

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 30th June, 2010

The House met at 9.00 a.m.

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

PRAYERS

PAPER LAID

The following Paper was laid on the Table:-

The Report of the Tribunal Appointed by the Parliamentary Service Commission on 23<sup>rd</sup> January, 2009, vide the Kenya Gazette Notice No.699 to review the terms and conditions of service for Members of Parliament and staff of the National Assembly as presented to the Commission on 12<sup>th</sup> November, 2009, together with comments and recommendations of the Commission.

*(By Mr. Nyambati)*

NOTICE OF MOTION

ADOPTION OF AKIUMI TRIBUNAL REPORT ON TERMS AND  
CONDITIONS OF SERVICE OF MPS

**Mr. Nyambati:** Mr. Temporary Deputy Speaker, Sir, I beg to give notice of the following Motion:-

THAT this House adopts the report of the tribunal appointed by the Parliamentary Service Commission (PSC) on 23<sup>rd</sup> January, 2009, vide the Kenya Gazette Notice No.699 to review the terms and conditions of service of Members of Parliament and staff of the National Assembly and presented to the Commission on 12<sup>th</sup> November, 2009, together with the comments and recommendations of the Commission and further, pursuant to Section 48 of the Constitution urges the Deputy Prime Minister and Minister for Finance to introduce the Draft Bills attached herewith to give legal effect to the Tribunal's report and Commission's recommendations within the next seven days.

ORAL ANSWERS TO QUESTIONS

*Question No.114*

TARMACKING OF ISIOLO-MANDERA/

## GARISSA-MANDERA/WAJIR-MOYALE ROADS

**Mr. Keynan** asked the Minister for Roads:-

(a) why it has taken so long to tarmac Isiolo – Wajir – Mandera, Garissa-Wajir-Mandera and Wajir-Moyale roads in North Eastern Province; and,

(b) when the roads will be tarmacked.

**The Minister for Roads** (Mr. Bett): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) It has taken long to tarmac the mentioned roads in North Eastern Province because of the extent of works required and the costs involved.

(b) My Ministry has completed the designs for upgrading of the roads and is now sourcing for funds from development partners.

As I stated earlier on the Floor of this House on 15<sup>th</sup> June, 2010, we have already received firm commitments from a consortium of development partners on tarmacking of Modika-Nuno-Modogashe section of Garissa-Wajir Road during the Financial Year, 2010/2011.

**Mr. Keynan:** Mr. Temporary Deputy Speaker, Sir, this is the third time this Question has appeared on the Order Paper and unfortunately the answer has remained the same. I have the HANSARD report of 14<sup>th</sup> April, 2010 where the then Assistant Minister, Dr. Machage, gave the same answer. The Chair directed that the answer was not satisfactory and the Assistant Minister requested to be given two months but it is now almost three months and the answer has remained the same. I seek the indulgence of the Chair on this matter.

Mr. Temporary Deputy Speaker, Sir, on the same matter, in the last financial year's Budget Speech made by the Deputy Prime Minister and Minister for Finance, Item 52 reads:-

“With regard to the development of Northern Kenya and other arid lands, we plan to undertake numerous interventions in the region. Key projects include Isiolo-Modogashe-Garissa-Wajir Road at the cost of Kshs1.2 billion.”

What happened to the Kshs1.2 billion? He should tell us how the Kshs1.2 billion has been utilized. I still have the HANSARD report about what the Assistant Minister told Parliament in April. This bit was not explained. We will then proceed to the planning and other bits.

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, Mr. Keynan! Ask your question.

**Mr. Keynan:** Mr. Temporary Deputy Speaker, Sir, I would like to know whether it is right for the Minister to wait for four months, come back to the House and give the same answer? Does this not constitute a disorderly conduct by the Minister, although he was not the person who answered the Question the other time? This is under Standing Order No.97.

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, Mr. Keynan! Let us hear from the Minister first before you proceed. This is especially on the money allocated by the Deputy Prime Minister and Minister for Finance in the last Budget. I think that is a valid question.

**Mr. Bett:** Thank you, Mr. Temporary Deputy Speaker, Sir. The hon. Member has said that the answer has not changed. I have indicated that I have received a confirmed agreement from a financier for that road and that must be a change. I have already signed an agreement for funding for the construction of that road. This will be done by the OPEC at the cost of US\$12 million. I am waiting to sign an agreement with four others for the same road. The Deputy Prime Minister and Minister for Finance has told me that he is finalizing the agreements and we will sign them very soon.

With regard to the Kshs1.2 billion mentioned by the Deputy Prime Minister and Minister for Finance, the same was not placed in the Printed Estimates of the Ministry of Roads. Therefore, it was not money available to us to utilise for the construction of that road or any other road in the Republic.

**Mr. Abdirahman:** Thank you, Mr. Temporary Deputy Speaker, Sir, the Minister has said that there is a consortium of development partners; I believe it is a number of them. He just mentioned the Organization of Petroleum Exporting Countries (OPEC). We can only accept this as a commitment when we know who all of them are; because there is a stretch of about 800 kilometres between Garissa and Mandera. Could the Minister tell us who the other development partners are, the amount of monies that are expected, the extent of works that are expected to be covered and how long? Could he combine this and give us an answer in one statement?

**Mr. Bett:** Thank you, Mr. Temporary Deputy Speaker, Sir. That is a good question. The other development partners are Arab Bank for Economic Development in Africa (BADEA) Padea whom we are waiting to sign with dollars 10,000,000. The others are Saudi Arabia Fund. We are waiting to sign with them dollars 16,000,000, Abu Dhabi Fund - dollars 10,000,000, and Kuwait Fund - dollars 20,000,000. I cannot, therefore, indicate when this work will begin but there will be tarmacking of that road soonest. These agreements are all consummated and we will also factor in our budget our contribution as a Government.

**Mr. Bahari:** On a point of order, Mr. Temporary Deputy Speaker, Sir. You heard the Minister just before this saying that the Kshs1.2 billion that the Deputy Prime Minister and Minister for Finance mentioned here had not been factored in the Printed Estimates of his Ministry. Since this House and Kenyans cannot be taken for a ride, will I be in order then to request you to direct the Deputy Prime Minister and Minister for Finance to come here and explain why he told everybody including this House and the public at large that he is going to do this, yet he was not prepared or tell us what happened to that?

**The Temporary Deputy Speaker (Mr. Ethuro):** Hon. Bahari, you have a valid point but I do not think the Minister was misleading the House. Therefore, it is not a point of order for now. I am sure there are relevant departmental committee that can still engage the Minister for Finance on that matter.

**Mr. Imanyara:** Mr. Temporary Deputy Speaker, Sir, that road that serves the Northern corridor actually begins in Meru. It is a region that has been neglected for a very long time. One only needs to visit Addis Ababa and see the road from there, and then compare it with the road coming all the way from the Kenyan border to realize the significance and the economic benefits that will accrue to this country if this road is done. Arising out of the Minister's answer and bearing in mind that he is part and parcel of the collective responsibility of the Government, could he explain why he made no request for inclusion of the estimates from the Kshs1.2 billion, because it is a condition of any international consortium that the Government commits itself to a certain amount before they can sign any agreement? Is it not a deception to tell the country that he will be giving Kshs1.2 billion which is a necessity before the consortium signs the others when you know you have no intention of doing that? Are we not being taken for a ride just like yesterday where we saw the money allocated to roads on equal basis but being given---?

**The Temporary Deputy Speaker (Mr. Ethuro):** Order, Mr. Imanyara! What is the question?

**Mr. Imanyara:** Mr. Temporary Deputy Speaker, Sir, bearing in mind that there is collective responsibility on the part of the Government, when will the Kshs1.2 billion be included in the Estimates?

**Mr. Bett:** Thank you, Mr. Temporary Deputy Speaker, Sir. Collective responsibility has not evaporated at all. I have already assured the House that once these agreements between us and the development partners have been fully consummated, they are fully signed, we have all agreed; I see no difficulty whatsoever on the part of the Government to mind its own section of the funding.

**Mr. Imanyara:** The issue I raised was that this signing is dependent on the Government's commitment of Kshs1.2 billion. Is the Minister then not telling us that this is unlikely to happen any time soon, bearing in mind that the Kshs1.2 billion commitment by the Government is not forthcoming?

*(Minister Bett stood in his place)*

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, Mr. Minister! I think the Members are raising a valid point. You have confirmed that the Kshs1.2 billion in the budget speech was not in your printed estimates and so they are asking; what is the fate of that kind of money? You have also admitted after the partners come, you will also have the Government contribution but you have not stated how much.

**Mr. Bett:** Mr. Temporary Deputy Speaker, Sir, I want to indicate that the Kshs1.2 billion was supposed to have been in the Printed Estimates of 2009/2010 not 2010/2011 financial year. So those are two different financial years. I want to indicate that that financial year is now behind us and we are now looking at the new financial year 2010/2011.

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, Mr. Minister! The financial year is not even behind us. We are just concluding it today. Today is 30<sup>th</sup> June, 2010, and so it is still very valid. More importantly, it is about the road and the money had been allocated. The House would like to know what happened to the money.

**Mr. Bett:** I want to again indicate that it was in the statement and not in the Printed Estimates. Hence, it was not available to me to spend.

**Mr. Affey:** On a point of order Mr. Temporary Deputy Speaker, Sir. This matter has come to the House many times before. Actually, for the last three years, this Question has appeared almost every other time. The Minister has just confirmed that they have some support from development partners. We are very skeptical about that answer and the fact that this money might be diverted. Would I be in order to ask the Minister to lay on the Table the records of the partners that they have already engaged with so that we can believe what the Minister is telling the country that indeed they have gone that far? Could he lay on the Table what he has so that we could believe what he is telling the country? When will he complete this road? It has taken the Kenya Government 40 years to do this. Could he give us the timeline?

**Mr. Bett:** These are documents that have not been signed so I cannot table documents which have not been consummated at all.

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, hon. Members! I think if you recall, initially, the Member said that this Question has been on the Order Paper several times. The Chair is satisfied that the answer is inadequate and requires maybe the Minister even to consult the Deputy Prime Minister and Minister for Finance on the fate of that money. Surely, that statement was made in this House. I, therefore, order that this Question be deferred and I request the Member and the Ministers concerned to consult each other. When they are ready, then we will put it in the Order Paper.

*(Question deferred)*

**Mr. Bett:** Much obliged, Mr. Temporary Deputy Speaker, Sir.

*Question No. 236*

LIST OF CLASSIFIED ROADS IN MIGORI CONSTITUENCY

**Mr. Pesa** asked the Minister for Roads

- (a) if he could provide a list of all classified roads in Migori constituency;
- (b) the number of roads he plans to upgrade in the constituency in the 2010/2011 financial year and the amount of money the exercise will cost;
- (c) when he will tarmac the C13 road connecting Muhuru Bay- Migori and Rift Valley through to Ngorengore.

**The Minister for Roads** (Mr. Bett): Thank you, Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) I beg to table a list of all the current classified roads in Migori Constituency. The roads have been classified and these will soon be made public.

*(Mr. Bett laid the document on the Table)*

(b) Owing to the pressing needs of ongoing projects, I regret that my Ministry is not in a position to upgrade to bitumen standards any road in Migori Constituency in the coming financial year, 2010/2011. Nevertheless, my Ministry is mindful of the road condition and has set aside funds for maintenance of various roads in the constituency.

(c) My Ministry is in the process of designing the Muhuru Bay-Migori Road through Trans-Mara district to connect to Kaplong-Bomet-Narok Road. That will be completed before the end of the year. Meanwhile, we are sourcing funds from development partners to construct the said road.

**Mr. Pesa:** Mr. Temporary Deputy Speaker, Sir, unless my English lets me down, part art “b” of my Question asks the Minister to tell this House which roads in the constituencies he intends to upgrade. I am not talking about putting these ones into tarmac standards.

Thank you, Mr. Temporary Deputy Speaker.

**Mr. Bett:** Mr. Temporary Deputy Speaker, Sir that is a fair question again. I would not wish to disclose which roads we plan to be reclassified roads in Migori until we disclose the global classification for the whole country, which will be done in this month of July. Yes, roads have been reclassified and some of them will be upgraded from class “D” to “C” and from “C” to “B”. That will be disclosed globally and officially once that classification exercise is finished.

**Mr. Mbugua:** Mr. Temporary Deputy Speaker, Sir, can the Minister tell this House what it takes or what kind of persuasion he needs to tarmac roads? We have problems in Eastleigh. I have been talking to all the Ministers who are concerned with road construction. I need to know what kind of persuasion he needs so that he can tarmac our roads in Eastleigh.

**Mr. Bett:** Mr. Temporary Deputy Speaker, Sir that is a good one. It takes the persuasion of the availability of funds to do a road. When money is available, a road is tarmacked; when money is not available, a road is not tarmacked. So, it takes the persuasion of the availability of funds. I would want to indicate to the hon. Member for Kamukunji that the roads in Kamukunji

are being looked into. He has already told me. I have asked the Kenya Urban Roads Authority to tell me the roads they plan to re-tarmac in Kamukunji.

**Mr. Koech:** Mr. Temporary Deputy Speaker, Sir, the Minister has indicated that they have done classification of roads and that soon they are going to release the report to the public. There are roads in some parts of this country which were never classified for a very long time to the extent that we still have very many major roads, which are still in class “D”. Who do you involve in identifying roads for classification? Can you confirm that you will ensure that each and every part of this country is covered in this report? When are you likely to table that report?

**Mr. Bett:** Mr. Temporary Deputy Speaker, Sir, the exercise was done by a consultant, and all the possible roads were driven through, or walked on by the consultant and the officers. Also, the people in those areas were interviewed; we also counted the vehicles on those roads to make sure that the functionality of each road was taken into account. We intend to release the reclassified structure before the end of July.

**Mr. Koech:** On a point of order, Mr. Temporary Deputy Speaker. I asked the Minister to tell us: Who are the major stakeholders he involved in this exercise? Did he involve hon. Members or the DCs? Who did he involve, because in my area, I was never informed of what was going on?

**Mr. Bett:** I bet that was done even before you became an hon. Member of Parliament. So, I believe that the former hon. Member was involved, former councilors were involved. It is not a matter that was done yesterday. It was done over four years ago.

**The Temporary Deputy Speaker** (Mr. Ethuro): Last question, Mr. Pesa!

**Mr. Pesa:** Thank you, Mr. Temporary Deputy Speaker. This is a road over which Questions have come to this House several times, and there are fears on the ground that the Minister intends to divert this road from its original course, and this may be the reason for the delay in getting funds from donors to work on this road. Can the Minister confirm or deny that fear on the ground?

**Mr. Bett:** Mr. Temporary Deputy Speaker, Sir, I am not aware of the fears; they must be unfounded, because the design works have not been completed at all.

**The Temporary Deputy Speaker** (Mr. Ethuro): Next Question, Mr. K. Kilonzo!

#### *Question No. 134*

#### TARMACKING OF ROADS IN NZAMBANI/MUTITO DISTRICTS

**Mr. K. Kilonzo** asked the Minister for Roads -

(a) whether he is aware that Nzambani and Mutito Districts have no tarmac roads; and,

(b) considering that the tarmacked road reaches barely 10 kilometers from Chuluni District Headquarters and 51 kilometers from Zombe District Headquarters, whether he could consider tarmacking that road.

**The Minister for Roads** (Mr. Bett): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) I am aware that Nzambani and Mutito Districts have no tarmac roads.

(b) The road in question is classified as class “C”; when roads are classified as “A”, “B” or “C”, it is not necessary that they must be tarmacked now. But they will be given priority as they fall due. It is earmarked for design for upgrading to bitumen standards in the coming

financial year, 2010/2011. The road will be considered for tarmacking once the design is finalized.

**Mr. K. Kilonzo:** Mr. Temporary Deputy Speaker, Sir, I want to thank the Minister for his efforts to answer this Question. But I just want to remind the Minister, who visited this road with me--- Just to jog his memory, this is the same road to Ngai Ndethya. If you remember the turns, there was a bit of tarmack. It is that tarmack which has come off, and you did promise that you were going to set aside money to re-do that bit. Is that bit going to be resurfaced this time round?

**Mr. Bett:** Yes, Mr. Temporary Deputy Speaker, Sir. That is why I have stated that we have plans to tarmack that road in the Financial Year 2010/2011. That is what we are saying. Again, we are also minding a bridge which is on that road.

**Mr. Nyamai:** Mr. Temporary Deputy Speaker, I think the issue of tarmacking roads in the larger Kitui District is not just restricted to these two new districts. We also have the new district which does not have a single kilometer of tarmac. Can the Minister confirm that over the years, there has not been discrimination in tarmacking roads, particularly for the larger Kitui District?

**Mr. Bett:** Mr. Temporary Deputy Speaker, I will not confirm that, because I was not party to any effort to deny any section of this country tarmac roads. If anything, I would want tarmacking of roads in those areas where tarmac has not reached. That is my intention in the Ministry.

**Dr. Khalwale:** Mr. Temporary Deputy Speaker, Sir, the Minister has, in answering the previous Question and the current one, promised that the roads will be tarmacked as soon as design and survey are done. Can he tell us, as a policy, what he intend to do about those roads where they have already completed survey and design? He should also take that opportunity to comment on Sigalagala-Butere-Sidindi Road, for which these works have been done.

**Mr. Bett:** Mr. Temporary Deputy Speaker, once roads have been surveyed and designed, then we start looking for funds from the Exchequer and the development partners. So, all those roads which have been designed and completed, we are looking for funding for them. I think the road he has mentioned is in the Budget for 2010/2011.

*(Applause)*

**The Temporary Deputy Speaker** (Mr. Ethuro): Last question, Mr. K. Kilonzo!

**Mr. K. Kilonzo:** Mr. Temporary Deputy Speaker, the 2010/2011 financial year is just starting tomorrow. Could the Minister now be able to tell this House how much he has put aside for the tarmacking of this road?

**Mr. Bett:** Mr. Temporary Deputy Speaker, Sir, I must indicate that I would really want to do that road but I was not ready to give you the figures today. I would want to invite the hon. Member to my office so that we can go through the estimates together. I will be able to show him the figures.

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, Minister! You cannot transfer answers from the House to the office, especially when a Question is this specific. You have also confirmed that the amount for designs and upgrading is in the financial year 2010. The Budget has already been read, so you must have a figure. What is the amount?

**Mr. Bett:** Mr. Temporary Deputy Speaker, Sir, I did not carry the relevant documents so I do not know the figures.

**Mr. K. Kilonzo:** Mr. Temporary Deputy Speaker, Sir, while I respect this Assistant Minister and I know he is very hard working, I want to request that this Question be deferred until he brings those figures to the House.

**The Temporary Deputy Speaker (Mr. Ethuro):** Order! Generally there is nothing controversial in the Question. It is just a matter of the figures. I think there is no point deferring the Question when there are no serious contentious matters. That is a figure the Assistant Minister can give you and is willing to give.

Let us proceed to the next Question! Mr. Shakeel!

*Question No.100*

REPOSSESSION OF ALOYS OLUM AWACH'S LAND BY AFC

**The Temporary Deputy Speaker:** Mr. Shakeel is not here, we will come back to the Question! The next Question is deferred!

*Question No.248*

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

*(Question deferred)*

Next Question by Mr. John Mututho!

*Question No.127*

CESS OWED BY LAKE NAIVASHA GROWERS  
ASSOCIATION

**Mr. Washiali**, on behalf of **Mr. Mututho**, asked the Deputy Prime Minister and Minister for Local Government:-

(a) how much money the Lake Naivasha Growers Association owe as cess after the recent remittance of Kshs.10 million to the Naivasha Municipal Council after many years of default; and,

(b) whether he could order immediate audit and state accrued cess from all the growers, KenGen and all other companies around Lake Naivasha.

**The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi):** Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) The balance that is owed to the Municipal Council of Naivasha from the Lake Naivasha Growers Association after payment of the first Kshs10million is Kshs1.4 million.

(b) I want to state here that the audit of the amount owing has already been conducted and we have directed the Municipal Council of Mombasa to pursue the other cess payers for the outstanding balance.



**Mr. Washiali:** On a point of order, Mr. Temporary Deputy Speaker, Sir. When this Question came up, the Minister was not in. He has just walked in and he seems to be answering a different Question. The Question is about Naivasha and not Mombasa.

**The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi):** Mr. Temporary Deputy Speaker, Sir, I think I was talking about Naivasha. It is Lake Naivasha and I said Naivasha Municipal Council. That is what I said.

**Mr. Washiali:** Mr. Temporary Deputy Speaker, Sir, I would want to confirm that the Naivasha Municipal Council received Kshs10 million from the growers in Naivasha, but they did not pay this money as per the regulations. The Kshs10 million they paid was more or less like a gift of a big cheque. Cess is calculated on a particular percentage---

**The Temporary Deputy Speaker (Mr. Ethuro):** What is your question, Mr. Washiali?

**Mr. Washiali:** Mr. Temporary Deputy Speaker, Sir, these growers make Kshs70 billion in a year. Could the Minister tell us whether the Kshs10 million was on a particular percentage? Kshs70 billion would have amounted to Kshs140 million if calculated at 2 per cent which is the lowest rate you give.

**Mr. Mudavadi:** Mr. Temporary Deputy Speaker, Sir, I would like to state that the issue of rates in this particular aspect was discussed with the Municipal Council of Naivasha and the Lake Naivasha Growers Association. An understanding was reached because it should be noted that stakeholders or Local Authorities also have the authority to negotiate because they are supposed to be supportive in getting them to do business. It was agreed that the members would be contributing at the rate of Kshs2 per square metre of their cultivated area which would then be payable to the Municipal Council of Naivasha.

**The Temporary Deputy Temporary (Mr. Ethuro):** Last question!

**Mr. Washiali:** Mr. Temporary Deputy Speaker, Sir, I would like to thank the Minister for the answer. However, it is normal practice that companies that do business in a particular area pay back to the community with corporate-social responsibility. How has the Naivasha Growers Association paid back the community of Naivasha?

**Mr. Mudavadi:** Mr. Temporary Deputy Speaker, Sir, I think that is a completely different question. However, one thing I know is that the flower growers of Naivasha have made substantial contributions and, if indeed, one takes a tour of that area, you are likely to find that there are either hospitals or schools that have been built by these flower institutions and they are supporting the community in that area. I would be willing to give a more elaborate position of their social-corporate responsibility and what each flower farm is undertaking. That would be a separate answer. But I can tell you they undertake some social-corporate responsibility.

**The Temporary Deputy Speaker (Mr. Ethuro):** Next Question by Mr. Kaino!

### *Question No.141*

#### EXPLOITATION OF MARBLE DEPOSITS IN KOITILIAL SUB-LOCATION

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

(a) whether he is aware of the marble deposit in Koitilial Sub-location in Marakwet District; and,

(b) what steps the Government has taken to exploit the deposits to enable the country earn foreign exchange.

**The Assistant Minister for Environment and Mineral Resources** (Mr. Kiptanui): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) I am aware of the marble deposits in Koitilial area of Marakwet District. My Ministry has already carried out preliminary investigations on it.

(b) A number of investors have shown interest in the marble deposits. But at the moment the material is not being exploited. My Ministry has encouraged and facilitated any person or company interested in exploiting the deposits to seek consent from the local authority and apply for a license to extract the marble. It is however, important to note that under the current legislation, limestone or marble is considered as a common mineral whose regulation is excluded from the jurisdiction of the Mining Act (Cap.306). This anomaly is being addressed by the new Mining and Minerals Bill (2009) Draft which includes all the industrial minerals like marble within its mandate.

**Mr. Kaino:** Mr. Temporary Deputy Speaker, Sir, the marble was discovered many years ago. Was it because of the exclusion of marble in the Mining Act that the process has delayed? What measures is the Government taking to address this issue so that other people who are suffering in other districts in corners of this country can be saved from this exclusion?

**Mr. Kiptanui:** Mr. Temporary Deputy Speaker, Sir, it is not the exclusion of limestone in the Mining Act but hon. Members are aware that as we talk today, there is a factory being constructed in Pokot. I want to believe that once the factory runs well, we should be able to get other investors willing to invest in the same in Marakwet District.

Mr. Temporary Deputy Speaker, Sir, as I have stated, according to the current Act, limestone is not considered a mineral. However, there is a Mining Bill which should be coming to this House very soon. This Bill will take into account marble, sand, salt and bridgestone which at the moment are considered as common rocks.

**The Temporary Deputy Speaker** (Mr. Ethuro): Last question!

**Mr. Kaino:** Mr. Temporary Deputy Speaker, Sir, Ministers come to this House to answer Questions. My Question was very specific! Is it the exclusion of marble in the Mining Act that has hampered its exploitation? Also---

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, Mr. Kaino! You know the rules of the House. It is just one last question. You may proceed, Mr. Assistant Minister.

**Mr. Kiptanui:** Mr. Temporary Deputy Speaker, Sir, according to my understanding, I believe I have answered that question. I have said that it has not affected and there is nothing which has been delayed. I have said that we have some investors who have shown some interest but, at the moment, there is no serious one who has come to the ground. But we have some indications. Already, there is a cement factory which is being constructed. I want to believe that soon, we shall be in Marakwet. Therefore, I want to ask my colleague to be patient. We will get the investors.

*Question No. 147*

ANALYSIS OF KCPE/KCSE PERFORMANCE IN SAMBURU EAST

**Mr. Letimalo** asked the Minister for Education:-

(a) whether he could provide analysis of academic performance in both KCPE and KCSE in Samburu East District in the last three (3) years;

(b) whether he could indicate the actual establishment and the current shortage of teachers in the district and what other factors contribute to the poor performance in the national examination in the district; and,

(c) what professional measures he has instituted to improve the academic performance in the national examinations in the district?

**Mr. Letimalo:** I would like to bring it to the attention of the Chair that I have not been supplied with a written answer yet!

**The Temporary Deputy Speaker** (Mr. Ethuro): The Minister for Education is not here? Who is in charge of Government business here?

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, I would like to request the Chair to wait until we go for the second round, hoping that the Minister will have come.

**The Temporary Deputy Speaker** (Mr. Ethuro): That is fine. But are you looking for the Minister?

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, I hope that the Minister will have arrived!

**The Temporary Deputy Speaker** (Mr. Ethuro): You must look for him!

Next Question!

#### *Question No.163*

#### STATUS OF FIBRE OPTIC CABLE PROJECT

**The Temporary Deputy Speaker** (Mr. Ethuro): We will come back to that Question!

#### *Question No.193*

#### FAILURE TO POST ASSISTANT CHIEFS TO MASIMBA AND SYOMUNYU SUB-LOCATIONS

**Mr. Nyamai** asked the Minister of State for Provincial Administration and Internal Security:-

(a) whether he is aware that Masimba and Syomunyu sub-locations have not had assistant chiefs for over eight years ; and,

(b) what he is doing to ensure the positions are filled without delay.

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Lesrima): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) The position of the chief of Syomunyu Sub-location became vacant on 31<sup>st</sup> July, 2005 upon the retirement of the Assistant Chief, Mr. Jackson Ruhusa Mutuku. On 17<sup>th</sup> August, 2005, the first advertisement was made but the office received only two applicants and, therefore, no interviews were held. On 16<sup>th</sup> September, 2006, the second advertisement was placed and still two applicants applied. Therefore, no interviews were held. On 20<sup>th</sup> June, 2008, the third advertisement was made and seven applicants submitted their applications. Interviews were held on 20<sup>th</sup> August, 2008. Adverse confidential reports were received on those who had done well in the interview. On March 2009, the DC, Kitui, wrote to the Provincial Commissioner, Eastern

Province, requesting for the re-advertisement of the post, creation of the Lower Yatta District and the expectations of the new divisions, locations and sub-locations. That caused the delay of the advertisements once again. On 11<sup>th</sup> May, this year---

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, Mr. Lesrima! The Questions is fairly straightforward! Just give a straight answer why they are vacant and what you are doing about it!

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Lesrima): Mr. Temporary Deputy Speaker, Sir, I was just concluding Part (a) of the Question. On 11<sup>th</sup> May, 2010, they re-advertised for the vacant positions and the interviews will be conducted in July 2010.

( b) With regard to Masimba Sub-location, the position became vacant after the promotion of the assistant chief of Kanyangi. The advertisement for the position was made---

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, Mr. Lesrima! The Chair has guided you! What are you doing to ensure they are filled?

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Lesrima): Mr. Temporary Deputy Speaker, Sir, I was just giving the background to the delays. But let me just say that those positions were advertised in May. We are closing the advertisements on 15<sup>th</sup> July and interviews will be conducted two weeks thereafter.

**The Temporary Deputy Speaker** (Mr. Ethuro): Well done!

**Mr. Nyamai:** Mr. Temporary Deputy Speaker, Sir, thank you for your observation of the way the Assistant Minister was going round and round this issue, even though I have a lot of respect for him. He has confirmed that in both sub-locations, adverse reports were received at the head office. How come that the adverse reports were not detected at the grassroots level where the chief and the DC are supposed to vet those people?

**Mr. Lesrima:** Mr. Temporary Deputy Speaker, Sir, when the candidates present themselves, it is not possible at that moment to have a confidential report before the interview. Confidential reports are submitted thereafter, and that is what happened in that particular case. I must also mention that I am sure the hon. Member is aware that some applicants participated in local politics and, therefore, were not suitable to become chiefs.

**Mr. Letimalo:** Mr. Temporary Deputy Speaker, Sir, those are not the only administrative units that have stayed for long without being filled. There are several across the country. What arrangements has the Ministry put in place to ensure that there are no delays when positions in administrative units fall vacant?

**Mr. Lesrima:** Mr. Temporary Deputy Speaker, Sir, I did not understand his question! Could he repeat it?

**Mr. Letimalo:** Mr. Temporary Deputy Speaker, Sir, I am telling the Assistant Minister that there are so many vacant administrative units across the country. What arrangements does the Ministry have to fill those positions?

**Mr. Lesrima:** Mr. Temporary Deputy Speaker, Sir, I think that is a very big question. I wish the hon. Member could ask a specific question with regard to his constituency. That is because part of the delay has nothing to do with the creation of new administration units. In his case, I think it has to do with the candidates coming forward. We prefer to have, at least, a minimum of three candidates to come forward. We also prefer that they meet the necessary qualifications and where no candidate meets the required qualifications, the second time, we try to make adjustments so that we can ensure that the chief is appointed. But there are many causes for delays, some of which I must admit have to do with hon. Members representing their people.

They would come forward and say: “Look, we want this delayed because some of the candidates who presented themselves may not be suitable.” Those are some of the reasons!

**Mr. Lessonet:** Mr. Temporary Deputy Speaker, Sir, I want to ask the Assistant Minister the following supplementary question. Now that we anticipate the new Constitution which is very clear that the Provincial Administration – that is the chiefs, the DCs and assistant chiefs - will not be there. Is there still any need for him to belabor and attempt to fill vacancies which we know will not be there in the new dispensation?

**Mr. Imanyara:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for an hon. Member to deliberately mislead the House that the proposed Constitution outlaws those positions when we know it does not?

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, Mr. Lessonet! You are completely out of order! In any case, we do not have a new Constitution. The true position now is that there are positions of chiefs and the Assistant Minister must continue recruiting and filling the vacant positions.

*(Applause)*

**Mr. Nyamai:** Mr. Temporary Deputy Speaker, Sir, for the information of the Assistant Minister, the issues surrounding the recruitments in those two sub-locations have been sabotaged by – and this is common knowledge – the local Chief, one Anderson Nganga, who has been anti-development in the location. Could the Assistant Minister confirm or deny whether he has that information and what he will do for the sake of development in those locations?

**Mr. Lesrima:** Mr. Temporary Deputy Speaker, Sir, I think there are two questions here. You are attributing the delays to the chief. I want to confirm that the chief has no powers to delay appointments of assistant chiefs.

On the second part of your question with regard to attitudes and lack of interest in development of that particular area, “a show-cause-why” letter has been addressed to that particular chief and action will be taken.

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, Mr. Assistant Minister. It has been eight years without an Assistant Chief. You advertised in May and you want to interview in July. You are also too generous with your duration, especially when positions have been vacant this long. Maybe you would wish to consider to expedite the process.

**Mr. Lesrima:** We will attempt to expedite the process. The idea of giving more time is to ensure that more than three candidates appear before the panel.

**The Temporary Deputy Speaker** (Mr. Ethuro): Is Mr. Murgor here?

*Question No. 212*

STRENGTHENING\RESTRUCTURING OF REGIONAL  
DEVELOPMENT AUTHORITIES

We will come back to that Question later.  
Mr. Koech.

*Question No.230*

SHORTAGE OF REGISTRATION OFFICERS  
IN NANDI NORTH DISTRICT

**Mr. Koech** asked the Minister of State for Immigration and Registration of Persons:-

(a) whether he is aware that there are no officers at the Registration of Births and Deaths offices in Nandi North District and, if so, when he will post them; and,

(b) whether he could also consider providing mobile registration in the district to ease congestion in Kapsabet.

**The Assistant Minister, Ministry of State for Immigration and Registration of Persons** (Mr. Baya): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) I am aware that there are no civil registration officials at Nandi North District. The district is currently served from Nandi Central, that is at Kapsabet.

(b) Births and deaths registration are still manual, and records cannot be transferred from the office to the field. This makes mobile registration and issuance of certificates from the field not an option at the moment.

**Mr. Koech:** Mr. Temporary Deputy Speaker, Sir, recently, the Kenya National Examinations Council demanded birth certificates for students before they are registered for national examinations. As a result of that, parents from Nandi North have been flocking to Kapsabet. In fact, in the last three days over 1,000 of them have been sleeping in the town looking for these certificates, and they are being told they will be served after the people of Nandi Central have been served. It is unfortunate that they are still doing manual registration during this ICT era. What is the Assistant Minister doing to ensure that the residents of Nandi North are served today, now that today is the deadline for registration?

**Mr. Baya:** Mr. Temporary Deputy Speaker, Sir, I do agree with the hon. Member. In fact, the situation is the same in almost all districts. We have a serious shortage of staff. Out of the 265 districts that we have currently, only 104 are staffed with civil registration officials.

We have written to the Treasury and to the Ministry of State for Public Service, asking them to allow us to recruit officers. We are still waiting for their reply. Since February this year, the department has issued 900,000 certificates. Out of these 900,000 certificates only 600,000 have been collected. Three hundred thousand are still pending.

I wish to state that parents should be encouraged to go and collect these certificates. The department, or the Ministry, has made arrangements with chiefs and heads of schools so that problems can be attended to by the officials. For the time being, we have to stay the way we are until we get authority to recruit more officers.

**Mr. Mwangi:** On a point of order, Mr. Temporary Deputy Speaker, Sir. The Assistant Minister continues to tell us what they are doing; earlier on, the Minister in charge told us that issues will be sorted. Some of the KCPE students are--- Is he in order to keep on saying that they are not doing anything, yet to date some of the KCPE candidates have not been issued with birth certificates?

**Mr. Baya:** Mr. Temporary Deputy Speaker, Sir, we realized that although registration was mandatory, the Government decided that this year's candidates had to be registered, but it was not possible. Therefore, there was an allowance that candidates could be registered awaiting

the issuance of certificates by the end of today. As far as we know, students could have been registered. All that is left is for the department to finalize the issuance of the remaining certificates in places where they have not been given out.

**Mr. Koech:** On a point of order, Mr. Temporary Deputy Speaker, Sir. My Question was very clear and specific that the people of Mosop are not being served today in Kapsabet. What is the Assistant Minister doing to ensure that the officers in Kapsabet serve the parents from Nandi North, especially as we talk today? Could you give an order?

**Mr. Baya:** As far as we know, the officers in Kapsabet are serving three districts. It is unfortunate that those from Nandi North, a place I know so well--- I know the distance and also the population involved. If they have not being served, then we will make special arrangements for them to be attended to.

**Mr. Wamalwa:** Mr. Temporary Deputy Speaker, Sir, two weeks ago the Minister indicated that birth certificates were all ready and that they were not being collected. I went to the district headquarters in Kitale and found that applications made in March have not been processed up to now. There is congestion at the district headquarters from all the three districts, and the Minister's Statement was incorrect. Could the Assistant Minister now tell us whether there has been any arrangements between his Ministry and the Ministry of Education to extend today's deadline, so as to allow students to continue registering to ensure they are not locked out of examinations?

**Mr. Baya:** Mr. Temporary Deputy Speaker, Sir, I thought I was clear the other time. The directive by both Ministries was that candidates be registered while awaiting the issuance of the certificates; the directives deadline is today. It is true that we have in some districts certificates that have not been collected to the tune of 300,000. In Kitale the case is different and, therefore, if still there is congestion, we will mobilize officers from the neighbouring districts where the populations are not that dense.

**Mr. Wamalwa:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the Assistant Minister to evade my question? We are asking that today is the deadline set by the Ministry. Are you going to postpone it or not? What are you doing about today's deadline?

**The Temporary Deputy Speaker** (Mr. Ethuro): Mr. Assistant Minister, please, confine yourself to the question. You agreed that the students should be registered, but you also extended the deadline to 30<sup>th</sup> June. Today is 30<sup>th</sup> June. You admit that you cannot process all of them. Are you extending the deadline?

**Mr. Baya:** Mr. Temporary Deputy Speaker, Sir, this is a question that cuts across two Ministries. I need time to go and consult. We will take action.

**The Temporary Deputy Speaker** (Mr. Ethuro): Fair enough. Hon. Members, I think hon. Wamalwa, you had sought a Ministerial Statement on the extension of the deadline. So, that should be answered at that particular time this morning.

Last question, hon. Koech. But you could also favour the House by being brief because we are a bit late.

**Mr. Koech:** Mr. Temporary Deputy Speaker, Sir, I want to thank the Assistant Minister for confirming that he will make special arrangements for the people of Mosop. I hope that will be done soon.

Mr. Temporary Deputy Speaker, Sir, the problem in my area is that we do not have an office. How much did you provide in this years Budget to ensure that we have officers and an office in Kabiwet?

**Mr. Baya:** Mr. Temporary Deputy Speaker, Sir, that is a different question and needs a different answer.

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, Assistant Minister. You cannot refuse to answer a question that is related. The second part of the hon. Member's Question is considering providing mobile registration. You have said they will be served from Kapsabet and you have admitted that they need that service. So, it is either you have budgeted for it or not. Even if another Question comes you will still have to respond the same way.

**Mr. Baya:** Mr. Temporary Deputy Speaker, Sir, I do not have the figures now here with me.

**The Temporary Deputy Speaker** (Mr. Ethuro): I think that is an honest answer. Next Question, hon. Joho.

*Question No. 238*

MUSLIM WOMEN BARRED FROM  
WEARING *HIJAB* IN DISCIPLINED FORCES

**Mrs. Noor,** on behalf of **Mr. Joho,** asked the Minister of State for Defence:-

(a) whether he is aware that Muslim women serving the disciplined forces (military) are barred from wearing veil (*Hijab*), particularly during the month of Ramadhan; and,

(b) what steps he is taking to rid the force of the discriminative directive against Muslims?

**The Assistant Minister, Ministry of State for Defence** (Maj-Gen. Nkaiserry): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) The armed forces has no law, policy or instruction directed at any section of the armed forces community that bars, restricts or limits either by gender, status or religion the wearing of non-uniform clothing. However, it would amount to contravention of armed forces laws and regulations to mix military uniforms and civilians clothing. This would definitely negate the essence of uniformity. It is not possible to allow a section of the armed forces personnel to wear any other clothing other than military uniform during working hours. Further, the worshippers are not restricted to change into their religion attire when they go for brief moments of invocation. In fact, during the month of Ramadhan, Muslims, with the exception of those on critical military duties, are allowed and are relieved of strenuous responsibility.

(b) As already mentioned, there is no directive I would want gotten rid of with regard to this, since the concern raised is unfounded. I am, therefore, aware that there is no discrimination of Muslims in the armed forces. This can be attested to by the number of mosque buildings in various military barracks. Catholics and Protestants are not given any special preference against that given to Muslims. The question of discrimination is, perhaps, a perception and not anything tangible.

**Mrs. Noor:** Mr. Temporary Deputy Speaker, Sir, the Assistant Minister has already alluded to the fact that there is no law, policy or restriction directed at any gender or religion. This is a special issue. It is about religious obligation.

What we are asking is: Particularly in this month of Ramadhan, why can the Ministry not design a headscarf from the same uniform material for the Muslim women in the army?



**Maj-Gen. Nkaisserry:** Mr. Temporary Deputy Speaker, Sir, as I said with regard to military regulation, we cannot mix civilian clothing with military uniform.

**Ms. A. Abdalla:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the hon. Assistant Minister to mislead the House that hon. Noor said that they should be mixing military uniform with civilian clothing whereas she was very clear that he should consider providing the *hijab* as part of the military uniform to accommodate the Muslims in the military?

**Maj-Gen. Nkaisserry:** Mr. Temporary Deputy Speaker, Sir, I was actually going in that direction to answer hon. Noor. I said there is no law to allow the military to mix civilian and military uniform. However, this is something we can look into.

In the armed forces, we have clothing regulations and arms regulations. So, this is something we can look into. But it is not a must for us to give special preference to a particular section of the armed forces. It is not possible.

**Mr. Yakub:** Mr. Temporary Deputy Speaker, Sir, I wish to remind the Assistant Minister that there is faith in the armed forces.

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, Sheik Dor, here you are a Member of Parliament. You can only put a question to the Assistant Minister. Do not remind him.

**Mr. Yakub:** Thank you, Mr. Temporary Deputy Speaker, Sir. Why are members of certain faiths allowed to wear turbans when they are on duty as army forces? Members of the Sikh faith are allowed to wear turbans in the armed forces.

**Maj-Gen. Nkaisserry:** Mr. Temporary Deputy Speaker, Sir, a design has been made in the armed forces on the turban to look like a military cap.

When I was answering Mrs. Noor's Question, I said that we can look into the request. But it has to be very specific. I just want to make a reference to the fact that the armed forces service under the Kenya Constitution is covered under Chapter 199(7) which provides for adherence to the rules and regulations by those subject to the Act. So, if you join the military, you have to accept to abide by the rules.

**Dr. Nuh:** Mr. Temporary Deputy Speaker, Sir, the Act and regulations the Assistant Minister is referring to is not made from the blues. If a regulation is made in such away that it bars sections of the society from joining the military, then it is a privilege that is being denied. Not even a privilege, but a right. Even when we talk about uniforms, you have short sleeved shirts and long sleeves. So, what we are asking for is whether Muslim ladies can be allowed within the same set of uniforms to cover their heads. Whether it looks like a cap or a veil it does not matter, but for them to be allowed to cover their heads. That is what he should consider.

**Maj-Gen. Nkaisserry:** Mr. Temporary Deputy Speaker, Sir, I told the hon. Member that we will consider that. I want to be very specific. I also want the hon. Members to know this. If you join the Armed Forces, you must abide by the rules as stipulated in the Constitution. There is a strict dress code in the Armed Forces which we must adhere to. We cannot be swayed by the wishes of individuals who are not members of the Armed Forces. We cannot and we will not.

*(Applause)*

**Dr. Nuh:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Maj-Gen. Nkaisserry knows very well that members of the Armed Forces cannot come to this House to defend or ask for their rights that they should have been given and considered for. We are not asking the

Muslim ladies within the Armed Forces to conduct a mutiny and break the regulations. We are requesting that you look into those regulations and tailor the uniforms in such a way that there is no Kenyan who will be excluded from joining the Armed Forces.

**Maj-Gen. Nkaijerry:** Mr. Temporary Deputy Speaker, Sir, we cannot have an Armed Forces driven by religious passion. I want to be very specific here. I said that we will look into this request. First of all, it was not a request but a complaint. I was very generous by saying that the Armed Forces will look into this matter. However, we cannot be driven by passion when it comes to military rules and regulations. We cannot!

**Ms. A. Abdalla:** On a point of order, Mr. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Mr. Ethuro): We need to conclude this matter. I think the Assistant Minister has said that there was no directive and that he will look into the matter.

Ask the last question Ms. Noor.

**Ms. Noor:** Mr. Temporary Deputy Speaker, Sir, I thank the Assistant Minister for saying that he will consider this matter. However, the Constitution and policies he has referred to are things that we make in this House. It is this House that is, again, pleading for the Muslim women. It is a religious obligation that they cover their heads. We are just saying that let this be part of their uniform, just the same way you have designed uniform for the Sikhs. Please, design this for the Muslim women because it is a religious obligation. It is neither a right nor a privilege.

**Maj-Gen. Nkaijerry:** Mr. Temporary Deputy Speaker, Sir, first and foremost, I am a true servant of the military. I am a retired Major-General.

**Ms. A. Abdalla:** You are a tired one!

**Maj-Gen. Nkaijerry:** Mr. Temporary Deputy Speaker, Sir, I want the Muslims in the Armed Forces, especially the ladies who have agreed to serve their country in this important task--- I have said that I will look into this matter. By the way, my Minister is a Muslim and he will automatically accept the recommendation. Therefore, uniformity will uphold discipline and order in the Armed Forces. That is why we cannot mix civilian clothing and military uniform.

**The Temporary Deputy Speaker** (Mr. Ethuro): Mr. Assistant Minister, I asked hon. Members to ask you questions and you must also answer them. Do not use this as an opportunity to demonstrate other things.

**Maj-Gen. Nkaijerry:** Much obliged, Mr. Temporary Deputy Speaker, Sir.

### *Question No.243*

#### MIXING OF HERBAL MEDICINE WITH CONVENTIONAL MEDICINE

**Ms. Chepchumba** asked the Minister for Medical Services:-

(a) whether he is aware of significant incidences where herbalists are mixing their medicines with conventional medicines reportedly to give the medicines a higher performance value and, if so, what the Government is doing to stop the practice and prevent unsuspecting patients from suffering side effects, particularly of certain steroids which help patients contain inflammation; and,

(b) how the Government intends to arrest the trend where even Anti-TB and Antiretroviral Drugs from Government hospitals are being mixed with herbal medicine?

**The Assistant Minister for Medical Services (Mr. Kazungu):** Mr. Temporary Deputy Speaker, Sir, I beg to reply.

(a) The Ministry is aware of incidences where herbalists have mixed their medicine with conventional medicine supposedly to enhance their potency. To stop the practice and prevent unsuspecting patients from suffering side effects, the Ministry, through the Pharmacy and Poisons Board has taken the following measures.

(i) Conducted raids on premises suspected of being used to dispense adulterated medicines followed by laboratory tests to determine whether or not, conventional drugs or proper drugs are being mixed with herbs.

(ii) Alerted and educated the public via a Press conference, paid up adverts in the print media and postings on the Pharmacy and Poisons Board website.

(iii) Taken prompt action on anecdotal reports, myths, or legends which have been there of adulteration of conventional medicine by herbalists once received.

(iv) Written to the Ministry of Gender, Children and Social Development under whose docket herbalists are purported to practice, seeking their intervention to regulate the activities of herbalists for the public good.

(b) The Ministry has not encountered any case where Anti-TB or ARV drugs from Government hospitals have been mixed with herbal medicines. If the hon. Member for Eldoret South has knowledge on where this could be happening, the Ministry humbly requests her to share the same information with us so that formal inspection can be carried out. In the meantime, the Ministry wishes to assure the House that it shall sustain vigilance against adulteration of conventional medicines and other malpractices in the pharmaceutical sector.

The Government was able to recognise and identify this problem long enough, even before it became an emergency.

**Ms. Chepchumba:** Mr. Temporary Deputy Speaker, Sir, I am happy that the Assistant Minister has admitted that this practice takes place in the country. Now that this has to do with the lives of Kenyans, is he aware that unlicensed manufacturers and distributors were using unorthodox means to reach customers, including conducting sales in public buses where their movement cannot be monitored?

**Mr. Kazungu:** Mr. Temporary Deputy Speaker, Sir, the Ministry of Medical Services through the Pharmacy and Poisons Board, the drug regulatory authority in Kenya, has heard anecdotal reports that the adulteration of medicines in the market mainly by herbalists where conventional medicines are added to the herbal concoctions to enhance effects. This is very common with our men. They believe that if they take the concoctions, they will get good results.

**Mr. Imanyara:** Mr. Temporary Deputy Speaker, Sir, the Assistant Minister says that he is aware that these incidents have, in fact, reached emergency situation. Could he tell us how many prosecutions have arisen out of these incidents and arising out of those prosecutions, whether there have been any convictions?

**Mr. Kazungu:** Mr. Temporary Deputy Speaker, Sir, we have raided these places and, unfortunately, we have not made any arrests because most of the times, when they know that our inspectors are going there, they close the premises and run away. However, we have been able to get the said drugs which we have tested in our laboratories.

**Mr. Temporary Deputy Speaker (Mr. Ethuro):** Order, Mr. Assistant Minister! You either have the answer or you do not. How many prosecutions have you conducted and how many have you convicted?

**Mr. Kazungu:** Mr. Temporary Deputy Speaker, Sir, I have said that we have not made any arrests, but we have visited the said premises and made good tests which I can table here.

**Mr. Njuguna:** Mr. Temporary Deputy Speaker, Sir, with the admission by the Assistant Minister that he is aware of what is taking place, could he further indicate to this House what concrete steps he is taking to stop further theft of drugs from Government hospitals by those responsible?

**Mr. Kazungu:** Mr. Temporary Deputy Speaker, Sir, I have instructed the Poisons Board to make random visits to all the said hospitals and do thorough investigations. Those found to be engaging in this practice should be punished accordingly.

**Ms. Odhiambo Mabona:** Mr. Temporary Deputy Speaker, Sir, this House passed a Motion asking the Ministry to regulate the use of herbal medicine. What concrete steps has the Ministry taken because the mixing of these concoctions is happening because you have not done that?

**Mr. Kazungu:** Mr. Temporary Deputy Speaker, Sir, unfortunately, the herbalists' department does not fall under my Ministry. However, we have written to them through a letter which I can table---

**Mr. C. Kilonzo:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I do not know whether you heard what the Assistant Minister said. Is he in order to purport that there is such a department within the Government as a Herbalists' Department?

**Mr. Kazungu:** Mr. Temporary Deputy Speaker, Sir, it is not a herbalists' department, but the services which are offered are actually not under my Ministry. However, we have written to the relevant Ministry so that we can address this issue once and for all.

**Dr. Khalwale:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Hon. Odhiambo raised a very pertinent issue. She said we passed a Bill here that was intended to regulate the practice of traditional medicine. The Assistant Minister is avoiding telling the House when this Bill will be enacted and operationalized.

**Mr. Kazungu:** Mr. Temporary Deputy Speaker, Sir, I think we should advise the relevant Ministry to operationalize this Bill. But as I speak now, this does not fall under my Ministry.

**The Temporary Deputy Speaker** (Mr. Ethuro): Last question, hon. Chepchumba!

**Ms. Chepchumba:** Mr. Temporary Deputy Speaker, Sir, now that the Assistant Minister did not attempt to answer part "b" of the Question, and I am willing to go out of my way to submit to this House relevant information, will I be in order to request that this Question be deferred so that it can be answered adequately?

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, hon. Members! I do not see any reason why we should defer the Question. I think the Assistant Minister attempted to say what needs to be done. I am sure the hon. Member and other Members know other avenues to use to follow up other issues that they may be interested in, including ensuring that, that other portion is actualized. I think you have avenues to prosecute the matter.

Hon. Members, we will now go to the second round of Questions.

Next Question by the Member for Kisumu Town East!

**Mr. Shakeel:** Mr. Temporary Deputy Speaker, Sir, I apologize that I was not here when the Question was first asked.

*Question No.100*

REPOSSESSION OF ALOYS OLUM AWACH'S LAND BY AFC

**Mr. Shakeel** asked the Minister for Agriculture why the Agricultural Finance Corporation repossessed the land belonging to Mr. Aloys Olum Awach (deceased) over a loan of Kshs38,000 borrowed in 1980, considering that the corporation had written off loans of this category in the 1990s.

Mr. Temporary Deputy Speaker, Sir, I would like to apologize for not being here when the Question was scheduled.

**The Minister for Agriculture** (Dr. Kosgey): Mr. Temporary Deputy Speaker, Sir, I hope that when I am late next time, you will have the same patience that I have had this morning.

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, Minister! The rules of the House stipulate that we should always give everybody the second chance.

**The Minister for Agriculture** (Dr. Kosgey): Mr. Temporary Deputy Speaker, Sir, I beg to reply.

The Agricultural Finance Corporation (AFC) has not repossessed land belonging to Mr. Aloys Olum Awach. Mr. Aloys Olum Awach was not among the beneficiaries of the loan write-offs approved by Parliament through Sessional Paper No.1 of 2002.

**Mr. Shakeel:** Mr. Temporary Deputy Speaker, Sir, I would like to ask the Minister if Mr. Olum Awach had been a sent foreclosure notice and for which reason payment has been demanded from this farmer. I am not aware of Sessional Paper No.1 of 2002, but I will look at it. But is it not in order that a simple farmer who was given this loan by AFC should also benefit from any write-off?

**Dr. Kosgey:** Mr. Temporary Deputy Speaker, Sir, he has been sent for closure but that is not to say that the land has been repossessed, which was the subject of the Question. The reason he has been sent that is that after paying part of the loan, he did not complete it. He went completely silent, despite all letters from AFC.

The hon. Member has also asked whether such a simple farmer could not be helped by writing off this loan. That is a different Question which we are, of course, always ready to look into, because it appears as if there is distress. A case has not been made to the corporation for the reasons for the distress. As for the Sessional Paper you are not aware of, I think you should look at it. He could not have been included because his name was not in the list of the people, which was supplied to Parliament to clear for write-offs.

**The Temporary Deputy Speaker** (Mr. Ethuro): Last question, Mr. Shakeel!

**Mr. Shakeel:** Mr. Temporary Deputy Speaker, Sir, could the Minister, please, confirm that the amount the AFC is asking for, inclusive of interest, does not exceed the Kshs38,000 originally borrowed in 1980? If that is the case, then we will try and help the farmer to pay. Could the Minister confirm that the interest and penalties do not exceed the principal sum as it is guided under the Donde proposal?

**Dr. Kosgey:** Mr. Temporary Deputy Speaker, Sir, the loanee borrowed Kshs48,000. According to the records that have been found, he paid Kshs30,000. You and I know that the way compound interest and so on are worked, have to do with the documents that were signed at the time the loan was taken. At the moment, the records show that he owes Kshs162,000.

**The Temporary Deputy Speaker** (Mr. Ethuro): Question No.248 will appear on the Order Paper on Tuesday.

*Question No.248*

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

*(Question deferred)*

Question by hon. Letimalo!

*Question No.147*

ANALYSIS OF KCPE/KCSE PERFORMANCE IN SAMBURU EAST

**Mr. Letimalo** asked the Minister for Education:-

- (a) whether he could provide an analysis of academic performance in both KCPE and KCSE in Samburu East District in the last three (3) years;
- (b) indicate the actual establishment and the current shortage of teachers in the district and what other factors contribute to the poor performance in national examinations in the district; and,
- (c) what professional measures he has instituted to improve the academic performance in national examinations in the district.

**The Assistant Minister for Education** (Prof. Olweny): Mr. Temporary Deputy Speaker, Sir, I beg to reply but first, I want to apologize for coming late.

(a) The trend in the academic performance in KCPE and KCSE in the new Samburu East District for 2008/2009 is tabulated below and I will read.

This answer is a little bit too long and so, I beg the indulgence of the House to be patient with me.

**The Temporary Deputy Speaker** (Mr. Ethuro): Order Professor! You can just summarize and lay it on the table. I am sure that the hon. Member has a copy of the answer. So, you do not have to read all of it.

**The Assistant Minister for Education** (Prof. Olweny): The KCPE results for 2008 had a mean score of 228.7. In 2009, the mean score was 226.1. The KCSE mean grade for 2008 was 4.7 and 2009; the mean score was 5.21. KCPE subject performance for 2008/2009. In 2008--- The MP has the details and so, I do not have to read it.

(b) The actual establishment of teachers in Samburu East District is 220. The current shortage is 69. The other factors contributing to poor performance - other than teacher shortage which is one of the factors - are insecurity, drought, poverty, long distances to schools, nomadic movements, chronic food insecurity, school dropouts, poor infrastructure, cultural and traditional practices that are not compatible with modern learning practices and limited educational opportunities.

(c) The Minister initiated and implemented the following strategies aimed at improving the academic performance in national examinations in Samburu East District. Posting three teachers for primary schools and four teachers per secondary school under the 210 normal annual replacement exercise; enhancing quality assurance and standards for monitoring curriculum

development, academic performance and infrastructure development and intensifying in-service training for teachers in mathematics and languages.

The Ministry allocated Kshs18 million to 20 primary schools and Kshs1 million to two secondary schools for infrastructure improvement programme. It provides food to schools under the Schools Feeding Programme to reduce hunger and malnutrition and increase and stabilize school enrolment, improve performance and motivated parents. We intend to introduce double-shift mode of learning. Ten schools have been identified and will be funded under that arrangement.

We have identified schools for the establishment for centers of excellence under the Economic Stimulus Programme to improve education quality and infrastructure. That has been done under the help of MPs and I hope his is on the ground.

**The Temporary Deputy Speaker** (Mr. Ethuro): Mr. Assistant Minister, just conclude because the hon. Member has a copy.

**The Assistant Minister for Education** (Prof. Olweny): I will leave it at that. He already has the long answer.

**Mr. Letimalo**: Thank you, Mr. Temporary Deputy Speaker, Sir. I want to thank the Assistant Minister for that long and detailed answer. With regard to the strategies that have been adopted to improve the academic standards in the districts, what are the indications that the trends have reversed, given the high shortage of teachers in that district?

**Prof. Olweny**: Mr. Temporary Deputy Speaker, Sir, could he repeat the question so that I can understand him well?

**Mr. Letimalo**: Mr. Temporary Deputy Speaker, Sir, from the answer that the Assistant Minister has given, it is true he has initiated some strategies to improve the academic performances in the districts. Are there any indicators to show that there has been any improvement at all, given that there is a big shortfall of teachers in the district? Are there any indicators showing that?

**Prof. Olweny**: Mr. Temporary Deputy Speaker, Sir, I am not getting that well. He is asking about indicators in respect to what? Is it in respect to improvement or what?

**The Temporary Deputy Speaker** (Mr. Ethuro): In respect to improvement.

**Prof. Olweny**: Mr. Temporary Deputy Speaker, Sir, that is a new district. Even the Economic Stimulus Programme started this year. We are yet to see the results of some of the things that we are putting on the ground.

**Mr. ole Lankas**: In his answer, the Assistant Minister has indicated that there is a shortage of about 69 teachers in that district. He has said that he has employed three teachers for primary schools and four for secondary schools. Those three teachers are against how many primary schools? The four teachers are against how many secondary schools?

**Prof. Olweny**: We have three secondary schools in the district and 35 primary schools.

**Mr. Letimalo**: Mr. Temporary Deputy Speaker, Sir, establishing boarding facilities is one way of retaining students, given that it is a nomadic community. Could the Assistant Minister tell the House how many local boarding schools exist at the moment and whether there is a possibility of upgrading low cost boarding schools into medium or high cost boarding schools?

**Prof. Olweny**: Mr. Temporary Deputy Speaker, Sir, I do not have the actual number of boarding schools for sure, unless I go and find out and then I bring the answer.

**Mr. Letimalo**: On a point of order, Mr. Temporary Deputy Speaker, Sir. He has not answered part of the question. I asked him whether it was possible to upgrade the local boarding

schools into medium schools because of the number of students who have been enrolled in the boarding facilities.

**Prof. Olweny:** Mr. Temporary Deputy Speaker, Sir, that is part of the long answer that we have indicated here. We will upgrade some of the schools into boarding schools because of the conditions that we have in the nomadic areas. That is written here in the long answer. The question he is asking is directly answered here.

**The Temporary Deputy Speaker** (Mr. Ethuro): Next Question! Hon. Mwadeghu.

*Question No.163*

STATUS OF FIBER OPTIC CABLE PROJECT

*(Question dropped)*

*Question No.212*

STRENGTHENING/RESTRUCTURING OF REGIONAL  
DEVELOPMENT AUTHORITIES

*(Question dropped)*

**STATEMENTS**

**Mr. Wamalwa:** Mr. Temporary Deputy Speaker, Sir, last week, I had requested for a Ministerial Statement from the Minister for Education with regard to today's deadline on registration of candidates and the requirement of birth certificates. I had asked the Minister to confirm whether there would be an extension to avert the problem of students being locked out due to today's deadline.

**The Assistant Minister for Education** (Prof. Olweny): Mr. Speaker, Sir, I beg the indulgence of the House. By the time I was coming here, I had not been made aware of that request for a Ministerial Statement. However, I would like to say the following with regard to that.

We asked parents to ensure that their children have birth certificates for registration for examinations. That does not mean that after the deadline passes and they do not have the certificates, they will be prevented from taking their examinations. You should be assured of that. However, I do not have a comprehensive statement.

**Hon. Members:** That is enough!

**Mr. Koech:** On a point of order, Mr. Temporary Deputy Speaker, Sir. You have heard the Assistant Minister say that he was not aware and he is trying to beat about the bush. Would I be in order to request him to confirm to the entire country that no student will be prevented from doing his or her examinations as a result of lack of birth certificate?

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, Members! I do not agree with the Assistant Minister that you cannot be unaware of the deliberations of the House. That is something that the Government must take seriously. So, you owe this House a Statement, especially given that this is a very important matter. So, I order that you bring the Statement this afternoon! It is not enough just to make insinuations. It is important that we are very categorical



on this position, especially as to whether the children who have registered with their birth certificates can sit for the exams.

#### STATUS OF HEALTH OF PRIME MINISTER

**Mr. Imanyara:** On a point of order, Mr. Temporary Deputy Speaker, Sir. This House and this country know that currently the Right Hon. Prime Minister is admitted in hospital. I am sure that every hon. Member here would be joining me in expressing our best wishes for the Prime Minister's quick recovery. I am seeking a Ministerial Statement from the Government on the status of the health of the Right hon. Prime Minister and an assurance that he is getting the best medical attention possible.

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, I will pass the message to the Vice-President to give an elaborate Statement this afternoon. However, I also wish to confirm that the Prime Minister is recovering very well and so fast and so, there is no cause for alarm. He is as fit as a fiddle!

**The Temporary Deputy Speaker** (Mr. Ethuro): We wish him well.

#### MURDER OF ALI BWANA IN MOMBASA

**Mr. Yakub:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I rise to seek a Ministerial Statement from the Minister of State for Provincial Administration and Internal Security.

On 27<sup>th</sup> June, 2010, an officer attached to the National Security Intelligence Service (NSIS), the late Mr. Ali Abul Bwana was shot dead in Bondeni in Mombasa around 8.00 p.m under circumstances suspected to be linked to an act of assassination. His killers disappeared immediately. To date, the motive of the murder of the officer is yet to be known and his killers are yet to be apprehended.

Could he reveal how many security officers from Coast Province have been killed since March, 2008 up to now and if any arrests have been made so far? Out of the postmortem report, which type of bullets and guns were used in the assassination of the late Ali Abul Bwana? What steps is the police taking to curb the rising cases of crime in the Coast Province?

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, I will issue an elaborate Statement on Wednesday morning next week.

**Mr. Mbadi:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I had asked the Ministry of Foreign Affairs for a Ministerial Statement over one month ago. The Statement was supposed to be brought to this House yesterday, but the Minister promised to do it today. I do not see the Minister around and I am wondering why this Statement cannot be issued. This was in relation to the continued occupation of the Migingo Island by the Ugandan forces, even after this House had passed a resolution that the Government should use all means possible to get back this island.

Could this Statement be issued this afternoon?

**The Temporary Deputy Speaker** (Mr. Ethuro): Indeed, that Statement was due today. Minister!

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, allow me to look for the Minister for Foreign Affairs to prevail upon him to come and issue the Statement most, probably, this afternoon or tomorrow afternoon.

**The Temporary Deputy Speaker** (Mr. Ethuro): From our records, hon. Mbadi had requested for a Ministerial Statement from you. Are you ready?

## MINISTERIAL STATEMENT

### RECENT UPSURGE IN CRIME RATES AND VIOLENT ROBBERIES IN NYANZA PROVINCE

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, on Thursday, 24<sup>th</sup> June, 2010, hon. Mbadi rose on a point of order requesting for a Ministerial Statement in regard to the recent upsurge in crime rates and violent robberies in Nyanza Province in the past few months, especially after the last changes in the top leadership of the provincial police force.

Secondly, he also requested for an explanation to the House as to what the Ministry is doing to curb cases of armed robberies which have become common in Nyanza. He noted that in the past three months, lives have been lost in Kombewa, Nyakach, Riat, Kisumu and the doctor who lost his life in Kendu Bay, just a few months ago. He also wanted the Minister to state the general policy on police road blocks which have all of a sudden cropped up in the province, specifically addressing the number that we need, the locations and the possible effects to the economy of Nyanza Province.

I wish to state as follows:- Following the recent change of leadership of the Provincial Police Command in Nyanza Province, there has not been an upsurge in crime rates and violent robberies, nor has there been sharp increase in violent crimes. In fact, the province has experienced a decline in crime as indicated. I have some statistics which I want to share with my colleagues for the period 2009/2010. From January to May, 2009, we had 3,481 cases of crime incidences reported. During the same period in 2010, we have 3,088 reported, which shows a decline of 393 incidences. During the same period, the reported cases of violent crime in selected areas of the province were as follows:- Kombewa Police Post, January - May, 2009 - three and January-May, 2010 - three. Papoditi Police Station, January-May, 2009 - one and January-May, 2010 - four. Kendu Bay Police Station, January-May, 2009 - nil and January-May, 2010 - nil. In January to May, 2009, four cases were reported and during the same period in 2010, seven cases were reported.

Mr. Temporary Deputy Speaker, Sir, the following cases have been reported in Kombewa, Nyakach, Kisumu and Kendu Bay. The first one is Maseno Criminal Case No.623/134/2010, robbery with violence. On 14<sup>th</sup> May, 2010, at about 2300 hours at Arom Bar in Kombewa Market, an unknown number of thugs armed with AK-47 rifles attacked patrons in an attempt to rob them. In the process, they shot dead Sylvia Ochieng Otengo aged 38 years. The thugs escaped without stealing anything. The case is pending under investigation. Another case is Maseno Criminal Case No.623/144/2010, robbery with violence. On May, 25<sup>th</sup> May, 2010, at about 11.30 a.m., three armed men driving a salon car blocked another motor vehicle registration

No.KAB 617C, Mitsubishi Canter at Meyo Farm Stage along Bongo/Kisumu Road. The canter was heading to Usenge to collect fish. The occupants were robbed of their valuables and loader, Mr. George Ochieng' aged 28 years was shot. The victim was rushed to hospital where he was pronounced dead while undergoing treatment. The case is also pending under investigation.

The other one is Maseno Criminal Case No.623/140/2010, Kisumu HCF No.182010, murder. On 30<sup>th</sup> April, at about 2330 hours at Kombewa Market, the house of a local businessman, Mr. Eric Omondi, was set ablaze using petrol. As a result, his son, Kennedy Omondi, aged 13 years was burnt to death. Investigations were carried out and one suspect, namely, John Oluoch Odhiambo, arrested and charged. The case is pending before court awaiting hearing on 13<sup>th</sup> October, 2010. There was no incident of armed robbery reported within Kisumu, resulting in loss of life.

During this period, the general crime trend decreased by 393 cases, and violent crime increased by 3 per cent. However, the police have put in place several measures to curb and control violent crime. Among other things, beat and patrol has been enhanced. Use of firearms detecting equipment has been introduced. Other initiatives include the community policing initiative, improved investigations of violent crimes to ensure conviction and closely working with the Provincial Administration to improve service delivery.

Mr. Temporary Deputy Speaker, Sir, in Nyanza Province, police roadblocks were removed. However, they are occasionally placed in strategic locations like on Isebania-Migori-Kisii Road to curb trafficking in illicit drugs, and on the Kisumu-Yala Highway to control highway robberies during the night.

I want to say that there will never be permanent roadblocks. However, there are cases where roadblocks must be used as and when need arises. That is not to say that we are going to have permanent roadblocks. I want to warn police officers who erect roadblocks for purposes of extorting money from ordinary wananchi that their days are numbered. I will be taking action once and for all.

**Mr. Mbadi:** Mr. Temporary Deputy Speaker, Sir, first, let me thank the Ministry. More particularly, I would like to thank the Provincial Police Officer (PPO), Nyanza, who took time to call me over the weekend and share with me some of the statistics. It is very rare for police officers to take that kind of action. I think it is important for me to thank the PPO for doing so.

The Officer Commanding Police Division (OCPD) even shared with me information on the incidences in my constituency, and indicated how they have decreased. However, these officers are available in the Ministry. We, as leaders, use the physical occurrences that we see. I have three issues to raise quickly.

First, as I raised this issue in Parliament last week, in Suna West, people lost their lives. That was a very tragic situation. So, with this decrease, could the Assistant Minister tell us why we are seeing these recent occurrences?

Secondly, in my constituency, there is a lot of police harassment of *boda boda* operators. Recently, *boda boda* operators demonstrated to my home to complain about this harassment. Could the Assistant Minister stop this harassment in Gwasi Constituency immediately, so that the motorcyclists can do their business?

Lastly, the Assistant Minister has assured us that roadblocks have been removed. However, some police officers are not obeying the traffic rules as they exist. Recently, three Members of Parliament (MPs) witnessed incidents where some police officers erected roadblocks and extorted money from *matatu* operators. This is something which is affecting our

transport sector. What is the Ministry going to do to make sure that such incidents are eliminated?

**Mr. Ojode:** Mr. Temporary Deputy Speaker, Sir, it is true that over the weekend, cattle rustlers came from the Tanzania side of the border and took away livestock belonging to the people of Suna, and killed four people. Police officers pursued the cattle rustlers, killing four of them and arresting seven of them. I want to commend the swift action taken by the police officers. We have also beefed up security. I am going to post additional police officers from the Anti-Stock Theft Unit (ASTU) there in order to minimise the incidents of cattle rustling.

On the issue of *boda boda* operators, this is not a problem in that area alone. It is a countrywide problem. *Boda boda* operators must obey the rules of the road. First, they are supposed to put on helmets. They must wear helmets. Secondly, they must have valid operating licences. Thirdly, they must register their motorcycles. Registration helps the police. In the event that a motorcycle is stolen, we must have the registration number plate of that motorcycle.

Mr. Temporary Deputy Speaker, Sir, this is not only happening in his constituency. It is, in fact, happening even in my own constituency. However, what we do not want to hear is that the police are harassing those people for purposes of extorting money from them. I would want *boda boada* operators to take the personal numbers of any police officer who may harass them for extortion purposes, so that stern action may be taken against such an officer.

I am saying this with authority because, as I speak, we have increased the salaries of police officers. So, there is no need for them to harass people for purposes of extorting money.

Mr. Temporary Deputy Speaker, Sir, the other issue is that of roadblocks. This is not the first time I am talking about permanent roadblocks. There are two issues here. There is what we call “permanent roadblocks”, where police officers block the road using spikes throughout the year. In this regard, we have said that there shall be no permanent roadblocks.

We are, however, saying that roadblocks will exist, but on *ad hoc* basis; as and when need arises. As at now, police officers are doing a commendable job. I want to request my colleagues that we support police officers in order for them to deliver the services as required by law.

Thank you.

**Mr. Koech:** Mr. Temporary Deputy Speaker, Sir, the Assistant Minister has just indicated what motorcycle operators must have. We are aware that there are so many accidents on our roads today as a result of carelessness by motorcycle riders. The clarification I would want to seek from him is: If these people must have licences and follow the traffic rules, where are the driving schools for these people? Do we have, in this country, motorcycles that are used to train motorcyclists?

**The Temporary Deputy Speaker** (Mr. Ethuro): Assistant Minister, take questions from a few hon. Members, so that you can answer them together.

Ms. Millie Odhiambo!

**Ms. Odhiambo Mabona:** Mr. Temporary Deputy Speaker, Sir, I want to thank the Assistant Minister for his comprehensive answer, which shows that incidences of violent crime are increasing. I would like him to note that even if the crime rate is decreasing in Nyanza Province, if it stands at 3,000, it is extremely alarming. I worked with the police in the year 2005, and one of the things they commented was that in Homa Bay, they had one incident of robbery with violence. So, the figure of 3,000 in the whole province is extremely alarming.

From the data that he has given us, is it desegregated by gender in relation to the nature of the crime, given that cases of sexual and gender-based violence have increased even in his

constituency, where in one school, 11 girls were found to be pregnant? For girls below the age of 18 years to be pregnant, it means that they were raped. There is no issue of consent.

**Mr. Ochieng:** Mr. Temporary Deputy Speaker, Sir, I would like the Minister to comment on this because recently two people were killed in my constituency. One was called Mr. Agumba and the other one was Mr. Adede. They were killed by armed thugs who were roaming at night in a group of about 20 to 30 people. So far the police have done very little to make sure that these culprits are brought to book. Could he confirm to this House that he will take firm action according to the law against this group and make sure that it is disbanded? Secondly, we still have a problem of raiders or cattle rustlers who come from the neighbouring district. Could he provide a vehicle for the Anti-Stock Theft Unit that is already based at the border between my district and the neighbouring district so that they can stamp out that problem of cattle-rustling once and for all?

**Mr. James Maina Kamau:** Mr. Temporary Deputy Speaker, Sir, I would like to ask the Assistant Minister what he has done to make sure that roadblocks are not just erected on the roads to do nothing. We have a problem, especially on Thika-Nyeri Road where many weapons that end up in Eastleigh pass through that road. What has he done to make sure that the officers who man those roadblocks do their work rather than just sit there and harass motorists and *matatus*?

**Mr. Midiwo:** Mr. Temporary Deputy Speaker, Sir, I want to thank the Assistant Minister for his answer because I was listening to him. I wish what he was saying was the reality on the ground in Nyanza Province. The calibre of policemen posted to this province since Independence has always been the ones to try and control politicians and not crime. What is the economic effect of roadblocks in Nyanza Province? Two weeks ago, I drove along the Kisii-Kisumu Road, from Pap-Onditi to Kisumu and found there are two policemen at each stop and there are nine stops. I am a down to earth person. If you talk to the proprietors, they will tell you that nowadays, they do not need to talk. All you have to do is drop the Kshs100 and keep going. I want to thank the Assistant Minister for saying that it is a thing of the past. All we want is for him to clarify in unequivocal terms, that that is a thing of the past so that we can tell our people.

Lastly, the Assistant Minister has also raised a very good issue concerning the *bodabodas*. The problem in my constituency is the same as that in his constituency. The Kenya Revenue Authority (KRA) has gazetted some regulations. Could the Assistant Minister ensure that the *bodaboda* cyclists are controlled so that they can stop the general deaths? In Nyanza Provincial Hospital, there is a whole ward for people dying from accidents involving *bodaboda* cyclists.

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode):** Mr. Temporary Deputy Speaker, Sir, I will start with the issue of training the *bodaboda* operators so that they get licences. I think the then Minister for Transport, Mr. Ali Mwakwere, said in this House that they are setting up a department to train and issue licences to the *bodaboda* cyclists. That is an issue for the Ministry of Transport but I will take it up with them.

The other issue is the sexual abuse in many constituencies. We have said that anybody found assaulting females will be arrested on the spot. The law is very clear. They will be taken to court and charged.

The other issue is about the armed thugs that Mr. Ochieng talked about. There was a camp for the Anti-Stock Theft Unit in Nyakach sometime back but when incidences of cattle rustling went down, we decided to transfer them to other needy areas. In their place, there was a

camp for the Administration Police (APs) because that crime was not happening on a daily basis. As we speak, there is a camp for the APs whose duties will be to curtail the menace of cattle rustling and they are doing a good job. Even the hon. Member indicated to me that they are doing a good job and if he wants me to beef up the security, I can still do that.

Mr. Temporary Deputy Speaker, Sir, the roadblocks are erected with a purpose. It is not just a matter of putting spikes across the road and start stopping people. Sometimes, we get information that guns or drugs are being transported or a vehicle has been stolen or thugs have killed someone. That is why police officers erect roadblocks. I want to warn again that roadblocks are not for purposes of extortion. I want to repeat that roadblocks are not for purposes of extortion and whoever extorts money from any Kenyan, will know the consequences. The law will take its course. However, I would also like to warn that the giver and the receiver of the bribe will be arrested. The person who gives money to the police officer also commits a crime and he or she will be arrested.

Mr. Midiwo has raised the issue about bribery and the *bodaboda*---

**The Temporary Deputy Speaker** (Mr. Ethuro): Mr. Assistant Minister, wind up.

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, I am just winding up. The *bodaboda* business has to be regulated by the Ministry of Transport. There are incidences where one motor-cyclist can carry four people. There is one special ward in Kisii which is dedicated to--

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, Mr. Assistant Minister, I think we know all that. The hon. Members asked what you are doing about this matter.

**The Assistant Minister, Ministry of State for Provincial Administration and Internal Security** (Mr. Ojode): Mr. Temporary Deputy Speaker, Sir, we will make sure that the *bodaboda* business is regulated and the operators have to abide by the rule of law.

**Mr. James Maina Kamau:** On a point of order, Mr. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Mr. Ethuro): Mr. James Maina Kamau, I will disallow your point of order because we need to make progress. We have been on that issue and the Chair has been extremely generous. Your issue was on the roadblocks and the Assistant Minister has answered it.

**Mr. James Maina Kamau:** On a point of order, Mr. Temporary Deputy Speaker, Sir, the Assistant Minister---

**The Temporary Deputy Speaker** (Mr. Ethuro): Order, Mr. James Maina Kamau! Do not argue with the Chair

Let us move on to the next Order!

## MOTION

### ADOPTION OF REPORT ON STUDENTS' DISTURBANCES AT KENYATTA UNIVERSITY

**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, December 03, 2009.

*(Mr. Koech on 29.6.2010)*

*(Resumption of Debate interrupted on 29.6.2010)*

**The Temporary Deputy Speaker** (Mr. Ethuro): Who was last on the Floor? Was it Odhiambo? He finished his contribution. Then let us move on to the other Odhiambo Millie!

**Mrs. Odhiambo Mabona:** Mr. Temporary Deputy Speaker, Sir, in fact, it is interesting that you mentioned Odhiambo and the other Odhiambo. I also got confused. I had made this request to the House earlier on but I would like to make the request again; if “Mabona” can be added to my name so that my husband is also happy that I am Mabona. Other than that, we do not confuse---

**The Temporary Deputy Speaker** (Mr. Ethuro): The Chair is advised and we will definitely add Mabona.

**Ms. Odhiambo Mabona:** Mr. Temporary Deputy Speaker, Sir, I want to thank the Committee on Education, Research and Technology for the good Report. From the outset, I would like to say that I support the recommendations that the Committee has given. I am very happy that the Vice-Chancellor at Kenyatta University is the first woman to head a public university and for women of Kenya, that is a plus and I want to say that we give her our support. I would want to give her my support as a woman because not many of us women ever get that opportunity. I would also want to congratulate the V-C, Prof. Olive Mugenda, because she has done a lot of infrastructural development in that university which is very impressive. It shows that when you put a woman in a position of authority, we get things done and it is because of that, that I support the proposed constitution that gives women more power and authority.

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

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

Mr. Temporary Deputy Speaker, Sir, I would want to say that we need to encourage that leadership and support that leadership by pointing the positive things that are done but by also encouraging improvement where there is need for improvement. One of the areas I would encourage improvement is the issue of allowing or enabling democratic space, especially for students. One of the things that has come out clearly in that Report is that the situation escalated from a very simple thing that could have been sorted out. The simple thing had to do with the poverty of many of the students. Many of them were not able to pay the dues that were required by the university in good time. Because that was not forthcoming, many of them were not allowed to sit for their examinations and that precipitated the violence.

There are many issues that have been raised whether there are lecturers that incited the students and whether the student leaders incited the students. But I would want to say that if students are given a voice to air their concerns, then a lot of these issues can be nipped in the bud. I would, therefore, encourage that we enable and empower our students very timely to raise issues of concerns to them. Some of them, sometimes to us, as people, who have passed there and who have been there, may not look like they are critical issues but to the students, they are critical issues. I know that at the time when I was at the university, one of the issues that we used

to strike on was that we would go and find that there was no *chapati* on the menu, and to the rest of the public, it sounded like it was very petty but to the students, it was very important that there would be *chapati* on the menu. Sometimes, the only thing that needed to be done was to explain to the students why there was no *chapati* on the table. That is why actually when I was at the university, *chapati* was named dialogue because the students said that if we had had dialogue, we would have said why we were striking over *chapati*. So, let us give our students dialogue.

One of the things that I would also want to encourage is that students also need to know that we are going through a reformed country. If we do not like certain issues, it is not in order to resort to violence and especially where we destroy things that our parents and the Government has put so much money and effort into developing and building. So I would want us to embrace a culture of non-violence but one of enhanced dialogue between students and the administration.

One of the other things that I am happy about is that the Report also mentioned the need to de-ethnicise our universities; that unless we reach a level where, for instance, I would be seeing Prof. Olive Mugenda heading a university in Western Kenya and Prof. Onyango heading a university in Meru, I would be very impressed. The other day, I actually almost raised an issue when I saw an advertisement by one of the universities, I do not want to scandalize them, but when I looked at the entire staff, it came from one region. It is embarrassing and it should not be allowed. If we are talking about moving towards a country that is cohesive, that is united, we cannot practice that. Where we have come from in the past, we did not have that. Countries progress, they do not regress. As a country, we must refuse to regress and especially after the events that we witnessed in 2007 that whatever happens in this country nowadays, we link to the history of ethnicity. Let us de-ethnicise our public universities and even our private universities.

However, one of the things I would want to encourage the universities to do, is that even as we are trying to open up spaces for more students to access higher education, and I have said earlier that I congratulate the VC of Kenyatta University for the amount of energy that she has put in infrastructure development but a lot more has to be done to provide infrastructure and to prioritize in relation to where the students live. When this strike happened, I had two nephews and a niece that were affected and that were in Kenyatta at one time. One of my nephews actually was a victim and was suspended and lost a year. He is back now to the university and he is about to finish because he was a student leader. But the situation and the example I want to give, had to do with one of my nephews who is not even politically active, very quiet. When the violence happened, because there was no accommodation, he was living in K1, they were attacked by thugs who took advantage of the situation. He was hurt and we could not reach him because of the way K1 is. At one point, we thought we were actually going to lose him, because we could not access the police and we could not access the university and he was severely and seriously injured. So we could hear him on phone and he was saying he was losing a lot of blood. He went through Lenana School and got a straight A and went to Kenyatta University. Why should he be considered a second priority when he works hard? We encourage our children to work hard and then they will access proper university education. He worked hard, he passed, he got an A went to Kenyatta university but lived in K1 when we give students who did not do as well, the first priority. So as much as I congratulate the VC for doing an excellent job in infrastructure development, the university must prioritize where the students are staying and we cannot have students living in places that look like informal settlements.

With those few remarks, I beg to support.



**The Assistant Minister for Livestock Development** (Mr. Duale): Thank you, Mr. Temporary Deputy Speaker. From the onset, I want to commend the good work done by the Committee on Education, Research and Technology led by my good friend, hon. Koech.

Mr. Temporary Deputy Speaker, on the onset, again, I want to commend the good work that the current Vice-Chancellor of Kenyatta University, Prof. Mugendi, is doing. I want to state here that you can even look at the infrastructure that is in place today in Kenyatta University and compare it with ten years ago and you will accept that it is an institution with progress and development; you can tell that just from its infrastructure before you even go to the details. So, we are saying that she is one of the very few women Vice-Chancellors in this country whose work we are very happy with.

Secondly, Mr. Temporary Deputy Speaker, the problem in this country that is bedeviling all sectors, whether we are talking of the private sector; whether we are talking of our higher institutions of learning; whether we are talking of the Government bureaucracy, it is the element of politics. I think, as a country, we must say no to politics in all our major or crucial institutions. We have transferred our politics to our universities and to all important institutions in this country. You will find party and regional politics finding its way into national universities. Recently, we had the University of Nairobi SONU elections; the information we have is that even the coalition politics – the PNU/ODM politics – has found itself in even student politics and in SONU elections. Politicians and political parties want to control the kind of leadership that university students want to have! When you want to become the chairman of SONU or of Kenyatta University Students Organization, give us a break! The mandate of a students union is to promote the welfare of the students; so, we should not take our party politics to student's institutions or organizations!

Thirdly, Mr. Temporary Deputy Speaker, we do not want the leadership of the universities to get involved in student politics. The Vice-Chancellor of the University of Nairobi was accused of meddling in the SONU elections. He either worked for his own interests or for the interests of a political party. So, if you are a Vice-Chancellor or if you are a member of the Senate of an institution, or you are a council member, a lecturer or a professor, you must operate within the rules of engagement of the university! We are taking regional politics to institutions of higher learning. At present, Kenyan students are paying dearly for their education! There are so many innocent students who want to finish their courses in four, five or six years. I think it is time now that we must say that if you are a student in either of the universities and you want to get involved in party politics, you have the right to leave the university, go to Orange House or to PNU Headquarters and become a politician; you must leave the 90 per cent of Kenyan students who want to finish their courses within the stipulated time.

Fourthly, Mr. Temporary Deputy Speaker, I think the university administration must not get involved in student elections. One of the reasons that caused the riots in Kenyatta University, after going through this Report, and the evidence of all the stakeholders who met the Committee, it is very clear that when the University administration decided not to work with the new leadership of the Kenyatta University Students Organisation, Union problems came up. So, we are telling the Vice-Chancellor and the rest that if the students feel they like “x” and “y” and they elect them as their leaders, the university administration has no business in dictating who to work with. It is the business of the students to elect their leaders.

Then, I think, Mr. Temporary Deputy Speaker, there is an issue of security; the Minister of State for Provincial Administration and Internal Security must create a special unit that will deal with the riots in our institutions; police stations must be established closer to universities.

You do not expect the OCPD, Kasarani, to man Kenyatta University! We must have security agents and police posts even within the institutions; they must have enough personnel. Even the recruitment of university security personnel must be done in such a way that they are vetted. People given security jobs must be of high calibre, integrity and people who have worked in the disciplined forces; they must be recruited competitively. You do not give the job of University Chief Security Officer to your relative, if you are the Vice-Chancellor, or to the relative of the Chairman of the University Council. Recruitment must be competitive; applicants must be vetted and the recruitment must be above board.

Finally, Mr. Temporary Deputy Speaker, the fourth point is that when university lecturers get involved in student politics--- University lecturers, instead of undertaking their core mandate of teaching, take party, regional and ethnic politics to the lecture halls. I think this is the cancer this country is facing. If you are a lecturer and you are from Nyanza, you feel that you must take the politics of that region or your party to the lecture hall. If you are from Central or Rift Valley province, you go and represent your ethnic group in the lecture halls. We want lecturers to teach the core curriculum of the particular subject they are supposed to teach. It is very evident in this Report that some of the lecturers of Kenyatta University were, in one way or the other, involved in the strike that led to the loss of two Kenyan students; that led to huge destruction of property of Kenyatta University.

Again, Mr. Temporary Deputy Speaker, there is the issue of the Vice-Chancellor and the university management. We are talking about reforms in this country; we are talking about a new constitution; we are reforming the police; we are reforming our electoral system; those reforms must be undertaken in our universities! We must have democratic ways of dealing with students. We are saying that if you are a Vice-Chancellor or a university council member, you must create openness; you must create atmosphere for free flow of information between students and lecturers, between the university management and the community around. We are saying that in Kenyatta University--- This report is very categorical that there was high handedness; the element of openness was not there from the Vice Chancellor to the student leadership. You are not living outside Kenya; this country is going through reforms! The reforms must be seen in the private sector; they must be seen in the institutions of higher learning; they must be seen in the electoral system! I think if politicians remain faithful to politics, they give other sectors of this country a chance to run within their parameters--- Institutions of higher learning have their mandate and they do their bit; the private sector does its bit. I think if politicians remain faithful to politics and leave other sectors of this country to run within their parameters, institutions of higher learning would have their mandate and do their bit. The private sector should do their bit. We should leave regional politics, party politics and ethnic politics out of our institutions of higher learning. The institutions are the ones that create the human resource that this country is proud of. The institutions create the kind of human resource we need for Vision 2030.

We need to build one Kenya. We should go back to the early 1980s and 1970s when Kenyan students in universities professed one Kenya. Whether you were from a poor country or whichever part of the country, they were all students. That is the kind of culture we want to build.

Finally, if this Report is adopted by Parliament and is implemented for those that it is meant for, there will be change at Kenyatta University and all other institutions of higher learning.

With those few remarks, I beg to support.

**Mr. Njuguna:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to also contribute to this very important Report.

First, I would like to thank the Chairman of the Committee on Education, Research and Technology for steering the Committee to come up with very good recommendations. If implemented, they will be able to improve the learning environment in our universities.

I also wish to thank Members of the same Committee for supporting the Chairman in that effort. One thing that I have noted in that Report concerns the election of student leaders at the university. It is almost clear that there was a lot of unnecessary interference in the way the elections were done. Therefore, it is important that the university administration and management should not at any one time interfere with the way the students organize their affairs. The student leadership is responsible and capable to handle their affairs. If this spirit is allowed to exist in our public universities, there would be cordial relationship between the university body and the university administration thus avoiding the unnecessary strikes that we experienced at Kenyatta University and the University of Nairobi.

Mr. Temporary Deputy Speaker, Sir, the second observation is that it is noted very clearly in this Report that political interference was experienced at Kenyatta University. This was mainly meant to remove the Vice-Chancellor of the university from office. The students were misused. Even the lecturers were misused. Therefore, it is important that politicians desist from interfering with the way universities are run. Without political interference at Kenyatta University maybe what we experienced and noted would have been avoided.

Mr. Temporary Deputy Speaker, Sir, there was also the angle of external interference. There was migration of students from one university on Thika Highway going to assist other students at Kenyatta University to destroy or bring down the university. That was not good.

The Vice-Chancellor Prof. Mugenda has done a commendable job in terms of expanding university education in this nation. It is really significant. She has created many campuses in this nation. My appeal would be, as she continues establishing campuses, those appointed to manage them should not be on tribal basis. We should have what we call detribalization of leadership in these campuses. That would also give some kind of harmony in these universities.

Mr. Temporary Deputy Speaker, Sir, I also noted that important equipment was stolen at Kenyatta University. About 200 computers were stolen. Therefore, denying the learning community an opportunity to excel well in ICT learning. We would urge our security organs to be ready to assist universities particularly when there is a threat directed at them.

Another observation that needs to be addressed by the relevant Government departments is the issue of land. Kenyatta University is surrounded by a very hostile community at Kamae. Some of the people at Kamae might have acquired the land in a dubious manner. They are still occupying this land. It is important that the Ministries concerned for example the Ministry of Lands should come out and give assistance in terms of surveying the land. They should work jointly with the Ministry of State for Provincial Administration and Internal Security to make sure that Kenyatta University knows its boundaries on this land.

Land matters concerning our universities must be taken seriously. All universities must be in possession of title deeds. The University of Nairobi is now suffering as a result of losing its land somewhere in Athi River. This should not happen in modern Kenya.

The other observation that we noted is that security at Kenyatta University at the material time was not good. It is, therefore, important that security must be enhanced so that when there is a problem it can be prevented. Precious life of a student was lost at Kenyatta University. This is anguish to the parents and a huge loss to the university and even to this country.

Mr. Temporary Deputy Speaker, Sir, investigations must be conducted to establish who the culprits are and action be taken to avoid a repeat of that incident. Harmony must be maintained at our universities at all times.

With those few remarks, I fully support the recommendations contained in this Report.

**The Temporary Deputy Speaker** (Mr. Mbadi): Let me give Mr. Munya a chance to contribute before the Minister responds.

**The Assistant Minister for East African Community** (Mr. Munya): Mr. Temporary Deputy Speaker, Sir, I also want to take this opportunity to support the Report of the Committee on Education, Research and Technology even though I think the Committee should have gone a little further in its investigations to give us concrete evidence especially on what happened at Kenyatta University. Their recommendations are generally good but there are some missing links in the Report.

Everybody knows what happened at Kenyatta University was organized criminality. Guns were ferried from town and transported to Kenyatta University to go and cause mayhem. There were links between those who organized and other universities. So clearly, we would have expected the Committee to go deeper and tell us exactly who funded and who organized that criminality and destruction of property that took place at Kenyatta University.

Mr. Temporary Deputy Speaker, Sir, it is not enough to say there were general complaints, highhandedness and all that about the students because there will always be complaints and some problems at universities. But when we see wanton and organized destruction of property, razing down of a newly constructed computer lab that cost taxpayers millions of shillings, property of the university, one that benefits the students, it is not enough to just fight general problems and say these were the causes. Clearly, there was politics involved which is known. Clearly what we have been told and from what we have heard from the ground, even lecturers were part of it. They participated in organizing and inciting students to cause mayhem because they were not happy with the changes that the new Vice-Chancellor had brought to the university. A new broom had come in and it was sweeping clean and the cleaning was hurting certain sectors; certain people in the university, those who were benefiting from vested interests in the university were no longer getting those benefits. These things must come out clear!

You cannot say that when students are given deadlines to register then they say that was the cause because they were given deadlines and they could not meet. Come on; give me a break! Deadlines must be there. Students are being trained to have discipline to meet deadlines. Even in our work places and Parliament here we meet deadlines.

Of course, there is a lot of tribalism in our universities, there is no question about that, it has been creeping in, in the teaching staff and even in the student body. Before when we were in universities when we were electing students to student bodies, we did not care where the student leader came from. We never did that because we wanted quality leadership and we were thinking like Kenyans. Now the students' politics have degenerated obviously in our universities these days to the level that we hear even there are camps allied to certain political parties: ODM and PNU. It is a pity because we would think that our young minds, those who are going to build this nation after us would be thinking nationally. But how do we expect them to think nationally if us who are the role models; the ones leading the country and role models to give them an example are not thinking nationally?

Mr. Temporary Deputy Speaker, Sir, it is not even just the student bodies. Most universities, again, will have personnel in certain departments only coming from one region and

we ask whether this is by accident that certain departments are dominated by individuals from one community or from a certain region and this is happening in our universities. So it is a big problem! It is not one issue that we can point out and say that, that is the problem but we have seen that degeneration. You also see promotions in universities not following merit. You see a lecturer is hired today, he is told that he has to start as an assistant lecturer because he is new and starting and the rules say that he should start there. Somebody also new comes and he is hired after you have worked for three years and he goes straight to becoming a full lecturer. He does not have more experience or training than you but because he comes from the correct community, that is controlling the university, obvious he goes and this continues creating discontent within the teaching staff. It keeps lowering standards in the university because unqualified people are manning departments and are even teaching; some even with dubious degrees are still finding their way into the teaching places. Our universities are decaying!

*(Applause)*

That is what I am trying to say in very few words; they are decaying in terms of standards, teaching quality and this is also bringing down the morale of the students. This also leads to some of this unrest you find there. I would even want you to ask yourself: Is it by accident that you find our universities situated in certain areas and the vice-chancellors must come from those areas? Is it by accident that vice-chancellors of Moi University and its affiliate campuses are most time from the Kalenjin community? Is it by accident that vice-chancellors in Egerton University must always be Kalenjins? One from Maseno must always be a Luo? Masinde Muliro must always be a Luhya? Is this national culture that now we are localizing universities? If a university is situated in your village, therefore, the vice-chancellor must come from your village?

*(Applause)*

Then eventually we will end up saying that also students must come from your village so that nobody else from Kenya comes to that university and turn those into village universities. It will not help in this goal of nation building. Let us try to turn our national institutions, the universities, our apex institutions and make them national that we can all be proud of and then we will be on the road to building the nation like we have been talking about.

**The Assistant Minister for Higher Education, Science and Technology** (Dr. Mwiria): Mr. Temporary Deputy Speaker, Sir, I would like to congratulate all those who have spoken on this very important matter and the Committee for coming up with a report on a crisis that was, indeed, very unfortunate.

At the outset I would like to say that I agree with many of the recommendations of the Committee but I have a disagreement when it comes to generalizing certain issues specifically to Kenyatta University (KU) even though at some point there is reference to the fact that many of these issues touch across all universities. My other disagreement is that following from what Mr. Munya said, we also did not dig deep into the involvement of politicians and other hired thugs; especially politicians even from the current Parliament who took part in fanning the trouble that took place at the university. In fact, if you remember when I was commenting on the KU crisis, when we were giving a Ministerial Statement, I said that even hon. Members should be asked to contribute to covering the damage that was experienced. The damage was so much and because politicians were part of this, it was unfortunate to ask students to be the only ones paying for that

damage. That was clearly saying that we also are to blame and I do not think it comes out strongly in this Report.

The issue of what happened at KU is extremely unfortunate in terms of the time that was lost by the students, the costs, the damage and how employers view students from our public universities. I keep on saying every time I go to universities that when our students riot, when there is no discipline in the universities, they are disadvantaged. Already socially disadvantaged students disadvantage themselves even more because employers then tend to go to private institutions like Daystar and the USIU where there are already advantaged students for employment because there is the impression that students in public universities are not that disciplined. So I keep on appealing to them whenever I go: "Please, you are already disadvantaged socially, do not disadvantage yourself much more by providing evidence of lack of discipline!" This is a matter for many of our students and as we know many of them come from very difficult circumstances.

The causes have been looked at but they touch on students and this is a fact because students and staff members were the directly affected. We were told of staff members who were actually involved. We have another report from the senate on Security forces and I am sure Mr. Koech and others have seen it. Why is it that they took so long to respond even when the Vice-Chancellor herself had tried days before to inform them? Having been informed that there was likely to be a problem, she told the intelligence service and it took forever for them to go and intervene. And the politicians themselves are to blame! Very unfortunately, the issue of deadline points to the problem many of our students are experiencing, that they were not meeting deadlines because many cannot pay. It is not because they want to do it; many of them is just because they cannot afford to pay within the given time. So, obviously, it points to the need for us to do much more in terms of empowering poor students and ensuring that universities do not increasingly become the property of only the privileged. This is a problem and, therefore, we need to ask questions about how we can support them more. I think under the circumstances, KU did well even in terms of punishing the students. We appealed to them that the punishment should not be so severe and it was not. There were cases where we made specific appeals for students from disadvantaged communities and those who were caught in it. Unfortunately, these kinds of blanket punishments sometimes take place because students themselves did not object to what was happening. Most of the students did not stand up to say: "We cannot allow a few students to be the cause of trouble in the university!" They should also stand up. Even the students that elect those student leaders, or even us as politicians, I think we have a responsibility to ensure that a few ethnic chiefs are not the ones who determine the direction we take, even if it is bad. So, in that respect, most students are also to blame.

Mr. Temporary Deputy Speaker, Sir, I would also like to say that as we blame the institution and the administration, and as we complain about all those problems at Kenyatta University, we also need to appreciate, as many hon. Members have said, that many good things have taken place at Kenyatta University. I think this is a fact. It is very evident. I taught at Kenyatta University. I go to Kenyatta University these days, and I note that it is a very different place, not just in terms of the big structures that are being put up, but even when you look at the environment and the programmes of study that have been introduced, it is better. Now they are doing engineering, medicine, they are building a referral hospital and the best library amongst all the universities.

There are some very good things happening there. A lot of these good things come out of the money that is paid by the students not from the Government. So, we should also appreciate

the fact that Kenyatta University has come up as one of the best for several years in a row, in contract performance evaluation. It was the first university to be ISO compliant in the country.

Before this one it was a long time since there was a riot at Kenyatta University. This is something to be happy about. Many of you have been to universities. In my time when I was a lecturer and a student, riots were the order of the day. Even as we talk about riots at Kenyatta University or University of Nairobi, let us also not forget this may be the first riot that you have seen in five years. The same applies to Nairobi University. So, things have improved because there is a conscious effort by the administration and the Government to give much more freedom to the institutions, and talk about the need for negotiations and so on.

Mr. Temporary Deputy Speaker, Sir, having said that, there are issues that we should address. Mr. Munya spoke about responsibility. We cannot always excuse people even when they do the wrong things. Students must also be ready to be judged by the law, after all many of them are mature.

If you have a complaint, destroying property or going to hit motorists who are passing by, and who are not to blame for your problems, is diverting attention and being irresponsible. We must talk strongly against this kind of behavior. If there are regulations about when you should meet a deadline, obviously it would be wrong to ask universities to keep on excusing students who are not meeting deadlines because the university will not run. It cannot run, especially now that we have a big influx of students, and universities are forced to even have more teaching sessions than they ever had. Without deadlines it is impossible for them to cope with the incoming groups of students.

We must also appreciate the point that has been made about interference by politicians and the university administration. I think that needs to be substantiated. We know that there were accusations that the university administration favoured certain students leaders, but actually there is no evidence that, that was the case.

I also know one speaker said that the Vice-Chancellor of the University of Nairobi, Prof. Magoha, in a sense was implicated in the riots that took place at his university because he favoured a certain candidate. Again, I think we need to be very careful because we can cause more trouble by talking about rumours as opposed to evidence. I do not think there is any evidence that Prof. Magoha or Prof. Mugenda were directly involved in the strikes that took place. When we peddle those kinds of rumours we are not helping the situation, especially if we have no evidence.

Mr. Temporary Deputy Speaker, Sir, on issues of governance, as we blame university vice-chancellors, let us recognize the fact that there are other structures of governance in universities. In fact, the main decision-making body in the university is the university council. The university council is comprised of appointees from outside the university, but there is representation from academics and students. So, this is the main governing body of universities. If we have to blame university administrations for the things that go wrong, we need to also ask what university councils do; who the members of these councils are and what they are doing to improve actual management of the institutions, even before we talk about the vice-chancellors. It is the university councils that manage universities on behalf of the Government and the academics.

There are also staff unions, student unions, the senate, departments and opportunities for more in governance at the level of deans and faculties. So, there are many levels of management in universities and we need to look at all those as we apportion blame, or even ask why certain decisions were not taken or why they were taken in a certain way, rather than point fingers at one

person, the vice chancellor. The Vice-Chancellor is only an appointee. He is like Chief Executive Officer who, of course, will bear the most blame. But I think the board of management in a lot of cases is key in terms of making key decisions.

I agree with the committee completely that we must continue to improve governance in our institutions, and this must involve improving dialogue. We need to talk more to our students even if you are the Vice-Chancellor or the university council members. That era where you see students as enemies or immature is gone. If you go to universities now you will find that vice-chancellors are engaging students. Even when there is a crisis they try to engage students.

Unfortunately, as we talk about Vice-Chancellors compromising certain student leaders, there are student leaders who are themselves ready to be compromised, and even sell the case of their fellow students. So, it is not just a one way traffic. It is not as you think it looks. The biggest problem in our universities with regard to governance, and some of the things that take place, is that we also have student managements where, as you find in the Government, people are compromised. It is similar to some schools, where teachers and some board members are compromised. This is also a problem that we need to address; it can best be addressed by students themselves by ensuring that they elect students who are beyond reproach and are not ready to be compromised.

Mr. Temporary Deputy Speaker, Sir, in terms of improved communication, I think I have seen much more of that. Universities now have newsletters, bill boards and memoranda. There is an effort. We can do more. In terms of decentralizing governance, this is critically important. There are cases where some Vice-Chancellors may be high handed, and appoint certain people to key positions. I think this is still an area where we need to improve. We should be open enough to go to universities and tell them that there are certain incidents where Vice-Chancellors and deputy Vice-Chancellors are high handed.

As we do that, we should ask staff associations like Universities Academic Staff Union (UASU), the student unions and academic staff members, including professors, why they let a few individuals be the ones to make certain decisions on their behalf. The problem is that academic staff members allow some things to happen. If they rose up and said: "We will be part of this decision. We cannot allow this," it would not be that easy for the key administrators to influence what happens.

So, generally, I agree that we should do much more to improve democratization. There are universities in this country that are worse than we were in 1992 when we were fighting for democratic space. There are universities in this country where managements are more autocratic than political systems and governance. We need to play a role, but much more with regard to those that are directly affected by what happens in those universities. The academic staff members and students should be the ones to first rise to the occasion.

Mr. Temporary Deputy Speaker, Sir, tribalism is a big problem. I do not agree with one hon. Member who said that Kenyatta University is the worst in terms of tribalism. I do not agree absolutely and that is why I made the point yesterday that we cannot say tribalism is much worse at Kenyatta University or Nairobi unless we are able to look at the situation across all the universities and are looking at the same factors. These factors are related to recruitment, promotion, student leadership and so on.

I am not defending Kenyatta University because I am not the one running it. We are soon doing an audit of all institutions to establish the problem. I would just like to say that if you go to some of these universities in this country you will be surprised at the level of tribalism, where all the key people are from one ethnic group. Points were made about how we name universities. Do



we have to name a university Moi University because it is built in that region where Moi came from or Kenyatta because it is where Jomo Kenyatta came from? Do we have to locate university only in those areas which have produced presidents in this country? Do we have to do that? Otherwise, it will be very difficult for some parts of this country to have university institutions. There are more serious cases. Yesterday we were looking for a Principal for Kisii University College. The moment a non-Kisii was proposed on the basis of merit, Kisiiis, including politicians said, it would happen over their dead bodies. When someone else was proposed for Narok University on the basis of competence, they said, they must have a Maasai. It is politicians themselves who are talking about tribalism. This is a very serious problem. The other day, I was talking to a Vice-Chancellor and he told me that they have serious problems with tribalism.

A new campus was started at some place. A very senior person from that region came and said: "You know this is my son who finished Form Four. Please, train him to be a university lecturer and professor".

*(Laughter)*

It is very serious. It is not a laughing matter. It is becoming extremely serious in this country that people are beginning to think universities are just their village schools just because they happen to be established in their own areas.

There are issues of quality and I agree with the Committee. This idea of introducing parallel degree programmes and regular programmes bring in more students to universities and there is no capacity to address them. This has caused many problems. In fact, some of these problems we are talking about, for example, registration also come from the need for universities to keep on opening up and bringing more students without enough facility. In terms of justification, yes, let us agree that even as we do not like programmes, much of the monies that the universities use now to expand are coming from parallel degree programmes. All the buildings that you are seeing coming up are from students under the parallel degree programmes. So, the parallel programme in some way is complementing Government resources that were never enough to support university expansion. It is a dilemma. We need to expand our universities, so that we can give more Kenyans an opportunity. The Government does not have enough resources to ensure that we can accelerate that expansion. So, we must strike a balance whereby those who can afford to pay a little bit for that education, pay for that education as it is in other countries such as those in Europe, America and so on. Those who can afford to pay for university education are required to pay much more.

We need to ask many questions: Is it really right that 90 per cent of the students who apply for university loans actually get the loans, when we know 60 per cent of the students in our universities, especially in key programmes like engineering and medicine come from largely privileged backgrounds? They went to expensive primary schools and expensive high schools. What is happening now is that students from those kinds of families do not make it through the regular programme and their parents take them to parallel degree programmes? They get them even to "jump" the years; they do not have to wait for two years. You can start studies in Medicine right away because your parent can afford to buy the degree. So, this is a very serious issue. So, if there is that category of Kenyans who can pay so much, why do we not then support a strong private wing of our university system; a very strong private high school wing, so that those who can afford can complement Government resources by also ensuring that we expand university education? Then, we would make those resources available to support the very poor

who, for example, cannot meet the deadlines to register for examinations because they do not have the money. They are also in a parallel degree programme because they could not compete for a regular programme in the first place because of the kind of schools they went to. So, these are important issues that we need to address. They are issues that can be resolved through consensus and us sitting together appreciating the need for expansion and quality and also accommodating those who are not able to pay as much for university education.

So, it is important for us to address the issue of equity especially with regard to education. This is because education is very quickly becoming a preserve of the rich in this country. This is a time bomb that we must address. If you say that these degree programmes are filled by young people from certain backgrounds, that is very true. Indeed, 60 per cent to 70 per cent of the students doing Medicine and Engineering in this country come from less than 20 schools in this country. You can count them. There is Alliance, Mangu and so on. This is a big injustice and Parliament must address this matter. I have spoken about this matter for the last six years I have been in Parliament and since I was in the Ministry of Education. I think we need to confront this problem and say we cannot continue to disadvantage the majority of Kenyans the way we have been doing. We cannot continue seeing this happen. The issue of equity must, therefore, be addressed, but we must not exaggerate the problem by making it tribal rather than looking at it from a socio-economic perspective.

When we look at equity, we must also look at how students are admitted from the various regions and type of schools. It is completely irresponsibly and unfair to say that from a day secondary school, say, in Marsabit – We are building too many day schools these days--- It is okay we are providing an opportunity. However, are we providing an opportunity for these young people to go to university and do degrees that are marketable? It is a serious problem. So, we also need to ask as we admit students into our universities, do we have to base, for example, admission to the study of Medicine or Law on Grade “A” for all schools irrespective of the type of school the student went to? We must become more complex in terms of our evaluation criteria to ensure that we take a count of the different backgrounds of our young people in terms of region, type of school and socio-economic background.

Mr. Temporary Deputy Speaker, Sir, I agree that there is a problem in the academic staff remuneration. We should pay our professors more as we should pay our teachers. However, we also need to ask whether they are putting in much more with every increment in salary. I know there are many opportunities for us to improve in this regard. As a Government, what is being done, therefore, to solve some of these problems is that we are pushing for autonomy. That is why our universities are now more independent. It is very difficult for the Government to interfere in the management of universities. That is why there are Chancellors who have been appointed and they are not the President. In terms of competitive recruitment, universities advertise for senior positions.

Unfortunately, the tribalism that we are talking about comes from the fact that sometimes when we advertise it is only members of those communities that apply to join those universities. I must also point out that during the ethnic clashes, we witnessed a very serious problem whereby, as we talk about the management of those institutions, there were ordinary support staff members who were telling students, who did not come from those communities, that, “this is not your university”. They were threatened just as the settlers and farmers were being threatened. This is a very serious problem. It is a fact. It happened and it just tells you how serious the problem is. Therefore, we need to do more in terms of how we recruit. Apart from just calling it competitive and leaving it open, I have personally recommended that---

After you advertise, it tends to be the case that many of the applicants come from the local communities. If you advertise a position in Bondo, it is mainly the Luos who apply. It is the same if it is in a university in Meru where mostly the Meru will apply. This is partly out of the experience of the ethnic clashes of 2008. People are now getting scared to go to certain parts of this country. So, one way of ensuring that we deal with this problem--- What would prevent us from rotating the current crop of Vice-Chancellors and the Deputy Vice-Chancellors? Why can we not move Prof. Onyango from Maseno University to the JKUAT and move Prof. Mibei from Moi University to Meru University and *vice-versa*? I think this is a decision that can be taken for the sake of the country. We cannot have universities like Masinde Muliro University of Science and Technology, for example, just being managed by Luhyas from the top all the way down. This is not a problem of just that institution. So, are we prepared to say, let us rotate the management of those institutions now that the damage was already done? Secondly, when we advertise, what will prevent us from saying that if the position is advertised in Kakamega, if you come from the local region, you need not apply? If it is advertised in Pwani University and you come from the Coast region, you do not apply for this senior position? I think we can say that for the sake of building a national outlook, because we continue to have universities managed by the locals, we recruit students nationally. So, it is a mockery. That national outlook must be representative not only in the student body, but also at the management level. So, we are doing an audit as a Ministry. If we are saying that in Government Ministries there should be no community that should be more than one-third, that should also be the case in our universities. We have already asked universities to give us a list of all their employees from the lowest cadre to the Vice-Chancellors and then we check. If universities are dominated by certain communities, then they will be asked to do appropriate balances. This is one way we can get to that.

Mr. Temporary Deputy Speaker, Sir, we are doing much in terms of asking for accountability. Somebody said that universities are collecting money. We should ask how they are using this money. It is not enough to just ask for accountability for money that has been given out by the Government. We also need to ask more questions about the use of the billions of shillings that they are collecting. We expect to get more co-operation from Vice-Chancellors.

Mr. Temporary Deputy Speaker, Sir, expansion will continue and I hope that as we talk about troubled institutions, we are getting to a point where we will have, at least, one university in every county in this country, but ensure that the management of those institutions is more national in outlook to continue supporting that "Kenyanness" that we like to see in terms of equity in admission in terms of schools and regions.

Mr. Temporary Deputy Speaker, Sir, we also need to improve universities' community relations. We are told that one of the problems at Kenyatta University is the neighbouring community, because of the "squatter community." There are these kinds of problems also at Moi University and other public universities. Let us see how our universities can relate much better with the communities that surround them.

Mr. Temporary Deputy Speaker, more importantly, we have to address the wider context. What is happening in our universities mirrors our wider society. If there is tribalism in universities, it is because there is tribalism everywhere in this country, including in this Parliament and Government Ministries. If there is tribalism in universities, it is a problem in high schools. Why do we not address the problem of tribalism at the lower levels of education? What will prevent us from ensuring that all our primary and secondary school teachers teach in regions which they do not belong? They are civil servants. When you are appointed a District Officer (DO), for example, you go to any part of the country. So, why are we recruiting primary and

secondary school teachers locally, when they are, in fact, employed by the Government? If we begin at those levels, then we will begin to make a difference. So, we must deal with this problem very widely. If there are problems of quality in our universities, quality has been going down everywhere in this country. Equity also is an issue.

Mr. Temporary Deputy Speaker, Sir, the way forward is a changed Kenya, which will come with this new Constitution. So, please, vote “yes” and many things will be better, including in our universities.

**The Temporary Deputy Speaker** (Mr. Mbadi): It is now time for hon. Koech to reply.

**Mr. Koech:** Mr. Temporary Deputy Speaker, Sir, from the outset, I want to sincerely thank the Members of this Tenth Parliament for rising to the occasion during this very important time of need for us to nationalize our country and have future leaders who are national. That is why they have all supported and agreed with our proposal. I want to say that the Committee on Education, Research and Technology addressed the unrest at Kenyatta University and, as a result of that, it was not practical and possible for us to highlight the many positive things happening in Kenyatta University. I want to confirm to this House that I totally agree with the positive sentiments raised by hon. Members about what is going on at Kenyatta University. We could not capture all that in our Report since our time was very short.

I also want to clarify that the resolutions are based on the evidence that we were able to get. Yesterday, I said that there is a list of all those who were able to share with our Committee. We opened up to every other person to give us their views with regard to what could have caused what happened at Kenyatta University. So, if there is something that somebody feels we may have left out, it is because we did not have clear evidence to allow us to table a document that is credible. We had to get evidence on that. Therefore, we have full evidence of what we captured.

Mr. Temporary Deputy Speaker, Sir, I want to state here that the main cause of the unrest at Kenyatta University – according to the evidence that we gathered - was the deadline. Looking at the events that led to the first strike, it was very clear that those students who had cleared their fees and, maybe, they paid after the deadline, were not captured. There was a foul mood. They made a lot of effort to send the officials to meet the administration. They went there about five times. The last time they went there, they were escorted by majority of the students. When they were denied a hearing, that is when they walked to the gate and destroyed it. That is what led to the closure of the university. When they came back, within that one week, the said officials who had just been elected three days before that day, were suspended. Looking at the environment, you can easily tell the agitation among the students. Their own leaders, whom they had just appointed, had been suspended. Secondly, there was the issue of the exaggeration of the figure. Thirdly, there was the issue of blanket discipline measures on all the students.

Mr. Temporary Deputy Speaker, Sir, I want to state here that, as a result of that one problem, other issues which had been swept under the carpet were triggered. Some of the issues that came up are the ones which we have raised. I believe that from those issues, we, as a country can now address them and utilize them for the benefit of Kenyatta University and for the benefit of the entire country.

Therefore, I must say that there are other issues that have come up and which are very key. I want to appreciate this honourable House for raising the issue about tribalism. We want a united nation. It has come out very clear. That is not only happening in Kenyatta University as indicated. We can tell who is who in every university in this country. I want to thank this honourable House, especially the hon. Members who contributed, for condemning tribalism or ethnicity as a nation. If this House is united in fighting tribalism, who will be against us? I want

to believe that the sentiments raised by hon. Members on the Floor of the House are the same sentiments they will be raising after the adoption of this Report, so that we do not see hon. Members agitating for one of their own to be a Vice-Chancellor of a university or to be a head of a department somewhere. We want to see competitive bidding and competitive placement of people in this country. I want to say that this is a new dawn in our country.

As a recommendation to the Ministry, it should be firm in removing tribalism, nepotism, and regionalism in our universities. I indicated that one of the proposals was that the Ministry should consider, even within the Bill that is coming, where vice-chancellors and senior heads of departments could be appointed and placed on rotational basis. That, maybe, would guide and help.

Mr. Temporary Deputy Speaker, Sir, hon. Affey mentioned about decentralization, delegation and fear that comes with it. Our universities have expanded and are really expanding. If I use the example of Kenyatta University, it has Pwani University College in Mombasa. At the same time, it has a satellite campus in Mombasa Town, which is being managed directly from the Kenyatta University in Nairobi. Why can that not be managed from the Pwani University College? That affects all the other universities that have opened up satellite campuses to the extent that the attention could easily be diverted to other places.

It is also indicated by hon. Kizito that students could be copying what is happening in the society. There is what we call hidden curriculum. I want to state here and appeal to Members that we need to be sober when we are handling issues. We need to be together and know that we are sending a signal; a message, to the youth of this country and our children in school. We need to handle our issues in a more professional way. If we do that, we shall be feeding our students with better issues and things that can help them and help this country.

Mr. Temporary Deputy Speaker, Sir, one Member did indicate that we must at all times avoid mass punishment. In order for us to avoid that, the investigative arm of every institution and the Government at large, must be strengthened. When a crime is committed, the real culprit is found and, therefore, he or she pays for it, and not the rest of the students. When students reported back at Kenyatta University, they were all required to pay Kshs1,000. There was a feeling among the students that: "Yes, you have punished us for what we did not do, now we are going to do it, so that when you punish us, you punish us for what we have done." This should be avoided by all means.

I do not wish to dwell on so many issues. Members have raised a lot of issues. I want to concur with them and thank them for their contributions. I believe that what they have contributed will help to build this nation. Action now remains with the relevant Ministries. The first one is the Ministry of Higher Education, Science and Technology to look into the many issues that touch on the Ministry.

Other issues touch specifically on the Kenyatta University. I want to appreciate at this point the efforts which have already been put in place by Kenyatta University. I am aware that the perimeter wall that we proposed to be put in place is already in place. In terms of security, I can confirm here that the university has put in place structures to ensure that we have a chief security officer, who is an employee of the university and somebody with good credentials. I want to believe that this is the way to go. Our encouragement to the rest of the universities is that they should copy from the same and do something, so that we can avoid similar occurrences.

The other Ministry which is key is the Ministry of State for Provincial Administration and Internal Security. Looking at the events, there were a lot of efforts on 29<sup>th</sup>, and at 3.00 p.m., the area District Commissioner was in a security meeting at the Kenyatta University. There were

all indications that something was amiss. Surprisingly, they reported to the university at 9.30 p.m. There is need to increase and empower, and if need be, as proposed by the Members, get a separate unit to be dealing with such cases.

The Ministry of Lands should safeguard Kenyatta University land. This touches on many public institutions. Kenyatta University is not the only one. I do not believe that it is impossible to safeguard the land belonging to the university or any institution, whether a secondary or primary school, for the benefit of the Kenyan child. That should be the way to go.

I am aware that we have the Committee on Implementation, but I do not wish that we keep loading it with issues about following the Government. It is one Government and we are the Kenyans. It is our wish that Ministries take seriously the recommendations made and act on them without necessarily waiting for any person to make follows ups.

I want to state, therefore, that we may not have done everything that needed to be done, in terms of helping our universities. As a Committee, we want to promise to work continuously with the Ministries concerned, so that concerted effort is made to ensure that we keep on improving the situation and overcoming the challenges we face every day. I beg that we fully implement most of the recommendations we have made in this Report

Mr. Temporary Deputy Speaker, Sir, lastly, allow me to sincerely thank the Members of my Committee for the support they gave me, and for availing themselves during our meetings to inquire into this matter. I also want to thank the Speaker, and the Clerk of the National Assembly, for facilitating this Committee to be able to conduct this very important investigation. I want to thank members of staff of Parliament; from the HANSARD Department, the Secretariat, and the Research Department, for the support they gave us.

I want to use this opportunity to appeal to hon. Members of this House to adopt this Report without amendments.

I beg to move.

*(Question put and agreed to)*

**The Temporary Deputy Speaker** (Mr. Mbadi): Next Order!

ADOPTION OF REPORTS ON ACP/EU JOINT  
MEETINGS/18<sup>TH</sup> SESSION OF ACP-EU JPA

**Mr. Kombo:** Mr. Temporary Deputy Speaker, Sir, I beg your indulgence that Mover of this Motion, Prof. Kamar, had an appointment with her doctor. So, she is not available.

**The Temporary Deputy Speaker** (Mr. Mbadi): Do we have any other Member of the Committee who can move the Motion? If there is none, we can move to the next Order.

Hon. Kombo, are you confirming that there is no other Member of the Committee who can move it?

**Mr. Kombo:** Mr. Temporary Deputy Speaker, Sir, I suppose that, because of preparedness, she should be moving rather have somebody who is not prepared to move it.

**The Temporary Deputy Speaker** (Mr. Mbadi): Very well! The Motion is deferred to a later date.

*(Motion deferred)*

**The Temporary Deputy Speaker** (Mr. Mbadi): Next Order!

## **BILL**

### *Second Reading*

#### THE ANIMAL TECHNICIANS BILL

**Mr. Lekuton:** Mr. Temporary Deputy Speaker, Sir, I beg to move that The Animal Technicians Bill be now read a Second Time.

This Bill was debated on as Motion and got overwhelming support from hon. Members, because they realised its importance. Today, I am going to give some background information to hon. Members, so that they can realise how important this Bill is.

Mr. Temporary Deputy Speaker, Sir, this Bill is modelled very closely to the Veterinary Surgeons Act of 1953, which was amended in 1996. The Bill is aimed at complementing the contribution made by the Surgeons Act, and not competing with it. This Bill does not, in principle and practice, seek to create competition between the two cadres. More fundamentally, it is aimed at filling in the framework of thousands of Animal Health and Production Technicians, who have been jobless and unable to undertake private practice.

I would like to re-emphasise the role that the livestock industry plays in this country. The crucial role that the livestock sector plays in the Kenyan economy is significant. The numbers show that it is a very productive sub-sector, and that it should be taken very seriously. The livestock sector contributes about 12 per cent of Kenya's Gross Domestic Product. It also contributes to 42 per cent of agricultural GDP. It employs 50 per cent of the agricultural labour force.

Mr. Temporary Deputy Speaker, Sir, the livestock sector has approximately 60 per cent of Kenya's livestock---

**The Temporary Deputy Speaker** (Mr. Mbadi): Order! Hon. Lekuton, you have 58 more minutes to move debate on this Motion.

### **ADJOURNMENT**

Hon. Members, we have come to the end of today's morning session. Therefore, the House stands adjourned until this afternoon at 2.30 p.m.

The House rose at 12.30 p.m.