

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 9th October, 2002

The House met at 9.00 a.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

POINT OF ORDER

NOTICE OF MOTION SHOULD BE GIVEN LATER

Dr. Kituyi: Mr. Deputy Speaker, Sir, having complied with the necessary provisions of the Standing Orders, I beg to give notice of Motion for Adjournment under the provisions of Standing Order No.20 to discuss a matter of urgent and definite national importance---

Mr. Deputy Speaker: No! I think you had better do it a little later because you may run into some difficulties.

Dr. Kituyi: Reluctantly, I accepted to do it now, but I notice why I might run into difficulties. I oblige!

ORAL ANSWERS TO QUESTIONS

Question No.379

DISCIPLINARY MEASURES AGAINST CONVICTED CHIEF

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

(a) whether he is aware Mr. Victor Mwang'ombe Meso, an Assistant Chief, Mbololo Location, Tausa Division, was convicted under criminal case No.1019/2000 and fined Kshs20,000 or 18 months in jail on 23rd May, 2001;

(b) whether he is further aware that the Assistant Chief is still in office; and,

(c) what disciplinary measures the Minister is taking against the Assistant Chief.

The Minister of State, Office of the President (Mr. Sunkuli): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that the Assistant Chief, Mbalu Sub-Location, Tausa Division, was taken to court.

(b) Yes, I am aware.

(c) I have received certified copies of the proceedings of the conviction of the Assistant Chief and appropriate action is being processed in accordance with the conviction.

Mr. Mwakiringo: Mr. Deputy Speaker, Sir, you can see that, that man was convicted in May, 2001, and he has been earning a salary from the taxpayers' money. Even if the necessary action is going to be taken - although we do not know how soon - what will happen to the salary he has been getting for the last one year?

Mr. Sunkuli: Mr. Deputy Speaker, Sir, I hope the hon. Member does not want to take that away from him! Unfortunately, he was innocent until

was convicted. The court proceedings did not come to me on time. But I have directed the Coast Provincial Commissioner to take disciplinary action against the Assistant Chief!

Mr. Muchiri: Mr. Deputy Speaker, Sir, we have not been told what offence the Assistant Chief was convicted for, what was the sentence and what disciplinary action is being taken! Disciplinary action can be taken for a minor offence and eventually, you sack the Assistant Chief. At the same time, the Minister is duty-bound to protect the Assistant Chief as his officer. Could the Minister explain whether he is protecting him or whether he will sack him?

Mr. Sunkuli: Mr. Deputy Speaker, Sir, the Assistant Chief was convicted of the offence of causing grievous bodily harm to a man called Wisdom Chewele. That is a very serious offence and the disciplinary action that we are going to take is to sack him!

Mr. Imanyara: Mr. Deputy Speaker, Sir, the answer that the Minister has given demonstrates lack of policy

with regard to what happens when civil servants are convicted or when they are charged. I have in mind the case regarding the former Permanent Secretary in the Ministry of Roads and Public Works, Mr. Mwangera. He was removed from office on the basis of suspicions and when he was acquitted, he was not reinstated. Could the Minister tell us what is the Government policy with regard to interdictions of civil servants when they are arrested, charged and convicted? If, in fact, the Minister is intending to take action against the chief, why has he not taken action against Mr. Mwangera and reinstate him to his job as a Permanent Secretary, after he was acquitted?

Mr. Sunkuli: Mr. Deputy Speaker, Sir, generally, when civil servants are convicted of an offence, they are dismissed. When they are not convicted, they are reinstated on a general note. But if the offence is of such a nature that the employer, being the Kenya Government, does not find it possible for the officer to have public confidence, that person will not be reinstated because the circumstances of each case are different.

Mr. Mwakiringo: Mr. Deputy Speaker, Sir, it is surprising that, that Assistant Chief was under the protection of the former District Officer in that area. That is because as soon as I asked this Question, the District Commission asked for the conviction papers. Why was the Assistant Chief not suspended immediately after the conviction in May, pending the necessary action by your office? He has been bragging that the local people cannot do anything to him because all the administration, including the Minister in the Office of the President, are in his pockets! I do not know how large are the Assistant Chief's pockets to accommodate all those people!

Mr. Sunkuli: Mr. Deputy Speaker, Sir, the hon. Member must appreciate that, that Minister cannot be me! That is because I do not even know the Assistant Chief. I only read his file! If he thinks he is a very big man, the hon. Member has caused us to give him good disciplinary action and actually, he is going to go home!

Mr. Mwakiringo: On a point of order, Mr. Deputy Speaker, Sir. I asked the Minister why the Assistant Chief was not suspended upon the conviction date! That is because the administration was there and they were aware that he was convicted. Why was he not suspended, so that he could be earning half-salary, rather than being retained in that position until I asked this Question? As we are talking now, he is still in employment!

Mr. Sunkuli: Mr. Deputy Speaker, Sir, I think the important thing is that once the conviction has been obtained - and I have received the proceedings - I am going to sack him!

Mr. Muchiri: On a point of order, Mr. Deputy Speaker, Sir. Is the Minister in order to mislead this House, when he knows very well that once a civil servant has been taken to court, he is suspended immediately and upon conviction, he is sacked?

Mr. Sunkuli: Mr. Deputy Speaker, Sir, as I have said, he will be sacked.

Question No.506

STATE CORPORATIONS' EXPENDITURE
ON ADVERTISEMENTS

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

- (a) whether he is aware that the Chief Executives of the following State corporations namely: Kenya Tourist Development Corporation; Telkom Kenya Limited; Kenya Bureau of Standards; Agricultural Finance Corporation; National Cereals and Produce Board, and National Oil Corporation are abusing the powers of their offices by paying huge bills on advertisement on business that is totally unrelated to the operations of these corporations; and,
(b) how much each of these corporations has paid for advertisements between 1st March, 2002 and 27th June, 2002.

The Minister of State, Office of the President (Mr. Sunkuli): Mr. Deputy Speaker, Sir, that Questions falls under the Office of the President, but I would like to seek the indulgence of the Chair because it is supposed to be answered by Mr. Ntimama.

Mr. Deputy Speaker: We will come back to that Question!

Question No.372

COMPLETION OF MALABA/KOCHOLIA WATER PROJECT

Mr. Deputy Speaker: Is Mr. Sifuna not here? We will come back to that question.

Question No.439

WATER SHORTAGE IN BUNGOMA MUNICIPALITY

Mr. Wamunyinyi asked the Minister for Water Development what the Government is doing to alleviate the persistent problem of water shortage in Bungoma Municipality.

The Assistant Minister for Environment and Natural Resources (Mr. Noor): Mr. Deputy Speaker, Sir, I beg to reply.

The water shortage has been aggravated by a growing population and increased economic activities whose present water demand stands at 6,000 cubic meters per day, whereas the supply system as of today can only supply 2,500 cubic meters of water per day. However, in addressing this gap between the supply and demand, my Ministry has completed the rehabilitation of six existing boreholes within the municipality and equipped them with new pumping equipment, and they are fully operational. My Ministry has also brought in 150 water meters and fixed them on the consumers who were on flat rate, and were using a lot of water for irrigation. These measures will drastically reduce water shortage, thereby making additional water available to the users.

Mr. Wamunyinyi: Mr. Deputy Speaker, Sir, it appears as if the answer the Assistant Minister has read out is different from the one I was given. The present water demand stands at 6,000 cubic meters and improvement has been made to raise the level of water to about 3,100 cubic meters, according to the copy of the written answer that I have. But he has not said that. This is the copy of the written answer which I was given. The last paragraph reads:-

"In total, the above measures have improved the water supply in Bungoma Municipality to 3,100 cubic metres per day. Rationing of Water will however continue as there are no funds at present to expand the intake on Kuywa River, which has enough water to serve Bungoma Municipality and beyond, if the intake was expanded along with the pipeline."

The Assistant Minister has not read out this. Was I given a wrong answer?

Mr. Noor: Mr. Deputy Speaker, Sir, I think the copy of the written answer he was given is correct. What he and I have is the same. If the hon. Member has a copy of the written answer, he has---

Mr. Deputy Speaker: Order, Mr. Assistant Minister! You ought to give him a copy of the written answer that you have given to the House. He is alleging that the copy of the written answer he has got is different from the one you have read out.

Mr. Noor: Mr. Deputy Speaker, Sir, there is no difference. It is only the last paragraph which I did not read out to the House. I was waiting for him to ask a supplementary question so that I could read it out.

Mr. Wamunyinyi: Mr. Deputy Speaker, Sir, do I take this as the official answer or the one which he has read out? This is because the purpose of giving us copies of written answers is to enable us ask supplementary questions. Do I take this as the official answer, or the one the Assistant Minister has read out?

Mr. Noor: Mr. Deputy Speaker, Sir, I have said that what the hon. Member has and what I have is the same. It is only the last paragraph which I have omitted and it reads:-

"...measures have improved water supply in Bungoma Municipality from 2,500 cubic meters to 3,100 cubic meters per day."

Mr. Mwakiringo: Mr. Deputy Speaker, Sir, water shortage is a major problem in this country. The Ministry has always given us answers to the effect that the Government has rehabilitated some of these water systems. What is the Government policy in ensuring that people get water as population increases? Does the Government have privatisation in mind? What plans have been put in place to expand water systems to cater for increasing population in future?

Mr. Noor: Mr. Deputy Speaker, Sir, we intend to privatise water supplies within the jurisdiction of the Ministry and local authorities. Maybe, where there are major programmes and no private investor is willing to invest, the Ministry will come in and assist.

Mr. Wamunyinyi: Mr. Deputy Speaker, Sir, this junior Assistant Minister wants to get himself into trouble with me. He has not responded to my question. Could he tell the House the plans the Ministry has got in place to deal with the water shortage in Bungoma Municipality? He has not said anything on this. Last time, when I asked a similar Question here, the Minister said that Kuywa River Project was in the process and would be concluded. He has said now, in what he did not want to read out, that there are no funds. Could he tell the House what action is being taken to ensure that the shortage of water in Bungoma is dealt with, or the whole of KANU does not run for elections? They should stay at home.

Mr. Noor: Mr. Deputy Speaker, Sir, whether we run for elections or not, obviously, it will not give the people of Bungoma water. However, in order to meet the ultimate water demand for this area, which is experiencing a water shortage, the National Water Conservation and Pipeline Corporation (NWCP) has drawn a 15-year programme

which will cost Kshs2.5 billion. But due to inadequate funds at the moment, we intend to carry out this project in phases through the NWCPC.

Mr. Khamasi: Mr. Deputy Speaker, Sir, most of these water projects countrywide have failed. The Ministry goes on debiting and billing the consumers without even providing them with water. I am sure this is the case in Bungoma, just as much as it is in my constituency with Shitoli Project. Water is not being provided, but the consumers continue to be billed for water which has not been provided. Could the Assistant Minister assure this House that this practice will be stopped and those people who have been billed will be refunded their money?

Mr. Noor: Mr. Deputy Speaker, Sir, obviously, some people have meters while others pay a flat rate. You cannot know whether those people who are on a flat rate have consumed water or not. But for those ones who have meters, we only charge them for what they consume.

Mr. Mwakiringo: On a point of order, Mr. Speaker, Sir. In his previous answer, the Assistant Minister said that because of the high cost of Kshs2.5 billion, they intend to carry out this project in phases through the NWCPC. Is he not misleading this House, knowing that the NWCPC have abdicated their duties of generating and sourcing for water? Now, they are on the commercial side.

Mr. Noor: Mr. Deputy Speaker, Sir, I do not know whether that is really a point of order or a question. I have said that the cost of supplying 6,000 cubic meters of water to the people of Bungoma, according to the feasibility study carried out by the NWCPC, is Kshs2.5 billion. I did not say that we have left that cost to the NWCPC.

Mr. Wamunyinyi: Mr. Deputy Speaker, Sir, the Assistant Minister says that 150 meters were fixed. How can water be wasted when, in the first place, it is not sufficient and it is not in the pipes? How do meters reduce wastage of water?

Mr. Noor: Mr. Deputy Speaker, Sir, when people use water on flat rates, they use the water for small-scale farming as well. For instance, they use water on vegetable farming and the rest of the small-scale activities, yet they just pay Kshs250 per month. But, they are going to be restricted in the way they use water because meters are being put in place and will help conserve more water for other water users who are not having water currently.

Mr. Deputy Speaker: No! Mr. Assistant Minister, in areas where you have flat-rate water charges, you would have determined in advance that, in fact, they do not require much water. So, for water consumption to increase, the users must convert it from purely domestic to irrigation! Is that what is happening?

Mr. Noor: Mr. Deputy Speaker, Sir, yes, the anticipation was the same. But, obviously, the consumers will not restrict the use of water to what they really applied for in the first instance. Originally, they may have applied for water to use in household activities. But sometimes they use it for vegetable irrigation in the compound!

Mr. Deputy Speaker: Next Question, Mr. Wanjala!

Question No.510

LVEMP FUNDING OF HIV/AIDS CAMPAIGN

Mr. Deputy Speaker: Is Mr. Wanjala not here? I will come back to the Question later.
Next Question, Mr. Mwangi Kiunjuri!

Question No.360

CONSTRUCTION OF ROAD C76

Mr. Muchiri, on behalf of **Mr. Kiunjuri,** asked the Minister for Roads and Public Works:-

- (a) whether he is aware that Road C76, passing through Nanyuki Town, is completely impassable;
- (b) whether he is further aware that on 29th May, 2001, he advertised tenders for Nanyuki-Doldol Road; and,
- (c) when the construction of the road will commence.

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

- (a) I am not aware that Road C76, which passes through Nanyuki Town, is completely impassable.
- (b) I am aware that my Ministry advertised a notice on pre-qualification of contractors in the *Kenya Times* of 28th May, 2001, the *Nation* and the *East African Standard* Newspaper dailies of 29th May, 2001, for the improvement of Nanyuki-Doldol Road (76/D464).
- (c) The construction work is estimated to commence in November, 2002.

Mr. Muchiri: Mr. Deputy Speaker, Sir, I passed through that route two weeks ago and found that it is impassable, yet the Assistant Minister is saying that the road is not impassable. However, he has accepted that the construction of that road will start in November, 2002. Could he tell this House the name of the contractor who has been awarded the contract, how much it will cost, and at what pace it would start, so that the people of Laikipia can bear witness as the contractor starts the construction?

Eng. Rotich: Mr. Deputy Speaker, Sir, I am sorry, I do not have the name of the contractor here now. But we hope to get the documents from Treasury sometime next week when they will give us the work programme. But I do not have the name of the contractor now; I can avail it when I get it.

Mr. Muchiri: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister has not stated how much money the construction of that road will cost and at what pace it will start!

Eng. Rotich: Mr. Deputy Speaker, Sir, I can avail this information this afternoon.

Mr. Mutahi: Mr. Deputy Speaker, Sir, I do not know why the Assistant Minister is evading the question asked by the hon. Member. He knows that construction will start in the month of November and he does not have any other details! I think we need the guidance of the Chair on this matter. The Assistant Minister should tell us the truth about this road. We would also want to know whether this road will be tarmacked or whether it will be gravelled. If the Assistant Minister had stated the amount that has been set aside for the road, we would have known what kind of work will be done on the road.

Eng. Rotich: Mr. Deputy Speaker, Sir, I can avail that information any time from now. If need be, the Question can be deferred so that I bring the information to this House this afternoon.

Mr. Muchiri: Mr. Speaker, Sir, could the Assistant Minister---

Mr. Deputy Speaker: Well, if you are going to ask questions related to the name of the contractor or the amount involved, I would suggest that you wait for the Assistant Minister to provide that information in the afternoon.

Dr. Ochuodho: Mr. Deputy Speaker, Sir, it is true that the "Government-in-waiting", NAK, passed through this road two weeks ago, and the road was next to impassable.

Mr. Deputy Speaker: How could the "Government-in-waiting" pass on a road?

Dr. Ochuodho: Mr. Deputy Speaker, Sir, that is the road that even the substantive Chair uses when he is going home. So, it is a full Government that was using the road. But my question is---

The Minister of State, Office of the President (Mr. Sunkuli): On a point of order, Mr. Deputy Speaker, Sir. Where was the "Government-in-waiting" going? I thought it is supposed to be waiting!

Dr. Ochuodho: The "Government-in-waiting" was visiting Kenyans! My question is that the Assistant Minister did say that he is waiting to get the work document from Treasury. My understanding is that the Kenya Roads Board (KRB) Act said that they only took part. In this regard, it should have been KRA who could participate and money should have gone direct to KRB! What role has the Treasury got with regard to this road? The reason why I ask this question is that, normally, there is delay in remitting funds because of this intermediary; the Treasury, which should have nothing altogether, to do with roads, especially the Fuel Levy Funds. What has Treasury got to do with it?

Eng. Rotich: Mr. Deputy Speaker, Sir, I do not know whether we were talking about the money or the contract. It is the contract we are talking about. The fact that the money goes to KRB does not mean that the contract cannot be signed. It has to be counter-signed by the Permanent Secretary, Treasury, irrespective of whether it is going to KRB or not.

Mr. Imanyara: Mr. Deputy Speaker, Sir, I have noticed from the answer given by the Assistant Minister that the construction on this road is supposed to start in November. Everybody knows that during the months of November-December, it is a rainy season in the Mt. Kenya region. Very heavy rains are normally experienced in that region during the months of November-December. Is the timing of the resumption of this work aimed to come during the rainy season so that no work is done and then there can be a delay, so that money is paid back to the contractor? In other words, is this not a way of stealing the contract money by timing it to coincide with the rainy season, when we know that no work will continue?

Eng. Rotich: That is not true, Mr. Deputy Speaker, Sir.

Mr. Muchiri: Mr. Deputy Speaker, Sir, if you look on the list of Questions that are being asked in this Parliament, there are always two or three Questions about impassable roads. What is the Ministry of Roads and Public Works doing, rather than waiting for hon. Members to come here and ask Questions? What action is the Assistant Minister taking to ensure that all roads, which are in hundreds all over the Republic, are repaired?

Eng. Rotich: Mr. Deputy Speaker, Sir, the policy of the Ministry is to maintain roads. If you look at this road, we advertised it in May 2001, and the Question is being asked this year, 2002. So, we did not wait for the hon. Member to ask the Question in order for us to act; we acted in May, 2001.

Mr. Deputy Speaker: Next Question, Mr. P.K. Mwangi!

Question No.382

GRADING OF ROAD E1577

Mr. P.K. Mwangi asked the Minister for Roads and Public Works:-

- (a) whether he is aware that Road E1577 is impassable; and,
- (b) when the road will be opened, graded and what action will be taken against the people who have blocked the road.

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

(a) I am aware that Road E1577 is impassable to motorists and pedestrians.

(b) The said road will be opened on 11th October, 2002, and it will be graded during this financial year. My Ministry will not take any action against the people who blocked that road because the matter was solved amicably.

Mr. P.K. Mwangi: Mr. Deputy Speaker, Sir, the major reason why this road is impassable to pedestrians and motorists is just because a company by the name Kakuzi Limited has confined the Makuyu people as its slaves. The road was closed by Kakuzi Limited, a fence was put up and they planted trees. We have been complaining to the Government about this road for the last three years. Could the Assistant Minister tell this House whether to obstruct a public road is not a crime, according to the Traffic Act? How could the case be resolved amicably, yet the road is still closed?

Mr. Mokku: Mr. Deputy Speaker, Sir, it is true that the said road was closed by M/s Kakuzi Limited. The matter was taken to court, and the outcome of the case was in favour of M/s Kakuzi Limited. Subsequently, there was a series of meetings amongst the local community, the Provincial Works Officer, Central, the District Works Officer and other stakeholders. Finally, it was agreed that M/s Kakuzi should remove the fence and the barriers it had erected. That is what I am now reporting.

Eng. Toro: Mr. Deputy Speaker, Sir, it is very sad that the Assistant Minister for Roads and Public Works has abdicated his duties to protect roads which are supposed to be used by the public. There was a long protracted case of M/s Kakuzi Limited denying the local people access to a public road. Could he give a timeframe within which he thinks he can help members of the public to access the said road? The people in that area would like to know how long they should wait before they can use the road. Are they going to wait for two weeks, one month, five years, or ten years?

Mr. Mokku: Mr. Deputy Speaker, Sir, I said that the road will be opened to the public two days from now.

Mr. Mutahi: Mr. Deputy Speaker, Sir, the Assistant Minister has mentioned a case which was concluded; the road was supposed to be opened for use by the public on 1st October, 2002. Could he tell us when the decision to open this road was taken? Why did its opening have to wait until this Question was brought to the House? He now tells us the road will be opened to the public the day after tomorrow.

Mr. Mokku: Mr. Deputy Speaker, Sir, the decision to open the said access road was not prompted by this Question. There is some information as to when the negotiations on the question of opening the road started, which I do not have with me here, but which I can avail in the afternoon. Officers from the Roads Department and Provincial Administration officials on the ground were involved in the negotiations. That is how we arrived at an agreement with M/s Kakuzi Limited and residents of Shanghai Estate.

Mr. Muihia: What is the date of the agreement?

Mr. Mokku: Mr. Deputy Speaker, Sir, I do not have the exact date of the agreement. However, the road will be opened on 11th October, 2002, which is two days away.

Mr. P.K. Mwangi: Mr. Deputy Speaker, Sir, the Assistant Minister has contradicted himself. In his answer, he said that the road will be opened to the public on 11th October, 2002. However, he goes further to say that the road will be allocated funds in the next financial year. Now that the road is going to be opened on Friday, how much money has he set aside for work to be done on the road?

Mr. Mokku: Mr. Deputy Speaker, Sir, there is no question of contradiction. The hon. Member has not even asked how much money is going to be set aside for the work. In the current financial year, the Ministry has set aside Kshs167,800 for the maintenance of this particular road.

Mr. Angwenyi: Mr. Deputy Speaker, Sir, the Assistant Minister says that the Government had to sign an agreement with M/s Kakuzi Limited, which is a private company. Is it legal in Kenya for a private company, or an individual, to close down a public road and then enter into an agreement with the Government before the road is re-opened?

Mr. Mokku: Mr. Deputy Speaker, Sir, the particular road passes through plantations belonging to M/s Kakuzi Limited. The company is also entitled to protection from outsiders who may interfere with its plantations. So, we decided to involve M/s Kakuzi Limited and all other stakeholders in the negotiations, and we reached an agreement.

Mr. Muihia: Mr. Deputy Speaker, Sir, you have heard the Assistant Minister say that the said public road passes through a plantation owned by a private company. There are so many roads passing through other plantations countrywide. What is so special about the plantations belonging to M/s Kakuzi Limited so that they should be protected by the Government against the public?

Mr. Mokku: Mr. Deputy Speaker, Sir, M/s Kakuzi Limited is not being given any special protection. It is members of the public who are being given special protection. That is why the agreement is now in favour of the public and not M/s Kakuzi Limited.

Mr. Deputy Speaker: Could you ask the last question, Mr. P.K. Mwangi?

Mr. P.K. Mwangi: Mr. Deputy Speaker, Sir, the Assistant Minister has indicated that the road passes through plantations belonging to M/s Kakuzi Limited. As Mr. Muihia has indicated, other roads also pass through plantations belonging to private firms. M/s Kakuzi Limited has blocked the road in Makuyu area, particularly in Kangango area, hence children cannot reach their schools. What arrangement does the Assistant Minister have to enable the people of Makuyu have access to other major areas?

Mr. Mokku: Mr. Deputy Speaker, Sir, this particular case was brought to the attention of the Ministry. If there are any other roads that have been closed by the same company, they have not been brought to our attention. Appropriate action will be taken as soon as such cases are brought to our attention.

Mr. Deputy Speaker: Let us proceed to Mr. Muya's Question.

Mr. Muya: Mr. Deputy Speaker, Sir, before I ask my Question, I would like to inform you that I have not received the written reply to it.

Question No.493

NON-PAYMENT OF EMPLOYEES' DUES

Mr. Muya asked the Minister for Medical Services:-

(a) whether he is aware that some 31 employees of Tugul General Building Constructors employed at Chemolingot and Nginyang Health Centres in Baringo District are owed Kshs451,804 by the contractors;

(b) whether he is further aware that the Baringo District Commissioner (DC) convened a site meeting on 22nd October, 1998, to discuss the employees' claim; and,

(d) what action he is taking to ensure that the employees are paid their dues.

The Assistant Minister for Health (Dr. Wako): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am not aware that some 31 employees of Tugul General Building Constructors at Chemolingot and Nginyang Health Centres are owed Kshs451,804 by the contractors.

Mr. Mutahi: On a point of order, Mr. Deputy Speaker, Sir. The Questioner complained that he has not received the written answer to the Question, but the Assistant Minister has not said whether it has been misplaced or apologised about it.

Mr. Deputy Speaker: I did not hear the Questioner complain.

Mr. Mutahi: He complained.

Mr. Deputy Speaker: No, he did not. He made a statement.

(Laughter)

The Assistant Minister for Health (Dr. Wako): Mr. Deputy Speaker, Sir, I am sorry if the hon. Member has not received the written reply to the Question. We have sent it.

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

(a) I am not aware that some 31 employees of Tugul General Building Constructors at Chemolingot and Nginyang Health Centres are owed Kshs451,804 by the contractors.

(b) I am aware that the DC, Baringo, scheduled a meeting for 22nd October, 1998, to discuss issues between Mr. Ephantus Mwaura and M/s Tugul General Building Constructors.

(c) I am not in a position to take any action as there is no contractual agreement between the Ministry and the employees of M/s Tugul General Building Contractors.

Mr. Muya: Mr. Deputy Speaker, Sir, I am surprised that the Assistant Minister says that he is not aware that former employees of the said company are owed this amount of money. I have personally discussed the matter with the Member of Parliament for that area, Mr. J.D. Lotodo, who happened to attend the meeting; he is aware that the said former employees are owed this amount of money. I got involved in this issue because the said employees come from my constituency, and cannot pay fees for their children. The DC convened a meeting---

Mr. Deputy Speaker: Order! Ask your question.

Mr. Muya: Mr. Deputy Speaker, Sir, that is what I am now doing. If the DC convened a meeting, as agreed by the Assistant Minister, what was the topic of discussion at that meeting?

Mr. Wako: What I heard is: "How many people are serving prison sentences?" But the question is: "What measures is the Attorney-General taking to enable Kenyans to vote?" It does not really arise---

Mr. Speaker: I think it is a legitimate Question, because of the current provisions in the law. How many Kenyans are likely to be denied the right to vote because of their being in prison? How many are they in prisons?

Mr. Wako: I do not know the number of people who are in prison, but at the last count, they were more than 40,000; serving prison sentences.

Mr. Sungu: Thank you, Mr. Speaker, Sir. In many countries now, prisoners are even allowed to exercise their conjugal rights. In Uganda, next door, this has helped to reduce the occurrence of new HIV/AIDS cases because they are allowed to be with their wives. This matter should be taken seriously. Since the Attorney-General says that there are provisions in the new proposals of the new Constitution, what steps will he take to ensure that the Draft Constitution is brought to the House so that we can pass it before we go for the elections?

Mr. Wako: Mr. Speaker, Sir, the Attorney-General has done his job. He has drafted the Constitution. The Constitution of Kenya Review Commission (CKRC) is already sending out notices for the National Constitutional Conference to take place. So, the steps under the Act passed by this Parliament are already being taken which will lead ultimately to the enactment of the new Constitution.

Mr. Khamasi: Thank you, Mr. Speaker, Sir. The Attorney-General being the principal legal adviser of the Government and, indeed, of the Head of State, what measures is he taking to make sure that, at least, we sympathise with these Kenyans in order for us to make it possible for them to take part in the coming elections?

Mr. Wako: Mr. Speaker, Sir, I did not quite follow that question, but I think the duty is on all of us, hon. Members of this august House, and all those who will participate at the National Constitutional Conference, to ensure that a consensus does emerge and that we can be in a position---

Mr. Khamasi: On a point of order, Mr. Speaker, Sir. I asked the Attorney to tell the House what advice he is providing in order to make sure we go into the general election under the new Constitution.

Mr. Wako: Mr. Speaker, Sir, hon. Members are well conversant with the provisions of the Constitution of Kenya Review Commission Act and we passed amendments just the other day, which provide the time limit within which various stages in the process have to be completed. I am glad that the Commission has already published a report and a Draft Constitution. The next stage is for the Commission to call for the National Constitutional Conference. As I know, the National Constitutional Conference is being called for on 28th October. We shall follow the procedures and if at that National Consultative Forum, the hon. Members of Parliament are with one accord and a consensus can emerge on the entirety of the Constitution, the next stage will be for the Conference to hand over the document to the Attorney-General. Within seven days, the Attorney-General will bring that Draft Constitution to this House for debate and enactment.

Mr. Speaker: Next Question, Mr. Mbela!

Mr. Mbela: Mr. Speaker, Sir, before I ask my Question, I would like to state that it was postponed to today because the Attorney-General was not available.

Question No.527

PAYMENT OF MR. CHOMBO'S INSURANCE POLICY CLAIM

Mr. Mbela asked the Attorney-General:-

(a) if he is aware that Life Insurance Policy No.0395947 for Mr. Benson M. Chombo underwritten by the Kenya National Assurance Company Limited (under liquidation) matured in November, 1996;

(b) if he is further aware that several visits to the offices of the Life Insurance Policy Manager have not

elicited an appropriate solution; and,
 (c) when Mr. Chombo will be paid his benefits.

The Attorney-General (Mr. Wako): Mr. Speaker, Sir, now I am available. But let me, first of all, apologise for being late today. On the previous occasion, I was not available and I had duly informed the House. However, I beg to reply.

(a) The Attorney-General is aware.
 (b) The Attorney-General is aware.

(c) A new company called the Kenya National Assurance 2001 Limited, which is wholly owned by the Government through the Treasury, has taken over all the assets and business of the Gross Fund which include actual liabilities such as life policies. The Board of Directors has already been appointed and it is expected that payments of all liabilities of life insurance policy-holders, including Mr. Chombo, will be met soon.

Mr. Mbela: Mr. Speaker, Sir, the Kenya National Assurance Company went under because of mismanagement by some well known personalities. The Attorney-General has the power to order investigations against those individuals who caused this damage. Could he state what action he is taking, and also confirm when he expects Mr. Chombo to be paid?

Mr. Wako: Mr. Speaker, Sir, as to the last bit of the question, the Board of Directors was appointed by the Minister for Finance on 26th July, 2002. A manager has just been appointed and money is being made available by the Treasury to the tune of Kshs1.7 billion through the Budget. So, we expect payments as soon as the Budget is passed by this Parliament.

Mr. Mwalulu: Mr. Mbela has stated clearly that the Kenya National Assurance Company went down as a result of theft by well known people. Could the Attorney-General tell this House when he will bring these people to book because they are crooks and thieves? They have caused suffering to Kenyans---

Mr. Speaker: Order, Mr. Mwalulu! You may be new here, but I think the period you have been here is sufficient for you to know the words that are acceptable to Parliament and the ones that are not. Certainly, the word "thieves" is not acceptable. Will you withdraw?

Mr. Mwalulu: Mr. Speaker, Sir, I withdraw, but the principle remains the same---

Mr. Speaker: Order! Order! Mr. Mwalulu should not play around with the Chair. You obey the orders given to you by the Chair without conditions.

Mr. Mwalulu: Mr. Speaker, Sir, I have withdrawn.

Mr. Speaker: Very good! Now, proceed!

Mr. Mwalulu: When will the Attorney-General bring to book these people who were implicated in the fall of the Kenya National Assurance Company Limited?

Mr. Wako: I will bring such an action within 14 days of the investigation file reaching my desk and I am satisfied that there is sufficient evidence to prosecute.

Mr. Mbela: Mr. Speaker, Sir, I requested the Attorney-General to order an investigation because he has the powers to do it, but he has not said anything about it. Could he order that investigation to be done?

Mr. Wako: Mr. Speaker, Sir, from what I have said to the hon. Member, it must be implied that already investigations are going on and I may say so. Many times we have said that all those cases that have been mentioned in the Public Accounts Committee (PAC) and the Public Investments Committee (PIC) were all handed over to the defunct KACA for investigation. When the defunct KACA could not proceed because of the court ruling, they are now being handled by the Anti-Corruption Police Unit.

Mr. Speaker: Next Question, Mr. Muihia!

Question No.536

ALLOCATION OF LAND TO SHAREHOLDERS

Mr. Muihia asked the Attorney-General:-

- (a) if he is aware that a land buying company, Thome Farmers No.4 Limited, c/o D.O's Office, Githunguri, issued share certificates to paid-up members in 1974;
- (b) if he is further aware that the shareholders have not been allocated any land despite several visits to the office at Githunguri; and,
- (c) what immediate action he is taking to ensure that the shareholders are allocated their pieces of land.

The Attorney-General (Mr. Wako): Mr. Speaker, Sir, again, I apologise on this one. I have not been able to answer this Question because the major Question really belongs not to the Attorney-General's Office, but to the Provincial Administration and the Commissioner of Lands. My office has already written to the Permanent Secretary in charge of Provincial Administration and Internal Security to draft the answer for this Question for the relevant Minister to come here and answer.

Mr. Deputy Speaker: Order! Hon. Members do not chicken out of anything. Well, if you look at this Question realistically, you will see that it contains parastatals that are answerable to different Ministries. However, the only thing that is common is that the Treasury is a common shareholder. I think the Minister's request is quite justified and I will defer this Question so that they can agree among themselves which Ministry will answer this Question.

Mr. Omingo: Mr. Deputy Speaker, Sir, could we agree on the date it will be answered because of the urgency of the Question?

Mr. Deputy Speaker: Mr. Sunkuli, could we defer it to Tuesday next week?

The Minister of State, Office of the President (Mr. Sunkuli): Yes, Mr. Deputy Speaker, Sir. Let us defer it to Tuesday next week.

Mr. Deputy Speaker: Mr. Omingo, it has been deferred to Tuesday next week.

Mr. Omingo: Mr. Deputy Speaker, Sir, I oblige.

(Question deferred)

Mr. Deputy Speaker: Next Question, Mr. Sifuna!

Question No.372

COMPLETION OF MALABA/KOCHOLIA WATER PROJECT

Mr. Sifuna: Mr. Deputy Speaker, Sir, I apologise for coming late. However, may I ask Question No.372.

Mr. Sifuna asked the Minister for Water Development:-

(a) whether he is aware that Malaba/Kocholia Water Project which started over 15 years ago to serve the people of Kimaeti, West Bukusu locations in Bumula Division and part of Teso District, has not been completed; and,

(b) when this water project will be completed.

The Assistant Minister for Environment and Natural Resources (Mr. Noor): Mr. Deputy Speaker, Sir, I beg for the indulgence of the House for this Question to be deferred to Tuesday next week when I expect to have a more efficient answer.

Mr. Deputy Speaker: Why?

The Assistant Minister for Environment and Natural Resources (Mr. Noor): Mr. Deputy Speaker, Sir, I have no ready answer at the moment. I ask you to defer the Question to Tuesday next week.

Mr. Deputy Speaker: Mr. Assistant Minister, how long has this Question been with you bearing in mind that this project has been in existence for over 15 years?

The Assistant Minister for Environment and Natural Resources (Mr. Noor): Mr. Deputy Speaker, Sir, I quite agree that the matter is urgent but I did not get the answer from the field. So, I request that this Question be deferred.

Mr. Sifuna: Mr. Deputy Speaker, Sir, with due respect to the Assistant Minister, this Question has been appearing here year after year and the Ministry has been promising that this project would be completed and it is now over 15 years. Could the Assistant Minister assure this House that next Tuesday when he comes to answer it, he will come with the relevant and correct answer as opposed to the previous KANU system of answering Questions?

The Assistant Minister for Environment and Natural Resources (Mr. Noor): Mr. Deputy Speaker, Sir, I assure the House that I will come with a sufficient answer to the satisfaction of the hon. Member.

Mr. Deputy Speaker: The Question is, therefore, deferred to Tuesday afternoon.

(Question deferred)

Mr. Deputy Speaker: Next Question, Mr. Wanjala!

Question No.510

LVEMP FUNDING OF HIV/AIDS CAMPAIGN

Mr. Deputy Speaker: Mr. Wanjala is still not here? The Question is dropped.

(Question dropped)

QUESTION BY PRIVATE NOTICE

UNLAWFUL ARREST OF FKE NATIONAL CHAIRMAN

Mr. Muithia: Mr. Deputy Speaker, Sir, I beg to ask the Minister of State, Office of the President the following Question by Private Notice.

(a) Is the Minister aware that Criminal Investigation Officers, Nairobi Area, unlawfully arrested the National Chairman of the Federation of Kenya Employers (FKE), Mr. Walter Mukuria, on 21st September, 2002 at 7.15 p.m., in contravention of the Constitution and Article 2(a) of the 1998 ILO Declaration on Fundamental Principles and Rights at work?

(b) Could he inform the House the circumstances that led to the arrest?

The Minister of State, Office of the President (Mr. Sunkuli): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that on the 21st March 2002 at around 7.30 p.m. Mr. Walter Mukuria accepted police request to accompany them to the CID headquarters to record a statement on an issue under investigation.

(b) Mr. Walter Mukuria was at no time arrested. He voluntarily accompanied police officers to the CID headquarters, Nairobi, to record a statement in connection with the alleged theft of a deposit of Kshs256 million belonging to NSSF at the Euro Bank.

Mr. Muithia: Mr. Deputy Speaker, Sir, I have not received a proper answer. This Question revolves around high level fraud between the Office of the President, Central Bank, NSSF and Euro Bank, which had been hatched to defraud workers a total amount from NSSF of Kshs958.8 million, out of which already Kshs256 million has disappeared into individuals' pockets. Could the Minister tell us who ordered the arrest of Mr. Mukuria and why he was arrested after making statements at his place of work?

Mr. Sunkuli: Mr. Deputy Speaker, Sir, as I have said, Mr. Mukuria was never arrested. He volunteered to go to record a statement. He drove to the CID headquarters in his own car, accompanied by his wife. Upon recording a statement, he left the CID headquarters and he was neither arrested nor confined by the police.

Mr. Muchiri: Mr. Deputy Speaker, Sir, it is normal practice for the police to record statements from the witnesses at their homes and places of work, but they are never requested to go to the police station unless they are suspects. Could the Minister tell this House under what circumstances was Mr. Mukuria requested to go to CID headquarters and who paid for his transport from his house to the CID headquarters if he was not under arrest?

Mr. Sunkuli: I know that a long time ago, the hon. Member used to be a policeman and I do not know why he says that the normal practice is to record statements at home. I think this House agrees with me that the most normal process is to record the statement at the police headquarters.

Mr. Mwalulu: Mr. Deputy Speaker, Sir, I think this Question demands that the Minister discloses to this House the circumstances which led to Mr. Mukuria's arrest, and there is an allegation about the Kshs256 million which disappeared from the NSSF. Could the Minister confirm or deny that, that is true?

Mr. Sunkuli: Mr. Deputy Speaker, Sir, if I can just read the last part of the answer that I gave again, it states:-

"Mr. Walter Mukuria voluntarily accompanied police officers to CID headquarters in Nairobi to record a statement in connection with the alleged theft of a deposit of Kshs256 million belonging to the NSSF at the Euro Bank."

Mr. Imanyara: Mr. Deputy Speaker, Sir, could the Minister tell us the difference between accompanying police officers and arrest because, in this instance, we are told that Mr. Mukuria voluntarily accompanied police officers? Accepting that police officers visited him at his house--- What had they gone to do at Mr. Mukuria's house at 7.15 p.m.?

Mr. Sunkuli: Mr. Deputy Speaker, Sir, the hon. Member is a lawyer and he knows that when a person is free to leave at any time, he is not under arrest. He was just requested to go. He went and recorded a statement and left.

Mr. Imanyara: On a point of order, Mr. Deputy Speaker, Sir. I asked the Minister to tell us the circumstances under which police officers visited Mr. Mukuria's house at 7.15 p.m. What had they gone to do there at

7.15 p.m.?

Mr. Sunkuli: Mr. Deputy Speaker, Sir, as I said, there was a matter under investigation and that is why they went and asked Mr. Mukuria to record what he knew about it.

Mr. Angwenyi: Mr. Deputy Speaker, Sir, the Minister is ducking answering the Question. If this matter was so urgent, what are the findings of that investigation that made them go and ask Mr. Mukuria to accompany them at night, when he was supposed to be "manufacturing" human beings?

(Laughter)

Mr. Sunkuli: Mr. Deputy Speaker, Sir, I do not know what the hon. Member means, but let him note that the time was 7.15 p.m. However, the matter is still under investigation.

Mr. Nderitu: Mr. Deputy Speaker, Sir, I think this House needs your direction. This is a straightforward Question which is being put to the Minister. Police officers go to somebody's house at 7.15 p.m., and then they leave with him for the police station. Now the Minister is telling us that the matter is still under investigation. What were the police going to do in his house and why did they leave with him?

Mr. Deputy Speaker, Sir, we need your guidance here so that the Minister does not evade to answer directly because it is not a matter of debate, but it is a matter of truthfulness and honesty. What was going on and why did they pick Mr. Mukuria?

Mr. Sunkuli: Mr. Deputy Speaker, Sir, there was a matter under investigation and the police were properly doing their duty. They felt that Mr. Walter Mukuria needed to record a statement. They requested him if he could do so and he said he was free to do so. He drove to the CID headquarters to do exactly that.

Mr. Kombo: I think this is a very serious issue. The Minister has not told us what matter is under investigation and I think he needs to tell us. Why did it only involve Mr. Walter Mukuria instead of the many people? We know that he talked about the Kshs256 million which the Central Bank of Kenya, the Kenya Revenue Authority, and many other people had a hand in it. Why only Mr. Walter Mukuria and not all these other people?

Mr. Sunkuli: In fact, Mr. Deputy Speaker, Sir, it ought to be my question, if allowed, because quite a number of people have recorded statements on this matter. But the Questioner only chose one Walter Mukuria. So, I am answering the Question that I was asked.

Mr. Waithaka: Mr. Deputy Speaker, Sir, when the Minister, who is a lawyer, answered the Question, he said that Mr. Mukuria voluntarily accepted to accompany the police to the CID headquarters. My understanding is that, it is Mr. Mukuria who voluntarily requested the police to accompany him. Did Mr. Mukuria voluntarily agree or request to accompany the police, or the police asked him to accompany them as a prime suspect, or as a witness? Did he actually ask the police to accompany him to the CID Headquarters, or he was asked by the police to accompany them and, therefore, it was not voluntary?

Mr. Sunkuli: Mr. Deputy Speaker, Sir, the police had a matter in their hands. They were investigating matters about this Kshs256 million. They believed that Mr. Walter Mukuria had some information which would be useful towards their investigation. Mr. Mukuria exercised his constitutional right and went to the CID Headquarters and provided that information in form of a statement.

Mr. Kathangu: Thank you, Mr. Deputy Speaker, Sir. The Questioner knew of Mr. Walter Mukuria's arrest, but the Minister says that there are many other people who were involved in this issue. He said that several people have recorded statements. Being a court of elders here, is it possible for the Minister to tell us who these other people who have recorded statements are?

Mr. Sunkuli: Mr. Deputy Speaker, Sir, at this point, I am not in a position to do so because the matter is under investigation. I have just commented about Mr. Mukuria because there was an allegation by the Questioner that he was arrested. He was not arrested. He only featured in the course of investigations.

Dr. Ochuodho: On a point of order, Mr. Deputy Speaker, Sir. I appreciate that the matter is still under investigation. It is not in court. Could the Chair defer this Question to allow the Minister to bring the results of these investigations because this is a very serious matter?

Mr. Deputy Speaker: Order! Order! The Chair is not going to rule on anything of the sort because this is not a court where we have to establish issues beyond reasonable doubt, including reading statements from witnesses. That cannot happen here.

Dr. Kituyi: Mr. Deputy Speaker, Sir, when Mr. Mtuweta was appointed the Managing Trustee of the National Social Security Fund (NSSF), I did bring to the attention of this House that there was something fishy going on. What Mr. Mukuria did in a finance committee meeting was to repeat a confirmation of our worst fears, that without due authority from the finance committee, Mr. Mtuweta transferred Kshs256 million to a bank owned by Mr.

John Munge. Within a week, the money had been disbursed to an account of a Minister in this Government, the son of a top politician and Mr. Munge's account. Why have these three persons; the Minister, the son of a top politician and Mr. Munge not been asked to record statements?

(Applause)

Mr. Deputy Speaker: The Minister was answering the Question as asked. If the Question had been: "In addition to dealing with Mr. Mukuria, could you tell us who else has recorded a statement?", he would have done that.

Dr. Kituyi: He has refused to answer!

Mr. Deputy Speaker: Order! That is the kind of information that you need to have facts on your finger tips and those facts would only come as a result of a Question with notice.

Mr. Katuku: On a point of order, Mr. Deputy Speaker, Sir. Arising from the allegations made by Dr. Kituyi that the Kshs256 million was shared between a Minister in this Government, a son of a top politician and others, could the hon. Member be kind enough to name those people who shared that money?

Mr. Deputy Speaker: Order! Order! I believe what Mr. Katuku needs to say is that Dr. Kituyi should substantiate his allegations. Naming is not substantiation.

Mr. Muihia: Mr. Deputy Speaker, Sir, the Minister has said that Mr. Mukuria was not arrested, but I can confirm that he was arrested by six heavily armed policemen. That cannot be voluntary accompaniment to the CID headquarters. Could the Minister confirm or deny that Mr. Mukuria was arrested to intimidate him after having mentioned the name of Dr. Sally Kosgey, the Governor of Central Bank of Kenya, the owner of Shah Munge and Partners, and the directors of Euro Bank, who were all involved in the disappearance of Kshs256 million of workers' money?

Mr. Sunkuli: The only aspect I can confirm, Mr. Deputy Speaker, Sir, is that Mr. Mukuria was asked to record a statement about the Kshs256 million.

Mr. Deputy Speaker: That is the end of Question Time! Next Order!

**NOTICE OF MOTION FOR
THE ADJOURNMENT UNDER
STANDING ORDER NO.20**

GOVERNMENT HANDLING OF ONGOING
TEACHERS' STRIKE

Dr. Kituyi: On a point of order, Mr. Deputy Speaker, Sir. I stand to request a Motion for Adjournment under the provisions of Standing Order No.20, so that this House can discuss a matter of definite urgent national importance namely, the on going teachers' strike and the way the Government of Kenya has handled this matter.

(Several hon. Members stood up in their places)

Mr. Deputy Speaker: Order! Order! Hon. Members, Dr. Kituyi did request the Speaker to give him time to discuss this matter on the adjournment. Since he has met the conditions and I also believe that the matter itself is urgent, I will give him the time from 11 O'clock this morning.

(Applause)

Next Order!

MOTION

ABOLITION OF COST SHARING
IN OUT-PATIENT SERVICES

THAT, considering that despite Government commitment to fight poverty since 1963, it remains a serious challenge affecting more than 56 per cent of the total population of Kenya, which is unable to fully participate in cost sharing in public medical institutions, this House urges the Government to

abolish cost sharing for out-patient treatment in all district and sub-district hospitals, health centres and dispensaries.

(Mr. Mbela on 2.10.2002)

(Resumption of Debate interrupted on 2.10.2002)

Mr. Deputy Speaker: Mr. N. Nyagah was on the Floor! Mr. N. Nyagah is not there? Yes, Mr. Mwakiringo!

Mr. Mwakiringo: Asante sana, Bw. Naibu Spika, kwa kunipa fursa hii niunge mkono Hoja hii kuhusu ugawanyaji gharama katika vituo vyetu vya afya. Ni muhimu kwamba Serikali inapokuwa na mipango ya kupunguza umaskini, ihakikishe kwamba afya ya wananchi imetiliwa maanani na kuzingatiwa. Manifesto ya KANU, hasa tulipokuwa tunapigania Uhuru mwaka wa 1963 na tulipopata Uhuru, ilikuwa ni kuondoa umaskini, ugonjwa na ujinga. Jambo hilo lilifanywa tu kwa muda mdogo kisha likaachiliwa mbali baada ya miaka kuendelea. Hii ndio ilisabibisha mpango huu wa kugawana gharama kuanzishwa katika mahospitali na sehemu zingine zote za huduma hapa nchini. Nikisema hivyo ninamaanisha kwamba Serikali ingekuwa ina mipango kamili ya kugharamia na kuhudumia mipango hii ya hospitali. Utaona kuwa kwa wakati huu, ijapokuwa asilimia 65 ya wananchi ni maskini hapa nchini, hawajui ni kiasi gani watakachochukua wanapoenda kwa huduma za hospitali kwa sababu hawajui madawa, utafiti wa kuangalia vidudu vya malaria au kupimwa damu kwa magonjwa mbali mbali kutawagharimu shilingi ngapi.

[Mr Deputy Speaker left the Chair]

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

Utaona baadaye kwamba mwananchi akiambiwa atoe Kshs50 kwa kupimwa damu anaona ni gharama na bado anajua hajapata dawa au kupimwa choo kubwa ama ndogo. Atasema ni heri afe kuliko kwenda hospitali hizo za Serikali ambazo tunaambiwa zitakuwa zikipeana madawa ya bure.

Bw. Naibu Spika wa Muda, limekuwa jambo la kusikitisha hasa tunapoona kwamba asilimia 30 ya wakazi wa sehemu za Taita-Taveta na Pwani kwa jumla hufa kwa magonjwa ambayo yangeweza kutibiwa katika mahospitali kama Serikali ingezingatia utoaji wa madawa bure katika hospitali. Ingawaje tuna magonjwa ambayo yanaweza kuzuiwa, imekuwa vigumu kwa Serikali kufanya na kutekeleza mipango hiyo, ingawa ni jukumu lake kuzuia malaria isisambae na kuenea. Lakini utaona kwamba Serikali imeacha jukumu hilo kwa mashirika yasio ya Serikali. Ni makosa kwa Serikali kuacha jukumu hilo kwa mashirika yasio ya Serikali. Hii ni kama mzazi kuacha kulea kwa mtoto wake kwa mtu mwingine. Mtoto huyo hatalelewa vile ambavyo ungetaka mtoto huyo alelewe.

Katika sehemu ya Taita-Taveta, licha ya kutokuwa na huduma kamilifu za hospitali, Serikali imekuwa hailiti madawa kwa wakati ufaao ili wananchi kuweza kupatiwa madawa ingawa ni machache. Kumekuwa na ucheleweshaji katika ofisi kuu ya ugawaji wa madawa hapa Nairobi na pia halmashauri ya mambo ya mahospitali haijapatiwa jukumu lake ili ijue kazi inayotakikana kufanya. Hata ingawa tunaambiwa kuwa kuna ugawaji wa gharama na wananchi wanajikakamua na kufanya hivyo, wananchi bado hawaoni maana yake kwa sababu hawaoni pesa hizo zikirudi katika zahanati hizo ili kuweza kutoa huduma ambazo zingeweza kupatikana katika sehemu hiyo.

Jambo lingine ni kwamba Serikali haifai kupeana kibali kwa watu ambao si madaktari kufanya utibabu katika vitongoji vya miji. Kuna watu ambao si madaktari, lakini wana kliniki ambazo zinahudumia watu. Utaona kuwa mara nyingine mtu akienda katika kliniki hizi hapatiwi madawa kulingana na ugonjwa wake. Jambo hili huleta majanga makubwa kwa sababu utaona mtu anapopelekwa hospitali kuu kama Moi Hospital, Coast General Hospital ama Kenyatta National Hospital kwa matibabu zaidi, huwa amezoroteka kuliko vile alivyokuwa hapo awali wakati alipoanza kupata matibabu kutoka kwa wale walio na vibali vya kuendesha kliniki katika sehemu za mashambani. Ni muhimu wananchi kuona kwamba wamepata huduma mashambani ili wazuie ufurikaji wa watu katika hospitali zile kuu. Itakuwa aibu ikiwa mtu aliyetoka mashambani anapofika hospital kuu anaambiwa kwamba hana damu au sukari ya kutosha ilhali mtu huyu hutumia mboga za majani kila wakati, ambazo ni muhimu sana kwa kuongeza damu mwilini.

Ningeomba kwamba Serikali lazima iondoe gharama hizi, hasa wakati huu ambao umaskini umezidi zaidi hapa nchini. Ninasema hivyo kwa sababu ikiwa ni haba kwa mwananchi kupata kifungua kinywa, chakula cha mchana au jioni, huenda ikawa haba zaidi kupata matibabu. Ni heri Serikali ipunguze idadi ya wafanyakazi na mambo ya matumizi ya magari kwa wingi, lakini ione kwamba imepata pesa nyingi kwa kutoa madawa katika hospitali ndogo ndogo za wilaya na hata zile zilizo katika sehemu za kata ndogo ndogo mashambani.

Hoja hii ni ya maana hasa wakati huu tunapoenda kwa uchaguzi. Kila mtu ambaye anaenda kwa uchaguzi hangependelea kupoteza watu ambao wameuawa na magonjwa ambayo yangeweza kutibiwa kwa sababu alikosa huduma. Tunahitaji kupata kura nyingi zaidi kuliko tulizopata wakati ule uliopita. Ni vyema Serikali iondoe gharama hizi. Tunajua Serikali inaweza kutosheleza gharama hizi bila matatizo yoyote ikiwa zitawekwa katika matumizi ya Serikali. Hoja hii ni ya muhimu kwa sababu imekuja wakati mzuri ambao Serikali inaweza kutekeleza mahitaji haya. Utekelezaji huu unakosekana kwa sababu ya wizi wa madawa kutoka kwa maafisa wa Serikali wanaohudumu katika hospitali hizi. Kama maafisa hawa wangukuwa wanahudumia watu kikamilifu na hawana wizi, madawa haya yangetosheleza wananchi katika sehemu hizo.

Pili, mbali na kuomba Serikali ipunguze wizi wa madawa hospitalini, tungependa pia iwalipe wafanyakazi wake vizuri kulingana na jinsi hali ya maisha imepanda kwa wakati huu. Si vyema kutolipa vizuri wafanyakazi wa Serikali, hasa wahudumu wa hospitali. Jambo hili limesababisha madaktari wengi katika nchi hii yetu kuhamia nchi za nje ambazo ziko hapa Afrika kama Botswana na Malawi. Nilipokuwa ninazuru nchi hizo hapo mwaka jana, nilikuta Wafrika wengi ambao ni madaktari na wahandisi ambao wanashikilia kazi kubwa kubwa katika nchi za nje, ilhali Serikali ya Kenya haingeweza kuwalipa vizuri ili wakae hapa nchini na kuhudumia wananchi. Itakuwa makosa unapoenda nje.

Juzi, Mtukufu Rais alipoenda Zimbabwe, alionyeshwa Wanakenya zaidi ya 1,000 ambao ni wataalamu wa ngazi mbali mbali wanaofanya kazi huko. Ninashindwa kama Mtukufu Rais aliona kwamba ni aibu akili za Kenya zinahudumu nje na hazingeweza kuhudumu huku kwa sababu ya ukora na ufasidi ambao umezidi katika nchi yetu hii. Ni vyema tuweze kuwalipa wafanyakazi wote wa Serikali, na si madaktari peke yao. Inafaa tuwalipe vyema hata polisi na walimu ili waweze kutumia ujuzi wao hapa nchini, na wawe na moyo wa kuendeleza nchi yao, ili waweze kutumia ujuzi wao hapa kikamilifu. Wizi unafaa ondolewe katika hospitali. Kwa sababu ya mishahara isiyotosha, utapata wafanyakazi wa Serikali wanaiba hata nguo za wagonjwa za kulalia. Wanaweka maiti kwenye sakafu ya mortuary ili wale waliofiwa wahonge wahudumu wa mortuary ili mtu wao awekwe mahali pazuri, angalau mhuduma yule ajipatie kitu kidogo cha kujistiri yeye na familia yake.

Bw. Naibu Spika wa Muda, ninaomba kuiunga Hoja hii mkononi, na ni ya maana sana.

Mr. Omingo: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this chance to contribute to this very important Motion. I stand in support of this Motion for the purpose of giving our people what we pledged to them after Independence. As the earlier speaker said, the three issues that the Government was supposed to provide amongst the Kenyan public were: One, provision of housing; two, education, and; three, poverty alleviation. It is unfortunate that in all these three - it is not that we are doing badly - we are performing below average. To subject any Kenyan today to pay Kshs10 for a Panadol is not only a punishment but also unfair because he or she cannot afford it.

This nation is very wealthy. What happened is that people have stretched their hands and widened their pockets to impoverish Kenyans. It is deliberate in the sense that it is meant to make people poor so that they can look upon the power brokers for purposes of support. I think it is only being done for political expediency; that, Kenyans need to be poorer, to look upon the well-to-do group in support and maintenance of power and position in society. It is unfortunate that people are impoverished deliberately, because we have the resources. If you look at the process of procurement of medicine, Kenyans have experienced or have the history of supplying, if at the very most, 10 per cent of what they tender for, and 90 per cent are yet to supply oxygen or air or something like that. We are saying that they tender to supply drugs worth Kshs1 million. In effect, what they supplied is worth Kshs100,000. The Kshs900,000 gets its way into the hands of the correct or the blue-eyed boys of the system. It is shameful! I want to plead with them, and I wish they were all here to listen to me, that when you even want to enjoy these fruits, why would you want to eat the chicken, eggs and chicks? In effect, clearing the entire hen species. We are saying this is the time that we need to recollect ourselves - and if we were sensible enough - with these issues of provision of medical facilities which should be free. This Motion is coming in handy and we believe we are supposed to support it.

We had, about 20 years ago, very nice and clean health facilities. We could get all the provisions in those hospitals. Where did we go wrong? When you reply, you should tell us where we went wrong. We had an infrastructure that was working in the health centres. Health centres were operational. We had health facilities which could accommodate people. But unfortunately again, with poor planning, we never provided for the expansion of these health facilities to accommodate the patients who are growing in numbers.

Part of our problem on health is compounded by poverty. You will find a person who has been attacked by malaria or flu and who would have walked out of it is not able to stand it because he did not have a meal last night. People cannot even be able to dress well; that, when they get a flu, they cannot resist. Pneumonia gets into somebody who sleeps on the floor. Whatever you try to do in terms of resuscitating that life, it is not practically possible because again, you give drugs, but the external environment under which he or she lives cannot support those kind of drugs that you are giving, in which case people succumb to death.

We are saying that this is a sickly thing and unless the Government checks its own systems, in terms of

controlling and distribution of resources that we have and those others that we do not have, we are still going to encounter these problems.

I am glad to report, like I said yesterday, that we are moving into this transition, and we are watching things unfold. Kenyans should have something to smile about because this archaic system that has lived with us for more than 30 years is going to be brought to an end, come the end of this year. We pray that we give Kenyans hope. Kenyans should be given hope because we believe that they have the strength and energy to live on. Kenyans are like a patient in the hospital; in the ICU, for instance. But the only encouraging thing is that this "Kenyan" is alive and ready to live on. That is why we sustained the Moi system for 24 years, still waiting for this time to come, and we shall overcome. The only encouraging thing is that the patients in the hospital, the "Kenyan," is alive and is willing to live on so long as we get the right jab of medicine. That jab of medicine that we are talking about is that proper governance that we intend to introduce, come next year. I would want to see Mr. Nyenze on the other side of the divide and I will be able, perhaps, to serve him better than they are serving us today.

We are saying that this problem on health is compounded by the poverty that we are talking about. We did talk about alleviation of poverty. How do you alleviate poverty when even those farmers who are supposed to produce cannot be paid? In effect, they cannot buy food, and they need service. They are malnourished. Who does not know what happened to the medical stores in terms of procurement? The drugs that are supposed to be supplied do not reach the people they are meant for. We are saying that it is all due to that system of mismanagement and we do believe that in due course we shall be able to overcome.

We are looking at the inspectorate in the Ministry of Health. I do not think that there is anything like supervision at this inspectorate, including the meat inspectors, which is a very basic job. Why do we have numerous cases of diseases due to untidy or unhygienic supply of food? Even those people who are supposed to inspect meat are not anywhere on site. People slaughter, and consume meat unfit for human consumption simply because the Inspectorate Department or the Public Health Department is not working. That is why there is a bigger blame bearing on the Ministry. We are praying that this social system that we have put in place spends even the most minimal budget on health. The Government should wake up now and work as one compound body to supplement each other, because it is upon that we will be able to lift that burden off Kenyans, in terms of poverty alleviation, providing sufficient food and shelter. We will be able to have our people live in good health.

In fact, the Ministry has got no reason to worry too much about the budget on health provision. It is because we are overwhelmed by the bills because of the external related issues in terms of medicine. We are suggesting that in a new Government, which we hope will come in place next year, we need to provide free medical facilities. It is a very basic thing. We are losing potentially productive lives at a prime age simply because we cannot provide very basic medical facilities. We have left the insurance companies to run this show that is very expensive and unaffordable to many Kenyans. So, if we had the Government participate and improve the National Hospital Insurance Fund (NHIF), in order to make out the 400 per cent cover of the patient, that would help Kenyans as opposed to what we are seeing today, of a few companies running the medical care facilities, and it is not affordable to many Kenyans. This will alleviate the suffering of Kenyans, and this economy will grow. It will not only grow in one direction, but we need to work collectively knowing that the time of reckoning is here and we should move forward. Kenyans are watching; we are ready and determined to go forward. We have suffered enough, and we believe freedom will come.

With those few remarks, I beg to support.

Mr. Kombe: Asante sana, Bw. Naibu Spika wa Muda, kwa kunipatia nafasi hii ili niweze kuunga mkono Hoja hii ya kufutulia mbali ugawanaji wa gharama katika vituo vya kutoa huduma za afya.

Kwanza, kumwambia mwananchi atoe pesa ili anunue dawa katika kituo cha kutoa huduma za afya ni kama kumtoa kodi mara mbili. Kama ilivyosemekana hapo mwanzoni, hapa Kenya zaidi ya asilimia 56 ya watu ni maskini. Kule sehemu za mashambani, hasa sehemu ninayowakilisha hapa Bungeni, Magarini, watu maskini ni zaidi ya asilimia 90. Kodi inayotolewa na wananchi iko juu zaidi. Gharama ya chakula, nguo na mafuta ya taa ni ghali. Kwa upande wa elimu, kama vile wenzangu walivyosema, tunaambiwa tuchange ili tujenge madarasa ambayo gharama yake ni ghali. Wananchi wenyewe wanagharamia usambazaji wa maji na hata kununua vifaa.

Bw. Naibu Spika wa Muda, huduma ya afya, ambayo ni muhimu, inahitajika iwe bure kwa sababu mwananchi hawezi kujigharamia akiwa mgonjwa. Pesa zinaweza kupatikana kwa urahisi katika miji kwa sababu biashara ndogo ndogo ambazo mwananchi anaweza kufanya na kupata pesa ni nyingi. Lakini katika sehemu ya mashambani, watu hutegemea kilimo. Sehemu nyingi katika nchi hii ni sehemu za ukame. Ikiwa mwananchi anatagemea kilimo na sehemu yake ni ya ukame, ni njia gani atatumia ili aweze kugharamia huduma za afya katika kituo kilichoko karibu naye? Hili ni jambo gumu. Mimi ninaunga mkono kauli kwamba, Serikali ifutilie mbali ugawanaji wa gharama za huduma ya afya ambayo ni muhimu katika maisha ya mwanadamu.

Bw. Naibu Spika wa Muda, ugawaji wa gharama katika sehemu za mashambani umekuwa mzito, na wale ambao wameegemewa na uzito huu zaidi ni waheshimiwa wabunge ambao wamechaguliwa kuja katika Bunge.

Ninapoenda nyumbani, kilio cha kwanza ninachokipata ni kufuatwa na mwanchi ambaye angetaka kupeleka mtoto wake mgonjwa hospitalini, na hana pesa za kumgharamia. Mwingine anasema kwamba: "Nilienda hospitalini na nikaacha kule tite deed ili mtoto wangu au mke wangu aweze kutibiwa". Mheshimiwa mbunge anaambiwa mambo hayo ili aweze kulipia gharama hii katika vituo vya afya. Hili ni jambo zito, na ningetaka kuiomba Serikali iweze kufitilia mbali gharama hii, kwa sababu siyo mzigo kwa mwananchi pekee yake, ila yule kiongozi ambaye amechaguliwa. Gharama hii pia hurundikiwa madiwani ambao wanapata pesa haba. Wananchi huwaomba pesa ili waweze kupata huduma za afya katika vituo hivi. Inafaa Serikali ifutilie mbali gharama hii.

Bw. Naibu Spika wa Muda, hata pengine zile pesa ambazo zinaokotwa katika vituo hivi, hazifanyiwi ile kazi ambayo zimepangiwa. Ile pesa kidogo ambayo mwanchi analipa, inaenda mfukoni mwa daktari au afisa ambaye anasimamia kituo kile cha afya. Ikiwa inatendeka hivyo, pesa zile hazisaidii ule mpango ambao Serikali imepangia katika kutoa huduma za afya. Ningependa kuiomba Serikali iangalie jambo hili kindani. Kuendelea kutoza kodi katika huduma za afya ni kuongeza umaskini katika sehemu za mashambani.

Bw. Naibu Spika wa Muda, ningependa kuunga mkono Hoja hii. Sina mengine ya kusema, bali kuiomba Serikali ifutilie mbali ugawaji wa gharama katika vituo vya afya.

Asanteni.

Mr. Mwalulu: Mr. Temporary Deputy Speaker, Sir, I would like to congratulate my political elder brother, Mr. Mbela, for bringing to Parliament this important Motion. Cost sharing was introduced when we adopted the Structural Adjustment Programme in the mid-1980s. One thing this Motion intends to do, is to pass a verdict on SAPs which were later baptised to "liberalization". That careless liberalization has failed in Kenya, and that liberalization without guidance cannot work in a poor, corrupt country like Kenya.

Mr. Temporary Deputy Speaker, Sir, the fall back would have been if Kenya was adopted into the highly indebted poor countries like Uganda, so that this problem could be transferred to the same donors who introduced SAPs, which instead of alleviating our poverty situation, created more poverty. This country is irredeemably corrupt and, therefore, donors have no time for it. This Motion also draws our attention to the fact that we have 56 per cent of our population as absolutely poor. They cannot afford medical care. The whole blame should go to the Government which treats people like voting machines. It is in the interest of this Government to make sure that as many Kenyans as possible remain poor, so that with a tin of maize, they can vote for this Government. That is how this Government has survived. That is how this Government survives. That is the reason why provinces like North Eastern, Eastern and others are permanently on food relief. That is because without food relief and absolute poverty, this Government cannot survive in power. What we are saying, in effect, is that the Mover of the Motion is calling on the Government to come to the rescue of its own victims of 40 years. Those victims are as a result of unemployment, landlessness and political thuggery. What the Motion is seeking is for the Government to give a short-term solution to alleviate poverty and cushion the people who cannot afford medical care. But the long-term solution is to get rid of this Government! That is because this Government and corruption are inseparable! It is like a fish in water! If you remove the fish out of the water, it will die. If you get this Government out of corruption, it will collapse. The Government cannot survive without poverty.

Mr. Temporary Deputy Speaker, Sir, when we talk about cost-sharing, one wonders which medicines are you cost-sharing about! The Ministry of Health is basically moribund! Even if you waive cost-sharing fees, there is no medicine on which to cost-share. Our hospitals are not equipped. Even basic equipment like X-Ray machines are lacking in as big hospitals as district hospitals! I am talking from experience because in Taveta, until very recently, the X-Ray machine had disappeared. It took a lot of time for it to be restored. Until only recently, we were talking about the collapse of the mortuary fridge at the Voi District Hospital. For months, preservation of corpses at the Voi District Hospital was done without a fridge. So, even if we waive cost-sharing, which doctors are going to treat those people? We have more trained Kenyan doctors outside this country than within! Are we going to waive cost-sharing, so that our people can be treated by quacks? Before we address the question of waiving cost-sharing, could we address, first and foremost, the plight of doctors who had to run away from this country because they were not paid according to their qualifications? How do we address the brain-drain in that sector?

Mr. Temporary Deputy Speaker, Sir, public hospitals have no medicine. I have a very practical example. The people of Taveta are more comfortable being treated across the border in Tanzania than in Taveta because there is no medicine. Poor as those people are, they have to dig their hands deep into their pockets to go across the border and be exploited there! That is because they are treated there as foreigners! Therefore, they are exploited as foreigners! It is a shame that the people of Kenya can rely on a foreign country for medical care.

Mr. Temporary Deputy Speaker, Sir, you know that, nowadays, Members of Parliament are the equivalent of medical officers. Doctors' subscriptions reach Members of Parliament faster than they reach the chemists! We are very much burdened as Members of Parliament because we have to take care of even the smallest medical bill. We have to pay mortuary fees. If somebody is admitted and they cannot settle the admission fee, it is the Member of

Parliament who shoulders that burden. The media is to blame! I am a journalist and I know that the media have written that Members of Parliament receive Kshs500,000 per month. So, all manner of problems are brought to the Member of Parliament because they earn Kshs500,000, which is half a million! We receive all manner of problems to address with our own money. So, Members of Parliament are called upon to cushion the victims of poverty that is created by this Government.

When we talk about poverty eradication, I believe no Kenyan wants to be given a fish every day. What Kenyans need is to be taught how to fish and then give them a net and a fishing line and hence, they will go and fish. In Taita-Taveta District, we do not need to be rescued and given relief food. What we need is this:

- (a) Release land to the locals.
- (b) Avail water to the locals.
- (c) Tame rogue wildlife like elephants.
- (d) Improve roads.

Once you do that, this Government, or the NAK Government that is coming next year, can leave us alone! The whole of Coast Province population are all squatters in land belonging to either absentee landlords or present landlords. In Taveta, we are squatters of only two landlords. How do you expect to eradicate poverty in a place where a whole sub-district is owned by two individuals? Where do we do our farming? We have a lot of water but how do we utilise that water on somebody's land? You cannot alleviate poverty if you do not address the basic needs of the people. In Taveta, the basic need is land.

Mr. Temporary Deputy Speaker, Sir, turning to wildlife, my men in Taita-Taveta cannot join their wives in bed at night because of keeping vigil to keep away elephants which come to terrorise them and destroy their crops. Whereas Taveta is very well known as the number one producer of horticulture, which is relied upon by a whole---

With those few remarks, I beg to support.

Mr. Badawy: Ahsante sana, Bw. Naibu Spika wa Muda. Nasimama kuiunga mkono Hoja hii, na hasa kutokana na ile sababu iliyotolewa, kuhusu sababu yenyewe halisi ya umaskini. Ni matumaini yangu kwamba Wizara ya Afya itazingatia swala hilo kikamilifu na kutekeleza, kwa haraka, yale maoni yaliotolewa kulingana na Hoja hii, na yalioungwa mkono na waliotangulia kuzungumza.

Bw. Naibu Spika wa Muda, tumeongea mara nyingi hapa juu ya umaskini na hatua ambazo Serikali yetu imepanga kutatua kuondosha tatizo la umaskini. Lakini kwa muda ambapo mambo hayo yako katika vitabu tu na kurasa za madaftari kama Miswaada ya kutaka kuondosha umaskini, hakujaonekana juhudi yoyote ya kutekelezwa, tukiwa na kile kisingizio tunachokitoa kila siku, kwamba wafadhili wamefunga pesa, pasi na kuangalia uwezo wa mifuko yetu wenyewe, na pesa zinazotokana na ushuru wa wananchi. Tatizo hilo litaendelea kutumiwa kama "slogan" au neno la kisiasa tu! Kama ni Serikali hii ama nyingine, bila ya kuwa na nia na kuelewa matatizo ya wananchi halisi, basi swali hili la uzito la kukabiliana na gharama za matibabu; na kama ambavyo kuna tatizo la kukabiliana na gharama za elimu; kama ambavyo kuna tatizo la kukabiliana na mambo mengine yote yaliokuwa shabaha kwa Wakenya walipopata Uhuru - kupambana na ujinga na umaskini - hayo yote hayataweza kutekelezwa. Katika hayo, hili la matibabu ni jambo muhimu sana.

Bw. Naibu Spika wa Muda, ni jambo la kushangaza kwamba Serikali yatoa chakula cha ufadhili cha kusaidia wenye shida. Wakati huo huo, lakini, wale wanaouga kutokana na njaa au maradhi hawapati usaidizi wowote! Serikali inapotambua kwamba kuna haja ya kusaidia watu kwa chakula, ni dhahirisho kwamba inatambua kwamba kuna umaskini. Hii ni kwa sababu kiwango cha mwisho cha umaskini ni kile cha watu kutoweza kujitosheleza na chakula. Kama ni mambo ya matibabu, kutoka jadi, watu wana njia zao za matibabu ya kienyeji, lakini kampeni iliyofanywa na madharau yaliyoonyeshwa juu ya matibabu ya kienyeji iliwafanya watu waamini matibabu ya hospitali zaidi. Jambo hili limewafanya watu wadharau sana matibabu ya kienyeji kiasi cha kwamba usaidizi ambao wangepata kwa matibabu ya hospitali hauko---

Serikali na wanasayansi wa Kenya wamegundua kwamba dharau liloonyeshwa kwa matibabu ya kienyeji limeleta hasara kubwa sana wakati ambapo mwananchi wa kawaida ambaye tunamzungumzia hapa leo hawezi kukabiliana na gharama ya juu ya matibabu ya hospitali.

Bw. Naibu Spika wa Muda, kuna ushahidi gani mwingine zaidi ya ule wa kuwa idadi ya watu wanaoenda kutibiwa katika zahanati zetu hasa za vijijini inaanguka kila siku? Hilo ni dhahirisho kwamba watu wanashindwa kukabiliana na gharama ambayo imeweka. Ni wazi katika Kenya nzima, na ninataka kuzungumza juu ya Malindi kwamba idadi ya wagonjwa ambao wanaenda katika zahanati, na hospitali ya wilaya inapungua kila siku. Zamani, ulikuwa unaenda kupiga foleni hospitalini kuanzia saa kumi na mbili asubuhi hadi saa kumi na mbili jioni bila kupata matibabu. Leo unaweza kwenda na baada ya nusu saa umemwona daktari mkubwa na kuhudumiwa. Siku hizi ukienda katika hospitali ya Serikali unachukuliwa picha ya X-Ray au kupimwa katika mahabara haraka. Hii inamaanisha kwamba idadi ya watu wanaoenda katika hospitali za Serikali ni ndogo sana. Jambo hili lisichukuliwe kumaanisha kwamba idadi ya wagonjwa imepungua sana. Idadi ya wagonjwa ni kubwa sana lakini watu hawawezi

gharama ya matibabu katika hospitali za Serikali.

Masikitiko zaidi ni kwamba mbali na wale watu ambao wanaugua maradhi ya kawaida, hata wale watu ambao wanapata maafa katika maeneo ambayo yanahudumiwa na mashirika ya kiserikali kama Shirika la Wanyama wa Pori (KWS)--- Wale watu ambao wanashambuliwa na wanyama wa pori hupelekwa hospitalini na maofisa wa KWS na kuachwa huko. Hata baada ya miaka mitano, kuna kesi ambazo KWS haijalipa fidia. Malindi, sasa zaidi ya miaka sita imepita na watu walioshambuliwa na wanyama wa pori hawajalipwa fidia. Kwa hivyo, hata wale watu ambao wanashambuliwa na wanyama wa pori na kupelekwa hospitalini na raia au na maofisa wa KWS, hawalipiwi zile gharama. Kuna mifano kadha wa kadha ambayo tunaweza kutoa kuonyesha kwamba KWS, mbali na kwamba imeshidwa kuhudumia wananchi kwa kuwalipia fidia wale ambao wanashambuliwa na wanyama wa pori, hata kugharamia huduma ya kwanza au wale wagonjwa ambao wanalazwa--- Ni juzi tu wagonjwa watatu kutoka Tana River walipelekwa hospitali ya wilaya ya Malindi ambapo walikaa zaidi ya wiki sita kwa sababu hakukuwa na watu wa kuwadhamini kwa sababu ya gharama kubwa inayowakabidhi.

Wengine ambao wana shida kama hiyo ni watu ambao wanapata ajali. Raia anapogongwa na gari na kuumia, anapelekwa hospitali na Wasamaria wema lakini baadaye hakuna mtu anaenda kumwanganalia hospitalini. Mtu huyo hapati matibabu.

Kumekuwa na mapendekezo kwamba budget ya Wizara ya Afya ingekuwa kubwa zaidi. Lakini hata yale mashirika ambayo yanaendesha shughuli za Wizara ya Afya kama National Hospital Insurance Fund (NHIF) hayashughulikii mwananchi wa kawaida. Hata mapendekezo ambayo yamepitishwa na Bunge hili yaonekana yanalenga watu ambao wako sawa. Raia wa kawaida hana kazi na kwa hivyo hawezi kuchangia NHIF. Raia huyu hakufikiriwa kamwe. Jana katika uwanja wa Uhuru, shirika hili lilidhamini mambo ambayo hayana maana. Mimi ninazingatia kwamba hayo yalikuwa ni mambo ya upuuzi. Kulikuwa na sherehe za michezo na nyimbo. Pesa kama zile zingetumiwa kununua dawa na zipelekwe katika hospitali zetu. National Hospital Insurance Fund ingeangalia namna ya kusaidia katika ile gharama ambayo inamlema mwananchi wa kawaida. Shirika hili lingesaidia hospitali za umma ili gharama hii ya ugawanyaji ikaondolewa.

Pia, mpango wa out-patient ungechukuliwa na NHIF. Mbali na hayo, kuna hospitali za kibinafsi ambazo ni za makanisa na watu binafsi ambazo zinatoa matibabu kwa bei nafuu sana. Shirika la NHIF lingekuwa na ukarimu wa kusaidia hospitali kama hizi badala ya kununua ambulance na kuzipeleka katika sehemu zingine ambazo hazihitaji huduma hii. Kwa nini gharama kama hizo zikabidhiwe Serikali wakati kuna wafadhili kutoka nchi mbali mbali na mashirika kadha wa kadha ambayo yanataka kusaidia? Shirika la NHIF lingeangalia namna ya kuwasaidia wagonjwa wa kawaida ambao wanalazimishwa leo kutoa pesa za gharama ya ugawanyaji.

Bw. Spika wa Muda, ningependa kupongeza wale watu ambao wanasimamia matibabu katika hospitali ya wilaya ya Malindi. Pia, ningependa kuwapongeza madaktari na kamati ya hospitali ya wilaya ya Malindi kwa usimamizi bora sana. Ninaitaja hospitali hii hapa kwa sababu kama mpango huo wa ugawanyaji wa gharama ungekuwa ni wa kufaulu basi ungefaulu katika hospitali hii ambapo timu ya madaktari na kamati ya hospitali hii iliyochaguliwa na Waziri inafanya kazi nzuri sana. Lakini kwa sababu mpangilio wa ugawanyaji wa gharama hauwezi kupangika vizuri, hata kamati ya hospitali ya wilaya ya Malindi na madaktari wakiwa wazuri haiwezi kuwa na faida. Bado wagonjwa ambao wanaenda katika hospitali ya wilaya ya Malindi na zahanati zake hawajanufaika.

Bw. Spika wa Muda, mwenzangu hapa amesema kwamba wagonjwa wengi wanaenda ng'ambo kwa matibabu. Kuna wagonjwa wengi sana ambao wanaenda India kwa matibabu. Jambo la kuaibisha kabisa nchi yetu ya Kenya na Wizara ya Afya ni kwamba wagonjwa wanatoka hapa na kwenda Moshi kwa matibabu na gharama duni kabisa. Upasuaji ambao unagharimu karibu Kshs200,000, Wakenya wamegundua kwamba wanaweza kuipata huduma hii huko Moshi kwa madaktari wenye clinic zao za kibinafsi kwa Kshs40,000. Hizi pesa ni kama Tshs100,000. Ni kwa nini gharama ya matibabu katika hospitali zetu za umma au za kibinafsi ni juu kuliko katika nchi jirani yetu ya Tanzania? Ni kwa sababu madaktari wetu wanapenda pesa kuliko wale wa Tanzania, au ni kwa vile gharama za matibabu hapa--- Ni kwa sababu gani? Hili ni jambo ambalo Wizara ya Afya ingechunguza. Inafaa Wizara ya Afya ichunguze ni kwa nini wananchi wa Kenya kutoka Mkoa wa Pwani wanasafiri kwa wingi kufanyiwa upasuaji hata wa moyo huko Moshi, Arusha na Tanga kwa bei nafuu, na ukienda katika hospitali ya umma ya wilaya yoyote hapa nchini gharama inakuwa juu zaidi.

Umaskini unapaswa kutatuliwa kwa njia mbali mbali kama vile Wabunge wengi wamesema. Kuweka gharama ya cost-sharing kwenye elimu, matibabu na huduma zingine ambazo Serikali ingetoa bure kwa vile inapata pesa nyingi kutoka kwa kodi haina maana. Tunakosa kutambua kwamba lengo kubwa baada ya kupata Uhuru lilikuwa kupambana na maradhi na ujinga.

Kwa hivyo, ninaiunga mkono Hoja hii. Ningependa kuiomba Wizara ya Afya na Bunge hili lifikirie kuongeza maradufu budget ya Wizara ya Afya. Ninaunga mkono fikira zote ambazo zimetolewa. Mimi, kama mwanachama wa PIC, ninafahamu vile pesa nyingi sana zinaporwa kwa ufisadi. Inafaa iangaliwe vile pesa hizo zitahifadhiwa ili ziwaisaidie wananchi. Hii itafanya jambo la cost-sharing ambalo ni mzigo kwa wananchi liondolewe.

Bw. Naibu Spika wa Muda, ninaunga mkono Hoja hii.

The Temporary Deputy Speaker (Mr. Imanyara): Order, hon. Members! As you are aware, Mr. Speaker did allow this Motion for the Adjournment under Standing Order No.20 under a matter of definite urgency and national importance.

MOTION FOR THE ADJOURNMENT UNDER STANDING ORDER NO.20

GOVERNMENT HANDLING OF ONGOING TEACHERS' STRIKE

The Minister for Water Development (Mr. Ngeny): Mr. Temporary Deputy Speaker, Sir, I beg to move that the House do now adjourn.

Dr. Kituyi: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity. I Move the Motion of the Adjournment of the House to discuss a matter of urgent and definite national importance; namely, the on-going strike by teachers in public schools.

The Temporary Deputy Speaker (Mr. Imanyara): Order! Sorry, Dr. Kituyi, let me just inform the House that, the rules do allow a maximum of ten minutes for an hon. Member contributing. But, this is a matter that a lot of hon. Members wish to contribute to. So, I propose that every hon. Member be allowed to take five minutes, and the Mover and the Minister be allowed ten minutes each.

(Applause)

Dr. Kituyi: Mr. Temporary Deputy Speaker, Sir, I want to start off by congratulating the teachers of Kenya for two different reasons. That they are responsible for the enhanced capacity of Kenyans to understand themselves and see what is going wrong in the country, and to try to correct what is going wrong in the country.

Our intellectual and mental faculty has been enhanced mostly by the teachers of Kenya. While very many times we celebrate the product of their investments, we rarely acknowledge the important role they have played to this nation.

Mr. Temporary Deputy Speaker, Sir, I also want to congratulate the teachers of Kenya, particularly those who are members of the Kenya National Union of Teachers (KNUT), for one thing: They have been very patient, they have been working under extreme provocation, they have been victims of attempted intimidation; they have been belittled, but they have soldiered on with honour. They have shown a variance and resilience that is very rare in this society.

The KNUT strike which started on 23rd of September, instead of receiving respect and necessary attention from the Government, has received insults and threats. In many societies and many trade unions, the consequence of that official response would have been picketing, destruction of property, threats to due order. But the teachers of Kenya have held a consular of reason and refused to be provoked. I wish to thank them for that.

Mr. Temporary Deputy Speaker, Sir, this House has had occasion before to discuss the problems around which the current strike is being held. The very binding commitment of the Kenya Government, after the negotiations of 1997, which were fully published in the *Legal Notice No.534 of 1997*; particularly with the details of remuneration on page one, two, three and four of that *Legal Notice No.534 of 1997*. There has not been any dispute about the validity of that *Legal Notice*. There has not been any dispute that the Kenya Government, willingly and freely without any coercion, undertook a very massive exercise; it bound the Kenyan taxpayers to a very hefty bill. It even agreed on the schedule of disbursement of honouring that bill. Two different things have happened since that time; the first one, that the Government without any regard to the legality of its commitment, has not appeared to attempt to implement a contract it entered on behalf of the Kenyan taxpayers.

There is a problem! If the Government belatedly, and this is not belated, discovers that it has bound itself to something it is not capable of doing, it can try to approximate rationality by acting as if it trying to implement and say: "We have been trying, but we are able to do this, but we are not able to do the rest." The realisation that the agreement was beyond the means of this Government was not belated; the Government was aware of what it was doing. So, we can only understand that the original commitment by the Government was only driven by the short-term political interest of assuaging teachers and using this promise to run away with an election victory later on that year. Since that election, the Government has done absolutely nothing to honour its commitment.

Mr. Temporary Deputy Speaker, Sir, the argument is that there is no money; yes, there is not too much money and some of the reasons have nothing to do with teachers; it has to do with sticky fingers of people in the Government, the conspicuous consumption. I cannot understand that a Government can complain it does not have money to pay the teachers what it owes them, and the Presidential Motorcade has 74 limousines; to maintain 74 limousines, the arrogant

affluence you are displaying in the midst of the poverty of teachers, even when you have promised them---

Mr. Temporary Deputy Speaker, Sir, there is a second and important thing. In the period since 1997, in the so-called attempt to harmonise between employees in the Civil Service, teaching profession and other professions; whenever the Government has been making non-salary benefits increases to civil servants, there has been some increases to teachers as well, in tandem with civil servants. If the Government was serious to honour its commitment to teachers, what it could have done is to consolidate those haphazard increases of alternative benefits and topped that to make it Phase II. The teachers of Kenya understand, they know that you have looted so much and you are not able to pay what you owe. But, if you consolidated the non-salary benefits, which are outside the framework of negotiation, and considered this as part of Phase II, these teachers would have said the Government is attempting to do something. Instead, the Government says that it has no money, you give certain non-negotiated package improvements, in tandem with the civil servants, but you do nothing about the contract you signed with the teachers.

Mr. Temporary Deputy Speaker, Sir, a binding contract is a contract. If I employ you as my watchman, at a fee of Kshs1,200 per month, and in the middle of the month I am robbed, you will know that I am robbed, but I still owe you Kshs1,200. I do not talk to you arrogantly, if I employed you. You bound yourselves, you are the party that should be seeking the indulgence of teachers, not asking them to seek indulgence from you. What do we see, instead? We see a Minister for Education who is displaying the most extreme arrogance; like the Judiciary of Kenya, he pretends to do things that he is incapable of doing! He announces that now teachers will not get their September, 2002, salaries, and that he will replace striking teachers by other teachers. Where does he get the temerity to insult teachers and all other persons of this country like that?

I wish the Minister was listening to me because he is in here. How does he expect teachers to respect him and enter into negotiations with him, if he thinks he can threaten to withhold their salaries? Does the money come from his tea estates, or it is the taxpayers' money?

Mr. Temporary Deputy Speaker, Sir, the second and related matter, if this Government goes ahead and hires unemployed teachers - and they are very many - there is under-staffing already because of mismanagement of the education sector. You hire teachers to step in because you are trying to break the strike, the strike ends; what do you do with those teachers that you have hired? You are creating a political problem for the next Government. Because you know that you will not be there, you will not bother about how it will be solved. This scorched earth retreats, the way you destroyed the economy in 1992, because you feared that you might be defeated, by printing paper money to finance the election, you did not give a damn about what was going to happen afterwards. So, you want to do the same, create an infrastructure of conflicts; polarise education---

Mr. Temporary Deputy Speaker, Sir, what is required today, is that, hon. Members must add their voice to the calls of the people of reason. Salute the teachers of Kenya! They have decently, and in a civil way, asked for what is theirs by right. But, secondly, stop this confused signal of brinkmanship, stop this posturing by the Minister and other personnel in the Ministry of Education, Science and Technology. Get away from pretended negotiation where you just call people for cosmetic appearances. Have structured formal negotiation about when are you going to implement, at least, one phase, and create infrastructure for peaceful resolution of this matter, to allow for the next Government to generate resources to go to other phases; or even renegotiate other parts of the contract.

Similarly, it is foolhardy, dangerous, and wrong for Kenya and this Government to pretend today that it can look beyond the teachers who are on strike and organise to go on with examination, as if nothing has happened. You are going to dilute and abuse the quality of examinations, invigilation, and marking; the worst of all, the certificates that will be given to our children at the end of those examinations. Bury your prides, accept the reality; you have bungled out things and you have to live with the buckets. There is no way you can have a decent and acceptable examination going on under the current circumstances! Talk with the teachers, admit that it is going to interrupt the academic cycle; but there is no way we can have an acceptable examination undertaken under the current circumstances. To so attempt, in fact, is to provoke for bickering behaviour which would add to the tensions that have been mushrooming in our country in an election year. Do not do anything irresponsible to add to tensions in an already very tense situation. Do not do anything irresponsible to make it even more difficult for teachers to sit down with you, at this time, in your sunset months, to negotiate anything decent about how to resume the education system. Let the Government start by showing good faith. If this Government is incapable of showing good faith, let this House express its outrage at the abuse of teachers and our children. Let this House salute private schools such as Kilimani Junior Academy, which voluntarily showed solidarity with the public schools. Unless Members of Parliament show concern that we share in the plight of our teachers, and that we share in their frustration, because they have been victims of an injustice that cannot be justified---

Mr. Temporary Deputy Speaker, Sir, this Government has been talking about harmonising the salaries of civil servants with those of teachers. The Government did not negotiate with teachers about harmonising salaries for civil servants. The Government negotiated with teachers in accordance with the law about their benefits. If the Government

wants to harmonise the salaries of civil servants, it should negotiate with them on how to improve their benefits so that they can be similar to those of teachers.

The Minister, his Permanent Secretary and the Kenya National Examinations Council (KNEC) should not, in any way, add insult to injury by pretending away the weight of the problem they have created. President Moi's Government cheated teachers about salaries in 1997 and stole an election. That chicken is coming home to roost; it will take an election from them this year.

Mr. Wamae: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to very strongly support this very important Motion.

Everybody knows that teachers in Kenya have been very patient and responsible. They are striking in a way we have never seen before. They have not gone into destruction of property; they have been very considerate. It appears that, in the process, the Minister for Education is taking advantage of this goodwill. Why has the Minister decided that he can abrogate that agreement that the Government signed with the teachers in 1997? How can one party to an agreement, that was signed freely and democratically, abrogate it? The Minister should have sat down with the Kenya National Union of Teachers (KNUT) to agree on how the agreement could be changed, or altered, if the Government realised that it could not fulfil its obligations.

We know that 1997 was an election year, and the Government needed the votes of the teachers. So, it entered into an agreement knowing that it would not implement it. I hope that the Government now realises that this cannot continue any more. This is another election year, and the teachers are not going to give the Government their votes for the way it has mistreated them.

Thirdly, we do not accept that new teachers should be recruited to replace the striking ones. Who is going to pay the new teachers if the Government has failed to pay the ones already on its payroll? What will the Government do when the striking teachers go back to the classroom? Will the Government pay both the old teachers as well as the new ones? This House and the country are with the teachers and the KNUT. We are supporting them fully. In this case, the Government has failed and should, therefore, apologise to the teachers for mishandling their strike.

For a strike involving 234,000 teachers to go on for three weeks is unacceptable. The strike has occasioned so much loss to parents and everybody else in this country. Parents have paid fees, so that their children can be taught but children are at home because the teachers have downed their tools. Why can the Government not sit down with the teachers and offer them something? If the Minister cannot afford the Kshs28 billion in respect of the salary increment it awarded the teachers, why has he not offered them Kshs14 billion? Why has the Government not offered the teachers Kshs7 billion? What has the Government offered the teachers, so that they could go back to the classroom?

We do not want the Kenya Certificate of Primary Education (KCPE) and the Kenya Certificate of Secondary Education (KCSE) examinations to be invigilated by soldiers, police officers and other persons who are not trained in matters of education. That will affect the level of the performance of students. The examinations should be postponed until the teachers' strike is over, so that teachers responsible for invigilation and marking of the exams can resume work. So, we do not accept the short-cuts being planned by the Minister.

We have seen so much arrogance, right from the Head of State, who has continued to say that the Government has no money to pay the salary increment it awarded teachers, down to his Minister and Permanent Secretary, who reiterated his position on the matter. That is not a solution to the problem. The solution is for the Government to sit down with the teachers, negotiate and agree with them. If the Government has made mistakes, it should look for a way of correcting them for the welfare of our children. We should not forget that teachers are also parents. They have children in schools, whom they want to excel. Teachers are also Kenyans; they are patriotic. If a problem has arisen, why not sit down with them and genuinely agree on what to be done?

We know that Kenya spends Kshs14 billion on the Department of Defence, and yet we are not at war. Why can we not take some money from that Vote? We are spending over Kshs17 billion on the Office of the President. Why can we not take a few billions of shillings from this Vote? We are spending Kshs3 billion on the National Security Intelligence Service (NSIS). Why can we not take one billion shillings from this Vote? That way, we can raise funds with which to pay the teachers something small, so that they can go back to the classroom. The money can be found if there is good will.

As the Mover of this Motion correctly observed, there is the affluence which the Government exhibits through the presidential motorcade and the aeroplanes that fly throughout the country, campaigning for KANU. That is the money which should be used to pay the teachers. The Government cannot say that it does not have money to pay the teachers and then buy new Mercedes Benz vehicles for the Presidential Motorcade. If the teachers should tighten their belts, then everybody else, right from the President downwards, should do the same. We should not expect the teachers alone to tighten their belts.

With those remarks, I support.

Mr. Musila: Mr. Temporary Deputy Speaker, Sir, I rise to add my voice to that of other hon. Members who

have expressed their concern over the teachers' strike.

Mr. Temporary Deputy Speaker, Sir, this country is in a crisis as a result of the teachers' strike. As we are all aware, the teachers' action is completely justified. It is the Government's failure to implement an agreement it entered into with the KNUT that has prompted the teachers to strike. The Government has continued to give reasons for not having implemented the agreement, one of them being that the economy is doing badly. One wonders who manages the economy. It is the Government which manages the economy. So, the Government was responsible for ensuring that the economy performed well enough to enable it meet its obligations. So, that is not an excuse.

Some hon. Members have already pointed out some areas where large sums of money are being spent unnecessarily. Given that we have a crisis of this magnitude in the form of the teachers' strike, some money can be drawn from certain Votes to give the teachers something small. Another reason the Government has advanced is that the donors have not released aid to Kenya. One wonders whether when the Government entered into the agreement with the KNUT the donors were not party to that agreement. Why should the Government draw the donors into this agreement? I believe that it is wrong and irresponsible for the Government to keep on giving excuses on a matter it considered and signed an agreement.

It is sad that instead of sitting down with the teachers to negotiate an amicable solution to the problem, the Government has resorted to armtwisting and intimidation of the teachers. The Government has stopped the teachers' salaries so as to intimidate them, so that they can go back to the classroom. The Government has also threatened to evict teachers from residential houses, and went further to illegally cancel the agreement it entered into with the teachers in 1997. Further, the Government has threatened to recruit new teachers to replace the striking ones. I could not believe my eyes when I watched a policeman on television draw a gun in Nakuru and aim it at a teacher, who was peacefully demonstrating in support of his cause.

The Government has not given this crisis priority. Currently, priority is only being given to the "Uhuru Project". I say so because all the public resources, comprising of Government vehicles, Provincial Administration officers, the Kenya Broadcasting Corporation and Cabinet Ministers, are being used to campaign for the project. There is nobody in the Government who is interested in the crisis facing the country. When I visited my constituency two days ago, I was approached by an old lady who asked me: "Mheshimiwa, why does the President not talk about the teachers nowadays? How come the Government is no longer talking about the teachers? What are we going to do?" The parents and the teachers are crying, but the Government is doing nothing. This is a big shame. Chances are that the Government is not likely to take any action because its life is only two-and-a-half months from now. What will we do? The country is in a crisis, our children are at home and they are supposed to sit for national examinations any time from now.

Mr. Temporary Deputy Speaker, Sir, the Government should renegotiate with the teachers immediately so that they can go back to work. It should offer whatever it has to the teachers for them to go back to work. If the Government does not do that, I am afraid that the only solution will be for the parents, teachers and all right thinking Kenyans to unite and vote the Government out during the next general election.

With those few remarks, I beg to support.

Mr. Munyasia: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity also to contribute to this Motion.

There is one mistaken notion that the Government hurried to accept the demands of the teachers in 1997 because it was facing a general election. This is not true. Negotiations under the Teachers Service Remuneration Committee had been going on for a long time, and it was not politicians who were negotiating with the union. It was civil servants, including the Secretary, the Teachers Service Commission (TSC) and the Finance Officer in the Ministry of Education, Science and Technology. Those are the people who saw that teachers had a good case to have an increment of their salaries. The Government only asked the teachers to agree to have the increment implemented in five phases instead of three phases. So, the Minister for Education cannot come around now and say that teachers should forget about the 1997 salary increment agreement.

The officers whom the Minister assigned the job to look into the teachers' salary increment were responsible to him. The officers should have consulted the Minister at each stage, so that when the agreement was made under the Section 14 of the TSC Act, he would have had no alternative but to effect what had been agreed to by the Teachers Service Remuneration Committee. We brought this issue to the attention of the Minister in March, this year. The Departmental Committee on Education, Research and Technology told the Minister that he could appoint a new Teachers Service Remuneration Committee to undo what an earlier one had done. If some of these people were lawyers, they would understand better that if you have got a case before a Magistrate Grade II, and he has ruled and you do not agree with the ruling, you do not take the case again to another Magistrate Grade II. You do not appeal that way. So, the Minister cannot say that the Budget was drawn up when he was unaware of the teachers' salary award. Instead, I can see that the Minister trusted in one thing. He trusted that the Government had some muscle and could

armtwist the teachers. So, it behaved like a tyrant. If a bully knows that he is physically fit, he can pull out of a commitment by threatening to beat up the other party.

The Minister said that he will not honour the teachers' salary increment. He then turned to the union and told its officials that he would not give them the proceeds of the check-off system. The check-off system was never tied to that particular agreement. This is something that every employer will do when an employee asks him to make a deduction and remit it to a particular agency. Employees do it in favour of insurance firms. Employees instruct employers to deduct so much of their money and remit it to the insurance companies and co-operative societies. When teachers instruct their employer to deduct so much money and remit it to KNUT, why should the Minister stop it? He just wants to armtwist the KNUT.

The Minister should be told that there are things that have been done in this country just by the Government looking around. I do not know where the Government gets the money from. For instance, you are aware that this Parliament had only to regularise the expenditure on the building of the Eldoret International Airport after the event. Where the Government had got the money from, we do not know. But that is a precedent. It is evidence that this Government has sources from which it could get money to pay the teachers. Since this is a serious matter, the Government could look around; maybe it can put on hold some projects and raise a little money to implement Phase II of the teachers' salary increment, which they are asking for. This may be something like Kshs4 billion. Why should that not be done?

Having said that, we should also look at the children. Children have been prepared by the teachers for four years and others for eight years, and are ready to sit for national examinations. I would like to appeal to the two parties to take this as an urgent issue. We should not delay the examinations that the children are so prepared to sit for. Both sides should consider the fact that the parents and the children will suffer, yet, they are not parties to the dispute.

Mrs. Mwewa: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to say something about the teachers' strike.

Every Kenyan, including hon. Members of Parliament, is concerned about the teachers' strike. I am concerned a lot about what happened in 1997. There was dialogue between the teachers and the Government. In the first place, how did the Teachers Service Remuneration Committee determine the amount of money to be awarded to the teachers? Why did the Committee vary the amount? Teachers deserve the salary increment. Where did the Government expect to get money from to implement the teachers' salary increment in 1997 and where is that money now? Why did the Government not implement the teachers' salary increment?

I am a former teacher, and I know the problems that teachers are faced with. I also know that the Government does not have money now, but we request it to come up with something small for the teachers. I am concerned about the 1997 salary increment agreement between the teachers and the Government. Where did this money go to?

Mr. Kiunjuri: Mr. Temporary Deputy Speaker, Sir, it is true that the Government negotiated with teachers and there is nothing new to discuss. Those who sat around that table are qualified Kenyans. You can go through that list and you will notice that they are well educated and highly qualified. They must have been managers and they must have understood the law of contract very clearly. Even to date, the Minister, before even issuing the revocation of the Gazette Notice, would have considered the law of contract clearly to ascertain that there is no rapture of time and if there was any rapture, he occasioned that rapture and, therefore, he is liable even for damages.

Mr. Temporary Deputy Speaker, Sir, secondly, the agreement was signed and he was supposed to call the other partner so that they could renegotiate before he could be able to liquidate that contract which he never did. The teachers and the Government are very much alive. None of them is dead so that they can liquidate that contract. All those issues could have been considered by the Minister and, whichever way, any decision he made was retrogressive. It cannot be accepted in this country. It was primitive. We cannot sit down and watch a Government behave as if they are acting from the bush. This is not a rumble whereby you are expected to do whatever you want in the streets. You are running a Government and you are supposed to be responsible.

Mr. Temporary Deputy Speaker, Sir, the Minister said at his discretion that teachers have already been fired and then the other day he said that there would be no further deductions. Teachers are not stupid. They understand these things. In the first place, you have stopped their salaries. In that case, where do you expect the deductions to come from for the Kenya National Union of Teachers (KNUT)? You are telling Kenyans that you are only intimidating the teachers which should not be accepted. The following day you are calling on school leavers with C plus grades to apply and start teaching under the pretext that you are going to employ them. We are talking of generics; not even generics since we require original teachers. We cannot allow the Minister to wake up and run this country as if he is running his own *shamba* where you can say this today and then tomorrow you say whatever you want. This cannot be accepted by Kenyans.

Mr. Temporary Deputy Speaker, Sir, teachers are very important. There would be no Ministers, lawyers and professors in this country without teachers in this country. We are talking of manufacturers. We must service those

industries. They must be oiled. We are telling the Government to oil and service its machines for them to produce high quality products. Teachers are 240,000 in number. You cannot ignore that number and I am calling upon the teachers in this country to completely ignore the Minister's directives. If they can transform themselves today into political party and if every teacher and his or her family can make an addition, they will have 2.4 million votes. They are even more powerful than the Rainbow Alliance. We are requesting them to do that. They should come and negotiate with us to remove this Government which we can do comfortably. We are also calling upon the teachers to contribute, even it is Kshs1 each, and that will add up to Kshs240,000 and that is enough to take this Minister to court. We as the parents will ask the teachers to contribute one shilling each to sue this Government on behalf of the students.

Mr. Temporary Deputy Speaker, Sir, we cannot ignore the facts. We are tired of waiting for this Government to take responsibility. The syllabus is very crucial and we cannot ask anybody who has never seen a classroom to come and teach a syllabus. We cannot tell anybody to invigilate exams if he does not know the functions and operations of a teacher. I am personally a teacher and that is why I can speak with a lot of authority. We cannot allow that to happen. We shall even move to court to bar the Teachers Service Commission (TSC) from conducting the examinations because they are not qualified to do that. What the Minister is telling us is that he is not qualified to do it. Kenyans know that also. You are telling Kenyans who are the parents to go to the streets now and join the teachers in solidarity. This is not only for teachers, but this is for us since we pay the school fees, buy books and construct buildings. We pay for everything and we are only asking the Government to fulfil its obligations. We do not require to go to the High Court to do that. The Government is responsible for all this since they signed the agreement. Now we are just about to hold the next general elections. Who are you to call Project Uhuru who is speaking as if he is now the President?

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Kiunjuri, your time is up! Mr. Angwenyi!

Mr. Angwenyi: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity. Teachers are professionals, and on 8th October, 1997, this House discussed the issue of teachers' salaries. This House decided, in its wisdom, that teachers should be given the amounts they had agreed with the Government to be paid as increments. The amount for the first phase was paid. The second phase, which amounted to Kshs12 billion from 1997 has not been paid. The next amount was Kshs11 billion and it was slated to be paid in 1998. The fourth amount was Kshs5 billion and it was slated to be paid in 1999.

The Government made a commitment to these teachers that they would pay them those amounts. The Government has been postponing making a decision as to whether to pay them or not and the teachers have been patient enough to teach for five years without getting their negotiated salaries. The Government says that the economy cannot support this type of payment. The Government says that we cannot get donor funds. However, the Government gets money to pay fake invoices and bogus pending bills. In the last five years, the Government has paid to the tune of Kshs30 billion for bogus invoices and pending bills. How did they get this money? They have borrowed through Treasury Bills and Treasury Bonds to pay these fake bills.

Mr. Temporary Deputy Speaker, Sir, therefore, if the Government wanted to pay our teachers, they could go ahead and get the money and pay them today. They can get the money by borrowing locally, as they are doing, to pay these *Wahindi* who are siphoning off money from our country. They can use the money which they want to use to revive the Kenya National Assurance Company to pay the teachers. The money they want to use to revive the Kenya Meat Commission (KMC) can be set aside for teachers.

Mr. Temporary Deputy Speaker, Sir, there is an amount which we are being made to pay this year on the use of our mobile phones where the Government will realise about Kshs7 billion. That amount can be used to pay teachers. The Government was able to get money to increase our salaries and those of the Judiciary staff by 500 per cent at once. So, what we are saying is that the Government is not committed to assist teachers and this House must support the teachers by insisting that, unless the Government gives the teachers their increments, at least, one phase, this House will not approve this year's Budget. This House must stand up and support the teachers by saying: "Unless the Government gives the teachers their increments, this House will not approve the Finance Bill." Unless the Government pays the teachers their wages, this House should decide to boycott the remaining sessions.

Mr. Temporary Deputy Speaker, Sir, the Government has tried to intimidate teachers by saying that they are going to recruit the qualified teachers who have not been employed yet. The fact that we have got teachers who are qualified and yet they are not employed is a shame on our Government. It is not a credit to our Government. The Government is using the administrators, like District Officers, to harass teachers. These are the people we do not need. These are the people we need to be retrenched so that we can get funds to pay the teachers. They are being used to harass teachers and this House must stand up and say: "These DOs and DCs who are going to harass our teachers must be sacked when the new Government takes over early next year."

Mr. Temporary Deputy Speaker, Sir, what the teachers are asking is their right and this House must support them by insisting that the Government meets the commitment it made to the teachers that it would honour the agreement.

With those few remarks, I beg to support.

Mr. Mwiraria: Thank you, Mr. Temporary Deputy Speaker, Sir. I rise to plead with the Ministry of Education, Science and Technology to heed the request of the teachers. I do not want to go into the particulars but the Government, knowingly through its team of five on the Teachers Remuneration Committee, negotiated and agreed that payments be made to teachers. When they did that, they knew that the law provided that once that Committee had agreed, in law they say, "the agreement shall be implemented". The Minister cannot tell this House that the Government was not properly represented in the negotiating Committee. Having further agreed in 1997, I want to make three points.

One, I would appeal to the Government to be courteous to the teachers. They should talk or negotiate with them. I am sure they are reasonable men and women who can understand the problems of the Government, if they are there. I have been in this House long enough to know that we provide Supplementary Estimates every year. Is it really not in the interest of every Kenyan to reorganise the present Budget and find some money to pay the teachers so that education, which should be priority number one for the Kenyan people, is put back on rails? I believe that there is enough money in the current Budget which, if reorganised, would be adequate to pay, at least, something to appease the teachers so that they can go back to the classrooms.

Mr. Temporary Deputy Speaker, Sir, as I speak now, people are busy building a strong wall around State House. Do we need it? We also know that a lot of money is being spent on the current "project" going round the country looking for votes for a candidate of the President's choice. Do we need to spend this money on politics when our children are sitting back at home getting no education? The KANU Government is, perhaps, best in knowing how to find resources when they need them. I do not want to go into history, but the Eldoret International Airport was built without approval of this House. The Presidential Jet was bought without the approval of this House. We now want to revive some of the projects which have been dead for six to ten years, which can wait until the teachers go back to the classrooms.

Mr. Temporary Deputy Speaker, Sir, let me just conclude, because I know many of my colleagues want to contribute, by asking the Government to be realistic and look for supplementary funds to pay the teachers so that they can go back to the classroom as soon as possible.

With those few remarks, I beg to support.

Mr. Achola: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for according me this opportunity also to contribute on this very important Motion. I will start by stating that I am the Chairman of the Education, Research and Technology Committee, and we have had occasion to summon this Minister many times to come and discuss the issue of the teachers salaries. On 27th February, we summoned the Ministry and the Minister came together with all his relevant officers and pleaded with the Committee that the Government did not have money. We could not buy that argument. It was agreed that during this financial year, the Minister would put some money into the Budget so that, at least, part of Phase II would be paid to the teachers. That has not happened. I would like to appeal to this House to condemn the Minister for Education because he has shown total disinterest in the teachers. Many times, he just says that there is no money and he is thoroughly scared of the President. I do not know which sanctions this House can put on the Minister to make him implement that agreement since they committed themselves in 1997.

Mr. Temporary Deputy Speaker, Sir, the issue of money not being availed cannot hold water. We promised to give teachers Kshs15 billion for Phase II in 1998/99. Since that time, even if he had decided to give them one-tenth of what we had agreed on Phase II, today, we would be talking about something different. During the year 1999/2000, it was proposed that teachers would be given another Kshs14 billion, but nothing has been done by the Ministry. The Minister is showing total disinterest in the situation. Today, our children have been out for three weeks and the Minister has not been able to convene any meeting between the Ministry and the teachers. He is scared of the teachers and he is not interested in discussing anything with them. I do not know what action this House can take to force the Minister to discuss this issue with the teachers. During the February meeting, we were told that the Government needed a total of Kshs79 billion to fully implement the remaining four phases of the teachers salaries. I think with goodwill and commitment, the Ministry should be able to get funds to pay the teachers. I would like to appeal to this House to condemn the Ministry and to insist on the Minister to negotiate with the teachers so that teaching can resume in all the schools that have been affected.

I would like also to commend Dr. Kituyi for showing the Minister all the areas where he has gone wrong and why he is not interested in our children. Education is the best investment anybody can give to his children and I think it is hurting for the Minister to come to this House every year to say that there is no money and that they cannot implement the remaining phases of the teachers salaries. I would like to join the teachers and ask the Government to find funds to pay them so that they can begin teaching by Monday next week.

With those few remarks, I beg to support.

Mr. Katuku: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to briefly

support the Motion before the House. Much has been said about the arrogance with which the Minister and his team are treating the issue. I am very disappointed to hear the Ministry say that they will ensure that examinations go on as scheduled and they will be supervised by strangers. I do not know where they will get them from. That is total arrogance. This Ministry has professionals and I would want them to stand and be counted. They may be misled by the President and the Minister, but being professionals, I wonder how they can buy that idea of strangers supervising practical examinations for physics and chemistry. How do you expect strangers to supervise examinations when they do not know even what is sulphur or how to mix those elements? I think this is a serious joke from the Ministry. It is high time the professionals in the Ministry told this Government or the Minister and the President that it is not possible. They should think of postponing the examinations until they reach an agreement with teachers. How can you say that examinations will go on whether teachers resume or not? This is not practical. If it becomes necessary I will call upon my people in Mwala not to accept this kind of examination. I will also urge other Members of Parliament not to accept this examination to be carried out by people who are not professionals.

We have heard the Minister in the past, coming here with figures when he is responding and saying that the Ministry is expected to raise money from various sources which they did not raise. I would like to beg my friend the Minister not to start quoting those figures to us now. They are not relevant to Kenyans. We want to hear how much money you intend to pay the teachers and where you will get it from. If the Minister does not have those kind of answers, he had better not respond to this issue. He had better go back, consult with the Head of State and the rest and come and tell this House how much money the Government has, where it will be sourced from or whether they will re-organise their Budget in order to get the money to pay teachers. I am sure they will listen to this. You should tell teachers the amount that you are able to pay them.

Mr. Temporary Deputy Speaker, Sir, when the Minister comes to respond, I will walk out on him if he starts talking about those figures. I will call upon everybody, including the Chair, to leave him to talk alone here because our pupils are at home. Parents are wondering why this Government is not concerned and yet there are some students who are going to sit for examinations. How can the Minister start telling us that the Government has no money when we can see how it is extravagantly spending taxpayers money on irrelevant things like flying all over the country to campaign for elections. Nobody will listen to you, Mr. Minister, if you tell us that the Ministry has no money to spend on the teachers. The Minister should tell us how much money he intends to spend on the teachers salaries.

Mr. Temporary Deputy Speaker, Sir, the other week I was at my home and I was watching news on TV with some teachers who had visited my home. I do not want to get personal here, but the Minister attended a *Harambee* where he contributed Kshs1.7 million.

An hon. Member: From where?

Mr. Katuku: In a *Harambee*, Mr. Temporary Deputy Speaker, Sir. If this Minister is saying that he has no money and he contributed Kshs1.7 million---

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

The Minister for Education (Mr. Kosgey): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the hon. Member on the Floor to actually quote some figures that I do not even know where he got them from? I have never in my life contributed an amount in that region. Maybe that was the total amount of money collected in that particular *Harambee*. Is it in order for the hon. Member to mislead this House?

Mr. Katuku: Mr. Temporary Deputy Speaker, Sir, that was what was reported in the KBC. The Minister can go and question the KBC and not me. That is the amount that he contributed and the teachers asked me: "How can this Minister convince us--"

The Minister for Education (Mr. Kosgey): On a point of order, Mr. Temporary Deputy Speaker, Sir.

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

The Minister for Education (Mr. Kosgey): Mr. Temporary Deputy Speaker, Sir, it is not the KBC that has quoted figures in this House; it is the hon. Member. Is it in order for the hon. Member to mislead the House?

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

Mr. Ochilo-Ayacko: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me an opportunity to make my remarks. The fact that the Minister and the President are saying there is no money, is an admission that this Government is unable to discharge its obligation to the teachers. Without taking a lot of time debating this issue, it would be honourable for hon. Kosgey to resign and allow another competent person to take over. For instance, if we made hon. Parpai the Minister for Education, he would be able to pay teachers next week. If we made somebody else the President of this country, I am sure there would be money for teachers' salaries.

I rise to thank Dr. Kituyi for bringing this Motion and basically what I am saying is that we are wasting time. What should happen is ---

Mr. Wamunyinyi: On a point of order, Mr. Temporary Deputy Speaker, Sir. Could the hon. Parpai confirm

to the House that the money will really be paid to the teachers if he is made the Minister for Education?

An hon. Member: Let him confirm!

Mr. Ochilo-Ayacko: Mr. Temporary Deputy Speaker, Sir, I do not want to belabour this issue. The honourable thing to do is for the entire Government to resign so that a new Government comes in place and pays teachers.

Mr. Kathangu: Asante Bw. Naibu Spika. Ningependa kusema kwamba Wizara ya Elimu imekuwa ikimpatia Waziri huyu kati ya Kshs300,000 na Kshs500,000 za kutoa kwa kila Harambee ya shule anayoenda. Kama vile mhe. Katuku alivyosema, kila shule ambayo imepewa pesa hizo---

The Minister for Education (Mr. Kosgey): On a point of order, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. Minister! You will have plenty of time. You will have 15 minutes to respond. So, haste not.

The Minister for Education (Mr. Kosgey): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the hon. Member on the Floor to mislead the House by saying that we have been giving money to hon. Uhuru Kenyatta, whereas the truth of the matter is that we have never given a shilling to hon. Kenyatta?

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. Minister! You are taking up Mr. Kathangu's time.

Mr. Kathangu: Bw. Naibu Spika wa Muda, aidha ninadanganya au Waziri anadanganya. Wakati Mawaziri walipokuja kwa Harambee ya Mbiruri Moi High School, iliyo katika Runyenjes Constituency, Bw. Kenyatta alileta Kshs500,000 kutoka kwa Wizara ya Elimu. Yeye mwenyewe alitoa Kshs350,000. Kiasi cha Kshs1,300,000 zilichangwa katika hiyo Harambee. Ikiwa kuna maagano baina ya Wizara ya Elimu na walimu ama baina na Serikali na mashirika hapa nchini au nje ya nchi, ni lazima maagano hayo yatimizwe. Ikiwa Serikali imefanya maagano baina yao na waalimu, hatungelitaka aibu, kama nchi, kwamba Serikali imekataa kulipa walimu mishahara yao na pia kukataa kuja katika Bungeni hili kuomba pesa. Hakuna wakati ambapo Waziri huyu amekuja katika Bunge hili kusema kwamba angelitaka pesa kulipa walimu na Bunge likakataa.

Jambo la pili, nafikiri Waziri huyu ni mtu wa kujidai sana kwa sababu ameonekana katika vyombo vya habari akiwazomea walimu kama watoto na huku anachezea maisha ya watoto wetu. Asubuhi ya leo nimeongea na mzee mmoja hapa akasema ana bahati kubwa kwa sababu yeye ni mkongwe na hana mtoto anayesoma kwa hivyo jukumu ni letu ambao watoto wetu wako shuleni. Hili likiwa jukumu letu, tunamwambia Waziri huyu na Wizara yake, asichezee maisha ya watoto wetu. Ikiwa yeye hana watoto, sisi tuna.

Kuna nafasi nyingi inayotumiwa na wale wanaosimamia elimu katika nchi hii. Sijui kama Waziri huyu na Katibu wake wa Kudumu wanawasomesha watoto wao nchini ama nje. Kuna sababu ni kwa nini Waziri hajui umuhimu wa maisha ya mtoto katika Kenya. Labda Katibu wake wa Kudumu pia hajui umuhimu wa maisha ya mtoto katika nchi hii. Ikiwa Waziri Kosgey hawezi kujiuzulu kwa sababu ameshindwa kufanya kazi yake, sisi tunaomba kwamba Serikali hii ichukue jukumu kubwa la kumtoa ofisini kwa sababu anachezea watoto. Jambo la tatu ni kwamba maagano baina ya Serikali---

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

Mr. Sambu: Mr. Temporary Deputy Speaker, Sir, in supporting this Motion, I would like to say the following to the Government.

The Temporary Deputy Speaker (Mr. Imanyara): Just before you go ahead, Mr. Sambu, you have five minutes each. So, if you waste time with a lot of points of order, you are eating into other Members' contribution. So, be mindful of the fact that you have only five minutes to make your contribution.

Mr. Sambu: Mr. Temporary Deputy Speaker, Sir, whereas the Government of the day says there is no money, we know that there are a lot of moribund parastatals which are being funded by the Government from the taxpayers' money. We cannot have all these parastatals. If you look at the PIC and PAC reports, you will find that so many of them are being funded even in the current Budget. We want to say that the Government should stop funding these moribund parastatals which have no returns. The teachers have a direct return on the development of this nation. Many of those parastatals have no return on the economy of this nation. I want to say that one way of getting the money - because the Government says that there is no money - is to stop funding many of those moribund and useless parastatals. There are projects which are incomplete. Send them off! How many housing projects are found all over the nation? This can be done provided that when we privatise them, we first bring a Privatisation Bill here, and pass it. If that Act is passed, the Government would recover a lot of money. Moreover, if we sell some of these parastatals to private individuals, they would revive them.

In my Eldoret town, Rivatex which has got a lot of Government investments has stalled because of mismanagement. If it was working, it would have employed people who would pay taxes. It would produce goods which would produce VAT. But now, it is just stuck because somebody mismanaged it. The Government should sell

off these parastatals and factories which are owned by parastatals and which are not producing anything to the economy and are holding a lot of capital.

Transparency is quite important in this matter. We collect much more than what we show in our books. But it is not shown. Many people get away without paying the VAT and other relevant taxes. This Government has got to change and show more transparency, particularly in the collection of the taxes so that we are able to pay teachers. Paying teachers is quite an important issue because the teachers shape the economy or the future of this nation. It is not an issue of saying that there is no money. The money has got to be found and the ways have to be found to get the money.

With those few remarks, I support the Motion. Let us get the money.

Mr. Kibaki: Thank you, Mr. Temporary Deputy Speaker, Sir. This matter is very serious. We should start off by telling the Minister to withdraw his efforts to cancel an agreement between himself and the teachers. It is not possible for anybody who obeys the law to cancel a contract which was between different parties, and then one party cannot cancel that contract. So, that is illegal. He should just withdraw it and not just to do it in order to please the President or whoever it is to be pleased. The law must be followed. A contract is a contract; it is an agreement.

The Minister for Education (Mr. Kosgey): On a point of order, Mr. Temporary Deputy Speaker, Sir.

Hon. Members: No! No!

Mr. Kibaki: Wewe utajibu! Utakuwa na muda wa kujibu! You will have a lot of time to reply.

The second point that I am making is that, as a nation, we cannot afford to have teachers not teaching. They are on strike on a justified cause. They have been mistreated, seven years waiting for an agreement to be fulfilled. It is too long. We are saying, as hon. Members, that it is a shame as a whole nation, particularly, we the parents who pay the taxes. As you know, the Government has no money of its own. In fact, it is broke. The money that we pay is paid by the parents. Parents also have the students. So, we want the students back to schools so that they can do their examinations this time. It is time the Minister took an emergency action to arrange to pay the teachers, and begin off by paying off the first instalment straightaway so that the teachers can go back on duty. They have been tolerant and they have allowed the Government all the time that it needed. So, they cannot take it so lightly. I mean, a Government which does not care about children has no right to govern whatsoever. In fact, instead it is supposed to be ashamed.

It is surprising that the Government goes round the country spending a lot of money, parading and wasting a lot of resources and misusing it for KANU campaigns. That is, of course, literally illegal. It is criminal because they are using taxpayers's money to do political campaigns and yet they are not willing to pay the teachers. Thirdly, the teachers, as we have them now, should not be intimidated; the Government must stop efforts to intimidate them. When they try to intimidate them by saying that they are going to employ other unqualified people and retired teachers, they are intimidating the whole nation. In fact, nobody would take the Government serious. Such intimidation is something to be done in a child's play. It is not a matter to come from a Government. Children can play that kind of game, but not a Government.

(Applause)

How can you intimidate teachers? You cannot attempt to intimidate grown-up men and women, that you are going to employ other teachers? Where are you going to get 300,000 teachers to employ? Why should you threaten us as parents that you are going to employ untrained people to take over the teaching of our own children? They are not children! They are our own! You are not allowed to experiment with them! You have done enough experiments in the 8-4-4 system of education and you should not go on doing more atrocious experiments by bringing in untrained people. All you want is to create mischief so that people may begin fighting. That is typical tactic of KANU so that "raia wapigane." Then, you have an excuse for whatever.

The fourth point that we are making is that, truly as this Parliament, we have to say this Government, if it is not going to pay the teachers, should resign. It cannot possibly remain as a Government of Kenyans when it does not care about little children and it is taking no action to make sure that children do their own examinations. It will destroy a whole nation. It is attempting to reach a point where those children who should do their examinations this year may miss them and may have to waste a whole year and it is not ashamed to do such a thing.

Mr. Temporary Deputy Speaker, Sir, of course, the President himself cheats the nation by saying that he is waiting to be paid by the IMF and the World Bank so as to pay the teachers. That is absolutely fiction! The World Bank and the IMF do not owe us a cent. We should borrow from them! We can only borrow! I am sure that nobody is going to lend this Government any money, when what we have been lent is being misused and embezzled, pretending that they are constructing certain roads, which are not there. Who is going to have faith in them? No one! Therefore, let the Minister take action now!

Mr. Kamolleh: Bw. Naibu Spika wa Muda, nami nataka kusema asante kwa kunipatia nafasi hii ndogo.

Mwanzo, ahadi ni deni; ahadi ni ahadi. Basi ata kama wewe ni mfuasi kamili wa KANU au sivyo, ahadi ni ahadi. Ikiwa walimu na Serikali walipatiana ahadi kuwa mwaka huu watalipana, ni lazima walipwe. Asiyelipa ahadi huwa huyo hana hadhi. Kwa hivyo, tungenda hadhi ijengwe na Serikali yetu ili waweze kulipa walimu, iwepo hadhi kwa walimu na Serikali pia.

Pili, pesa hizo zote zinazolipwa maofisa wa National Security Intelligence Service (NSIS), jeshi na Ofisi ya Rais, katika hii Makadirio, kwa nini tusikate bilioni moja na tukulipa walimu mara moja? Kuna faida gani ya kulipa maofisa wa NSIS na walimu wako nje wakigoma? Ata mzazi mdogo kama mimi, nina watoto karibu kumi na mbili ambao wako nje sasa. Watoto wangu wenyewe nina 12 wako nje. Sasa ikiwa watoto 12 wako nje, mimi nitakuwa na familia ya aina gani ikiwa hawataweza kusoma? Mimi ninaona mambo haya lazima yaangaliwe sawa sawa, maanake walimu wameteswa sana ya kutosha.

Nasema kwa vile tumezungumza ya kutosha hapa, na Bw. Kibaki amezungumza yake na tukasikia, sisi hatuna haja kwamba Serikali isukumwe mpaka itoke kwenye wadhifa ya uongozoni. Basi kama Serikali haitaki kusukumwa itoke kwenye wadhifa, si walipe hawa walimu? Waziri wa Elimu na Katibu wa Kudumu wako hapa, na wale watu wanaosimamia vyama vya walimu wako pale juu. Wakitoka hapa, waende wakazungumza na Jumatatu walipane na mambo yaishie.

Nataka uniwe radhi kwani nataka kumpatia dakika mbili huyu ndugu yangu, Mr. Kombe. Ana maneno mawili ambayo anataka kusema.

Hon. Members: No! No!

Mr. Kamolleh: Ni wakati wangu!

The Temporary Deputy Speaker (Mr. Imanyara): Order! Order, Mr. Kamolleh! You cannot do so!

Mr. Kamolleh: Bw. Naibu Spika wa Muda, basi nitaendelea. Waziri asifikirie kwamba waalimu ni watu ambao anaweza kuwavunja mikono ili kuondoa ahadi ambayo imewekwa. Mimi ninaonelea kwamba, hilo ni kosa kubwa sana. Vyombo vyote vya habari ulimwenguni vinatangaza ushenzi ambao unafanyika nchini Kenya, ambapo Serikali iliandikisha mkataba na walimu inayowatawala halafu inakataa kuutii. Benki ya Dunia na wafadhili wanaona mfano bora, kwamba, wakitoa mkopo kwa nchi ya Kenya hawatalipwa kwa sababu Serikali haitii ahadi. Serikali yetu inajigandamiza zaidi ili isipate mikopo kutoka nje. Tusidanganyane kwamba tutalipa walimu mishahara kwa mikopo ya nje. Mbeleni hatukuwa tunawalipa na mikopo ya nje, leo hii ndio tutaanza kuwalipa kwa mikopo ya nje.

Bw. Naibu Spika wa Muda, kama vile Bw. Kathangu alivyosema, kwamba tukiwachukulia walimu na wale wanaosimamia vyama vya walimu kama watoto, tutajifanya sisi wenyewe watoto. Kuna msemu wa Kiswahili unaosema kwamba, "mwenda wazimu hafukuzwi tupu tupu". Itakuwaje kufukuzana na mwendawazimu ambaye hajavaa nguo, nasi tukimbie tupu tupu. Wale wanaotaka kuondoa ahadi ya walimu, ni kama wanakimbia tupu tupu. Hatutawafukuza hivyo, tutawafukuza kwa hadhi; kwa maneno mazuri ya kitawala, ambapo watu huitana pamoja na kuelewana. Haya maelewano hayafanyiki; tunaondoa maelewano yote na kurarua karatasi. Hayo ni mambo yanayofanyika katika sheria ya msitu, ilhali sisi hatuko msituni; tuna Serikali. Hiyo sheria ya msitu haifai kuwa hapa. Ni lazima tuwe na hadhi na kufanya mambo yetu kistaarabu. Ni lazima tufanye mambo yetu kama utawala ambao unaheshimu sheria. Ikiwa utawala huu hauheshimu sheria, itakuwa vigumu sisi wengine kuupenda tena.

Bw. Naibu Spika wa Muda, ningependa Serikali ianze mazungumzo na waalimu na ifikapo jumatatu, wapeane pesa.

Asante.

Mrs. Mugo: Thank you, Mr. Temporary Deputy Speaker, Sir. I also want to support this Motion very strongly and to ask this Parliament to resolve that the Government finds money to pay the teachers. It is possible, and that is what we should direct. If we had an emergency in this country or any disaster, we would be able to find that money. If we needed Kshs15 billion to implement the second phase for these teachers, we would still find it.

I think the biggest disaster that can happen in any country is when its children cannot go to school, and yet we say that education is the beacon of any nation. It is a big shame, and I am calling on this House to resolve to direct the Ministry to pay the teachers. They should use any emergency or disaster money that a nation saves to pay the teachers.

Mr. Temporary Deputy Speaker, Sir, the nation owes a lot to the teachers. We should thank the teachers for working under very difficult situations, waiting patiently for money that they had been promised by the Government of the day, and that money never came. We cannot continue to hold teachers at ransom and gamble with the importance of our children. They also have their own needs. It is possible to pay the teachers. I do not believe the Government when they say that they cannot find Kshs15 million to implement the second phase. They ought to go on the table with an offer. They should not just say that they do not have money. That is saying, in other words, that the teachers' business is not important, and yet the same Government entered into that agreement with the teachers. If we are to take this Government seriously they must honour their commitment. The first step is at least to go on the table and offer something to the teachers, and then renegotiate the settlement of the rest of the phases.

Mr. Temporary Deputy Speaker, Sir, I do not know how the Minister feels when thousands of children who

should be in school are at home right now, not studying and yet it is the end of the year when they are supposed to do their final examinations. Are these children going to repeat the classes? This Government - as many other hon. Members have said - should either honour their commitment to the teachers or resign. They should say that they are not able to continue governing because they have no moral ground if they cannot honour this commitment.

Mr. Temporary Deputy Speaker, Sir, the Minister has harassed the teachers so much. If you listen to what the Minister speaks of his Ministry, you would wonder who he is talking to; is it the teachers we owe and trust with our children? It is like they are negotiating with some foreigners. Teachers are the people this nation has entrusted our children with. The children who we all say will be the leaders of tomorrow. If this Government is to leave a legacy of what kind of children we will have in this country, I propose that we do not pass the Finance Bill or all the money that is being voted without including at least Phase II salary increment for the teachers. I am sure this Government is capable of raising that money. We should at the moment re-examine our priorities, because they are all wrong.

I beg to support.

Mr. Wamunyinyi: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to add my voice to what other hon. Members have said. Since 1989, this country has not recovered, after the double enrolment in our universities. If examinations are not held this year, we will face a similar problem with similar effects. That should not be allowed.

Mr. Temporary Deputy Speaker, Sir, I would like to summarise what other hon. Members have said by stating that, this House strongly urges the Government to pay the teachers the second phase of their salaries. Failure to do that, they should resign immediately, and not wait for elections.

Mr. Wambua: Bw. Naibu Spika wa Muda, ningependa kusema maneno machache ambayo ni lazima Waziri asikize. Jambo la kwanza ni kwamba, hakuna Serikali nyingine katika dunia hii ambayo inaweza kudanganya kama Serikali ya Kenya. Kwa nini Serikali itoe ahadi ambayo haiwezi kutimiza? Huo ni uongo mbaya sana. Waziri wa Elimu anafanya kazi kama puppet. Ni kama gari la kuchezea la watoto ambalo linawekwa majira na inanza kuenda. Yeye anawekwa majira katika Ikulu. Ni kwa nini hawezi kufanya kazi yake kama Waziri anayefaa? Ni kwa nini Waziri anawaambia waalimu kwamba hakuna pesa ilhali yeye hatengenezi pesa? Hajakuja katika Bunge hili kuomba pesa na tukamkataza. Yeye ni puppet anayewekwa majira kusema maneno yale anyotumwa kusema. Waziri anaibika kabisa kwa kusema mambo kama hayo. Jambo lingine ni kwamba pesa mnazoharibu kwa kitu ambacho mnaita "project" ni nyingi. Nilienda Masinga na kuona helikopta tatu zikija na mtu mmoja. Eti wengine wanachunga yeye! Mawaziri wengine - hata nawaona hapa - waliingia helikopta hizo na magari yao yakaenda bure na madereva! Mkuu wa Mkoa, Mkuu wa Wilaya na maofisa wa tarafa kutoka sehemu zote za Mkoa wa Mashariki walihudhuria huo mkutano. Zaidi ya Kshs30 milioni ziliisha siku moja. Mambo kama hayo yalitokea Nakuru. Walibomoa uwanja na magari ya Serikali kutoka Kenya nzima yalielekea Nakuru. Mnatumia pesa nyingi ambazo mngेतumia kuwalipa walimu. Kwa hivyo, hii Serikali inatakiwa ijiuzulu!

The Temporary Deputy Speaker (Mr. Imanyara): I will give Mr. Raila one minute!

The Minister for Energy (Mr. Raila): Thank you, Mr. Temporary Deputy Speaker, Sir. I want to state here clearly, because I am a Member of the Front Bench and on this side of the House, that this is an issue over which I want to express my conscience. Therefore, I have already discussed with the Minister for Education, Science and Technology and the Whip, and I want to fully support this Motion. I think that the teachers of this country deserve nothing less. We, as a country, that have said in a policy that we want to be developed by the year 2020, must address the issue of manpower development not just in words, but in deeds. Manpower development begins right from nursery school---

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Raila, you now have 30 seconds!

The Minister for Energy (Mr. Raila): Mr. Temporary Deputy Speaker, Sir, with those few remarks, I beg to support.

The Temporary Deputy Speaker (Mr. Imanyara): Order! It is now time for the Minister to respond!

The Minister for Education, Science and Technology (Mr. Kosgey): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity. First of all, I would like to thank hon. Members for their contributions. I have listened to this very lively debate and I thank them all for their contributions.

Mr. Temporary Deputy Speaker, Sir, at the outset, I would like to say that we are all partners in the education sector. By that, I mean Members of this House and teachers. I am not arrogant and I am a very humble person. I listened very attentively to Members' contributions and to speeches made outside this House. I would like to say that we value the teachers and we are grateful for the contribution that they make in building this nation by educating our children. As hon. Members have said, education is the basis of development. That is why, in this country, we spend close to 40 per cent of our national revenue in the education sector. No other country in the world can come close to those figures. That goes to underline the Government's commitment towards the education of our children. As you know, our education sector has grown by leaps and bounds and I am grateful because of the contributions that have

been made by everybody, including parents in the education sector. At the moment, we have close to 19,000 public primary schools. That does not include private primary schools. We also have 3,200 secondary schools with an enrolment of close to 7 million in both primary and secondary schools. So, we have actually made a very big effort.

Mr. Temporary Deputy Speaker, Sir, we have a problem that is facing us at the moment. That is the problem that has been brought about by the teachers. There was Legal Notice No.534 of 1997 that was signed. I have revoked it and I do not want to discuss it because the matter is *sub judice* because it is before a court of law at the moment. So, I cannot discuss the legality or illegality of that notice.

Mr. Temporary Deputy Speaker, Sir, but that notwithstanding, I want to say something about that. We have not closed doors on the teachers. We are holding dialogue both formally and informally and we will continue doing that, so long as the problem persists. We will continue to hold discussions with the teachers. As I said at the beginning, we are all partners, and partners do not really part ways unless there is something very serious.

Mr. Temporary Deputy Speaker, Sir, as you know, the agreement which was arrived at in 1997 provided for an increment ranging between 150 per cent and 200 per cent.

Dr. Ochuodho: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Minister in order to tell us about dialogue? Teachers have heard enough of that. That is not what they are asking for. Should he not be telling us about money?

The Minister for Education (Mr. Kosgey): Mr. Temporary Deputy Speaker, Sir, that is not a point of order. As I have said, in 1997, the agreement provided for an increment of between 150 per cent and 200 per cent. This is something which came from the blues and it shocked everybody. Although it was signed by Government officers, it shocked the Government. Nowhere in the world has that kind of increment been effected.

Mr. Waitaha: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Minister in order to mislead this House that the Government can get a shock and sign an agreement under it?

The Minister for Education (Mr. Kosgey): Mr. Temporary Deputy Speaker, Sir, that is not a point of order. That notwithstanding, we did agree to spread---

Mr. Angwenyi: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Minister in order to tell us that the Government was shocked by an increment of 200 per cent when, in fact, last year, it awarded the Judiciary a 500 per cent increment?

The Minister for Education (Mr. Kosgey): Mr. Temporary Deputy Speaker, Sir, that notwithstanding, we agreed to spread the salary increment in phases, from phase I to V. We implemented Phase I to show good faith on the part of the Government. This was a 45 per cent increment in teachers's salaries which raised their salaries from Kshs23 billion to Kshs34 billion. That is unheard of anywhere.

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

The Minister for Education (Mr. Kosgey): Mr. Temporary Deputy Speaker, Sir, could I be allowed to make my contribution so that facts can be clear?

(Mr. Wamunyinyi stood up in his place)

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

The Minister for Education (Mr. Kosgey): Mr. Temporary Deputy Speaker, Sir, although we have not implemented all these phases, since that time, we have actually taken care of the teachers to a point where--- Currently, the teachers's wage bill takes Kshs44.8 billion. This shows goodwill on the part of the Government and that we care about the teachers. In 1997, when the---

Mr. Muithia: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Minister in order to tell us about the amount of money that is paid to teachers when we are debating on the amount of money the Government has not paid them as per the agreement? Is he in order to do that?

The Minister for Education (Mr. Kosgey): Mr. Temporary Deputy Speaker, Sir, I know time is running out. Since 1997, our country has experienced *El Nino* rains, severe drought, declining exports and poor turnout in tourism. Therefore, our revenue collection has not been growing. Our economy now stands at negative 3 per cent. We have been unable to raise enough money---

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

Mr. Minister for Education (Mr. Kosgey): Could I be allowed to continue?

(Mr. Angwenyi stood up in his place)

The Temporary Deputy Speaker (Mr. Imanyara): Order! Mr. Angwenyi, please, sit down!

The Minister for Education (Mr. Kosgey): Mr. Temporary Deputy Speaker, Sir, I would like to say something before time is over. The national examinations have been set and I would like to tell the parents, students and teachers that they will go on. Parents have prepared their children and we are ready to conduct the national examinations.

Hon. Members: Shame! Shame!

(Mr. Murungi stood up in his place)

The Temporary Deputy Speaker (Mr. Imanyara): Order, hon. Members! Order, Mr. Murungi! Hon. Members, please give the Minister the last second to finish his contribution!

The Minister for Education (Mr. Kosgey): Mr. Temporary Deputy Speaker, Sir, let them give me an opportunity to explain.

Hon. Members: No! Shame!

The Minister for Education (Mr. Kosgey): Mr. Temporary Deputy Speaker, Sir, in conclusion because I know time is running out, I said at the beginning that dialogue is on and it will continue. But the position of the Government, as you know is that we are in a very tight situation. Even revenue collection for this month---

Hon. Members: Shame! Sit down!

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Imanyara): Order! Order! It does appear that hon. Members do not want to listen to the Minister. It is now time for the interruption of business. The House is, therefore, adjourned until this afternoon at 2.30 p.m.

House rose at 12.30 p.m.