

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 22nd July, 1998

The House met at 2.30 p.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

NOTICES OF MOTIONS

ACQUISITION OF CONTROLLING SHARES IN PARASTATALS BY LOCALS

Mr. Galgalo M.A.: Mr. Deputy Speaker, Sir, I beg to give notice of the following Motion:- THAT, in view of the fact the Government is committed to the principles of privatisation and commercial operations of parastatals as a means of revamping the ailing economy; and considering that parastatals were designed to ensure that balanced national development by using raw materials in the locality; this House urges the Government to make regulations which give priority to the local people where such parastatals are situated for them to acquire controlling shares whenever the said parastatals are privatised.

ESTABLISHMENT OF PRESIDENTIAL RETIREMENT BENEFIT FUND

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, I beg to give notice to the following Motion:- THAT, this House do grant leave to introduce a Bill entitled an Act of Parliament to provide for establishment of a Presidential Retirements benefits Funds to cater for the welfare, security, basic household local and international travel of all retired holders of the Office of the President of the sovereign Republic of Kenyan and for matters incidental thereto and connected therewith.

(Applause)

ORAL ANSWERS TO QUESTIONS

Question No.068

RETIREMENT BENEFITS TO MR. LIVAYO'S FAMILY

Mr. Maitha asked the Minister of State, Office of the President when the retirement benefits of the late Mr. Athumani Khamisi Livayo formerly an Assistant Chief for Mtwapa-Shimo-la-Tewa Location will be paid to his family.

The Minister of State, Office of the President (Maj. Madoka): Mr. Deputy Speaker, Sir, I would like to request that this Question be deferred. We have got conflicting reports from the administration and I would tie that up with you because the names are slightly different. I hope that is okay with the Member.

Mr. Deputy Speaker: To be deferred until when?

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

Mr. Deputy Speaker: Are you comfortable with that hon. Maitha?

Mr. Maitha: Yes, Mr. Deputy Speaker, Sir.

Question No.327

SECURITY OF TENURE FOR TAX COMMISSIONERS

Prof. Anyang'-Nyong'o asked the Minister for Finance what arrangements the Ministry is making to ensure that the Commissioner-General of Income Tax, the Commissioner of Customs, the Commissioner of Value Added Tax and the Commissioner of Income Tax have security of tenure so that they can ensure efficiency and exercise independence in collecting revenue.

The Assistant Minister for Finance (Mr. Lomada): Mr. Deputy Speaker, Sir, I beg to reply. The Government has already taken action to give the Kenya Revenue Authority the necessary authority to manage the terms and conditions of its staff as it deems fit. The Finance Bill, 1998, tabled in Parliament includes amendments to the Kenya Revenue Authority Act, aimed at increasing the independence and autonomy of the Kenya Revenue Authority Board. It is, therefore, up to this Board to determine the appropriate security of tenure for its staff and not the Minister.

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, I do hope that the Assistant Minister is aware that the Commissioners and the Commissioner-General mentioned in the Question are not just ordinary staff members of the Authority. They are indeed, the chief executives of this Authority and if the Authority is going to be effective in any way, as indeed, the Central Bank now is, it is important that that Assistant Minister gives a specific answer to the Question I have asked. This is an issue that cannot be left to the Board once the Board is constituted because these people mentioned here will be part and parcel of that Board and they cannot be judges in their own course.

Mr. Lomada: Mr. Deputy Speaker, Sir, that is true. I would like to let the Member know that this particular Board is an independent body and, therefore, I will give him a supplementary answer that might satisfy him.

Already the Commissioner-General, together with all KRA staff are employees of the Kenya Revenue Authority Board. The proposed amendments to Kenya Revenue Authority Act in the Finance Bill 1998, seek to separate tax policies from tax administration and to enhance the objectivity of the Kenya Revenue Authority Board by reducing the number of public sector directors and replacing them with private sector directors in the Board; from three to five. The remaining two Government officials on the Board will only attend the Board meeting in an advisory capacity with no voting powers. These measures will give KRA Board full authority to determine terms and conditions of its staff including security of tenure without interference provided they do so within the budgetary limit of 1.5 per cent of the revenues they collect.

Mr. Obwocha: Mr. Deputy Speaker, Sir, this is one of the most important Questions that have been raised in this House. I do not think the Assistant Minister understands what the Question entails. The three Commissioners, and particularly the Commissioner-General, are part of the Board. But they are responsible for collection of revenue to run this country. The Question is asking you whether the Government can bring a Bill here to give them security of tenure, but you are answering generally about the powers we have given to the KRA Board. Could the Assistant Minister be serious and tell us whether the Government is ready to come up with a Bill to give security of tenure to these Commissioner?

Mr. Lomada: Mr. Deputy Speaker, Sir, I have said that the Board is independent. It has the power to hire and fire.

Mr. Wamae: Mr. Deputy Speaker, Sir, is the hon. Assistant Minister aware that one of the Commissioners of Customs and Excise had been transferred to the Treasury and actually fired? What protection did he get? Why did the Board not protect him?

Mr. Lomada: Mr. Deputy Speaker, Sir, I am not aware of that particular issue and if there is, I promise that I will have it investigated and a correct answer brought to the House.

Mr. Wamae: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the hon. Assistant Minister to say that he is not aware of Mr. Chebii's case? Is he telling the House that he is ignorant about his position or that, he does not know about him and what happened to his case?

Mr. Deputy Speaker: Hon. Wamae, when Mr. Chebii was fired, the hon. Lomada was not in the Ministry or in Parliament. But hon. Lomada, what hon. Wamae is saying, is a matter of public knowledge. You do not have to be in the Ministry to know that there was a problem at Customs and Excise Department.

Mr. Lomada: Well, that is why I said we will look into that question and bring another correct answer.

Mr. Kapten: Mr. Deputy Speaker, Sir, the question is very specific. It is about security of tenure. That is, a law should be provided to protect officers from being fired while they hold office. That is the meaning of security of tenure. Can the Minister answer the question, whether he can provide a law to protect those officers from being fired by the Authority, including the President?

Mr. Lomada: Mr. Deputy Speaker, I had stated earlier on that, this is an independent Board and it has the power to employ. It has the power to hire and fire. We cannot, as a Ministry, interfere with the powers of that

particular Board.

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, I sympathise with the Assistant Minister. Could I seek the indulgence of the Assistant Minister. The Board cannot provide its own members with security of tenure. That is subsidiary legislation. Legislations of the Board are very subsidiary. Security of tenure must exist in the original legislation; in which case, you cannot expect it to come from the Board. Can the Assistant Minister explain to this House, how, in his mind, the law is going to be subverted to give the Board the powers to give security of tenure to their own members?

Mr. Lomada: Mr. Deputy Speaker, Sir, it is not a question of ignorance. I am stating the position of the Ministry and therefore, that question of ignorance does not arise. I want to say that since the hon. Member seems not to be satisfied, we will look into this question once more and then come up with another answer.

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

Mr. Deputy Speaker: You better make sure it is a point of order, because if it is not, you are in trouble.

Mr. Mwenje: Mr. Deputy Speaker, Sir, my point of order is that now, we seek your guidance. When we reach that level, we must seek a guidance.

An hon. Member: Which level?

Mr. Mwenje: Where an Assistant Minister blatantly refuses to reply to the question which has been asked. It appears the Assistant Minister does not even know the difference between tenure of that office and actually the powers of the Board. We are not asking that. May I ask the Chair now, that the Assistant Minister be ordered, either to go back and bring a proper answer or be ordered, to reply to this question, because he is avoiding it. We are talking of security of tenure. We have given security of tenure to many other officers in the Government, like the Controller and Auditor-General Corporations. That is the kind of protection we are asking for. So, can the Chair give us guidance?

Mr. Deputy Speaker: Hon. Lomada, are you in a position to make a commitment on behalf of the Government in this regard?

Mr. Lomada: Well, I have said that we will get back and look into this question once more and may be come up with something. But the position still stands the same.

Mr. Odoyo: On a point of order, Mr. Deputy Speaker, Sir. We have been debating the issue of tax for a long time and money that is being lost. Here is a question that was sent to the Ministry in writing and here we have a whole Assistant Minister pleading ignorance to the House. Is it in order to have this august House to be taken for a ride? May I request the Minister to withdraw all his answers and claim ignorance and request for two more weeks to do proper research?

An hon. Member: Send him out.

Mr. Lomada: Mr. Deputy Speaker, Sir, I think I have stated the Ministry's position and therefore, there is nothing that is going to change. So, if at all the hon. Member is not satisfied, that is his problem.

Mr. Magara: On a point of order, Mr. Deputy Speaker, Sir. This is a very serious issue. Is it in order for the Assistant Minister to state clearly that he is stating the Ministry's position when, in actual sense, he is stating ignorance in this matter?

Mr. Lomada: Mr. Deputy Speaker, Sir, I think that is hon. Magara's own impression. Therefore, whatever he thinks, it is upon him.

Mr. Deputy Speaker: next Question. Hon. Wanyiri Kihoro.

Prof. Anyang'-Nyong'o: On a point of order, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Hon. Anyang'-Nyong'o, you had better make sure it is a point of order, because if it is not--

Prof. Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, is it in order for the Assistant Minister to say on one hand that, he is going back to the Ministry to provide the House with a more complete answer and then, a few minutes later, withdraw and say that is the position of the Ministry? I am confused.

Mr. Deputy Speaker: Well, hon. Members it is the responsibility of Ministers to give you answers to the questions you ask. Hon. Minister, if you make a promise to the Members, you should tell them when you are going to provide it, so that we can make progress.

Mr. Lomada: Mr. Deputy Speaker, Sir, I had stated that we are going to look into this Question once more and produce an answer at an appropriate time.

Hon. Members: When?

Mr. Deputy Speaker: Order! Hon. Lomada, appropriate time could be the year 2003. We want it within the lifetime of this Parliament.

Mr. Lomada: Okay, I will be specific now. We will produce the answer next week on Thursday.

Question No.422

GOVERNMENT'S POSITION ON NUCLEAR ARMAMENTS

Mr. Kihoro asked the Minister for Foreign Affairs:-

(a) whether the Kenyan national interests, and especially security, has been compromised by the recent nuclear tests in the Indian Sub-Continent;

(b) whether he could state the Government's position on nuclear armaments; and

(c) if the Ministry's position is one of opposition to nuclear proliferation, whether he is prepared to move the Government with vigour, since Kenya is also a non-permanent member of the Security Council, towards an international campaign for Indo-Pakistan nuclear disarmament and also overall nuclear disarmament by the super powers.

The Assistant Minister for Foreign Affairs (Mr. Muchilwa): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I would like to assure the House that Kenya's national interests and security have not been compromised by the recent nuclear tests conducted in the Indian Sub-Continent. Kenya recognises the threat created by the possibility of the revival of an arms race in the Indian Sub-Continent, which may trigger a global nuclear arms race. The threat exists only in this global context. However, since Kenya maintains very good relations with both India and Pakistan, neither Kenya's interests nor national security is directly threatened by the recent nuclear tests.

(b) Kenya is a signatory to the Nuclear Non-Proliferation Treaty (NPT) and supports the efforts of the United Nations Organisation in its attempts to rid the world of nuclear weapons. As a member of the Indian Ocean Realm Organisation, Kenya supports a nuclear-free zone in this area. As a member of Organisation of African Unit (OAU), Kenya is a signatory to the OAU treaty, Gapelidaba Treaty of 1996, declaring Africa as a nuclear weapons-free zone.

Mr. Deputy Speaker, Sir, the Kenya Government's opposition to nuclear arms has been stated clearly. As a non-permanent member of the Security Council, Kenya supports the collective efforts of the UN Security Council and United Nations Organization to stop the spread of nuclear arms and urges all countries to comply with the Nuclear Non-Proliferation Treaty (NPT) and the Comprehensive Test Ban Treaty (CTBT). Kenya supports collective action against nuclear armament. The Conference on Disarmament is one such effort in which Kenya has been actively participating.

Mr. Kihoro: Mr. Deputy Speaker, Sir, a stated policy on the part of Kenya has to be pronounced from time to time, because of the seriousness of the issue. I have been listening for the last three months since the tests were done in the Indian sub-continent, and I never heard the Kenyan Government condemning the policy of India and Pakistan on nuclear weapons and their application. There was lack of a clear statement and certain aggressiveness on the part of the Government to come out clearly and say that Kenya is opposed to nuclear weapons, now that they have been acquired by a country that is only 2,000 miles away. When they were in the Soviet Union, America or Britain, one might have been tempted to ignore, even though it was a misguided move. It is only 2,000 miles away, yet there has not been a clear statement and aggressiveness in advocating a nuclear-free Indian sub-continent and ocean.

Mr. Deputy Speaker: Could you ask your question?

Mr. Kihoro: Has Kenya taken any position at the UN, where it is a non-permanent member of the Security Council? Up to now, it has not actually, aggressively advocated the abolition of nuclear disarmament. Kenya has to spearhead this policy in future, so that Kenyans can be more assured of the Indian Ocean disarmament.

Mr. Muchilwa: Mr. Deputy Speaker, Sir, as I said, this question is tackled collectively. Kenya is one of the countries that collectively supports the non-proliferation of nuclear arms. Kenya is taking active interests and is participating fully together with other nations on this particular matter. That is why Kenya has signed all the relevant treaties connected with non-proliferation of nuclear weapons.

Dr. Kituyi: Mr. Deputy Speaker, Sir, if you listen to the answer given by the Assistant Minister, it shows an ambiguity about this Government's perception of its national responsibility. The fact that you have a friendly relationship with Pakistan and India does not exclude a negative impact of nuclear tests in those countries, affecting the national interests of Kenya.

Mr. Deputy Speaker, Sir, seismic tests can destroy the geomorphology of the Indian Ocean sea bed. Together with radio active materials, they can pollute the waters of the Indian Ocean regardless of the friendly

relationship between Kenya and the country carrying out those tests. Our responsibility as signatories to the Belindaba Treaty of 1996, and as representatives of Africa in the Security Council right now, considering also the national interests, should have made the Kenya Government a leading voice in condemning the tests in India and Pakistan. Why has the Government been relieving to other organizations to make that purge and not take a leadership position?

Mr. Deputy Speaker: Dr. Kituyi, can you now ask your question after that lecture?

Dr. Kituyi: Mr. Deputy Speaker, Sir, considering the privileged position and the strategic national interests, why has the Kenya Government muffled its voice and waited for other organizations to speak on its behalf?

Mr. Muchilwa: Mr. Deputy Speaker, Sir, Kenya has not muffled its voice. As I mentioned, Kenya is against all nuclear tests, be they in the air, water or underground. These particular tests were underground, and we are opposed to them, just like all the other nations with good intentions.

Dr. Leakey: Mr. Deputy Speaker, Sir, could the Assistant Minister agree with me, that he is being disingenuous to suggest that the nuclear tests between India and Pakistan in no way threaten Kenya's national security? If you look at any high school map of the weather pattern, you will realise that if those tests lead to a conflict, we are directly in line for fall-out. That surely compromises our security and requires your Government to make its position very clear. We must condemn these tests.

Mr. Muchilwa: Mr. Deputy Speaker, Sir, if the hon. Member were listening properly, I read and I said that, threat exists only in these global context and Kenya is tackling it together with the rest of the world.

Mr. Ngure: Mr. Deputy Speaker, Sir, it is interesting to hear the way the Assistant Minister is answering such an important Question which touches on the security of our nation. If we talk about the nearness of Kenya to India, we are only separated by the Indian Ocean. The Assistant Minister should tell us whether the Kenya Government, guided with its foreign policy, has taken a stand against these governments that are now involved in nuclear tests. The United States of America and other countries have severed trade relations with this countries that have broken this treaty. What is the position of Kenya as regards this?

Mr. Muchilwa: Mr. Deputy Speaker, Sir, Kenya is against the testing of nuclear weapons.

Mr. Wamalwa: Mr. Deputy Speaker, Sir, I think the Assistant Minister's answer states the Government's position in principle, fairly well. But I think the question he is failing to answer and which various Members have raised is what the Kenya Government did by way of protest, after India and Pakistan carried out these nuclear tests? Did it issue a letter of protest or make any statement to protest? What did the Kenya Government do in the wake of those nuclear tests?

Mr. Muchilwa: Mr. Deputy Speaker, Sir, we did not keep quiet. Together with the rest of the world, we condemned it in the right forum.

Mr. Speaker: Next Question!

Question No.357

ISSUANCE OF TITLE-DEEDS IN NDHIWA CONSTITUENCY

Mr. Ojode asked the Minister for Lands and Settlement, what has delayed the issuance of title-deeds in areas of Ndhiwa Constituency that have already been adjudicated; and when he will complete survey work in areas which have not been surveyed in this constituency.

The Minister for Lands and Settlement (Mr. Ngala): Mr. Deputy Speaker, Sir, I beg to reply.

The delay in the issuance of title-deeds in the areas that have already been adjudicated in Ndhiwa Constituency has been caused by the following factors:

- (i) Over 1,900 pending disputes.
- (ii) Budgetary constraints which have led to inadequate financial allocations to purchase the necessary materials needed for the publication of the maps and to pay the arbitration board members to dispose of the disputes.

There are 21 adjudication sections in Ndhiwa Constituency at different stages of adjudication and the Ministry will complete the works and register the sections as soon as the adjudication cases and maps are finalised.

The Ministry has registered K/K/Karita, Wajawa, Kobita-Kawour, K/K/Komungu and Kabonyo-Kwandiku. The title-deeds are ready for collection.

Mr. Ojode: Thank you Mr. Deputy Speaker, Sir. You will agree with me that this is not the first time I

am asking this Question of issuance of tittle-deeds. When I asked this Question last time, I was given the same answer. I would like to know from the Minister whether he has put aside some money this Financial Year for the purchase of the necessary materials for land adjudication and subsequent issuance of tittle-deeds.

Mr. Deputy Speaker, Sir, the places the Minister has just mentioned are sub-locations of just one location called Kanyamwa. In Ndhiwa constituency, there are about 14 locations. What is the fate of the residents of the other locations? Could the Minister come up with a strategy and a policy guideline on the issuance to tittle-deeds in the area?

Mr. Ngala: Mr. Deputy Speaker, Sir, regarding the Budget allocations, I do not have the figures now. But I will look for them and pass the information over to the hon. Member. However, as I said earlier, there are several stages within the adjudication process which have been undertaken. If you allow me, I will read out some of the areas where work is progressing.

The areas awaiting the Director of Settlement's checking and finalisation are Kochieng, Kobuoch, K/K Kadwet. The areas awaiting the publication of maps by the Director of Survey are Karapolo, Kayambo-Kwamo, Kanyikeela and K/K Koghutta. Areas where the work has reached the objection stage are K/K Karading, Karoth and Kala. The areas where the work has reached the demarcation stage are Kanyasa, Kamdal, Kanyor---

Mr. Ojode: On a point of order, Mr. Deputy Speaker, Sir. You will agree with me that even the Minister himself does not know what he is answering. What does "K/K" mean? Why can he not elaborate on this? I have said that what the Minister has talked about is just one location, which is Kanyamwa. Could he elaborate?

(Loud consultations)

Mr. Deputy Speaker: Order! Order! Order, hon. Minister and hon. Ojode! I also do not understand "K/K" but---

Mr. Ngala: Mr. Deputy Speaker, Sir, I thought that the hon. Member would be familiar with these terms. However, since he does not understand this language, I will look for the meanings of these terminologies and update him on them.

Mr. Deputy Speaker, Sir, the hon. Member is concerned about that one location which is being dealt with. I would like to inform the hon. Member that we have a procedure of doing things in the Ministry. We do the adjudication based on sub-locations. So, if the areas I have mentioned appear to be in sub-locations of one location, that is what we have been able to achieve as of now.

Dr. Ochuodho: Mr. Deputy Speaker, Sir, having hailed from that district, I can confirm my colleague's sentiments that the area is one of the least served as far as the issuance of tittle-deeds is concerned. In some of the places the Minister read out here and said that work is in progress, the work there has been at the same stage for more than ten years now. A number of those places are in Nyatike Constituency, which is in Migori District. Could the Minister tell the House when he expects the work to be completed? This is because the same also applies to some locations in Rangwe, which is also in Homa Bay District.

Mr. Ngala: Mr. Deputy Speaker, Sir, if the hon. Member will ask a Question concerning Rangwe, we will reply to it. I have already given some of the reasons for the delays. I said that there are a number of disputes which hinder progress in the issuance of tittle-deeds. Therefore, I would like to say again, that the main cause of delays are the land disputes.

Mr. Otula: Thank you very much Mr. Deputy Speaker, Sir. We have been told that one of the reasons why the issuance of tittle-deeds has been delayed relates to land disputes. Could the Minister tell this House the duration that should be taken before these disputes are solved?

Mr. Ngala: Mr. Deputy Speaker, Sir, the situation as it is now, it would mean that the duration has already expired where the Board should now be sitting to hear the cases. As I said earlier on, we do not have the funds to enable the Board to sit and give judgements to these disputes.

(Several hon. Members stood up in their places)

Mr. Deputy Speaker: The last question, Mr. Ojode!

Mr. Ojode: Thank you, Mr. Deputy Speaker, Sir. I believe that you have realised that it is the same Minister who is frustrating the efforts of Ndhiwa constituents to acquire loans for development.

In Kenya today, there is no way you can acquire a loan without a collateral security. Security for loans are pegged on tittle-deeds. The Minister is lucky because he has got some beach plots in Mombasa for which he has tittle-deeds. Could the Minister confirm to this House that the financial constraints he has been talking about will

not be a problem within the next four to five months? I am asking this because the House has already passed the Budget for the Ministry. The last time I asked this Question, this same reply was given. Could the Minister confirm to this House that within the amount of money which has been passed to his Ministry, he will ensure that the materials, maps and the other things required will be bought so that the process of land adjudication and the subsequent issuance of the title-deeds will be finalised?

Mr. Ngala: Mr. Deputy Speaker, Sir, it is difficult for me to confirm this situation right now. However, if we find that within the Budgetary allocations, we have been given money to use on this particular area, I can assure the hon. Member that the money will be availed to enable the Land Adjudication Board to dispose of the disputes.

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

Mr. Deputy Speaker: What is your point of order, Mr. Ojode?

Mr. Ojode: Mr. Deputy Speaker, Sir, is it in order for the Minister to mislead the House by saying that he is not aware whether there is any money allocated for land adjudication in his Ministry's budget and, yet, he knows very well that last week, we did pass the budget for his Ministry?

Mr. Ngala: Mr. Deputy Speaker, Sir, the hon. Member is putting words in my mouth. I did not say that I am not aware. I said that once we find that there is money for this particular area within the adjudication exercise; if there is money allocated for this area, we will ensure that part of that money also goes into assisting in the hearing of the disputes in that area.

Question No.363

REPAIR OF WATER PUMP AT RIVER ISUKHU

Mr. Shitanda asked the Minister for Water Resources:-

(a) whether he is aware that residents of Malava Town have gone without water for the past six months due to the breakdown of the water pump at River Isukhu; and,

(b) if the answer to "a" above is in the affirmative, whether he could take urgent steps to either repair or replace the pump.

The Assistant Minister for Water Resources (Mr. Chanzu): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that the residents of Malava experienced water shortage between December, 1997 and April, 1998 following the partial submersion of the intake and pump house by the recent heavy *El Nino* rains.

(b) Repairs were carried out in the month of May, 1998 and the water supply is now in operation. Water is, however, being rationed because the supply of 60 cubic metres per day is outstripped by the demand of 250 cubic metres per day.

Mr. Shitanda: Mr. Deputy Speaker, Sir, right now the water pump in question is not working and Malava residents are not getting any water. The Assistant Minister is telling us that the shortage that occurred between December, 1997 and April, 1998 was as a result of the *El Nino* rains which submerged the intake and the pump house. At the moment, the *El Nino* rains are over and, yet, the Assistant Minister tells us that still we do not have adequate water in Malava Town. This gives us an indication that the reply being given to this House is not the right one. If the pump could not pump enough water because of the *El Nino* rains, why are we having a cubic capacity of 60 cubic metres per day at the moment instead of the initial 250 cubic metres of water supply per day long after the *El Nino* rains have gone? Could the Assistant Minister tell this House when this water pump is going to be repaired or replaced so that the residents of Malava can have a continuous supply of water as was the case before?

Mr. Chanzu: Mr. Deputy Speaker, Sir, the problem is the rationing because the demand is much higher than what was anticipated. But as regards the rehabilitation, the Ministry has taken up this matter and we have earmarked this for rehabilitation and expansion. We are looking into ways of funding this project. It will be done.

Mr. Munyasia: Mr. Deputy Speaker, Sir, if the water supply was adequate before the *El Nino* rains, could the Assistant Minister tell us what has caused this explosion in demand from 60 cubic metres per day to 250 cubic metres per day within a period of six months?

Mr. Chanzu: Mr. Deputy Speaker, Sir, the issue of *El Nino* rains is something that we cannot ignore. It has compounded the problem. I have already said that the initial design was for a lower capacity, and we are looking into ways of rehabilitating and expanding this water pump to serve the residents of that area.

Mr. Ndicho: Mr. Deputy Speaker, Sir, the Ministry of Water Resources is not offering any services to the

people of this country. There is no water project in this country under this Ministry that is functioning today. There is one project in Juja Constituency called Ndarugu Water Project which serves Juja Location and it has had four pumps and electricity for the last 15 years. The policy of this Ministry is that by the year 2000 every Kenyan will have clean drinking water in his house. Since we are only two years away from the year 2000 and it is evident that this Ministry will not provide water to every Kenyan by the year 2000, could the Ministry consider relinquishing all these water projects to the communities in those areas, so that they can run them and help the Government achieve its goal? Going by the pace of the Ministry, we are not going to have that water.

Mr. Chanzu: Mr. Deputy Speaker, Sir, the Question I am answering relates to Malava. If the Member for Juja has got a specific Question about water supply in---

Mr. Ndicho: On a point of order, Mr. Deputy Speaker, Sir. Are you satisfied that the Assistant Minister can stand here and evade answering a valid supplementary question concerning his Ministry?

Mr. Deputy Speaker: Order! Hon. Ndicho, I cannot be satisfied or otherwise until he has completed answering the Question.

Mr. Chanzu: Mr. Deputy Speaker, Sir, the Question I am answering here relates to Malava, but if the Member for Juja has got any specific question about Juja, he should bring it up in the normal way. Secondly, the issue of relinquishing water projects to the people is our policy and the communities are going to manage those projects in future. But for the time being, the Government is taking care of those projects.

Mr. Ndicho: Mr. Deputy Speaker, Sir---

Mr. Deputy Speaker: Order! Hon. Ndicho, you are just---

Mr. Ndicho: He has not answered my question.

Mr. Deputy Speaker: You can ask your question because you did not rise on a point of order.

Mr. Shitanda: Mr. Deputy Speaker, Sir, this Government made an undertaking to all Kenyans that they were going to provide them with clean water by the year 2000. We had a supplementary effort in Kakamega District where the Kenya Finland Company (KEFINCO) sunk a lot of boreholes in Malava. Could the Assistant Minister tell this House, why after the completion of the project by KEFINCO, these boreholes have been neglected and abandoned as a result of which we are having that serious problem of water? What is the Government going to do about those boreholes which were sunk at a high cost by a donor?

Mr. Chanzu: Mr. Deputy Speaker, Sir, we have not reached the year 2000. Secondly, we are encouraging the local communities to assist in maintaining those boreholes.

Mr. Deputy Speaker: Next Question, hon. Sambu.

Question No.480

REASONS FOR COLLAPSE OF RIVATEX

Mr. Sambu asked the Minister for Industrial Development:-

(a) if he is aware that the Rift Valley Textiles Company Limited (RIVATEX) had been placed under receivership;

(b) if the answer to "a" above is in the affirmative, if he could give reasons that led to the financial collapse of the Company; and,

(c) if he could assure the workers that they will be paid all their dues.

The Minister for Industrial Development (Mr. Masakhalia): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Yes, I am aware that RIVATEX was placed under receivership on 25th May, 1998. The receiver manager moved in and took charge on 28th May, 1998.

(b) The financial collapse of RIVATEX was caused by persistent operating loss mainly due to poor management.

(c) Payment of dues to the workers is the responsibility of the receiver manager and would be governed by the Receivership Law under which all receiverships operate.

Mr. Sambu: Mr. Deputy Speaker, Sir, you have just heard the hon. Minister clearly saying that the collapse of RIVATEX Company Limited was caused by poor management. However, it was obvious that RIVATEX was going under receivership when they removed Mr. Bore and brought in Mr. Luka Chepkitony. It was obvious that the plant was going under receivership because he was deliberately selling products of the company and placing them in his own account. Could the Minister cause this matter to be investigated by the police and arrest those who caused this company to go under receivership?

Dr. Masakhalia: Mr. Deputy Speaker, Sir, I am not aware of the allegations being made that the

previous manager actually did what the hon. Member for Mosop has alleged. If he has any evidence that, in fact, the previous manager of RIVATEX did what he has asserted he did, could he lay the evidence that he has on the Table?

Mr. Kombo: On a point of order, Mr. Deputy Speaker, Sir. Apart from poor management, I believe that the woes afflicting RIVATEX are part of a larger problem which involves the collapse of the entire textile industry in this country. The textile industry collapsed because this Government was not alert enough to protect it especially when the United States imposed the quota system. They were not alert enough because Permanent Secretaries were quarrelling. The textile industry is a major industry in this country and if we want to jump-start the economy, we must look at the textile industry. Can the Minister tell this House what the Government is doing about uplifting the textile industry?

Dr. Masakhalia: Mr. Deputy Speaker, Sir, I agree that the textile sub-sector of the industrial sector is a very important one and that it has faced serious problems. Some of these problems apart from poor management in some enterprises such as RIVATEX include the consequences of liberalisation, that is, excessive importation of textile goods and what we are trying to do now is not only to improve the management, but to promote it. We are looking at the export markets. We are encouraging enterprises not to be inward looking.

Dr. Oburu: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Minister to mislead the House that what is happening to the textile industry is as a result of liberalisation when it is very clear that it is the corruption and the failure of the Government to impose relevant taxes against dumping which are causing the death of the textile industry in the country?

Dr. Masakhalia: Mr. Deputy Speaker, Sir, I do not think that I am misleading the House. The fact is that our enterprises have been inward-looking. They have geared their production towards the domestic market. Through liberalisation, we are giving them signals that they should endeavour very hard to export. When they are facing problems like those that have been mentioned by the hon. Member for Webuye like the withdrawal of quotas by the United States, we address them. We have addressed that problem relating to the withdrawal of the quotas by the United States and we hope that we will begin to export. We are encouraging our enterprises to be outward-looking and to produce for the outer market. So, some of the problems that are caused by the influx of competing goods from outside should be addressed by our enterprises exporting abroad and, of course, in the specific case of RIVATEX, the major problem was poor management.

Mr. Wamae: Mr. Deputy Speaker, Sir, I am sure the hon. Minister will be aware that when he started this project he was in the ICDC board and he went around the world and got the most efficient mill in the world which is computerised and employing over 4,000 people and the then Vice-President, arap Moi came to open that factory. Is he not aware that it is the appointments of managers under political consideration that has brought down this factory?

Dr. Masakhalia: Mr. Deputy Speaker, Sir, the hon. Member was on the board of RIVATEX and I would like to inform the House that in only three years in the history of that particular project, the project made profit. Even during the duration of his management of the project as the Executive Director of ICDC, the company made loses. This is a problem which we will continue to address and I think we have found solutions to it. The factory is now operational.

QUESTION BY PRIVATE NOTICE

UTILIZATION OF SIDA FUNDS IN SAMBURU DISTRICT

(Mr. Leshore) to ask the Minister for Health:-

- (a) Is the Minister aware that the Swedish International Development Agency (SIDA) funds for Samburu District have been returned to the Treasury?
- (b) If the answer to "a" above is in the affirmative, which projects were designated to benefit from these funds and why were they not implemented?
- (c) How much money was returned and when will the projects be undertaken?

Mr. Deputy Speaker: Is Mr. Leshore not here? I will defer the Question.

(Question deferred)

Mr. Deputy Speaker: Next Order!

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

Mr. Deputy Speaker: I have already called the next order.

COMMITTEE OF SUPPLY

*(Order for Committee read
being Seventh Allotted Day)*

MOTION

THAT MR. SPEAKER DO NOW LEAVE THE CHAIR

Vote 31 - Ministry of Education and
Human Resource Development

*(The Minister for Education and Human
Resource Development on 21.7.98)*

(Resumption of debate interrupted on 21.7.98)

The Assistant Minister for Education and Human Resource Development (Mr. Awori): Thank you, Mr. Deputy Speaker, Sir, for allowing me to comment a little on the Ministry where I spend most of the time.

I want first of all, to thank the Minister for recognising the importance of pre-primary education. We know for sure that children who have gone through pre-primary education have headstarts over those that have not managed to have pre-primary education. Unfortunately right now, the problem of pre-primary education particularly in the rural areas, are the teachers. I know that in the Budget, allowance has been made for training of the pre-primary teachers and the only problem is the employment of these teachers. Currently, this has been left to the local authorities to do, but as we know, most local authorities have not got the money and, therefore, most teachers in the pre-primary education sector go with very little money some of which is collected by the parents. Perhaps, we had better look seriously into putting some money in our Budget and take over the responsibilities of paying pre-primary teachers.

Mr. Deputy Speaker, Sir, in the rural areas where we have these pre-primary education centres, in most cases the children are being taught under tree shades in the dark. This applies also to some schools for Standard One, Two and Three. It is necessary that at the very beginning, we give an enabling environment to this---

Mr. Deputy Speaker: Order, hon. Members! Please, consult in low tones so that the hon. Member on the Floor can be heard. Mr. Awori, proceed!

The Assistant Minister for Education and Human Resource Development (Mr. Awori): I think it is very necessary both at the pre-primary and early classes that the conditions should be conducive to the children. In many cases, quite bright children adopt a blockage in their brains because of the conditions under which they learn. It has always been a practice in the rural areas to have good classes for standard eight, seven and six and leave pre-primary and standard one to three to learn in the dust. This is the wrong approach. If we make it pleasant for the children early in life, they will adopt a very positive attitude towards education.

I want to thank the Minister for allocating a good sum of Kshs60 million for the education of the handicapped. This is really the way forward. But we have now reached a stage where we must embark on a programme of phasing out special schools. When I talk of special schools, I mean schools that have been set aside entirely for the disabled. The only exception which I would like to make is the school for the mentally handicapped because we know that they grow physically while mentally, they remain static. They should continue to be given lessons in special schools. But as far as other disabled students are concerned, they should learn in integrated schools. We want the disabled to go to schools where they will interact with other children who are able bodied. We know that there is nothing wrong in their heads other than, perhaps their limps and they always say: "Disability is not inability." Therefore, the Ministry of Education and Human Resource Development should do everything in its power to phase out those schools and the money that is set aside for these schools should be utilised to improve the various conditions in various schools, like building ramps, making it possible for the blind students to travel or move around. That way, the disabled will never feel that they are different from other people.

Mr. Deputy Speaker, Sir. I want to address, very briefly, a few points beginning with the sponsors of schools. In the rural areas, we have seen sponsors interfere with education, to the detriment of the children;

particularly some of the religious orders. A good number of them tend to believe that the Board of Governors of such schools must be composed of those very religious people in the community. It does not matter whether those religious people have got education and the ability to help the Board of Governors. I think it has reached a stage where there must be a condition that, to be on the Board of Governors, you must have a certain standard of education. If we do that, I think we will be able then to neutralise the problem that we are facing with the sponsors.

Mr. Deputy Speaker, Sir, the other issue is on the inspectors of schools. We would like to ensure that the inspectors do their work thoroughly well. If we do this, the tragedies such as the one we met at Bombolulu will be avoided. When the inspectors inspect schools, they should look at the conditions of the physical facilities available in the schools so that they can issue orders to ensure that the buildings conform with the building code.

Mr. Deputy Speaker, Sir, in order to reduce the cost of education for the parents, I would like to associate myself with those hon. Members who advocated for day schools. We would like, as much as possible to have secondary schools being day schools. This, apart from reducing the cost, will also help in having mixed schools. We have seen many young girls who have gone through convent schools where they have not interacted with boys getting into problems. In fact, they become single parents when they go to the university. If they had started interacting with boys right from primary and secondary schools, by the time they got to the university, they would know all that there is to know and they would not get into serious problems.

Mr. Deputy Speaker, Sir, the other issue is the number of schools. I think it is necessary that we in the Ministry must discourage the proliferation of schools in the rural areas. Quite a number of parents have the habit of starting a school even when there is another school about a kilometre away. As a result, we have so many schools and most of them are of very poor standard. We should encourage the expansion of existing schools. Even if children have got to travel two or three kilometres away, that is not difficult because we know that quite a number of people, including some hon. Members here, had to travel 10 or 15 kilometres to get to school.

Mr. Deputy Speaker, Sir, the other issue is the bursaries that are given to national schools. We know that national schools are situated in a particular area. If we take a national school, like in Kakamega, for instance, we should direct that the bursary that is given to that is distributed to the children in that school equitably. Currently, it is the practice of the Principal to favour the children of the area where the school is situated. The Principal of such a school should be directed that the bursary should be equitably distributed or disbursed.

Mr. Deputy Speaker, Sir, the question of the Higher Education Loans Board was discussed at length yesterday and up to now, I must say, I do not frankly quite understand the criteria of awarding loans because many deserving children miss out on this and those who are capable of paying their school fees are given. It is a sad affair to give a very poor child only a quarter of what he requires and that child cannot raise the balance of the money. Just imagine this: He has already been given some money, he cannot raise the balance and therefore, he cannot continue with his university education. We lose from both ends. This is something which we must look into and rectify.

Mr. Deputy Speaker, Sir, as far as the posting of teachers to schools is concerned, I would like to suggest that teachers should be posted to the areas of their origin. When we do this, we will save on having to house the teachers.

With those remarks, I beg to support.

Dr. Ochuodho: Mr. Deputy Speaker, Sir, in addressing the issue of education we must ask ourselves what we are training for. At present our educational system is not tailored towards market demand. It does not make much sense training so many people to have, say, a BA degree in administration when we do not intend to expand and create new districts or divisions. I do appreciate that BA degree holders will still be absorbed elsewhere. But we must recognise the fact that their market is dwindling, and we must accordingly train our people in those fields where they can find ready application. This is especially so because we are a country that is aspiring to industrialise. We have recognised that and created a whole Ministry of Industrial Development, with the hope of industrialising by the year 2020. It defeats me why we do not seem to be putting much emphasis on technical education. Going through the Budget, one finds the allocation given to this area and he is left wondering if really we are serious about industrialising by the year 2020.

Mr. Deputy Speaker, Sir, at the time of Independence we had hope that we would have free and compulsory education. We seem to have reneged on that to the extent that we almost cost share on anything. I do submit that the concept of cost sharing is wrong and we have to find a way of dealing with it. In some cases, it may be necessary to take affirmative action. When I was looking at a report of a recent study by the World Bank I was sad to learn that ever since the University of Nairobi was established, there are only 10 girls from North Eastern Province that have ever gone through it. On the other hand, there are divisions which in every single

year send more than 25 girls to that very same institution. This is a discrepancy that, in my opinion, we need to address. We must put in place affirmative action to ensure that those from disadvantaged areas of the country get equitable share of training within the country.

Mr. Deputy Speaker, Sir, I would also like to address the issue of private universities in this country. I do appreciate the fact that the Ministry is now prepared to provide loan facilities to students in private universities as well. However, a recent survey seems to reveal that there are students in private universities who had even in the past received loans. We would want to request the Ministry to investigate this. We do understand that children of senior Ministry officials have enjoyed this facility in the past. If this is true, we would want it investigated, so that collective measures are put in place. Nonetheless, I would like to commend the Ministry for recognising that private universities are our universities. In some of them indigenous Kenyans have a stake. They need to be as much encouraged as we do with the public universities because, in any case, the money that we spent on training students overseas could as well be saved internally.

Mr. Deputy Speaker, Sir, I would also like to address the issue of foreign students. We know that in other countries, they have discriminative fees structures. In the United Kingdom, for example, where we sent many of our students, foreign students pay as much as four times the fees paid by UK students. We do not see why in Kenya a Kenyan student should pay as much as, say, a student from another part of the world. We know that other parts of the world, especially the developed countries, favour their students under the disguise of saying that they get government subsidy. I would like to encourage the Ministry to explore the possibility of having a sort of fee structure that favours Kenyans while at the same time demanding a little more from foreign students, so that this can be a source of foreign earnings for our country.

I would also want to address the possibility of a university at the Coast. I am not an advocate of *majimbo*, but the realities are that I would not be surprised if *majimbo* found its way into this country. I would very strongly support the idea of looking into possibilities of converting Mombasa Polytechnic into a university to serve that part of the country where we know the educational standards are below expectations. Indeed, by the same token, I do not see why Maseno University College has up to day remained a college. I would want to call upon the Ministry to explore ways of converting Maseno University College into a fully fledged university as a way of expanding university education. If we hope to industrialise by the year 2020 we must put a little more emphasis on education, particularly technical education.

Mr. Deputy Speaker, Sir, I would also want to address my concern about constant university closures. We incur a lot of wastages through these closures and expulsions. Over the past 10 years, I estimate that about 100 students have fell out of our universities in one way or the other. Some of them fell out when they were just about to complete their studies. This is a wastage that I do not think a Government that is trying to revive an economy can afford. I would, therefore, want to appeal to the Ministry to explore ways of minimising such losses or wastages through university closures and unnecessarily expulsions.

Mr. Deputy Speaker, Sir, I know the issue of teachers' salaries is a hot one, and we have talked about it a lot over the past one week. I would want to challenge the Ministry that before we even insist on retiring teachers who are 50 years and above we should concentrate on exploring where ghost teachers are. A recent survey that was done by the Ministry of Health revealed that more than 10 per cent of its workforce were ghost workers. I would want to submit that even in the teaching fraternity, I am tempted to believe that there are instances where headmasters earn money of teachers who have since retired or died. I would want to appeal to the Ministry to particularly focus on that area of ghost teachers. The Ministry should also explore ways of making available a golden handshake scheme so that those who reach the retiring age can retire honourably through the golden handshake scheme. I must add that I hope that if the Ministry is going to introduce that scheme it will make sure that it is a really golden handshake and not a "death shake" as has been the case in other situations.

Mr. Deputy Speaker, Sir, I would also want to address the issue of fake certificates. Currently, in this country there are many cases that have been reported of fake certificates at our universities and within the Kenya National Examinations Council itself. If one was to know that he will simply get a certificate without going through the rigours of an education process, then one would not see the point of going through the educational training system. What hurts me is that despite the fact that it seems to have been proven that there are certificates being sold, what the Ministry seems to be doing, whether it is at the university or Kenya National Examinations Councils level, is just to transfer staff. I do not understand the reason why the Ministry has not taken a bold step to prosecute those who are involved in this very serious racket. If we are told that people are selling certificates and then we do not do anything about it, one will think that we are either complacent or we are part of that process.

Mr. Deputy Speaker, Sir, I would also want to address the issue of teachers and AIDS. In my district, it is estimated that almost in every single week as many as 10 teachers in the teaching fraternity are buried as a

result of AIDS. It is, however, unfortunate that although the Ministry intends to retrench teachers, it is not telling us how many teachers we are losing through this unfortunate route. I would want to again call upon the Government to explore ways of minimising losses because this is another loss. You have trained somebody. You have spent so much to train them and then you lose them in senseless deaths. I would want the Government to explore ways of particularly and squarely facing this problem of AIDS in educational institutions. We understand it has even spread, in particular, to higher learning institutions.

Turning to Nyanza Province, I would want to pay glowing tribute to the current Provincial Administration. I would want to thank hon. Nyachae for assisting us to ensure that we had a new Provincial Administration. However, poverty seems to be a major problem which is affecting educational standards in Nyanza. I would want to say that the three main problems in the Province are poverty, poverty and poverty. Again, I would want to challenge the Government to explore ways of making sure that it eradicates that imbalance, where certain parts of the country are better endowed than others.

Mr. Deputy Speaker, Sir, even in terms of bursary awards, going through the Budgetary allocations, I did not see any provisions given for that part of the country. I would like to call upon the Ministry, through the affirmative action, to ensure that we have equitable allocation of resources. Finally, I am saddened that in spite of the commission to review our education system having been in place for a month or more nothing seems to have been achieved.

With those remarks, I beg to support.

The Minister for Planning and National Development (Prof. Saitoti): Thank you very much, Mr. Deputy Speaker, Sir. I am very pleased to contribute to this Vote on education. Education is so fundamental in any society that it should be given the necessary attention. Indeed, it is a general understanding and acceptance of the fact that without education, there can be no social or economic development. For indeed, only an educated population can command the skills of a faster and sustainable development. I want to add another philosophical theory to this fact. Education should not just be seen from that point of view. Education is a basic human right. It is, indeed, the right of every child to have access to education. So, to that effect, education must be seen as a basic human right and known in itself as an intrinsic part of human rights and development. It is in this light that there has been a great deal of expansion of education facilities in this country right from the beginning up to now, to the extent that today we can boast of the fact that the enrolment, especially at primary schools is just below 6 million pupils. In the case, for example, of the tertiary and secondary education, the enrolment is slightly below 600,000 or 700,000. The university level has expanded tremendously and this has meant that the Government has made the necessary sacrifices to contribute to human development to be able to produce the skilled manpower for this country.

Mr. Deputy Speaker, Sir, having done that, we need to look at the major challenge. This challenge is the fact that not only do we want to maintain the quality of education that we have in primary, secondary and universities, but to actually improve it. Talking from the point of the basic factors, no one has a monopoly to knowledge. We have to ensure that all students continue to be imparted with the latest methods of education. This is the challenge today. This expansion has taken a long period of time and we now have to ask ourselves whether the standard has been maintained. Is the quality there and are we producing the right education for the kind of economy that we have? I believe that this is something that all of us must face up to today. We have set our goal that by the year 2020, we would wish that this country becomes one of the newly industrialised nations. We take that from the fact that we want to create employment opportunities, because pupils and students are coming out of our own institutions. Many of them cannot be absorbed in the job market. They cannot be absorbed because in one way or the other, the training maybe irrelevant to the facilities existing in the economy. For that matter, I would like to state that by being overdependent on agriculture, again we are not creating sufficient employment opportunities. This is the time to look at our own system.

Mr. Deputy Speaker, Sir, I want to say, within the very short time given to me, that emphasis should be placed on the type of education we have. We should not, for a moment, underplay the importance of humanity. From an intellectual point of view, I believe that it is important to have somebody properly trained. A thinking brain is very important, but at the same time, given all the traditions that we have had, we have placed much more emphasise on the training of humanity. There can be no doubt that we need to balance that by putting more emphasise on technical education. We need to put more resources right from the village polytechnics to technical schools. I know the Minister for Education and Human Resource Development has a problem, but there can be no doubt that whatever resources we have, they should be directed towards technical skills and trained manpower to be able to serve this country into the next century.

I also believe that research is actually important. It is the research results that will eventually benefit the advancement of this country. Scientifically and technologically, indeed, we want to become a country that is newly

industrialised. Our own scientists and technologists must have the facilities and laboratories to carry out adequate research. Again, this will require money. Once again, these are matters of the future and we must look into them. The university lecturers - speaking as one of them and I speak with a great deal of nostalgia - are recruited for two purposes. One is to teach and the other is to research. If you are a university lecturer and you do not carry out research, you merely teach, strictly speaking, you do not hold up to that. You cannot be called a professor if you have not produced something. You must have produced your original research. Again, you would not be able to do that if, for example, the libraries do not have the latest publications and the laboratories do not have the equipment to be able to carry out the necessary research and experiments. That is another area that we need to look into. I am sure that we will look into it.

Why I have raised these challenges is because I want to commend the Minister because it is just the other day that a commission to review the education system was established. This commission, I believe, should look at two very fundamental aspects of education. One, is the relevance of the education in this country in relation to our needs. Let that issue be looked into right from the foundation to the university level. Everything should be looked into. If research is required, let it be carried out so that we produce persons who can easily be absorbed by the economy and also people who understand this country. We want to produce a well balanced person and well informed who can be absorbed in the economy. Secondly, the commission has to look into the issue of financing education. I feel that it is clear that with the rapid expansion of our education and with the increased enrolment, the resources of the Government are becoming insufficient. We need an innovative way to be able to find ways of financing education. I am saying that because currently we are faced with the issue of teachers. We do not want to get into this scenario again. But I want to say, and I want to say this very clearly, that all of us appreciate the demand of the teachers. Teaching requires dedication. It requires dedication because the number of hours that a teacher puts into his work cannot be measured. We want the teachers to concentrate on their work. My message is that the Government has already suspended the Bill which was the focus of the confrontation and that should be seen as a signal that the Government is prepared for a dialogue. Issues of this nature are not going to be solved through confrontation. Confrontation will only create problems and because I know that teachers are reasonable, by virtue of their profession, we are ready to dialogue. It is dialogue that will solve the problem. The Government may have a problem and the teacher may very well also have a problem. This is the only way in which we can ensure that this country moves forward. It does not help anybody to try and politicise the issue. The question of the teachers' salaries does not belong to the Opposition or the Government. All of us want our children to be educated. We cannot interrupt this very sacred mission of producing the manpower. I wish to conclude by telling the teachers that the Government is ready to have dialogue with them in order to solve their problem.

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

Mr. Wamae: Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to contribute to this very important Motion. I had already given my role of Opposition responder to my colleague, but now I would like to make my personal contribution. Education as it has been stated is one of the key areas of human development. Without it we cannot progress. And as a result we will not be able to benefit from the industrial and economic development of the country.

On the other hand, we have to be conscious of the fact that you cannot put all your resources in the education sector. The resources must be distributed among other areas of our endeavour, which include other aspects of the management of the economy. However, education must be considered as one of them and the most crucial one. This is because an educated man is one who can initiate things and can do many things by himself without being controlled, because he thinks. Thinking is a very important aspect, particularly now that we expect a lot of our people to venture into the *Jua Kali* sector for their livelihood. This is because there are no employment opportunities in the formal sector.

[Mr. Deputy Speaker left the Chair]

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

When we discuss these matters - last week, we discussed teachers salaries in this House - we should be calm. There have been accusations that some people want to politicise this issue. Nobody wants to make the teachers salaries a political issue because that will not help anybody. However, when teachers want the agreement they signed with the Government to be implemented, it is not fair for them to be told that all teachers who are 50 years old and above will be retired. That is not the way of getting dialogue with them. The Government cannot get

into dialogue with them by first intimidating them. If the Government is to pay teachers who are 50 years old and above their retirement benefits the money it will use will be more than what they would earn if they remained in employment. This is because the Government will pay some of them for 15 years for every year of service. In fact, it will not be a solution to say that those who have reached 50 years of age and above will be retired. This will only make the problem bigger. We need to sit down and talk with the Kenya National Teachers Union (KNUT) leaders and find the best solution to the problem we are facing. We have said here that there is no way we will agree that the Government cannot pay the teachers' salaries which it contracted to pay. Even at the time when the Government agreed to pay the salaries it was not in a position to pay them. There must have been another motive behind this acceptance to pay, which I do not want to go into now. We spoke about it last week.

Mr. Temporary Deputy Speaker, Sir, the Government should seek a meeting with the teachers without giving them conditions and find out how the problem can be solved. We hon. Members of the Opposition would like to see a peaceful solution found to the teachers' problem. We want this problem to be resolved, so that our children can continue with their education. When there is no peace in the education sector, peoples' lives are also disrupted. Parents are not prepared to have their children at home. They want their children to be looked after by the teachers in schools. It is very important that this matter is expeditiously resolved to the satisfaction of everybody. It is an urgent matter, and I hope that the Government is taking it seriously. We do not want to come here in September and find that there is a teachers' strike to be dealt with. This will be wasteful of our resources and disruption of the lives of our people.

As a country, we have enough economic, social and political problems. Therefore, we do not want to add more problems to what we already have. I would like to urge my friend, who is the Minister for Education and Human Resource Development, not to sleep for the next few weeks until he has found a solution to this matter.

Mr. Temporary Deputy Speaker, Sir, the Ministry of Education and Human Resource Development was allocated the highest amount of money in this year's Budget. It was allocated K£2.2 billion. We would like the Minister to ensure that this money is properly utilised. We have read that the Government has been paying some ghost teachers in some districts. If the Government has been doing that, that is part of the problem of payment of teachers. This means that there is inefficiency in the Ministry. It is important that this matter is looked into to make sure that the Government is paying people who offer the required services. Parents in this country have taken over the responsibility of building schools, and the Government is left with the responsibility of paying the teachers their salaries.

On the issue of the Commission set up to review the 8:4:4 system of education, it is very important that this Commission should have been formed five or six years ago. This is because this system of education has failed. It has not served us well. In fact, it should have been abolished a few years ago. We want a better system of education. The 8:4:4 system of education has become very expensive. This is because of the number of subjects and because parents have to buy new text books at the end of every year for their children. The young children cannot use the books which were previously used by their brothers and sisters. The question of changing the syllabus every year maybe good for the writers of books because they want to make money. But, it is very painful for parents because it increases the cost of education. We would like to see a book like the one we used to read before by Mr. Carey Francis. This book was used to be in the syllabus for nearly 10 years without any changes. Today every year the Government changes the books, and therefore, the parents are forced to discard the books they had bought before. To help the parents, I would like to urge the Ministry to establish libraries in every constituency, where schools can borrow books from and return them later on. This might be a cheaper way than every school being able to provide all the necessary books. The question of books is one of the major costs to parents today. We are saying that primary school education is free but when you look at what the parents have to buy; some books cost up to Kshs.200 and even Kshs.300. The parents are burdened by the cost of education, particularly, in primary schools. Something should be done very quickly to alleviate this problem.

As regards secondary schools, we have to look at the best way of providing secondary education. Let us look for the best way of teaching in our secondary schools. Should we opt for separate schools for boys and girls? What we find is that those separate schools like St. George's, Ngandu Girls and Alliance boys which have one gender are doing much better than mixed schools. We should look at this question of whether at that age of adolescence, we need to have mixed schools. The results have not been very good in many of these schools. I think the best thing is to separate the boys and girls at that level. At the primary school level and university level, we can mix them but I think that we should separate the sexes at that age of adolescence, between 14 and 18 years. Then maybe, we will be able to get better results in our education.

As far as university education is concerned, the idea of making our universities think of income generating projects is a very good one. We are not going to be able to have resources to fully finance our universities. If we are going to expand them, we should be able to find a way of generating income. We know that

many other universities abroad produce books and have printing presses from which they earn a living. Our universities should also become income generating to reduce the cost of education in this country.

With those few remarks, I beg to support.

The Minister for East African and Regional Co-operation (Mr. Biwott): Thank you, Mr. Temporary Deputy Speaker, Sir. Education is the strength of a nation. The degree of technology possessed by a nation also reflects the strength of the nation. I am very pleased to see that the hon. Members on the opposite side are talking very seriously about education, as opposed to the kind of action they took the other day when they encouraged the teachers to continue demonstrating. The hon. Members are the guardians and leaders of this nation who should be setting the example. They are parents just like the teachers. Those children who were being taught belong to the teachers, hon. Members of Parliament and members of the public at large. Therefore, it is pointless for anybody to fight against the Government because those children do not belong to the Government. They belong to the people of Kenya who have a Government and a Parliament. Therefore, I think the hon. Members opposite should never use such a situation to advance political causes. For that matter, any strike retards the progress of this country. We as Members of this House should set the example in promoting the development of this country. In this particular case, we must all work together in unison to ensure that Kenya prospers and that it secures the highest number of educated people so that they can work anywhere in the world. How do we do that? We need to ensure that education reaches everywhere on the same standards.

In other words, the teachers who are distributed throughout the country, should be distributed in a manner that ensures that each corner of this country is accorded the same ability to educate the youth of the country who are in fact, the strength of tomorrow. For that matter, I would urge the Minister for Education to ensure that every primary school is supplied with enough teachers to teach adequately. It should cater for schools in the semi-arid areas such as the Kerio valley. The Government should assist to set up boarding primary schools in those hardship areas in the northern part of the country, so that the children can learn and have the same opportunities as those in the well-endowed areas of this country. I would also like to commend the Minister for taking action to ensure that "ghost" teachers who were being paid were identified, so as to reduce the burden of the Government on paying people who do not exist. I hope that the austerity measures which are being undertaken at the moment, will be viewed in the light of the difficulties which the economy of this country is facing at this particular moment.

The teachers who in any case are paid well, should see themselves as privileged and not as they want to portray; that they are being victimised, when in actual fact they are being asked to make a sacrifice like everybody else. If His Excellency the President can reduce his salary, why can they not accept to slow down the incremental process of their salaries to show that as parents and educators, the guardians of education are taking the lead?

I want to concentrate more on education as it affects the region. I believe that the hon. Members have received their copies of the draft treaty of the East African Co-operation. I commend that document to the hon. Members. I would like every Member to read it carefully, look at it critically and suggest any amendments or improvements whatsoever, so that we can make a treaty that will keep this region ahead of everybody. In this particular case, I would like to single out Article 117, which deals with an aspect of education, science and technology, co-operation in the curriculum development and co-operation in the examination council so that we do not have fake certificates which are of no use, and so that we have marketable standards within the region and, indeed, the entire world. We can have people who can man institutions of higher learning elsewhere, or other organisations that require high level manpower.

In that regard, I would like the hon. Members to give us suggestions as to what we should do to ensure that we have effective consultation on the inter-universities council. They should suggest ways in which we can co-operate to strengthen our universities and institutions of higher learning, including technical institutions that in fact, provide the very people we need to industrialise this country. We also need to look at another aspect which relates to education - the establishment of standards. Once we have enough education and technology, then we can prescribe specifications throughout the region to achieve a unified standard which we can administer, so that inferior quality goods and services are identified and isolated. This will improve our ability to develop in this country. With unified curriculum, it will be possible for students in general to move around with parents if they secure jobs in the region because it will be possible to assess their educational level. They can, therefore, be placed at the right places anywhere within this region. Therefore, it can be placed in the right places anywhere in the region. We would also like to encourage the involvement of the private sector in education. The private sector should think of setting up libraries as the hon. Member for Mathira has said. I know that once upon a time, he was capable of doing so before he joined the Opposition. With private enterprises involvement, we will get private schools, libraries and research to improve technology. We will also be able to develop appropriate technologies for the informal sector. The quality of the goods produced by the jua kali artisans will be improved

and raised to world-wide required standards. This will improve our export capacity and quality of goods produced by indigenous Kenyans, as opposed to copying what other people are producing. Also, we will not be used as a dumping ground.

Mr. Temporary Deputy Speaker, Sir, I would like to commend the Minister for the manner in which he has handled the teachers. He has encouraged them to enter into a dialogue and I hope that Members of the shadow Cabinet on the other side will emulate the Minister, so that in the long distant future, maybe, in the year 2050, they will---

With those few remarks, I beg to support.

Mr. Munyasia: Thank you, Mr. Temporary Deputy Speaker, Sir. I wish to state at the outset that I am the FORD(K) spokesman on education. So, the views that I am going to give are the views of FORD(K).

First, I would like to talk about the teachers salary. We have heard too many times here, advice that we should not politicise that matter. Indeed, I would not like that matter to be politicised. But who is politicising the matter? When the agreement was made last year, it was the Teachers Service Commission (TSC) Remuneration Committee, which discussed the matter for three months, from March to June, before they handed over their recommendations, where all the seven Government representatives agreed with the five representatives of the union. On 2nd July, they handed over the recommendations to the Minister for Education and Human Resource Development.

When the matter was re-negotiated in October, the Opposition was not involved. It was the Government reneging on the agreement. The re-negotiation was completed at the highest level, when the Head of the Civil Service, the PS, Treasury and a senior officer from the Attorney-General's Chambers, agreed with the teachers. They presented the matter to the President. That was the Government agreeing with the teachers union. We have been out of this matter.

Mr. Temporary Deputy Speaker, Sir, who is it that has come around to say that they gave in under enormous duress, because the elections were around the corner? Was it the Opposition? No. Who has come around to say that those who negotiated on behalf of the Government were poor negotiators? Was it the Opposition? No. This is what we are saying; that, it is the Government that is politicising the matter. We are asking them not to politicise the matter, and it should pay the teachers according to the agreement that it made. You might have difficulties, but I am sure the union will understand. If you approach them civilly, they might accept to listen. Do not begin by talking of *mundu khu mundu!* What is *mundu khu mundu?* Now it is the aged in the Government going for the aged in the teaching profession. We are not the ones who are politicising the matter. Since the agreement was for the teachers to get 45 per cent this year, I know that if the Government went to the teachers and said, "We are unable to pay as we had hoped we would, but we can pay, maybe, 20 per cent of what we had agreed", the teachers might listen. But instead of that, we hear them talking about the matter in their meetings.

Yesterday, I heard the most amusing thing. When Kenyans are angry, they do not speak in Kiswahili, even if the majority of the listeners are illiterate. Yesterday, I heard the Head of Government talking in English, completely upset. But this was coming from their own meeting. It was not coming from an Opposition meeting. So, I would like to appeal to the Government not to politicise the matter of the teachers' salaries, but to pay them.

If it was in more developed countries, we would even have asked the Government to step down. If it owned up that it used deceit in order to win elections last year, and that it knew all along that it was not going to honour the agreement; and it was conning the teachers, we would have said that the Government is unworthy of leading this country. We would have said that it should quit. But we are forgiving you for now because you are learning what democracy is.

Mr. Temporary Deputy Speaker, Sir, when it comes to the question of retrenchment of teachers, the Minister is telling us that Kenya has now attained the optimal teacher-student ratio, without saying what the ratio is. We are just being told to take it down our throats, that we have now attained the optimal teacher-student ratio.

What is the optimal teacher-student ratio? In many countries, the recommended ratio is 1 teacher to 18 students.

What is ours here? It is one to fifty, and we are talking about optimal teacher-student ratio. We are not talking about the quality of the education. I do not know, but even Ministers might have to be brought for in-service courses. We have not reached the optimal teacher-student ratio. But if the Government was satisfied that we have reached the optimal teacher-student ratio, retrenchment would not be a strange thing. When you have excess personnel, you can dispose of some of them. Under Regulation 73 (i)A of the Teachers Service Code of Regulations, the TSC is at liberty to retire any teacher who has attained 50 years and above. When he attains 55 years, it is now a must he must retire. That would have been done. But the Government is making it appear that it is now penalising the teachers and that those who are 50 years and above are the ones who incited the younger ones to strike. If they want to make that a disciplinary matter, we are saying that under the teachers code of

regulations, the President has no role in disciplining the teachers. He has absolutely no role to play. Maybe, the Government should be advised to follow the procedure. We are under the rule of law and you cannot do that as a penalty. But you can do retrenchment if you think you have an excessive number of teachers. We have been told that there is declining enrolment everywhere. Some reasons have been given. It has been suggested that because fees are exorbitant, many parents are unable to pay. But if you are concerned about dropping enrolment, you do not reduce the bursary; you increase it. If you look at the books, it has been reduced, and even the loans to the university. So, are you encouraging enrolment or are you discouraging enrolment?

Mr. Temporary Deputy Speaker, Sir, if you look at the Welfare Monitoring Survey II of 1994, which was published in May, 1996, you will see that they give reasons for dropping enrolment. One of them is fees. The Minister should have enhanced the bursary element but, perhaps, most important, and this is serious, is that, many children and many parents are not interested in the education that is being offered. They are not interested. It is there! That is from Government Bureau of Statistics. Most children, even between five and nine years, are not interested in the kind of education you are offering. If they are not interested, then you have to do something about it to make it more interesting. One would have expected that this Government would invest more in refresher courses. So, you do not just talk about teachers getting new ideas and new methods of teaching, no! You have to organise courses for them, and there is nothing this year for those courses. So, how are you going to make this education more interesting?

Mr. Temporary Deputy Speaker, Sir, as regards university education, it is given only one chance. This is the kind of Government that for every issue, they want to be given a second and third chance. We want to re-negotiate, re-negotiate and re-negotiate! Why is it that at the university, candidates are given only one chance? If you sat for an examination in 1997 and you appeared before the selection board in 1998, if you were not taken, you will not be recycled as a candidate in 1999. It should be possible that once you have attained the qualification, at any other time, you can apply because you are educatable and you can be admitted. Why is it only once? The Kenya National Examinations Council has taken too much on itself. Setting examinations is now for almost every institution.

The Assistant Minister for Information and Broadcasting (Mr. Ekirapa): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me an opportunity to contribute to this Motion, which I support. A lot of my colleagues have already contributed to this Motion, and I would only like to discuss about the problems which, perhaps, have not been very much attended to, and which face the rural parents in their schools.

Mr. Temporary Deputy Speaker, Sir, I would like, first of all, to deal with the issue of pre-primary education in the rural areas and suggest to the Minister that, perhaps, the way to deal with this problem is to create pre-primary classes in every primary school, so that the rural children are also able to get education before they go into Standard One. In urban schools, there are possibilities of children going to pre-primary and also to private pre-primary schools which are available in those areas. However, in the rural areas, these opportunities do not exist and children go straight into Standard One without the benefit of having had any pre-primary education. I would like to suggest that the Ministry looks at the possibility of providing every primary school with TSC-paid teachers who will be able to teach children at the pre-primary level before they go to Standard One.

Mr. Temporary Deputy Speaker, Sir, I want to say something about the primary schools. In the rural areas, primary schools are having a lot of problems, like lack of classrooms, desks, books and libraries. In some areas, parents are so poor that they are not able to provide those facilities to their children. I would like to ask the Minister to consider the possibility of providing some areas, which are really lagging behind in primary education, with these facilities to enable the parents to build classrooms, buy books for their children and build libraries because, books alone without proper libraries will not last very long before the children spoil them or they get stolen.

I would like to support the issue that an hon. Member mentioned about the books being changed every year. We want to suggest that the Minister considers the possibility of books being constant. In other words, if they are for Standard One this year, let them be there for ten years so that children who come from the same family can use those books every year, instead of asking parents to buy new books every year.

Mr. Temporary Deputy Speaker, Sir, parents in the rural areas, because of poverty, are unable to provide even food for their children. There are children who go to school and spend the whole day without eating lunch during school time. I would like to suggest that, perhaps the Ministry should consider those areas which are known to be poor, and the parents are not able to feed the children in school. Schools in such areas should be provided with some means to provide food for the children and, perhaps, we can consider the use of the school Boards of Governors or Parents-Teachers Associations to provide them with some means of giving children food.

Mr. Temporary Deputy Speaker, Sir, when one considers the secondary schools in the rural areas--- I am concentrating my contribution on rural areas because a lot of contribution has been made on other areas. First of

all, a lot of secondary schools in the rural areas lack facilities which are very necessary for secondary school education. I am talking about facilities like libraries, laboratories and, more importantly, teachers. There are a lot of schools which do not have adequate teachers. I would like to give an example of a secondary school I visited the other day in my area, where only the headmaster is a TSC teacher and the rest of the teachers are PTA-employed, and are not very qualified. I would like to suggest to the Minister that fair distribution of teachers is a key issue that the Ministry should consider, so that every secondary school in the rural areas, like those in major urban areas, has adequate teachers.

I would also like to suggest that instead of many parents out there wanting to send their children to Alliance High School or Mangu High School or wherever, the schools that are considered to be national schools, the Ministry should consider the possibility of creating centres of excellence in every district, so that every district knows that the centre provides education which is equal to that provided by Alliance High School or any other national school, so that we do not scramble for a few places in the national schools.

Mr. Temporary Deputy Speaker, Sir, I also want to discuss the issue of management of school. I would like to suggest that the Ministry considers imposing certain limits and qualifications to people who manage our schools. To start with, headmasters must be people who are able to manage the schools because they have had some kind of training on how particularly to manage the finances of schools. This is because many of our schools get into problems because the heads of those schools have not been trained in the management of school funds, so that the parents keep on paying a lot of money that disappears into thin air, because the headmaster either does not know how to manage the finances, or, in fact, is not prepared to be honest about it.

Mr. Temporary Deputy Speaker, Sir, the second issue is about school Boards of Governors. The Ministry should consider that there is a basic qualification for anybody to become a chairman of a Board of Governors or, indeed, a board member. This is because there is no point having a group of people calling themselves members of a Board of Governors which is incapable of understanding exactly what is required in a particular school. We would like the Board of Governors to be the managers of the school, the people who can advise the headmaster of the school on how the school should be managed, and not people who just go there and are at the service of the headmaster and collect allowances and so on and so forth.

Mr. Temporary Deputy Speaker, Sir, the other issue is about the Parents Teachers Association (PTA). I know it is the discretion of the parents themselves, as to decide who should become members of the PTA. But, maybe, the Ministry should also consider imposing certain basic qualifications as to which parent can actually become a member of the PTA, so that they can look after the resources of the other parents.

Mr. Temporary Deputy Speaker, Sir, concerning the issue of fair distribution of teachers, I would like to request the Ministry to consider the possibility of looking at schools which are performing very poorly. They perform poorly because of lack of teachers, so that in the example I gave, you find one teacher in a secondary school is qualified and the rest have been employed by the Board of Governors because they have to provide somebody to teach the children. It is very important that our education is seen to be uniform, so that a child in Turkana can compete with a child in Nairobi. At present, there is a lot of disparity, and I would like to urge the Minister to consider finding some way of making sure that all secondary schools have equal specifications. In other words, the teachers who are posted to schools should be equally qualified. There is a problem about teachers determining where they want to go for service because they feel that certain areas are very remote. It must be made compulsory that if somebody decides to become a teacher, they must be prepared to work wherever they are sent.

Mr. Temporary Deputy Speaker, Sir, concerning the issue of universities, I would like the universities to consider the possibility of enabling all Kenyans to acquire university education.

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

Mr. Ndicho: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to say a few things about the Ministry of Education. In 1963, when Kenya attained Independence, the KANU Manifesto then, because that is the only time KANU genuinely won an election as opposed to other times, talked about providing free education. Today, the KANU Government says that there is no money to provide free education because the population has gone up. This is a lame excuse because the population of people who provide resources has also gone up. The Government also vowed, in 1963, to fight against disease, illiteracy and ignorance. But the KANU Government today has not done anything to fight against these issues. It is a pity that the Government today is not committed to having Kenyan children get educated as opposed to the colonial Government. The colonial Government, which was under a white man, forcefully took our first African children to school, and a very good example is our own Speaker, Mr. Francis ole Kaparo, who was forced by tribal police to go to school, and little did they know that he was going to be one of the best Speakers in the African Continent and among the best in the Commonwealth Countries. I would like to tell the Minister for Education and Human Resource Development that it is high time the Government, through his Ministry, literally forced children in this country to go to school. About

50 per cent of children in this country do not go to school. This is because of various reasons, such as lack of facilities, school fees, lack of motivation, *et cetera*.

Mr. I. Ruto: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for hon. Ndicho to mislead this House that the colonial Government was more concerned about the education of the citizens of this country than an elected Government of the citizens of Kenya? Does that not, in itself, negate the very fact that hon. Ndicho is here, elected in a free country? I think he is misleading the House.

Mr. Ndicho: That is not a point of order. You can argue about that at your own time. You like wasting other Members' time so much. I am urging the Government to literally force children in this country to go to school, because if we have a Government that is not concerned about having a literate society---

Mr. Wafula: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for hon. Ndicho to address hon. Ruto directly?

The Temporary Deputy Speaker (Mr. Poghismo): Certainly, hon. Ndicho, you need to direct your ideas through the Chair.

Mr. Ndicho: Of course, Mr. Temporary Deputy Speaker, Sir. All I am saying is that, we must have a Government that is concerned with having a literate society. Even in Central Province and in Nairobi, there are so many children who have not gone to school. The Ministry of Education and Human Resource Development should start a department which will employ ex-policemen and ex-army officers for the purposes of going through the country-side to look for children who have not gone to school and force them to school. We never know; we may produce one of the best Presidents or Ministers or Members of Parliament from those children. The rate at which many children are missing education is worrying many people in this country, and the Government seems not to be concerned about it.

Mr. Temporary Deputy Speaker, Sir, I want to talk about a disease that has cropped up and has permeated into schools. This is the issue of rape. About two weeks ago, we read in the newspapers of a priest in Nyeri who raped a Standard Four girl. Even after doing that, the priest is still going to the pulpit and preaching to the people against committing this kind of sexual sin, as if there is no Government. Even as I am speaking now, that priest is still a free man, and that girl has refused to go to school because of the trauma she went through. The Ministry officials tried to force, or to look for another school for this girl, but neither the Minister for Education and Human Resource Development, his Permanent Secretary or any other senior official from the Ministry talked about that issue. That is just one out of a million cases where school girls are being raped by known people and nobody is concerned. We are getting concerned, because the KANU Government loves sinful friends. Government officials love even rapists, because they take no action against them.

The Minister for Education and Human Resource Development (Mr. Musyoka): Mr. Temporary Deputy Speaker, Sir, much as I hate to disturb hon. Ndicho, is he really in order to come up with such preposterous posturing?

Mr. Ndicho: Mr. Temporary Deputy Speaker, Sir, I thought the Minister would challenge me and tell me the date he showed some concern about one of the people he is supposed to protect, in this case, a student. I know that he is getting challenged, but it is high time the Minister got concerned and punished these people, because, if that priest is not punished, another one in Kitui Central, Kitui South, Kitui West or Mwingi will also rape students. So, the issue of raping school children is a cause of concern for everybody in this country. It is high time the Government got serious about this situation.

Mr. Temporary Deputy Speaker, Sir, I would like to conclude by telling the Government that as Members of Parliament from the Opposition, we fully understand why they are not paying teachers. It is true that there is no money to pay them. But there is no money because some people in KANU have taken that money and deposited it in bank accounts in Europe, Australia, the Island of Brunei, South Africa and America. This is the money we are urging them to bring back to the country and pay the teachers.

The Minister for Education and Human Resource Development (Mr. Musyoka): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to make unsubstantiated allegations? I, for one, would be very pleased to get substantive evidence of the matters that he is alleging. But for him to go scot-free tarnishing an innocent KANU Government is not acceptable. If he knows people with foreign accounts, why does he not name them? By the way, I even think the question of foreign accounts is now a liberalised issue. But if he knows the people who have improperly expropriated monies belonging to wananchi, he should table the evidence. Otherwise, he should desist from making such allegations.

The Temporary Deputy Speaker (Mr. Poghismo): Mr. Ndicho, you should focus your debate on the Motion before the House.

Mr. Ndicho: Mr. Temporary Deputy Speaker, Sir, at the beginning of last year, when the Director of

Education went to negotiate with KNUT and senior officers from the Treasury---

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

Mr. Ndicho: I am responding to a point of order. You are a new Member and you must learn the rules of the House.

Mr. Kamolleh: Can you substantiate before you go on?

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

[Mr. Deputy Speaker took the Chair]

Mr. Ndicho: Mr. Deputy Speaker, Sir, I sympathise with this new Member. He must know that when you are responding to one point of order, another Member cannot raise another point of order. I am happy he is also learning.

Mr. Deputy Speaker, Sir, what I am saying is that, it is common knowledge that the Government has no money. So, for the Minister to say that the KANU Government is innocent is making himself a laughing stock of Kenyans. Every Kenyan knows that the KANU Government is not innocent. In fact, one of the top people in Government was pleading for mercy because you are not innocent.

With those few remarks, I beg to support.

The Minister for Co-operative Development (Dr. Anangwe): Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to support the Motion.

Mr. Deputy Speaker, Sir, I would like to begin by paying tribute to the success Kenyans have achieved in the education sector, in spite of what hon. Ndicho said, that the Kenya Government is not fighting ignorance. For his information, the data is available. The literacy rate in this country is over 80 per cent. In 1963, there were 800,093 primary school pupils. Today, there are over 6 million pupils in primary schools. Is that not an achievement? In 1963, there were 30,000 students in secondary schools, today there are about 700,000. In 1963, there were 571 university students, today, we have over 40,000. So, when an hon. Member stands up and says that we have not achieved much, then the concept of achievement really loses meaning. Of course, meanings are in people; he should then redefine this concept.

Mr. Deputy Speaker, Sir, these achievements can be attributed to the Government policies. I know that sometimes people have to take fault with what the Government has done, but I would like to tell them that many of the problems we are being accused of, particularly in relation to unemployment, may be the very symptoms of our achievements. They may be indicators of the success we have achieved in the education sector. We provided an opportunity for people to get education faster than the economy could afford. In that respect, many of you are in this House, and you should attribute it to that particular access, where education has been available to all of us. Probably, some of us would have been urchins, miraa sellers or lowly paid employees within the wage employment sector. But today, because of opportunities created by the Government, people now have access to education and can talk with confidence.

Mr. Deputy Speaker, Sir, education is important, as many have already said and I agree. Even Members on the Opposition side have emphasised the same. Education is important, because you cannot industrialise a country without human capital. Politics in a country becomes more advanced when people are educated; because an educated electorate makes decisions logically and objectively. Therefore, this, in itself, is a contribution to success in the political field. Education is also important because educated people tend to generate their own employment. However, we are now threatened with reverses. We are not able to continue investing within the education sector because of inadequate resources. Because of inequities and the imbalances in the distribution of resources within the education sector, these achievements are threatened.

Mr. Deputy Speaker, Sir, when you look at both the Recurrent and Development budgets, it is very clear that although this particular sector needs more resources, it is really circumscribed by inadequate resources. In the Recurrent Vote, the Minister is asking for Kshs2.2 billion. In the Development Vote, he is asking for K£40.7 million. Whatever they have asked for is little; they need more money. So, let us give them this money. Some people are talking about reducing the allocation by K£1. Let us not accept that kind of Motion because it will make a sector that is already suffering and which requires more resources to suffer more.

Mr. Deputy Speaker, Sir, commenting on the various aspects of the Development Estimates, I have to be very selective. May I make specific reference to the Sub-Vote on the General Administration and Planning. Here, they have provided the Kenya National Examinations Council with about K£16 million.

Mr. Deputy Speaker: Order! Order! Hon. Members, it is now 5.00 p.m; and is time for the Mover of the Motion to respond because at 5.50 p.m, the House will go into Committee. So, hon. Minister!

The Minister for Education and Human Resource Development (Mr. Musyoki): Thank you, Mr. Deputy Speaker, Sir. May I begin by thanking all the hon. Members who have taken time to contribute to my Ministry's Vote. I have been listening very carefully and so have my colleagues from the Ministry, who could be seen on the other Bench, led by the Permanent Secretary. I want to assure the House that every statement that has been made here has been taken into consideration. Whether positively or negatively, of course, that is another matter. But we have heard, we have been learning, and I believe that all of us are going back to the Ministry better educated about the prospects of education in our country than we were before. Therefore, the many Members who contributed and supported the Motion, I particularly want to thank them. I have not heard a single hon. Member say that he did not support the Vote. However, I have noted an intention by an hon. Member to move a Motion of reduction during the Committee stage. I would like to persuade him and all our colleagues on the other side, to really come out and support the Vote. This is because doing anything else other than supporting it will mean that we do not have faith in our children and in our children's children and their future.

Therefore, Mr. Deputy Speaker, Sir, with your permission, I would like to comment on several issues that have obviously been outstanding. Let me begin with the one that I would hate most to talk about. I have found myself forced by circumstances to have to comment on the same. I was looking at the Standing Orders of the House because it has been some time since I sat in the Chair. I thought that when we amended the Standing Orders of this House, perhaps somebody would have suggested the deletion of Standing Order No.72, which deals with using the name of the Head of State as authority for anything that an hon. Member wishes to say. Specifically, the Standing Order says:-

"No Member other than a Minister shall use the name of the President as authority for anything that he says".

Mr. Deputy Speaker, Sir, I did listen to the Member for Sirisia, for example. He had a field day trying to challenge the Head of State on what he thought was *mundu khu mundu* approach. I think that, that is not proper. Let us be strict about following the Standing Orders of this House because, then, we shall be able to have decent debates.

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

The Minister for Education and Human Resource Development (Mr. Musyoka): Mr. Deputy Speaker, Speaker, Sir, I think I will take that point of order, but it had better be a point of order because he should substantiate. I listened to him and he derided the Head of State, and that is not acceptable.

Mr. Deputy Speaker: Order! Hon. Munyasia, let me just say that yours had better be a point of order and not a point of argument with the hon. Member on the Floor.

Mr. Munyasia: Mr. Deputy Speaker, Sir, is the Minister in order to mislead this House that none of us can comment on what the President has said? There is no Standing Order that I know of which says: "Thou shall never comment upon what the President has said". I never used the President's name as authority. I only commented on what he had said, and that is different from using his name as an authority.

The Minister for Education and Human Resource Development (Mr. Musyoka): Mr. Deputy Speaker, Sir, I think I will ignore that. I will treat it with the contempt that it deserves. I think I have made my point.

Mr. Deputy Speaker: Order, hon. Musyoka. Mr. Munyasia has made it very clear that there is a difference between using the President's name as an authority and referring to it. If I were you, I would proceed with the response instead of engaging the hon. Member in debate.

The Minister for Education and Human Resource Development (Mr. Musyoka): Mr. Deputy Speaker, Sir, I stand guided by you, but I just wanted to draw the attention of House to the crucial importance of Standing Order No.72. This is because we might end up in a situation where the President's name will get tossed up and down in debate. I do not believe that, that is proper, and that is the point I wanted to make.

If I may now proceed to the question of politicising the issue regarding the salaries of teachers, it has been argued by some of our colleagues that it is the Government that has politicised this matter. I want to argue that, that is, indeed, not true. This is because it is not the Government that went out to Harambee Avenue and conducted--- To some extent, some ridiculous scenes were evident. An hon. Member went to the extent of conducting a choir of teachers who were on strike. He said: "Sing, Kalonzo apotee, Moi apotee, watoto wasome". Other Members suggested that they should now use the teachers to bring down the Government, claiming that, that was their opportunity. I want to suggest that, that was dishonourable conduct on the part of the Members who went out there. I am sorry to say this, but the Member for Sirisia was among them; this is true for I have all these things on record; hon. Members conducting themselves with indignity.

(Mr. Munyasia stood up in his place)

Mr. Deputy Speaker: Order! Order, Mr. Munyasia! Mr. Musyoka, do not provoke him unnecessarily.

The Minister for Education and Human Resource Development (Mr. Musyoka): Mr. Deputy Speaker, Sir, I am sorry. I was not amused, as a Minister, because teachers are opinion leaders, and if you want to conduct choirs with teachers, one should wait for a Sunday service and proceed along those lines. So, it is clear that the issue of the teachers' strike has been politicised by the hon. Members of this House who are on the other side. That is factual, Mr. Deputy Speaker, Sir.

An hon. Member: No!

Mr. N. Nyagah: On a point of order, Mr. Deputy Speaker, Sir.

The Minister for Education and Human Resource Development (Mr. Musyoka): If I may continue, because I--- I think the Member for Kamukunji is my friend and I am sure he would want me to continue.

Mr. N. Nyagah: On a point of order, Mr. Deputy Speaker, Sir. We want the record set straight. The hon. Members of the Opposition did not, at any moment, invite the teachers to come around Parliament Buildings. They brought themselves here.

Mr. Deputy Speaker: Order! Order! Resume your seat. That is not a point of order. Proceed, Mr. Musyoka!

The Minister for Education and Human Resource Development (Mr. Musyoka): Thank you, Mr. Deputy Speaker, Sir. If I was to go into the details of the acts of indignity committed by hon. Members, it would amaze this august House. Some of them were heard outside my office saying: "Raila has been married by KANU". Is that not politicising the teachers' salary issue? This is factual, and I wanted to play my role and make the records absolutely clear.

(Mr. Ndicho and Mr. Munyao stood up in their places)

I am sure that the Member for Juja would want me to continue because I want to respond to him.

Mr. Deputy Speaker: What is your point of order, Mr. Ndicho?

Mr. Ndicho: Is the hon. Minister in order to come here and start castigating Members of Parliament from the Opposition, when we know very well that hon. Members from the Opposition went out there to sympathise with the teachers?

The Minister for Education and Human Resource Development (Mr. Musyoka): That is a point of argument!

Mr. Deputy Speaker: Order! Order, Mr. Ndicho. Hon. Minister, please, stick to your response. This is because you are actually provoking these unnecessary interventions.

The Minister for Education and Human Resource Development (Mr. Musyoka): Thank you, Mr. Deputy Speaker, Sir. But let me also tell you that this side of the House has sat for the last one-and-half days feeling provoked. It is important that I also let them know a little about the truth because it is important to speak the truth at times, and the truth hurts! So, I would like now to go into the depth of some of the substantive issues. This is because, whenever you go out there, people see you since they are not asleep.

I now want to comment on the substantive issues raised by hon. Members and I hope that they will, from now onwards, not attempt to provoke the Minister or the Head of State, because that is not proper.

(Mr. Munyao stood up in his place)

Mr. Deputy Speaker, Sir, I think Mr. Munyao will have to allow me to continue with my reply to Members' comments.

Mr. Ndicho: Then you should also leave us alone!

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

Mr. Deputy Speaker: Order! Order! Hon. Members, as I said yesterday, when you stand up on a point of order, it is presumed that the Member on the Floor has breached a Standing Order of this House. Mr. Munyao, what Standing Order has the hon. Member on the Floor breached? When you rise on a point of order, you are asking the Chair to make a ruling in respect of that Standing Order, which you think has been breached. It is not an occasion to ask questions or interfere with the flow of the debate in progress. Proceed hon. Minister.

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

Mr. Deputy Speaker: Order, Mr. Munyao!

The Minister for Education and Human Resource Development (Mr. Musyoka): Mr. Deputy Speaker, Sir, I wish now to continue by singling out hon. Members who made very constructive points. I listened to hon. Mwiraria very carefully as he deliberated on issues that affect our education system. Hon. arap Leting, on our side, also came out very clearly on the issues that affect this country with regard to education. I would like to say, without hesitation, that when it comes to the question of university education, because hon. Members have commented at length on the matter, it will be dealt with by the Presidential Commission on the review of education system. A lot of the points that I may not respond to will certainly find reception by the commissioners who will be going round the country listening to Kenyans. I would like to ask hon. Members, as I said in my opening remarks yesterday, to find time, and present their views to the Commission. I am sure the Commission will shortly, be giving out their programmes. Although their Vote falls under the Office of the President, I know that very shortly they will be going out and when that happens, let hon. Member take up the challenge.

I listened, for instance, to the shadow Minister for Education and Human Resource Development, hon. Wamae, and a lot of his contribution will certainly be attended to by the Commission. For instance, when he says that the 8-4-4 system has failed, of course, I would want to differ with him. I think I would want to differ with him when both of us appear before the Commission. What we need to do is to improve on the system and, perhaps, reduce the workload, because a lot of parents have complained about the workload under the 8-4-4 system. But to condemn a system wholesale is not appropriate. Hon. Mwiraria mentioned a lot of things, including the boundary between the original Meru District and Laikipia on one hand, and Isiolo on the other hand, when he said that there is need to intervene with regard to the provision of the School Milk and Feeding Programme. I want to tell him that when there is need, like in the case of a national disaster, the Government will move in to assist, and we will not discriminate against children in areas such as the ones the hon. Mwiraria has in mind.

Mr. Deputy Speaker, Sir, he did dwell at length on the question of the Higher Education Loans Board (HELB), and many Members have spoken on that subject. I do appreciate their concern that a lot of applications sometimes are not met with the kind of expectations that the applicants and the parents have. I want to say, and I think another hon. Member has already pointed this out, that even the private universities now are able to access funding from the HELB. If there are any hon. Members who were beneficiaries of this scheme, I would appeal to them to volunteer and start repaying their loans. I want to say that way back in 1974, I was a beneficiary, and I recognise that, in fact, I overpaid my loan by about two to three years and the HELB was able to refund that amount of money. So, let us have leadership by example. That is why I want to congratulate the hon. Member for Kabete and actually try to persuade him not to do what he intends to do when he said that leadership by example is important. He acknowledged the fact that when His Excellency the President offered to reduce his salary by 50 per cent, that was significant. It was symbolic. We are not talking about quantity here, but leadership by example. I want to thank hon. Muite for recognising that.

Mr. Deputy Speaker, Sir, the Ministry is very concerned that the HELB programme succeeds, and I am sure the hon. Member for Kimilili or some such like place would want me to continue---

(Dr. Kituyi stood up in his place)

Dr. Kituyi: Some such like place?

Mr. Deputy Speaker: Order! Order, Dr. Kituyi.

Dr. Kituyi: On a point of order, Mr. Deputy Speaker, Sir. This is the hon. Minister for Education and Human Resource Development. Why is he using the words "significant" and "symbolic" as if they are synonymous?

The Minister for Education and Human Resource Development (Mr. Musyoka): I know that hon. Dr. Kituyi, who is actually a good friend, is able to make the distinction. So, I would not take a minute on that. So, I just want to make a very serious point here, that we have taken very serious note of the concerns of hon. Members with regard to the administration of the HELB. Recently, the entire Board made a trip to a lot of countries that do have similar institutions, and they came back energinised. They would like to help young graduate applicants in this country to access university education. We are very concerned that a lot of our youth are not able to afford university education because of their poor backgrounds, but they are now getting assistance. We are very concerned about this, and I want to assure hon. Members that we have taken serious note of the contributions with regard to this particular matter.

Hon. Members have expressed concern about the collection of activity fee, and I want to say that we may have to think about decentralisation here. We will have to give more authority to the District Education Boards

(DEBs). I know that most hon. Members do not know that they are all members of the DEBs. They can discuss out there at the district level and find out whether they would want to incur some of these levies while we take the view that parents should not be overtaxed. The parents have given a lot of time and material contribution to the construction of schools and facilities. Of course, they are expected to do a lot more. So, I think the hon. Members should appreciate when the Ministry is very particular about overtaxing parents, again by asking them to contribute money towards some of the extra-curricula activities by way of activity fee and others. But where we get strict representation from the DEB, I think we are able to be a lot more accommodating than some of the Members might wish to think.

The hon. arap Leting addressed the question of quality of the members of the Boards of Governors (BOGs) in our secondary schools, because all our public schools are run by the BOGs. I think he raised some valid points, that it is important to go for quality and, at least, for relevance. We, as a Ministry, insist on relevance and quality, but there are occasions, for instance, when it comes to the question of sponsors, the sponsors would nominate one of their number to sit on the BOGs in our schools. We do not want to discourage them, and where quality is found to be compromised, I hope hon. Members will understand.

Mr. Deputy Speaker, Sir, on the question of under-capacity in primary teacher training colleges, we are trying to build the capacity. I know that I said it will not be possible to provide for intake to our teacher training colleges this year. That is very hard news coming from the Minister for Education and Human Resource Development, but this is the reality of the situation. I want to say that we will not let the facilities in those teacher training colleges go to waste. There will be intensive in-service training of teachers. I know that if hon. Karauri had the Floor, he would have asked us to scrap promotion on merit. Although he has not spoken about it, he confided in me that if he had managed to catch the Speaker's eye, he would say, "scrap promotion on merit", because it has been abused. We have taken that into consideration. When the hon. Member for Kuresoi, hon. Koske confided in me--- in fact, he actually put it to me very strongly that he wanted to contribute to this Motion. He thought I was the Speaker, but I told him I was not the Speaker, neither was I the Chief Whip on this side, and, indeed, certainly not the Leader of Government Business. He felt that as a former teacher, he had a lot to contribute. I do understand his frustration, and I think the Chief Whip from this side would be able to recognise the talent in some of our colleagues who have specialisation in some of the areas. So, hon. Koske, I have also taken into account what you wanted to say, and you are most welcome to discuss with the officers in the Ministry.

Mr. Deputy Speaker, Sir, I want to say that we will continue to have first-year teacher training courses in our colleges. There is need to administer the colleges and there is also need to pay emoluments for the support staff. Hon. Dr. Kituyi raised a very serious matter yesterday with regard to insurance for the Ministry's vehicles, and I want to assure him that I have taken, indeed, a very serious note on that matter. If there will be an element of corruption, we will be able to deal with it firmly. I think that is the only thing that I can say, because he laid certain documents on the Table. The Ministry would want to be given a bit more time in order to be able to go deep into that matter.

Mr. Deputy Speaker, Sir, hon. Members have been able to talk about transfers. They have been able to say that although we have enough teachers countrywide, there is some kind of imbalance. There are cases of understaffing. We accept that, but I think that it is also important to note that when it comes to lady teachers, for instance, a lot of husbands, or shall I say spouses, working in the capital city here will bother us day in, day out, in the Ministry by telling us: "Please, transfer my wife from Kericho, Lamu, Garissa or from Kitui because, you see, the Bible says that what God has put together, let no man put asunder". They come quoting that Biblical verse, and that is why we have public schools in Nairobi being overstaffed. You might have noticed that out of the ladies who were actually sitting outside my office, the majority of them were lady teachers, with respect, and this is the direct consequence of transferring very many of them to the city here because their spouses would want to have them close, because they are working in Nairobi.

Mr. Deputy Speaker, Sir, the matter of the teachers' wages has been discussed seriously, and I would want to encourage hon. Members to be open about it. I do not believe that this is the end of the matter. I was open when I issued a paid-advertisement highlighting the gravity of the situation, and my colleague, the Minister for Finance, was able to do the same, giving facts and figures. I believe that what that meant is that we cannot close this matter here and now. I want, therefore, to appeal to my hon. colleagues to continue talking to teachers and tell them: "Yes, I think we have now agreed that we should depoliticise the teachers' issue". Unfortunately, as I said, it has been politicised, and I think it is a matter of who argues for what cause. I am certainly able to put my case as I have done before. I do not want to revisit that matter, but what I want to say now is that, to implement Phase Two of the teachers' award, the Government will require about Kshs15 billion over and above what I am requesting this honourable House to allocate and, therefore, the allocation of Kshs35.2 billion, which totals to Kshs50.2 billion or 30 per cent of the total Government revenue. We have to be realistic. I will shortly be calling on my friends at the

KNUT to come out and discuss with open minds, because it is important that somebody has to tell the truth, however, bitter the truth has to be. We cannot simply afford to pay, and that is the position.

Mr. Deputy Speaker, Sir, it should be noted that the current allocation of Kshs35.2 billion for the teachers' wage bill caters for salaries and allowances as implemented in Phase One, together with a 4 per cent annual increment. In addition to what they are getting under Phase One, the teachers are entitled to the 4 per cent annual increment. My argument is simple: Our teachers are certainly not starving. They do have reasons to ask for more, but there are others in similar cadres within our public service who, I think, are worse off, and I think I would want our teachers to also appreciate that and be able to come to the negotiating table with open hearts and attitudes.

Mr. Deputy Speaker, Sir, given the current economic situation, the Government is seeking re-negotiation of implementation of subsequent phases of the salary and allowances awarded to the teachers. There was no trick. A lot has been said, in fact, amounting to mudslinging, that this was a trick by the KANU Government to win the elections and that kind of thing. None of that is true.

Mr. Deputy Speaker, Sir, with regard to pre-primary education, I hope that the hon. Member for Kimilili will have noticed what I said about the question of insurance. However, he did raise the matter of pre-primary education. I am in total agreement that we need to give this matter serious consideration and, therefore, the Ministry is currently implementing a programme that we call "Early Childhood Development Programme". Thanks to the co-operation of our development partners among them the World Bank because they have already come in and, in fact, within the Ministry of Education and Human Resource Development, the multi-lateral agencies are working very closely with us and I wanted to again restate my thankfulness to them. Training of pre-primary teachers through in-service courses for two years, of course, will continue.

We are also committed to curriculum development, and I again want to recognise what the hon. Member for Kabete said about what is going on at the KIE. I have taken that into consideration as well. We will be able to look into these matters. Parents have been able to complain that books are getting changed every now and then. I was able to discover only recently that the shelf life of a textbook is actually four years. It used to be the case when we were in primary school, that you would get a book in Standard One and it would have been used by the previous Standard One which is Standard Two, and then it was nicely covered. In fact, whoever was able to mismanage that textbook normally would get punished for it, and I realise that one textbook could be used for four years, and that is what I am referring to as the shelf life of a primary textbook or any textbook for that matter. We are going into a lot of rationalisation of all these matters.

Mr. Deputy Speaker, Sir, on the question of textbooks again, as the hon. Members have raised concerns about this, I want to say that subject teachers are supposed to be the professionals and they are expected to guide pupils appropriately, and when it comes to alternative books as well, I think it is important. However, I took into account what was said by hon. Members. The hon. Member for Kimilili actually raised a very important matter, and I think I heard the hon. Biwott again wrapping that subject, that there is need to harmonise our educational standards for the benefit of the sub-region. I want to say that if you look at it within that context, then you will be able to see that the exercise on the review of the education system is geared towards ensuring that there is harmony within the sub-region and, therefore, we will do our best as a country to make sure that we do not put our neighbours at a disadvantage, and I am referring, of course, to Uganda and Tanzania in the first place, because we are looking forward to a rebirth of the East African Community. In fact, I do believe that if you talk of *majimbo*, the correct *majimbo* would be that every country becomes a *jimbo* within that political federation within the East African region. We want to be able to support that vision from the point of view of delivery of education services. So, we are taking a very serious view of that matter. Already, plans are underway. In fact, we are working very closely with the spirit of East African Co-operation with our partner states.

Mr. Deputy Speaker, Sir, a lot has also been said with regard to school feeding programmes, and again we are taking this into account. I, therefore, want to say that by and large, we have listened. We will do the best that we can to ensure that our children get proper education. The only thing that I am asking is that this august House moves expeditiously to pass my Ministry's Vote, and I want to assure you that you will not be able to regret. The hon. Member for Juja, my good friend, hon. Ndicho, has been able to say that we are not sensitive to some of the crimes that get committed against the children of this country. I want to tell him that we are, and the matter with regard to that priest in Nyeri was taken into account. I think the church made a desperate attempt to want to exonerate the preacher, and that is what made it difficult because I personally looked into this matter. That is what made it difficult for us to proceed with prosecutions. However, if there will be adequate evidence that, indeed, this priest committed rape, then, of course, the laws of this land, particularly the Penal Code, will have to be brought into play.

Mr. Deputy Speaker, Sir, let me urge hon. Members to support us as a Ministry and to actually move with

one spirit. I am particularly appealing to my friend, the hon. Member for Kabete, to withdraw the intended Motion at the Committee Stage, because that would send all the wrong signals to the teachers.

Mr. Muite: On a point of order, Mr. deputy Speaker, Sir.

Mr. Deputy Speaker: Order! There is no Motion yet. Please, withdraw.

The Minister for Education and Human Resource Development (Mr. Musyoka): Well, I will withdraw. I am not anticipating debate. He said yesterday that he would be moving this Motion. So, I think this is what I am trying to dissuade him because should anything happen, I think the whole of this country will be on one person, who is the hon. Paul Muite.

Thank you, Mr. Deputy Speaker, Sir.

(Question put and agreed to)

[Mr. Deputy Speaker left The Chair]

IN THE COMMITTEE

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

Vote 31 - Ministry of Education and
Human Resource Development.

The Minister for Education and Human Resource Development (Mr. Musyoka): Mr. Temporary Deputy Chairman, Sir, I beg to move that a sum not exceeding K£1,124,258,780 be issued from the Consolidated Fund to complete the sum necessary to meet the expenditure during the year ending 30th June, 1999, in respect of:-

Vote 31 - Ministry of Education and
Human Resource Development

(Question proposed)

VOTE R31 - RECURRENT EXPENDITURE

SUB-VOTE 310 - GENERAL ADMINISTRATION AND PLANNING

Head 834 - Personal Emoluments

Mr. Muite: Mr. Temporary Deputy Chairman, Sir, I would like to propose an amendment under Standing Order No.142(3), that, a sum of K£1,886,536,771 appearing under Sub-Vote 310 - General Administration and Planning, Head 834, Item 000 - Personal Emoluments, be reduced by a sum of K£1.

Mr. Temporary Deputy Chairman, Sir, this item relates to the emoluments of the staff of the Ministry of Education and Human Resource Development. If you turn to page 1545, the first item there is the salary of the Minister for Education and Human Resource Development, which is K£12,522 for the current year.

Mr. Temporary Deputy Chairman, Sir, the grounds on which this reduction is proposed is in order for this House to register its disgust with the manner in which the Minister for Education and Human Resource Development - who must take personal responsibility over this issue - is handling the crisis relating to the issue of teachers' salaries. Three years ago, this Government appointed hon. Taitta arap Toweett to head a committee to recommend a salary structure for teachers. That committee included the then Permanent Secretary to the Treasury, a representative from the Office of the President and the Director of Education. In fact, the Government had eight representatives while the teachers had only five representatives. That committee is the one that came up with the recommendations which this Government failed to implement. For a whole year, the teachers have been arguing about implementation and not the amount that they should be paid.

Mr. Temporary Deputy Chairman, Sir, when the teachers threatened to go on strike a year ago, it was simply to force this Government to implement those terms and conditions of service. Instead of doing that, we are now hearing that there is no money. Did this Government not know, three years ago, that there was no

money when they were agreeing to these terms? The position we are taking is that the teachers must be paid the money that the Government agreed to pay. There is no question of re-negotiating and adopting hard-line positions because the teachers will go on strike.

The Temporary Deputy Chairman (Mr. Poghisio): Order, hon. Muite! Please, do not re-open debate. Just Move the amendment and we shall proceed.

Mr. Muite: Mr. Temporary Deputy Chairman, Sir, I am saying that the time has come for Ministers in this Government to take personal responsibility. When things get hot, they go hiding behind the President and getting the President to say unpalatable things like he said the other day, because he has been misled by the Minister. Everywhere we go, hon. Musyoka is causing us problems. At Safari Park, he is a KANU hawk. He is the one who is now sabotaging the Constitutional Reforms! He is the one who is talking about the district representatives!

The Minister for Education and Human Resource Development (Mr. Musyoka): On a point of order, Mr. Temporary Deputy Chairman, Sir. Is it in order for the hon. Member to demonstrate such a high level of intolerance? It is not my wish to reply to this because I had occasion to reply to the issues raised by hon. Members. Is this the correct forum really for hon. Muite to go on a personal tirade against me? Of course, I take personal responsibility for the sins of commission or omission within my Ministry. I take full responsibility. So, would hon. Muite tell us exactly what his intentions are?

The Temporary Deputy Chairman (Mr. Poghisio): Order, Mr. Muite! Can you move quickly because we need to propose this Question?

Mr. Muite: I will do exactly that, Mr. Temporary Deputy Chairman. Hon. Musyoka has said that he takes full responsibility. Can he hand in his resignation today so that we can have another Minister for Education and Human Resource Development?

With those few remarks, I beg to move and call upon hon. Kihoro to second.

The Temporary Deputy Chairman (Mr. Poghisio): In this case, there will be no seconding.

(Question of the reduction proposed)

The Minister for Education and Human Resource Development (Mr. Musyoka): Mr. Temporary Deputy Chairman, this is one amendment that should, and must, fail because the spirit in which it is brought is superfluous. In fact, this Minister has already taken the step of reducing his personal emoluments by 30 per cent. I think that should be taken into consideration. Therefore, I urge my colleagues to reject this amendment.

Mr. Munyasia: Mr. Temporary Deputy Chairman, Sir, I rise to support the amendment as moved by hon. Muite. In the history of this country, we have never seen the kind of deceit expressed by the present Minister for Education and Human Resource Development. We have heard him on television saying that---

The Minister for Education and Human Resource Development (Mr. Musyoka): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it really in order for us to discuss the personal conduct of a Minister without bringing a substantive Motion under the relevant Standing Order? Are you now going to allow hon. Munyasia to discuss the personal conduct of another hon. Member without bringing a substantive Motion, as provided for in the Standing Orders?

The Temporary Deputy Chairman (Mr. Poghisio): Mr. Munyasia, could you, please, withdraw the word "deceit", and then proceed?

Mr. Munyasia: Mr. Temporary Deputy Chairman, Sir, I meant that he had posed on television one time---

The Temporary Deputy Chairman (Mr. Poghisio): Order, Mr. Munyasia! Could you, please withdraw and proceed?

Mr. Munyasia: Mr. Temporary Deputy Chairman, Sir, I withdraw that word, but I am not changing the picture!

Let it suffice for me to be recorded., as having supported this particular amendment.

(Question of the reduction put and negatived)

Head 836 - Curriculum Support Services

Mr. Munyasia: On Head 836, Item 191, on which was the amendment---

An hon. Member: We have disposed of that Head.

Mr. Munyasia: Mr. Temporary Deputy Chairman, Sir, we are not yet through with it. On page 1527, Head 836, Item 191 - In-Service Courses (Serving Teachers), the Minister has told this House, in reply to the debate, that he is going to organise very many in-service courses at the current TTCs. There is no provision made under that Item for in-service courses. How is he going to organise them for serving teachers without money?

The Minister for Education and Human Resource Development (Mr. Musyoka): Mr. Temporary Deputy Chairman, Sir, indeed, we are working very hard to ensure that we get partnership support in this regard. Besides, there are already provisions for various colleges specifically.

*(Heads 834, 835, 836, 837, 838, 839,
841, 862 and 863 agreed to)*

(Sub-Vote 310 agreed to)

SUB-VOTE 311 - PRIMARY EDUCATION

Head 844 - Primary Schools

Dr. Kituyi: Mr. Temporary Deputy Chairman, Sir, under Head 844, Item 000 - Personal Emoluments - could the Minister tell this House whether what he has set out as personal emoluments are on the basis of his wish that teachers will concede to reduction in their promised income, or are they on the basis of the contract the Government entered into with teachers?

The Temporary Deputy Chairman (Mr. Poghio): What is your question?

Dr. Kituyi: Mr. Temporary Deputy Chairman, Sir, I am on page 1531, Head 844 - Primary Education, Item 000 - Personal Emoluments. Do these salary provisions anticipate that teachers will accept what the Government wants through negotiations or brinkmanship, or are they based on what the Government contracted with teachers last year?

The Minister for Education and Human Resource Development (Mr. Musyoka): These provisions are based on the reality in terms of what was given under Phase I and what is also anticipated in terms of annual increments, which is 4 per cent. I have just referred to it.

Dr. Kituyi: Mr. Temporary Deputy Chairman, Sir, the contractual position should be the *status quo*. The reality, as it is, should be what the Government agreed with teachers. Are we going to be involved in an exercise in futility? We will pass these Estimates but the Government cannot force its way through with teachers because of a legitimate agreement it has earlier signed with teachers. How can the Minister take a unilateral position to give 4 per cent increment when Phase II is supposed to entail a 45 per cent increment?

The Minister for Education and Human Resource Development (Mr. Musyoka): Mr. Temporary Deputy Chairman, Sir, it is really not a unilateral position. The increment does not, in fact, cover just teachers, but also all civil servants. What the Government cannot provide for now is salary increases as awarded last year to teachers. I have been educated on distinction between annual increment and annual increases. Annual increases have not been effected. I think the hon. Member should take it in that spirit. That is my explanation.

Mr. Parpai: Mr. Temporary Deputy Chairman, Sir, if the Minister has already made up his mind on teachers' salaries, why should he now call them for negotiations over their salaries?

The Minister for Education and Human Recourse Development (Mr. Musyoka): Mr. Temporary Deputy Chairman, Sir, I feel constrained to answer that question. This is just the normal 4 per cent annual increment. It is important for the teachers to know about it. All we are saying is that we cannot implement Phase II and Phase III of the agreement. We want them to sit down with us in order to come to an understanding over this issue.

(Heads 844, 845 and 846 agreed to)

(Sub-Vote 311 agreed to)

SUB-VOTE 312 - TEACHERS EDUCATION

(Heads 803, 807 and 847 agreed)

(Sub-Vote 312 agreed to)

SUB-VOTE 313 - SCHOOLS FOR THE HANDICAPPED

(Heads 810, 811, 848 and 852 agreed to)

(Sub-Vote 313 agreed to)

SUB-VOTE 314 - MISCELLANEOUS SERVICES

Head 853 - Bursaries, Scholarships, Subsidies and Education Attaches

Mr. Raila: Mr. Temporary Deputy Chairman, Sir, under this Head, there is a reduction from K£4,600,000 to K£4 million. Could the Minister explain the reason for this reduction?

The Minister for Education and Human Resource Development (Mr. Musyoka): Mr. Temporary Deputy Chairman, Sir, it is part of austerity measures.

(Heads 853 and 854 agreed to)

(Sub-Vote 314 agreed to)

SUB-VOTE 315 - PRE-PRIMARY EDUCATION

(Head 816 agreed to)

(Sub-Vote 315 agreed to)

SUB-VOTE 316 - SECONDARY EDUCATION

(Head 800 agreed to)

(Sub-Vote 316 agreed to)

SUB-VOTE 318 - UNIVERSITY EDUCATION

*(Heads 827, 828, 829, 832, 833,
840, 842, and 867 agreed to)*

(Sub-Vote 318 agreed to)

SUB-VOTE 319 - HUMAN RESOURCE DEVELOPMENT

(Heads 516 and 521 agreed to)

(Sub-Vote 319 agreed to)

(Vote R31 agreed to)

VOTE D31 - DEVELOPMENT EXPENDITURE

SUB-VOTE 310 - GENERAL ADMINISTRATION AND PLANNING

Head 836 - Curriculum Supportive Services

Mr. Ojode: Mr. Temporary Deputy Chairman, Sir, under Head 836, Item 228 - Strengthening of Primary Education II, last year, they were given an allocation of over K£1 million for the strengthening of primary education and this year there is no money allocated for this purpose. What is the Ministry going to do in order to

strengthen primary education? Do you have some funds anywhere?

The Minister for Education and Human Resource Development (Mr. Musyoka): Yes, Mr. Temporary Deputy Chairman, Sir, this is one area where we are getting solid support from our development partners under the spread programme. So, I think the hon. Member would be able to know them.

(Heads 834, 835, 836, 839 and 841 agreed to)

(Sub-Vote 310 agreed to)

SUB-VOTE 311 - PRIMARY EDUCATION

(Heads 844 and 846 agreed to)

(Sub-Vote 311 agreed to)

SUB-VOTE 312 - TEACHERS EDUCATION

Head 847 - Primary Teachers Training Colleges

Dr. Kituyi: Mr. Temporary Deputy Chairman, Sir, on page 1098, Head 847, Items 400, 401 and 406, the Minister for Education and Human Resource Development has told this House that the installed capacity for TTCs is 7,000, and because of attaining sufficient numbers of teachers, they have scaled it down to 5,000. Over the next two years, they are not recruiting any teachers into TTCs. Could he now explain to this House why, for the third year running, he is asking us to give him money for the construction of non-existent TTCs in Kitui and Kibabii? Why do you want money to construct primary school teachers colleges when you are not using the capacity existing, and you are not even recruiting any teachers for this coming year?

The Minister for Education and Human Resource Development (Mr. Musyoka): Mr. Temporary Deputy Chairman, I would like to thank the hon. Member for his concern. I would like to assure him that the Ministry would like to complete the structures at both Kibabii and Kitui Teacher Training Colleges (TTCs). This is because these structures are 50 per cent complete. The most important point here is that we are not yet over with the training of our primary school teachers. Besides this, we intend to use the existing capacity. I heard the hon. Member for Kimilili, in his usual eloquence, argue that there is, perhaps, need for us to develop a national computer centre. These are some of the things that we have to think about. The Government cannot go wrong in developing infrastructure, particularly where it has already put up buildings up to a certain level. That is why we need the money.

Dr. Kituyi: Thank you very much, Mr. Temporary Deputy Chairman. I wish to inform the Minister for Education and Human Resource Development that I do not know more about Kitui TTC. In fact, Kibabii TTC does not exist because no single building stone, or amount of sand, has been put on the ground, so that we can talk of Kibabii TTC, in spite of the fact that the proposed college has always been allocated money in every financial year since I came to this House. If the Minister argues that the Government wants to complete what has not been started, that makes no sense. The idle land can be used for other purposes. Could the Minister cancel the proposed Kibabii TTC project, and instead start a computer centre? The infrastructural requirements for this centre are totally different from those of a primary school TTC. Since the Ministry has not started building the Kibabii TTC, could the Minister now agree that the Government will continue with the construction of Kitui TTC until completion? We do not want the Ministry to build the Kibabii TTC because it has not laid down even the foundation. Instead, the Ministry should set up a national computer centre there.

The Minister for Education and Human Resource Development (Mr. Musyoka): Mr. Temporary Deputy Chairman, I have been advised that there has been a problem with the original contractor, because he was discontinued. But right now, work is actively in progress. However, I am prepared to discuss this issue with the hon. Member because it will be very disheartening for the community in this particular place to hear that this facility has been stopped.

Head 844 - Supply of Textbooks

Mr. Ojode: Mr. Temporary Deputy Chairman, I would like to turn to Head 844, Item 222 on page 1097.

Last year, the Ministry of Education and Human Resource Development had K£2.5 million for the supply of books to schools. The whole of Ndhiwa Constituency has never been supplied with any book since last year, despite the fact that the Ministry was allocated that amount of money. Now, where will the Ministry get money to purchase books, which it will supply to various primary schools, including those in Ndhiwa Constituency?

The Minister for Education and Human Resource Development (Mr. Musyoka): Mr. Temporary Deputy Chairman, I would be very interested to look at the case of *Mheshimiwa's* constituency, which is Ndhiwa. I wish to also tell him that if he listened to my statement, I referred to the Dannish Textbook Project, which has already gone through the pilot stage, and is now ready to start its operation. So, the Ministry will certainly be able to provide textbooks to all primary schools in this country.

(Heads 844 and 846 agreed to)

(Sub-Vote 311 agreed to)

SUB-VOTE 312 - TEACHERS EDUCATION

(Heads 803, 807 and 847 agreed to)

(Sub-Vote 312 agreed to)

SUB-VOTE 315 - PRE-PRIMARY EDUCATION

(Head 816 agreed to)

(Sub-Vote 315 agreed to)

SUB-VOTE 316 - SECONDARY EDUCATION

(Head 800 agreed to)

(Sub-Vote 316 agreed to)

Sub-Vote 318 - University Education

(Heads 827, 828, 829, 833, 840, 842 and 867 agreed to)

(Sub-Vote 318 agreed to)

SUB-VOTE 319 - HUMAN RESOURCE DEVELOPMENT

(Heads 516 and 521 agreed to)

(Sub-Vote 319 agreed to)

(Vote D31 agreed to)

(Vote 31 Agreed to)

(Question put and agreed to)

(Resolution to be reported without amendment)

(The House resumed)

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

REPORT

Vote 31 - Ministry of Education and Human Resource Development

Mr. Kamolleh: Mr. Temporary Deputy Speaker, Sir, I am directed to report that the Committee of Supply has considered the Resolution that a sum not exceeding K£1,124,258,780 be issued from the Consolidated Fund to complete the sum necessary to meet expenditure during the year ending 30th June, 1999, in respect of Vote 31 - Ministry of Education and Human Resource Development, and has approved the same without amendment.

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

The Minister for Lands and Settlement (Mr. Ngala) seconded.

(Question proposed)

(Question put and agreed to)

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Pogishio): Hon. Members, that concludes the business of the House. The House stands adjourned until tomorrow, Thursday, 23rd July, 1998, at 2.30 p.m.

The House rose at 6.15 p.m.