

NATIONAL ASSEMBLY

OFFICIAL REPORT

Tuesday, 14th November, 2000

The House met at 2.30 p.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:-

Annual Report and Accounts of the Pyrethrum Board of Kenya for the year ended 30th June, 1998, and the Certificate thereon by the Auditor-General (Corporations).

Annual Report and Accounts of Pest Control Products Board for the year ended 30th June, 1998, and the Certificate thereon by the Auditor-General (Corporations).

Annual Report and Accounts of Ewaso Ng'iro Development Authority for the year ended 30th June, 1998, and the Certificate thereon by the Auditor-General (Corporations).

*(By the Assistant Minister for Agriculture
and Rural Development (Mr. Sumbeiywo)
on behalf of the Minister for Agriculture)*

Annual Report and Accounts of the Industrial and Commercial Development Corporation for the year ended 30th June, 1999, and the Certificate thereon by the Auditor-General (Corporations).

Annual Report and Accounts of Kenya Tourist Development Corporation for the year ended 30th June, 1999, and the Certificate thereon by the Auditor-General (Corporations).

Annual Report and Accounts of Sunset Hotel Ltd. for the year ended 30th June, 1998, and the Certificate thereon by the Auditor-General (Corporations).

*(By the Assistant Minister for Agriculture and
Rural Development (Mr. Sumbeiywo) on behalf of
the Minister for Tourism, Trade and Industry)*

Annual Report and Accounts of Certified Public Secretaries Board for the year ended 30th June, 1998 and the Certificate thereon by the Auditor-General (Corporations).

Annual Report and Accounts of the Registration of Accountants Board for the year ended 30th June,

1998 and the Certificate thereon by the Auditor-General (Corporations).

*(By the Assistant Minister for Agriculture and
Rural Development (Mr. Sumbeiywo) on behalf of
the Minister for Finance)*

ORAL ANSWERS TO QUESTIONS

Question No.245

ABDUCTION OF MR. WANG'ANG'A

Mr. Anyona asked the Minister of State, Office of the President:-

(a) whether he is aware that on 19th December, 1998, a police officer from Karen Police Station abducted Mr. Charles Wang'ang'a and detained him in illegal custody; and,

(b) what offence Mr. Wang'ang'a committed and what disciplinary measures he has taken against the errant police officers who tortured him.

Mr. Speaker, Sir, I would like to bring to your attention the fact that I have not received a written reply.

The Minister of Sate, Office of the President (Maj. Madoka): Mr. Deputy Speaker, Sir, I do apologise to hon. Anyona for that inconvenience. I was informed that the written reply had been sent to Parliament, but I will have to find out what happened. However, I beg to reply.

(a) Mr. Charles Wang'ang'a was lawfully arrested and charged for an offence and not abducted or detained illegally.

(b) I am not aware. However, Mr. Wang'ang'a was charged for allowing dogs under his control to run loose and become a nuisance contrary to Section 588(a), punishable under Section 755 of the City of Nairobi Central By-laws. He was

also charged for keeping dogs over six months old within the City unregistered, contrary to Section 597 which is punishable under Section 753 of the City of Nairobi Central By-laws. He was also charged for being in possession of dogs which are vicious and dangerous, contrary to Section 597(a)(1), punishable under Section 753 of the City of Nairobi By-laws. In view of the above, no action can be taken against the police officers who arrested Mr. Wang'ng'a as they were acting within the law.

Mr. Anyona: Mr. Deputy Speaker, Sir, I do not know whether the Minister is admitting or not admitting that in spite of the circumstances which led to Mr. Wang'ang'a's arrest, he was badly tortured. I want that to be clear before I can ask a supplementary question.

Maj. Madoka: Mr. Deputy Speaker, Sir, part(b) of the Question refers to torture and I clearly stated that I am not aware.

Mr. Anyona: Mr. Deputy Speaker, Sir, in view of that, I would like to lay on the Table of this House a comprehensive medical report on Mr. Wang'ang'a by the MP Shah Hospital dated 21st January, 1999. This report states expressly that he was assaulted, and it shows the extent of the damage done to his body. In fact, he is still on crutches up to now. I would like the Minister to respond to the contents of this report.

(Mr. Anyona laid the report on the Table)

Maj. Madoka: Mr. Deputy Speaker, Sir, I have not studied that medical report. So, I cannot comment on it immediately. But the problem with Mr. Wang'ang'a is that his dogs inflicted serious injuries on a juvenile, a Mr. Fredrick Maina aged 14 years. This young man is still paralysed and he has to attend a special school. I know that Mr. Wang'ang'a was not tortured in the police cells.

Mr. Ochilo-Ayacko: Mr. Deputy Speaker, Sir, the first part of the Question alleges that Mr. Wang'ang'a was detained. How long was he detained by the police and why was he not taken to court within 24 hours as stipulated by law?

Maj. Madoka: Mr. Deputy Speaker, Sir, he was not detained but charged according to the law.

Mr. Anyona: Mr. Deputy Speaker, Sir, I think the Chair will have to intervene here. Here is a valid medical report which shows that Mr. Wang'ang'a was badly tortured and extensive damage caused to his body. The Minister has talked about another person who was attacked by dogs. That is a different matter altogether. Could he tell us what happened to Mr. Wang'ang'a's case?

Maj. Madoka: Mr. Deputy Speaker, Sir, looking at this report from the hospital, this incident happened in 1998 and Mr. Wang'ang'a was admitted on 13th January, 1999. So, I really do not know whether it is a result of the same case or not, and I will have to investigate.

Mr. Anyona: On a point of order, Mr. Deputy Speaker, Sir. If the Minister read the report, he had been admitted at Mater Hospital where the original operation took place and then after complications, he went to this other hospital. So, how can he say it is a different hospital?

Maj. Madoka: Mr. Deputy Speaker, Sir, I am still studying this report at the moment, and as I said, from the form, the date of admission is 13th January, 1999. So, I have really not gone through it to establish what the report says.

Mr. Gitonga: On a point of order, Mr. Deputy Speaker, Sir. In view of the fact that the Minister admits that he has not had time to study the report, would I be in order to request that he be called upon to bring a proper reply after getting the information from Mater and MP Shah hospitals?

Maj. Madoka: Mr. Deputy Speaker, Sir, I will be willing to do that.

Mr. Deputy Speaker: I think the Question is a little bit more complicated than you have been made to believe. In view of that medical report which you might wish to study and get the details I will be inclined to agree that this Question be deferred to Thursday afternoon.

Next Question, Mr. Munyao.

(Question deferred)

Question No.191

NUMBER OF KENYANS WITH
FOREIGN CITIZENSHIP

Mr. Deputy Speaker: Mr. Munyao is not in? We will come back to that Question later.

Next Question!

Question No.359

EVICTON OF MR. BUTHUI

Mr. Weyrah asked the Minister for Home Affairs, Heritage and Sports:-

(a) if he is aware that Mr. Dualle Buthui, a retired Administration Policeman has been evicted from his plot at Dadaab with his nine children by the UNHCR and that he is now a squatter at Dadaab; and,

(b) what immediate action

he is taking to have the plot

returned to the said owner.

The Assistant Minister for Home Affairs, Heritage and Sports (Mr. Choge): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am not aware of the eviction of Mr. Dualle Buthui from his plot at Dadaab.

(b) I am not contemplating taking any action, because available information indicates that Mr. Dualle Buthui claims to have leased the plot under reference to the United Nations High Commission for Refugees. However, the organization denies having signed any lease agreement with Mr. Dualle Buthui. Indeed, the agreement purported to have been signed by the then head officer Dadaab, has been disowned by the organization as forgery.

Mr. Weyrah: Mr. Deputy Speaker, Sir, this is a serious matter of a Kenyan who has been made "homeless" for over ten years by UNHCR using Kenyan forces. I would like to know what action the Ministry is taking to evict UNHCR from Mr. Buthui's plot. The plot in question is LR No.70 which legally belongs to Mr. Dualle Buthui and still UNHCR is occupying that plot.

Mr. Choge: Mr. Deputy Speaker, Sir, if he has any documents at all, it is a forgery. The information I have here is that, if he is having any papers of any kind, he must have forged them.

Mr. Kamolleh: Mr. Deputy Speaker, Sir, the Assistant Minister is assuming things before he has even seen the documents. Could he confirm or deny that, in effect, UNHCR have taken away this plot and displaced Mr. Buthui without his knowledge?

Mr. Choge: Mr. Deputy Speaker, Sir, Mr. Buthui has no plot, and therefore, the eviction was in order.

Mr. Mwakiringo: Mr. Deputy Speaker, Sir, most Kenyans who own land do not have title deeds. Is the Assistant Minister telling us that most Kenyans who have no papers to show can be evicted by anybody anytime?

Mr. Choge: Mr. Deputy Speaker, Sir, signatures might look alike, but that is forgery.

Mr. Deputy Speaker: The question he is asking you is: What happens to Kenyans who have no title deeds? Could they be displaced from their land on the grounds that they do not have a piece of paper?

Mr. Choge: Mr. Deputy Speaker, Sir, of late, we have had title deeds being forged.

Mr. Deputy Speaker: Address the question of Kenyans who have no title deeds.

Mr. Choge: Mr. Deputy Speaker, Sir, maybe, he could repeat the question.

Mr. Mwakiringo: Mr. Deputy Speaker, Sir, I have said that most Kenyans do not have title deeds or pieces of paper to show that they own the land they stay on. Does that mean that any Tom, Dick and Harry can evict those Kenyans who have no title deeds or pieces of paper?

Mr. Choge: Mr. Deputy Speaker, Sir, before a refugee camp is erected, they must consult the Government.

And this was actually done through our Ministry and they gave a green light for the refugees to use that plot.

Dr. Oburu: Mr. Deputy Speaker, Sir, could the Assistant Minister tell us who owns that land? We used to have something called Trust Land which meant that he was holding it in trust on behalf of the Kenyan people. Did the Government compensate the person who was evicted from that land, or they just decided to give that land to UNHCR without considering the inhabitant who was there?

Mr. Choge: Mr. Deputy Speaker, Sir, the Government can acquire a piece of land under the laws of this country. In this case, there was nobody evicted. If there was anybody who vacated the piece of land---

Mr. Anyona: On a point of order, Mr. Deputy Speaker, Sir. We are dealing with a specific case and the Assistant Minister keeps talking in generalities. If he does not know what to answer, let him say so.

Mr. Choge: Mr. Deputy Speaker, Sir, this was a Government piece of land.

Dr. Ali: Mr. Deputy Speaker, Sir, the Assistant Minister is misleading this House. He has been told that, that is Trust Land and he knows that there are no papers in North Eastern Province. Could he tell us why they evicted Mr. Duelle and stop beating about the bush?

Mr. Choge: Mr. Deputy Speaker, Sir, the information I have is that, that is a Government piece of land which they gave to the UNHCR to use.

Dr. Ochuodho: Mr. Deputy Speaker, Sir, it may only be fair that we request the Chair to defer this Question for the Minister to bring a satisfactory answer. The reason I say that is because the Assistant Minister talks of another document being forged. What makes him think that the document he has is the authentic one rather than the one Mr. Buthui has?

Mr. Weyrah: Mr. Deputy Speaker, Sir, I also support what the hon. Member has said. Since the Ministry does not have any information concerning this Question, we defer it. I have papers taken from the county council showing that the plot belongs to Mr. Duelle, which I will table, if you wish.

(Mr. Weyrah laid the documents on the Table)

Mr. Choge: Mr. Deputy Speaker, Sir, I said before that if he has any documents at all, they must be forged.

Mr. Mbela: Mr. Deputy Speaker, Sir, in view of the fact that proper documents have been tabled, can the Assistant Minister now apologise to this House for pretending that Mr. Duelle does not own the land?

Mr. Choge: Mr. Deputy Speaker, Sir, I said that if there are any documents at all purported to have been written by the UNHCR--- They have no authority to do so. They were given that piece of land by the Government. So, he had no authority to lease it to the UNHCR.

Dr. Oburu: On a point of order, Mr. Deputy Speaker, Sir! Is it in order for the Assistant Minister to refer to documents by the UNHCR when the documents tabled are from the county council? He does not even want to look at them!

Mr. Choge: Mr. Deputy Speaker, Sir, if this man had any right to the land at all, he would have taken the matter before the law courts. However, I am prepared to look at the papers they are talking about.

Mr. Deputy Speaker: Order! Hon. Assistant Minister, some documents have been laid on the Table to prove that Mr. Duelle Buthui did, in fact, own that piece of land. To give you an opportunity to look at them carefully, it is only fair to the House that I defer this Question. The Question is deferred to Thursday afternoon.

(Question deferred)

Question No.675

TERMINAL DUES FOR EAST AFRICAN
FINE SPINNERS WORKERS

Mr. Wambua asked the Minister for Labour when the receivers of East African Fine Spinners Limited will pay the workers their unsecured terminal claims.

The Minister for Labour (Mr. Ngutu): Mr. Deputy Speaker, Sir, I beg to reply.

The receivers of the East African Fine Spinners Limited are unable to pay workers their unsecured claims due to unavailability of funds.

Mr. Wambua: Mr. Deputy Speaker, Sir, how can the Minister say that the receivers cannot pay the workers while the East African Fine Spinners Ltd. was partly run by the Government before the receivers took over almost ten years ago? How can he expect the workers who had worked for this company to stay without their dues and the Government is the custodian of this company?

Mr. Ngutu: Mr. Deputy Speaker, Sir, I agree that this was a Government parastatal, but it was put under

receivership in 1994 when things did not go well with it. Therefore, it was not possible for the parastatal to pay the workers their rightful wages.

Mr. Kimeto: Mr. Deputy Speaker, Sir, was this company privatised when the Government did not have money to pay the workers? Was it just given out without paying the new owners?

Mr. Ngutu: Mr. Deputy Speaker, Sir, when this happened, the receiver was supposed to raise money from those people who owed them money and they were able to raise some Kshs294,186,000. Out of this, they had to pay the cost of safeguarding the realisation of that money, the preferential and duress creditors. The distribution of other payees was as follows: KCB - Kshs46,850,000; KCSC - Kshs28,118,000; East African Development Bank - Kshs127,096,000; Otto Wolfe - Kshs13,600,000. The amount totalled Kshs293,526,000. After that they had to pay the following who had secured loans: KCB - Kshs47,237,000; KCSC - Kshs21,547,000 and others totalling Kshs370,260,000.

Mr. Wambua: Mr. Deputy Speaker, Sir, in view of the money which was raised, was it important to pay other debtors of the East African Fine Spinners Limited rather than pay the common mwananchi who had given services to the parastatal? These people do not have any other source of income and their work has been terminated.

Mr. Ngutu: Mr. Deputy Speaker, Sir, Section 46 of the Employment Act, Cap.226, stipulates that only secured benefits should be given priority. That is outstanding wages up to a maximum of four months or Kshs4,000, whichever is less whenever a company is placed under receivership. These other secured loans had to be cleared first before paying wages. That is the position according to the law.

Question No.476

CONSTRUCTION OF JUA KALI SHEDS

Mr. Mwakiringo asked the Minister for Labour:-

(a) if he could explain why the Kshs.2 billion World Bank Project being implemented by the Kenya National Federation of Jua Kali to build demonstration centres in Coast and Nyanza Provinces has not taken off;

(b) why the funds were transferred from the Ministry of Vocational Training to the Office of the President; and,

(c) if he could table the list of the sheds countrywide which have benefited since 1994.

The Minister for Labour (Mr. Ngutu): Mr. Deputy Speaker, Sir, this Question falls under the docket of the Ministry of Vocational Training. I cannot see the Minister here and I had not been briefed. So, I am not able to answer this Question at the moment.

Mr. Deputy Speaker: Are you saying that your colleague who should answer this Question is not here?

The Minister for Labour (Mr. Ngutu): Yes, Mr. Deputy Speaker, Sir. He does not seem to have come to the House.

Mr. Twaha: The Question says that the money is with the Office of the President. I do not think the Minister for Vocational Training is supposed to answer it.

Mr. Deputy Speaker: No, the Question is in the right place except that he should have indicated that it is the Minister for Vocational Training who is supposed to answer it and not the Minister for Labour. They are in the same Ministry, so to speak, but I suppose the Minister is defining the difference somewhat.

The Minister for Labour (Mr. Ngutu): Mr. Deputy Speaker, Sir, the true position is that I have not been briefed about it.

Dr. Ochuodho: On a point of order, Mr. Deputy Speaker, Sir. Part "b" of the Question on transferring a department from one Ministry to another falls under the docket of the Office of the President. Rather than being taken round in circles when the Minister for Vocational Training comes here to answer it, would it not be in order that the Question be referred therefore to the Office of the President? The Minister in the Office of the President is here.

Mr. Deputy Speaker, Sir, would he not be the right person to answer this Question?

The Minister for Labour (Mr. Ngutu): Mr. Deputy Speaker, Sir, it is true that the issues raised in this Question fall under the Ministry of Vocational Training. At the moment, the Office of the President is not responsible for that kind of money.

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

Mr. Deputy Speaker: Order! This Question was, in fact, transferred from the Office of the President to the Ministry of Labour, and indeed, the Minister responsible, one, hon. Isaac Ruto has supplied an answer, but he is not here now to give the oral reply. So, the best we can do under the circumstances is to defer this Question until he comes

here and explains why he is not here. We are bothering a very innocent Minister.

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

Mr. Deputy Speaker: There should be no points of order on that Question. The Question is deferred. Next Question, Mr. Ochilo-Ayacko.

(Question deferred)

Question No.668

PROMOTION OF MR. ACHUODHO

Mr. Ochilo-Ayacko asked the Minister for Education:-

(a) why the Teachers Service Commission (TSC) has declined to effect pay rise for Mr. Joseph Ogada Achuodho, TSC No.147067, who was promoted on 1st July, 1997; and,

(b) whether he could have the pay rise effected and backdated to the date of his promotion.

The Assistant Minister for Education, Science and Technology (Mr. Awori): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The TSC has not declined to effect pay rise to Mr. Achuodho from 1997. What has happened is that there has been a very long delay in effecting this pay rise. The delay was occasioned by the fact that the TSC, together with the Ministry of Education, were trying to establish whether the documents Mr. Achuodho had preferred were genuine or not. (b) As soon as this exercise is completed, I would like to assure this House that Mr. Achuodho will get his pay rise backdated from the date he was promoted in January, 1997.

Mr. Ochilo-Ayacko: Mr. Deputy Speaker, Sir, the answer given by the Assistant Minister is a little bit dishonest. This teacher was promoted on 1st July, 1997, which is about three years ago by the same people who now purport to investigate the authenticity of the promotion. Is it in order for one arm of the Government to promote a person and another arm to purport to investigate the authenticity of that promotion?

Mr. Awori: Mr. Deputy Speaker, Sir, a similar Question was brought here and I said that at one time, there were "papers" purported to come from the Director of Education, promoting certain teachers, and it was found that there were some subordinate staff who had stolen them, filled them and sold them to some teachers. When this was found out, the members of staff were not only reprimanded, but most of them were discharged. In the meantime, there were so many such "papers" circulating around. As a result, we have to investigate and authenticate the documents. In this particular case, it is simply that we are nearer finding that his letter of promotion from 1st January, 1997 is genuine, in which case we expect to effect the pay rise very soon.

Mr. Muchiri: Thank you, Mr. Deputy Speaker, Sir. The Assistant Minister has said that they are investigating this case. It is not in dispute that they are investigating possibly thousands of other certificates or papers. In this particular case, he has said that the documents are genuine. When will he pay him?

Mr. Awori: Mr. Deputy Speaker, Sir, I could easily have requested this Question to be deferred until I bring an answer stating that we have now effected the pay rise, but I avoided to do that because I wanted to give the answer. I would like to assure this House that within a month, the pay rise would have been effected and backdated to January, 1997.

Mr. Twaha: Mr. Deputy Speaker, Sir, could the Assistant Minister inform this House when the Government will start to promote teachers again since there has been a "freeze" on promotion of teachers for a long time due to lack of funds, although the teachers work very hard and give dedicated services?

Mr. Awori: Mr. Deputy Speaker, Sir, the situation remains the same; that due to insufficient funds, the promotion of teachers is still on hold.

Mr. Ochilo-Ayacko: Thank you, Mr. Deputy Speaker, Sir. We would like to unequivocally know when the investigations will be completed so that this able teacher can know when his pay rise will be effected pursuant to the promotion?

Mr. Awori: Mr. Deputy Speaker, may I request the hon. Member to repeat his Question?

Mr. Ochilo-Ayacko: Mr. Deputy Speaker, Sir, we would like to know the exact date, week and month when the pay rise will be effected?

Mr. Awori: Mr. Deputy Speaker, Sir, I cannot give the exact date, week and month when the pay rise will be effected. I have assured this House and the Questioner that the pay rise for this teacher will be effected within a month from now. I can come back with the exact date when that has been done.

*Question No.616*CESS PAYMENT BY CHINA ROAD/
BRIDGE CORPORATION

Mr. Mboko asked the Minister for Local Government:-

- (a) whether he is aware that a construction firm, namely, China Road and Bridge Corporation has not paid cess to Mtito Andei Town Council between April, 1999 to date; and,
- (b) whether he could order the said company to pay in full the amount outstanding as at 30th June, 2000 of Kshs12 million.

The Assistant Minister for Local Government (Mr. Hashim): Thank you, Mr. Deputy Speaker, Sir. I beg to reply.

(a) I am not aware.

(b) I have no powers to intervene in civil matters affecting local authorities. If Mtito Andei Town Council is owed any money by China Road and Bridge Corporation, then it should seek redress in a court of law.

Mr. Mboko: Mr. Deputy Speaker, Sir, while China Road and Bridge Corporation has not paid the council, there is a letter written by the Permanent Secretary, Ministry of Roads and Public Works, instructing the said company not to pay the quarry money. The council is not asking for the payment of the hardcore, but for the cess money. The company has been using the council land to ferry the hardcore to their construction site.

Mr. Deputy Speaker, Sir, therefore, could the Assistant Minister, because I have a letter from the Ministry of Roads and Public Works, which they have been quoting all the time--- I will table this letter here. The company has been relying on this letter not to pay the council the said money. Could the Assistant Minister now order China Road and Bridge Corporation to pay Mtito Andei Town Council the cess money and at the same time advise his counterpart, the Minister for Roads and Public Works, not to interfere with councils' affairs? I would like to table this letter.

Mr. Deputy Speaker: Mr. Mboko, you have no issue with the Ministry of Roads and Public Works, but the Ministry of Local Government.

Mr. Mboko: Mr. Deputy Speaker, Sir, they are using this letter as authority.

Mr. Deputy Speaker: I did not hear him cite that letter as his authority to the answer.

Mr. Mboko: He said he was not aware!

Mr. Hashim: Mr. Deputy Speaker, Sir, while I appreciate the sentiments expressed by the hon. Member and being aware of the financial constraints facing some councils in this country, a similar Question was asked last time by hon. Sifuna. I appreciate that I intervened and said that the matter should be referred to a court of law, instead of asking the Ministry of Local Government to intervene.

Mr. Ndicho: Mr. Deputy Speaker, Sir, the Ministry of Local Government is the mother of all the local authorities in this country. Mtito Andei Town Council is one of the children. The Member for that area has told the mother that one of the children is in trouble because of refusal by somebody to pay cess. The Assistant Minister's attitude of saying that he is not aware, is unsatisfactory. Could he consider taking the matter as the mother of the child called Mtito Andei County Council, and get the money from the China Road and Bridge Corporation? That will enable the council to meet its financial obligations. It will pay allowances to councillors, salaries to workers and avoid numerous strikes that are happening in all the other local authorities in this country.

Mr. Deputy Speaker, Sir, we call upon the Assistant Minister to have a heart of a mother and help that particular child!

Mr. Hashim: Mr. Deputy Speaker, Sir, I need your direction. We would like to intervene and assist the Mtito Andei Town Council, but we do not have the legal basis to order the Corporation to pay.

Mr. Mwakiringo: Mr. Deputy Speaker, Sir, the same applies to Taita-Taveta County Council. The other construction companies which used land belonging to the Taita-Taveta County Council pay cess. Why has the Chinese Company not paid the cess to both county councils?

Mr. Hashim: Mr. Deputy Speaker, Sir, that is a different Question and I am not aware!

Mr. Mboko: Mr. Deputy Speaker, Sir, could the Assistant Minister tell this House who has the authority to exempt payment of cess to the local authorities?

Mr. Hashim: Mr. Deputy Speaker, Sir, I think I have said that clearly. I wonder why the hon. Member has repeated the same question. I have no legal powers to intervene in civil matters---

Mr. Deputy Speaker: Order! Answer the question!

Mr. Hashim: Mr. Deputy Speaker, Sir, could he repeat the question?

Mr. Mboko: Mr. Deputy Speaker, Sir, for his own benefit, could he tell this House who has the power to exempt cess payment to the councils?

Mr. Hashim: Mr. Deputy Speaker, Sir, the Minister for Local Government has got the authority to exempt cess.

Mr. Mboko: On a point of order, Mr. Deputy Speaker, Sir. That is why I would like to produce the letter which has exempted cess from another Ministry and not the Ministry of Local Government. I would like to table the letter. Could the Assistant Minister order the payment of cess because it has been exempted by another Ministry?

(Mr. Mboko laid the letter on the Table)

Mr. Mbela: On a point of order, Mr. Deputy Speaker, Sir. The road referred to by hon. Mboko forms the boundary between Makueni District and Taita-Taveta District. So, when the Assistant Minister says that cess is not payable to Taita-Taveta and that is a different Question, he is misleading the House. Could he make sure that the money is paid to the Taita-Taveta County Council?

Mr. Hashim: Mr. Deputy Speaker, Sir, part (b) of the Question states: "Could the Minister order the said company to pay in full the amount outstanding as at 30th June, 2000, of Kshs12 million?" I have said that I have got no legal powers to order the company to pay the amount to the Mtitu Andei Town Council!

Question No.396

REHABILITATION OF NAITIRI-
BRIGADIER-MATUNDA ROAD

Dr. Kituyi asked the Minister for Roads and Public Works:-

- (a) whether he is aware that the Naitiri-Brigadier-Matunda Road has been rendered impassable due to lack of maintenance works; and,
- (b) what immediate plans he has to rehabilitate that key road.

The Assistant Minister for Roads and Public Works (Eng. Rotich): Mr. Deputy Speaker, Sir, I beg to reply.

- (a) Yes, I am aware.
- (b) Currently, routine maintenance grading is on-going. I think we have completed about three kilometres.
- (b) The activity will continue to keep the road passable, until major rehabilitation works are undertaken.

Dr. Kituyi: Mr. Deputy Speaker, Sir, if regular maintenance work is going on and three kilometres were done in 1999, could he tell us how normal that maintenance is? Three kilometres of grading was completed in 1999. What is on-going?

Eng. Rotich: Mr. Deputy Speaker, Sir, the information I have is that the three kilometres were completed recently.

Dr. Kituyi: On a point of order, Mr. Deputy Speaker, Sir. I am putting it to the Assistant Minister that three kilometres of the road were graded in October, 1999. There has not been anything done since then. He has said that some maintenance works have been on-going recently. Could he tell us exactly where those maintenance works have been done recently? What part of the road?

Eng. Rotich: Mr. Deputy Speaker, Sir, the information that I have states that it is at the start of the road from the Naitiri side.

Eng. Muriuki: Mr. Deputy Speaker, Sir, could the Assistant Minister consider releasing the much awaited money for the District Roads Committees (DRCs), so that the hon. Member could get the road graded?

Eng. Rotich: Mr. Deputy Speaker, Sir, rehabilitation of that road will start in December. and a contract has already been awarded.

Mr. Deputy Speaker: But the hon. Member asked you a very different question. If you could consider releasing the money due to the District Roads Committees?

Eng. Rotich: Mr. Deputy Speaker, Sir, we have no problem in releasing the money! So, I do not have to consider it!

Eng. Muriuki: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Assistant Minister to say that he has no problem with releasing the money for the District Roads Committees, when he knows very well that this is the fifth month and Members of Parliament are still waiting for the money? What is the problem?

Eng. Rotich: Mr. Deputy Speaker, Sir, I can check the progress and report back!

Dr. Ochuodho: Mr. Deputy Speaker, Sir, before I ask my question, I must congratulate the Assistant Minister for giving a slightly different answer from the norm! The Ministry has always said that it is not aware of the

roads being impassable but only sections of it. But he has accepted that the road is impassable. However, the Kenya Roads Board (KRB) Act mandated the Minister to give money to the DRCs as of 1st July. Why has the Assistant Minister talked of trying to repair the roads himself? He has not allowed the DRCs to repair the roads as per the enactment of the KRB Act! He has violated the KRB Act!

Eng. Rotich: Mr. Deputy Speaker, Sir, I do not think I am violating anything! The contract was given before the Act came into force.

Dr. Kituyi: Mr. Deputy Speaker, Sir, could the Assistant Minister explain to the House why President Moi has been publicly falsifying the provisions and practice under the new DRCs? Why has the President been "cheating" the public?

Eng. Rotich: Mr. Deputy Speaker, Sir, I am not able to answer that!

Question No.697

TARMACKING OF FUNYULA-SIO
PORT-VICTORIA ROAD

Mr. Wanjala asked the Minister for Roads and Public Works:-

(a) whether he is aware that the Busia District Development Committee (DDC) prioritised Bumala-Funyula-Sio Port-Port Victoria Road for tarmacking in the Development Plan for the period 1997-2000;

(b) whether he is further aware that, that is a major road in the district since it is used to transport fish from Lake Victoria; and,

(c) what plans he has put in place to have the road tarmacked in order to facilitate marketing of fish.

The Assistant Minister for Roads and Public Works (Eng. Rotich) Mr. Deputy Speaker, Sir, I beg to reply.

(a) Yes, I am aware that Busia DDC prioritized Bumala-Funyula-Sio Port-Port Victoria Road for tarmacking during the 1997/2000 Development Plan.

(b) Yes, I am further aware that the road is used to transport fish from Lake Victoria.

(c) My Ministry does not have immediate plans to tarmac the road because the rate of internal return is below the standard that we use for tarmacking roads.

Mr. Wanjala: Mr. Deputy Speaker, Sir, you have heard the answer given by the Assistant Minister. The Bumala-Funyula-Sio Port-Port Victoria Road is the most important road in Busia District because it links the beaches to the main road and, therefore, it enables the fishermen market fish. Forty years since independence, the Assistant Minister is not seeing the viability of this road! Now that the DDC prioritized this road for tarmacking, why is the Government reneging to tarmac it when it has officers on the ground who have seen the viability of this road?

Eng. Rotich: Mr. Deputy Speaker, Sir, for a road to be tarmacked, the internal rate of return should be 12 per cent and above. The internal rate of return for this road is 7 per cent, which is less than the 12 per cent required.

Mr. Musila: Thank you, Mr. Deputy Speaker, Sir. Time and again, whenever we ask questions, we are told by Ministers that we should refer to, or deal with the DDC. In this case, the DDC in its wisdom prioritized the Bumala-Funyula-Sio Port-Port Victoria Road for tarmacking. Now, the Assistant Minister is saying that it is not economically viable. Could the Assistant Minister tell this House when they did a feasibility study to determine whether this road is economically viable or not? We know that the economic prosperity of that region depends on fish which cannot be marketed without a road.

Eng. Rotich: Mr. Deputy Speaker, Sir, the feasibility study was done last year; 1999, and the internal rate of return was found to be 7 per cent at that time.

Mr. Munyasia: Mr. Deputy Speaker, Sir, could the Assistant Minister tell us whether in their feasibility study, they considered what effect the tarmacking of the road would have on the growth of the volume of trade? You cannot victimise us for a poor road which does not attract many vehicles. Transportation would improve if the road is tarmacked! So, did the Assistant Minister consider that particular aspect?

Eng. Rotich: Mr. Deputy Speaker, Sir, during the feasibility studies, that is one of the considerations that we take into account; the prospects of growth or the impact of the road on the community around that area.

Mr. Wanjala: Mr. Deputy Speaker, Sir, you have heard that for the last one year, Kenya has lost Kshs4.2 billion because of fish not being marketed well. The Assistant Minister is telling us that the road is not economically viable when this road leads to the biggest fish producing region of the Lake Victoria. For the last 25 years, His Excellency the President---

Mr. Deputy Speaker: Order! Ask your question!

Mr. Wanjala: Mr. Deputy Speaker, Sir, now that the Government lost Kshs4.2 billion because fish could not be marketed due to the poor condition of the road serving the fish producing areas, could the Assistant Minister tell this House what steps he is taking to ensure that this road is tarmacked? Could he also table before this House a report of the feasibility study that was carried out to determine the viability of that road?

Eng. Rotich: Mr. Deputy Speaker, Sir, I do not think that the reason for not exporting fish was due to the poor condition of the road. I think it was due to something else. I am not able also to table the feasibility study report because I do not have it here now.

Question No.191

NUMBER OF KENYANS WITH
FOREIGN CITIZENSHIP

Mr. Deputy Speaker: Mr. Munyao's Question is deferred because he is out of the country. Let us move to Questions by Private Notice.

(Question deferred)

QUESTIONS BY PRIVATE NOTICE

KILLING OF MR. WAFULA

(Mr. Wamunyinyi) to ask the Minister of State, Office of the President:-

(a) Could the Minister explain under what circumstances Mr. Ngoya Wafula was shot dead on 28th October, 2000 and Messrs Paul Kemoi and Bernard Amulyoto were critically injured by policemen from Bungoma Police Station?

(b) What action has the Minister taken against the police officers involved in the shooting?

Mr. Deputy Speaker: Mr. Wamunyinyi's Question is deferred because he is unavoidably absent.

(Question deferred)

STREAMLINING OF OPERATIONS OF
AIDS CONTROL COMMITTEES

(Mr. Murungi) to ask the Minister of State, Office of the President:

In view of the high profile of Members of Parliament Seminar in which HIV/AIDS was declared a national disaster, what steps has the Government taken to:-

(a) Operationalise the National AIDS Control Council?

(b) Streamline the operations of Constituency AIDS Control Committees (CACS), District AIDS Control Committees (DACS), Medical Officer of Health Services (MOHS) and District Commissioners (DCs)?

(c) Release the necessary resources to CACS?

Mr. Deputy Speaker: Mr. Murungi is not here, therefore, the Question is dropped!

(Question dropped)

EVALUATION OF PRE-SHIPMENT
INSPECTION TENDER

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

(a) Is the Minister aware that a tender of over Kshs10 billion for pre-shipment Inspection is due for award this week, despite the outcry from the donors?

(b) Is he further aware that a company, namely, Techniplan, which has been appointed by the Government of Kenya to evaluate the pre-shipment inspection (PSI) tender, is a creation of SWIPCO officials, based in Kenya and Washington?

(c) What were the findings and evaluation report of the committee which sat under the Chairmanship of the Financial Secretary to evaluate this tender?

The Assistant Minister for Finance and Planning (Mr. Arap-Kirui): Mr. Deputy Speaker, Sir, I beg to

reply.

(a) I am aware that the Central Tender Board (CTB) is meeting on Thursday this week to consider tenders submitted by four pre-shipment inspection companies. However, I am not aware of any outcry by the donors in this regard.

(b) I am not aware that Techniplan is a company created by SWIPCO officials.

(c) The findings and evaluation report of the technical committee chaired by the Financial Secretary have been submitted to the Ministerial Tender Board (MTB) and will be among the supporting documents which will be sent to the CTB together with the recommendations of the MTB. Since the process of adjudicating this tender is not yet finalised, it would be inappropriate for the report to be discussed in the House. This will also be against our own procurement rules and tender evaluation procedures.

Mr. Munyasia: Mr. Deputy Speaker, Sir, we have all heard about SWIPCO in this House. SWIPCO is the one that has been carrying out the post-shipment inspection or audit of the PSI firms and it was in a better position to know which of the three firms that have been operating they could recommend. If Techniplan has no connection with SWIPCO, could the Assistant Minister tell us how the Ministry came across it to engage them in evaluating those particular tenders?

Mr. Arap-Kirui: Mr. Deputy Speaker, Sir, the Techniplan Company was appointed after a competitive tender process by the CTB. This was done on 31st May, 2000.

Mr. Michuki: Mr. Deputy Speaker, Sir, this matter of SWIPCO and all these pre-shipment companies is under investigation by the Finance Committee of this House. Why is it that the Minister for Finance has found it fit to "jump the gun" and begin awarding contracts when the matter is under investigation? He knows that these companies are so young that they were formed just to operate in Kenya. They are being operated by people who have very high connections in Nation House and who have dubious records.

Mr. Arap-Kirui: Mr. Deputy Speaker, Sir, I am sure it is not the intention of this House that the work of its Committees should paralyse the operations of Government. While I appreciate what the Committee may be doing, I think the Government has also to operate. As for how old or young this company is, I am not sure; I agree with the Member on the matter.

Mr. Michuki: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to approach a Question as if he is denying that the matter is before the Finance Committee?

Mr. Arap-Kirui: Mr. Deputy Speaker, Sir, I am not sure what the point of order was that the Member wanted to raise. However, as I said, these issues have got to be dealt with, irrespective of any other work that may be pending in this House. The Government has to operate.

Eng. Kiptoon: Mr. Deputy Speaker, Sir, it is clear that this company, Techniplan, is a creation of SWIPCO. Could the Assistant Minister assure this House that SWIPCO is not going to be considered for this particular tender?

Mr. Arap-Kirui: Mr. Deputy Speaker, Sir, I do not know how it is clear to the Member. As I said, we are not aware that there is any connection between Techniplan and SWIPCO. I can go even further and say---

Hon. Members: On a point of order, Mr. Deputy Speaker, Sir!

Mr. Deputy Speaker: Order, hon. Members!

Mr. Arap-Kirui: Mr. Deputy Speaker, Sir, irrespective of the excitement of the Members, I think they better listen to what I have to say. It was one of the provisions under the original tender which was won by Techniplan that any parties to that tender should not have any connections at all with any of the pre-shipment companies or any company related to undertaking pre-shipment operations in this country.

Mr. Twaha: Mr. Deputy Speaker, Sir, I think we need to put these figures into perspective. Kshs10 billion is one-third of all Kenya's tea earnings or half of Kenya's tourism earnings. Is the Assistant Minister satisfied that this is a good way of spending Kenya's money?

Mr. Arap-Kirui: Mr. Deputy Speaker, Sir, I think Kshs10 billion is a "wild figure." I do not know where it came from and I am sure the Member who asked this Question should be hard pressed to explain to us where he got Kshs10 billion from?

Mr. Wamae: Mr. Deputy Speaker, Sir, is the hon. Assistant Minister aware that SWIPCO has been associated with corrupt deals in processing of imports and is owned by some very key people in this Government? What is he going to do to ensure that this is scrutinised by the Departmental Committee before the tenders are awarded?

Mr. Arap-Kirui: Mr. Deputy Speaker, Sir, I think those are allegations about SWIPCO. We are not aware about anything to do with SWIPCO. May I also point out that we are not talking about SWIPCO here. None of these pre-shipment companies that we are talking about include SWIPCO.

Mr. Anyona: Mr. Deputy Speaker, Sir, I think there is an important matter which the House has to resolve.

If there is an issue properly before a Committee of the House and the House Committees have been empowered to investigate matters that are going on in the Government, is it right that we should say: "The Government will continue to do what it wants to do when the matter is before a Committee of the House?" Is that not in breach of the constitutional spirit of what Parliament stands for?

Mr. Arap-Kirui: Mr. Deputy Speaker, Sir, I think we might have to go by your guidance. I think it depends exactly on what issue is before the House Committee.

Mr. Muturi: Mr. Deputy Speaker, Sir, as much as the Assistant Minister will keep denying the connection between SWIPCO and Techniplan, the relevant Committee of the House and those in the industry are aware of the connection. However, that as it may, we know that there has been an outcry between the Kenya Revenue Authority (KRA) and SWIPCO, with regard to the issue of their auditing. Could he table before this House the contract between the Government and SWIPCO, so that this House knows why there has been this tug-of-war between KRA and SWIPCO? This is because accusations are that SWIPCO is not playing its role according to the contractual obligations and as a result, this country is losing billions in revenue.

Mr. Arap-Kirui: Mr. Deputy Speaker, Sir, I think we can provide any information on SWIPCO, if the hon. Member would like to make a request because this is a separate question. It has nothing to do with SWIPCO.

Hon. Members: On a point of order, Mr. Deputy Speaker, Sir!

Mr. Deputy Speaker: Order! I hope the Committee on Finance will pursue the point that has just been raised by hon. Muturi, and that it will get to the site of that contract.

Mr. Nooru: On a point of order, Mr. Deputy Speaker, Sir. I am seeking guidance from the Chair. Here is a question that was raised by two Members; that, this matter is under the investigation of a "Committee of this House and the Ministry is continuing with the same procedure of contracting the same to pre-shipment companies. Could we really know where we stand because we have not yet cleared it as a Committee of this House and those companies are not fit for the job? So, we are already doubting the public outcry left and right between the pre-shipment companies, SWIPCO, KRA and the importers. Unless we clear who-is-who in this matter, could we seek the guidance of the Chair and the Ministry's assurance that this contract is not going to be awarded, unless they get clearance from the Committee of the House?

Mr. Deputy Speaker: Order! First of all, the answer that has been given by the Assistant Minister does not stop the House Committee from investigating this matter or any other matter. So, the Committee is free to proceed with its investigations and to report back to this House, that answer notwithstanding. So, there is no conflict. However, let me say this: If the Committee had advised the Chair earlier that this matter was before it, perhaps the Question would not have appeared on the Order Paper. However, it has been done and answered and so, we must really take it from there. So, the Committee is not in any way constrained or constricted in its investigation.

Mr. Keriri: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to say that this Question has nothing to do with SWIPCO, whereas in the Question itself the same is referred to?

Mr. Arap-Kirui: Mr. Deputy Speaker, Sir, I mean, the Question might have referred to SWIPCO, but, as I have explained, the company we are dealing with has absolutely nothing to do with SWIPCO as far as we know.

Mr. Munyasia: Mr. Deputy Speaker, Sir, could the Assistant Minister deny or confirm the fact that SWIPCO engaged Techniplan company because they had a certain company called Intertec that they wanted to award this tender to? Secondly, could he further confirm or deny that Techniplan Company has overrated Intertec company that has defrauded Uganda, Malawi, Zimbabwe *et cetera*?

Mr. Arap-Kirui: Mr. Deputy Speaker, Sir, obviously, I will not confirm or otherwise, anything that the hon. Member has said might have gone on between SWIPCO and Techniplan. However, may I also point out that the tender here is being awarded at the end of the day by the Kenya Government. It is not SWIPCO or any other extraneous body that will be awarded.

Mr. Deputy Speaker: Order! Next Order!

MINISTERIAL STATEMENT

ANALYSIS OF RURAL NEWSPAPERS

The Assistant Minister for Information, Transport and Communications (Mr. Keah): Mr. Deputy Speaker, Sir, last week, while answering Question No.374 by hon. Munyasia, I was asked to present here an analysis of all the rural newspapers and when the last issue was published. I have an analysis here of 11 rural newspapers showing where they are stationed, their area of coverage and the latest issue that was published and when the next edition is likely to be published. I have a list of 11 rural newspapers. Please allow me to read it to the House and lay

it on the Table. *Mwangaza Magazine* is based in Kabarnet Town and its area of operation is North Rift. Last edition was number 87 of November 1999. It has not been published since then because of lack of funds.

Mr. Deputy Speaker: I think you had better table it.

The Assistant Minister for Information, Transport and Communications (Mr. Keah): Mr. Deputy Speaker, Sir, I beg to lay this document on the Table of this House for the hon. Member to peruse it.

(Mr. Keah laid the document on the Table)

POINT OF ORDER

ETHIOPIAN INVASION IN NORTH EASTERN PROVINCE

Dr. Ali: Mr. Deputy Speaker, Sir, I rise to seek a Ministerial Statement from the Ministry of Foreign Affairs and International Co-operation, Office of the President or the Leader of Government Business. Recently, the PC, North Eastern Province, gave a statement concerning incursions from Ethiopia. As a result of that, people are suffering in Moyale and Marsabit constituencies. However, the Ethiopian Embassy counteracted that statement and said the PC was talking as an individual.

Therefore, I would like the Government to issue a Ministerial Statement and tell us whether the PC was talking as an individual or as a Government representative. This is because people living along the Ethiopian border have been suffering for a long time. It is very sad that over 300 people have been killed by bandits from Ethiopia. Last week, I was attacked by people from Ethiopia. So, I want the Government to give a Ministerial Statement explaining the steps they have taken to curb the invasions. Two months ago, there was a leaders' meeting in Wajir Town where we came up with a resolution which was signed by the PC, North Eastern Province and DCs of Wajir and Mandera Districts respectively, and the political leaders, including the Minister for Rural Development, Mr. Maalim Mohammed. It is a pity that no action has been taken. So, I would like the Government to issue a statement on that.

The Minister of State, Office of the President (Maj. Madoka): Mr. Deputy Speaker, Sir, I will liaise with my colleague and issue the appropriate statement.

Mr. Deputy Speaker: When?

The Minister of State, Office of the President (Maj. Madoka): Mr. Deputy Speaker, Sir, next week.

Dr. Ali: Mr. Deputy Speaker, Sir, this matter is very serious. People are dying. Why can he not issue a statement on Thursday afternoon?

Mr. Deputy Speaker: Let me give him up to Tuesday next week. Is that alright with you, Mr. Minister?

The Minister of State, Office of the President (Maj. Madoka): Yes, Mr. Deputy Speaker, Sir.

MINISTERIAL STATEMENT

CRISIS IN THIKA MUNICIPAL COUNCIL

The Minister for Local Government (Mr. Kamotho): Mr. Deputy Speaker, Sir, I did promise that I would issue a Ministerial Statement on the current situation in Thika Municipal Council. The issues pertaining to Thika Municipal Council go back to 1994. However, I will not be able to go back to all those details, but I will try to come as close to the present time as possible.

I recall that around April or May this year, His Worship the Mayor of Thika rang me. He told me that he wanted to come and see me. I asked him what the urgency was for and he told me that he had something very urgent that he wanted to discuss with me. So, I gave him an okay to come. He came accompanied by eight councillors. We sat in my office for almost three hours. The Mayor and his colleagues were accusing the Town Clerk of Thika Municipal Council of various misdeeds. I informed them that following the rule of natural justice, we must give the person being accused an opportunity to give his side of the story. My officers wrote to the Town Clerk. He responded and denied all those allegations. I then said that we must investigate and verify those allegations made by the Mayor and his Councillors against the Town Clerk.

Before we even embarked on the exercise, the Mayor himself rang me again. He told me that he had been thrown out of office by the same Councillors he had come with to my office. I asked him the reason behind their move and he told me he did not know. I called my officers to hurriedly call for an urgent meeting of all councillors of Thika Municipality, together with their chief officers. They came and we sat in my boardroom. I gave all the councillors and

the Mayor a chance to say what was ailing them. All the councillors accused and counter-accused the Mayor and they all unanimously rejected him. But I told them that we do not elect the Mayor; the Mayor is elected by councillors. I told them I could only send a team of Inspectors to verify the allegations they had made against the mayor. I sent a team of inspectors to Thika Municipal Council and they investigated those allegations and brought the extraordinary inspection report which confirmed the allegations that the councillors made against the Mayor. I sent the report back to them and they looked into it and decided to suspend their Mayor.

When the Mayor was finally suspended, councillors of Thika Municipal Council who were in disagreement with him decided to go to the Inter-Municipality games which were held in Nyeri, despite the fact that they had not been endorsed by the union of Thika Municipal Council---

Mr. Deputy Speaker: How long is that statement.

The Minister for Local Government (Mr. Kamotho): Mr. Deputy Speaker, Sir, the statement is long. That is why I am trying to give a summary. I am trying to be brief because if I give all the details about how the meeting took place, among other things, it will take too long.

Mr. Deputy Speaker: Order! Order! Strictly speaking, a Ministerial Statement is supposed to take 120 seconds. Mr. Minister, you are being a bit long with it. So you had better wind up.

The Minister for Local Government (Mr. Kamotho): Mr. Deputy Speaker, Sir, I think, to be able to conclude what I was trying to say, the current situation in Thika Municipality is as follows: On 20th September 2000, the inspectors issued an interim report which formed the basis against which I issued the following instructions. I authorised scheduled Council meetings to proceed. After suspending them, I recalled them back. I ordered Mayor David N. Njehia not to discharge the duties of Mayor as he was the subject of a surcharge. All employees were instructed to report back to work by 20th September 2000 and the Council was to review disciplinary cases as appropriate. The disputed salary arrears of Kshs42 million were to be verified and confirmed by a committee composed of Local Government inspectors, union representatives and the Council. At the same time, I also posted a new Town Clerk and Town Treasurer to the Council. However, between 2nd and 26th October, Council employees got involved in another stand-off with the Council over the non-payment of September and October, 2000 salaries. On 30th October 2000, they went on strike over the issue. The position of the new Town Clerk was reviewed and he was recalled to the Ministry Headquarters and a new one was appointed on 7th November.

I issued further directives to the Council which included payment of the October salaries excluding those of the 37 employees who were under disciplinary procedures. All employees except those on disciplinary process, were required to report back to work immediately. Salaries for September will be paid after thorough scrutiny of records to ensure that those who participated in the illegal strike between 6th and 26th September 2000 were excluded. I am happy to report that all employees have now resumed duty and the operations of the Council have gone back to normal.

Finally, Mr. Deputy Speaker, Sir, I would like to conclude my statement by pointing out that, from what I have already said, it is apparent that the Union has been allowed to control the running of the Council by some elements within the Council. In the past, some Council employees and councillors have used the employees and the Union to advance their selfish agenda in the running of the Council affairs. This has inevitably led to the current crisis at the Thika Municipal Council.

Mr. Ndicho: Thank you very much, Mr. Deputy Speaker, Sir. First and foremost, after the councillors met the Minister, he sanctioned the suspension of the Mayor over the said misdeeds. But on the other hand, he refused to ratify the ousting of the Mayors of Kakamega, Nyahuru and Kabarnet councils respectively quoting the Local Government Act. Cap.265 He said that there is no provision for coups within councils but he failed to allow this to happen in Thika.

Secondly, the Mayor of Thika Municipal Council was ousted by the councillors for spending Kshs1.2 million---

Mr. Deputy Speaker: Order! Order! This opportunity is given to you to seek clarification from the Minister and not to advance counter-arguments. So, ask him specific questions or the clarification on what he has said.

Mr. Ndicho: The Mayor of Thika Municipal Council was accused by the councillors for spending Kshs1.2 million. The Minister said that the same councillors went to Nyeri for the Inter-Municipality Games. The Mayor of Thika Municipal Council took Kshs1.2 million from the kitty. After removing the Mayor, the councillors also took Kshs2.2 million from the same kitty and went with it to Nyeri. So, we need Kshs3.2 million from councillors who are allied to the Minister and from Mayor Njehia.

Finally, I am very happy that the employees reported back to work yesterday. But the Minister seems not to have known where the powers to recall them came from. We had to seek further assistance from Dr. Richard Leakey, the Mzungu who is ruling this country. He is the one who ordered the council workers to report back to work. What the Minister is saying here was overtaken by events on Friday. So, I thank Dr. Leakey for calling my people back to work.

Mr. Deputy Speaker: Thank you.

POINTS OF ORDER

SHOOTING OF MR. NG'ANG'A NJUGI

Mr. O.K. Mwangi: Thank you, Mr. Deputy Speaker, Sir. I stand on a point of order in respect of a Ministerial Statement that was issued by the Minister of State, Office of the President, on 27th July this year, regarding one Stephen Ng'ang'a Njugi who was shot and killed at Hola Police Station, possibly by his colleagues. The Minister issued a statement but he said that he was not satisfied with the report that he had received from the police. He promised to come back with a more satisfactory report. He has hitherto not come back to this House. So, I am requesting the Minister to give a comprehensive report on this matter.

The Minister of State, Office of the President (Maj. Madoka): Mr. Deputy Speaker, Sir, I will do it on Thursday.

WATER CRISIS IN LAGDERA

Mr. Shidiye: On a point of order, Mr. Deputy Speaker, Sir. I wish to seek a Ministerial Statement from the Minister for Water Development. In my constituency of Lagdera, the Divisional Headquarters is situated at Modogashe. We are facing a severe water crisis in that town. Already, all the schools have closed down and people are dying because of lack of water. The only water booster which was providing some little water to the town has been withdrawn. As I speak right now, that vibrant town is now closed, people are dying and the Ministry is doing nothing. Could the Minister give a Ministerial Statement, first, on that water booster on *ad hoc* basis, at least, to save the people? I went to his office before and told him about this problem; long before the drought. That town lacks water and it cannot develop without water.

Mr. Deputy Speaker, Sir, could the Minister give a comprehensive statement to this House regarding the water crisis at Modogashe? People are dying, but the Government is doing nothing about it. It is a very serious matter.

ESCALATION OF CHILD ABDUCTIONS

Dr. Ochuodho: On a point of order, Mr. Deputy Speaker, Sir. I rise to seek a Ministerial Statement from the Minister of State, Office of the President with regard to the escalating child abduction cases in Nyanza and Coast Provinces, amongst other parts of the country. I would like to know from the Minister whether the Government has got any data on the exact position. How many children have been abducted? Kenyan children have disappeared in mysterious circumstances in the recent past. Is the Ministry aware that in Homa-Bay District, many schools no longer go for evening preps for the fear of children being abducted? Has the Government established any connections between child abductions and devil worship in the country? In Nyanza Province, a self-professed devil worshipper was presented to the public by the PC. Why has this self-confessed devil worshipper never prosecuted? Finally, what is the Government doing, in view of this request and a similar one made by hon. Muchiri on 5th October, which touched on Nairobi in particular with regard to this widespread problem of child abductions?

Mr. Deputy Speaker: Thank you.

The Minister of State, Office of the President (Maj. Madoka): Mr. Deputy Speaker, Sir, I will issue a statement next week.

Mr. Mwenje: On a point of order, Mr. Deputy Speaker, Sir. I would like to revisit the Thika issue!

Mr. Deputy Speaker: No! We are through with that! But I will come to you later!

Proceed, Mr. Kirwa!

HARASSMENT OF CHERANGANY CONSTITUENTS BY POLICE

Mr. Kirwa: Mr. Deputy Speaker, Sir, I rise to demand a Ministerial Statement from the Minister of State, Office of the President, in charge of internal security, on constant and exacerbated harassment, particularly to me, and my constituents generally, as enumerated below.

On 21st August, 2000, when we assembled at my area District Officer's office to constitute Cherangany Constituency AIDS Committee, two District Officers (DOs) at that office ran away to the District Headquarters, only

for anti-riot police officers to be later sent to disperse that congregation without a clear explanation. On 2nd September, 2000, in my home, at Ngonyet, police in anti-riot gear came---

(Mr. Kiminza crossed the Floor)

Mr. Deputy Speaker: Mr. Kiminza, you must not cross between the speaker on the Floor and the Chair. Proceed, Mr. Kirwa!

Mr. Kirwa: Mr. Deputy Speaker, Sir, on 2nd September, 2000, I was hosting a gathering of Turkana Members of Parliament, who had come to discuss with me the possibility of raising funds for their children. Anti-riot police officers stayed at my home for five hours, intimidating everybody within the homestead, and my farm generally. On 5th September, 2000, police, in anti-riot gear, dispersed residents of Munyaka in my constituency, who had invited me to discuss water projects for that particular area. On 29th, September, 2000, after prior police approval of my notification of intent to meet my constituents to discuss both electricity and water projects, the same police dispersed my meeting at Makutano Shopping Centre.

Mr. Deputy Speaker, Sir, on the night of 20th October, 2000, the police pulled down a dais at Kaplamai Health Centre and took away the canvas that was meant to be shelter for the guests of a fund raising meeting that was scheduled for 21st October, 2000, in aid of that Health Centre.

On the day of the fund-raising meeting, 21st October, 2000, in full anti-riot gear, the police came in two lorries, beat up the young men who had attended that function and dispersed them into the nearby maize plantation. Report on that beating was sent to me; I went to the venue of the meeting at 9.30 a.m., only to find the Officer Commanding Police Station (OCS), and his officers, dispersing the last batch of the people who had attended the meeting. When the police saw me arrive, they, moved away, strategically positioned themselves and continued barring people from attending the meeting. Fortunately, there are maize plantations in Trans Nzoia District; the people came to the meeting through those plantations. We held the Harambee later in the day, and it was successful.

Mr. Deputy Speaker, Sir, as if that was not enough, on Friday, 10th November, 2000, hon. Kones, hon. Jirongo, hon. Kimeto, myself and a former Member of Parliament, hon. Cheboiwo, conducted a Harambee in aid of Cheptiro Primary School at its compound. The function was held peacefully, but before we had reached the venue of the Harambee, the police tried to block us. They threw a tear gas canister at my car. Fortunately, I had already passed that point. We managed to reach the venue. At 6.00 p.m., when I invited hon. Kones to address the meeting, the police threw 10 tear gas canisters on the dais and fired several rounds of live ammunition; we collected 20 spent cartridges of live ammunition. The bullets were aimed at the dais to scare away the people, so that we could not hold the Harambee. To crown it all, on 11th, November, 2000, in Eldoret---

Mr. Deputy Speaker: Mr. Kirwa, how much longer do you have to go?

Mr. Kirwa: Mr. Deputy Speaker, Sir, I have two more incidents to narrate.

On 11th November, in Eldoret, the police dispersed a gathering, which was meant to hold a rally that had been legally constituted. I was among those people who were supposed to address that rally. Some of us could not run. So, we swallowed some tear gas. Finally, on 12th November, 2000, I was to meet my constituents at Chebarus and give them some soccer balls. The police arrived at the venue of the function at 7.30 a.m., in full anti-riot gear, and sent away the young men who had gathered; they hurled tear gas canisters at them and terrorised the villagers. The police chased some two young men for seven kilometres until they had entered a *matatu*. The police took away their wrist watches and some money. The particular police officers were, actually, in a position of castrating one of the boys. The Police Department will be informed of that particular incident accordingly.

Mr. Deputy Speaker, Sir, I would like the Minister to address the particular cases I have highlighted here, in his Ministerial Statement, because I strongly feel that the lives of my constituents are in danger for reasons unknown to neither me nor them. Also, my life may not be as safe as it should be.

Thank you.

Hon. Members: Shame! Shame!

The Minister of State, Office of the President (Maj. Madoka): Mr. Deputy Speaker, Sir, I will bring a Ministerial Statement.

Hon. Members: When? We want it tomorrow!

Mr. Deputy Speaker: Order! Order, hon. Members! When will you bring the Ministerial Statement, Mr. Minister?

The Minister of State, Office of the President (Maj. Madoka): I will bring it next week, Mr. Deputy Speaker, Sir.

Hon. Members: No! That is too far!

Mr. Deputy Speaker: Order! Order, hon. Members! Mr. Minister, these are quite serious allegations being made by an hon. Member of this House. Really, I would like you to treat these allegations with some seriousness. I would prefer that you make the Ministerial Statement on these allegations on Thursday afternoon.

The Minister of State, Office of the President (Maj. Madoka): On a point of order, Mr. Deputy Speaker, Sir. I think you should be fair to me. I have been asked to make Ministerial Statements on many incidents; I need enough time in order to get information on all of them.

Hon. Members: Aah! The Chair cannot be unfair!

Mr. Deputy Speaker: Order! Order! Mr. Minister, bring that particular Ministerial Statement on Tuesday next week then.

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)

[Mr. Deputy Speaker left the Chair]

IN THE COMMITTEE

*[The Temporary Deputy Chairman
(Mr. Musila) took the Chair]*

THE CONSTITUTIONAL OFFICES
(REMUNERATION) (AMENDMENT) BILL

Clause 2

The Attorney-General (Mr. Wako): Mr. Temporary Deputy Chairman, Sir, I move:- THAT, Clause 2 be amended by deleting the proviso.

(Question of the amendment proposed)

Mr. Michuki: Mr. Temporary Deputy Chairman, Sir, Clause 2, as presented by the Attorney-General, was agreed to in his and in my presence, by the Committee on Administration of Justice and Legal Affairs, which is chaired by hon. Kajwang. This is, indeed, the clause that has been used to transfer powers from the Constitution to somebody else. So, I want to second the Attorney-General's proposal; that Clause 2 should be amended. I am in agreement with him.

*(Question, that the words to be left out
be left out, put and agreed to)*

(Clause 2 as amended agreed to)

(Clauses 3, 4 and 5 agreed to)

(Title agreed to)

(Clause 1 agreed to)

The Attorney-General (Mr. Wako): Mr. Temporary Deputy Chairman, Sir, I beg to move that the Committee do report to the House its consideration of the Constitutional Offices (Remuneration)(Amendment) Bill with its approval thereof with amendment.

(Question proposed)

(Question put and agreed to)

(The House resumed)

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

**REPORT, CONSIDERATION OF REPORT
AND THIRD READING**

THE CONSTITUTIONAL OFFICES (REMUNERATION)
(AMENDMENT) BILL

Mr. D. Musila: Mr. Temporary Deputy Speaker, Sir, I beg to report that a Committee of the Whole House has considered the Constitutional Offices (Remuneration) (Amendment) Bill and approved the same with amendment.

The Attorney-General (Mr. Wako): Mr. Temporary Deputy Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

The Minister for Local Government (Mr. Kamotho) seconded.

(Question proposed)

(Question put and agreed to)

The Attorney-General (Mr. Wako): Mr. Temporary Deputy Speaker, Sir, I beg to move that the Constitutional Offices (Remuneration) (Amendment) Bill be now read the Third Time.

The Minister for Local Government (Mr. Kamotho) seconded.

(Question proposed)

Mr. Mwenje: Mr. Temporary Deputy Speaker, Sir, while we agree that the Bill should now be read the Third Time, and, therefore, we regularise what was wrong, we hope that the Attorney-General will not allow that mistake to be repeated so that we are not forced to regularise monies that have already been paid out.

All we are doing now is to approve, retrospectively, what has been happening. At the same time, the Attorney-General told us in the House that in civil matters, his office does not intervene, but I want to bring to the attention of the Attorney-General to the fact that he has an officer in his office - Mr. Bwomwonga - who is an obstacle to all cases which are of a civil nature. These cases have been going on, and I would ask him to intervene to make sure that, that is not repeated any more in our courts.

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. Mwenje! You must be relevant!

The Attorney-General (Mr. Wako): Mr. Temporary Deputy Speaker, Sir, I think the last part of his contribution was not relevant to the Bill before us, but we shall look into it. I want to assure this House that, just as this Attorney-General was rectifying past mistakes, it will not be repeated. In fact, I want to assure this House that I have taken the hon. Members' sentiments to my heart; that the remuneration for the constitutional office holders must reflect their positions in the Constitution and responsibilities which have been conferred upon them by the Constitution.

Therefore, as I told the House during the Second reading, it is my intention to bring a Bill early next year which will properly reflect the constitutional responsibilities of the constitutional office holders; all of them are mentioned under the Constitution. That is the judges, the offices of the Attorney-General, the Controller and Auditor-General, the Public Service Commission and the Electoral Commission of Kenya. I hope when the Bill is brought next year, it will be passed unanimously in the same way you have supported me in rectifying past mistakes.

(Question put and agreed to)

*(The Bill was accordingly read
the Third Time and passed)*

Second Reading

THE MASENO UNIVERSITY BILL

(The Minister for Education on 9.11.00)

(Resumption of Debate interrupted on 9.11.00)

The Temporary Deputy Speaker (Mr. Imanyara): Who was on the Floor? Mr. Angwenyi? He is not here! Mr. Raila!

Mr. Raila: Thank you, Mr. Temporary Deputy Speaker, Sir. This is a very important Bill because it is meant to create the sixth public university in our country. University education is not a luxury because, for any country that wants to develop, university education is a necessity. That is why we all hail and welcome the move to create a sixth university at Maseno. But by way of introduction, I want to make the following remarks. I have looked at the Memorandum of Objects and Reasons, and there is something that I find lacking.

Mr. Temporary Deputy Speaker, Sir, every university must have a character but I find that completely missing in this document. What will distinguish Maseno University from Moi University of which it was a constituent college? Are we basically replicating Moi University at Maseno University? The character of Maseno University should be stated clearly by this Bill. I have looked at this Bill, against the University of Nairobi Act. I am astounded that there is nothing new in it. The Attorney-General has literally copied the University of Nairobi Act and put the name of Maseno University on it. I find this terribly amazing! These are two separate entities!

Mr. Temporary Deputy Speaker, Sir, Clause 4 spells out the functions and objects of the University. But something fundamental is missing from these objects. The university should engage in public consultancy and production service which has been universally recognised in the world as part and parcel of the responsibilities of a university. The older concept of the university, which began in England - the Oxbridge concept - of a purely teaching institution was revised by Ford Hombold who added the research component to it; that practical research was also part and parcel of university learning. The public service concept was later introduced by the Americans, as a component of the service of the universities. I would have liked to see a part (c) being added to Clause 4. That addition would read as follows:

"To provide and participate in consultancy services, specialised service and public service activities.

In general, the university should use its comparative advantage in frontier knowledge to promote economic, cultural and social activities in both public and private sectors. Participation is anticipated in social community programmes, production support, industrial support, scientific dissemination, social cultural and economic value added environmental programmes amongst others."

Mr. Temporary Deputy Speaker, Sir, if the Minister were to agree to add to that, then the three major components that are seen as the responsibilities of a university would be complete.

Mr. Temporary Deputy Speaker, Sir, Clause 4(3) deals with fees. It states as follows:-

"The university shall charge fees or levy as may, from time to time, be approved by the Council from students admitted to the universities for defraying expenses connected with their education."

That bit is missing from the University of Nairobi Act. I am happy that this has been introduced in the Maseno University Bill. Currently, all our public universities are funded through capitation by the Government. The Government gives each university a grant at a fixed or a fixed amount per student per year. The university uses this money in meeting all its expenses, for example, paying staff salaries, medical expenses, maintenance of its facilities and so on. But this method is now outdated. The current trend in the world is for every university to charge fees for all the students who are enrolled at the university. The fees charged are based on the type of courses which the students take. The students who do arts-based subjects should be charged lower fees compared to students taking science-based subjects. Where will the students get money from to pay the fees?

In other places countries, for instance South Africa and Europe, there are national institutions where the Government pays whatever money it has into the funds of those institutions. Each and every student admitted to the university applies for a scholarship from that fund. The application is processed on the basis of one's needs. Once a student has been offered a scholarship, he can go and collect a cheque from that institution, to pay his school fees. This is how a student is made to realise that he is paying for his education and that, education is not free. The Government gives the university what it needs for its other operations in the form of a grant. There are other institutions which are ready to offer scholarships and fellowships. These scholarships and fellowships would also be made available to the national institution created. The sponsor in this case would be the one setting stringent conditions to be met by the students who will be benefitting from the money. The sponsor would require higher academic performance from the student who is a beneficiary, and good conduct, so that the student will know that if he does not perform well in terms of academic standards, he runs the risk of having his scholarship cancelled.

Mr. Temporary Deputy Speaker, Sir, if this arrangement was introduced in our institutions, we would be able to introduce discipline and good conduct among our students. That brings me to a very burning issue in our State universities - the Parallel Degree Programme. As I stated earlier, university education in this country is a right but not a

privilege. Our Government should offer education opportunities to as many Kenyans as possible. The cut-off point for admission into our state universities, which now stand at C+, is for purposes of space within the universities. It does not mean that anybody who gets less than a C+ has failed and does not qualify for university education. When I was a university student in the early 1970s, the requirements for a university entry in those days was a mere one principal. There are very many people who were admitted to the university with Principal "E", and they studied and graduated. Some of them enrolled for higher degrees, graduated, got their Phds and are even teaching at the university today. But when competition became stiffer because of more access to education at the lower level, a decision was taken to increase the entry point from one principal to two principals in 1971. At that time, it was just any principal. So, you could be admitted to the university with two principals "Es". It was in 1975 when the competition became stiffer, that the point the system was introduced, so that one had to have certain points in order to be admitted to study law, engineering, medicine, commerce and so on. I am saying this to illustrate one point: That a "C+" minimum requirement does not in itself mean that those who get less marks do not deserve to be admitted to our universities.

Mr. Temporary Deputy Speaker, Sir, we should allow more access to our universities. As I said before, the other students who are admitted to the regular programme have a point when they complain. Some of the complaints are that those who are admitted to the parallel degree programme and do not have to wait for one year to join the university. Secondly, there is a roll-on admission system which is a continuous admission of those people in the parallel programme and that some of them take a shorter period of time to graduate. The argument being advanced by the university is that the parallel students can study continuously without going on holidays, and can therefore, finish their education within a shorter period of time. There is something strange here, because you have a situation where a full-time student takes four years to get a degree and a student who is on part-time takes two-and half years to do the same degree.

What would other countries think of us? That, in those countries it takes three years for somebody with an "A" level qualification to finish a law degree but here, somebody with an "O" level qualification takes two-and half years to get that degree? Certainly, somebody will ask a question about the quality of that degree.

Mr. Temporary Deputy Speaker, Sir, there is also the question of preference because of the pay package that is offered to the lecturers in the parallel degree programme. This is also an issue that must be addressed. There should be only one standard admission at one time. The same time the universities are admitting students to the regular programmes, they should also admit students to the parallel programmes, so that they enter at the same time. The students in the regular programme should be allowed to attend classes in the parallel programme.

This is because, I know that there are some students who are in the regular programme, but because of shortage of funds, they are forced to work during the day in restaurants and so on. Why should such a student be stopped from attending evening classes in the parallel degree programme? There should be no discrimination!

Mr. Temporary Deputy Speaker, Sir, research is a very important component of the work of a university. It should not be neglected. The problems that most of our intellectuals at the university face, include lack of funding for meaningful research. Here I am talking about programmes that are related to problems in the country. It should be research that is related to industry and other activities that are beneficial to our society.

If there was sufficient funding for research, our intellectuals would not be forced to play a second-hand role in most of the research. I have in mind the research to find a vaccine for the HIV/AIDS scourge. Recently, we had a very embarrassing situation where Kenyan scientists in collaboration with scientists from Oxford University, in trying to find a vaccine for HIV/AIDS, were forced because of circumstances, to play the spanner-boy role in the programme. They were reduced the role of procuring prostitutes from the Majengo slums for experiments or to be used as guinea pigs in this research. Because our doctors did not have the requisite funding, they were being given peanuts by scientists in Oxford University. That is the reason why, when it came to patenting, those scientists' names were left out because they were not involved in the primary aspect of that research. They would have been, because the HIV scourge is a big menace in our country. It was our women who were being used as samples in this experiment. Why should our women be used here as guinea pigs and the scientists are sitting outside there in Oxford, when we have scientists who would have been able to do all that? If this was done here, the economic benefits to Kenya would be enormous. That is why I am saying that the Government should take a keener interest in research that is being done by our scientists.

Mr. Temporary Deputy Speaker, Sir, a number of our intellectuals have left our universities for greener pastures elsewhere. Recently His Excellency the President was in Botswana and he was hosted by a large community of Kenyans resident in that country. I was in Botswana last year, and I addressed a gathering of over 500 Kenyans there. Many of them are actually involved in teaching. A large number of lecturers at the University of Botswana are Kenyans. If you ask them why, they say they went down there because they could not make ends meet in Kenya. We are prepared to pay expatriates who teach in our universities three or four times more than our own intellectuals. It is a shame because I have here with me a rough estimate of the salaries that are paid to our lecturers today at the University of Nairobi which begin at Kshs15,000 per month. The one for a senior lecturer starts at Kshs19,000 per month; an

associate professor earns Kshs24,000 per month and a full professor gets Kshs28,000 per month. All categories of lecturers are paid a taxable transport allowance of Kshs4,000. Professors and associate professors are paid a responsibility allowance of Kshs5,000 and Kshs4,000 respectively. Accommodation allowance varies from Kshs18,000 to Kshs30,000. One can say that a starting lecturer has a total gross salary of about Kshs33,000 per month and a take-home salary of about Kshs25,000 per month. That is all that a lecturer at our public university earns. This is supposed to cater for accommodation, food for his children, school fees and fuel for his car. No wonder most of our lecturers have resorted to running around looking for contracts to do some kind of consultancy work to make ends meet. As a result, it is not only teaching that suffers, but also the research work at the university.

Mr. Temporary Deputy Speaker, Sir, hon. Members know that they cannot even afford to travel back to their constituencies with Kshs25,000, yet we are prepared to sit here and be complacent when our lecturers, who are people with high degrees - because you cannot be a lecturer at the university without a second degree - are being paid Kshs25,000 a month. This is a crisis and it is something that we must address.

On the structure and administration of the universities, I want to refer specifically to Clause 14 which says:

"There shall be a council of the university which shall consist of the chairman, vice-chairman, Vice-Chancellor, Deputy Vice-Chancellor, principals of each constituent college and the principals of colleges within the universities."

This, again, is drawn from the University of Nairobi Act. To my knowledge, there is no constituent college of the University of Maseno. I also know that there are no colleges within the university at the moment. If you look at the total number of the people who are supposed to sit in the University Council this basically means that there will be fewer people coming from within the University and that there will be more people coming from outside the University, sitting on the Council. This is not right.

In the interim period when we still do not have colleges, we might have to go for a structure similar to what we had at the University of Nairobi, when the deans of the faculties were allowed to sit on the Council. If that is not done, then you run the risk of having under-representation of the university community on the council. The university needs to act as an engine of research and development in the region where it is set up. Maseno University is situated in both Nyanza and Western Provinces. One would like to see the Maseno University setting up campuses in some other areas of the region so that there will be backward linkages to the communities around which the university is set up. Beautiful facilities abound in that region. One would expect that, immediately the University becomes operational, Bondo Teachers College which is a wonderful facility built by the Chinese, will become a constituent college. There is Bukura up there which is a wonderful facility, but that will become a constituent college of the University. The Kisii University College which is now under Egerton University---- One wonders whether it might not be more appropriate to delink it from Egerton University and make it a constituent college of Maseno University. One would like the Government to make funds available immediately to the University of Maseno so that it can become fully operational. There is ICIPE Centre in Mbita, which is a dying institution and which is found in hon. Kajwang's constituency. Those wonderful facilities can be made available for meaningful research.

We would like this University to be specialised. Marine Engineering is one of the areas this University could specialise in. It could also specialise in fish, sugar and tea technology and so on. We would like funds to be made available immediately so that this University can become a reality as quickly as possible. The graduation ceremony for this institution is planned for 8th December. One would like these students to graduate as graduands of Maseno University. It will be a wonderful thing to see His Excellency the President giving degrees to the graduates of Maseno University on 8th of December, 2000. Maseno is a centre of high learning which was set up in 1906. From that time, it has continued to produce some of the best intellectuals. Some of the best professors in this country went to school in Maseno. I was born in Maseno. I am very happy; I am sentimentally attached to this institution and I would like to fully support the idea that the Government has thought of creating an institution of higher learning at Maseno. Maseno stands on the equator, a strategic spot to be the centre of learning, not only in Kenya but in the East African region and the continent of Africa.

With those few remarks I beg to support.

The Assistant Minister for Information, Transport and Communications (Mr. Keah): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this Bill. I welcome the birth of the sixth University at Maseno. At the outset, I would like to say that I look forward to the seventh university of this Republic being established in the Coast Province. These are my opening remarks.

In supporting this Bill, I would like to give credit to the Ministry of Education and, indeed, the Chancellor of the public universities in this country, for the tremendous work that they have put in, in ensuring that university education in this Republic is of high quality. In making my contribution, I would like to go straight to the Bill before us and make a number of observations drawn from various clauses. I would like to begin with Clause 3(1), which states:

"There is hereby established a university to be known as the Maseno University."

Clause 3(2) reads:-

"The University shall be a body corporate with perpetual successions and a common seal and shall, in its corporate name, be capable of-

- (a) suing and being sued;
- (b) taking, purchasing or otherwise acquiring, holding, charging or disposing of movable and immovable property;
- (c) borrowing or lending money;
- (d) entering into contracts; and
- (e) doing or performing all such other things or acts necessary for the proper performance of its functions under this Act which may lawfully be done or performed by a body corporate."

I have read that Clause in conjunction with Part IV, Clause 20, which deals with the finances of the University. I can see something glaringly missing on page 19. When I read Clause 3 together with Part IV, Financial Provision, Clause 20, I do not see anything specific in terms of where this University will derive its revenue from. There are many areas where that revenue can be obtained within the legislation now being provided, but I would have been a happier man to see some specific areas being mentioned as to where the revenue of the University will come from. A university without specific funding, which is left hanging, in my view, is creating problems. I would like to see it stated that the sources of revenue of Maseno University will be the Exchequer, Consolidated Fund, money voted by Parliament on an annual basis, or such other area as may be considered appropriate by the University Council. That is missing particularly when I look at Clause 22(3) which relates to the annual Estimates. This Clause states:-

"The annual Estimates shall be approved by the Council before the commencement of the financial year to which they relate, and shall be submitted to the Minister for approval, and after the Minister has given his approval, the Council shall not increase the annual Estimates without the consent of the Minister."

Clause 22(4) says:-

"No expenditure shall be incurred for the purposes of the University except in accordance with the annual estimates approved under sub-section (3) or in pursuance of an authorization of the Council given with the prior approval of the Minister."

Clause 23(1) says:-

"The Council shall cause to be kept all proper books and records of account of the income, expenditure and assets and liabilities of the University."

Clause 22(1) states:-

"Before the commencement of a financial year, the Council shall cause to be prepared estimates of the revenue and expenditure of the University for that year."

Clause 22(2) states:-

"The annual Estimates shall make provision for all the estimated expenditure of the University for the financial year concerned, and in particular shall provide for---"

This Clause fails to talk about the estimated revenue of the University. I think there is a missing link somewhere. When we talk of the estimated expenditure, we must also talk about the estimated revenue. Having said that, I would like to urge the Minister and his team to find ways and means to clearly spell out the revenue aspects.

I would also like to emphasize the need for research in this particular University. I think it is important that we clearly create a linkage and clauses in the Bill to have the element of research introduced or entrenched in the Bill, so that the Council, as well as the Senate, know clearly that research--- By research, I mean effective and practical research that will be utilised for the benefit of our economy. In this regard, I would like to urge the Council to ensure that they enter into agreements with industries as is the case in many universities of the world. Our universities here seem to be shy to enter into agreements and carry out research for industries to improve the items being produced by those industries. Instead, we see individual scientists and lecturers running around looking for these consultancy jobs on their own, whereas this should be a function of the university in its entirety.

Having talked about the research programme, I would like to add a word with regard to the Parallel Degree Programme. I would like to say that I support this Programme, but it must be open, understood by everybody, and transparent. If there was transparency in the Parallel Degree Programme, there would not be any issue arising from the university students. Therefore, the questions that have been raised, so far, with regard to the Parallel Degree Programme, must be answered to the satisfaction of the entire Kenyan public, so that we can know that there is transparency and equity in the administration of the regular degrees as well as the Parallel Degree Programme.

I would like to talk about effective utilisation of the intellectuals that we have in this country in connection with our universities. We have many intellectuals, but we do not seem to put them into proper use. I know that they do lecture but is that all they can do? If we borrow a leaf from elsewhere, we find that university lecturers are a real source

of enhancing economic advancement in the country. I would like to see many university lecturers being drawn into economic activities in this country through research, public appointments etc. We should try and stop the brain drain of our university materials into other countries. Although I do not mind us exporting intellectualism, we should ensure that we pay them well and adequately, so that their running away from this country is not because of lack of sufficient salaries, but because we want to export our intellectualism.

Mr. Temporary Deputy Speaker, Sir, Clause 14(1) says:-

"There shall be a council for the University which shall consist of-

(a) a chairman, a vice-chairman and a honorary treasurer all of whom shall be appointed by the Chancellor;

(b) the Vice-Chancellor;

(c) the Deputy Vice-Chancellor

(d) the Principal of each constituent college;

(e) the Principals of colleges within the University;

(f) the Permanent Secretary in the Ministry for the time being responsible for education;

(g) the Permanent Secretary in the Ministry for the time being responsible for finance;

(h) the Permanent Secretary to the Ministry for the time being responsible for public works;

(i) the Director of Personnel Management;

(j) not more than six members appointed by the President;

(k) four persons appointed by the Senate from among its members;

(l) two members elected by the members of the academic staff (other than the members of the Senate) from amongst their number;

(m) two members elected by the students organization;

(n) one person elected by the non-academic staff from among themselves;

(o) two persons elected from Alumni Association among its members who shall not be members of the staff of the University;

(p) the Secretary to the Commission;

(q) not more than two other members co-opted to the Council."

There is no mention of any input from industries. I take it that not more than six members in Sub-clause (j) shall be appointed by the President.

We cannot really confine the President to appointing those six people from the industrial sector. In my view, there ought to be some specific mention; that representatives from various sectors of the economy, such as the industrial sector, be appointed as members of the Council. There should be an element of geographical representation in the Council. I feel that, that is a national university and geographical representation is very important. Who will ensure that there is geographical representation? Suppose, for example, the Chairman, the Vice-Chairman and the Treasurer, who shall be appointed by the Chancellor, come from wherever?

Mr. Odoyo: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for an institution of higher learning to be subjected to tribal affiliation rather than to the use excellence as the only guide in choosing members of the senate, professors, teachers and students? Is it in order for the Assistant Minister to mislead this House?

The Assistant Minister for Information, Transport and Communications (Mr. Keah): In my view, it is quite in order! I would like to make my views known. Is he implying that brains only come from one particular tribe? In any case, I did not mention any tribe. I talked about geographical representation. I am afraid to say that he must be a tribalist!

Let me continue to add that, I would like to see a close entrenchment and some distribution of that nature. Let us have some representation from every corner. Let me not use the word "region". Every corner of the country should be represented, taking into account excellence and brain power that we have in our country.

I would like to conclude my contribution by emphasising the point that I earlier alluded to. I welcome the birth of our sixth university. It is important for the Ministry of Education to map out areas where new universities could be started in this country. I would like to say that time has come for us to open a university at the Coast Province. We have plenty of resources like marine and the coastal belt. The coastal belt is unique as far as this country is concerned. Indeed, you do not find it anywhere else apart from the Coast. It is, therefore, important to have a university at the Coast. At this juncture, I would like to welcome the fact that a lot of research has been conducted between the Jomo Kenyatta University of Agriculture Technology and Bandari College, to start a degree course at the Bandari College. I would like to urge that funds should be made available to further that cause. I overheard, from those preparing those programmes, that the Coast people must make the initial capital injection. I hope that was just a rumour! When the Government establishes a university at the Coast, it should be established with the same resources

that established other universities in the country. It should not be a condition that the Coast people should conduct an Harambee to provide the initial seed money for the establishment of a university at the Coast. If that is the thinking, I oppose it completely. But I support the establishment of the seventh university at the Coast.

With those few remarks, I beg to support.

Mr. Achola: Mr. Temporary Deputy Speaker, Sir, let me start by thanking the Minister for delivering a very good speech regarding the Maseno University. Some hon. Members might not be aware, but I am the Chairman of the Education, Research and Technology Committee. I would like to inform the House that we held seven meetings to deal with this particular Bill. We went through the Bill, clause by clause, and made our recommendations. We laid our recommendations on the Table of the House last Tuesday, on 7th November.

Mr. Temporary Deputy Speaker, Sir, let me take this opportunity to thank several members of the academic institutions in this country, who came to our Committee and gave evidence and advice on certain issues that are raised in the Bill. I would like to thank Prof. William Ochieng', the former Principal of Maseno University. He was summoned by the Committee on two occasions. He presented various views regarding the Bill. I also would like to thank Prof. Gichaga who, together with Prof. Ochieng', gave evidence before the Committee. My thanks should also go to Ms. Kavetsa Adagala, who is a lecturer at the University of Nairobi. She gave us a very informative talk on areas where she thought the Bill was deficient. Lastly, I would like to thank Mr. Humphrey Ojwang', the Chief Executive of the Institute of African Studies at the University of Nairobi.

Mr. Temporary Deputy Speaker, Sir, Maseno University College was actually set up in 1990, through an order in the Kenya Gazette, as a constituent college of the Moi University. Maseno is a very ideal place for a university setting. In fact, it has one of the best climates in the country for higher learning. One would have wished that, before Moi University became a university, it should have been the other way round. Maseno should have been a university before Moi. But that notwithstanding, we would like to thank the President and the Ministry of Education for finding it necessary to elevate the Maseno University College to the full status of a university. One might want to ask what is the difference between a university college and a full university.

Going through the Bill, Clause 4 gives the functions of a university. Subsection 3 gives the functions of a university college. If you look at Clauses 5 to 8, there are additional functions that are performed by a full university. For example, a full university is authorised to give its own degrees. Now, Maseno University College has been giving degrees of Moi University. When this Bill becomes an Act, we shall have Maseno University giving its own degrees. That is one of the virtues of turning a college into a full fledged university.

The other function that arises out of a full university is that it can set up constituent colleges. Perhaps, that is the most important bit of a university. Why do we say that? If you look at the way we have been admitting students into our universities in the country, it is just under 1 per cent of those who qualify and get admitted into our local public universities.

Mr. Temporary Deputy Speaker, Sir, by the fact that we have established two constituent colleges, we can expand university education just by making Maseno University College an autonomous university.

Towards that end, I would like to echo what hon. Raila said; that in establishing various constituent colleges, we would like the Maseno University College to be looked at as a regional centre in South Western Kenya. We would suggest several constituent colleges for the Minister to take up as soon as the university is registered. Looking at what used to be Central Nyanza before, we would wish that a university campus be established at Bondo; a place hon. Raila talked about. Certainly, we would like to have a medical teaching hospital in Kisumu. We have a big hospital in Kisumu where many diseases are diagnosed and dealt with. It will be a wonderful thing to have a medical school at the New Nyanza General Hospital in Kisumu, just like we have Kenyatta National Hospital which provides teaching facilities for students of medicine at the University of Nairobi. The beauty of having a full university is that it will help the people of this particular region.

Mr. Temporary Deputy Speaker, Sir, going westwards to Western Nyanza, we have talked about it being a high potential agricultural area and we would recommend that Bukura Institute of Agriculture becomes a constituent college of Maseno University so that we could have students being admitted to pursue degree programs. In South Nyanza, we have a wonderful teachers training college in Migori. I think that is one area that could be earmarked for the establishment of a constituent college of Maseno University. This will allow us to expand university education in this country without having to send our students elsewhere.

Like hon. Raila said, we have a constituent college of Egerton University at Kisii. We could still have another one in Kisii. We have got three districts in the Greater Gusii, and I think, it will still do with another constituent college, possibly that of Maseno University. So, my appeal to the Minister is that, when Maseno University College is made a full university, these constituent colleges should be established for the benefit of students from the region.

Mr. Temporary Deputy Speaker, Sir, I would like to talk about Clause 4(2), on admission to various universities. Now, we have seen that admission qualifications are actually universal to all our public universities, where

a C+ is the minimum requirement. The Bill is quite different from the case of Nairobi University, where sex was not a requirement. We have seen that this Bill admits that admission to Maseno University will not have any discrimination, whatsoever. So, I think this is a good idea, but some people are suggesting that we should move like we used to do in secondary schools, where universities can also admit students from the local population. Someone said that this would tend to lower the standards of university education. But I do not think that is true. We should just help in trying to ensure that there is equitable distribution of university vacancies throughout the country. If you were to follow that argument, then it would be necessary also to establish other universities. I would insist on use of a quota system for entry to these various universities. So, that is one area which the Ministry should look into.

Mr. Temporary Deputy Speaker, Sir, coming to the establishment and governance of the university, we have seen in, Clause 10(1), that the President will automatically be the Chancellor of the university. When I listened to hon. Muite's contribution last week, he gave an example of the USA where we have thousands and thousands of public universities. If one man, in the name of the President, were to be the chancellor of all those universities, it would be virtually impossible for them to function. So, we are suggesting that Clause 10(1) gives the President a free hand to appoint some other persons. I would like to appeal to the Minister to impress upon His Excellency the President to think along those lines. If I were him, I would actually appoint some other persons to be the chancellors of the various universities, instead of him getting bogged down in the administration of the universities.

The other point is that of appointing the Vice-Chancellor. From this Bill, it is said that the Vice-Chancellor will be appointed by the Chancellor. But, there is no mention whatsoever anywhere about the qualifications of the Vice-Chancellor. This is because the qualifications and terms of employment are actually spelt out in the regulations or the statutes of various universities. But the statutes are not formulated until the council is set up. So, one could easily say that, at the time Maseno University will be fully operational as a fully fledged university, there will be a legally constituted council. Therefore, it means that, it is possible that the Chancellor might appoint someone who is not qualified to be the Vice-Chancellor. We do not want to end up having an individual of the type of Mulu-Mutisya being a Vice-Chancellor of some university! I think this should be given a lot of consideration before the Vice-Chancellor is actually appointed. That same argument goes for the Deputy Vice-Chancellors, because the Bill just talks about appointing the Deputy Vice-Chancellors but does not give any qualifications.

One good thing that has happened in this particular Bill is that the tenure of the Vice-Chancellor is actually indicated. We have proposed an amendment, that the Vice-Chancellor should have a tenure of a maximum of ten years. It will, first, be five years, but subject to renewal for a further five years. This will ensure that we do not end up with a bad Vice-Chancellor for more than ten years. If we had a bad Vice-Chancellor in a university and he was to stay there for many years, that would be disadvantageous to that particular university.

Mr. Temporary Deputy Speaker, Sir, examples have been given, of Kenyatta University, where the Vice-Chancellor is really not a Vice-Chancellor there. He is just a politician who is heading that University and spends most of his time doing his political work. I do not know whether it is on behalf of KANU or some other person. This particular Clause, which limits the tenure of the Vice-Chancellor, is very good. We actually support that Clause. So, it will be a maximum of two terms of five years each.

Mr. Temporary Deputy Speaker, Sir, I now want to talk about another area where we actually did not agree with the Minister, and that was on the area of academic freedom. Hon. Raila talked about brain drain. Many of our university lecturers have actually left for Botswana, South Africa and other places because there is not much academic freedom in our local universities. Many a time, there has been an argument about low salaries paid to the university lecturers and hon. Raila tabled various salary scales for lecturers. We, in the Committee, disagreed slightly with the Minister when he said that we should not have a union for members of academic staff. I think the Chair will remember that we had the University Academic Staff Union (UASU), where the lecturers had great problems with the administration of the University of Nairobi. This occurred because the university did not want to recognise the fact that members of the academic staff wanted to form their own union so that they could press for better terms of service. This was not accepted by the university administration. But, we in the Committee, believe that this would be one way of ensuring that the university is actually run without problems. It will enable what members of academic staff agree on in the university to be implemented. This would go a long way in ensuring that there is peace at the university, at the teaching level.

Mr. Temporary Deputy Speaker, Sir, there is also concern about the level of qualification and experience of lecturers who are employed in the universities. Many students have complained about the mode of delivery of their lecturers and it is important that the universities actually review their curricula frequently, so that they offer courses that are relevant to this country as per the demand of the market. We have been talking about being industrialised by the year 2020. I do not know how we are going to do that when the graduates we are churning out of the universities are not social scientists, but people who have done Bachelor of Arts degrees in History and Geography and in an industrial system, that particular group of people are not all that useful. So, we are suggesting that when we look at the

curricula of the various programmes, we should ensure that we are going to produce graduates who are employable in this country.

Mr. Temporary Deputy Speaker, Sir, talking about ethics with regard to university staff, most of us are aware that many of the problems that we have today in the university emanate from students complaining of male lecturers giving female students marks for sexual considerations. I think this is one area where, if we had a union, such people would be disciplined. We do not have to get lecturers giving female students good marks just because of sexual considerations. So, there is need to have a code of ethics for people who are going to teach at the university. Talking on the curriculum, last week there was a Question which we raised here on the Floor of the House about the Parallel Degree Programme. If we are talking about expanding university education for our people, then it is absolutely necessary that the resources available at the university, in terms of infrastructure, are used to their maximum and the Parallel Degree Programme is one of the ways in which this can actually be achieved.

Many of our students who have gone, outside this country, are actually getting their degrees abroad through parallel degree programmes in those countries. For example, this is happening in India. I think this programme would be a very good thing for us in this country; where even people who are employed like some Members of Parliament who have not attained university education can actually go after 6.30 p.m., when we adjourn Parliament, and get some university education, so that they can become graduates.

So, I want to appeal to our students, and particularly those students from Nairobi University, who are clamouring for the abolition of parallel degree programmes, that I think they have got it wrong this time. This is a particularly useful avenue for expanding university education for our people and which should not be abandoned and must be continued. The students who are being very selfish in trying to stop others from getting university education are completely misinformed.

Mr. Temporary Deputy Speaker, Sir, my next point about this particular Bill relates to the problems we are experiencing with university students. Maseno, as I said, is an ideal university and we would like, from the outset, say that the Minister gives enough provisions so that we will have sufficient accommodation for students. I think most of the chaos that we have at the universities and discontent as a result of congestion.

Mr. Temporary Deputy Speaker, Sir, the other issue is that of funds issued to the students. The Higher Education Loans Board (HELB) has been trying its best but the loans that they have been giving to the students at the universities are not sufficient. Many years ago, when we were at the university, we lived one person per cubicle and it was reasonably comfortable and very conducive to sensible learning. Today, I hear even the university students are actually cooking in the halls of residence which is something that is funny. So, we would like to appeal to the Maseno University, now that they will be given the mandate, to ensure that there is proper planning so that the university is not congested. They should also ensure that the students have enough funds and that, there is democracy within the university. That is, in terms of when the regulations are being done for the management of students, their leaders are actually involved in negotiating for the regulations. I think it is wrong for the administrators of the universities to come up with rules in which the students have not been involved. In fact, we think that, that is one of the areas where students come and start fighting the university because those rules, which they are asked to obey, have not taken their interests into consideration. So, we are suggesting that whatever rules are made by the various universities, because this is not in the Bill, and because the Bill just provides that the Council will actually formulate the regulations and this is where the universities normally go wrong--- We would like Maseno University to really be as democratic as possible, so that when they are formulating their rules for the governance of the university, whether at the staff or student levels, we ensure that all the stakeholders are involved in decision making, particularly on issues that affect their welfare.

Mr. Temporary Deputy Speaker, Sir, one other issue that I would also like to mention is that of general indiscipline among the students. We are not quite sure how this is going to be handled but if we take that from a start, we could have students actually vetted. This is because for us who have lived in Nairobi for all these many years, have seen students become very destructive in town here. If they have a problem in the university or in the campus, why should they be allowed to run riot along the streets and cause damage and the police do nothing? In fact, I would have liked to do it through a question, to ask why the Attorney-General and police treat students as if they are above the law? They go damaging property and stoning cars of innocent people.

Mr. Nyanja: And yet, we were very responsible students during our time at the university!

Mr. Achola: Yes, and hon. Nyanja is reminding me that when we were at the university, we were very responsible people and we would not go round stoning our fathers' cars for whatever reasons. So, I think, from the start, we should investigate students who are joining the universities to ensure they are of good conduct. Also, during the initiation of students joining the universities we think they should be counselled because some of the things that these university students do are just unbelievable.

Mr. Temporary Deputy Speaker, Sir, we are starting a university here and we do not want it to go through the same problems that the other universities have gone through and they can only do that if all the stakeholders in the

universities are allowed academic freedom, like letting lecturers have their union where their problems can be sorted out. Even in Oxford University, they have an academic staff union. Hon. Musyoka was telling us the other day that we surely cannot have lecturers belonging to a union but why not? That is why there is brain drain. They are running away and going to other countries, to try and get better pay. If they had their union, then that would help them to agree on how to solve these problems and, therefore, the university would save by retaining the lecturers, having trained them. We are saying that the university must behave like a democratic institution, so that it can entertain all the various shades of opinion coming from the various stakeholders.

Mr. Temporary Deputy Speaker, Sir, one other area which, I think, calls for alarm is that of drug abuse in the universities. Now, I think we should be looking for the root causes of this problem because whatever problem we have had, I do not see why we should have a problem in Nairobi University and then, it also appears at Kenyatta and all other universities. We would be very pleased to find out what are the root causes of this problem, so that we do not have it in Maseno and in any of the constituent colleges that are to be established.

Mr. Temporary Deputy Speaker, Sir, I have talked about counselling and this counselling should not just stop at the initiation stage of people joining the university. We would like counselling to be a continuous exercise, so that we have responsible members of the academic community in the university.

Mr. Temporary Deputy Speaker, Sir, one other area which I want to talk about problems in the universities. However, the culprits are not here with us. It is sad that problems in the universities are caused by certain hon. Members who incite students to riots for their own unknown reasons. We must find a way of solving these problems or something else be done---

Mr. Katuku: On a point of order, Mr. Temporary Deputy Speaker, Sir. You must have heard Mr. Achola say that there are hon. Members in this House, who incite university students to riot. Can he either withdraw that remark or name those hon. Members?

Mr. Achola: Mr. Temporary Deputy Speaker, Sir, Mr. Shikuku a long time ago, that some of these things are obvious things. If the hon. Member is too blind know, he is one of them.

(Applause)

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

The Temporary Deputy Speaker (Mr. Manyara): Order! Order! Mr. Katuku, you are perfectly aware that you cannot cast aspersion on hon. Members. So, when you dared him to name hon. Members who incite the university students, you invited him to do what he should not be doing.

Mr. Achola: Mr. Temporary Deputy Speaker, Sir, I do not know whether the hon. Member went to university. I was there, before he was even born.

I just want to summarise the recommendations of my Committee on the various issues in the Bill. We have already laid the Report on the Table of this House. Hon. Musyoka went through most of those issues because we had actually discussed them with him and we agreed upon them. Perhaps, it may not be necessary to go through them once more. However, for the sake of convenience, I would like to go through some of them and comment where necessary. We thought it was necessary to define "Academic Staff Union." In our own thinking, a "union", like the one which exists in Oxford and other renowned universities, is an academic staff union recognised by the Council and registered under the Trade Unions Act. The Minister was not particularly keen that it should be a union that is registered under the Trade Unions Act. We also listened to the stakeholders. We had lecturers who told us that if that were to happen, then there would be peace in the university, particularly among the teaching staff.

Mr. Temporary Deputy Speaker, Sir, we also defined the term "college" which was not in the Bill before this report was laid on the Table of the House. Therefore, those who have a copy can look at it. We have also defined the word "professor" because it was quite ambiguous in the Bill. We defined it as "an associate professor" or "a full professor". When we are appointing a vice-chancellor, we should actually give him a qualification. We should clearly state whether he should be a full professor or whatever. We recommended that the vice-chancellor must be a full professor. We agreed with the Minister that Clauses 4 and 5 should remain as they are in the Bill. We recommended that Clause 6(2) be amended as stated in the Committee Report. With regard to Clause 9, we recommended that there be deputy vice-chancellors instead of "a deputy vice-chancellor".

Clause 11 was amended by saying that a vice-chancellor will hold office for a period of five years and shall be eligible for reappointment for one more term. We should have a vice-chancellor who will stay in office for only ten years. After that, if he pleases, he could go and involve himself in politics full time. With regard to Clause 12, we have recommended that the membership of the council be reduced. We reduced the number of certain stakeholders. Otherwise, we agreed with the Minister on the rest of the recommendations.

We have recommended that Clause 25 be re-numbered as Clause 26, and a new Clause 25 be introduced to

read as follows: "There shall be an academic staff union which will comprise of academic staff of the university as provided for in Clause 18(1)." Clause 18(1) just defines who members of the academic staff are. On Clause 26 which was previously Clause 24, we have recommended that the word "qualification" be added. Remember when I was presenting the Report of my Committee, I talked about regulations being made by the Council. In that particular clause, it was not stated what kind of "qualifications" were needed for somebody to be appointed to the Council. We would like the word "qualification" to be added before appointment. In other words, the regulation must include qualification of people who will be appointed to the Council by the university.

Mr. Temporary Deputy Speaker, Sir, with those few remarks, I would like to support this Bill. I would also like to congratulate the Government for having brought this Bill to the House.

The Minister for Science and Technology (Mr. Kosgey): Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute and support the establishment of Maseno University.

Maseno University has come of age. It is now ten years since it was constituted as a college of Moi University. During those ten years, it has proved that it is able to attain the status of a university. It has 450 acres of land in a very beautiful environment. The climate is good because it is situated along the equator. During the last ten years, it has been able to carry out its academic programmes under the supervision of the senate of Moi University. It has autonomous programmes as far as financial affairs and administrative matters are concerned. It has its own principal. So, it has been able to prove that it can stand on its feet. In fact, for all intents and purposes, it is running its own affairs without much interference from Moi University although it does not have a senate of its own. The upgrading of this college to a full fledged university status will enable it to have its own charter and a senate which will be in charge of academic affairs.

Mr. Temporary Deputy Speaker, Sir, Maseno University has been able to set up faculties of science, education, arts and social sciences. There is also an institute of undergraduate and post graduate studies and a school of Family and Consumers Science and Technology. There is also a very important centre called the Centre for the Study of Lake Victoria and its environs. This is a very important centre and I hope the character of the university will be moulded around that centre. As you all know, Lake Victoria is a very important asset for people from Western Kenya. Without Lake Victoria, I think this country would have witnessed a very severe drought. The little rainfall experienced in Kisii, Kericho and Nandi districts is as a result of convectional rain. It is a sugar growing zone. So, that centre which has been set up by the Maseno University will form a very important part of this university.

There is an organisation called Lake Victoria Environment Management Programme in the Ministry of Environment. I hope this centre will liaise with Lake Victoria Environment Management Programme when conducting their research to ensure that we reap the maximum benefits from the lake. We can do fishing and irrigation. That area is very vital for our economy because we can grow a lot of tea and sugar cane. I hope the university will help our farmers to do irrigation farming as far as sugar cane is concerned. Currently, if you irrigate, you can harvest a crop within 12. That proves that we should be able to utilise the water of Lake Victoria to the maximum. I do hope that this Centre will come up with solutions to the problems that we are facing as far as fisheries and utilisation of the water is concerned. It should also come up with solutions to the water problem that the country is experiencing. A lot has been said about pumping the water from Lake Victoria to other places. Maybe, the University will be able to come up with a proper programme that can be implemented. This particular Centre is very vital for this University.

Mr. Temporary Deputy Speaker, Sir, the other important thing is the School of Family, Consumer Science and Technology. This University is not going to be an ivory tower. It is going to interact with the community. Therefore, there will be an input from the community. I am happy about this School of Family, Consumer Science and Technology. As I said, the University has been able to establish itself. It has already graduated over 3,000 students and currently, it has a population of slightly over 3,000. So, for all intents and purposes, it is ready to implement its own programmes.

Mr. Temporary Deputy Speaker, Sir, one of the objectives of the university is to determine who may teach, what may be taught and how it may be taught. This is normally referred to as academic freedom. It is very important that the Senate, while carrying out its own programmes, will be able to know who may be taught and how, and who may teach. As we are aware, a university is gauged by its programmes and their quality. So, this clause on academic freedom is very important because we want to make sure that the quality of graduates from Maseno University meets internationally recognised standards.

Mr. Temporary Deputy Speaker, Sir, Maseno University is going to be the sixth university. We probably need more universities. Currently, there are approximately 200,000 students who sit for the KCSE every year. Out of that, 30,000 get Grade C+ and above. This means that by the current standards, they should all go to university. But we are not able to take that number. About 10,000 students are admitted into our public universities, leaving out 20,000 students who have a right to university education. These students end up in funny places, including overseas.

Currently, we have 25,000 Kenyans studying overseas and we are spending about Kshs18 billion to educate them. This is a lot of money. So the establishment of more universities and expansion of the same is necessary. A Bill will soon be brought into this House to establish constituent colleges of other universities and this will help to alleviate this problem. We want Kenya to be a centre of higher learning. We want students from other countries to study here and pay fees.

Mr. Temporary Deputy Speaker, Sir, quite often, we have seen officials from universities in Australia, Britain and other countries coming here to recruit students. It is not that they want us to go to school or they love us, they want that Kshs18 billion from us. They know that Kenyans are spending a lot of money on education and they want part of it. We want also to retain as many students as possible so that they can learn here and their parents can spend less money. If necessary, other students from other countries also can come to learn in our institutions and pay fees. This need has given rise to the parallel degree programmes. This is the best programme because it enables those people who have not been admitted for regular programmes to obtain degrees. So long as we ensure that the qualifications are up to the required standards and what they are being taught and being examined on meets those standards, there should be nothing wrong with the parallel degree programmes. This is the best way of making sure that those who cannot afford the time or who are not admitted for the regular programmes, can be admitted to study and obtain degrees. It is their right to receive university education, so long as we are not admitting people who are not properly qualified.

Mr. Temporary Deputy Speaker, Sir, I would like to talk on discipline. Discipline in our institutions of higher learning right from primary schools, secondary schools to universities has gone down drastically to a point where it is becoming very embarrassing. Whenever there is a very small disagreement, students take to the streets stoning cars and burning buildings. What is the point of burning a dormitory or a building or stoning a motorist along Uhuru Highway? These are innocent people. I would like to appeal, first, to the students to behave maturely and adopt dialogue as a way of solving the problems that may arise while they are in school or universities. Dialogue is the preferred option. I would like to appeal to the university administration to also embrace dialogue. They should be all the time ready to talk with their students regarding all problems that may arise so that we can avoid these very embarrassing situations where every now and then we have to close our institutions because the students have taken to the streets, stoning innocent motorists or burning buildings. What do they achieve by burning a dormitory or stoning innocent motorists? Nothing. We should emphasize dialogue. Maybe, induction courses should be conducted more regularly so that all the time the students and the university administration is apprised of the problems.

Mr. Temporary Deputy Speaker, Sir, financing university education, particularly undergraduate programmes, has become very expensive. We need to capitalise on the Higher Education Loans Board (HELB) much more than what we are doing at the moment.

The Assistant Minister for Health (Mr. Koske): On a point of order, Mr. Temporary Deputy Speaker, Sir. I feel that all hon. Members who wanted to contribute have actually made their contribution. I want you to call upon the Minister to reply now.

The Temporary Deputy Speaker (Mr. Imanyara): Let the Minister complete his contribution.

The Minister for Science and Technology (Mr. Kosgey): Mr. Temporary Deputy Speaker, Sir, I was talking about the HELB. We have 45,000 students in our local universities and their parents are not ready to pay fees. In the past, when students were admitted to university, they were not required to pay fees. When the students complain that the HELB has not given them sufficient money or nothing at all, it is very discouraging for the parents. Therefore, we should provide enough money to the HELB. The amount of money we require annually is Kshs1.5 billion from a loan scheme. Once such a scheme is established, the HELB can generate its own funds and Parliament will not have to vote any money for it.

Currently, overseas universities have small kitchens within the halls of residence, where students prepare small meals for themselves. I understand that two halls of residence are under construction at Maseno University. I would like to urge those undertaking those works to provide such facilities, so that students do not cook in their rooms. Cooking in rooms of residence sometimes causes a lot of problems. Putting up a small kitchen at the end of each hall of residence, or within every floor, will prove very useful to students.

Maseno University will attract funding from bilateral and multilateral donors. I am informed that, already, the Institute of Postgraduate Studies and Research is attracting funds from various donors. Once the university is fully established, it will attract sufficient funds and run programmes of its own.

With those few remarks, I beg to support.

The Temporary Deputy Speaker (Mr. Imanyara): Since no other hon. Member wants to contribute to this Bill, I will call upon the Mover to reply.

The Minister for Education (Mr. Musyoka): Mr. Temporary Deputy Speaker, Sir, in replying to debate on the Maseno University Bill, may I thank those hon. Members who took time to make some very useful contributions. We, at the Ministry, and the Maseno University community, are, indeed, overwhelmed by the support this House has

given to the Bill; indeed, not even a single hon. Member rose here to oppose this Bill. Mr. Temporary Deputy Speaker, Sir, I would also like to take this opportunity to clear the air about some issues. I felt challenged when the Member for Kabete, hon. Muite, said that I should have taken the opportunity of initiating debate on the Bill to say something about the fairly current issue of the so-called "Parallel Degree Programme". I would like to address that issue fairly extensively. Indeed, earlier today, I came across a colleague trying to convince the Speaker that he should demand a Ministerial Statement on this issue. I managed to persuade him that, since I was going to reply to this debate, it was not necessary for him to seek a Ministerial Statement. The issue has been elaborated by the hon. Members who took the opportunity to contribute to debate on this very useful Bill.

When I was moving this Bill, I said that Maseno University is an idea whose time had come. I am told that it is the only university on the Equator. Hon. Raila did refer to that fact. When I visited Maseno University in my capacity as the Minister for Education on the invitation of the university staff members and students, among other things, I was given the example of the African marriage. I was told that where a fully-grown up son considers that he needs to get married and talks about that fact to the parents of his bride, but such parents refuse to listen seriously to that idea, there are several options available to such a son, one of which is elopement. I managed to dissuade the Maseno University community from that idea and told them that we were taking up the challenge.

Quite frankly, apart from the fact that, at the end of every year, the University college students go to graduate at Moi University, its programmes are quite separate from the programmes of those of that university. No wonder, therefore, that his Excellency the President was able to exercise his mind on the matter and granted that Maseno University College becomes this country sixth public university. Therefore, as is our tradition, to formalise the existence of Maseno University, this Bill has been brought here for enactment into an Act.

Mr. Temporary Deputy Speaker, Sir, hon. Raila has referred to the fact that Maseno University Bill, deceptively, looks similar the University of Nairobi Act. In reply, I would like to say very quickly that, indeed, that is so, because the legal framework that governs the structure of public universities has to look the same. The only difference is that the Senate and the Council of each university have to envisage the mission and vision of that university. I, therefore, believe that the Council of Maseno University will be able to evolve a proper vision for that university.

I heard some comments made here, which I think are very welcome. Some hon. Members said that they would like the university to give special attention to environmental, marine, engineering studies, among other fields around the lake region. The hon. Members said that there is a lot that Maseno University can do because they have faith that "the university on the Equator" will, indeed, be the university of the 21st Century. This is a challenge to all of us.

In addressing this challenge, I would like to agree with my colleague, hon. Kosgey, who spoke before me, in appealing to students in public universities to emulate the examples of private universities in this country. Hardly do we, as a Ministry, get complaints that Daystar or the United States International University (USIU) has had student disturbances; and one wonders why this is so. It should be understood that what hon. Angwenyi was trying to allude to, while contributing to this debate, maybe part of the contributing factor to students' unrest in public universities. I think it is important that we all give university learning and teaching a chance; we should not, unduly, over-politicise our universities. I, indeed, find this to be the problem.

Whenever there is an issue that affects the nation, even if it is unrelated to education, political leaders are always tempted to seek the support of university students. To that extent, political leaders end up acting to the detriment of the interests of university students. I do not wish to give specific examples of such incidents since we have examples everywhere. It appears as if those of us who went through the University of Nairobi always remember the history of the Great Court, the *kamukunjis*, and that is why they would like to go and address students' *kamukunjis* at halls of residence as well as at the Great Court. I think we should envisage a situation where we, seriously, preach the de-politicisation of our educational institutions, more particularly, our universities.

Having said that, I think it is only fair that I, as the Minister for Education, address myself to the question of the so-called "parallel degree programme". With your permission, I would like to read the following statement: University education in Kenya dates back to pre-Independence time. Before 1963, Kenya did not have any university. All those who acquired university education before then did so abroad, particularly at Makerere University, Uganda, and other countries such as Great Britain, the United States of America and India.

After Kenya attained Independence in 1963, there was the University of East Africa which was established with three constituent colleges, namely Makerere University, University of Dar-es-salaam and University of Nairobi. The demand for university education continued to increase, and in 1970, the University of Nairobi was established as a fully fledged university in an attempt to cope with that demand. In 1977, with the collapse of the East African Community, Kenyan students no longer enjoyed the facilities of the University of Dar-es-salaam and Makerere University, and hence the University of Nairobi had to shoulder the whole load by itself. Those of us who have

something to do with the law profession remember that the Faculty of Law was always based in Dar-es-Salaam, and with the collapse of the EAC, we had to start up the Kenya School of Law and the faculty of Law at the University of Nairobi. That is how the University of Nairobi was transformed, and the same can be said of other faculties. The facilities at the university could not cope with the country demand as they were stretched to the maximum. Mr. Temporary Deputy Speaker, Sir, in 1981, the Mackay Report on Education recommended the establishment of a second university. In 1984, Moi University was established as a fully fledged university, thus becoming--- There was also Kenyatta University and then Moi University, which became the third university in Kenya. At this time, the population of the country had increased quite a lot, and so was the awareness of the need for university education. Thus in 1985, when you talk of Moi University--- My briefing notes are a bit mixed up here, but the third university was Moi University because Kenyatta University was the second, and was upgraded to a fully fledged university, followed closely by Egerton University in 1987. Statistics showed that many Kenyans continued to seek university education abroad, some through scholarships, but majority were self-sponsored - equivalent of parallel degree programmes in those countries.

I want also to mention that as presently constituted, the private universities - and there are 13 of them and I will be making mention of that - are in the category of parallel degree courses. In 1994, Jomo Kenyatta University of Agriculture and Technology, then a constituent college of Kenyatta University became a fully fledged university with a bias towards agriculture and technology; that indeed is the vision and mission of JKUAT. The demand for university education did not stop there, but has continued to increase, with still more students seeking admission to foreign universities. We have, therefore, continued to supplement the economies of those countries while we suffer economic hemorrhage - if you like it - in terms of foreign exchange money which could have been used to complete stalled projects in order to increase the capacity of our public universities to absorb more students. Indeed, it is said that every Kenyan student who goes to study in a country like the UK ends up educating two British students, and that is a fact that needs to be realised.

Education is a human right for all Kenyans, and, therefore, those who are lucky enough to sponsor themselves or their offsprings should only be encouraged to do so. The Government policy is to improve access to university education to as many eligible Kenyans as possible as a way of developing high level manpower for economic take-off in fulfilment of our national objective of industrialisation by the year 2020, a very important benchmark. Self-sponsored programmes have made it possible for many people to benefit from university education, particularly for postgraduate programmes. Those already working have the opportunity to further their education through evening classes and, therefore, keep abreast with the latest developments in management and technological techniques. In the recent past, there has been concern expressed by both students and some sections of the public about the relevance of self-sponsored degree programmes. May I mention because I have got permission from my colleagues - hon. Ndicho and Kiunjuri - and who are Members of this august House that they are beneficiaries of the so-called parallel degree programmes. They are studying law at the Parklands Campus, and I know that they are making very good progress.

It is the policy of the Government to access higher education to as many qualified Kenyans as possible. However, due to limiting factors, like finances and absorption capacity in public universities, the Government has only been able to sponsor about 8,600 students annually. These are the people who get some kind of assistance from the Higher Education Loans Board (HELB), which hon. Kosgey referred to. I think I want also to mention something in regard to what hon. Raila was talking about - a national institution. I think we can perfect the work of the HELB to the great advantage of Kenyan students. I like the idea that a student is given a cheque from the HELB, goes to pay for fees and, therefore, he or she is meant to feel that sense of responsibility. From a total of 30,000 KCSE students, we are only able to sponsor 8,600 students. We also know that each student gets only about Kshs42,500. It is not enough, and I think that next time, perhaps, during the next financial allocation, it may be useful for this august House to consider what they can do in order to improve the living conditions in the halls of residence, a matter that hon. Angwenyi was able to refer to.

I think it is only fair that the quality of living at the universities should seem to be commensurate with university education status. Those who score a minimum C+ grade do qualify to join our universities, and I liked it very much when hon. Raila reminded everybody that in the 1970s with One Principal, even if it was E Principle, one qualified to join the universities. Yet, if you follow the progress of some of them, they would probably have ended up being in the teaching categories of those universities. Now, a C+ is the minimum grade and I want to confirm that even those who joined what we are calling Module Two University Study - we do not like this idea of parallel degree programme--- I think everybody in this country has gotten poisoned by this parallel references which I suppose was worked out at the student leadership centre. All of us are familiar with even when you talk about constitutional reforms. We would want to refer to parallel programmes and that kind of thing. In fact, the proper terminology is Module Two University Studies and not parallel degree programme. I wanted to clarify that and add that nobody who has benefitted from this programme has scored less than C+ which is the basic and minimum grade stipulated by the

University Admissions Joint Board. So, I want to assure the students at the University of Nairobi that we will ensure, as a Ministry, that we do not compromise on standards. I also want to, in fact, thank his Excellency the President because it is only this Friday during the graduation ceremony at Egerton University where he said that everything possible must be done to ensure that quality of the academic achievements from our public universities is not compromised.

We do have 13 private universities that are able to absorb only 1,200 students per year while 3,000 students or 4 per cent join foreign universities annually. We have already given notice of our intention to introduce before the House a Bill to amend the Universities Act in order to make it possible for foreign universities that have an interest in establishing local campuses in this country to do so. By so doing, we will be able to make it possible for Kenyan parents to access higher education not necessarily abroad, but locally where they are not able to join any of the six local public universities or some of the 13 private universities as presently is the case, so that at the end of the day, this country can become an educational hub. It is possible to achieve that level because at the primary school level--- I do not know how many hon. Members know it, that a country like Tanzania sends many of their own pupils to our schools. I think we can do that within the COMESA arrangement and come up with a situation where our university higher education is advanced or enhanced to the level that it remains to have the comparative advantage while at the same time, making sure that quality is not compromised. When we bring in this amendment to the Universities Bill, then you can think of campuses like Harvard University or Oxford university or any reputable universities in Australia being enabled to form campuses in this country. We think that will be a tremendous saving to the Kenyan parents who will love to take their children to these universities. Of course, that may be anticipating debate and I hope that when that happens hon. Members will come to support that position. We do have a balance of 17,000 qualified Kenyans every year who remain unplaced. This has resulted in a lot of human resource wastage as most of these young people have tremendous potential which can be nurtured for the benefit of the country. However, most of them, due to lack of opportunities end up doing courses that are not commensurate to their potential.

The Government has, therefore, encouraged public universities to use their enormous potential to develop income generating activities including admitting self-sponsored students to supplement grants from the Exchequer and to absorb a good number of qualified candidates thus increasing access to university education and making available funds to improve learning and teaching facilities as well as staff and student welfare. The universities have responded positively to this call and have ventured into all kinds of income generating activities, particularly where they have distinct advantage. I had the privilege of leading a delegation to some universities in the People's Republic of China. I remember the University of Sichuan which was a public university and it had a company that was quoted on the Stock Exchange. Instead of relying on capitation that university was able to make net payment to the Exchequer. This is the challenge that we have given to our universities here. They have to belong to the 21st Century or, indeed, as they say, either publish or perish. Income generation is a matter that we have given priority.

Mr. Temporary Deputy Speaker, Sir, the result has been that some of the projects that had stalled are now being completed using income so generated and more of our young people have access to relevant and market driven university programmes. University staff are even more stable and hence, more productive. We also do take the criticism that our university lecturers, senior lecturers and other personnel are underpaid. That comment came from an hon. Member and we taken the point. In the nature of things we hope that a review of the income of our lecturers and other members of staff in our public universities will be undertaken in order to make the job more attractive to our lecturers. That is one way of curbing the brain drain. This is a challenge that is obvious and I want to accept that there is need to do something about it.

If I can very briefly enlighten hon. Members on what under Module II Study System, the University of Nairobi has been able to achieve, it is almost unbelievable! In fact, things had got to a stage where because of the unavailability of funds from the Treasury, we were beginning to wonder whether we would be able to sustain the programmes in our public universities. Following the introduction of the Module II Study System the University of Nairobi has been able to raise some additional income to improve teaching facilities. The facilities renovated have been useful to both the undergraduate and postgraduate students undertaking their studies. The facilities renovated are in the main campus and also in the six other campuses. For example, they have been able to pay their electricity bill to the tune of Kshs130,037,000 through this programme. The main campus and Chiromo Campus have also been able to pay the same bill to the extent of Kshs101,335,000. The Kikuyu Campus has also been able to get about Kshs16,690,000; Medical School - Kshs48,640; main campus renovations to the tune of Kshs99,889 while Parklands has been able to earn Kshs7,500,000 making a total of Kshs287,091,000, all properly collected under this Module II programme.

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

The Minister for Education (Mr. Musyoka): I am not quite sure whether I want that information from hon. Dr. Kituyi, but because he is my friend, I will take it for whatever it is worth.

Dr. Kituyi: On a point of information, Mr. Temporary Deputy Speaker, Sir. I wish to inform the hon.

Minister that he misses the point when he glorifies the cash flow at the university as justification of the Parallel Degree Programme, which he prefers to call by some exotic names. The challenge that has been presented to the Government by the university community, particularly students is that there was an undertaking that there would be no Parallel Degree Programme students staying in the limited space in halls of residence. That has been breached.

The Temporary Deputy Speaker (Mr. Imanyara): Give him the information!

Dr. Kituyi: Mr. Temporary Deputy Speaker, Sir, this is the information I would like to give him. Secondly, there was no consultation to prepare students for the rush by many people which the Minister should have done. He should not treat them like juveniles.

(Loud consultations)

I am not informing hecklers, but the Minister for Education.

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

The Temporary Deputy Speaker (Mr. Imanyara): Order! Dr. Kituyi, is on a point of information.

The Assistant Minister for Education, Science and Technology (Mr. Karauri): How can he call hon. Members hecklers?

The Temporary Deputy Speaker (Dr. Kituyi): Order, Dr. Kituyi! I know you are on a point of information, but you cannot use the word "hecklers".

Dr. Kituyi: Mr. Temporary Deputy Speaker, Sir, I was referring to the hon. gentlemen who were consulting in high voices. I thought they were gentlemen. Finally, I would like to inform the Minister that because of the private package offered to lecturers on the Parallel Degree Programme, they are so exhausted and do not pay attention to the development of the regular students. If he can correct those three areas, then there will be no fundamental rift between the students, the lecturers and the Government.

The Minister for Education (Mr. Musyoka): Mr. Temporary Deputy Speaker, Sir, I said for whatever it is worth, I think there is some truth in what he has said, but he has also misled himself and this House on one or two points. For instance, there is nothing like "Private Package" to the lecturers who undertake the Parallel Degree Programme. In fact, I wish that hon. Dr. Kituyi does not do what he likes doing - agitating the university students.

(Applause)

I wish he was here when I made that comment. I will proceed, because he is one of the agitators.

Dr. Kituyi: On a point of order! Could the hon. Minister substantiate the claim that I have been agitating students?

Hon. Members: Why substantiate the obvious?

Dr. Kituyi: I am not asking hecklers, but the hon. Member.

The Minister for Education (Mr. Musyoka): Mr. Temporary Deputy Speaker, Sir, I would like to proceed. I am absolutely under no obligation to substantiate things that are obvious, starting from the funeral in Kisii. That is where he started agitating the students.

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

The Temporary Deputy Speaker (Mr. Imanyara): Order! Dr. Kituyi, you may not also breach the rules by requiring another Member to name others without bringing a substantive Motion. So, both of you are obviously out of order.

The Minister for Education (Mr. Musyoka): Mr. Temporary Deputy Speaker, Sir, I am prepared next Tuesday to substantiate that claim and he will be embarrassed. I suspect that he is even on his way from one of those places. But be that as it may, I was just about to give that breakdown; that in fact, under this programme universities can make their ends meet. If you want to see quality education, all of us have to stand in support of Module II approach to university education, while of course, on the other hand ensuring that we do not compromise the quality of education. I take that point and I would like to assure hon. Members and, indeed, the university community that the Ministry will ensure that we give the very best to our young Kenyans. However, can one think of a better programme, where at the end of every year, 30,000 students qualify with a minimum of C+ aggregate and they cannot get university places? If parents can sacrifice given the current hard economic situation, we really have to come to their support. Of course, on the other hand, if a young Kenyan scores an A or A- aggregate and is out there doing medicine or pharmacy, they do also have reason to feel concerned, if, indeed, there is truth in what hon. Dr. Kituyi suggested. I would like to assure this House that there is absolutely no truth. What we need to do is to encourage dialogue between the university administration and the student leadership.

I think that is the way forward. I always remind university students that the days of extremism are long gone. They belong to the last millennium. We live in days of dialogue, understanding and tolerance. So, let us demonstrate tolerance. I want to call on my colleagues not to cause some disjointed approaches to students in public universities. This country, which normally loses about Kshs15 billion - hon. Kosgey and myself always argue about that figure because I heard him mention Kshs18 billion - annually in payment of fees to foreign universities, is likely to save a lot of foreign exchange and potential brain drain as more of our students will join local private and public universities. The Government, through the Commission for Higher Education, has put in place the necessary mechanism of ensuring that, the highest academic standards are established and maintained in all our universities. In addition, the Senate of each university ensures that course content standards, the mode of teaching and examination of degree and diploma programmes, and certificates or other awards are based on approved curricula and syllabi.

The current global trend is for universities to promote privately sponsored student programmes. Universities in the more developed countries of Europe, North America and Asia are ahead of us in that regard. I gave the example of the University of Sitswang in Beijing. It has a university company which is quoted in the stock exchange. It generates so much income that it is able to contribute to the Exchequer. Some of the foreign universities are very aggressive and send their staff here to recruit students for their institutions. There is nothing that concerns me as what I normally go through every year, when British universities send recruiting staff to our country to recruit Kenyan students to study in universities in the United Kingdom. We should be able to turn the tables round on that approach, and send our own personnel to the sub-region to recruit students to come and study in our universities. They will be borne of hard work and quality approach to higher education.

Mr. Temporary Deputy Speaker, Sir, we request the public, students and staff to accord our universities all the necessary support, so that we can provide quality and relevant education to more and more of our citizens, and prepare them effectively to participate in national development. It is important to re-state that the quality and integrity of degrees and certificates awarded by our public and private universities remain as competitive as ever.

We have received specific suggestions from hon. Members. The Title of the Bill will need some correction. If I saw it correctly, it should read: "Purposes connected therewith" and not "concerned thereto". At the Committee stage, I will move that amendment. However, I think it is also important to take kindly, the remarks by hon. Raila that we need to encourage serious research in our institutions of higher learning. We should be able to have faith in our own people. It pains all of us to see our lecturers being relegated to positions that are not worthy their status, even when it comes to an issue like the research for a vaccine to curb the HIV/AIDS menace. I think we have taken that.

We, therefore, want to call on our Kenyan lecturers and university staff to take heart and always give their very best for the benefit of not only the universities that they serve, but the country at large. We want to deal with issues as they arise. I gave the undertaking about the Coast University. But, I am not able to say that, at this particular point in time, there will be a Coast University. We do not have to develop universities purely on geographical considerations.

Hon. Members have said that Bandari College should be a constituent college of Jomo Kenyatta University. That is how then Bandari could eventually end up being a university, based at the Coast, not because our colleagues from the Coast have so demanded, although I think it is also legitimate to demand for a university. But I think it is also important to allow natural growth of universities so that we do not get accused of planning universities based purely on politics. I think this is important because, if indeed, there will be merit in future, it will then not just be the Coast Province, but also others places. I very much like the idea of having constituent colleges of Maseno University. Yes, mention has been made of Bukura Institute.

I think, in seconding this Bill, hon. Mudavadi was able to think of WECO. Others like him, I am sure, will be persuaded to think of other institutions that could become constituent colleges of some of our public universities. This is the way forward for the future.

Mr. Temporary Deputy Speaker, Sir, once again, I feel that I owe a lot to the hon. Members who have contributed to this Bill and for the support they have given to the Maseno University Bill. I sincerely want to appreciate their contributions. Even if it is of a negative type, like from my friend hon. Dr. Kituyi, I also take it because I think I do have a lot of respect for his wisdom in some of these things, save only when it comes to agitation and other things like *Mageuzi*.

With those remarks, I beg to move.

(Question put and agreed to)

*(The Bill was read a Second Time
and committed to a Committee of*

the whole House tomorrow)

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Imanyara): On that note, it is now time for the interruption of business. The House, therefore, stands adjourned until 15th November, 2000 at 9.00 a.m.

The House rose at 6.30 p.m.