

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 7th September, 2011

The House met at 9.00 a.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

QUESTIONS BY PRIVATE NOTICE

ABOLITION/TRANSFER OF MOI UNIVERSITY SCHOOL OF ENVIRONMENTAL STUDIES

Dr. Otichilo: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Higher Education, Science and Technology the following Question by Private Notice.

(a) Why has the management of Moi University unilaterally initiated a move to abolish its School of Environmental Studies?

(b) Why is the management of the university forcing the staff and students of the school to move to Chepkoilel College without the sanction of the Board of the school and the University Senate and Council?

(c) Can the Minister confirm that Legal Notice No.125 of 2010, which established Chepkoilel University College, does not provide for the transfer of the School of Environmental Studies to the college and, if so, could the Minister rescind the move?

The Minister for Higher Education, Science and Technology (Prof. Kamar): Mr. Deputy Speaker, Sir, I beg to answer.

(a) The university management has not initiated a move to abolish the School of Environmental Studies in Moi University. The school has not been abolished. It has been relocated to Chepkoilel University College based on the implementation of the Moi University Strategic Plan, 2005- 2015 which was conceived when Chepkoilel University College was still a campus of Moi University. It is also indicated in the Strategic Plan 2009-2015.

(b) It is not true that the staff and students have been forced to move to Chepkoilel University College. As stated above, the decision to move the school was fully participatory. The view of the university is that a school is not only made up of faculties but also includes staff and students and it was, therefore, in order for staff and students to move to Chepkoilel as agreed by all stakeholders.

(c) I also wish to confirm that Legal Notice No.125 of 2010 which established Chepkoilel University College does not provide for the transfer of the School of Environmental Studies to the College. The mandate to transfer the School of Environmental Studies and any other school for that matter is provided for in the university statutes and the Strategic Plan.

In the year 2009 when the Ministry of Higher Education, Science and Technology proposed to upgrade Chepkoilel University College to a constituent college of Moi University, a proposal was made and approved by the Council for the School to form part of the proposed Chepkoilel University College. This included the School of Environmental Studies as part of the College of Natural and Applied Sciences as per the earlier Strategic Plans of 2005-2015 and the 2009-2015. The Minister is, therefore, unable to rescind the decision of the university council.

Dr. Otichilo: Mr. Deputy Speaker, Sir, I want to take this opportunity to thank the new Minister for giving me a very comprehensive and good answer. I am very impressed. Having said that, I would like to hear from her what will happen to the physical infrastructure of the Environmental School which has, in all these years, been at the Moi University Campus. Now that it is being transferred to Chepkoilel, what happens to the infrastructure because the contention here is that the school is being moved to Chepkoilel Campus but the physical infrastructure is at Moi University? So, there is a problem here. How will we sort out the problem?

Prof. Kamar: Mr. Deputy Speaker, Sir, there is no problem with infrastructure. As a Ministry, we are trying to give capital development funds to all institutions. As you and hon. Members are aware, there are many campuses which have been converted into university colleges recently and we will continue to convert more. The responsibility of infrastructural development lies between the Ministry and the university councils. We will endeavor to make sure that each new university college has adequate facilities to perform the duties of producing students through the faculties and schools that have been allocated to the university colleges. So, that is not a problem.

As of now, one of the prides of the School of Environmental Studies of Moi University was a huge library that was established over time. That has been fully relocated to the new campus and students and staff are not disadvantaged in any way. So, in terms of infrastructure, we are looking at it, not just for Chepkoilel Campus but for all university colleges that were established recently.

Mr. Pesa: Thank you Mr. Deputy Speaker, Sir. The Minister has so far done well. However, I would like to know the following: Now that the Ministry is giving money to universities for infrastructural development, is she satisfied that the rate at which that transfer is being done will give the university enough time to put up the infrastructure at the new campus at Chepkoilel?

Prof. Kamar: Mr. Deputy Speaker, Sir, for Chepkoilel, we are extremely satisfied. The conversion of Chepkoilel to a campus in 1992 was actually on time. We did not have infrastructural problems because it was already a fully-fledged diploma-awarding college. So, it had infrastructure. We are looking at all the others to ensure that infrastructure is created ahead of the student enrolment. As I said, we have quite a number. We have three that are now in the pipeline, being prepared, and we are trying to look at the budgetary implications. So, we are very conscious of that fact. We are going to ensure that the infrastructure moves in agreement with the number of students given to the campuses.

Mr. Ruteere: Mr. Deputy Speaker, Sir, the Minister has said that the whole school has been transferred from Moi Campus. There are those students who were admitted to undertake environmental studies there. What will happen to those students?

Prof. Kamar: Mr. Speaker, Sir, when students move, they do so with their faculties. They move with their professors and lecturers. So, they have all relocated. This is a common practice. Whenever a university moves a school it does so with the staff. So, there is no problem. Those who are registered are registered to do a Moi University degree, and the degree remains a Moi University degree. So, it is a Moi University degree that the campuses, or colleges, of Moi University are offering. So, it was just relocation, and there is no effect on the students and the teaching staff. They are all there.

Mr. Duale: Mr. Deputy Speaker, Sir, as an old student of Moi University in the 1990s, I want to ask the Minister something. It is not just about moving students. What about the infrastructure of the School of Environmental Studies at the Main Campus in Moi University? How do you move the infrastructure?

Prof. Kamar: Mr. Deputy Speaker, Sir, we need to ask ourselves what infrastructure is. If infrastructure is classrooms, it is four walls. You do not have to move the four walls because you can also have four walls at the other place. The other things that are special to a university faculty are the equipment and the instruments they use for instruction. Those ones are movable items, and they have been moved.

I said that the library was one of the very important things to the School of Environmental Studies. It was a library which was built in collaboration with the Netherlands friends they had. Those facilities have been relocated. The laboratory has already been set up in Chepkoilel Campus. Again, this is not something which was done abruptly. It was planned from the year 2005. I say so because I happen to have been there in 2005, when the strategic plan was designed.

In accordance with that strategic plan, there was establishment of The School of Natural Resources, which is supposed to host the School of Environmental Studies, the School of Forestry and the School of Agriculture. This has to be realised because it would not be useful for the three programmes to be separated because the professors were running between two campuses. So, for them, it is very advantageous that one school hosts all the three programmes.

Mr. Deputy Speaker, Sir, I also want to say that infrastructure is not a problem, because two years ago the World Bank gave an award of about Kshs80 million to Chepkoilel Campus to build the School of Natural Resources, and the building is almost ready. So, infrastructure is not going to be an issue.

Mr. Njuguna: Mr. Deputy Speaker, Sir, as the Departmental Committee on Education, we recently visited Chepkoilel Campus, and we found that the level of renovation at that college was not impressive. What is the Ministry doing to make sure that quality and standards are maintained in the construction of this new facility?

Prof. Kamar: Mr. Deputy Speaker, Sir, I want to believe that what the hon. Member is referring to is renovation, and not a new building. The new building being put up under the World Bank project is doing very well. I am informed that the contract is doing very well, and that the contractor will be on time. It is not just Chepkoilel Campus where infrastructure is being renovated. We are looking into facilities in most of the universities because there was a lapse over time in our institutions, where maintenance programmes almost collapsed. So, we are looking into this aspect.

I also want to inform this House that we are reviving our inspection team. We have an inspection team in the Commission for Higher Education, which we are going to send out to inspect not only the campuses of public institutions but also the little colleges

that have been taken over by universities. This is something of great concern to us. Where universities have taken over small colleges to be campuses of universities, we are looking at not only rehabilitation but also re-equipping to the standards that are required for higher education.

Mr. Mbau: Mr. Deputy Speaker, Sir, listening carefully to the Minister, one can discern that in the next three or four years, the move will be towards making Chepkoilel University College an independent university. That will mean Moi University will also become independent. Does it mean that when the public universities set up constituent colleges, the policy is towards elevating the colleges to fully-fledged universities? What becomes of schools like the School of Environmental Studies, which were initially meant to service the main agenda of the mother universities? I can see that we are moving towards having another university. What becomes of constituent colleges?

Prof. Kamar: Mr. Deputy Speaker, Sir, I want to clarify that universities will continue to grow. Universities will have campuses. Right now, we have quite a number of little colleges which we have converted to university campuses. In some cases, we only have one programme to start a campus; the campus then grows to a university college. From the status of a university college, an institution will be allowed to be autonomous at some stage. So, it is true that even Chepkoilel University College can grow and become autonomous.

When it comes to the programmes, a university Senate can propose any academic programme on earth, and not necessarily what was initially given to the baby campus. There is a procedure through which a university Senate can start any academic programme. So, mother Moi University can even start a school of environmental studies today, if they so wish. Each university looks at its own strength and decides which academic programmes they would like to handle.

As a matter of fact, Moi University gave birth to Maseno University and Masinde Muliro University. The people who went to start the programme in Masinde Muliro University were actually from the Faculty of Engineering of Moi University. This is one of the strengths of Masinde Muliro University currently, but that has not stopped Moi University from carrying on with engineering programmes. So, if Moi University would like to continue with the School of Environmental Studies, they can still use their internal procedure even now to start the same programmes. It does not mean that when you start another college, or you start a campus, you actually kill the programmes in the mother university. It is just for the sake of expansion of university education in this country that existing universities take their strong faculties out to start constituent colleges in middle level institutions. When those constituent colleges grow and become autonomous, they start the university programmes they would like to run. Each university looks at the strategic programmes that can meet the needs of this country.

Mr. Deputy Speaker: Madam Minister, for the benefit of the Chair, are you saying that the option of moving a college entirely from a university to another place, which can eventually become independent, is normal and is happening in the country? I do not know if hon. Members have really heard you, but I find it a little bit disturbing. The Faculty of Engineering at Moi University was not closed because Masinde Muliro University, which was a constituent college of the former, started a Faculty of Engineering. In this case, you are saying that you are moving the entire faculty to another

college, which is not more than a constituent college. Maybe, you need to clarify this development.

Prof. Kamar: Mr. Deputy Speaker, Sir, let me clarify that those are two different cases. In the case of the former Masinde Muliro Constituent College, Moi University moved part of its Faculty of Engineering to start a similar faculty in Masinde Muliro Constituent College and continued with their programme. Moi University, in their Strategic Plan, 2005, wanted to merge the School of Forestry and Natural Resources, which is in Chepkoilel Campus, with the School of Environmental Studies and the School of Agriculture, because of the inter-linkages within the three schools. That was the intention in 2005.

That is when Chepkoilel Campus was a constituent college of Moi University. In the process, the campus has matured into a university college. It has the School of Forestry. Plans are underway to establish a school of natural resources that will take care of environmental studies, forestry and agriculture. However, this does not stop Moi University which is the main campus from starting a similar programme. We can have a programme running in the main campus as well as in its constituent college. There is nothing wrong with that. There is a process through which they can do so. However, because this is a process they started in 2005, the university council saw it fit to actually shift and fulfill what is in the strategic plan first. After doing so, if they so wish, they can actually have the other programme running in the main campus.

Dr. Otichilo: Mr. Deputy Speaker, Sir, I want to hear from the Minister what will happen to the staff because there are allegations that the staff who are in school are being penalized for refusing to go to Chepkoilel Campus. Could she assure this House that the staff will not be penalized? I would also like to get evidence that the senate, indeed, approved the movement of this school from Moi University to Chepkoilel College Campus.

Prof. Kamar: Mr. Deputy Speaker, Sir, I have the proof here; Strategic Plan 2005-2015 that was signed by the Chancellor. It is not just a Senate decision, but it is a Council decision. So, I would like to table this.

(Prof. Kamar laid the document on the Table)

Mr. Deputy Speaker, Sir, it may be true that some staff were reluctant to leave which is historical. Whenever there are some changes, some people can be very reluctant.

I am informed that the staff who are reluctant to move were not even there in 2005. So, it is possible that it is out of ignorance. If you look at the Strategic Plan of 2005, for example, you will see this decision was made much earlier. However, because of the shortage of lecture rooms in the campus, they were not able to implement what was decided in 2005. The reason the decision is being made right now is because of the delinking of the college as well as the blessing of the building which was constructed with the assistance from the World Bank.

Mr. K. Kilonzo: On a point of order, Mr. Deputy Speaker, Sir. I admire this Minister because of her knowledge in the field of education. However, is it fair to shift a whole college where even staff have to re-apply again whereas the normal practice is to open campuses elsewhere? Is it in order for her to support the move to close and transfer as opposed to opening another campus elsewhere?

Mr. Deputy Speaker: Hon. Minister, the tradition is that the strength of a university is transferred elsewhere, but maintaining the mother because that is where it all emanates from. This is a case where the mother campus is closing down a programme and starting a new thing. I do not think it will maintain the academic excellence.

Anyway, proceed.

Prof. Kamar: Mr. Deputy Speaker, Sir, it is not really a tradition. The programme in the main campus is not done away with. As I said, this decision was made in 2005 and I have given evidence. The Chancellor has signed the Strategic Plan. It was approved. I happen to have been in that Strategic Plan session. So, I am giving you the right information because I was in the university then.

The issue is not to close; it is to implement a decision that was made way before the campus became a constituent college.

We are not even giving support, but we are allowing the council---

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

Prof. Kamar: I have not answered him in the first place!

Mr. K. Kilonzo: Mr. Deputy Speaker, Sir, you heard the Minister clearly say that this decision is being implemented because it was arrived at in 2005.

Madam Minister, in your own opinion, do you think it is fair to close the mother college? In view of that, why can you not review that decision given that now you are sitting at the helm of that Ministry?

Prof. Kamar: Mr. Deputy Speaker, Sir, we cannot review because it means we are destroying the strategic plans of institutions. When an institution has a strategic plan that covers a period between 2005 to 2015, it is only fair to allow it to implement it. We cannot destroy their strategic plan because they are moving towards fulfilling a dream and a goal. Therefore, we cannot discourage them from fulfilling their dream and goal. As I said, they can even start the same school in the same campus if the university so wishes. So, it is allowed that you may do this.

When Moi University started Maseno University, it started with the School of Arts. Now they have engineering, School of Environmental Studies. The six members of the faculty from Moi University started those programmes in Maseno University. The same thing happened with Masinde Muliro University. Masinde Muliro School of Engineering was started by professors of engineering of Moi University, some of whom have gone back to Moi University. So, we do the sharing of resources to ensure that we establish the best that we can.

Normally, it is the baby you want to nurse more than the mature one. However, this mature main campus can do anything. They can start any programme they so wish. However, the Strategic Plan of Moi University has stipulated what they want to achieve from 2005 onwards. It was just a matter of time before this happened. This happens to be the most appropriate time as far as the council is concerned.

Mr. K. Kilonzo: On a point of order, Mr. Deputy Speaker, Sir. From time to time, you have ruled that the Speaker does not need to direct that a committee intervenes on a matter like this one. Therefore, given the circumstances and the importance of this matter, would I be in order to request the Chair to refer this matter to the Departmental Committee on Education, Research and Technology, and give them a timeframe of three weeks to report back to this House because it is clear that the Minister is between a rock and a hard place?

I am seeking the directive of the Chair!

Mr. Deputy Speaker: Madam Minister, frankly, the Chair is also at a loss. You said that the Faculty of Engineering of Moi University was replicated in Masinde Muliro University. However, that did not entail closing that same faculty which was literally one of the flag bearers in terms of faculties of the university itself. What you are now saying is that you are moving an entire faculty from a mother university and closing that faculty in Moi University in Eldoret. You are shifting it to Chepkoilel Campus and when it becomes a fully independent autonomous, Moi University can restart that school again. That is basically what you are saying.

Prof. Kamar: Mr. Deputy Speaker, Sir, that is not exactly what I am saying. I am not saying they are relocating so that the main campus begins another programme. I am saying in the Strategic Plan of Moi University 2005-2015---

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

Prof. Kamar: Mr. Deputy Speaker, Sir, could the hon. Member allow me to respond to the Chair's concern so that it is very clear? From the Strategic Plan of 2005-2015, this school was going to be relocated anyway. At the time it was being relocated, Chepkoilel had become a university college. Even when you have a campus teaching education you can also have education being taught elsewhere. That has happened in other universities where you can start a programme and also initiate a new one. It is how you want to rearrange it. However, the main reason why it was moved to Chepkoilel was not so that Moi University stops teaching forestry courses there. No! It is because in the Strategic Plan, it was going to be relocated. This is because the School of Environmental Studies was supposed to cohabit with the School of Forestry and form the Premier College of Natural Resources. By 2005, it was noted that it was very important to put together the School of Environmental Studies and the School of Forestry to form the School of Natural Resources which is what is going on the world over. This is because when you split it, you are only splitting the small faculties that you have. But we know there are a lot of integrations in these courses and human resources do not become optimal because everybody will be oscillating between campuses.

So, this is a decision that was made prudently to make sure that a School of Natural Resources is put in place, so that we can run the two programmes together.

Dr. Otichilo: On a point of order, Mr. Deputy Speaker, Sir. I have briefly browsed through this strategic plan and there is nowhere they are saying that this school will be transferred to Chepkoilel. So, with your indulgence, I beg that this matter be taken to the Departmental Committee on Education, Science and Technology, so that it is investigated further.

Prof. Kamar: Mr. Deputy Speaker, Sir, if I have the document then I can help the hon. Member. It is very misleading for the hon. Member to say something that is not correct.

(Prof. Kamar was given the document)

Mr. Deputy Speaker, Sir, in the Strategic Plan which is on page 12, we have the proposed department. I hope you have not changed my pages! On page 12, there is a proposed School of Environmental Studies.

Mr. K. Kilonzo: On a point of order, Mr. Deputy Speaker, Sir. Clearly, you can see that this Question has taken more than 30 minutes. We have not been able to move. The Minister is still looking at this document. I suggest that it goes to the relevant Departmental Committee on Education, Science and Technology.

Mr. Deputy Speaker: Order! The Minister actually said that at the time when the strategic plan was put in place the idea was to entail a permanent constituent college, so that they separated the different faculties. But over a period of time, she admits that a new development is there, and Chepkoilel is now destined to become an independent university. At the same time she says that the faculty has to be moved from Moi University, which is the mother institution, so that the mother university can restart the same faculty, or school, if it feels like doing so. Much as we would all want to understand, to me it sounds very strange that a university that has started something that is going to have an institutional memory, and that will want to develop a school over the years will relocate it somewhere else and then it becomes an independent institution that will be separate from the mother institution.

Under the circumstances, I am inclined to believe that this answer is not adequate; the Chair will defer this Question to a time convenient to the Minister. In the meantime, the relevant Committee is going to undertake the necessary investigations, so that we have a situation that is essentially good for the country. We will also have the university, which is one of the oldest universities in the country. So, I direct that this Question appears on the Order Paper at the time when the Minister will feel that she will have, probably, more information; she will undertake more consultations and the Committee will also have done enough. Madam Minister, when do you think we can have this Question again on the Order Paper at your convenience?

Prof. Kamar: Mr. Deputy Speaker, Sir, two weeks is sufficient, so that they can look for any information they wish to have. I also want to inform them that there was a meeting of Moi University Council on 19th August, 2010 and there are minutes which I will be able to provide if they will help the Committee. They will show that the meeting of the council approved the transfer of the School of Environmental Studies to Chepkoilel University College. This was just a fulfillment of their own strategic plan.

I also want to mention to members of the committee that, as a Ministry, we would not like to distort any strategic plan that has been developed by a university. The reason is that you allow the growth of a university in a dynamic manner. If Chepkoilel had not matured into a university college, we would not have been privileged to see the strategic plan that they have. All the universities have their strategic plans. They are spreading currently to smaller colleges; we are very careful to ensure that does not destroy the national good. So, I also want to assure this House that this is not a destructive thing. May I also assure the House that as far as the information I got is concerned, all the students happily relocated. Ninety nine per cent of the staff also happily relocated. We are talking of two, or so, members of staff who have not relocated. I want the Committee to bring that proof also when they meet next time.

We should not destabilize something that is already stable. There are some who left the same day happily because they had been waiting. I also want to mention that the transfer of this college was discussed exhaustively by the different faculties. It is the schools themselves, the School of Forestry and the School of Environmental Studies that,

in 2005, said they must be one. So, again if you so wish, those minutes will be availed to help in the decision. Thank you.

Mr. Deputy Speaker: Order, Madam Minister! The Chair directs that this Question appears on the Order Paper two weeks from now.

Dr. Khalwale: On a point of order, Mr. Deputy Speaker, Sir. Whereas I feel really bound by your direction, the sensitivity of this matter is such that I was wondering whether we want to send out the message that---

Mr. Deputy Speaker: Order! When the Chair is giving a ruling on a matter, he explains all his decisions. It is not proper for a Chair's ruling to be debated by a hon. Member. The Chair directs that this Question appears on the Order Paper two weeks from today. The issue is not so much on who relocates and who does not relocate. The Chair is satisfied that very important academic issues have been delayed. In two or three year's time, Moi University will not have a faculty of Environmental Studies. It does not have a faculty now because it has been moved; the possibility of Chepkoilel University College becoming a university on its own is there. Under those circumstances, the matter has raised concerns. The Chair directs that the relevant Departmental Committee moves with speed, carries out its own scrutiny of the matter and gives a report in two weeks' time.

(Question deferred)

Mr. Sirat: On a point of order, Mr. Deputy Speaker, Sir. The point of order is on my Question by Private Notice No. 2. Before the Question is asked---

Mr. Deputy Speaker: Order! Next Question by Private Notice by Mr. Sirat!

CREATION OF AZANIA STATE BETWEEN KENYA AND SOMALIA

(Mr. Sirat) to ask the Minister for Foreign Affairs:-

(a) Is the Minister aware of the plans to create "Azania State" between Kenya and Somalia?

(b) What are the prospects of such a move and its impact on the image of Kenya?

(c) Who is running and financing the "Azania State" project in Southern Somalia (Lower Jubaland)?

Mr. Sirat: Mr. Deputy Speaker, Sir, before I ask the Question, it has been adequately answered by the Minister of State for Provincial Administration and Internal Security, who is in charge of the National Security Intelligence Service (NSIS), and the Minister of State for Defence. My Question concerns the security of my people. I had written a letter to the Clerk.

Mr. Deputy Speaker: Order! What is your problem? Do you want your Question to be directed to a Ministry other than the Ministry it is directed to?

Mr. Sirat: Yes, Mr. Speaker, Sir. My Question was directed to the Ministry of State for Provincial Administration and Internal Security and the Ministry of State for Defence and not to the Ministry of Foreign Affairs.

Mr. Deputy Speaker: Mr. Deputy Leader of Government Business!

The Minister for Transport (Mr. Kimunya): Mr. Deputy Speaker, Sir, the Question is very clear. It refers to a state outside Kenya. So, it is for the Ministry of

Foreign Affairs. So, I would rather the hon. Member asks the Question and then we will sort it out from there.

Mr. Sirat: Mr. Deputy Speaker, Sir, if I may inform you, my Question has been distorted by the Clerk. I had written to the Clerk and my Question was not framed like this! My Question was addressed to the Minister in charge of Internal Security and it touched on the security of the people of Wajir South Constituency and it was not a diplomatic matter!

Mr. Deputy Speaker: The Government has a collective responsibility under the circumstances. On the other hand, if the Minister for Foreign Affairs feels that the matter belongs somewhere else, it is for the Minister to state that!

The Minister for Foreign Affairs (Mr. Wetangula): Mr. Deputy Speaker, Sir, I had an answer for the Question, but when the hon. Member saw me, he thought that this Question should be directed to the Minister in charge of Internal Security.

Mr. Sirat: I would---

Mr. Deputy Speaker: Order!

The Minister for Foreign Affairs (Mr. Wetangula): The hon. Member has seen me and indicated that he intended this Question to be filed to the Ministry of State for Provincial Administration and Internal Security.

Mr. Deputy Speaker: And you share---

The Minister for Foreign Affairs (Mr. Wetangula): Mr. Deputy Speaker, Sir, he has also indicated that he prefers his line of interrogation to be targeted at the Ministry of State for Provincial Administration and Internal Security. If that is his wish, I have no problem. However, let me also mention that this Question may very well offend Standing Order No.79 in some aspects. It also has some serious security implications on this country and our relationship with Somalia. So, as the Chair directs where you want it to go, I think you should take that into account because we are about to engage in discussions on a friendly country and its internal issues that have little to do with us.

Mr. Imanyara: On a point of order, Mr. Deputy Speaker, Sir. The hon. Member for Wajir South has made some very serious allegations that he framed his Question, sent it to the Office of the Clerk and it was distorted. That is a very serious allegation directed at the Office of the Speaker and I seek your direction on that issue. This is because if hon. Members' Questions can be distorted or changed by staff members at the Clerk's Office, then that undermines the very concept of representative democracy.

Mr. Deputy Speaker, Sir, I seek your guidance on that matter.

Mr. Deputy Speaker: Mr. Sirat, is your assertion of dissent only to the extent of which Ministry it was sent to or it is on the content and frame of the Question?

Mr. Sirat: Thank you, Mr. Deputy Speaker, Sir. I appreciate Mr. Imanyara. That is exactly what happened. I wrote a letter to the Clerk last week telling him that he has distorted and misdirected my Question. My Question should go the way I want it. That letter should be produced by the Clerk now!

Mr. Deputy Speaker: Order! Mr. Sirat, is the distortion of the Question on the content of the Question or to which Ministry it has been directed?

Mr. Sirat: Both, Mr. Deputy Speaker, Sir. That letter is with the Clerk and they can bring it now.

Mr. Deputy Speaker: So, the Question as you have asked it now, a, b, c, is not the way you put it yourself?

Mr. Sirat: That is correct, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Okay! Fair enough! The Chair directs, under the circumstances and with the allegations that have been made by the hon. Member that it will carry out the requisite investigations on the same matter and will give a Communication to the House on the same too. In the meantime, the Question is deferred!

(Question deferred)

ORAL ANSWERS TO QUESTIONS

Question No.1117

HARASSMENT OF MOTORISTS BY ISRAEL EMBASSY SECURITY OFFICERS

Mr. Deputy Speaker: Is Mr. Kombo out of the country or out of the Chamber today on any official parliamentary business?

Question dropped!

(Question dropped)

Question No.895

CHARGING OF INTERNATIONAL CALL RATES BY SAFARICOM IN BUSIA

Mr. Deputy Speaker: The Chair has communication from the Minister that he is not around. That is from the Permanent Secretary, as a matter of fact. He says that he will not be in a position to answer this Question today because both the Minister and the Assistant Ministers are attending functions outside the House. Under the circumstances, the Chair directs that this Question be listed on the Order Paper---

Mr. Odhiambo: On a point of order, Mr. Deputy Speaker, Sir. I seek your indulgence on this matter because this Question is appearing on the Order Paper for the fifth time now. Even the answer that I have today is very different from the answer that I was given previously and I wonder why they are changing goal posts on this Question!

Mr. Deputy Speaker: The request by the Minister or by the Ministry, for that matter, is for this Question to be listed on another date other than today, which also can mean as early as tomorrow. So, because of the number of times this Question has appeared on the Order Paper, then this must also be taken note of by the Deputy Leader of Government Business. The Chair directs that this Question be listed on the Order Paper tomorrow in the afternoon. The Ministers had better be here to answer this Question. A future date means any date other than today.

(Question deferred)

Question No. 972

COST OF UPGRADING ROADS IN MANDERA/WAJIR/GARISSA COUNTIES

Mr. M.H. Ali asked the Minister for Roads:-

(a) whether he could provide a list comprising names and costs of all roads done or repaired during the last three financial years, excluding the constituency fuel levy fund

(b) what plans he has to improve major roads connecting administrative districts to all-weather roads in the three counties of Mandera, Wajir and Garissa; and,

(c) how much money the Minister has allocated these roads in the 2011/2012 Financial Year.

The Assistant Minister for Roads (Mr. Kinyanjui): Thank you, Mr. Deputy Speaker, Sir. I wish to beg for the indulgence of the House to give me a few minutes because I have sent a copy of the written answer to be photocopied so that I can supply the hon. Member and also have one copy to answer. So, I am sure that in the next five or ten minutes, we can be able to come back to this Question and I will be able to answer it accordingly.

Thank you, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Fair enough! Let us move to Question No.983 by Mr. Lang'at!

Question No.983

EQUIPMENT/STAFF AVAILABLE FOR EMERGENCY RESPONSE

Mr. Deputy Speaker: Is Mr. Lang'at not here?
The Question is Dropped!

(Question dropped)

Mr. Deputy Speaker: Let us move on to Question No.1121 by Mr. Litole!

Question No.1121

TOTAL SURFACE AREA COVERED BY TURKWELL GORGE DAM

Mr. Litole asked the Minister for Regional Development Authorities:-

(a) what the total surface area covered by Turkwell Gorge Dam is;

(b) when the Government will compensate the people on both sides of the Suam River whose land is occupied by the dam and were forced to lose grazing land and land for mining of alluvial gold, which were the residents' sources of livelihood; and,

(c) whether the Government could consider allocating to the displaced persons an equivalent area of land from one of the ADC farms in Trans Nzoia?

The Assistant Minister for Regional Development Authorities (Mr. ole Metito): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The total surface area covered by Turkwell Gorge Dam is 66 square kilometres; approximately 7,000 hectares.

(b) The Government, through the Kerio Valley Development Authority (KVDA) compensated the people who were displaced and lost grazing land within the dam reservoir area and those in respect of the way leaves under Turkwel - that is the Lessos Power Line - a total amount of Kshs11 million and not Kshs520 million as indicated. So, that is a correction.

(c) As for the two centres namely Kolopot and Lochokei, which were gold prospecting centers and were submerged by the Turkwel Dam, the individual residents were equally compensated for their properties, which included houses and beehives. The County Council of Pokot was also compensated for the loss of trees and the land at the cost of Kshs19 million. Since compensation was paid, it was expected that people would make their individual resettlement arrangements.

Thank you, Mr. Deputy Speaker, Sir.

Mr. Litole: Mr. Deputy Speaker, Sir, you can see that the Ministry or the Assistant Minister is not serious at all. Sixty six square kilometres is the whole of Nairobi and we were paid an equivalent of Kshs11 million. If you calculate it – and I was a mathematician – you will find that it is Kshs714 per acre. What will this do? It is a sad that the Ministry took the people of that region for a ride. Would I, therefore, seek your indulgence that fresh negotiations be done for these people? This is because 66 square kilometres, you will agree with me, is a whole county in some parts of this country.

Mr. ole Metito: Mr. Deputy Speaker, Sir, I agree that 66 square kilometres is a very vast land, but not all of it was occupied by the individuals. This compensation was done between 1991 and 1993 and 847 households were the ones who were compensated because the land was trust land under the County Council of Pokot and just small portions were occupied by the families. That is why Kshs11 million was given to the few--

Mr. Litole: On a point of order, Mr. Deputy Speaker, Sir. That area is a grazing land. He should not say a few people are living there. What were people doing in Kortu, the centre he is talking about? In one year the people of the area would get gold worth at least Kshs100 million. They were given Kshs11 million. Why is the Assistant Minister misleading the House?

Mr. ole Metito: Mr. Deputy Speaker, Sir, if my good friend Mr. Litole would be a little bit patient and listen, I was going to give the information. This was trust land under the County Council of Pokot and that is why Kshs19 million went to the county council. The area that was occupied by 847 households was given Kshs11 million. That amount did not just come out of the blue; a valuation was done and it was found that that was the equivalent of the activities that were taking place at that time. Under the grazing land which was under the county council, the council was given Kshs19 million for that purpose.

Mr. Kiptanui: Mr. Deputy Speaker, Sir, you heard the Assistant Minister say that there was a valuation which was done. I want to believe that there was an agreement between the Government, the county council and the residents of this place. Could the Assistant Minister provide the documents showing that there was an agreement and the valuation which was done?

Mr. ole Metito: Mr. Deputy Speaker, Sir, that is a very good question. I do not have the report at the moment but I know that that is what originated the whole agreement and the whole settlement. If that is required, I can provide it.

Mr. Imanyara: Mr. Deputy Speaker, Sir, it is the law of the land that county councils hold trust lands on behalf of the inhabitants of the area. When the Assistant Minister says that the money was given to the county council, what steps were taken to ensure that this money did, in fact, end up with the people of Pokot and was not stolen as has happened so many times?

Mr. ole Metito: Mr. Deputy Speaker, Sir, I agree that trust land is held on behalf of the people by the county councils. That is why KVDA paid the County Council of Pokot on behalf of the people whose land is held in trust. The issue now is that the county council is also a representative of the people. Therefore, the people who represent those displaced persons within the County Council of Pokot were the ones who could know how the amount reached their people.

Mr. Deputy Speaker: Last question on the same, Mr. Litole!

Mr. Litole: Mr. Deputy Speaker, Sir, I hope he is going to give us the information about the negotiation. Meanwhile, this family has now grown to about 10,000 people, who are now Internally Displaced Persons (IDPs) in Koinyau and Kacheliba. Could they be included as IDPs so that land can be found elsewhere and given to them? They are a big headache to the people of Kacheliba Constituency.

Mr. ole Metito: Mr. Deputy Speaker, Sir, yes, I agree. That was in 1991 to 1993. The population has grown. The construction of the dam, however, ended at that particular time. If they were displaced for other reasons, then IDPs fall under the Ministry of State for Special Programmes. They can then follow the channel required for them to be resettled, if need be.

Mr. Deputy Speaker: Next Question by Mr. K. Kilonzo!

Question No.1010

ELECTRIFICATION OF MWITIKA/VOO MARKETS

Mr. K. Kilonzo asked the Minister for Energy:-

(a) whether he is aware that Mwitika Town and Voo Market, which are divisional headquarters, have no electricity supply; and,

(b) what plans he has to supply the towns with electricity and how much money has been budgeted for the purpose.

The Assistant Minister for Energy (Eng. M. M. Mahamud): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that Mwitika Town and Voo Market have no electricity.

(b) The implementation of Rural Electrification Projects is based on prioritization of projects by Members of Parliament using funds allocated to the constituencies by the Rural Electrification Authority (REA).

The hon. Member for Mutito has not given the two projects top priority and, therefore, they are not in the list of projects to be supplied with electricity in his constituency. However, if he wishes to change the priority ranking in favour of the two markets, then they will be supplied with electricity in the Financial Year 2011/2012.

Mr. K. Kilonzo: Mr. Deputy Speaker, Sir, the monies Members of Parliament are allocated every year range from Kshs15 million to Kshs18 million. Last year Mutito Constituency received about Kshs17 million yet Mwitika market is the headquarters of the division. To get electricity from where it is to Mwitika, the quotation which was given was about Kshs40 million. The Ministry has been allocating money from other donors like the French and even the Kenya Power Company. It is on this basis that we are asking the Ministry to consider putting electricity in Mwitika which is the divisional headquarters. The amount required is more than the Kshs15 million he allocates for every constituency.

Eng. M.M. Mahamud: Mr. Deputy Speaker, Sir, I appreciate the concern of the Member of Parliament. However, funding from other donors has also been committed. In fact, there are no funds available now from the donors which have not been committed yet. In fact, in a list which was submitted this year, it is one of the markets prioritized by the Members of Parliament. Our people are doing the survey and once this is over, they will know how to prioritize the project you have given.

Mr. Kioni: Mr. Deputy Speaker, Sir, we appreciate the work that is being done by the Ministry and particularly the REA. However, there are still constituencies with lines that are much longer than the annual allocation to every constituency. Could the Assistant Minister inform the House what criteria, if there is any, is used to determine how to fund such lines that will never be funded through the money that is allocated to every constituency? If that is not done, there are constituencies that will remain in the dark forever.

Finally, could the Assistant Minister inform this House what they do with the money which may be allocated to constituencies within urban areas that are already fully electrified?

Eng. M.M. Mahamud: Mr. Deputy Speaker, Sir, I agree there are areas which are far from the grid. However, within the Kenya Power Company (KPC) we have programmes to improve our distribution network so that we can bring the lines nearer to the consumers. In fact, even the transmission network in the country is far below what we require. In terms of distribution and improving transmission, those are being undertaken now by the KETRACO and the KPC. Should that be nearer, those areas will be considered at that time.

Mr. Kioni: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister has avoided answering my question. I asked what criteria, if there is any.

Secondly, I asked what they are doing with the money allocated to the constituencies that already have electricity, especially those in urban areas. Those are the two areas that he has avoided answering.

Eng. M.M. Mahamud: Mr. Deputy Speaker, Sir, as to the criteria, in fact, we make connections where distribution lines are nearer. Where the areas are far from the network, we have to provide the distribution and transmission lines.

As to urban areas in the constituencies, we are talking about health centres, schools and institutions and there is still need for us to supply those areas. Therefore, the monies allocated to the constituencies are used for those institutions.

Mr. Deputy Speaker: Last supplementary question on the same, Mr. K. Kilonzo!

Mr. K. Kilonzo: Mr. Deputy Speaker, Sir, my Question is very clear. I asked about those two centres because we know there is money which the Ministry is allocating to friendly constituencies. That is why some constituencies are being given Kshs15 million while other neighboring constituencies are getting about Kshs100 million for rural electrification. Could the Assistant Minister tell this House the criteria that he uses to allocate money, other than the one which is used for rural electrification?

Eng. M.M. Mahamud: Mr. Deputy Speaker, Sir, I am not aware of any friendly constituencies that the hon. Member is talking about. With regard to the criteria, first of all, across the board, we allocate funds to constituencies depending on the requests that are given by hon. Members. We allocate money without any conditions. Secondly, where we have funding from other donors and the project has been identified depending on where those markets are, the lines are given. Therefore, the power lines must pass nearby. That is the criteria we use.

Question No.1028

LIST OF KKV PROJECTS IN MAKUENI CONSTITUENCY

Mr. Kiilu asked the Minister for Youth Affairs and Sports:-

(a) whether he could table a list of all the projects/programmes undertaken by the Ministry under the *Kazi Kwa Vijana* Programme in Makueni Constituency since its inception; and,

(b) how much money was allocated to each project/activity.

Mr. Deputy Speaker: Where is the Minister for Youth Affairs and Sports?

An hon. Member: He is not here!

Mr. Deputy Speaker: The Chair directs that this Question be listed on the Order Paper tomorrow. Mr. Leader of Government Business, do you have a reason in line with collective responsibility?

The Minister for Transport (Mr. Kimunya): Mr. Deputy Speaker, Sir, I wish to concur with your decision of listing it for tomorrow. There are a number of issues arising from the celebrations of the youths who did us proud and the contingent in Maputo. Those events have taken the time of some of the Assistant Ministers who would have been here.

Mr. Deputy Speaker: By the celebrations, do you mean the feats that our athletes have brought back the country?

The Minister for Transport (Mr. Kimunya): Mr. Deputy Speaker, Sir, the celebrations following our sports prowess that was displayed by our athletes, and which was celebrated yesterday by this House!

Mr. Deputy Speaker: Outstanding performance!

Mr. Kioni: On a point of order, Mr. Deputy Speaker, Sir. Is there not a better way of celebrating what our athletes have achieved other than refusing to answer Questions that relate to the improvement of the young people in this country?

Mr. Deputy Speaker: The Chair has already directed that this Question be listed on the Order Paper tomorrow!

(Question deferred)

Question No.1098

DEATH OF MASTER NEWTON ALENGA IN ROAD ACCIDENT

Mr. Chanzu asked the Minister for Transport:-

(a) whether he is aware that Master Newton Alenga, a Standard VIII pupil at Vihiga Primary School was knocked down and killed by a speeding vehicle at Majengo Market in Vihiga District along the Kisumu-Kakamega Road on 25th July, 2002; and,

(b) what action he is taking on the matter as well as ensuring that necessary compensation is made to the parents of the deceased.

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

(a) I am aware that Master Newton Alenga was involved in a motor vehicle accident on 25th July, 2002 and subsequently died. The accident was reported at Vihiga Police Base on OB Reference 7/25/02 at 7.15 p.m. and, subsequently, a file was opened, investigations were carried out and placed before the District Magistrate's Court, Vihiga, as an inquest file. The inquest file was closed by the same court on 24th November, 2003 by Mr. Kihindi who was the then magistrate.

(b) The case was closed with no one to blame and, therefore, the parent should be advised to seek civil remedy.

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

Mr. Deputy Speaker: Who do you want to inform, Mr. Imanyara?

Mr. Imanyara: The Minister, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Does the Minister need your information?

The Minister for Transport (Mr. Kimunya): No!

Mr. Deputy Speaker: You do not need the hon. Member's information?

Mr. Imanyara: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Minister to mislead the House that no action could be taken when, in fact, there is a matter pending in the High Court of Kenya, Kakamega Succession Case No.489 of 2004 relating to the estate of Newton Alenga Otiende? In fact, there is a request addressed to this family to move to confirm grant so that the process of compensation can take place. Is it in order for the Minister to mislead the House that no action can be taken when, in fact, action has been taken and the matter is pending in court and the court has requested a confirmation of the grants? I have the documents with me!

Mr. Deputy Speaker: You clearly need that information!

Mr. Kimunya: Mr. Deputy Speaker, Sir, I think we are talking about two different things, and I need to see the document. But in terms of the inquest file relating

to the accident, it was closed with no one to blame. In terms of what measures we will be taking as a Ministry, we are advising the family to seek civil remedies in terms of the compensation. The compensation is not from the Ministry. If the family has gone ahead and started that process, then that is the procedure as it should have been.

(Mr. Imanyara laid the document on the Table)

Mr. Imanyara: On a point of order, Mr. Deputy Speaker, Sir. If, indeed, the Minister is confirming the information that I was giving him is, in fact, correct and it is correct, then would I be in order to request that this matter be sent to the Ministry that is relevant to the Question; that is the Attorney-General's Office which is the right Ministry to handle this kind of affair. It has a public trustee department which can assist the family of that young pupil? I would have expected the Minister even to issue an expression of sympathy rather than say their hands are tied and they can do nothing, when there is plenty that the Government can do.

Mr. Kimunya: Mr. Deputy Speaker, Sir, I have no objection to the matter being referred to the Attorney-General's Office for further review and assistance. But in terms of the Ministry of Transport, I believe we did what we needed to do to facilitate the investigations.

Mr. Chanzu: On a point of order, Mr. Deputy Speaker, Sir. The reason why I raised this Question is because there are so many accidents where the Government is not taking its responsibility to its citizens. If you look at the answer the Minister gave, the file was closed and yet, this matter was reported at the police station. Then the magistrate's court had closed the file on the basis of, maybe, undue influence. That is the reason why we are saying that the Minister should allow this matter to be referred to the Attorney-General for further investigation.

Mr. Kimunya: Mr. Deputy Speaker, Sir, I think there is a process and I believe this matter was discussed at length yesterday on a similar matter. Once an issue has been reported to the police and is taken over by the courts, it goes through a due process. There is a process that can be followed to challenge that decision of the court. That is not in Parliament. That is not in the Ministry. That is not even by the Attorney-General. That would have to be by the family then seeking an appeal over the decision of the courts. That door has not been closed and the family can go ahead and seek review if, as the hon. Member alleges, the file was closed due to undue influence. But like I said, I have no objection to this Question being referred to the Attorney-General for the specific circumstances, not because of the accident, but following the closure of the inquest. They need to know what to do next.

Mr. Kioni: Mr. Deputy Speaker, Sir, there is an increase of road accidents in this country. Incidences of school children being knocked down by vehicles on our highways are on the increase. We also have an increased infrastructural development in the country. What is the Ministry doing to sensitize or re-sensitize the drivers on the need to ensure that we are more careful as we continue using better highways given the fact that most of the times, we only hear of crack downs? The authorities only authorize for crack downs. Is the Ministry doing anything to get the drivers in this country to become more sensitive now that we have better highways to drive on?

Mr. Kimunya: Mr. Deputy Speaker, Sir, indeed, we are obviously very concerned with the rise in the number of accidents arising from the infrastructural improvements that have taken place across the entire country. As a Ministry, partnering with the Ministry of Roads and the Ministry of State for Provincial Administration and Internal Security, we are working on a comprehensive road safety programme that involves education, deterrence and the crack downs to target the problem at three different levels, namely, the level of the vehicles, the quality of the roads and at the level of the road users.

It is so unfortunate that most of the accidents that are occurring are not as a result of vehicle accidents. The number of deaths and major fatalities are arising from pedestrians crossing the roads at the wrong places. It is so unfortunate when you watch pedestrians being knocked down under a foot bridge that has been done for their purpose. That is where most of those accidents occur when people try to cross the road.

We need to do something and I want to appeal to all the Members of this House, as leaders, that we take it upon ourselves as part of a campaign to educate our people on road safety in our constituencies and schools just like we are doing with the issue of HIV/AIDS. Otherwise, our people are going to be finished through careless crossing of the roads and careless driving. This is something that we can avoid.

Mr. Deputy Speaker: Order! The Chair would want to direct the Minister and the Questioner to consult the Attorney-General because if it is in court, we also have to check on the *sub judice* rule itself. But nonetheless, it seems like you can be able to sort out this and assist the bereaved families.

Mr. Chanzu: Mr. Deputy Speaker, Sir, I want to thank you for that. The Minister has said that we can refer this matter to the Attorney-General. Could I then request that the Question appears here in a month's time for a review?

Mr. Deputy Speaker: The presumption of the Chair is that, you can sort it out because what has come to the knowledge of the Chair right now is that the matter is in court and so, anybody can rise on the *sub judice* clause. So, basically, you can sort it out without necessarily having to bring it on the Floor of the House again. The Chair would be comfortable if the Minister makes a firm undertaking. Can you do that, hon. Minister, on the same?

Mr. Kimunya: Mr. Deputy Speaker, Sir, we will look into the matter with the Member in consultation with the Attorney-General.

Question No.1107

NUMBER OF EXPATRIATES AT HOTEL INTER-CONTINENTAL

Mr. Njuguna asked the Minister for Labour:-

(a) whether he could provide a list of all expatriates working in managerial positions at the Intercontinental Hotel, Nairobi, indicating their respective qualifications and positions held;

(b) why the General Manager, one Mr. Karl Hala, has continued to harass and dismiss Kenyans from managerial positions and whether he is aware that the motive is to create employment for expatriates; and,

(c) what steps the Ministry will take to ensure qualified Kenyans are accorded opportunity to work at the hotel.

Mr. Deputy Speaker: Minister for Labour!

Mr. Njuguna: On a point of Mr. Deputy Speaker, Sir. I want to bring it to your attention that I have not received a written reply to this Question!

Mr. Deputy Speaker: You do not have a written answer?

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

Mr. Deputy Speaker: Do you wish to have a written answer before the Question is answered, so that you can adequately participate?

Mr. Njuguna: Mr. Deputy Speaker, Sir, this Question is very important to me and I need to have a fair perusal of the written answer.

Mr. Deputy Speaker: Fair enough! Hon. Minister, this Question was filed many months ago. Why have you not been able to furnish the Member with the written answer? That is a requirement on Ordinary Questions.

The Minister for Labour (Mr. Munyes): Mr. Deputy Speaker, Sir, apologies for that, but I think we submitted the written answer to Parliament.

Mr. Deputy Speaker: Fair enough! The Chair directs that the Member be furnished with the answer and the Question be listed on the Order Paper next week on Wednesday morning.

(Question deferred)

Dr. Nuh: On a point of order, Mr. Deputy Speaker, Sir. I do not know whether it is fair for Members to always be lamenting on receiving written answers in this House. Many times, as the Back Bench, we have raised this concern. The Ministers are supposed to provide written answers to the Questioners in good time, so that the Members do not feel ambushed. Could you give direction to the Leader of Government Business that this should not be a habit?

Mr. Deputy Speaker: The Chair has given directions time and again and many times in the last over three years, that Ministers do furnish the written answers in good time, so that the Members have time to peruse them, so that they can prosecute them adequately when they come on the Floor of the House. They do not have to be furnished with the answers when they come to the Chamber or not at all, as in the cases many times.

Hon. Deputy Leader of Government Business, can you convey those sentiments to your colleagues in the Cabinet?

The Minister for Transport (Mr. Kimunya): Mr. Deputy Speaker, Sir, we will be happy to do so!

Mr. M.H. Ali: On a point of order, Mr. Deputy Speaker, Sir. You had stated that Question No.972 will be revisited.

Mr. Deputy Speaker: Order! You only rise when your Question is called! Hon. Members, today is a Private Members' day and, indeed, there are matters that are very urgent and some of them are already on the Order Paper.

The Chair directs that Question No.972 by hon. M.H. Ali be listed on the Order Paper on Wednesday next week. The presumption of the Chair is that the hon. Member

has been furnished with the written answer. Would tomorrow afternoon be adequate for you to prosecute this Question?

Mr. M.H. Ali: Yes, Mr. Deputy Speaker, Sir. Tomorrow afternoon will be adequate.

Mr. Deputy Speaker: Fair enough! The Chair directs that this Question be listed on the Order Paper tomorrow, Thursday, 8th September, 2011 in the afternoon.

Question No.972

COST OF UPGRADING ROADS IN
MANDERA/WAJIR/GARISSA COUNTIES

(Question deferred)

**NOTICE OF MOTION FOR ADJOURNMENT UNDER
STANDING ORDER NO.23(1)**

NATIONWIDE TEACHERS' STRIKE

Mr. Ruteere: On a point of order, Mr. Deputy Speaker, Sir. I rise to seek leave that this House do now adjourn in accordance with the provisions of the Standing Order No.23(1) for the purpose of discussing the current nationwide teachers' strike as a matter of urgent national importance.

Mr. Deputy Speaker: Do you have the requisite 15 Members rising in their places?

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

(Several Members stood up in their places)

Mr. Deputy Speaker: Fair enough! Order Members! The threshold is fulfilled as per the requirement of the Standing Orders and the Chair directs that this Motion of Adjournment will have one and a half hours from 11.00 a.m. That is the decision of the Chair.

Next Order!

(RESUMPTION OF MINISTERIAL STATEMENT)

HIGH RATE OF MATERNITY/NEO-NATAL DEATHS
AT PUMWANI MATERNITY HOSPITAL

*(By the Deputy Prime Minister and Minister for Local Government
(Mr. Mudavadi) on 6.9.2011)*

Dr. Khalwale: On a point of order, Mr. Deputy Speaker, Sir. The Chair directed yesterday that we use this morning to interrogate a Ministerial Statement that hon. Musalia Mudavadi had given in respect of Pumwani Maternity Hospital.

Mr. Deputy Speaker: Fair enough! The Members who are seeking clarifications can do so now. Are you seeking further clarification?

Proceed, Dr. Khalwale!

Dr. Khalwale: Mr. Temporary Deputy Speaker, Sir, I want to thank the Minister for the very lengthy answer which he belabored to defend his Ministry and the staff. I will not go into the details, but I just want to leave it to the Kenyans who were watching him yesterday to judge him because he said that he has full confidence in that medical facility, especially the officers in charge given that the Kenyan average death rate is 31 deaths for every 1,000 births. However, in Pumwani Hospital, the death rate is 45 to 58 deaths per 1,000 births. This means that even the villagers who conduct labor at home perform better than his staff at Pumwani Hospital. I, therefore, wish to seek the following clarifications:

Could the Minister clarify why he refused to acknowledge the existence of this cartel in his Ministry which has been paying out briefcase companies? In order to help the Minister, I wish to table payment vouchers to 11 briefcase companies on which I have carried a search. They do not exist and yet they have been paid millions of shillings. These vouchers are endorsed by all his officers, including the Medical Officer Health in charge at the city.

(Dr. Khalwale laid the document on the Table)

Mr. Temporary Deputy Speaker, Sir, the second set of documents I would like to table are vouchers, again, confirming the existence of this cartel. The Procurement Officer at Pumwani Hospital, a Mr. Stephen Achenga Musina, owns registered companies and he pays himself. I have carried with me actual vouchers of payment where Mr. Musina paid himself through Ajestic General Merchants Supplies. He also owns Dovic Logistics which is also a briefcase company. Like in the other cases, the members of staff of the Ministry, including the doctor in charge have endorsed these payments.

(Dr. Khalwale laid the document on the Table)

The Minister said that he is satisfied with the quality of service delivery at the hospital and I want to table two documents. These documents arose upon realizing the rot at the directorate of this hospital. The Kenya Medical Practitioners and Dentist Board, the highest quality assurance institution in matters of health in Kenya went and sat in a full board meeting - I have carried the recommendations of this particular board - and wrote to Deputy Prime Minister and Minister for Local Government, Mr. Musalia Mudavadi; the Minister for Medical Services, Prof. Anyang'-Nyong'o and the Minister for Public Health and Sanitation, Mrs. Beth Mugo, on 17th June, 2011. This Committee recommended that a caretaker committee must immediately be appointed to take care of the on-goings at Pumwani Hospital so as to stop the maternal deaths - 19 of them in six months. They also ordered for an inquiry into the affairs of this hospital.

Mr. Temporary Deputy Speaker, Sir, finally, the Director of Medical Services, Dr. Francis Kimani, in a letter dated 4th July, 2011 and jointly signed by the Director of Public Health and Sanitation, Dr. Shariff, decided to respect the advice given by The Kenya Medical Practitioners and Dentist Board. They went to the institution and

confirmed that, indeed, this doctor was not able to deliver. They went ahead and posted the doctor. But because of the political connections and the powerful offices, including the one of Mr. Musalia Mudavadi, the advice by the Board and the two directors of medicine have been ignored by Ministers whose only claim to matters of health is laymanship.

(Dr. Khalwale laid the documents on the Table)

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): Mr. Temporary Deputy Speaker, Sir, at the very outset, on the documentation, I will definitely need time to look at the documents that Dr. Khalwale has tabled with regard to supplies and procurement at Pumwani Maternity Hospital. This is because he has tabled some documents which I will be very happy to look at so that I can make some informed commentary or reaction.

Secondly, I acknowledged in my Statement that there are some shortcomings and challenges at---

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Deputy Prime Minister and Minister for Local Government, what you have said is that you need time to look at this. Does it not make better sense now to take that time so that you can address this matter holistically when you get that time rather than address it partially?

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): Mr. Temporary Deputy Speaker, Sir, that is true. In connection to those documents, I believe that I will need time to look at them. However, I need to respond to one specific issue which has been alluded to by Dr. Khalwale.

Dr. Khalwale: On a point of order, Mr. Temporary Deputy Speaker, Sir. The Ministerial question is in respect of a matter of life and death; that is dying young ladies who go to hospital to deliver and the children they are supposed to deliver dying at the same time. I am not in a hurry to get a half baked answer. I have given them those documents and I have a briefcase full of other documents which I would like to give the Deputy Prime Minister and Minister for Local Government so that he takes this matter seriously. We want Kenyan mothers to go to hospital to deliver and go back home alive with the children. This hospital is not doing that. Please, humble yourself!

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): Mr. Temporary Deputy Speaker, Sir, I am not disputing that position, but I think Dr. Khalwale also made an assertion implying that the Medical Officer of Health is there and he is receiving political protection. I want to deal with that issue.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Deputy Prime Minister and Minister for Local Government, the Chair's position is that the matter will be more conveniently dealt with--- When addressing those issues, you can also address the issue of the MOH so that we do not do these things in bits and pieces. So, when would you like to have your time to address all the issues that have been raised by Dr. Khalwale?

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): Mr. Temporary Deputy Speaker, Sir, if I look at those documents and I have time to have them interrogated properly, this is not something that I can respond to even by tomorrow. Definitely, I will be happy that we look at this issue in the course of next

week. I will be better off on Tuesday or Thursday, next week to respond to the specific documentation that has been tabled.

The Temporary Deputy Speaker (Mr. Imanyara): Will you prefer Wednesday next week in the morning?

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): Yes, Mr. Temporary Deputy Speaker, Sir. Wednesday will be fine with me.

The Temporary Deputy Speaker (Mr. Imanyara): Dr. Khalwale, this matter will be responded to on Wednesday, next week after Question Time.

So, this matter will be deferred until next Wednesday.

Next Order!

MOTION

EXTENSION OF DURATION FOR SELECT COMMITTEE ON RESETTLEMENT OF IDPS

Mr. Ethuro: Mr. Temporary Deputy Speaker, Sir, I beg to move under Standing Order No.48, the following amended Motion:

THAT, further to the extension of mandate granted to the Select Committee on Resettlement of Internally Displaced Persons (IDPs) on June 08, 2011; and in view of the fact that due to the wide mandate, the Committee is yet to conclude its work; this House grants a further three months to the Committee in order to enable it to expeditiously conclude its business and report to the House in accordance with the terms of reference of its establishment.

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. Ethuro! So, the two months appearing in the Order Paper ought to be reading three months?

Mr. Ethuro: Yes, Mr. Temporary Deputy Speaker, Sir. That was our request. I mentioned that I am moving an amended Motion under Standing Order No.48.

This is really a Procedural Motion. When we sought extension last time, we were unable to move for reasons that are obvious to this nation. One was about the need to clear the backlog on the Constitution implementation Bills. We were also caught up with the calendar in terms of the end of one financial year and the beginning of another one. There was communication by the Clerk which has not only affected this Committee, but also many others. Ours is not out of the ordinary because even the Select Committee on the Cost of Living actually got the same extension for the same reasons.

Mr. Temporary Deputy Speaker, Sir, also for us, there is even a more fundamental issue. Now we are in a critical stage where we are actually trying to make sure that we receive concrete proposals on how we can come up with Bills. These are all at an advanced stage. The interest is big even from our international partners on the work we are doing. Even the response by the Government is positive, except just to add that the deadline in which the Government had agreed to resettle all the Internally Displaced Persons (IDPs) is becoming extremely elastic. This Committee wants to rein on this elasticity, so that the Government can confirm for sure that whatever that we agree, all these issues will be sorted out.

Mr. Temporary Deputy Speaker, Sir, since I know that we have other business pending before the House, I do not want to take long. However, I just want to thank this House for the support they are giving this Committee. As we see the proceedings at The Hague, there is a lawyer for the IDPs. There are people who are supposed to be accused for the post-election violence. It is our submission that this country owes to itself the mandate, need and desire to ensure that this matter is resolved, particularly when we are facing another election. Do we want to go to another election when we have not even cleaned the mess we created in the previous election? These are questions that I would like the hon. Members to ask themselves and be able to support this mandate, so that we can do a good job. We believe that the recommendations that we are already making will find favour in this House.

Mr. Temporary Deputy Speaker, Sir, with those remarks, I beg to move and request hon. Kioni to second.

Mr. Kioni: Mr. Temporary Deputy Speaker, Sir, I wish to second this Motion. I am fully aware that we have come before this House before to seek for another extension. As the Mover has mentioned, this issue is very crucial to this country and has continued to occupy a better part of our politics and even the Executive agenda for the last couple of years.

Mr. Temporary Deputy Speaker, Sir, the 2007/2008 disturbances that resulted in many Kenyans being displaced only served as an opportunity for the country to address the entire issue of IDPs across the country. During the process, this Committee has come across many categories of people who have been displaced. As the Mover said, it is important that the House also takes notice of the fact that, for the first time, the Committee is in the process of coming up with a Bill that will be introduced to this House. Already, there is a draft of The Protection and Assistance of Internally Displaced Persons Bill that has been formulated by the Committee with the assistance of Kituo Cha Sheria. For the Committee to be able to table a more comprehensive Bill, it is only desirable that an extension of three months be granted.

Mr. Temporary Deputy Speaker, Sir, also, when the Committee was being put in place, many other legislations have been enacted, including the fact that we now have a Bill of Rights in our Constitution that is very comprehensive. As this is being done---

The Temporary Deputy Speaker (Mr. Imanyara): Hon. Kioni, you are referring to a Bill and the Chair is aware of it. Is that the Bill you are holding? If so, you should table it, so that we can direct that the Office of the Legal Counsel also look at it.

Mr. Kioni: Thank you, Mr. Temporary Deputy Speaker, Sir. The Protection and Assistance of Internally Displaced Persons Bill 2011 is the one I am holding. I would ask to be allowed to table it, so that even the Legal Office within Parliament can also look at it and input into it. I wish to table it.

(Mr. Kioni laid the document on the Table)

The Temporary Deputy Speaker (Mr. Imanyara): I direct that the Bill be forwarded to the Office of the Legal Counsel to work with your Committee in the event that the House gives you the extension.

Mr. Kioni: Thank you, Mr. Temporary Deputy Speaker, Sir. With those few remarks, I wish to second.

(Question proposed)

Mr. Chanzu: Mr. Temporary Deputy Speaker, Sir, I rise to support the Motion. The issue of IDPs is a very serious humanitarian problem. It is an issue that has been created by our own political activities. It is a pity that those who were involved have not even taken care to ensure that these IDPs are settled in new settlement or resettled back to their farms. Secondly, the longer it takes, it means that the matter gets even more complicated. Even those who are not IDPs have now gone to the IDP camps to pose as IDPs. So, I would urge the Committee to make sure that it is thorough in its work, so that we get proper identity of the IDPs at the time this mess happened.

Mr. Temporary Deputy Speaker, Sir, I would like to commend the idea that, at least, the hon. Members came up with an idea that we have this Committee to look into this matter and have it resolved. I hope that they will do it exhaustively and that, by the time the three months are over, the whole exercise will be over, so that we can have every Kenyan living properly and in peace.

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

Mr. Njuguna: Mr. Temporary Deputy Speaker, Sir, at the beginning, I wish to thank the Chairman of this Committee and support the extension of the time requested.

Mr. Temporary Deputy Speaker, Sir, it is important that this Committee is given adequate time to visit all the areas of this country. Therefore, a detailed report must be developed so that the plight of all those affected by the post-election violence is addressed. We have heard from the media that there are even some leaders of the IDP camps who are selling food. We want this Committee, as it moves round to establish these culprits, so that they can also be punished for this crime against these innocent Kenyans.

Mr. Temporary Deputy Speaker, Sir, this Committee has not visited Lari Constituency, where we have IDPs and integrated families. Therefore, with the extension of time, it will be able now to visit all the areas.

Mr. Temporary Deputy Speaker, Sir, as I conclude, it is important that we note that these families are really suffering. They have no water or food and are living in leaking tents. It is important that adequate attention is given to the plight of these people. It is, therefore, important that this House and the Government takes the plight of IDPs very seriously and makes sure that before the end of 2012, all the IDPs in all regions of this country will be fully settled.

Mr. Temporary Deputy Speaker, Sir, I fully support the extension of time to facilitate the Committee to move to all provinces and counties.

The Assistant Minister, Ministry of State for Immigration and Registration of Persons (Mrs. Kilimo): Mr. Temporary Deputy Speaker, Sir, I would like to support this Motion on the extension of time. I wish they had asked for six months so that they can finish the work that they have to do.

I want to thank this Committee on the Internally Displaced Persons (IDPs) and specifically for going to my constituency, Marakwet East, and walked for almost 20 kilometres to reach the IDPs who are deep in the forest. We are not just talking about IDPs from post-election violence but the IDPs in my constituency are there because of the desire to conserve the Cherangany water tower. This Committee has done a great job.

However, I wish that we could also give them more staff because it takes so long for the report to come out after they have visited various camps. The parliamentary staff assigned to this Committee are not adequate to expedite the report. So, if we have given them three months, when will the staff finish writing the report? So, I would request that we give them more staff so that if possible, each parliamentary staff is assigned to specific camps. This will expedite the process so that these people can live like other Kenyans.

I also want to say that although the report has not been completed, after the Committee went to my constituency, the people of Embobut are now getting food from the Government and I really appreciate that.

With those few remarks, I support.

The Assistant Minister, Ministry of State for Defence (Mr. Musila): Mr. Temporary Deputy Speaker, Sir, thank you for giving me an opportunity to contribute to this very important Motion. I want to support the Motion. I understand that the Committee has done a commendable job and would like to thank them for the work that they have done. I understand that this is the second time that they are requesting for an extension and I can appreciate the enormous responsibility that they have to complete this task.

Mr. Temporary Deputy Speaker, Sir, having said that, it should not be lost to observers that it is now going to four years since people were displaced, particularly those who were affected by the political violence of 2007/2008. When you travel across Rift Valley, you will see tents which are already torn but people are living in. Those people have been living in those tents for a very long time. The image of this nation is at stake and has been at stake since those people have been camping there. Two days ago, torrential rains in Naivasha and Gilgil washed away some of those IDPs. I think it is inhuman. Given the state of development of this country, we should not have IDPs anywhere on the soil of this nation.

Even as this Committee completes its work, I think it is incumbent upon the Government of the Republic of Kenya to ensure that these people are settled and never again shall we ever see people being displaced in their own country. I think it is a disgrace and as Parliamentarians, we have no pride for ourselves when we see Kenyans languishing in poverty and living not like human beings in their own country. Therefore, as this Committee completes its work, I hope it will give us a final and long-lasting solution to the problem of IDPs so that we do not have this menace again on our soil.

With those few remarks, I beg to support.

The Temporary Deputy Speaker (Mr. Imanyara): Hon. Members, you are aware that this debate must end by 11.00 a.m. Therefore, I propose to call the Mover to reply at 10.55 a.m. To enable those of you who are on your feet to speak, I will allow two minutes for each hon. Member starting with Mrs. Noor.

Mrs. Noor: Mr. Temporary Deputy Speaker, Sir, thank you for giving me this chance to add my voice to this very important Motion. I sit in this Committee. We had a challenge because of all the pending Bills that we were debating here in Parliament. There was a lot of work in Parliament, so we sacrificed to do more here and requested for this extension so that we can reach out to every corner of this country. We have gone to several parts of the country but we have not reached everywhere.

The youths and women who are displaced have heard about this Committee and have been writing letters requesting us to visit those places. That is why we are asking for an extension so that we can do thorough work. There is a Bill that has been tabled today and it is this Bill which will define who an IDP is. This will help us to avoid seeing what we are seeing today where there are very many people claiming to be IDPs. It will also give protection to the Government especially when moving an IDP from one place to another. They will to be protected because there will be proper mechanisms and systems that will be in place. The Bill will also give a clear structure of resettling IDPs in future.

My plea to the House is that this Committee is going to handle very sensitive matters of IDPs. We would like to bring out clear proposals that will address that issue once and for all.

With those few remarks, I beg to support.

Mr. Wamalwa: Mr. Temporary Deputy Speaker, Sir, I also wish to support the Motion for extension.

I will also remind the House that the mandate of this Committee was expanded to not only deal with 2008 Post-Election Violence victims but I brought an amendment which extended the mandate of this Committee to all persons who were displaced from 1992 and 1997 tribal clashes. Therefore, the mandate is wide and heavy and the Committee needs to be given adequate time to reach all corners and all victims, particularly the one concerning the petition that I brought of the *Umoja* Clash victims who were affected in 1997 clashes. They need time to be heard by this particular Committee.

Most important is the proposed Bill that this Committee is working on. I would say that this Committee has gone beyond the extra mile to ensure that we will be able to have a Bill and hopefully, a law in place that would protect all IDPs whether they are of Embotut, Mau, Timboroa forests and those who were displaced in the violence. That is something we need to do to give the Committee more time.

Mr. Sirat: Mr. Temporary Deputy Speaker, Sir, I wish to support this Motion and bring it out that the mandate of this Committee is beyond IDPs as a result of the post-election violence. There are quite a number of other IDPs as a result of conflicts between communities, cattle rustling and also due to drought which is common in northern part of this country. There are some IDPs in Mandera, for example, who have been there for about ten years and the Government has been promising to do something but up to now, they have not been supported. All that they get is some little rations during the drought. When it comes to post-election violence, the Government has put a lot of attention to those IDPs. So, we are asking whether there are some IDPs who are more favourable than others. Why is the Government selectively ignoring some of the displaced persons in this country?

For example, in North Eastern Province, we are neighbouring Somalia and we have refugee camps in Kenya. Sometimes our people are forced to go and get some rations from the refugees because the conditions of our people are worse than those of the refugees in the camps. So, you could ask yourself how Kenya can allow its own people to be in a worse situation than people from other countries who are refugees.

Mr. Temporary Deputy Speaker, Sir, due to the time that we have been utilizing due to constitutional implementation Bills, we could not finish this programme in time. That is why we are asking for more time. I also sit in this Committee and I think the three

months will be adequate to enable us bring a comprehensive report so that this matter of IDPs is addressed properly.

Mr. Ochieng: Mr. Temporary Deputy Speaker, Sir, I also want to support this Motion. However, I want to believe that this is the last extension that this Committee will be given. I remember the last time we gave them an extension; I had serious belief that they would accomplish what they were supposed to do. However, we do not know what happened since then. We do not know whether they have been having quorum hitches. That is why they were unable to traverse the entire areas where IDPs are living. I also want to believe that my people in Nyakach, especially the returnees or the integrated IDPs, will be considered seriously and very fast. The Committee should move very fast and ensure that the people who returned to their family homes are covered in this process.

I want to support.

Dr. Nuh: Mr. Temporary Deputy Speaker, Sir, as I support this Motion, I would like to remind Kenyans that it will not be lost. Many a times, when hon. Members filed Questions regarding IDPs, the Executive arm of the Government and especially the Ministry concerned, would put doubt as to whether IDPs exist in this country. They would contest assertions by hon. Members and real situations at times. So to say, this Committee, if not for anything else, can be lauded for giving a second opinion to Kenyans. Many a times, when we insist that, that situation should be resolved once and for all, the Government would even come forth and say that people who are not IDPs are moving into the camps and faking the IDP situation. I think the Committee has done well, at least, to put the Government on its toes. Members of Parliament who come from places which are affected so much have even confirmed that when the Committee visited the areas, the Government moved in, at least, to supply food rations for the first time.

This is not just about an extension of time of either three or six months. We would like to say that this Committee should be a standing committee until it ensures that all IDPs have been resettled by this Government. Their mandate has been expanding. There are tribal clashes and conflict arising from the drought situation in this country. Due to that, I would like to support this Motion and plead that this Committee be supported.

I support

Mr. Kiptanui: Thank you Mr. Temporary Deputy Speaker, Sir for giving me this opportunity. I would like to support the extension of time for this Committee. In supporting this extension, I would like to raise two issues. One, the issue of IDPs has been raised severally in this House and in several forums outside this House. Indeed, as you extend the time for this Committee, we would also like to hear from the Government. What is the Government doing in regard to the IDPs?

As they come up with a comprehensive report, there are issues which I would like to hear from them. One, I would like to know the number of houses that have been constructed by the Government and NGOs. How many of those houses are occupied as we talk today, how many have not been occupied and how many have been sold to other people? I know, especially coming from North Rift, that there are some houses which were constructed but sold to other people. That means that there are people who are doing business and want to make money from the issue of IDPs. We would also like to know why there are IDPs in camps and yet, we are peaceful.

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

Mr. Yakub: Asante Bwana Naibu Spika wa Muda kwa kunipa nafasi hii. Naunga mkono Hoja kwamba Kamati hii ili iongezewe muda na idadi ya wafanyakazi. Hii ni Kamati ambayo Wakenya wanaitegemea sana hasa wale ambao ni wakimbizi wa ndani ya nchi. Ningeomba kupitia kwa Mwenyekiti wao, wajaribu wafike maeneo yote, husuwan eneo la Lamu ambalo mwaka wa 1963 lilikuwa na vita vingi kutokana na kikundi cha shifta. Watu wa Lamu walitoroshwa kutoka maeneo yao na hivi sasa, hawana makao. Ningeomba Kamati hii ifike Lamu ili iwasaidie watu wa eneo hilo kutokana na vita vya shifta.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Deputy Leader of Government Business, please, indicate whether the Government is supporting and hand over to the Mover.

The Minister for Transport (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir, thank you for this opportunity to confirm that we acknowledge the work that is being done by the Committee. The Government is supportive of this extension so that we can have a conclusive report and more importantly, a legal framework to tackle this matter in the longer term.

I support.

Mr. Ethuro: Mr. Temporary Deputy Speaker, Sir, before I conclude, I would like to donate one minute to the Member for Samburu East.

Mr. Letimalo: Thank you Mr. Temporary Deputy Speaker, Sir. I also thank the Mover for donating that minute to me. I support the Motion and say that time should be extended to enable the Committee to accomplish its task and give its final report. I would have expected to get some update or, at least, a progress report made by the Committee and the Government, so that we can know the number of IDPs to be resettled, the categories of displaced persons, those who have been resettled and those who are yet to be resettled. However, more fundamentally – I will go by the line of other Members of Parliament – the Government seems to have focused on those who were displaced arising from the post-election violence in 2007. It is forgetting that there are other people who have been displaced as a result of inter-communal conflict. I think it is important that the Committee visits those areas because there are people who have been displaced and have left their land. Those people are either living with their relatives or have set up camps for the sake of their own security.

Thirdly, and this is the last one, the Committee should also follow the proceedings of Parliament because there are people who have been evicted by Government forces. Therefore, those people are also displaced.

Mr. Ethuro: Mr. Temporary Deputy Speaker, Sir, I would like to thank all hon. Members for the overwhelming support that they have given to this Motion. I would also like to note that hon. Members, starting with the Leader of Government Business, are fully in support. The Deputy Prime Minister has also confirmed that. Some of the issues that hon. Members have raised are, for instance, food rationing and settling of people in houses. Hon. Ochieng wondered why we were seeking for an extension. I gave the reasons. We have never lacked quorum. We are always full house. There is need to do a bit more and because of the time-table we had. Members also asked for visits. We will take that into account as we proceed for the remaining three months.

With those few remarks, I beg to move.

(Question put and agreed to)

Mr. Sirat: On a point of order, Mr. Temporary Deputy Speaker, Sir. Regarding my earlier Question raised in the morning and the controversy that resulted out of it, I would like to lay on the Table my previous Question---

The Temporary Deputy Speaker (Mr. Imanyara): Order! You can do that in the afternoon since this time is already allocated. So, you are out of order, unfortunately.

Mr. Sirat: Mr. Temporary Deputy Speaker, Sir, I would like to raise it before we go on recess.

The Temporary Deputy Speaker (Mr. Imanyara): Order! The Chair is not aware that we are going on recess.

Mr. Sirat: Mr. Temporary Deputy Speaker, Sir, this is very serious because it touches on the security of my people. I want my Question answered in the afternoon.

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. Sirat! The matter was handled by the Chair when it came up during Question Time. This is not Question Time and we have already moved away from Question Time. You will be fully entitled to raise it this afternoon, immediately after Question Time, just to guide you.

Mr. Ruteere, the Floor is yours. I invite you to raise the issue of employment of teachers.

MOTION FOR ADJOURNMENT UNDER STANDING ORDER NO.23(1)

NATIONWIDE TEACHERS STRIKE

Mr. Ruteere: Mr. Temporary Deputy Speaker, Sir, I wish to thank the Chair for allowing me to move the Motion that this House do now adjourn in accordance with the provisions of Standing Order No.23(1) for the purposes of discussing the current nationwide teachers strike as a matter of urgent national importance.

Mr. Temporary Deputy Speaker, Sir, we are all aware that today is the third day of the teachers strike since the schools opened on Monday. This strike is only affecting the public primary and secondary schools. The private institutions are continuing with their learning.

Children in the private schools are those whose parents are able to pay. Those parents have enough money to afford to take their children to private schools where they are able to pay for them. The ordinary Kenyans, the poor Kenyans, take their children to the public primary and secondary schools aware that the Government is giving them free primary and secondary education.

Mr. Temporary Deputy Speaker, Sir, the trade unions of teachers, KUPPET and KNUT have said categorically that this strike will continue until what they demand is implemented by the Government. Teachers are on strike for two reasons only; they want the 18,000 contractual teachers to be put on permanent and pensionable terms of employment. Secondly, they want an extra 10,000 teachers to be employed to alleviate the current shortage of teachers in both our primary and secondary schools which the Minister for Education in this august House has said time and again, stands at 65,000.

A nation's future depends on how it moulds, develops and educates its youth. Under the current Constitution which we are all proud of, which this House was able to put through to Kenyans and which was promulgated on 27th August, last year, a Constitution that is one year old; gives a lot of Kenyans hope for the future.

Article 21(1) states as follows:-

“It is a fundamental right duty of the State and every State organ to observe, respect, protect and fulfill the rights and fundamental freedoms in the Bill of Rights.”

One of the rights given is in Article 53(1)(b), which states as follows:-

“Every child has a right to free and compulsory basic education.”

Mr. Temporary Deputy Speaker, Sir, by teachers being on strike, we are not implementing that section of the Constitution. We are denying our Kenyan children their basic human rights. These rights guaranteed to the children by the Constitution should be enjoyed by them. We are the people supposed to see to the implementation of the Constitution. The Government should fully implement the Constitution.

The teachers are on strike because they want their children given education that is free and of quality. Without proper staffing in our schools and without enough teachers in the classrooms, children can go to school, but they will not be getting the right tuition.

Mr. Temporary Deputy Speaker, Sir, spending time in school by the children without the tuition of a teacher is not giving children their basic human rights of education.

The teachers on contract are also being discriminated against. The Constitution is against any form of discrimination. These teachers are discriminated because they are trained, qualified and not remunerated like their colleagues who have the same professional qualifications. They are not on similar terms as their colleagues. This discrimination is unconstitutional. We are the people supposed to see that there is no form of discrimination. At least, teachers have come out in the streets saying they do not want discrimination of our colleagues who are not enjoying the same rights that we are enjoying. It is time the Treasury availed funds immediately so that parents who cannot take their children to private schools can enjoy and receive their basic rights.

Mr. Temporary Deputy Speaker, Sir, let the Government employ the teachers and end the nationwide teachers strike. If the strike continues longer, we will be undermining the quality of education that these children will get. At the end of their course, they will not have got what they are required to get. Let the children of poor Kenyans get quality education.

I was a KNUT executive secretary for 18 years and I know that the Government does not listen to the teachers and parents unless there is a teachers strike. To get teachers employed, teachers had to strike. To get house allowances, the teachers had to strike. To get commuter allowance, the teachers had to strike. To get salary increments, the teachers had to strike. What does that mean? The poor Kenyan children always went without tuition.

Mr. Temporary Deputy Speaker, Sir, it is time that priorities were put right. Our planning should be according to the population growth of this country. If we know we will have so many children in our schools, we should cater for so many teachers in those schools. There is no point of putting up classrooms without teachers.

Teachers have a right to be on strike. I support that strike. It is time the Government came in and ended the strike by giving them what they want.

Mr. Temporary Deputy Speaker, Sir, I want to say that it is torturous for the children to remain home and without knowing their fate tomorrow. They are innocent. I think you have seen birds in a nest. If anybody comes, they just open their mouths, thinking they are going to be fed. That is exactly the case with our children today. Whoever opens the door, they think somebody is coming to give a message that they are going to school.

Mr. Temporary Deputy Speaker, Sir, the Government is behaving like an irresponsible parent. One time in my life, a snake entered our house. My parents were there and my brother and sister were also there. When the snake was at the door and cooking was going on, my father did not run away. He took the pot and threw it on the snake and it died. He did not run away. We went later on to look for food. It is time the Government behaved responsibly.

I now call upon hon. Khalwale to second the Motion.

Dr. Khalwale: Mr. Temporary Deputy Speaker, Sir, I rise to second this Motion. At the outset, I wish to condemn the Government for ignoring the welfare of the poor people of this country. I would also like to congratulate the teachers, led by the officials of the Kenya National Union of Teachers (KNUT) and the Kenya Union of Post Primary Education Teachers (KUPPET) for showing sensitivity to the plight of the poor. This time, the teachers are not on the streets and out of the classrooms, because they are demanding a salary increment. Teachers are out there because we, as the leaders of Kenya, have failed to do what we are supposed to do – namely employ teachers.

Mr. Temporary Deputy Speaker, Sir, free primary education and free secondary education without teachers is a joke. It is a fraud on the students. Without teachers in classrooms, it is like boarding a bus without a driver. It is like taking a patient to a theatre for an operation without a surgeon. It is like jumping out of a plane in full flight without a parachute. The Prime Minister and the President of Kenya – both of whom who know very well the plight of the poor – have to rise this afternoon and call an end to this strike by declaring that the Government is going to employ the 18,000 teachers on contract and a further 10,000 teachers.

Mr. Temporary Deputy Speaker, Sir, I have no doubt that the Minister is soon rising to make that announcement here. All that we want to do is negotiate with the teachers, and give us a blueprint on how he is going to bridge the gap of 75,000 teachers. That is the only thing he can negotiate, otherwise on the issue of 28,000 teachers, he must employ them and employ them now.

Mr. Temporary Deputy Speaker, if only hon. Mbadi and I were listened to last week, the situation we have now would not have arisen. We fought here but the answer had already been provided; because the minority was not listened to, look at the mess you have put our children into. Whereas there has been an attempt by the Budget Committee to move funds from one Ministry to another, in my humble view, as the Chairman of the Public Accounts Committee (PAC), that is not the route to go. The solution is good governance. There are two points in good governance, which I hope the next President of this Republic and his Cabinet are going to address. One is the fight against corruption, and two, is good financial management. The money we are trying to find from departments and Ministries--- We would have had to do that if we are fighting corruption. Hon. Members, imagine the billions that we lost at KenRen, the Grand Regency, the

Tokyo scandal in the Ministry of Foreign Affairs, Free Primary Education, Anglo Leasing and in many more scandals. We would not be moving funds between Ministries.

Mr. Temporary Deputy Speaker, Sir, on the issue of poor financial management, our accounts and records from the PAC are very clear in this House. We have tabled here documents showing that in the year 2006/2007, the Government was unable to spend Kshs49.5 billion. In the previous year, the Government was unable to spend Kshs56.6 billion. It goes without saying that even in this financial year, the Government will also be unable to spend another Kshs50 billion plus. So, even if you write a cheque now, it will be meant for the under expenditure--- I know the hon. Mudavadi is a former Minister for Finance. He knows this for a fact. The under-expenditure that results in the so-called returning money to the Treasury will take care of this confusion. Let us just write a cheque today, *ili haya maneno yaishe*. We want our children to go back to school, so that we look like responsible parents and leaders of this country – people in whom the country can put its hopes in; we should have the intention of coming out from this cycle of poverty.

With those many remarks, I support.

The Temporary Deputy Speaker (Mr. Imanyara): Hon. Members, as I propose the question, the Deputy Prime Minister and Minister for Local Government, the Chair requires that the Office of the Deputy Prime Minister and Ministry for Finance, which is responsible for this Motion, must respond to it. It will not be acceptable for the Deputy Prime Minister and Minister for Finance not to be in the House.

(Question proposed)

Dr. Eseli: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this chance to support this Motion. What we are dealing with here in better terms can be called a very absurd situation.

The Temporary Deputy Speaker (Mr. Imanyara): Sorry, Dr. Eseli. I would like to inform hon. Members to be advised that each of you will contribute for five minutes.

Dr. Eseli: Thank you, Mr. Temporary Deputy Speaker, Sir. The issue here is very simple. When President Kibaki started running the Government of Kenya (GoK), one of his major declarations was free primary education. That meant he had the Kenyans' welfare at heart. This is a situation where somebody is trying to sabotage the President's legacy. The President talked of free primary education and not free primary attendance. If it means we are going to take our children to primary and secondary schools just to school for purpose of attending school, but without getting education, then that defeats the whole purpose of free education.

Mr. Temporary Deputy Speaker, Sir, the situation we are having now is tragic. Children of up to Class Six cannot read English books, because there are no teachers to teach them. That is the real situation. Now, teachers in this country, through KNUT, are doing us a favour by bringing this into public light. This is what is happening in our schools. The teachers are frustrated. They are unable to cope with the number of children in schools, and these numbers are growing day and night. Something else that is growing day and night is Kenya's economy. We are raising more money. The Treasury is collecting more. Recently, we had a trillion plus Budget. The Treasury is getting money.

Kenyans are getting children. Schools are increasing but the teachers are not increasing. There is something wrong in our planning.

Mr. Temporary Deputy Speaker, Sir, what that teachers are saying is that Kenyans should see the light, and put the requisite number of teachers in our schools, so that our children can be taught well. I would like to say that KNUT, for once, are spot on. They have seen the problem and given us the solution. We have refused to see the solution; so, they have left the classrooms. By the way, even their not being in the classrooms at the moment might not make much difference for our children, because even when they are there, they are not enough to adequately cater for the children.

Mr. Temporary Deputy Speaker, Sir, Early Childhood Development (ECD) is something that is supposed to be adequately catered for by the Government, but it has not been catered for. The foundation you give your children from three years onwards inform of ECD is what determines the future kind of education of the child. When ECD is not provided, actually we try to develop a country full of morons – people who have no comprehension from education, yet they have got the papers; because there were no teachers to teach them, they just got papers.

Mr. Temporary Deputy Speaker, Sir, we are doing a disservice to the poor *mwananchi* in this country. In fact, I would urge the Mover of this Motion that the next step is to bring a substantive Motion so that we can force this Government to bring money here to pay those teachers rather than through a Motion for Adjournment. This is a more serious issue than trying to make politics out of it. This is a very serious issue about the education of our children and about the future of this country.

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

The Assistant Minister for Higher Education, Science and Technology (Dr. Mwiria): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to support, but in supporting, I would like to urge a compromise. I think it is important for the Government to be able to sit with the teachers and the Ministry of Education to be able to reach a compromise that will resolve this crisis for the sake of the children that are not in school and have nobody else to speak for them.

It would be good for our education system if we reach a compromise, especially for the majority of schools that are public and are being affected. As we know, public schools always turn out the worst results because of factors related to inputs in teaching, including teachers and other facilities.

Secondly, it will also be good for teachers, especially the many trained teachers who are not employed. I think this is an opportunity for us to be able to take care of the backlog of the thousands of teachers who have been trained through public expense in teacher-training colleges and universities and are tarmacking out there to be able to not only contribute in improving the quality of education, but also to improve their own lives in that they will earn a living and support their families.

Mr. Temporary Deputy Speaker, Sir, as we speak about this, it is also important for teachers and others to appreciate the need for some kind of balance, because as it is I think the teaching environment could be improved much better if we paid particular attention to how teachers are distributed between rural and urban areas; between areas that are remote and those that are not - the numbers that are in Nairobi and other capital cities compared to those who are in areas that are not as interesting and attractive. So, if we can address that even within districts, we will realize that many of the schools that are

very disadvantaged can do much better if we took many of the teachers or did a balance between teachers that were mainly in areas with facilities along cities and towns and get many of them in---

Mr. C. Kilonzo: On a point of order, Mr. Temporary Deputy Speaker, Sir. We are at a loss because, unless I am wrong, I thought he is an Assistant Minister in the Ministry concerned; the Ministry of Higher Education, Science and Technology. Besides that, he is an Assistant Minister in the Government and he is now coming to lament the inability of the Government. The Chair has ruled many times that the Government has no business coming to lament here. The Government is here to give us solutions and not lament. Is he in order to do that?

The Assistant Minister for Higher Education, Science and Technology (Dr. Mwiria): Mr. Temporary Deputy Speaker, Sir, why did the hon. Member think I was lamenting?

Mr. Temporary Deputy Speaker, Sir, this is a national issue, whether you are in the Government or not, and I would like to remind the hon. Member that I am not the Assistant Minister for Education. He should remember that since the Grand Coalition Government was formed, we have split many of these Ministries and there are some he might not even know. Mine is a different Ministry. I am the Assistant Minister for Higher Education, Science and Technology.

(Laughter)

Mr. Ethuro: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for my good friend, the hon. Assistant Minister to mislead the House? Mr. C. Kilonzo was very clear that this is the Assistant Minister for Higher Education, Science and Technology. More fundamentally, this is a grave matter. We are ventilating as a House and trying to tell the Government to take action. This House expects a response from the Government.

(Applause)

So, the Government cannot come and lament here. The Assistant Minister has to decide whether to remain in that Government, which does not seem to agree with him, or join us on this side. He cannot have his cake and eat it too!

(Applause)

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. Ethuro! The Chair has already ruled that the Office of the Deputy Prime Minister and Ministry of Finance is to respond to this Motion.

The Assistant Minister for Higher Education, Science and Technology (Dr. Mwiria): Exactly! Mr. Ethuro, I think Mr. C. Kilonzo referred to me as the Assistant Minister in the relevant Ministry. Anyway, that is neither here nor there. I think it is an important matter. He should be glad that I am supporting an important national issue rather than complain that I should not talk about it.

I want to conclude by saying that it is important that, even as we employ more teachers, to also improve their overall teaching conditions in terms of salaries so that if

they are better paid and their salaries are competitive, it would not be necessary for them to be distracted to do other things outside the public schools, for example, to teach in academies or do other businesses.

Finally, I would also like to talk about facilities. I think we need to build more classrooms and provide other inputs so that as we get more teachers employed, they also have classrooms and facilities.

I support, Mr. Temporary Deputy Speaker, Sir.

Mr. Lessonet: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this very important Motion.

Mr. Temporary Deputy Speaker, Sir, as I stand here, I want to let hon. Members know that the Budget Committee sat down and identified some areas to reduce expenditure for which to use to finance the recruitment of the 28,000 teachers. However, I am shocked that the same House or hon. Members who are here today came and supported the Deputy Prime Minister and Minister for Finance's decision to reallocate the same amount which the Budget Committee had identified to other sectors.

Mr. Temporary Deputy Speaker, Sir---

Mr. Mbadi: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the hon. Member, who is a Member of the Budget Committee to exhibit a high degree of dishonesty by blaming this House, and yet these adjustments were brought before the Budget Committee and he supported them? I opposed the said adjustments and he did not support me. Why does he blame the House now and yet he is a Member of the Budget Committee where these adjustments were made?

Mr. Lessonet: Mr. Temporary Deputy Speaker, Sir, I am just making my opening remarks. I want to request Mr. Mbadi to listen to me to the end.

The Temporary Deputy Speaker (Mr. Imanyara): Order, hon. Members! Please allow the hon. Member to make his contribution!

Mr. Lessonet: Yes, let them allow me to contribute. As the Budget Committee, we made a report which we brought to this House and was adopted by this House. The Deputy Prime Minister and Minister for Finance did not react when we brought that Report to this House. The purported trip by the Deputy Prime Minister and Minister for Finance to come to the Budget Committee with a counter proposal is neither here nor there. This House approved the Report by the Budget Committee and there has been no other report by the Budget Committee other than the Report which was approved by this House.

However, I am disappointed by the fact that, us, hon. Members, including myself for that matter, we did not oppose the Deputy Prime Minister and Minister for Finance when he reallocated the same savings we had created as the Budget Committee to other sectors!

Mr. Temporary Deputy Speaker, Sir, I want to believe that time is not yet over. We still have the opportunity to push the same Deputy Prime Minister and Minister for Finance to adopt the proposals by the Budget Committee. I am sure this country and these hon. Members are even more than willing to stop their many foreign trips which this country spends close to Kshs3 billion or Kshs4 billion per year so that we may employ 28,000 teachers.

I am sure that this House can require the Deputy Prime Minister and Minister for Finance to stop the use of expenditure in terms of an item called "refurbishment"; in

terms of an item called “furniture” and in terms of an item called “hospitality.” Those are issues and items that we can postpone. We can say that we do not need hospitality this year; we can say that we do not need travel allowances this year; we can say that we do not need furniture and refurbishments this year so that we can save Kshs10 billion and even employ all teachers who have been trained to date today

Mr. Temporary Deputy Speaker, Sir, I want to beseech my colleagues in this House that, let us go a step further. Let us force the Office of the Deputy Prime Minister and Ministry of Finance to cut all unnecessary and irrelevant expenditure so that we may employ the 28,000 teachers.

With those few remarks, I beg to support.

Thank you, Mr. Temporary Deputy Speaker, Sir.

Mr. Temporary Deputy Speaker (Mr. Imanyara): I want to be gender sensitive. Dr. Laboso, please, proceed!

Dr. Laboso: Mr. Temporary Deputy Speaker, Sir, I thank you for remembering to be gender sensitive and also chair sensitive. I would like to add my voice that this is a very important Motion for Adjournment. I want to thank Mr. Ruteere for bringing it.

The teachers of this country are right in the action they have taken. I want to support the teachers. This is one area that we all, in this House, unanimously agreed on. We are ready to sacrifice everything else, through the recommendations of the Budget Committee. We are ready to sacrifice other Votes just to take care of this issue of teachers.

Mr. Temporary Deputy Speaker, Sir, we now have over 12 million pupils in primary schools. Quite honestly, you go across the whole of this country and find children roaming around the classrooms in most of the schools because they are waiting for the one teacher or two teachers to come and teach them. It is not right. This is not teaching. We know that we have put all our resources in education right from the biggest budget to the Constituencies Development Fund (CDF). In the CDF we put most of our money in building classrooms and giving out bursaries. However, all that effort will come to nothing because at the end the day, it is about teaching. The children go to school to be taught. That can happen even under a tree. There are many professors who have been made from learning under a tree. The real ingredient that is required is that one person called the teacher. He or she is the one that has the knowledge and information that they want to pass on to the students. So, this is an extremely worthy cause.

Even in my own constituency; Sotik, there are so many schools up to class five or class seven but with only a single teacher employed by the Teachers Service Commission (TSC). How is one person expected to impart knowledge to that number of students? We want quality education. We did not want quantity education. Yes, quantity has been given by the Free Primary Education Programme, but that is not learning. We just do not want to see numbers. We want to see those numbers being translated into educated students. That can only happen through having teachers, as I said.

Mr. Temporary Deputy Speaker, Sir, for the last two financial years running, we have been promised that teachers for Early Childhood Development (ECD) are going to be taken care of, but up to now, that has been shelved. Where are the priorities of this Government? Where are they putting their money? Who is making decisions in this Government about the important issues that we need in this country? I want to submit that their priorities are wrong and that they need to change.

In the implementation of the Millennium Development Goals (MDGs) we will not achieve them without educating our children.

With that, I support.

Mr. Wambugu: Mr. Temporary Deputy Speaker, Sir, thank you for giving me a chance to contribute.

First and foremost, I would like to commend the Member who brought this Motion to the House. I think this is a very serious issue that a country like Kenya or the Government can sit comfortably in office when our children are out of school because teachers cannot afford and are not able to teach.

The issue of shortage of teachers in primary schools and shortage of facilities has been a very serious case which has been talked about for many years in this country. Unfortunately, the Government has closed its ears and cannot listen to the plight of teachers. I think and I believe that if this Government is serious, this issue should not be where it is now.

Mr. Temporary Deputy Speaker, Sir, you have heard other Members wondering and even asking; why did the Government start a free primary attendance programme? I remember about three weeks ago, the Budget Committee brought a report to this House and recommended that the teachers who are on contract should be employed on permanent basis. Where that money went to, nobody knows! We ask the Ministry of Finance to wake up and give us that money so that those teachers can be recruited permanently and not on contract basis so that our children can continue learning.

Mr. Temporary Deputy Speaker, Sir, it is very sad that we have teacher training colleges in this country but the fee they charge is too high. Teachers have been paying for their fees in those colleges but when they come out, the Government does not want to take them into permanent employment. We are asking the Government to put its priorities right so that the teachers who come out of colleges are absorbed directly like it used to happen in the old days. Formerly, any teacher who went to any college of any kind was taken straight into direct employment. With all these problems we are getting in this country, why is the Government keeping quiet?

You are aware that most of our primary school teachers, in order to improve themselves, have gone out of this country to look for better education. Most of them go to Uganda while a country like this with all the facilities cannot even organize for our teachers to be trained locally. Why? This is because most likely some of the officers in Government are the ones who are running private schools in this country. There are some people who do not want the children of the poor to benefit through the public schools. We need to do an audit to know who operates the private schools in this country. There could be Members of Government---

Hon. Members: No! No!

Mr. Wambugu: Mr. Temporary Deputy Speaker, Sir, I know there are some people who are telling me "No". However, we need to do an audit so that we know exactly who operates the private schools in this country. That is why they continue to make sure that the Government is not able to operate public schools so that our children do not get there.

Mr. Temporary Deputy Speaker, Sir, there are other issues in primary schools. Recently, you heard about the free primary school monies that were stolen and mismanaged. Why? This is just because a few selfish people have stolen and do not want

our children to go to school. Schools now open for three days. When you go around the countryside, you find most pupils are still loitering in shopping centres because there is nobody taking care of them. Let us get the teachers to go back to school. Let the Government pay them their money.

With those few remarks, I beg to support.

The Temporary Deputy Speaker (Mr. Imanyara): Mr. Kimunya, the Chair does require your assurance that the Deputy Prime Minister and Minister for Finance will be responding to this Motion.

The Minister for Transport (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir, we are in consultation with the Treasury and the Deputy Prime Minister and Minister for Finance has indicated that he is consulting with his officers and would be coming over to make his contribution on this matter. But now that I have the Floor, can I make my contribution?

The Temporary Deputy Speaker (Mr. Imanyara): Order, Minister! The Chair determines who makes contributions. I just wanted the assurance from you. You have given that assurance. Please, now resume your seat.

Mr. Ethuro, please, proceed!

Mr. Ethuro: Mr. Temporary Deputy Speaker, Sir, the retired President of America Mr. Bill Clinton came to Kenya to see one man known as hon. Mwai Kibaki for one reason; free primary education. Mr. Bill Clinton will be worried if he comes back and realizes what he thought was the best thing has been diluted by lack of teachers.

Mr. Temporary Deputy Speaker, Sir, the Prime Minister of the Republic of Kenya went into a session with the Kenya National Union of Teachers (KNUT) the other day and for the first time in the history of this country; at least of the Coalition Government, the Government failed to agree with teachers. Every time there is a crisis between the Prime Minister and the President, they always agree by sharing slots between their tribesmen and women.

Mr. Temporary Deputy Speaker, Sir, we have a new Constitution. My good friend Silas read Section 57 which says we must act in the best interest of the child. A child's best interests are of paramount importance in every matter concerning the child. This is about child education. Section 43(1)(f) says that every person has a right to education. If the Constitution commands each and every one of us who is a State officer – in fact every citizen of the Republic – to do what is in the best interest of a child, let us take this matter where it belongs - to the Principals.

(Applause)

We are asking the Principals: What are your national priorities of the Republic of Kenya? This House has spoken that our priority number one is free primary education. This country spoke as early as September 2000 when we signed the Millennium Development Goals (MDGs). We did not do it as a Parliament. It was the Government that did it. Is it too much when Parliament is asking the Executive to do what the Executive agreed and made a commitment to the international community?

I want to pay tribute to the teachers of the Republic of Kenya. All of us assembled here could not be here to speak eloquently the way we do, if we did not have teachers. What are we doing to the future generation? We are going to get teachers and, as

somebody said, free primary education should not translate to attendance, but neither should it translate to a rite of passage without any ceremony or without imparting knowledge and skills. The greatest asset of a society is its own people. The way to get that capacity to the people is to impart knowledge. We are talking about high unemployment in this country. We are talking about Information Technology skills; we are talking about the second corridor; we are talking about Vision 2030 and we are talking about our financial sector in this country. This country has prided itself not only just in sports, but also in academia. We have moved to South Africa. We have sent our engineers. We have sent nurses to Europe and this Coalition Government wants to erode the dignity of the Kenyan child; of the Kenyan student by not giving us teachers.

I am yet to find a government anywhere in the world that practises discriminatory practices in employment. How do you get qualified teachers? When they are on formal permanent and pensionable schemes, you pay them Kshs40,000. Then we decide to say that 18,000 of them must be on contract and pay them peanuts of Kshs10,000 and yet, we have a Minister for Labour in charge of industrial relations. In fact, the Minister for Labour must take the Government to court for violating the Employment Act. Why would you want to discriminate your own employees? The Government must be the first performer to demonstrate to the private sector how employment can be done and what decent incomes must be earned. But they are busy every year announcing minimum wages when they are discriminating on contract teachers *vis-a-vis* the other teachers. We need 265,000 teachers. Currently, we have 220,000 teachers. We are only saying that the 18,000 who are already on contract will not require the resources you are talking about. Put them on permanent and pensionable terms as agreed previously by the same Government two years ago. We are also saying that we need an additional 10,000 teachers. I am not going to lament like the rest of this Executive. I am in Parliament! We want to give notice to this Government that if children in Turkana, Naorot and Lokiriana with only two children for eight classrooms--- As for the Appropriations Bill and the Finance Bill, we are going to defeat it if they do not pay teachers. Get the kshs4 billion you stole from the Ministry of Education to pay our teachers.

(Applause)

Mr. Kiuna: Mr. Temporary Deputy Speaker, Sir, I would like, first of all, to thank the Mover of this Motion because this is a national issue that we need to address seriously. It pains me a lot when I see our teachers demonstrating. In actual fact, it is not the teachers who are losing, but it is our children whose lives we are wasting. We are spoiling their future. Surely, it is not the teachers whom we should be condemning. It is the Government; the Government's failure to act on what it promised *wananchi*. I feel ashamed to be in this House when I go out and see our children suffering and yet, we have a working Government with two Principals. They are just seated somewhere and yet, they have not taken the right measures to contain the situation.

Although we are debating this issue, I have a feeling that there is somebody somewhere who is trying to bring in politics. I request hon. Members to put aside their political ambitions or differences for the time being and discuss and see how we are going to save our children from wasting their time and not getting knowledge. I would like to request---

Mrs. Odhiambo-Mabona: On a point of order, Mr. Temporary Deputy Speaker, Sir. Could the hon. Member, please, substantiate whether Mr. Ruteere who has brought this Motion has a political agenda or he withdraws because he is imputing improper motive?

(Applause)

The Temporary Deputy Speaker (Mr. Imanyara): Order! Every Member of Parliament has a political agenda. That is not a point of order!

Continue, Mr. Kiuna!

Mr. Kiuna: Mr. Temporary Deputy Speaker, Sir, thank you for protecting me. But I would like it to be known and understood by everybody and every Kenyan that, although we are discussing this issue, there are some people who want to get some political mileage out of this issue. The Budget Committee is the one which is given the mandate to sanction the amount of money to be allocated to various Ministries. However, you will agree with me that there are some differences in the Budget Committee. I would request that, as we debate this matter, we put aside our political differences, concentrate and see how we are going to salvage this situation by making sure that we have allocated enough funds to cater for our primary and secondary school teachers.

Thank you!

The Minister for Transport (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir, thank you for giving me this opportunity to also contribute to this matter of national importance. Let me start by saying that when I stand here on behalf of the children of Kipipiri, I am very saddened by the actions taken, for whatever reason, that has caused the abandonment of children who should be in class learning. Some of us support education by words. Others support by deeds! Just this August, I personally paid Kshs600,000, the Health Association paid another Kshs200,000 and, together, we supported 150 kids through a tuition programme in preparation for the exam that they will be undertaking at the end of this year. I do not want to see that money go to waste through the strike action that is currently taking place because the matter concerning the teachers did not arise just the other day. It is something that should have been foreseen and discussed so that we do not jeopardize the investment we have all put.

Dr. Khalwale: On a point of order, Mr. Temporary Deputy Speaker, Sir. Hon. Kimunya is not only a Minister, but also the Deputy Leader of Government Business. He knows that the reason for tuition is because the teachers know that during normal hours, there is not enough teaching. That is why he is financing tuition because he is rich, but the children of the poor cannot have that facility. Is he in order to mislead the House that his tuition sponsoring in Kipipiri will help the children in Ikolomani?

The Minister for Transport (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir, it can help the children in Ikolomani if he was to follow the example and dedicate some of these funds to sponsoring the children in Ikolomani.

(Loud consultations)

The Temporary Deputy Speaker (Mr. Imanyara): Order, Members! Every Member has five minutes. Please, let us not take the Member's time.

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

The Temporary Deputy Speaker (Mr. Imanyara): Order, Minister! Order, Members! Every Member has five minutes. Please, let us not take the Member's time.

The Minister for Transport (Mr. Kimunya): Thank you, Mr. Temporary Deputy Speaker, Sir, for your protection. The issue we are raising here---

Mr. C. Kilonzo: On a point of order, Mr. Temporary Deputy Speaker, Sir. Barely three months ago, the Minister for Education stood in the same place and gave the policy of the Ministry of Education, which is against this tuition. Is the Minister in order to contradict his Government's policy yet he is the Deputy Leader of Government Business?

The Minister for Transport (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir, nobody has ever stood on the way of assisting children to access high quality education. It is not this Government. In fact, this Government has been financing all these programmes and nobody has been stopped. So, let no Member---

The Temporary Deputy Speaker (Mr. Imanyara): Order, Minister! Hon. C. Kilonzo was telling you that a Minister stood on the Dispatch Box to speak on the Government policy regarding tuition, which you are contradicting. So, he is seeking to find out whether that is in order and I think if it is, indeed true that there was a policy statement given in this House on tuition, it is not open to you as the Deputy Leader of Government Business to contradict that policy.

(Applause)

The Minister for Transport (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir, I have talked of a very special holiday tuition programme to prepare for the examinations, which is not contradictory. This is something that was done in conjunction with the District Education Office, which is very much aware of the current policy on tuition by the Ministry. It is not in contradiction. I would urge every Member to start something like that in their constituencies to save our children.

Mr. Ethuro: On a point or order, Mr. Temporary Deputy Speaker, Sir.

The Minister for Transport (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir, I do not know why hon. Ethuro wants to interrupt me when I sat quietly and listened to him.

Mr. Ethuro: On a point or order, Mr. Temporary Deputy Speaker, Sir. That is why I would like to---

The Temporary Deputy Speaker (Mr. Imanyara): Order, Mr. Ethuro! Allow the Minister to make his point. He is concluding.

Mr. Ethuro: On a point or order, Mr. Temporary Deputy Speaker, Sir.

The Minister for Transport (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir, the point I am making is that while we all sympathize with the situation of the teachers on contract and we all see the need for employing more teachers, resorting to a strike and denying the children their rights is not going to solve the situation. The teachers who are currently on strike are going to collect their salaries at the end of the month, but the children are not going to collect their learning at the end of the month. That is the responsibility that we need to inculcate in terms of people who are going to be paid at the end of the month, whether they are on strike or not. Our children are suffering.

For us to sit here and play politics so as to be seen to be supporting the teachers while our children are suffering is not the best sense of responsibility.

The Temporary Deputy Speaker (Mr. Imanyara): Time up, Minister!

Ms. Karua: Thank you, Mr. Temporary Deputy Speaker, Sir. I rise in support of the Motion. This is a struggle between those who are holding onto the old order and the new dawn. Article 221(5) of our Constitution clearly indicates that it is Parliament that approves the Estimates. The Government proposals are a mere wish list. The day we passed the recommendations of the Budget Committee, this House authorized the teachers to get an additional Kshs5 billion to enable employment of the contract teachers and a further 10,000 teachers. I do not see why the Government is finding it so difficult to say that in the Appropriations Bill, they will provide the Kshs5 billion as ordained by Parliament.

Article 221(6) of the Constitution clearly says that the Estimates shall include what Parliament has approved. If any Appropriations Bill is brought here without containing the Kshs5 billion for teachers, then everybody in this Parliament supporting this Motion should be ready to block such an Appropriations Bill. Those who think that we are playing politics with this, it is the Government that is playing politics. It is the Government that is fighting our children.

Mr. Temporary Deputy Speaker, Sir, this is not about teachers, it is about our children. I am a product of a public school and I know that a majority in this House and this country are products of public schools. It is our children for whom we want adequate provision in education and any country that does not invest in its children and youth is doomed to collapse. We really must invest in our children and affirm that the contract teachers must be employed forthwith and another 10,000 teachers recruited.

The Early Child Development (ECD) is also part of early learning. There cannot be a good foundation for primary without ECD. These are necessities and I think we should not be arguing. The Executive thinks that it has a prerogative over the Budget, but let them read Article 21 of the Constitution and know that it is this Parliament that has the prerogative. The Budget Committee consulted the public in line with the Constitution, talked with teachers and Members of Parliament. I personally went to the Budget Committee on this item. It was accepted and Parliament passed it. Why are we arguing? What are we arguing about? The Government should stand up and say that it will give Kshs5 billion to the teachers as agreed. It is not to the teachers - I repeat - it is to our children. They are the ones who need that education.

Mr. Temporary Deputy Speaker, Sir, just because we are receiving salaries that allow us to take our children to private schools does not mean that we forget that the bulk of our constituents; the bulk of this nation, are relying on the public schools that we relied on. We should not be selfish and think that everybody in Kenya can access a private school. If this Government respects and supports our children and the will of Kenyans, it will immediately release the requisite money to the teachers, so that our children can go back to class.

I want to salute our teachers; they work under very difficult circumstances, and to say that we support them fully. I want to ask the parliamentarians that when the time comes, let us refuse an Appropriations Bill that does not have provision for teachers.

I beg to support.

Mrs. Noor: Thank you, Mr. Temporary Deputy Speaker, Sir. As I support the Motion for Adjournment, I am a very disappointed woman, being a teacher myself. A teacher is always a teacher. I feel that our Government is not serious. We are going to the third day and the children are not going to school. We are wasting a lot of time and this is basically because of poor planning.

Our Government is still in the traditional way of planning and doing things. We have moved from there. We have a new Constitution which demands that we change the way we used to do things. Here is a situation where we are not listening, seeing or responding to issues. That is not the way the Government is supposed to react to issues. The Government has a responsibility and must respond to a crisis like this one. It is a shame that the Government is not responding to a national crisis that is taking place.

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

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

Mr. Temporary Deputy Speaker, Sir, there are many places that cannot finance their institutions and schools although Mr. Kimunya has said that he supports his institutions. The pastoralist communities have lost their livelihood to the current drought and cannot finance their institutions. If you are financing an institution then that is a private institution. We are talking about the Kenyan public institutions, that is, the public schools in which we have invested very much. We have used money from the CDF---

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

An hon. Member: What are you mad about so as to rise on a point of order?

The Temporary Deputy Speaker (Mr. Ethuro): Order! Every Member has a right to rise on a point of order.

The Minister for Transport (Mr. Kimunya): Mr. Temporary Deputy Speaker, Sir, is the hon. Member in order to mislead this House that I mentioned that I am supporting through a private institution when, indeed, I said that I am supporting kids attending public schools through my private initiative or my private finances.

Hon. Members: Where do you get that?

The Minister for Transport (Mr. Kimunya): From my salary, of course!

Mrs. Noor: Mr. Temporary Deputy Speaker, Sir, I am very right. What he is doing is private initiative. We are asking for Government resources to finance these public institutions. I am not saying that he is privately financing his schools. That is his private work. We are talking about public institutions. We are saying that public institutions are facing a crisis. I have given an example of the pastoralist communities who have lost their livelihood to the drought and are not able to finance anything. It is even difficult for them to get school uniform. I urge the Government to waive the requirement of school uniform from the pastoralist communities of this country.

We have put up very beautiful structures, but they are not being used. That is wastage of Government resources. I went through school and learnt under a tree. I had an untrained teacher who taught me under a tree. I am what I am today because he was able

to teach me “A”, “B”, “C”, “D”. We have infrastructure today in the form of beautiful schools and desks. We have children, but we do not have teachers. You will find schools operating with only two teachers and yet that is wrong. It is immoral to have institutions in place and yet you cannot facilitate them in terms of teachers. These children are our resources.

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

Mrs. Noor: Thank you, Mr. Temporary Deputy Speaker, Sir. I support.

Dr. Nuh: Thank you, Mr. Temporary Deputy Speaker, Sir. I want to be very brief for the benefit of the many hon. Members who want to contribute. I want to put it on record that we are not merely playing politics here. I want to remind the Minister for Education that education is neither a classroom nor a very beautiful school that is painted black, white, red and brown with other accolades. For our kids to get education, they must have teachers to teach them.

I am a Member of Parliament today courtesy of teachers. From Class I to Class V, I never saw the door of a classroom if a classroom would mean the four walls of a classroom. I studied under a tree, but because I had a teacher for eight hours a day, I am happy I am what I am today. When we made proposals in this House and when the Budget Committee tabled its Report and was unanimously supported by this House save for one or two reservations from the Executive Bench, we thought that we were home and dry and we had crossed the river. Little did we know that all the efforts the Budget Committee made in trying to harness the different views from various Kenyans in different institutions and trying to put the Budget in a clear perspective to ensure that it is in line with the aspirations of Kenyans, would be slighted by the Executive arm of the Government which still perceives that the Budget is a closed door negotiation amongst Ministers.

The Government saw this coming, but they turned a blind eye. They knew that teachers would go on strike. They also knew that because of the quality of education even parents, I included, would go on strike. For them to come and claim here today that Members of Parliament are supporting the Government’s initiative and yet we want teachers on contract to be employed on permanent terms and the Government to ensure that it employs 10,000 more teachers for our kids to get better and quality education, I do not think it is the right thing.

If this Government is serious and wants to implement the Constitution which has so much emphasis on the right of children to access basic education, then they must do the right thing at the right time. This is the right time. They must make sure that the Budget is in line to provide the Kshs5 billion for the teachers.

I beg to support.

Mr. M’Mithiaru: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me a chance to support this very important Motion.

The Government must learn to put its priorities right. If we do not put education first, then we have got it all wrong. We have already made strides in terms of Free Primary Education (FPE). Those gains may be reversed if we do not give quality education to our children. Quality education cannot come by if we do not have teachers to teach our children.

It is very saddening for me to read a comment from the Minister for Education where he was quoted to have said that teachers’ demands are unrealistic. It is not the

teachers' demands but rather the demands of our children. They are crying to get knowledge and yet somebody can say that it is unrealistic. I would like to invite the Minister for Education in my constituency to see for himself a classroom with 160 children. I am talking about Standard II. He will see that Standard III and IV children are put in one class to be taught. What quality of education are we looking for if we cannot employ teachers?

The Government is able to get the money to employ teachers and ensure that all the teachers on contract are employed on permanent terms. It is equal job for equal pay. You cannot have teachers paid amount "A" and others amount "B" and yet they teach the same class. All the teachers on contract should be employed on permanent terms. We should also have more teachers employed.

That is not all. Teaching is a noble job. It is not just a question of employing. Even the salaries must be reviewed upwards to ensure that teachers concentrate in the classrooms and teach our children. The Government is fond of showing double standards when it comes to education.

Mr. Ochieng: On a point of order, Mr. Temporary Deputy Speaker, Sir. We are running out of time and some of us have not contributed. Can we reduce the time of contribution maybe to two minutes?

The Temporary Deputy Speaker (Mr. Ethuro): Order, hon. Members! Given the interest, let us confine ourselves to two minutes per contributor.

Yes, Mr. Mbadi!

Mr. Mbadi: Mr. Temporary Deputy Speaker, Sir, first of all, it should be noted that we are not giving teachers money. However, we want more teachers employed to teach. Teachers are not on strike because they want salary increment. They are on strike because we, as a country, are failing them by not adding them enough manpower to teach our children in classrooms.

Mr. Temporary Deputy Speaker, Sir, the genesis of this is that as the Budget Committee, we did agree, got money and told the Deputy Prime Minister and Minister for Finance: "Here is the money; employ on permanent terms the 18,000 teachers who are on contract and an additional 10,000 teachers." However, after the Report had already been adopted by the House, he came up and told us that there is no money to employ more teachers, but there is Kshs6 billion for the Ministry of State for Defence. Where did the Government get Kshs6 billion to add onto the budget of Defence and yet he could not get Kshs5 billion to employ teachers?

Mr. Temporary Deputy Speaker, Sir, if this House supported this Constitution, we would not be in the mess we are in today. Last week on Tuesday, I stood here and said that whatever we were doing in the Committee of Supply was unconstitutional. Once the Budget Committee did a Report and presented it to the House and was adopted, that Report became binding. Therefore, whatever came here last week should have been in line with the Budget Committee. That was not respected and I wish I had the support of the House as I see it today.

The Temporary Deputy Speaker (Mr. Ethuro): Your time is up, hon. Mbadi!

Mrs. Shebesh: Thank you, Mr. Temporary Deputy Speaker, Sir. I want to add my voice in support of this Motion. In so doing, I want to echo the words of hon. Mbadi and I will not repeat them because of limit of time. But I would really want to put this issue to the Deputy Prime Minister and Minister for Finance and believe that he is being

misadvised. There are issues that were brought to this House which happened between Committees and the Ministry; things that took members up to midnight. However, at the end of the day, he made the wrong decision. I believe that there are those people who want to remain in the old ways; these are the Treasury mandarins. These people are misleading the Office of the Deputy Prime Minister and Ministry of Finance. If we are doing reform in all areas, I really believe that there must be reform on the Treasury if this Ministry wants to go ahead with what the new Constitution says and what Kenyans are saying. I want to say with no fear of contradiction that what is happening in the Treasury, the advice being given by those in the Treasury, is the reason for the teachers' strike today.

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

Prof. Kaloki: Thank you, Mr. Temporary Deputy Speaker, Sir. I rise to support this Motion. I am very happy that the Deputy Prime Minister and Minister for Finance and the Minister for Education are here.

Mr. Temporary Deputy Speaker, Sir, the issue here is the willingness of the Government to support the teachers. If the Deputy Prime Minister and Minister for Finance has that willingness, this strike can be called off this afternoon and the teachers will be able to go back to their schools and the students will be able to learn. If this Government wants to achieve the Vision 2030, it has no option, but to listen to our teachers. Without this, there is no way we will attain the Vision 2030 and even make this country a middle level income economy. Teachers are fleeing this country to our neighbouring countries. If you go to Uganda and Zambia you will find many Kenyan teachers employed there. Kenya cannot afford anymore the brain drain that we are experiencing in the education sector. I am just appealing to the Deputy Prime Minister and Minister for Finance to call off the strike.

The Temporary Deputy Speaker (Mr. Ethuro): Prof. Kaloki, your time is up!

Hon. Ngugi!

Mr. Ngugi: Mr. Temporary Deputy Speaker, Sir, I will be brief. A Government of credibility must negotiate in good faith. This Government negotiated with the teachers and made some promises. If it does not live to those promises, it has not credibility. This Government negotiated with the police, but to some extent, it did not deliver. This Government negotiated with the Members of Parliament, but in the end, it was not ready to honour that agreement. It is important for them to negotiate what they can deliver and stick to it.

Mr. Temporary Deputy Speaker, Sir, I support this Motion and the teachers because they are on the right course.

Mr. Midiwo: Mr. Temporary Deputy Speaker, Sir, I rise to support this Motion.

There is nothing to negotiate between the teachers and the Government. The Government must obey the law. We passed that teachers be employed and, therefore, I want to say as a representative of the people of Gem, that teachers are doing the right thing. I want to tell them that they can only bend an iron when it is hot. This iron is hot. They must force the Government to meet their demand because over the years, this Government has not respected their demands. It has even been said that monies were used to pay taxes for Members of Parliament instead of employing more teachers. Suppose that was true, the money went to the Kenya Revenue Authority (KRA) which is

under Treasury. Take that money and employ teachers because it is still the same Government money.

Mr. Temporary Deputy Speaker, Sir, there is Kshs2 billion given to the National Security Intelligence Service (NSIS) which they did not ask for. Slash an additional Kshs2.5 billion from the one which is stashed away in the military and employ teachers. There is nothing to negotiate.

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

Mr. Duale: Mr. Temporary Deputy Speaker, Sir, I support this Motion. This is a national crisis which is bigger than the Minister for Education and the Deputy Prime Minister and Minister for Finance. It is an issue that must be addressed by the two Principals. As my colleague has said, they are very good at reshuffling the Cabinet and doing horse trading on key position. They must rise to the occasion and address the issue of the Kenyan teachers. We, as Members of Parliament, will not allow the children from the disadvantaged backgrounds to suffer. We want teachers to be employed on permanent basis. We are ready to join the strike and walk with them. The two Principals must sit today and solve the issue.

Mr. Temporary Deputy Speaker, Sir, the issue of whether the money went to Defence, this Government can raise the amount required. I totally agree that if that is not done, then we will not pass the Appropriations Bill.

Mr. Imanyara: Thank you, Mr. Temporary Deputy Speaker, Sir, for the opportunity also to support this Motion.

Mr. Temporary Deputy Speaker, Sir, in supporting this Motion, let me say that this is not just a Motion for Adjournment. It is a Motion of no confidence in this Grand Coalition Government. When we promulgated the new Constitution we entrenched the system of committees. The committees are the vehicles through which the Kenyan public addresses and reaches Parliament. When the Budget Committee held public sessions, they listened to the teachers and heard contributions from the Kenyan citizens. Based on those contributions, they made recommendations. Those recommendations were adopted by this House. It is not right to suggest that because last week the House passed the Budget, we overruled the decision of the Committee, because it was approved by this House and has legal effect. So, failure to honour the decision that was approved by this House undermines the Constitution we passed.

Mr. Temporary Deputy Speaker, Sir, the people of Central Imenti are in solidarity with the teachers. They are asking the teachers who are trained with public funds, in private institutions, also to show solidarity with the teachers in the public institutions and also stay out. They are also asking parents to ensure that their children stay at home because it is safer to stay at home than to be out there without teachers; until we pay these teachers as mandated by a resolution of this House.

Mr. Temporary Deputy Speaker, Sir, I support the Motion.

The Temporary Deputy Speaker (Mr. Ethuro): Hon. Members, I will be calling upon the Minister, but before then, I give one minute to hon. Chanzu.

Mr. Chanzu: Mr. Temporary Deputy Speaker, Sir, I also want to support the strike. The teachers should continue with the strike until the Government pays. In fact, if there was a way for us to call the Members of Parliament also to close Parliament and go to the streets to demonstrate with the teachers in solidarity, I would be more than willing to do so.

Mr. Temporary Deputy Speaker, Sir, I fully support the teachers on this strike. It is good that the Minister is here. What we want to hear from him is that he is going to allocate Kshs6 billion this afternoon to be able to pay the teachers. Whether it is Kshs5 billion or Kshs6 billion, whatever it is.

The Deputy Prime Minister and Minister for Finance (Mr. Kenyatta): Mr. Temporary Deputy Speaker, Sir, thank you for giving me a chance to respond to this Motion. I have heard loud and clear the views that have been expressed by hon. Members. This is not a new situation confronting us. This is an issue that has been on the table for a considerable amount of time. This is an issue that requires us to actually deliberate in a cool and sober manner. I would like, with your permission, just to go back and refresh our memories on this particular debate. I have been accused of changing what the Budget Committee Report presented and was adopted by this House. I would like to remind this House that there were intense negotiations between my Ministry and the Budget Committee. There are Members of that Committee here and I speak my word. That was done through the auspices of the Speaker's Office. As we discussed, we went through the challenges that we are faced with as a country and as an economy.

Mr. Temporary Deputy Speaker, Sir, while going through, we gave and had an open and frank discussion. In fact, in the first meeting, the Speaker was actually there. We went through the challenges that we have and how to overcome them. When it came to the issue of the cuts that the Budget Committee had caused, we adopted all those measures on areas where we could cut. There were further recommendations including the teachers. I informed the Committee that first and foremost, after having read the Budget, we were faced with the huge challenge of drought in this country. I informed the Committee that the Cabinet sat down and said that this is an urgent situation that we had to deal with. Therefore, Kshs10 billion and above had to be reallocated in order for us to be able to accommodate the challenges that were facing many starving Kenyans in this country. Money had to be found despite the fact that this House by resolution adopted what it had adopted. So, we needed to look at the whole situation afresh given the challenges that we are faced with. The Committee agreed with me that we had to deal with those challenges and the money needed to be found. That was part of the money.

Mr. Ochieng: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Deputy Prime Minister and Minister for Finance in order to keep on lamenting here while we know that Grand Regency Hotel was sold here at a throw away price? That hotel could have been sold at Kshs5 billion to raise the money.

The Temporary Deputy Speaker (Mr. Ethuro): Order, Mr. Ochieng! You are completely out of order.

Proceed, Mr. Deputy Prime Minister!

The Deputy Prime Minister and Minister for Finance (Mr. Kenyatta): Thank you, Mr. Temporary Deputy Speaker, Sir. The second aspect is the issue of the military which I am told that I removed money to pay them. Under the four-year normal salary negotiations, the military were equally due after already having paid the police, the teachers and everybody else. The challenges are still going to come from nurses and civil servants. We had no choice but to agree to pay money to the military and their salaries just like we agreed about the money for the teachers.

(Several hon. Members stood)

up on their feet)

The Temporary Deputy Speaker (Mr. Ethuro): Order, hon. Members! Why can you not allow the Minister to proceed?

Proceed, Mr. Deputy Prime Minister!

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

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

The Deputy Prime Minister and Minister for Finance (Mr. Kenyatta): Mr. Temporary Deputy Speaker, Sir, I have no qualms in presenting, showing and proving that particular point.

Regarding the issue of teachers, it is an issue that we recognized last year and we have been in discussion not just with the Committee but also with the Kenya National Union of Teachers (KNUT) itself. We acknowledged that we had this challenge but how do we as a country face up to it together. We held discussions with the Kenya National Union of Teachers and Kenya Union of Post-Primary Education Teachers (KUPPET). We agreed that as we face the challenges of the implementation of the new Constitution and other challenges that we have, we need to buy time---

The Temporary Deputy Speaker (Mr. Ethuro): Order, Mr. Deputy Prime Minister! While history is good, the House is looking forward.

The Deputy Prime Minister and Minister for Finance (Mr. Kenyatta): Mr. Temporary Deputy Speaker, Sir, I am getting there.

As we deal with that, we even reached a level where we had a signed agreement which I have here and which we signed with both KUPPET and the KNUT last year where having understood the problems that we are faced with, they agreed that we could hire teachers on contract. I want to table these documents which are both signed by myself, Ministry of Education, the Secretary-General of KNUT Mr. Majale, Mr. George Wesonga the national chairman of KNUT and Mr. Fred Ondere the national treasurer of KNUT. That was the agreement.

Again with KUPPET, it was signed by myself, Ministry of Education, Mr. Njeru Kanyamba Secretary-General of KUPPET and Mr. Wicks Mwithi Njenga the national Treasurer of KUPPET. I wish to table the documents

*(Mr. Kenyatta laid the documents
on the Table)*

I know we have a challenge but the challenge is not about teachers but the overall economy as well. Whereas I am ready to continue to engage and discuss with the union, this House and the Budget Committee--- The chairman of the Budget Committee is sitting here. We went through the issue and discussed it. We also agreed that this is an issue that requires further discussion. That is something that we have agreed on. We need to continue deliberating on this issue because we know the challenge. As Treasury we are ready to do so but I am appealing to the same teachers; that let us not let the children suffer when they are going through exams. This is an issue that we must discuss. The shortfall of teachers is 76,000 teachers. How are we going to get there? Why can we not dialogue? This is not just a question of allocating money that we do not have.

I plead with this House that we handle this matter in a mature and cool manner. We should handle it in a manner that allows us to be able to actually find a solution not just for a short-term but long-term.

Mr. Namwamba: On a point of order, Mr. Temporary Deputy Speaker, Sir. The hallmark of honour is to say what you mean and mean what you say.

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

Mr. Namwamba: Is the Minister in order to give an indication that they are not ready, especially to absorb the 18,000 contract teachers when the Minister for Education in response to an answer I asked in this House, gave a firm commitment that the Government was going to do exactly that upon the Budget being endorsed by this House? Is the Deputy Prime Minister in order?

The Deputy Prime Minister and Minister for Finance (Mr. Kenyatta): Mr. Temporary Deputy Speaker, Sir, I am speaking on behalf of the discussions that we have held as Treasury. If, indeed, the Minister for Education stood on this Floor and gave that commitment, he gave it without consulting us. I am speaking truthfully from the point of view of the discussions that we have held. If, indeed, there was something else that was made here without reference, I cannot answer for that but I can tell you the truth in as far as the discussions and the involvement of Treasury in this particular matter is concerned.

All I am saying is that, I know we have a shortfall of teachers and I know that we need to resolve this matter in the interest of all our children. All I am asking for is that all concerned parties from the KNUT, to this House and to the teachers themselves; let us do it in a sober manner. Let us not make our children suffer and let us find a solution that would be lasting as we go forward.

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Ethuro): Hon. Members, it is now time for us to adjourn the House, and the House is, therefore, adjourned until this afternoon.

The House rose at 12.30 p.m.