues are handling this issue. This is a big issue. I think it is better that everybody is made to contribute rather than a few people. This is because I will contribute for somebody from Vihiga. This person will be, for example, the Permanent Secretary, Ministry of Education in the years to come. He will not be serving Vihiga alone but he will be serving the whole country. So, the issue of fees is a big problem. This is the reason the students sometimes start throwing stones. When they are hungry and are on their way to town to look for people to give them money but do not get it, they start throwing stones and blocking the roads that pass near the universities.

With regard to Kenyatta University, I am impressed by the way the lady Vice Chancellor is running the university. The two Assistant Ministers of Education are here and they should help. I have also been to the university and I saw the problem of the squatters who are allowed by politicians to stay in the compound of the university. I think some leadership allowed a few people to occupy about 30 acres. There are now elite people staying there. The moment they knew that the land was being allocated, they would whisper, "You know I have got a plot at Kenyatta University". So, people would run to the Ministry of Lands. Now they have allotment letters and they are building an estate there. That is an issue the Government has to take care of. It was a pathetic situation, by the way. These people say that they have lived there for long. They told us that they went there as squatters but their children who are hardworking and are educated decided to settle on the next portion. That is why the accommodation there is better.

We were thinking it was wrong for them to have been allocated that land, but since it was the leadership of this Government, land must be found elsewhere which those people can be allocated. I think the Japanese, through the initiative of the administration of the University, want to put up a very big referral hospital. I do not think the facility will serve a very useful purpose when you have squatters there and everybody encroaching the place. So, the Government needs to make a decision to remove those people. I do not know how it will do it. The Government could also fence them out and allocate them the land. After all, they are Kenyans. Let them stay there and we forget

about that issue. After all, people have grabbed large tracts of land in this country and I am told the Government is thinking of putting money in the Budget to compensate them.

Mr. Temporary Deputy Speaker, Sir, this is an interesting Motion and I support it. I am happy that the Assistant Ministers are here and are listening. There are times when we are discussing Motions here and there is nobody from the Front Bench. I wish these two Assistant Ministers were made full Ministers in their respective Ministries. I know they are very competent people. I am also happy that the Chairman of the Departmental Committee is here and listening to us so that he can note further recommendations hon. Members are making.

I beg to support this Motion.

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 also add my voice and support this very good Motion. My colleague, Dr. Mwiria, will respond on behalf of our Ministry, but I just want to comment on a few issues.

Mr. Temporary Deputy Speaker, Sir, first, I want to take this opportunity to commend the Chairman of the Committee for a job well done. I think he is taking his work seriously and we have a symbiotic relationship. Normally, the Ministry takes the recommendations of this Committee very seriously. I also want to commend other Members of the Committee because they are committed to their work. When we had this incident, quite a number of them went to the university and also came to the Ministry to ask for views on this matter. I think all of us are happy with the work of the Chairman and his team. Again, I want to commend the Vic-Chancellor of the university. She has done a wonderful job. She is, at least, one of the best Vice-Chancellors in the country. As you all know, it is not a secret that Kenyatta University was among those which were ISO certified. Most of the time when the Prime Minister and the President award grades to the best parastatals, this university has always topped. So, we want to commend this lady for a job well done. I think other ladies should also emulate her and prove that they can also lead in that sector. A lot of very positive things have been said. We want to promise that we will implement most of the recommendations of this Committee, because they are positive. They will go a long way in assisting in the management of that university.

Mr. Temporary Deputy Speaker, Sir, ethnicity is a big issue. Universities are not supposed to encourage tribalism or tribal tendencies. We all know that people are complaining that some universities are being managed or run by people from where they are situated. We have a problem because sometimes you advertise the job of Vice-Chancellor but you end up getting majority of those who are qualified coming from that particular region. So, sometimes we want to be excused. When you pick the best and find that these people are from the same area, I do not think it is much of a problem, but we want to encourage many Kenyans. If we have advertisements from Nyanza, say, Maseno University or Masinde Muliro University of Science and Technology, we want to encourage people from Garissa or North Eastern and Coast Province to actually apply for these jobs, so that, at least, we have people, for example, from the north eastern side of the country serving on the western side of the country.

Mr. Temporary Deputy Speaker, Sir, the issue of naming is also very interesting. We are not thinking outside the box. We want to see a situation where when we establish a university in North-Eastern Province, we want it to be named, for example, as Jaramogi

Oginga Odinga University. Likewise, we want another university in Loitokitok to be named after somebody from the North Eastern and so on. That is very positive. We have also, as a Ministry, encouraged all universities to adopt dialogue. This is because without dialogue, most of these issues can never be solved. So, dialogue will be a way of actually managing our universities. So, dialogue is extremely critical.

Likewise, we want lecturers to come from all over the country. We do not want lecturers to be promoted on the basis of their ethnic backgrounds because this will discourage very hardworking dons from teaching.

Mr. Temporary Deputy Speaker, Sir, politicians, of course, as you know, are the ones who have actually been so much of a problem. In Kenyatta University, of course, we are told that some people poured some money to some groups which were campaigning. Some are said to have been allied to PNU while others to ODM. So, we want all our politicians, whether from PNU or ODM, to keep off university matters, but they can participate in doing very positive things.

Mr. Temporary Deputy Speaker, Sir, as you know, disciplining was done in the most professional way. I think the university was also sympathetic because these are our children. They were not punished. Those of us who have been in administration, sometimes do not believe in leniency. We deal with people firmly and quickly. We do not want to waste time with people who are indisciplined. But in this case, I think the team in charge of discipline, at least, were a bit lenient to our students.

Mr. Temporary Deputy Speaker, Sir, lastly, on the issue of squatters, we will recommend that these squatters be relocated to some place. We have a programme in the Ministry of Lands where people who are squatters are given land. So, we do not want them to camp in universities. We have a policy which they should benefit from, so that universities are left with ample space to expand and build the necessary infrastructure.

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

Mr. Odhiambo: Thank you, Mr. Temporary Deputy Speaker, Sir, for allowing me to contribute to this Motion. I wish also to say that I support it.

Mr. Temporary Deputy Speaker, Sir, I want to speak about issues that have not been mentioned here by the previous speakers, because I am a Member of the Committee on Education, Research and Technology. We had an opportunity to visit Kenyatta University as a Committee and saw for ourselves the damage that was caused. Therefore, some of the issues that I want to talk about may not be what has been said by the previous speakers. For example, they have said that the Vice-Chancellor is doing a good job. One of the best things that we saw in Kenyatta University is – we must admit – beautification. The beautification there is first class. As a lady, she has done a lot to make that university a beautiful place. I also happen to be a former student of Kenyatta University. The place looks beautiful. But I want to say that in terms of ethnicity, let us not hide the truth. There is a very high level of ethnicity in Kenyatta University. Most of the promotions there are not done on merit. They are based on ethnic affiliations, for both the teaching and non-teaching staff. That came out very clearly from the interview we gave to both the teaching and non-teaching staff. Even in terms of the punitive measures that were taken, in fact, it was also very clear that those who were suspended were actually--- We could see that it was geared towards certain ethnic groups. The people who were suspended were arraigned before us and you could see the names. In this country we

know that when you talk of Kamau, we know that he comes from a certain region. Likewise, when you talk of Kipkorir, we know that he comes from a certain region.

So, the punishment seems to have been done selectively. One of the reasons that made the students very angry is because they were cutting short their programme. The programme was to run for 16 weeks but it was reduced to 11 weeks. That was done because they wanted the parallel programme to come in. The same problem is affecting almost all our universities today. People have said that our universities are doing a very good job.

I want to say that the quality of education they are offering today is not the same as our time. They have commercialized university education in the name of making money through the parallel programmes. They are expanding those programmes without considering the available facilities. The expansion of the parallel programmes does not go in tandem with the existing facilities in the universities. That does not only apply to Kenyatta University, but to all the universities. That is something that this country must address.

When the Ministry said that all the universities should account for the money that they get from the parallel programmes, all the vice-chancellors were up in arms. They were not happy to hear that. That is something we know. So, there must be something that they are hiding. As other people have said, there is a lot of ethnicity in all our universities. Let us not pretend. However, in Kenyatta University, it is a little bit too high. One of the problems is about the remuneration of the staff.

I am glad that Dr. Mwiria was fighting for salary increment for the university academic staff before he came to Parliament. So, he knows what we are talking about. The lecturers there are not happy because they are not paid well. An example has been given here. I do not have to repeat it. You will find that a degree holder is earning more than a professor who taught him only a few years before graduation.

The Assistant Minister for Higher Education, Science and Technology (Dr. Mwiria): On a point of order, Mr. Temporary Deputy Speaker, Sir. I just want to say that yes, it is okay for us to talk about ethnicity. However, it is very difficult for us to say that it is more in this university than the other one unless we have evidence and data to prove that. Does the hon. Member have any evidence to prove that it is worse in this university compared to the others?

Mr. Odhiambo: Mr. Temporary Deputy Speaker, Sir, I have already given the evidence by saying that those who were punished, suspended and so on, their names were suggesting that the exercise was selectively done. I have already said that. That is an example and we have a list of the people who were punished in our report. I have also said that with regard to promotions--- One of the lecturers we talked to said that he was on the same scale for more than 10 years at the same university. He said that one of the reasons why he cannot be promoted is because of his ethnic background.

The Assistant Minister for Higher Education, Science and Technology (Dr. Mwiria): On a point of order, Mr. Temporary Deputy Speaker, Sir. I am not disagreeing. However, until we have the same disciplinary cases in other universities and we interview professors about promotion and come up with studies and analysis, we cannot conclude on the basis of data based on one institution that, that institution is much worse than the other one. That is what I am saying. I am not saying that there is no tribalism. I am saying

that we cannot conclude that it is worse in this institution when we have not compared similar conditions in other institutions.

Mr. Odhiambo: Mr. Temporary Deputy Speaker, Sir, I do not think that is a point of order and so, I do not have to respond to it.

Mr. Temporary Deputy Speaker, Sir, the student leaders were not inducted. They had just been elected but they had not been inducted. Therefore, they did not know their role. As a leader, you need to know your limits, what you can do and what you cannot do. The student leaders who had been elected were not given that opportunity. So, there was conflict of interest between the former student leaders and the new ones. The university administration also erred because it seemed to have involved the ones that had been thrown out of office. That also angered the students. They asked: Why should they overlook the ones that we have elected and begin to use the former ones? That was one of the problems.

Kenyatta University has a satellite campus in Mombasa. It is being managed from Kenyatta University. This is wrong. They should appoint somebody to manage it on the ground at Mombasa. It is even said that during the time that the riots took place, the Vice-Chancellor had gone to Mombasa. So, she should delegate responsibility. There is not enough delegation of duties at Kenyatta University. That is one of the problems there.

The Assistant Minister for Higher Education, Science and Technology (Mr. Kamama): On a point of information, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Imanyara): Do you want to be informed?

Mr. Odhiambo: Yes, Mr. Temporary Deputy Speaker, Sir.

The Assistant Minister for Higher Education, Science and Technology (Mr. Kamama): Mr. Temporary Deputy Speaker, Sir, I just want to inform my friend, hon. Odhiambo that we have a co-ordinator in charge of the Kenyatta University, Mombasa Campus. So, there is no vacuum.

Mr. Odhiambo: Mr. Temporary Deputy Speaker, Sir, maybe that came after we had done our report. But at the time we did our report, there was none.

Then there was this issue of the student who was killed. There was conflicting information on this. This was because there is rivalry within the security system. One organ of the security system is privately hired by the university while the other one is employed by the university. The employees of the university do not take orders from the security firm which has been hired on commercial basis. In fact, it was even alleged by the time the student died, the police had not arrived. So, it was the internal security system that may have done it.

There was also the issue of the 200 computers which got lost. I believe, the Government machinery should have, at least, by now, had an idea about them. Two hundred computers are very many just to get lost like that, yet we have a security system. We have the police and the National Security Intelligence Service (NSIS). Up to now, nobody seems to know where these computers have gone to. This is something that we should take seriously.

As a Committee, our mandate was to find out if any politician was involved in the riots at the Kenyatta University. In our report, we did not find any politician involved in these riots. So, it was just hearsay.

Lastly, not only the Kenyatta University, but all our universities should plan in accordance with what they have. It is like a family. If you have ten children, you should

plan for them. But our universities are not planning for what they have. They are planning for what they want to get. They are more interested in wanting to get money, disregarding the facilities that they have. So, they are not providing quality education at all. The expansion is too fast compared to the existing facilities.

With those remarks, I wish to support.

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Imanyara): Hon. Members, it is, in fact, time to interrupt the business of the House. The House is, therefore, adjourned, until tomorrow, 30th June, 2010, at 9.00 a.m.

The House rose at 6.30 p.m.