

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 26th October, 2011

The House met at 2.30 p.m.

[*Mr. Speaker in the Chair*]

PRAYERS

Question No.1036

PAYMENT OF HONORARIA TO ADULT EDUCATION TEACHERS

Mr. Koech asked the Minister for Education:-

(a) why the Government has not paid the adult education teachers in Nandi North and Nandi Central districts their *honoraria* since June 2010; and,

(b) when they will be paid.

Mr. Koech: Mr. Speaker, Sir, this Question was half-way answered at that time. I seek your indulgence because the Assistant Minister laid a document on the Table proving that the said teachers had been paid on 10th October, 2011. It is now 16 days since then and I have confirmed from the ground that these teachers are yet to receive this payment.

Mr. Speaker: Prof. Olweny, will you proceed to answer the Question bearing in mind the sentiments by the Member for Mosop?

The Assistant Minister for Education (Prof. Olweny): Mr. Speaker, Sir, both part (a) and (b) of the Question were answered. However, what I am supposed to deliver to the House today is some additional information regarding the frequency of payment to part-time teachers. I said last time that we pay them quarterly. That is the practice.

Regarding what the hon. Member has said, we have to check with the bank because the information I have from the paper I was given indicates that the payment had already been made.

Mr. Speaker: Member for Rongai!

Mr. Lagat: Mr. Speaker, Sir, I am the Member for Emgwen, that is Nandi Central.

Mr. Speaker: Proceed!

Mr. Lagat: Mr. Speaker, Sir, I have also confirmed from the ground that the teachers in Nandi Central have not received the payment. We actually want the Assistant Minister to clarify and give us clear information.

Mr. Olago: On a point of order, Mr. Speaker, Sir. I was just wondering if the Assistant Minister is in order in view of what the hon. Members have said regarding this payment and the fact that he is certainly not aware. Could it be in order for the Question

to be deferred, once again, so that he confirms from his officers whether this money has actually been credited or not?

Mr. Speaker: It will be out of order if we take your timing because we have already recognized and given the Member for Emgwen the Floor, after you noticed that default and you did nothing about it.

Prof. Olweny, will you answer the Question by the Member for Emgwen?

Prof. Olweny: Mr. Speaker, Sir, I have with me here a document that shows that the payments were made to the bank.

Mr. Speaker: Member for Mosop, will you acquaint yourself with this document first before you raise the issue?

Mr. Koech: Mr. Speaker, Sir, I already have it.

Mr. Speaker: Then proceed with your point of order.

Mr. Koech: Mr. Speaker, Sir, I actually allowed the Member for Emgwen, because we share the same problem to confirm that truly these teachers have not receive the payments. I heard the Assistant Minister say that he is not aware and that he needs to go and check. It will not be in order for him to table a document that may not be truthful. For us to confirm that he tabled the right document and that the money was actually paid, I plead with you that you defer this Question, so that he can come back with a comprehensive answer to truly confirm that these teachers were paid.

Mr. Speaker: Member for Mosop, we will be, perhaps, doing a very dangerous thing if we decline to accept documents tabled by the Government. This document is supposed to be a debit which indicates that the account of the Ministry – the number of the account is given – was debited and the date is also given. We have an official stamp of the Ministry of Education from the cash office which states that on 10th October, 2011, the cash office paid Kshs590,000 to Kenya Commercial Bank Limited. So, we cannot get to a point where we discredit documents from the Government. If it turns out that, in fact, this document did not release payment, then we can hold the Assistant Minister to account for misleading the House by giving false information. As things stand now, I will treat this document as genuine because it comes from the Ministry of Education. It has the Ministry's rubberstamp and it has a date on it. On that basis, I will admit this document and accept it as a true document, speaking for itself with regard to the contents thereof.

Mr. Koech: Mr. Speaker, Sir, as I ask the last question, I want to appreciate your concerns and sentiments. I want to confirm here that this Question came on 12th October, 2011 and I thanked the Assistant Minister for wiring the money because it was done in only two days. However, I am confirming now that 16 days down the line, my concern is that the teachers are yet to receive the money. I will really appreciate if he confirms that this payment actually reached the teachers. We are talking about teachers who have not received these honoraria for one-and-a-half years. It is a very serious and genuine concern.

Mr. Speaker: Very well. Your point is made. Assistant Minister, will you, please, respond and answer whether or not you have, in fact, ascertained that this payment has been transmitted? If it has not been transmitted, then what are you doing to ensure that it is actually effected and received by the beneficiaries?

Prof. Olweny: Mr. Speaker, Sir, once the money is released by our headquarters here, it goes to the districts which will then touch base with those teachers and then they will be paid. That is the practice.

Mr. Speaker: Assistant Minister, I want you just to verify that, in fact, this payment has been transmitted and received by the beneficiaries. That is all we want you to do and which is largely a formality.

Prof. Olweny: Mr. Speaker, Sir, I will do so.

Mr. Speaker: Please, do so. This Question will appear on the Order Paper in two weeks time, not for you to answer further questions, but just for you to put on record confirmation that payment has been effected. That is all. You will not answer any questions.

Member for Mosop, you have noted that.

Question No. 1102

PROVISION OF EMBANKMENT AT ATHIANI BAILEY BRIDGE

Mr. Kiilu asked the Minister for Roads:-

(a) whether he is aware that embankment approaches to Athiani Bailey Bridge on Kikuu River in Kitise Location, Kathonzwani District, which was put up in 2008 have never been provided;

(b) what caused the delay in backfilling the embankments and when the same will be done; and,

(c) when the Ministry will commission the bridge for public use.

Mr. Speaker: Assistant Minister, I have indication that you had previously answered this Question fully. Just confirm that and we will move on.

The Assistant Minister for Roads (Mr. Kinyanjui): Mr. Speaker, Sir, indeed, it is true that this Question had come before and I had given an undertaking to the hon. Member that we will look for funds to construct the remaining part. I think the hon. Member is satisfied with that answer. That being the case, maybe, we do not need to go over it again.

Mr. Speaker: Member for Makueni, could you confirm that, that, in fact, is so?

Mr. Kiilu: Mr. Speaker, Sir, it is true. The only thing that the Assistant Minister should do is to confirm when the funds will be committed and when the job will start.

Mr. Speaker: The Assistant Minister will confirm, but away from the plenary because this Question was dealt with fully and the relevant personnel in the Clerks Department have tendered their apologies to the House. So, kindly, accept those apologies. This Question appeared by error.

Question No.1115

PAYMENT OF RETIREMENT BENEFITS BY NCC

Eng. Rege asked the Deputy Prime Minister and Minister for Local Government:-

(a) how long it takes the Nairobi City Council to pay retirement benefits to its retired employees;

(b) if he is aware that Mr. Benson Magai Jonyo (032171/164) retired on 31st December, 2003, but has not been paid his retirement and other dues to-date; and

(c) what measures the Minister will take to ensure retirement benefits of all retirees in all local authorities, including Mr. Jonyo, are paid promptly.

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

(a) The City Council of Nairobi is currently paying all the retirees all their terminal benefits after they have been served with retirement notice. This is subject to the retirees undertaking the necessary clearance procedures. The Council employees are members of two pension schemes: The Local Authority Pension Trust (LAPT) and the Local Authorities Provident Fund (LAPF), none of which is under the control of the Council.

Procedurally, the Council pays all outstanding contributions to the above schemes and, therefore, when officers retire, they are issued with retirement letters which are copied to the respective pension schemes six months in advance to enable the pension schemes to prepare their pension. The Council, therefore, only processes terminal leave days, salary arrears, if any, and long service awards. In the case of Mr. Benson Magai Jonyo, the benefits were forwarded to the Local Government Officers' Superannuation Fund for processing.

(b) I am aware that Mr. Benson Magai Jonyo retired on 31st December, 2003 and was paid all his terminal benefits as follows:-

(i) For long service award, he got Kshs90,000 which was paid in September, 2003, through the payroll.

(ii) Under terminal leave days, he was paid Kshs59,089.80 in November, 2003, through the payroll.

(iii) Under the collective bargaining agreement arrears, he was paid Kshs55,860 in December, 2003.

(iv) His pension contribution for the period 1989 to December, 2003 totalling to Kshs323,796 was paid vide cheque No.052641 dated 9th July, 2004 and remitted to LAPTRUST.

(v) There was a penalty on late contribution paid to LAPTRUST of Kshs210,642 and this was paid on 11th November, 2004 to LAPTRUST. He was then issued with a clearance certificate by LAPTRUST on 20th July, 2004.

Mr. Speaker, Sir, my Ministry has always ensured that retirement benefits of retirees in local authorities are paid. I want to confirm to that Mr. Benson Magai has been paid his retirement benefits and was duly informed so by the Council vide letter reference – it is a long one – but it is dated 24th January, 2011.

I also wish to confirm that Mr. Magai was paid his pension by LAPTRUST on 3rd May, 2005 vide cheque No.018387 totalling to Kshs599,276.70. He also gets a monthly pension of Kshs4,667.75. However, his pension remittance was stopped at one time because he failed to appear before LAPTRUST on what they call a validation process. This is an exercise – and I will table a letter here – which goes on so that after a period of

time, LAPTRUST can verify that money is not being sent to people who are either dead or they are non-existent. So, they normally undertake that to be sure that the recipient is still alive. I will table a copy of this letter to the House and give a copy to the hon. Member so that this matter can be regularized and Mr. Magai can continue receiving his pension.

(Mr. Mudavadi laid the documents on the Table)

Eng. Rege: Mr. Speaker, Sir, I brought this Question to the Floor of the House after I, personally, together with Mr. Benson Magai, went to the City Council severally in an attempt to see if he could be paid the other dues which are mentioned in this answer. The dues have not been correctly computed. Mr. Magai said that he was, indeed, paid, but the other dues, which include overtime worked, handling cash allowances, medical claims and provident fund contributions were not computed by the time he was being paid his dues. The gentleman is so nice. I have questioned him several times as to the validity of his claims and when I look at this, it looks very legitimate. That is because he has even computed the dates when he worked overnight and, evidently, he was not paid some of the other dues. So, he is asking to be paid Kshs2,189,069 by the City Council. I have the computation tables and, if needed, I can table them.

(Eng. Rege laid the documents on the Table)

Mr. Speaker: Eng. Rege, could you now come to the Question?

Eng. Rege: Mr. Speaker, Sir, I am asking the City Council to kindly make the correct payment to Mr. Benson Magai.

Mr. Mudavadi: Mr. Speaker, Sir, the issues being raised by the hon. Member may require further scrutiny. That is because, apart from what I have tabled and indicated in my reply, there is also a letter that was addressed to Mr. Magai on 24th January, 2001 which gave him the reasons as to why some of the claims he wanted were not eligible and could not be paid. I will also, with the permission of Mr. Speaker, table this letter. I am willing to also look at the documents that the hon. Member has for further inquiry. But I am willing to give him what I have and we can pursue the matter.

Mr. Olago: Mr. Speaker, Sir, pensioners are persons who have given their working life for the benefit of this country and their employers. They deserve respect and proper treatment. But local authorities in Kenya are notorious for deducting money from salaries ostensibly to contribute towards pension funds but those funds never reach the pension schemes. In Kisumu, there are over 100 retired employees who cannot access their pension because of that reason. Under those circumstances, what steps is the Ministry putting in place to ensure the deductions from local authority workers are actually remitted to pension schemes?

Mr. Mudavadi: Mr. Speaker, Sir, indeed, some local authorities have become notorious for non-remittance of deductions made on statutory basis due to various workers. I want to say that we have taken very stern measures and one of the issues that have come through is that no local authority is allowed to access their Local Authority Transfer Fund (LATF) unless they have cleared all the statutory obligations which include remittance of deductions made on behalf of employees to their pension funds.

Mr. Speaker: Very well. It seems that the retirement benefits have been paid but what has not been paid are other dues in terms of documents which he has tabled and which you are now seized with. I will defer this Question on that basis for you to deal with part (b) only; that is with respect to other dues which were previously not particularized. Now that they are particularized, we will defer this Question for you to respond to that aspect alone in two weeks time.

Mr. Mudavadi: That is very well, Mr. Speaker, Sir.

Mr. Speaker: It so directed.

(Question deferred)

Question No.1142

SUSPENSION OF CHIEFS

Dr. Laboso asked the Minister of State for Provincial Administration and Internal Security:-

(a) whether he is aware that Messrs John Ngeny and Joseph K. Milgo, former chiefs in Chepkegei and Kapekelei locations, respectively, were suspended without following due process on 29th June, 2010; and,

(b) whether he could consider reinstating the two officers immediately.

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

(a) John Ngeny, P/No.1994061315 and Joseph K. Milgo, P/No.1994060775, assistant chiefs of Chepkegei and Kapekelei locations were suspended on 29th June, 2010 for suspected involvement in cattle rustling.

(b) Investigations were carried out and they were cleared of the allegations. The suspensions have since been lifted and the officers have resumed their duties.

Dr. Laboso: Mr. Speaker, Sir, whereas I thank the Assistant Minister because the two assistant chiefs have been reinstated, could he tell the House why the suspension took place? Was it on mere suspicion or there were some level of investigations carried out?

Mr. Lesrima: Mr. Speaker, Sir, according to the Chief's Act, it is the responsibility of the chiefs to monitor stock theft and cattle rustling in their areas of jurisdiction. There were a number of incidences where cattle were crossing from the neighbouring district of Borabu in Kisii into Sotik. There was also suspicion that the chiefs were probably part of it because they were not taking any action. On further investigation, the real culprits were found and the officers were cleared of lack of accountability on their part.

Mrs. Odhiambo-Mabona: Mr. Speaker, Sir, noting that, that is a place that is usually prone to inter-community conflict, what would the Assistant Minister do in future to avoid acting without proper investigations to avoid possible escalations of conflict?

Mr. Lesrima: Mr. Speaker, Sir, we are also involving district peace committees and community policing from both sides. In addition to that, we have also increased the number of anti-stock theft units and police posts along the Sotik side of the border.

Mr. Njuguna: Mr. Speaker, Sir, could the Assistant Minister also inform the House whether the salaries and wages of the officers who were suspended have been reinstated since they resumed their positions?

Mr. Lesrima: Yes, Mr. Speaker, Sir. The interdictions were lifted and I have evidence to the effect that their salaries have been refunded.

Dr. Laboso: Could the Assistant Minister also confirm whether any other damages on the character defamation and what they have suffered with their families as a result of that long investigation were paid? Could he also confirm the following: I got further information that the information that led to their suspension was not known to their immediate bosses like the District Officer (DO), the District Commissioner (DC) and even the Provincial Commissioner (PC). Where did you get the information to suspend those officers?

Mr. Lesrima: Mr. Speaker, Sir, normally, when one is cleared, his or her moral standing improves. I am sure they are given apologies for being wrongly suspended. It is also true that the chain of command was not followed. The PC was over enthusiastic to stamp out cattle rustling and when he arrived, and since that was at the border, he went directly, while ignoring the chain of command and interdicted the officers without passing through the regional commissioners. I do accept that, that problem was there and I can assure you that the two PCs have now sorted out the matter and a repeat will not take place.

Question No.1175

ISSUANCE OF TITLE DEEDS

Mr. Speaker: Next Question is by hon. Member for Vihiga! Is the hon. Member for Vihiga not here? The Question is dropped.

(Question dropped)

Question No.1183

KILLING OF APS BY POLICE

Mr. Speaker: Next Question is by the hon. Member for Budalangi! Is the hon. Member for Budalangi not here? The Question is dropped.

(Question dropped)

Mr. Speaker: Next Question is by the hon. Member for Maragua!

Mr. Mwangi: Mr. Speaker, Sir, Mr. Mbau is held up in his constituency and he has requested me to ask this Question on his behalf.

Mr. Speaker: And are you now doing so?

Mr. Mwangi: I was intending to do so, but I have consulted the Minister and he has said that the Question has been referred to the Ministry of Public Health and Sanitation. So, he does not have an answer yet.

Mr. Speaker: First, you ask the Question.

Question No.1203

UPGRADING OF MAKUYU HEALTH CENTRE

Mr. Mwangi, on behalf of **Mr. Mbau**, asked the Minister for Medical Services:-

(a) whether he could consider elevating Makuyu Health Centre to a Level IV facility considering that it serves a catchment area of over 100,000 people and is located on the busy accident-prone Kenol-Makutano Highway;

(b) whether he could further set up an Accident and Emergency Unit at the hospital in view of the many accident victims that are admitted to the hospital; and,

(c) when the Government will also supply ambulances to the “Model Health Centers” built under the Economic Stimulus Programme (ESP) as previously pledged by the Minister.

The Assistant Minister for Medical Services (Mr. Kambi): Mr. Speaker, Sir, I beg your indulgence. This Question cuts across two Ministries and the greater part of the answer will come from the Ministry of Public Health and Sanitation. We had asked if it would be possible for it to be referred to that very Ministry because I do not have the authority to commit the other Ministry and that is where a good part of the answer is.

Mr. Speaker: Fair enough! We will then defer the Question to be dealt with by the Ministry for Public Health and Sanitation. It will be deferred to a week away. So, it will come again on the Order Paper on Thursday afternoon next week. Please, inform your counterpart, Mr. Kambi.

The Assistant Minister for Medical Services (Mr. Kambi): Yes, Mr. Speaker, Sir.

Mr. Speaker: Very well! That then takes us to the next Question!

(Question deferred)

PRIME MINISTER’S TIME

QPM No.016

USE OF DRUGS MONEY TO FUND KENYAN POLITICS

Mr. Mungatana asked the Prime Minister:-

(a) whether he could clarify the extent to which Kenyan politics is being funded by drug money, particularly whether the funds are channeled to political parties or specific candidates and provide the names of such individuals or parties; and,

(b) what amounts are involved and what action the Government has taken to have the matter investigated and culprits brought to book.

Mr. Speaker: Order, hon. Members! The Rt. hon. Prime Minister to respond to Question No.16 to the Prime Minister!

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): Mr. Speaker, Sir, I wish to seek the indulgence of the House because I am not yet ready with that response. I will be prepared to respond to it by Wednesday next week.

Mr. Speaker: Fair enough! Mr. Mungatana, you have heard the expression by the Deputy Prime Minister and Minister for Local Government.

Mr. Mungatana: Mr. Speaker, Sir, I actually expected him not to be ready because the statements that came up were very serious, from a function that was attended by the Prime Minister himself right here in Nairobi. He made very serious allegations against Kenyan politicians. We would appreciate if the Prime Minister, himself, can be in this House to explain his statements. That is because we are taking it very gravely. So, we have no objection to the Prime Minister coming here to explain because we cannot accept those statements to be attributed to the House.

Mr. Speaker: So, you are acceding to deferment to Wednesday next week?

Mr. Mungatana: Yes, Mr. Speaker, Sir, and if he could come himself.

Mr. Speaker: Very well! It is so directed: Wednesday next week at 2.30 p.m. That then brings us to the end of Order No.6. We want to go to the next Order.

(Question deferred)

STATEMENT

Mr. Speaker: First, we will take the Statement by the Rt. hon. Prime Minister because we are in Prime Minister's Time. The other Ministers who have Statements to deliver, please, approach the Chair, so that we have an idea as to how long each of you will last.

STATUS OF THE KENYA YOUTH EMPOWERMENT PROJECT (*KAZI KWA VIJANA*)

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): Mr. Speaker, Sir, I would like to---

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

Mr. Speaker: What is it, Dr. Khalwale?

Dr. Khalwale: Mr. Speaker, Sir, the Deputy Prime Minister and Minister for Local Government wants to respond to the issue of *Kazi Kwa Vijana* (KKV) Empowerment Project. The House is well aware that this has since become an issue of possible corruption in the country. The guidance I would like from the Chair is: Is it possible, in view of the fact that this issue is touching on integrity as it is, and that is the integrity of one of the principals, would it be justifiable for a second party to speak on behalf of the Prime Minister? If you so find that, yes, indeed, a second party can speak to it, then the next thing I would like you to also advice us on is that we have two Deputy Prime Ministers. The Deputy Prime Minister who is currently in front of us here is in charge of the Ministry of Local Government. But the other Deputy Prime Minister, Mr.

Kenyatta, is in charge of the Ministry of Finance. So, because there is the issue of integrity, something to do with money and it is in respect of Mr. Kenyatta's docket, I would expect that if we chose to allow a Deputy Prime Minister to handle this issue, then in that case, the right person to handle it, who is better versed with the issue of finance, would be the Deputy Prime Minister and Minister for Finance, Mr. Kenyatta.

(Several hon. Members stood up in their places)

Mr. Speaker: Do you want to speak on the same matter? Is it common perspectives or different approaches? What is it, Chief Whip?

Mr. Midiwo: On a point of order, Mr. Speaker, Sir. I want to seek your clarification on whether the definition of Minister is now different and if an Assistant Minister or a Deputy Prime Minister could also qualify to be a Minister in the sense that we are all in one Government and collective responsibility reigns. I would like to know that because I think what is beginning to show is politics and not facts which are being sought to play on the Floor of this House.

Mrs. Shebesh: On a point of order, Mr. Speaker, Sir. As you give that clarification, I believe there have been statements by hon. Members in this House and on this Floor and, in particular during the Prime Minister's Question Time on the need for the Prime Minister to delegate to his Deputy Prime Ministers when he is not available. So, is it in order for Dr. Khalwale to contradict what this Floor has on many times asked of the Prime Minister when he is not available?

Mr. C. Kilonzo: On a point of order, Mr. Speaker, Sir. This House is governed by Standing Orders and practices. About a month ago, when we were dealing with the issue of Mr. Wetangula, the Government side introduced a new principle. The principle was that where a decision has been made by one of the principals, then only the other principal can come and respond. Because of that, the Government has dilly-dallied with the issue of Mr. Wetangula's appointment for long. So, since the issue we are dealing with here falls under KKV, where decisions were made by the principals--- This is the baby of one of the principals--- It was, indeed, both because it was also commissioned in my own constituency. I will ask you if the same principle can apply. Let the same principle that was applied on Mr. Wetangula be applied here; that either one of the principals comes to respond.

(Applause)

(Several hon. Members stood up in their places)

Mr. Namwamba: On a point of order, Mr. Speaker, Sir. Unless we are establishing a platform for personal vendetta and not transacting the business of this House, I want to invite the Chair to interrogate and determine under what circumstances the Deputy Prime Minister and Minister for Local Government is seeking to deliver this Statement. If you look at the Order Paper, the next Order that has just been called by the Speaker is titled "Prime Minister's Time. The Prime Minister's Time is governed by Part XI of our Standing Orders, from Standing Order No.40.

(Applause)

So that we do not reduce this House to an arena of political games and personal vendetta masquerading as the business of the House, allow me, for the record, to read the whole Standing Order No.40. That is with your indulgence, Mr. Speaker, Sir. I will read it:-

“40. (1) Notwithstanding Standing Order 36 (Order of Proceedings), there shall be time, to be designated the Prime Minister’s Time, commencing at 3.00 p.m. every Wednesday.

(2) During the Prime Minister’s Time-

(a) the Prime Minister may make a statement, or

(b) questions may be put to the Prime Minister relating to matters of Government policy or the general performance of the Government and Government agencies.”

The next is the operative sub-set of this particular Standing Order that I invite the House to wrap its mind around.

“(3) In the absence of the Prime Minister, a Deputy Prime Minister designated by the Prime Minister may make a statement or answer questions under this part.

(4) The Prime Minister’s Time shall not exceed forty five minutes.”

(Applause)

Mr. Speaker, Sir, this is an honourable House! This is the august House governed by nothing other than these Standing Orders. This is the holy writ of this House. We either operate with these Standing Orders or we reduce this House to an arena of jokes, political games and personal vendetta. I want to submit humbly that in determining who shall represent the Prime Minister in his absence, the Standing Orders are very clear: The Prime Minister may designate either of his deputies. The Prime Minister has designated the hon. Member for Sabatia; the Deputy Prime Minister and Minister for Local Government, to present this Statement. May we not waste any further time and go by the Standing Orders of this honourable House.

Mr. Speaker: Order, Mr. Namwamba! That last part is condescending. You cannot be saying that you are the only one who is gainfully using parliamentary time and that the rest are going to waste time. So, you must withdraw that part and apologise.

Mr. Namwamba: Mr. Speaker, Sir, with due respect to the Chair and the House, I withdraw unreservedly those words about wasting time, but then plead with this House that, may we live by the tenets of our own Standing Orders. With due respect!

Mr. Speaker: Very well! That is okay!

Mr. Wamalwa: On a point of order, Mr. Speaker, Sir. Yesterday, you allowed me to request for a Statement from the Prime Minister regarding the KKV initiative and you gave directions that Wednesday next week, the Prime Minister would come to make a Statement on the same. That particular request included the amount of money applied to that initiative from inception to date, how much has been lost, who is responsible and whether the Prime Minister would be taking political responsibility for the alleged loss. Today, the Deputy Prime Minister and Minister for Local Government is here to make a Statement on the KKV, relating to the same matter. We are lost! We need directions whether the Deputy Prime Minister and Minister for Local Government’s Statement is

going to cover all the issues that I raised, particularly relating to what is looking like a scandal in the making.

Mrs. Odhiambo-Mabona: On a point of order, Mr. Speaker, Sir. I am a little concerned. If you look at the Order Paper, it is clear that the Deputy Prime Minister, who by Standing Orders is ably representing the Prime Minister, is going to speak to the issue of KKV. But before he has even spoken, we are preempting and presuming that we know what he is going to speak about.

(Applause)

My other concern is: Yesterday, I heard the Chairman of the Public Accounts Committee (PAC) say that they are not going to politicize the issue of KKV because it concerns the youth. *Prima facie* as a lawyer, I have seen the issues that have been raised by the World Bank and, as a person who has worked with non-governmental organizations, they are merely administrative issues. So, there is no *prima facie* case of corruption in the making. Some of us are willing to educate those who are willing to be educated on administrative issues. Unless there is evidence - and I would not want us to preclude if there is evidence of corruption - but why are we presuming corruption unless those who are talking about it were involved in the corruption themselves? The Deputy Prime Minister and Minister for Local Government is as able as the Deputy Prime Minister and Minister for Finance. None of them is greater than the other!

Mr. Namwamba: He was also a Minister for Finance!

Mrs. Odhiambo-Mabona: Mr. Speaker, Sir, he was a former Minister for Finance. He is very able! Now, he brings with him again the expertise from the Local Government and working with donors.

(Applause)

So, I do not know why we want to act as the Prime Minister and start assigning work from here. If we want to be Prime Ministers, then let us move from being Chairmen of PAC and become Prime Ministers. Otherwise, I would humbly request that this House do allow the Deputy Prime Minister and Minister for Local Government to proceed.

(Several hon. Members stood up in their places)

Mr. Speaker: Order, hon. Members! Mrs. Odhiambo-Mabona, your address to the House on this matter on a point of order would seem to be fine but there are certain aspects of what you have uttered which are not palatable. They are not even parliamentary. Every Member of Parliament, before they even go to contest an election, sits a literacy test in English and Swahili. Now, for you to stand on the Floor of the House and say that “some of us are prepared to educate them”, who do you want to educate when these Members of Parliament are qualified?

(Laughter)

Order, hon. Members! Mrs. Odhiambo-Mabona, if you are referring to your colleagues, that you want to educate the rest, then you have to withdraw. If you are referring to other persons away from the House, then I will let it pass.

Mrs. Odhiambo-Mabona: Mr. Speaker, Sir, I will educate the media

(Laughter)

Dr. Khalwale: On a point of order, Mr. Speaker, Sir. With all due respect to Mrs. Odhiambo-Mabona, she has also stated here that “unless the Chairman of PAC wants to become the Prime Minister”. There is only one Chairman of the PAC for the time being, and that is me. Could she, please, withdraw that because it is unnecessary? When my time comes to run, I will not run for Prime Minister, I will run for the Presidency of Kenya!

Mr. Speaker: Order, Dr. Khalwale! You have made your point. Mrs. Odhiambo-Mabona, as I heard Dr. Khalwale making his point of order, I did not envision, see or conceive anything in what he said that would be personal, so that you refer to the Chair of PAC that if he wishes to become Prime Minister, then he should resign from chairing PAC and seek the Prime Minister’s position. I heard that and I believe I have recapped correctly. That part, I am afraid, you will have to withdraw because it was not personal.

(Several hon. Members stood up in their places)

Order!

Mrs. Odhiambo-Mabona: Mr. Speaker, Sir, I would like to say that, indeed, I actually did not say that and if it did appear that way, I did not intend it. But what I have said---

Mr. Speaker: I heard you, Mrs. Odhiambo-Mabona! Order! Please, resume your seat for a moment!

(Mrs. Odhiambo-Mabona stood up in her place)

I heard you. The way you are going is such that we will then have to call for a record of the HANSARD. If it turns out that what I heard is, in fact, the correct position, then you will be subject to sanctions.

Hon. Members: Just withdraw!

Mrs. Odhiambo-Mabona: Mr. Speaker, Sir, to the extent of what you have ordered, I withdraw.

Dr. Eseli: On a point of order, Mr. Speaker, Sir. As you consider your ruling on this, perhaps we need to take cognizance of the kind of hype of the issue to the public through the media and all those political players. I would submit that it will be prudent for us to get on with the issue. Let the Deputy Prime Minister and Minister for Local Government present what he has got, because left for too long, it is heightening political temperatures out there. We, as the honourable House, are, therefore, obligated to diffuse that kind of political temperature. I think as per the Standing Orders, the Deputy Prime Minister and Minister for Local Government is quite in order to represent the Prime Minister.

Mr. Lessonet: On a point of order, Mr. Speaker, Sir. I want to support the fact that the Deputy Prime Minister and Minister for Local Government, who has also been in this House for the last more than 10 Wednesdays, he has always failed to represent his boss, the Prime Minister. You will realize that, “that Prime Minister” has not been in the House for the last more than 10 Wednesdays to utilize his 45 minutes. It is very deliberate today that he is---

Mr. Speaker: Order, Mr. Lessonet! Have you ascertained the truthfulness of what you are saying? I have been sitting on this Chair over the past two-and-a-half weeks or so, and I recollect that the Prime Minister was here to give a Statement not very long ago on the Somalia situation? It was not very long ago. How could that escape your memory?

Mr. Lessonet: Mr. Speaker, Sir, allow me to rephrase my argument.

Mr. Speaker: Order! Mr. Lessonet, the decent thing to do, so that you live within the Standing Order--- You are responsible for the accuracy of what you say. If you are now aware that what you are saying is accurate, indeed it is not, as a matter of fact, because the Prime Minister was here and gave a statement on a very topical matter, which goes to the foundations of this nation; you could not have forgotten that. You must withdraw and apologise. We must be careful on what we say.

Mr. Chanzu: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order, Mr. Chanzu! I have asked hon. Lessonet to withdraw and apologise.

Mr. Lessonet: Mr. Speaker, Sir, as I withdraw the statement which---

Mr. Speaker: Order, Mr. Lessonet! Withdraw and apologise! Just abide with my directions.

Mr. Lessonet: Mr. Speaker, Sir, I withdraw that particular section and apologise. What I was saying---

Mrs. Odhiambo-Mabona: On a point of order, Mr. Speaker, Sir.

Mr. Lessonet: Mr. Speaker, Sir, but I am on a point of order!

Mr. Speaker: Order!

Ms. Odhiambo-Mabona: Mr. Speaker, Sir, your guidance to the hon. Member covered one aspect. The hon. Member said: “That hon. Prime Minister.” In English, that is very disparaging and disrespectful. Instead of saying: “The Prime Minister”, you cannot refer to an hon. Member as “That hon. Member.”

Mr. Chanzu: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order, hon. Chanzu! Let us calm down. We have no reason to be irritated. I know this matter has sparked a lot of passion, but we have a duty to ensure that it is properly transacted for the benefit of the general public; that we must do.

Hon. Lessonet, if that is accurate, then, obviously, you will be out of order. Did you use the words “That Prime Minister”?

Mr. Lessonet: Mr. Speaker, Sir, I need to go back to the HANSARD on that particular aspect.

Mr. Speaker: Are you saying you are unable to recollect, so that we will have to go for the HANSARD record?

Mr. Lessonet: Mr. Speaker, Sir, the barrage of points of order that have come--- If I said “That Prime Minister”, then let me apologise for it. The Prime Minister---

Mr. Speaker: Mr. Lessonet, withdraw the words “That Prime Minister”, apologise and say “The Prime Minister.”

Mr. Lessonet: Mr. Speaker, Sir, I withdraw and apologise.

You will realize that in most of the sittings in this House on Wednesdays, the Prime Minister is always not here to utilize his 45 minutes. Today, on this very serious matter, which is as serious as the Somalia issue, because it involves the whole nation, he wants to delegate to the Deputy Prime Minister and Minister for Local Government. I want to say that this matter is very serious. I am very sure the Deputy Prime Minister and Minister for Local Government is not in a position to take responsibility on behalf of the Prime Minister to the extent of the fact that there are matters, whether administrative--- Even if they are administrative or it is failure to utilize those funds; it is still critical to this nation and we require his personal responsibility, which I am very sure the Deputy Prime Minister and Minister for Local Government, hon. Musalia Mudavadi, will not be able to give. So, we are willing, as a House, to wait until the Prime Minister comes from his various travels abroad and addresses this matter.

Mr. Olago: On a point of order, Mr. Speaker, Sir. It appears to me that some Members of the House have forgotten the thrust of what we are raising in the Standing Orders in relation to the matter that was raised by hon. Khalwale. It was my intention to ask you to, kindly, look at Standing Order No.40, but that has been taken care of very effectively by hon. Namwamba. I urge you to take that as what the Standing Orders say.

The important thing that I want to raise is this: The matter that was raised by hon. Khalwale is very serious. Hon. Khalwale is not a green horn in this House, and he is supposed to know the rules. So, clearly when he raised the issue that the Rt hon. Prime Minister must be here personally to give the statement, he knew that he was being mischievous. Under those circumstances, he has knowingly---

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

Mr. Olago: Mr. Speaker, Sir, I am on a point of order.

Mr. Speaker: Order! Hon. Olago, you do not need to remind the Speaker of what you are doing in this House, because he is well aware of it. If you look at the Standing Orders, they will tell you that if the Speaker grants permission, you can rise at any time in the House and raise whatever matter is necessary. Please, note that, Mr. Olago.

Dr. Khalwale: Mr. Speaker, Sir, the hon. Olago is a lawyer, and I am a doctor of medicine. The medium of teaching right from nursery up to wherever we reached is English. He knows English and I do understand it. He has used the word "mischievous". It is unnecessary. I understand the passion in their support for the Prime Minister. The issue we are raising here is not a measure of our passion for one or against. We are talking about matters of accountability. When I raised the matter, I did so because it is a matter which is topical and has been raised in an audit and has also been raised by the World Bank. So, as Parliament is playing an oversight role, I cannot be reduced to somebody who is mischievous. All that I am asking the hon. Member is to go ahead and make his point, but use a different word. The word "mischievous" is unnecessary.

Mr. Speaker: Very well! Order! Order, hon. Members! First, with respect to the concern of the Member for Ikolomani against the Member for Kisumu Town West--- Member for Kisumu Town West, you will notice why I then accorded indulgence to the Member for Ikolomani to rise on a point of order. It is because of what you were stating; the words that you were using even as you canvassed your point of order. You imputed improper motive on the Member for Ikolomani. The Standing Orders will tell you that no Member is allowed to impute improper motive on his colleague, unless he brings a

substantive Motion that will allow him to do so. So, you must withdraw those words that “the Member for Ikolomani is being mischievous,” and then you can proceed and prosecute your point of order.

Mr. Olago: Most obliged, Mr. Speaker, Sir. I hereby withdraw the word “mischievous” and substitute therefor with the words “deliberately falsified.”

(Loud consultations)

Mr. Speaker: Order! Order, Member for Kisumu Town West! Please, just respect the House and the intelligence of your colleagues. To substitute the word “mischievous” with the words “deliberately falsify” still amounts to imputing improper motive on the part of your colleague. A Member of Parliament cannot come into this House and deliberately falsify anything. So, even that statement, you must withdraw and apologize. Note that this is the second prompting.

Mr. Olago: Mr. Speaker, Sir, I hereby withdraw unreservedly the words “deliberately falsified” and apologize.

Mr. Speaker, Sir, I want to finish my point of order.

Mr. Speaker: Can you, please, proceed!

Mr. Olago: Mr. Speaker, Sir, I was saying that hon. Khalwale deliberately knew what he was saying and---

Mr. Mbadi: On a point of order, Mr. Speaker, Sir. I am happy that hon. Olago has withdrawn and apologized for the remarks he has made. But hon. Khalwale, in an attempt to ask for withdrawal from hon. Olago, also did the same by imputing improper motive on a number of Members of Parliament, when he said that he understands the passion of defending the Prime Minister. That is clearly casting aspersions on Members of this House who are discharging their duties. It is important that hon. Khalwale also withdraws and apologizes to hon. Members who are discharging their responsibilities.

(Loud consultations)

Mr. Speaker: Order, hon. Members! Member for Ikolomani, is that accurate? Is that really what you said?

Dr. Khalwale: Mr. Speaker, Sir, I did say that I very well understand the passion with which Members were trying to defend the Prime Minister. If, in the opinion of the Chair, those two words are offensive, then who I am I? I will then reverse them.

Mr. Speaker: Order! Order! I find the words “the passion with which Members are defending or seeking to defend” or whichever other word you want to add, ordinary English that is permissible in the House. What is it, Member for Budalangi?

Mr. Namwamba: On a point of order, Mr. Speaker, Sir. I do not wish to engage in somersaults over the language of the Queen, but so as to dispel this notion of mischief or attempt to falsify or misrepresent, the Member for Ikolomani has repeatedly made reference to an audit report and authoritatively indicated that there is an audit report that imputes or suggests corruption on certain people that are being sought to be defended with passion. The Member for Ikolomani also did deliberately or, perhaps, unknowingly so, ignore the provisions of Standing Order No.40, which I humbly read to this House. So as just to be certain that there is absolutely no shred of mischief, misrepresentation or

falsification, may I invite the Chair, with due respect, to ask the Member for Ikolomani to share with this House this famous audit report that he keeps on repeatedly making reference to, and also confirm to this House, being a senior Member, when he forgot the provisions of Standing Order No.40.

Mr. Speaker: Order! Order! The first part of your point of order is permissible, simple and so straightforward. If I were you, I would have prosecuted it so easily without being so extravagant with my words. I would have asked: “Could the Member for Ikolomani substantiate the claim that there is an audit report?” I would then call upon the Member for Ikolomani to substantiate. Simple!

Mr. Namwamba: Mr. Speaker, Sir, I am a victim of my training as an attorney, where words are the stock of our trade. I apologize for being so extravagant and attempting to be a wordsmith on the Floor. May I now humbly request and invite the Member for Ikolomani to substantiate and table that famous audit report, with respect?

(Applause)

Mr. Speaker: Member for Ikolomani, that challenge is valid.

Dr. Khalwale: Mr. Speaker, Sir, I will request hon. Namwamba and all those who are applauding him to just hold their breaths and horses. That is because this matter, for real, is before the Public Accounts Committee (PAC). The time is going to come when that report will be tabled, one way or the other.

Mr. Speaker: Order! Order, Member for Ikolomani! You did assert, when you rose on your point of order, that there is an audit. You said that and I heard you correctly. You are liable to substantiate that because you are responsible for the truthfulness and accuracy of every utterance that you make in this House. Is it accurate that there is an audit report? If so, substantiate. State the date of the audit report and indicate when you can bring it to the House.

Dr. Khalwale: Mr. Speaker, Sir, under the rules of this House, unless the Chair so chooses, no Committee can be pushed before it is ready to lay a report.

(Several hon. Members stood up in their places)

Mr. Speaker: Order! Order, hon. Onyonka! Member for Ikolomani, you have stated in the House as a fact that there is an audit. Do you confirm that, that is what you stated; that there is an audit?

Dr. Khalwale: Mr. Speaker, Sir, before I confirm, I would get embarrassed personally if I went and downloaded that report. I would want to bring an authentic report. We have invited the World Bank---

Mr. Speaker: Order, Member for Ikolomani! You should take this seriously. If you have stated categorically that there is an audit, all I am asking you to do, as a first step, is to confirm that, that is what you said. Number two, if you have so stated, indicate the date of that audit and proceed to table it so that Members are satisfied that there is an audit report.

An audit report, Dr. Khalwale, becomes a public document. It is an audit. So, you have no reason not to want to table it if it is actually in the public domain. It is a very simple situation. If I were you, I would just do the logical thing.

Dr. Khalwale: Thank you, Mr. Speaker, Sir. You know how easily I table documents here. The reason I have gone this far is because the World Bank is scheduled to appear before the Public Accounts Committee and we have demanded that they bring their copy. I do not want to bring secondhand stuff here.

Dr. Kones: On a point of information, Mr. Speaker, Sir.

(Loud consultations)

(Mr. Koech stood up in his place)

Mr. Speaker: Order! Order, hon. Members! Order, Member for Mosop! Hon. Members, I appreciate and acknowledge that this is a matter that is grave, substantial and quite obviously, a matter that attracts a lot of sensitivity both ways. I will urge that we all live within the rules. We should exercise and conduct the business of this House in accordance with the Standing Orders which guide the manner in which we may do so. With respect to matters of accuracy, we all may be aware and if not, I want to read that out to all of us, so that it is clear in our minds.

Standing Order No.82, paragraph 1 which I have alluded to constantly during this sitting provides as follows:-

(1) “A Member shall be responsible for the accuracy of any facts which the Member alleges to be true” – as indeed, the hon. Member for Ikolomani has – “and may be required to substantiate any such facts instantly.”

The Member for Ikolomani has instantly been asked to substantiate those facts which are within the Standing Orders.

(2) “If a Member has sufficient reason to convince the Speaker that the Member is unable to substantiate the allegation instantly, the Speaker shall require that such a Member substantiates the allegations not later than the next sitting day, failure to which the Member shall be deemed to be disorderly within the meaning of Standing Order of 97 (Disorderly Conduct) unless the Member withdraws the allegations and gives a suitable apology, if the Speaker so requires.”

So, the Member for Ikolomani has a number of options under Standing Orders No.81 and 82. Member for Ikolomani, really, it is open to you to take the advantage that you have under those Standing Orders. If you are not inclined to do so, then say so and we will take it from there.

Dr. Khalwale: Mr. Speaker, Sir, I have a copy of that report dated 13th September, 2011. I have belaboured this, merely, because I was waiting to receive the official copy from the World Bank when they appear before me. I will lay on the Table the copy I am talking about.

(Dr. Khalwale laid the document on the Table)

(Applause)

Mr. Speaker: Order, hon. Members! I have listened to Members this afternoon, beginning with the point of order that was raised by the Member for Ikolomani. With respect to the document that the Member for Ikolomani has tabled, I wish to state that we

are unable, at the moment, to immediately understand or comprehend the import of the document and even determine whether or not it is an audit report. I will require time to study it further and give my directions as to the admissibility of the document tomorrow.

Member for Ikolomani, just note and be prepared to ensure that you comply with Standing Orders No.81 and 82, whichever way I give those directions. For the time being, we want to revisit the matter that is in issue. The gist of the arguments which have been canvassed by hon. Members is whether or not the Deputy Prime Minister and Minister for Local Government can deliver a Statement on behalf of the Prime Minister in his absence.

First, hon. Members, we have a letter and I would like the Clerk to make it available to me.

(The Clerk handed over a letter to the Speaker)

We have a letter dated 25th October, 2011, addressed to the Office of the Clerk by the Chief of Staff in the Prime Minister's Office. Note that the letter was received in Parliament yesterday. It carried communication to the effect that the Prime Minister will today, Wednesday, 26th October, 2011, make a statement in the National Assembly on the status of the Kenya Youth Empowerment Project, *Kazi Kwa Vijana* Programme.

As we do, administratively, I caused the Clerk of the National Assembly to be in touch with the Prime Minister's Office to confirm that, in fact, this statement would be delivered today and the Clerk received that confirmation.

Hon. Members, the next point then is this: Is a statement delivered by the Prime Minister on a matter such as this - and we have the title of the statement that the Prime Minister proposed to deliver as "Status of the Kenya Youth Empowerment Project (*Kazi Kwa Vijana*)."- as I comprehended, and I want to persuade you to agree, the statement as titled, becomes a matter that is a subject that carries with it national significance, and I want, unless convinced otherwise, from what may transpire subsequently, which I cannot anticipate or envision, that the statement, therefore, will be a Government Statement.

(Applause)

I will want to de-personalize it. I will want to take it as a statement from the Government and, therefore, from the Office of the Prime Minister that oversees the implementation of this Government undertaking, namely *Kazi kwa Vijana* (KKV). So that being so, any Minister, as may be designated by the Government, can actually deliver that Statement. We have had precedent in this House where statements were originally sought to be delivered by the Prime Minister, and the Prime Minister has delegated that to other Ministers to make those statements, because the House has been persuaded that those Ministers have the capacity, or are otherwise in charge of that portfolio, and they would deliver that Statement to the satisfaction of the House. There are many instances – I need not recite them – for apprehension of being repetitive. So, in those circumstances, and further, that I have given directions previously that the Prime Minister can delegate delivery of a Statement to any of his designated deputies; in this case, the Prime Minister has chosen to designate delivery of this Statement to the Deputy Prime Minister and Minister in charge of Local Government.

Going by our precedent and practice, the manner in which we have conducted business before, I find that to be regular. That, therefore, addresses the issues raised, or supplemented, by the hon. Members for Budalangi, Ikolomani, Yatta, Kimilili, Eldama Ravine as well as the hon. Member for Kisumu Town West, to some extent, matters spoken to by the hon. Member for Saboti; except this with respect to the hon. Member for Saboti: as I understand the position, the Statement that is intended to be delivered this afternoon is an overview of the KKV Project, giving to hon. Members of Parliament, and by implication the Kenyan public, where we are with respect to the KKV Project. But the hon. Member of Saboti had, on the 25th, yesterday, sought a Ministerial Statement from the Prime Minister on specific aspects of the KKV Programme, and I am able to recap that from the HANSARD Record.

The hon. Member for Saboti wanted the Prime Minister to issue a statement to speak to the issue of the KKV in the light of the great public concern, particularly to the young people of this country, involving the alleged loss of KKV Programme funds – and I want you to underline that – involving the alleged loss of KKV Programme funds, and that he would like the Prime Minister, in his Ministerial Statement, to tell the House how much is involved in terms of the funding of KKV Programme from inception to date, how much money has been lost through alleged corruption and who is responsible for the alleged loss of funds, and whether the Prime Minister will be prepared to take political responsibility as he has advised other Ministers in similar circumstances in the past to do. So, the hon. Member for Saboti was addressing – if you like – a smaller and more precise aspect of the KKV Project, namely and specifically the alleged loss of KKV Programme funds, and, in the second phase, who was involved in the loss of those funds. The office of the Prime Minister has undertaken to deliver that Statement, focusing on those aspects on Wednesday next week, and I directed as much in yesterday's sitting. I will, therefore, expect that notwithstanding this Statement, the Rt. Hon. Prime Minister will still deliver the Statement requested by the hon. Member for Saboti on Wednesday, next week, as indeed, I directed on behalf of the House.

Having said that much, I, therefore, find that it is regular and within the Standing Orders for the Deputy Prime Minister and Minister for Local Government to deliver this Statement.

(Applause)

You may proceed.

(Mr. Olago stood up in his place)

Order, hon. Member for Kisumu Town West! I believe I have been clear in that communication. I have endeavoured to cover all aspects as were addressed.

Proceed.

STATEMENT

STATUS OF THE KENYA YOUTH EMPOWERMENT
PROJECT (KAZI KWA VIJANA)

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): Thank you, Mr. Speaker, Sir. I will now proceed to deliver the Statement on the KKV Programme.

Mr. Speaker, Sir, on Sunday, 23rd October, 2011, the *Sunday Nation* carried a story entitled “*Kazi kwa Vijana - PM’s Office on the Spot.*” The story alleged that the World Bank (WB) had stopped funding the KKV Project and demanded a refund of Kshs971 million as part of its contribution to the project. Let me state categorically from the outset that the WB has not withdrawn its funding for the project, neither has the project been cancelled. The WB has not asked for a refund of any money committed under the project, and I hereby table a copy of the official Press release from the WB confirming this position.

(Mr. Mudavadi laid on the Table)

Mr. Speaker, Sir, the WB conducted a normal supervision mission on the project in June and July, 2011. The WB issued a draft report which revealed weaknesses in the financial management and arrangements for the project. The report is subject to change after quality assurance reviews and validation. The preliminary findings indicated weaknesses in the internal control procedures at the Project Management Unit (PMU) within the Office of the Prime Minister. These weaknesses appeared to have led to the expenditure that, though it is related to the project, may not be eligible for funding from the proceeds of the WB credit for the project. A total of Kshs33, 061,925 in 14 expenditure items has been identified as potentially ineligible for reimbursement from the proceeds of the WB credit for the project. These items include payments of top-up allowance to a number of staff, payments of meal and commuter allowances to staff, payments of allowances to participants at a national youth conference and youth interns, fuel and travel costs.

(Mr. Wamalwa stood up in his place)

Mr. Speaker: Yes; what is it, hon. Member for Saboti?

Mr. Wamalwa: On a point of order, Mr. Speaker, Sir. From your direction, you have made it very clear that the statement of the Deputy Prime Minister and Minister for Local Government would be a general statement on the *Kazi Kwa Vijana* Programme, and not a specific statement to the loss of the funds.

Listening to the Deputy Prime Minister and Minister for Local Government, he is responding to alleged press reports relating to the loss of funds, which is the Statement we are expecting on Wednesday next week according to your directions. Could he be clear?

Mr. Speaker: Deputy Prime Minister and Minister for Local Government, maybe, you want to respond to that.

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): Mr. Speaker, Sir, in fact, the reference I made to, the Press release was a very short item. I have gone further to start elaborating on the aspects of the KKV programme. I do not think that precludes me from tabling and making available to this House

documents to support this particular Statement. It does not in any way negate the fact that further clarification can be made in a subsequent Statement.

Mr. Speaker: Order, Deputy Prime Minister, and Minister for Local Government! I want to reiterate my directions as I gave in the finding, which I pronounced to the House not very long ago. That in my understanding from the notification that has been brought to the House, and as is captured on the Order Paper, the Statement which the Deputy Prime Minister and Minister for Local Government is delivering this afternoon, will entail an overall status update, if not report on the Kenya Youth Empowerment Project, KKV, status report, because that is what it says: “Status of the Kenya Youth Empowerment Project, Kazi Kwa Vijana”

Among other things he might cover is how much funding has so far been used for the project. But that does not preclude the Prime Minister coming specifically to respond to the issues raised by the Member for Saboti. That is how I see it.

Please, proceed.

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): Mr. Speaker, Sir, under the circumstances, let me also take this opportunity to table here financial management supervision report, the one that I refer to, for June. This is an interim and validated report of the in-depth audit reviews from the World Bank. I want to table it, so that the House can benefit from it.

(Mr. Mudavadi laid the document on the Table)

Mr. Speaker, Sir, the World Bank and the Office of the Prime Minister are working together to review the 14 items, which are potentially ineligible expenditure, so as to determine which items are to be financed from the Government of Kenya counterpart funds, or which ineligible payments to staff are to be recovered. A final status report is expected in the next two weeks. The KKV Programme was launched in March, 2009, as a social safety net programme for the grand Coalition Government to tackle the twin problems of hunger and unemployment.

The key objective of the KKV was to employ 200,000 to 300,000 young Kenyans who are at risk of hunger and starvation in the rural and urban areas. By its very objective, the KKV Phase 1 was a stimulus package based on labour intensive and doable jobs to offer both short-term employment and income to put food on the table.

As an emergency intervention, the KKV 1 Project were, therefore, selected on the basis of their labour intensity, ability for immediate roll out, locations in rural and urban areas experiencing food shortages, and environmental compliance. The KKV projects were implemented directly by line Ministries, and a project co-ordination unit within the Office of the Prime Minister had the responsibility for the project’s overall co-ordination, oversight, monitoring and evaluation. In the Financial Year 2008/2009, the Government contributed Kshs2.8 billion to the KKV Phase 1. In the Financial Year 2009/ 2010, the Government committed, Kshs4.3 billion to KKV I. About 68 per cent of the funds were paid out as wages to the youth, 21 per cent was used in purchasing tools, equipment, seedlings and so on, while 11 per cent was applied to cover administrative costs. Various line Ministries are still implementing the KKV Phase 1 projects.

Mr. Speaker, Sir, building from the experience of KKV I, the Government engaged the World Bank in late 2009 to assist with developing and rolling out a more

long-term intervention to succeed the KKV I programme. According to them and I quote:-

“KKVI made progress in employment creation with actual employment achieving 112 per cent of the planned target. Initial plans targeted a total of 232,911 youths. But by mid September, 2009, a total of 296,080 youths had been employed under the KKV Programme”

This was achieved under tight budgetary constraints which occasioned delays in the disbursement of funds. The outcome is the Kenya Youth Empowerment Project Two or KKV11. KKV II unlike KKV I had been designed over a longer period. KKV II is anchored on both Government of Kenya procedures and those of the World Bank. It has a much stronger governance structure. Its scope is wider and incorporates long-term objectives. The project has three components namely: Labour intensive works, and social services to be funded at a cost of US\$43 million, being implemented directly by line Ministries, private sector internships and training to be funded to the tune of US\$15.5 million being implemented by the Kenya Private Sector Alliance (KEPSA) and capacity building and policy development being funded to the tune of US\$1.5 million being implemented by the Ministry of Youth Affairs and Sports.

The Office of the Prime Minister provides co-ordination, oversight, monitoring and evaluation services to the project. A total of 1,200 labour intensive projects will be implemented under KKV II at the district level. The project will employ 190,000 youths within the age bracket of 18 to 35, 40,000 of whom will be full time. The activities will include water and soil conservation, afforestation, road maintenance, irrigation projects and urban areas cleaning. The districts with highest rates of unemployment, and those facing drought and hunger challenges will receive priority.

Mr. Speaker, Sir, while creating temporary youth employment opportunities, KKV II will also improve youth employability. Private sector internships and trainings are designed to improve youth employability by providing work experience and skills management. It will target 16,000 youth in the 15 to 29 age brackets. These components cover Nairobi and Mombasa before being extended to rural areas. But the project aims to have at least 50 per cent of the youth who complete internships to be immediately employed by the internship employer, by other employers or start a business. The KESPA will be responsible for the internship component.

The third component of the project deals with developing the capacity of the Ministry of Youth Affairs and Sports to articulate youth policy options. There is capacity for planning and executing youth projects. This involves training of youth affairs officers at the grassroots levels, supporting the National Youth Council and increasing youth awareness on various projects and opportunities. The Ministry of Youth Affairs and Sports will be responsible for component III. Each component will operate independently to avoid delays.

To address the sustainability concerns, the Government will continue to use the budgetary process to mainstream the projects within Ministries. The World Bank estimates that the cost of creating a job per person per year in Kenya under KKV stands at US\$1500.

The inequality gap in our country is of serious concern. Poverty has a predominantly young face in Kenya with the youth experiencing the highest rates of unemployment, and under-employment with the rates for the youth being double that of

the adult age at about 21 per cent. About 38 per cent of our youth are neither in school nor at work. Our economy is not creating jobs fast enough to match the number of entrants to the labour market. The Government has been seriously concerned about youth unemployment. To this end, the Government has been undertaking various interventions to empower the youth through training and entrepreneurship.

Mr. Speaker, Sir, the Youth Enterprise Development Fund (YEDF) is another example. To create more opportunities for our youth, the Government is working with our development partners on various initiatives. The USAID has committed US\$45 million to empower Kenyan youths through employment and entrepreneurship. The DFID is preparing a project to assist with youth employment. The UNDP and Italian Corporation are supporting capacity building at the Ministry of Youth Affairs and Sports and Japan is also supporting a youth empowerment project.

There is need for the Government to work together with the private sector on incentives package for corporations to support youth employment, youth entrepreneurship and youth employability. Both the Government and the private sector should dedicate at least 30 per cent of their procurement to youth enterprises. The wages payable to the youth under *Kazi Kwa Vijana II* (KKV II) are regulated by minimum wage guidelines issued by the Ministry of Labour. The assets and social benefits created under the KKV Programme such as expanded forest cover, water supply and sanitation facilities, small scale irrigation and job scales are for the long-term. By providing 16,000 youths with life skills and another 40,000 full time employment, KKV II will generate more long-term impact.

Mr. Speaker, Sir, in order to assist the House, I wish to table the following documents:-

- (i) Project appraisal document prepared by the World Bank for KKV II.
- (ii) KKV II Operations Manuals Volumes I and II.
- (iii) KKV I Operations Manual.
- (iv) The credit agreement between Kenya and the World Bank.

(Mr. Mudavadi laid the documents on the Table)

Mr. Speaker, Sir, these documents will go a long way in being able to assist the House to dig and delve in the issues that are clearly of concern to all members of our society and nation and, in particular, the youth in this country.

Mr. Speaker, Sir, let me also clarify one thing before I sit down. Indeed, when the newspapers made reference to a figure of Kshs900 million plus, there is a letter, which I will also table, addressed to the Permanent Secretary, Ministry of Finance. The letter is signed by Mr. Abdul Mwasera. It says that they had also realized that the supervision of the component as originally designed was extremely difficult and it could provide a lot of difficulties in monitoring every aspect of it. Therefore, they were seeking the money to be reverted back to the Treasury so that it can then be used under a different component within the World Bank projects so that a better designed programme is put in place.

The only figure that is in dispute, and as I have pointed out in the Press release and in the invalidated audit document that has been put here, is a total of Kshs33 million. There are 14 aspects of it which are being queried by the World Bank and they are

itemized. Those are the issues that remain to be delved in before the World Bank can make its final documentation.

Mr. Speaker, Sir, in this, they are talking of the preliminary findings of their review. They say that the only figure that is in dispute: “Based on the preliminary findings, the total expenditure identified as potentially ineligible is Kshs33,061,925 (US\$375,000)”. They then give the analysis in that document naming either an individual or some expenditure that is not properly validated. That is an exercise that is being undertaken now. We hope that within two weeks, as I have stated in the Statement, the final report will be out.

I want to take this opportunity to remind the country that the KKV Programme has not been discontinued at all as indicated in the newspapers. That was very alarming. The World Bank has itself issued a Press release, whose copy I have tabled, confirming that the KKV is still on and has not been discontinued. They acknowledge there may have been misrepresentation by the mere fact that an internal working document of the World Bank found its way into the public domain in circumstances that are not clear. However, that is for the World Bank to determine. At the same time, it found its way into the public domain and if anybody was to use it; if it is for internal use and it is misinterpreted, then clearly the public could be misled.

Mr. Speaker, Sir, I also table this letter from Mr. Mwasera.

(Mr. Mudavadi laid the document on the Table)

Hon. Members: Point of order! Point of order!

Mr. Speaker: Order, hon. Members! Just hold your horses for a short while so that I get some clarification from the Deputy Prime Minister and Minister for Local Government.

Deputy Prime Minister and Minister for Local Government, you have referred to some document as an unauthenticated audit report. Which is that document that you were referring to as an unauthenticated audit report?

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): Mr. Speaker, Sir, it is a document that is invalidated. It is from the World Bank.

It is marked as “Interim Invalidated Report – FM In-depth Audit Review”. It is dated 13th September 2011.

Mr. Speaker: Is it an audit report?

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): No, Mr. Speaker, Sir. It is not an audit report. It is a review.

Mr. Speaker: Fair enough! Then I would want to further say as follows: I find that particular document for the time being, not admissible. I will give further directions on it tomorrow as I do on the one by the Member for Ikolomani.

Mr. Mbadi: They are the same!

Mr. Speaker: Member for Gwasi, why do you want to usurp my role?

Secondly, Deputy Prime Minister and Minister for Local Government, the Press statement, which I find is not dated at the top, except in the body of it and is unsigned, I will not admit. This is just applying our rules in the House. We have not admitted documents which are neither signed nor dated. So, please, be guided accordingly.

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): Mr. Speaker, Sir, I am guided but can I just seek some clarification?

Mr. Speaker: Carry on!

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): Mr. Speaker, Sir, the document that I referred to as the Press release is in the format of the World Bank when they do their Press releases.

Mr. Speaker: The World Bank may please itself but the rules of this House apply to every document in equal measure.

Deputy Prime Minister and Minister for Local Government, you know if I did a Press release for you, if you wanted to authenticate it, you will sign it. This is not signed. So I cannot confront the World Bank with this Statement because I have no evidence that it is from the World Bank other than the heading which appears on the photocopy you have tabled.

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

Mr. Speaker: Order! I am still addressing myself to the Deputy Prime Minister and Minister for Local Government.

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): Mr. Speaker, Sir, I just wish to confirm that there is also the address indicated on that Press Release by the World Bank. So, if there is any authentication that will be required by the House, that will also be a contact point for verification.

Mr. Speaker: What I have here cannot pass the test of an authenticated or original document. It cannot!

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): Mr. Speaker, Sir, I will hand over another document.

(Mr. Mudavadi laid the document on the Table)

Mr. Speaker: The second document that you have tabled, following my prompting, is different from the first one. I want you to have the benefit of looking at both of them and then, maybe, leave them for further direction tomorrow. That would be the best way because if you see both of them – look at them together – you will see that they are not the same.

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): Mr. Speaker, Sir, that is correct but the content in both documents is exactly the same. I want to seek your indulgence.

Mr. Speaker: Deputy Prime Minister and Minister for Local Government, for them to be the same, they must be so in every material respect, and they are not in every material respect. So, please, bear with me. We can give further direction on that tomorrow.

(Several hon. Members stood up in their places)

Mr. Speaker: Order! Order, hon. Members! We are going to get there, just now.

Hon. Members, the documents bearing the following titles are admissible: Kazi Kwa Vijana Programme Manual, April, 2009; Kazi Kwa Vijana Operations Manual Vol. I, January, 2010; Financing Agreement, May 20, 2010; Kazi Kwa Vijana Operations

Manual Vol. II; For Official Use Only (Appraisal document), and the letter from the Office of the Prime Minister to Mr. Joseph Kinyua, dated 11th October, 2011, which is signed by Mr. Abdul Mwasera.

So, those documents are admitted into documents of the House. Hon. Members, those who want to seek clarification may catch the Chair's eye.

Mr. Kioni: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Do you want to seek clarifications or rise a point of order?

Mr. Kioni: Point of order, Mr. Speaker, Sir.

Mr. Speaker: Okay, what is it?

Mr. Kioni: Mr. Speaker, Sir, you realise that you even had difficulties holding all those documents together in your hands. The documents are so voluminous that it will not be possible for any Member of Parliament to go through them and be able to interrogate this issue substantially. Given the fact that this issue has raised a lot of public interest and the nation is watching to see what we are going to say on these documents, would I be in order to ask that this matter be deferred to next week, Wednesday, so that hon. Members can have adequate time to peruse all these documents and be able to interrogate them thoroughly?

In addition to that, there was a clear indication from the Deputy Prime Minister and Minister for Local Government, while he was trying to talk about the status of the Kazi Kwa Vijana Project, that, by and large, 90 per cent of what he was doing was trying to explain away the issues that are now topical – actually the issues that were sought by hon. Wamalwa in his request for a Ministerial Statement. I think it would be only be fair that you allow us time.

(Several hon. Members stood up in their places)

Mr. Speaker: Yes, Member for Lari. It is possible that they all want to speak to the same aspect.

Mr. Njuguna: Mr. Speaker, Sir, mine is a small clarification.

Mr. Speaker: Order, Member for Lari! I will want to dispose of the matter of deferment first before I get to requests for clarification.

The Assistant Minister for Foreign Affairs (Mr. Onyonka): On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Yes, Assistant Minister! Please, avoid being repetitive. You do not have to re-address the concerns raised by the Member for Ndaragwa.

The Assistant Minister for Foreign Affairs (Mr. Onyonka): Mr. Speaker, Sir, just as much as this matter has raised a lot of anxiety and discussions amongst the Kenyan people, I just wanted to mention that looking at the report from the World Bank, I believe that it is an interim and invalidated one. The most critical statement of this report, which has been completely ignored by anybody who has taken whatever position he has taken, is actually on the first page, and it states---

Mr. Speaker: Order! Order, hon. Onyonka! Do you realise that you are on a point of order?

The Assistant Minister for Foreign Affairs (Mr. Onyonka): Yes, Mr. Speaker, Sir. I just wanted to raise this issue in---

Mr. Speaker: Hon. Onyonka, be careful that you live within the constraints of where we are. If you wanted to give information to the Deputy Prime Minister and Minister for Local Government, then your timing would be wrong.

The Assistant Minister for Foreign Affairs (Mr. Onyonka): Mr. Speaker, Sir, I wanted to ask whether it is actually in order that we are discussing the matter of a report which states: “The findings of this draft report are, therefore, preliminary. They are based on the availability of paper trail and they may be subject to change”? This report says very clearly that its contents may be subject to change.

Mr. Speaker: Order, hon. Onyonka! You see, you got into difficulties there. If you wanted to take objection to this matter being spoken to at this point in time, then you would have done so before the Deputy Prime Minister and Minister for Local Government delivered his Statement. You would have objected to it and said that this matter is premature because it has not run full course; it is at interim stage. That is what you would have said. So, I rule that point of order not valid.

Mr. Koech: On a point of order, Mr. Speaker, Sir. As indicated earlier, this issue is in the public domain. Kenyans want to understand what is going on. They want to know its status. In order for us to interrogate it and come up with the best way forward, there is one document you are yet to give direction on – the document from the World Bank – and you have indicated that you are going to give direction tomorrow on the same. Would I, therefore, be in order to request that you, first of all, give us that direction tomorrow, so that as we interrogate this Ministerial Statement, we can also be able to incorporate that particular document? So, I wish to propose that you---

Mr. Speaker: What is your description of the document?

Mr. Koech: Mr. Speaker, Sir, it is the status report from the World Bank. Some hon. Members are calling it “audit” but I have refused to accept the use of that word. I am referring to the interim report from the World Bank on the status of the *Kazi Kwa Vijana* Programme.

Mr. Speaker: Yes, Member for Juja!

Mr. Kabogo: Mr. Speaker, Sir, without politicizing this matter of the *Kazi Kwa Vijana* Programme, this being a very important project for the whole nation, as far as the people of Juja Constituency are concerned, I would want to be properly informed on the documents that have been laid on the Table. So, I would urge, kindly, without reading politics, that you give us time to peruse these documents, so that we can effectively interrogate the Ministerial Statement, so that we can move the country forward, in terms of this programme.

Dr. Kones: Mr. Speaker, Sir, I also want to support my colleagues in requesting that you allow us time, particularly for a different reason. The documents that have been tabled here mainly dwell on donor support. As we all know, there is also the Government of Kenya contribution to this programme. The Controller and Auditor-General has raised serious audit queries on the *Kazi Kwa Vijana* Programme in the Report for the 2008/2008 Financial Year. Therefore, if you allow us time, we will be able to consolidate all these audit queries and address them.

Mr. Mbadi: Mr. Speaker, Sir, the Deputy Prime Minister and Minister for Local Government has already issued the Ministerial Statement before us and I think it is important that this House is allowed to interrogate that Ministerial Statement, on behalf of the Prime Minister. I see an attempt to delay the discussion on this topic, so that we

can give fodder to some individuals to use it as a campaign platform. There is the question of the Public Accounts Committee (PAC) having an Audit Report on this matter. It should be appreciated that the PAC has Audit Reports on all Ministries, and many of them have not been doing a good job. I even raised an issue here. They have not even looked at the revenue of this country amounting to over Kshs100 billion. They have not done anything on that and they are trivialising their duties.

Mr. Baiya: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: What is it, Member for Githunguri?

Mr. Baiya: On a point of order, Mr. Speaker, Sir. Is it in order for the Member for Gwasssi to impute improper motive on hon. Members? Could he withdraw those comments and apologize?

Mr. Speaker: Member for Gwasssi, do you want to react to that? Just restrict yourself to what the Member for Githunguri has raised.

Mr. Mbadi: Mr. Speaker, Sir, yesterday I saw the Chairman of the Public Accounts Committee in a Press conference asking for an explanation. He even said that he is already on the matter and he has facts. Even today the same Chairman has told us he knows a lot that if he puts it here, we would be shocked. Therefore, I am disturbed that the same hon. Members want more time. The intention is to delay, politicize and give room for speculation and unnecessary public anxiety over a non-issue.

(Mr. C. Onyancha stood up in his place)

Mr. Speaker: Order, Member for Bonchari! It would appear to me that the Member for Bura has concerns with what the Member for Gwasssi said. Is that so?

Dr. Nuh: Yes, Mr. Speaker, Sir.

Mr. Speaker: Proceed.

Dr. Nuh: Mr. Speaker, Sir, I have been uncharacteristically quiet this afternoon, but I think---

Mr. Speaker: Order, Member for Bura! I think that is really unnecessary. You must withdraw those remarks. Do not apologize; just withdraw those remarks.

Dr. Nuh: I withdraw, Mr. Speaker, Sir. The allegations leveled by Mr. Mbadi against the Public Accounts Committee (PAC) of this House are not true. The PAC has done quite well and it is very current with its reports. I am a Member of PAC. Before PAC used to deal with audit reports of five or four years back. We have just tabled the last audit that was done by the Controller and Auditor-General.

Mr. Speaker, Sir, for Mr. Mbadi to impute improper motives on the PAC, that cannot be allowed.

Mr. Speaker: Carry on Member for Bura. Have you concluded?

Dr. Nuh: Mr. Speaker, Sir, I had concluded, but you were a bit busy in consultation with the Clerk. I have said that PAC previously used to dwell on reports five or three years back. As the record of this House can show we have just concluded and tabled the last audit report from the Controller and Auditor-General and we are only awaiting the other report for deliberation. So, for Mr. Mbadi to impute improper motives on a committee that has done quite well, I think better than any committee he has served as an hon. Member, that should not be allowed in this House.

Mr. Speaker: Order, hon. Members! I will not allow this House to degenerate to that level. Arguments on who has and who has not worked really belong elsewhere. This House can determine that, may be, by the work output. The work output by this House is weighed on the kind of business that you bring before the House. So, I do not think that debate is healthy. It is not helpful and I want to curtail it at that point.

Member for Gwassi, I have heard you. I do not think it will be useful to add anything more to this matter.

Mr. C. Onyancha: On a point of order, Mr. Speaker, Sir. I have listened to the contributions of hon. Members and the PAC has been mentioned several times. I want to say with regard to *Kazi Kwa Vijana* Programme that our Committee is not yet properly seized with the matter. The fact that the Chairman went out and gave a statement and went beyond where he should have reached, has given a wrong impression.

Mr. Speaker, Sir, we will be meeting the World Bank tomorrow to see whether they have any valid report. As a Committee, we have not apportioned any blame to anybody. So, any impression which might have been given out there by the chairman's statements and by anybody in this House is erroneous and should be withdrawn.

Mr. Speaker: Order, hon. Members! I do not think we are going to add value to this matter as at where we are. I have gathered the mood of the House and I also want to bear in mind the past practice on how we have managed Ministerial Statements. I wish to direct that we proceed with those hon. Members who want to request for clarifications in the light of the Statement which was delivered by the Deputy Prime Minister and Minister for Local Government.

Those hon. Members who may have further issues beyond the Statement or, perhaps, on the documents that they do not have time to get up on this afternoon, can reserve their requests for clarifications until the Right hon. Prime Minister or whoever will deliver the Statement next Wednesday, in response to the Member for Saboti does so. But for the moment we will dispose of the Statement delivered by the Deputy Prime Minister and Minister for Local Government. Those who have requests to ask with respect to that Statement may proceed to do so.

Deputy Prime Minister and Minister for Local Government, could you kindly take note.

Mr. Njuguna: Mr. Speaker, Sir, dismayingly the Deputy Prime Minister and Minister for Local Government had informed this House that a colossal amount of money totaling to Kshs33 million meant for the youth programme had disappeared. What is the Ministry doing---

Mrs. Odhiambo-Mabona: On a point of order, Mr. Speaker, Sir. Is it in order for hon. Members to be dissuading Mr. Lessonet from exercising his constitutional right to contribute? As I have been sitting here, they have been shouting at him and telling him: "Do not contribute" and they have sent Mr. Jeremiah Kioni who was sitting next to me to go and tell him not to contribute.

Mr. Kioni: On a point of order, Mr. Speaker, Sir. I was not sent by anybody here. However, I have a right to consult and concur with the hon. Member. What we are actually doing is that we would want to reserve our comments to Wednesday, next week. It is not a secret.

Mr. Speaker: Order, hon. Members! I want to urge hon. Members to please try and calm down. I do not see that you have a reason to be irritated by this matter to a point

where you cannot manage your emotions. Please, try and provide leadership to this nation. It is during moments such as this that Members of Parliament provide leadership to the nation. Demonstrate decorum and just deal with the business before you. Confront the challenge. Deal with it. Find solutions where you can. So, let us proceed on that basis.

Proceed, Member for Lari.

(Mr. Lessonet stood up in his place)

Mr. Lessonet: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order, Member for Eldama Ravine! I have given directions on this matter. That persistence will not help, kindly.

Proceed, Member for Lari!

Mr. Njuguna: Mr. Speaker, Sir, once again, I note with dismay that the Deputy Prime Minister and Minister for Local Government has indicated to this House that Kshs33 million has been embezzled or looted. What is the Ministry doing to institute active measures to recover this money?

Dr. Nuh: Mr. Speaker, Sir, this Statement looks like the one the Deputy Prime Minister and Minister for Local Government gave some months ago in this august House. The issues I would want clarified are only two. In the Statement, the Deputy Prime Minister and Minister for Local Government says that under the KKV II Programme, 40,000 youths will be under permanent employment and as we have known the KKV Programme to be a one, two or 20 days employment for the youth, how does the office intend to put these 40,000 youths on permanent employment?

Secondly, realizing that 11 per cent of the Kshs7.1 billion in the KKV I Programme has gone to the Recurrent Expenditure; on supervision, which amounts to about Kshs781 million, how does the Office of the Prime Minister intend to cut down on the cost of supervision, so that it does not exceed the 3 per cent that is internationally admissible?

Mr. Midiwo: Mr. Speaker, Sir, this is quite a good topic and I want to thank the Deputy Prime Minister and Minister for Local Government for the Statement. While I agree with everything that the Deputy Prime Minister and Minister for Local Government has said, how far has the Office of the Prime Minister gone with the pledge which was made to the Members of Parliament to channel the KKV funds through the CDF or through the constituencies for ease of supervision and success?

Mr. Namwamba: Mr. Speaker, Sir, I have noted from the Statement from the Prime Minister that, first, there is no audit. No audit has been done.

Mr. Speaker: Try and restrict yourself to two because we have set a precedent, but normally we allow two for the owner and one each for subsequent Members.

Mr. Namwamba: Mr. Speaker, Sir, I was just building up ---

Mr. Speaker: Restrict yourself to two areas that you want clarification on.

Mr. Namwamba: Mr. Speaker, Sir, first, I have noted from the Deputy Prime Minister and Minister for Local Government says that there has been no audit so far and that there is a figure of Kshs33 million that could possibly have been ineligibly allocated. My first clarification is whether there is anything called counter-funding within this kind of arrangement between the Government and donor agencies where both the donor and the Government finance particular aspects of a given project. Could the Deputy Prime

Minister and Minister for Local Government provide details on those areas that are counter-funded by the Government?

Secondly, I would want the Deputy Prime Minister and Minister for Local Government to explain the diffusion of this whole KKV Project in terms of who exactly are the implementing agencies, whether this project is implemented by the Office of the Prime Minister or any particular line Ministries, who those line Ministries are and what exactly are the responsibilities of the line Ministries *vis-a-vis* the responsibilities of the Office of the Prime Minister.

Mr. Mbadi: Mr. Speaker, Sir, the clarification that I would like to get from the Deputy Prime Minister and Minister for Local Government is with regard to the World Bank relationship with the Office of the Prime Minister. I would like to know if the World Bank has engaged the Office of the Prime Minister. If the World Bank has raised any issues, I would like the Deputy Prime Minister and Minister for Local Government to confirm whether they have tried to address the issues with the World Bank. Are they normal issues raised by any donor agency to any Government department that is implementing a donor funded project or are they issues that amount to fraud and misappropriation of funds?

Mrs. Odhiambo-Mabona: Mr. Speaker, Sir, the question that I want to raise is somehow related but perhaps not exactly the same as what hon. Mbadi has raised. I would like the Deputy Prime Minister and Minister for Local Government to clarify the issue of eligibility as opposed to embezzlement. Could the Deputy Prime Minister and Minister for Local Government please clarify whether in an interim report, final report or any report of any nature that has been presented or will be presented, whether the issue of embezzlement has come up or it is the issue of eligibility, which is very different? In donor terminology, “eligibility” merely means that you may have used a different budget line, but that is not embezzlement. You just need to put it in the correct budget line. Could he, please, clarify whether it is an issue of eligibility, which is very normal or whether it is an issue of embezzlement?

Mr. Speaker: Very well! I did say that, that will be the last one. Member for Mathira, is it very pressing? I like to live within the directions which I make.

Eng. Maina: Mr. Speaker, Sir, I will be short and this is to assist in this debate.

Mr. Speaker: There is no debate before the House! Are you asking a question that will lead to further clarification by the Deputy Prime Minister and Minister for Local Government?

Eng. Maina: Yes.

Mr. Speaker: Then proceed and ask.

Eng. Maina: Mr. Speaker, Sir, the Deputy Prime Minister and Minister for Local Government said that Kshs33 million has been somehow misappropriated or not accounted for.

Mrs. Odhiambo-Mabona: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Order, Mrs. Mabona! I have appealed that we try and relax. The Member for Mathira is asking a question and he is attributing a certain statement to the Deputy Prime Minister and Minister for Local Government. If the Deputy Prime Minister and Minister for Local Government finds that question inaccurate, surely, he is going to respond in the next two minutes or so. So, please, proceed!

Eng. Maina: Thank you, Mr., Speaker, Sir, for straightening the matter. I said that according to the Deputy Prime Minister and Minister for Local Government, Kshs33 million may have been misappropriated. I wish to know whether this was just misappropriation or it was something that could lead to some criminal activity. If so, what action is intended to be taken?

Mrs. Odhiambo-Mabona: On a point of order, Mr. Speaker, Sir.

Mr. Speaker: Mrs. Odhiambo-Mabona, I have given direction on that matter. Deputy Prime Minister and Minister for Local Government, you may want to respond.

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): Mr. Speaker, Sir, I will try to be as concise as possible. Let me start with the issue of the Kshs33 million. In the Statement, I have clearly said that these are expenditure items which have been identified as being either potentially ineligible for reimbursement from the proceeds of the World Bank credit or they could be eligible. I said that the validation process is ongoing and when it is finalized and the final status report on this aspect will be out in two weeks time, then we shall be in a better position to explain whether there was misappropriation or whether it is a question of ineligibility. This is very different from me saying that the money has been looted. As I indicated, there is no audit report to confirm the looting as yet. What we have is a preliminary review of the process and this is where we stand.

Mr. Speaker, Sir, I wish to also respond to the issue raised by Dr. Nuh. He raised the issue about what will guarantee the employment of 40,000 youths and how we can reduce the cost of supervision. From the experience of *Kazi Kwa Vijana I* (KKV1), one of the things that has come out is that this programme was spread out too widely and, therefore, in terms of very close supervision, there could be loopholes even in the field where there are implementing units or agencies. Therefore, in KKV II, judging from the experiences of KKV 1, there is going to be closer collaboration with the private sector, with people like the Kenya Private Sector Alliance (KEPSA). Also the identification of projects is now being improved; it is for that reason that the office of the Prime Minister wrote to the Treasury that it would be better for the money that had been allocated to various Ministries, that is the Kshs900 million, to be taken back so that as they redesign the details of KKV II, that money can be used for a component that would yield better results. This again also addresses the issue of the cost of supervision.

The proposal under KKV II is to also reduce the number of Ministries that will be involved in this programme, so that the Ministry of Youth Affairs and Sports can take up a more prominent role, and the question of disbursing to too many Ministries can be minimized. This will assist in ensuring that there is better control and, therefore, the cost that will go into administration and supervision will be reduced.

Mr. Speaker, Sir, I wish to also point out that an issue has been raised by hon. Midiwo that we adopt the Constituencies Development Fund (CDF) approach. These are some of the issues that are informing the design of KKV II; apparently, it has come out that it can be designed better, so that we get more value for money. Some of the concerns or positive experiences under CDF are also going to be taken on board when considering the roll out of KKV II.

Mr. Speaker, Sir, I also want to state here that there is no audit. No audit has been conducted. What we have are interim review reports, and that is the basis upon which we

are making this statement. When there is an audit report, then we shall be able to comment.

Mr. Speaker, Sir, hon. Namwamba also raised the issue of counterpart funding. Indeed, when there are programmes like this one, the line Ministries are supposed to provide some component of counterpart funding; then there are aspects which can be funded under counterpart funding. This could range from allowances for the staff members, logistical support and so forth. These are aspects that normally fall under the counterpart funding. There is usually a formula that can then be used by the donor agency on how to trigger off the sufficient counterpart funding for the exercise.

There are several line Ministries; I cannot name all of them but in the document I have given here there are quite a number of Ministries that have been lined up as potential implementers of this programme. Some are the Ministry of Medical Services, Ministry of Environment and Mineral Resources, Ministry of Local Government, Ministry of Roads, Ministry of Public Works and Ministry of Youth Affairs and Sports. They are in the documentation that I have given out.

Mr. Speaker Sir, I want to categorically state at this stage that, and this is what hon. Odhiambo-Mabona said, at this stage you cannot categorically say that there is fraud or no fraud. I think that can come out specifically on the basis of an audit report. So, once we go into the details of the 14 expenditure items that I have mentioned, then we will be able to verify whether there was fraud or whether it is an accounting or entry issue that needs to be rectified.

Mr. Speaker, Sir, I also wish to state that on the question of the relationship between the office of the Prime Minister and the World Bank, as I know it and as also indicated in Press releases from the World Bank that are out in the public domain, it is indicated that they are working closely with the office of the Prime Minister to be able to come to the root of any issues that are outstanding. At the same time, there are other programmes which are funded by the World Bank, and there is no indication whatsoever that the office of the Prime Minister is at loggerheads with the World Bank.

Mr. Speaker, Sir, I think with these, I have more or less quite accurately responded to the Members' concerns.

Mr. Speaker: Very well. Hon. Members, this matter will now rest there.

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

Mr. Speaker: Dr. Eseli, what is it? I hope it is a new one.

Dr. Eseli: Mr. Speaker, it is not new although it is related. In view of what I would call the filibustering that went on in order not to allow the Deputy Prime Minister and Minister for Local Government to read the Statement--- As I said earlier, this issue has been emotive in the public domain. In view of that and the fact that it might be repeated on Wednesday, would I be in order to ask that you emphasise the rules of the House, that debate in this House should not be taken out of the House until Wednesday when we redebate the whole thing?

Mr. Speaker: Dr. Eseli, that actually just follows, but I would like to say this: what has transpired here is in the public domain, because we are covered live at any rate. Kenyans have been watching, seeing and hearing what has transpired this afternoon; so, as long as Members restrict themselves to what may be fair comment, then there is nothing wrong with it. If Members go beyond what is fair comment, then they do so at

their own peril, and they could be sanctioned by the House; they may also be liable to being sued. So, Members please note that.

This matter must rest there; I want to move on to the next matter, which is request for statements. We will not take any further statements this afternoon, but we will take requests in respect of which the Speaker has received due notice. Mr. Pesa!

POINTS OF ORDER

REASONS FOR INSECURITY AT GOR MAHIA/ AFC LEOPARDS SOCCER MATCH

Mr. Pesa: On a point of order, Mr. Speaker, Sir. I wish to seek a Ministerial Statement from the Minister of State for Provincial Administration and Internal Security regarding the fracas that occurred during the Gor Mahia versus AFC Leopards football match on 20th October 2011 that saw several private cars pelted with stones. In the statement, the Minister should clarify the following points:-

(a) the investigations carried out to ascertain whether there was a group outside the soccer fans which had a motive to bring enmity between the supporters of the two teams, who in the recent past have had cordial relations regardless of the outcome of the matches; of course they have been referring to each other as “in-law” and in Kiswahili as “*shemeji*”;

(b) the reason why the kick off was after 5.00 p.m. despite the fact that the State function graced by the President and the Rt. hon. Prime Minister had ended way before 1.00 p.m;

(c) the measures put in place to safeguard soccer lovers; today there is a football match going on between Gor Mahia and Sofapaka at the City Stadium, which was to kick-off at 4.00 p.m.

In future, we do not want a repeat of the events that occurred on 20th October, 2011. As you understand, many of us have nowhere to go and, therefore, go to the stadiums to watch teams play. That is something that we want to do and we can only do it if we have security in our stadia.

Mr. Speaker: Member for Migori, note that you slipped a bit towards the end. But let us hear from the Deputy Prime Minister and Minister for Local Government. When will the Minister for Youth Affairs and Sports deliver that Statement? No! It is actually directed to the Ministry of State for Provincial Administration and Internal Security and hon. Ojode is here. When will you bring that Statement?

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Speaker, Sir, I will give the Statement on Wednesday morning. But in the meantime, I want to say the following:-

Mr. Speaker, Sir, hooliganism among fans is not allowed at anytime while we have matches. Those who create chaos will be arrested and I will deal with them according to the law. That is what I want people to know.

Mr. Speaker: Very well! It is directed to be delivered on Wednesday morning. Are there any other requests in respect of which the Speaker has notice? What is it Member for Kilome?

DESIGNATION OF HON. MWAU AS DRUG TRAFFICKER BY US

Mr. Mwau: Thank you, Mr. Speaker, Sir. On Wednesday last week, I sought a Ministerial Statement from the Rt. hon. Prime Minister. I got an undertaking that the Statement would be delivered today. But I think the Rt. hon. Prime Minister it not in. Could I get a direction on whether it will be delivered on Wednesday?

Mr. Speaker: Very well! Deputy Prime Minister and Minister for Local Government, when will that Statement be ready? It ought to have been delivered today.

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): Mr. Speaker, Sir, I seek the indulgence of the House to have this Statement delivered on Wednesday next week.

Mr. Speaker: Wednesday next week! Note that you will have a further Statement in response to the request by the Member for Saboti. So, you must manage yourself in a manner that you can do both on Wednesday.

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): Mr. Speaker, Sir, yes, I do understand that. In fact, it is also very closely linked to the issue raised by hon. Mungatana as well.

Mr. Speaker: Indeed, my Office will co-operate to ensure that adequate time is allowed on the Order Paper for the two Statements to be delivered on the same afternoon.

STATUS OF TAX ACCOUNT AT TREASURY

Mr. Mbadi: On a point of order, Mr. Speaker, Sir. On 21st April, 2011, I rose in this House and asked for a Statement from the Deputy Prime Minister and Minister for Finance. He kept on giving promises that the Statement would be brought. The Statement was on the status of our revenue accounts.

Mr. Speaker, Sir, the amounts I questioned were to the tune of over Kshs100 billion which had failed to reconcile with the accounts that had been presented to this House and what the Treasury had reported. I am talking about Kshs104 billion. Up to this stage, this matter has not been addressed. I also want to add that the Public Accounts Committee (PAC) had promised that it would look into this matter. It is the frustration that I got from that Committee which made me make some statement previously about it. Therefore, if the Minister cannot bring this Statement, would it not be necessary that I request you to ask PAC to give us a timeframe within which they can investigate why our accounts have not been certified by the Controller and Auditor-General. The accounts have a number of queries to the extent of portraying this country as not being sure of how much we have been collecting in terms of revenue. This is a very grave matter.

Mr. Speaker: Order, Member for Gwassi! Your point is actually made; that you requested for a Statement which has not been delivered for some time.

Deputy Prime Minister and Minister for Local Government, the Deputy Prime Minister and Minister for Finance is your counterpart. Can you, please, convey those sentiments to him? I want an undertaking that this Statement can be delivered next week on Tuesday afternoon because it has been pending for some time.

The Deputy Prime Minister and Minister for Local Government (Mr. Mudavadi): Mr. Speaker, Sir, I will convey the message that the Statement be delivered on Tuesday next week.

Mr. Speaker: Very well! It is so directed! What is it, Member for Kilome?

Mr. Mwau: On a point of order Mr. Speaker, Sir. In March, 2011, also I sought a Ministerial Statement from the Minister of State for Provincial Administration and Internal Security and to date, it has not been delivered.

Mr. Speaker: Hon. Ojode, please, respond to that and also indicate what you will do with the Statement which was due today.

The Assistant Minister, Ministry of State for Provincial Administration and Internal Security (Mr. Ojode): Mr. Speaker, Sir, I have several Statements which I was supposed to deliver today. Since we are running out of time, I would seek the indulgence of the Chair to allow me to issue them on Wednesday morning. I will also check whether the Statement which was sought by the Member for Kilome is ready. If it is ready, I will also give it on Thursday next week.

Mr. Speaker: Hon. Members, before we move to the next set of Orders which, in effect, entail commencement of business as per the provisions of our Standing Orders, I wish to direct as follows:-

Following a request from the Deputy Prime Minister and Minister for Finance to the effect that he has not been able to prepare his paper for reasons of being preoccupied elsewhere on matters that were of equal importance, if not more, he will not be able to move Order No.11. On that basis, therefore, because the Deputy Prime Minister and Minister for Finance, indeed, must move a paper that is accurate and factual before he proceeds, I will defer Order No.11 to tomorrow afternoon. That is in accordance with the indications by the Deputy Prime Minister and Minister for Finance that he will, indeed, be ready to move his paper tomorrow afternoon.

Minister of State for Public Service, please, let that position be known to the Deputy Prime Minister and Minister for Finance that we have accommodated his request for deferment to tomorrow afternoon and that he must, therefore, dutifully be here to move Order No.11 at whatever point it will appear on the Order Paper.

(The National Payment System Bill deferred)

Next Order!

BILLS

First Readings

THE KENYA DEPOSIT INSURANCE BILL THE PARTNERSHIP BILL

(Orders for First Readings read – Read the First Time and ordered to be referred to the relevant Departmental Committees)

Second Reading

THE KENYA SCHOOL OF GOVERNMENT BILL

The Minister of State for Public Service (Mr. Otieno): Mr. Speaker, Sir, I beg to move that The Kenya School of Government Bill, Bill No.30 of 2011, be now read a Second Time.

Training and capacity building activities in the Public Service can be looked at in a number of ways throughout our history since Independence. In the first place, the Government adopted the Kenyanization policy at Independence and embarked at placing Kenyans in key positions within the Public Service. The implementation of this policy necessitated the recruitment of additional qualified Kenyans. It also called for accelerated training and staff promotion to replace the leaving colonial administrators.

In the 1970s, therefore, the policy focus changed from administration and management to alleviation of poverty and provision of basic needs. Training focus in the Public Service then changed and emphasis was more on training for stimulating development. In the 1980s, there was need to address the challenge of limited access to higher education and training. This policy saw several public training institutions converted into universities, colleges and campuses. By the 1990s, the beginning of the public sector reforms necessitated reforms and capacity building being a major theme in the training objectives. Training was to be demand driven as opposed to being supply driven.

During this period, the former District Development Institutes were converted, improved and refurbished to acceptable levels and renamed Government Training Institutes. However, due to inadequate funding and facilities, the institutes were only able to offer training for junior and middle level managers in the public service. Since the year 2000, public sector reforms have focused on among other things, initiating performance improvement measures to enhance service delivery. These measures have resulted in the introduction of Result Based Management, Tools of Performance Contracting and Performance Appraisal.

To translate the above initiatives to results for Kenyans, a coordinated approach to training leaders to spearhead these reforms has been a priority within Government. Although the Government's efforts to train and build the capacities in public service are evident, there still exist gaps that have not adequately been addressed. It is worth noting that since Independence, there has been limited focus of training at top policy and political levels in the public service. For example, there is no systematic induction and training programmes targeting the higher levels decision makers at the Ministry from the level of Assistant Ministers, Permanent Secretaries and Chief Executives of State corporations and other agencies of Government.

Further, the current management development institutes; the Kenya Institute of Administration, the Government training institutes in Mombasa, Embu, Matuga and Baringo, together with sector specific training institutions, place emphasis on training for career based skills development programmes. Consequently, the Public Service continues to experience training gaps in policy development, leadership, management and in public service values and ethics.

To address these gaps, the Public Service, though on a limited scale, continues to train its staff oversees which is not only very expensive but also unsustainable. Besides, oversees training does not adequately address the country's specific needs and trainings.

Trainees find it difficult to relate their overseas training to the local context in which our governance environment operates. Government training institutes are also expected to carry out research to inform policies that govern the management and performance in public service.

Mr. Speaker, Sir, we need renewed emphasis on quality of decision making in public service. We need renewed emphasis on research in public administration within the Ministries' departments and agencies of Government. We are also expected to establish linkages with renowned institutes and collaborate with institutions with similar mandates. Due to their limited mandates, the existing training institutions are unable to perform this particular role. We have an experience now, in public service, where people, after being employed do not participate in enlarging their knowledge and improving their performance in their respective portfolios. We are looking for an environment where every public officer will develop their intellectual capacities and see things in new and better ways within their own environments. We need an institution to coordinate this within all Ministries, Departments and Government Agencies.

The Vision 2030 calls for an efficient, motivated and well trained Public Service that is more citizens focused and results oriented. Indeed, Kenya's long term development strategy as envisaged in Vision 2030 has identified the development of an adaptive human resource, based on the principle of lifelong training and education as key to the meeting of requirements of the rapidly industrializing economy. The Vision recognizes human resource development as a critical component in the achievement of significant and consistent results in public administration.

Global competitiveness will depend on our ability to create a human resource base that will be constantly subjected to retraining and access to technological learning in their employment environment. The First Medium Term Plan, 2008-2012 of the Vision earmarks the establishment of a school of Government as one of the flagship projects to promote transformative leadership. The school is expected to develop programmes that will inculcate public service values and ethics for the delivery of results to Kenyan citizens.

There is no universal definition for a School of Government. However, a School of Government may be described as the main training provider for Government and assists in meeting the human capital development needs of the public service. By supporting public servants development and accelerating knowledge transfer on best practices in public sector management, the school directly supports the public service reforms on a continuous basis. It also contributes to instilling a shared sense of values, ethics and accountability among all public servants.

Mr. Speaker, Sir, as all Members are aware, the Constitution establishes principles and values of good governance and good public service management. All these ideas will need to be continuously inculcated in our public servants for better performance. A School of Government is the center for management, administration and policy studies which the leaders train in and develop programmes for public servants and staff organizations that work in the public sector. The school, therefore, becomes a center of excellence and the first port of call in learning, adapting, innovating and leadership development in the public sector.

Many countries already have schools of public service which have helped equip their public servants with skills for effective and efficient performance. Schools of

governments across the world include the National School of Government in the United Kingdom, the J.F. Kennedy School of Government in Harvard, USA, the Ghana Institute of Management and Public Administration and the Peking University School of Government in China among many others. The school that we are proposing to establish under this Bill is expected to accelerate public service reforms and development. World over, schools of governments pursue an agenda that seeks to strengthen accountability in respective governments and public services.

The Kenya School of Government will ensure that public servants have the relevant knowledge, the necessary skills, the right attitudes, and the leadership and management competencies that are required to fulfill their responsibilities. To have a public service of the 21st Century and to attain the goals of Vision 2030 and beyond, the country requires more than is currently on offer in the existing training institutions. The public service requires an institution that will establish linkages with renowned schools of governments, collaborate with institutions of repute including universities and professional bodies, be a think-tank for the Government, carry out research and consultancy that informs public policy administration and decision making, grow the country's leaders and unveil a wide range of programmes to tackle some of the most complex challenges that public servants face today. Such programmes will enhance the competencies, professionalism and career prospects of public servants. The programmes to be offered by the school will be tailored specifically to the needs of public service and contextualized within the top priorities in Government. The school will provide opportunities for operating virtual centres of training to facilitate off-site capacity building. The school will prepare senior and top level policy personnel in public service to meet the challenges of the 21st Century, and to steer the country to the attainment of Vision 2030.

In this context, Mr. Speaker, Sir, even the hon. Members of this House will find opportunity to interact in this academic environment of relevance to Government policy decision making, including even legislation. The school will inform public policy on leadership, management, governance, competence development, research and, consequently, respond to national challenges, national goals and national aspirations. This strategic responsibility will enable the school to have close linkages with all Ministries, departments, agencies and execute its mandate effectively and efficiently.

[Mr. Speaker left the Chair]

*[The Temporary Deputy Speaker
(Prof. Kaloki took the Chair)]*

Mr. Temporary Deputy Speaker, Sir, this Bill proposes that the School of Government be the successor to the Kenya Institute of Administration (KIA) and the Kenya Development Learning Centre (KDLC) and campuses which comprise the Government Training Institutes (GTIs) in Mombasa, Embu, Baringo and Matuga, and any of the other campuses that may be established hereafter in the different counties in the country. The Kenya Institute of Administration Act, Act No. 2 of 1996, and the Education Board of Governors Development Learning Centre, Legal Notice No. 115 of 2003, will be repealed and replaced on approval of this legislation.

The basic governance structure will comprise the Council of the School of Government, which will be the top policy organ of the School and it shall consist of a non-executive chairperson, who is expected to have considerable experience in executive management appointed by the President and Members representing different stakeholder groups. There will also be an academic board that will be in charge of development and delivery of its programmes, examinations, certifications and all the other functions related thereto. The school will be headed by the Director-General, who shall be the Chief Executive Officer, who will be appointed by the Cabinet Secretary responsible for Public Service on the recommendation of the Council after a competitive recruitment process. The Director-General is expected to have a minimum of a Masters degree, experience in executive management and leadership training and must possess not less than ten years in senior management and leadership positions. It is proposed that staff of the former KIA, the KDLC and all the GTIs be employed by the school at the time of commencement of this Act subject, of course, to such terms and conditions of service as may be determined by the Council.

Mr. Temporary Deputy Speaker, Sir, the principal objective of this Bill is to establish the School of Government and to repeal the Kenya Institute of Administration Act, Act No. 2 of 1996, and the Education Board of Governors Centre Order, which would then repeal the Kenya Development Learning Centre. The Bill is arranged as follows:-

Part 1 Clauses 1 to 2, of course, is the citation and commencement of the proposed Act. Clause 1 provides for the short title; Clause 2 provides for the interpretation of the terms of this Bill. Clause 3 provides for the establishment of the School of Government; Clause 4 provides for functions of the School. Hon. Members will notice that we have enlarged the functions of the current KIA to embrace an upgraded institution that is being established hereunder. Clause 5 provides for the establishment of the Council. We have also broadened the membership of the council of the new institution. Clause 6 provides for the establishment of Committees of the Council; Clause 7 describes the functions of the Council. Hon. Members will notice again that we have enlarged the functions of the Council for this institution. Clause 8 describes the meetings of the Council. Clause 9 provides for an academic board, which was not there, and then gives the membership of that board that will be supervising the curriculum and the quality assurance necessary in all the member-training institutes. Clause 10 describes the committees and the procedures of the board; Clause 11 provides for the common seal and its custody; Clause 12 provides for position of Director-General; Clause 13 describes the staff of the school; Clause 14 describes the assets and funds of the school; Clause 15 provides for strategic plans, budget and annual reports, emphasis here being on performance-based strategic planning. Clause 16 provides for accounts and audit; Clause 17 provides for protection of members of staff of the school from personal liability; it is a normal standard clause. Clause 18 provides exemption from Stamp Duty; Clause 19 provides for regulations; Clause 20 contains transitional provisions; Clause 21 provides for repealing of the Kenya Institute of Administration Act, Act No. 2 of 1996.

Mr. Temporary Deputy Speaker, Sir, it is a straight forward Bill to establish this institution as a successor to the KIA.

With these few remarks Mr. Temporary Deputy Speaker, Sir, I beg to move.

Mr. Temporary Deputy Speaker, Sir, I have requested the Assistant Minister, hon. Nanok, to Second the Bill.

The Assistant Minister for Forestry and Wildlife (Mr. Nanok): Thank you, Mr. Temporary Deputy Speaker, Sir. I beg to second the Bill.

Listening to the Minister move this Bill, I can basically say that he has comprehensively covered all the aspects that are contained in the Bill, which is before this House for debate and approval. I believe that this House will find that this is the right time for us to be able to debate this Bill in the light of the fact that we promulgated a new Constitution last year; in line with Vision 2030, it is about the upgrading of the KIA as envisaged in this Bill to a proper school of Government.

Mr. Temporary Deputy Speaker, Sir, you will realize that in the new constitutional dispensation, the Civil Service is going to be re-oriented to new ways of doing things; this will be so for both the Civil Service at the national level as well as at the county governments. We want to put up a proper structure, or institution that is going to re-orient the many people who will be members of the Government to be able to properly undertake their responsibilities when these governments, particularly the county governments will be in place.

Finally, Mr. Temporary Deputy Speaker, Sir, the KIA, a Government training institution has actually – I think my colleagues will agree with me – fulfilled its mandate so far. It is high time we upgraded this mandate to something proper in line with what is recognized – as the Minister said - internationally. This will enable us to have a school of Government, which will become the prime institution that will train public servants, including senior officers, on issues of governance of this country. As you may realize, if you look at devolution and the county governments, we will be the only country that will have its own unique devolved kind of Government as opposed to what other countries have implemented, for those countries that already have devolved institutions.

So, to have this particular school, then it will be proper for all staff to come in and be inducted into ways of governance and running Government institutions. In future, we will make both the Civil Service and the public service the institutions of choice for the most qualified personnel who will come out of our public and private universities.

With these few remarks, Mr. Temporary Deputy Speaker, Sir, I beg to second.

(Question proposed)

Mr. Mungatana: Mr. Temporary Deputy Speaker, Sir, I want to thank you so much for giving me an opportunity to make my contribution to this Bill. I start by congratulating the Minister, hon. Dalmas Otieno, for whom I have a very high regard, for his work in the past in many places that we have met before.

Mr. Temporary Deputy Speaker, Sir, it is a very good development that we are having a School of Government being established, in fact, a legislation for it in the country for the first time. Like it has been stated, this is not the first time that schools of government have happened in this world. In New Zealand, we have a school of government which is stationed at the Victoria University in Wellington. In the United Kingdom (UK), we have a school of government which, like it is envisaged here, provides policy and manages training for the UK civil servants. In the USA, we have the John F. Kennedy School of Government at the Harvard University. It is known as the

Harvard Kennedy School. Again, it provides something akin to what we want to establish here. The Harvard Kennedy School started in 1936. We are not late. We can do it and do it better. That is what we have in mind. Again, I want to ask the Minister that we think together on how we can conceive this Kenya School of Government to look like.

Mr. Temporary Deputy Speaker, Sir, I see two models. There is the model that is the UK School of Government which simply emphasizes on development of public policy and management training for the UK civil service. So, it simply trains the public service of the United Kingdom. It also provides research. That is one model. There is this other model like the Harvard Kennedy School which, apart from dealing with the public servants, they also invite men and women who wish in future to render service to their country. They can also invite businessmen and women, or even people who wish to have a career in the civil service in future.

I want also the Minister to think of the model in France which allows someone at some point to undertake industrial training, but also to train in politics and Government. So, it is not restricted to public service alone. Why do I say so? Some of the top people who are being appointed into Government institutions have not been career civil servants. I am even referring to the recent appointment I heard over the radio, of the new Deputy Governor of the Central Bank of Kenya. Some of them developed their own capacities in the private sector and then at some point, having felt that they had already done enough for themselves, they offered themselves to the Public Service. What better preparation can I have as a person who has been in private law practice, for example, than to be admitted to a school of Government to study and know the systems of Government before I make myself available for a Government job in the future. So, this is where I want us to start thinking together with the Minister.

I would like to talk about Clause 5. We must expand the programmes in Clause 5. He is talking about just building capacity for public service. We can also have private individuals or private institutions which wish to develop capacity for the future or for people who want to take up positions in Government. I will be proposing an amendment to widen the scope so that it is not just public servants who join, but even people who want to prepare for possible public service jobs.

Mr. Temporary Deputy Speaker, Sir, I also want the Minister to think together with me that although he has provided for the functions of this school, still under Clause 5, he should provide for training consultancy and research services. I would prefer that there is more emphasize on research so as to inform public policy. Why am I saying so? Even in terms of funding, we must design a Government school that we can rely on. We must design a Government school that will not have all its funding going into Recurrent Expenditure, but some of it should go to research. The School of Government that we are creating shall be compelled by law to put aside a certain amount of money for purposes of research.

Mr. Temporary Deputy Speaker, Sir, I say this with a lot of respect to many Government institutions. Research has been neglected and put in the backyard. It has been relegated to a piece of inconsequential department of any institution in Government. What I know about the researchers that come from Harvard Kennedy School is that they are taken very seriously by the American Government. We want to create something here

that would be of equal or better standing than what is already in existence in other parts of the world.

Mr. Temporary Deputy Speaker, Sir, this will be the first Government school that is being established within the region. Therefore, how we are going to approach it is going to be replicated within the East and Central Africa. So, we must do it extremely well.

Mr. Temporary Deputy Speaker, Sir, the other point I want to demonstrate to the Minister is how this legislation he has proposed seems to be completely county insensitive. The whole thing, the way I have read this Bill, keeps on talking about the national Government and the studies they want to undertake. The Minister seems to have not taken care of the requirements for training within the county governments that we shall be running in 2012. There seems to be the earlier thinking, in this Bill, that all training needs will be done here in Nairobi. The only time there is a bit of an attempt to look at the other side is when they say, "the Kenya School of Government will be able to operate branches in any part of the country." However, that is not enough.

I have said it many times and I will keep saying it; that this may be the last opportunity we may have as a nation. Many people who are seated here may not probably wish to come back to this House. They may wish to take up senior positions in the county or even the Senate. We must pass a law like we will never pass another law again. This means that everything that is county, since that is where our Government is heading, we must make sure is well provided for in these kinds of laws that we pass. I have in mind, for example, in the admission and the curriculum that will be developed we must put a legal requirement that will compel the Kenya School of Government to be taking into training a certain quota, maybe a percentage from the county government so that people will be trained. We are not going to be paying taxes to the Kenya School of Government equally then we have only certain areas accessing these places and leaving some of our counties behind.

I really want the Minister to think with us and see what we can put in this. He will also be a victim after he leaves here and whoever will be running this Kenya School of Government will be subject to the direction of only the law that we will pass here. Therefore, we must create those quotas now and not tomorrow.

Mr. Temporary Deputy Speaker, Sir, I have in mind the Medical Training School (MTC). We have had numerous complaints particularly for some of us who come from the arid areas about lack of nurses in our areas. But there is no compelling law that will tell those people running that institution that they must take a certain number of people from Tana River County or a certain county. Therefore, we continue to be marginalized although we say we are Kenyans. Many of us are left out. Then what happens? We have people from the medical field who come to our county, take up jobs for two to three days and then run back to where they came from. We will not have this kind of thing repeated here. So, we must think together on how we are going to propose amendments at the Committee Stage to make this law functional for all of us.

I would also want to invite the Minister to think with me about the kind of Director-General we would want to have in the Kenya School of Government. In Clause 13, there is only a provision that there shall be a Director-General appointed by the Cabinet Secretary on the recommendation of the Council following a competitive process

of recruitment, who shall be the Chief Executive Officer of the school. That is all they say about this man or woman we are creating here. What are the powers that he or she will have? What is the thing that will make him to effect transformational change in that institution? If I, Mr. Mungatana, were to be appointed the Director-General, what powers would I have to make institutional changes to the Kenya School of Government, and say that during my tenure I did this and that and after that, so and so took over?

Mr. Temporary Deputy Speaker, Sir, he has been given no powers at all. Contrary to the pieces of legislation we have passed here in the past, this Director will really be a paper Director-General. He will not have any powers. Nothing has been given to him and the most ridiculous thing of all is that the Cabinet Secretary in clause 20--- I want to read, so that the House can listen to it:-

“The Cabinet Secretary may make regulations for the better carrying out of the purposes of this Act and in particular with respect to:-

(a)staff appointment and discipline;”

So, what is the Director General doing?

“(b) Staff welfare, including pension schemes, gratuities, superannuation or Provident Fund;

(c) general management of the School.”

Mr. Temporary Deputy Speaker, we will have a Cabinet Secretary seated in Nairobi doing general management and rules and regulations for general management of a school that he will never be visiting. Probably in his five year tenure he will go there once or twice. These Cabinet Secretaries, as you know, will be very busy because we are going to have fewer Ministries.

Therefore, we will have a Cabinet Secretary who, even without any form of approval of the Council that has been provided for here, will make regulations himself. He can dream at night and then come in the morning and say it has to be like this. He can then gazette the regulations without even the approval of the Council, or the participation of the Director-General. Then why are we creating this? We could have as well left it to the Cabinet Secretary in charge of the Kenya School of Government. Why are we creating an institution about which we say the following in Clause 3:-

“It shall be a body corporate with perpetual succession and a common seal and in its name be capable of suing, being sued and doing all such things that a body corporate can do”.

We have even said in Clause 5(h) that it will conduct examinations and award diplomas and other forms of suitable awards to successful candidates. We give it this power, yet we make it subject to a Cabinet Secretary, who might be a complete non-professional in that area. He might not himself have gone through any school of Government. How can we allow him to micro-manage this proposed Kenya School of Government?

Mr. Temporary Deputy Speaker, Sir, this Bill needs to be rethought seriously. I trust the Minister will go and listen to what we are saying here. We need to create something that is not going to be subject to an individual. This school will be very dependent on the Cabinet Secretary in charge. Even the approval of estimates and everything will be on the Cabinet Secretary so that even the Director-General and his team will have their annual estimates subject to the approval of the Cabinet Secretary.

What the people in Government have done is that they have taken what is in existence now as the Kenya Institute of Administration (KIA) and training institutes in Mombasa, Matuga and elsewhere and replayed them without thinking outside the box. It is our duty, as legislators, not to let this Bill pass the way it is.

Mr. Temporary Deputy Speaker, Sir, the people in Government do not want to think outside the box. They want to let this Bill pass, so that they can say they have a law but they are not giving us anything new. They are not telling us anything new. In fact, this is a piece of legislation which we need to really scrutinize again. I want to invite the Minister – because some of us take time to look at these Bills – to go and look at it again and bring appropriate amendments because this Bill is not good as it stands. I am also asking myself a question: We are living at a time when money is a problem. Why should we exempt Stamp Duty for the proposed Kenya School of Government? Why should we have Clause 19 saying that any instrument executed in relation to---

The proposed School of Government will be raising funds. If you buy my idea, we will have private students coming to the school. The school will not be depending on Government alone. There will be money from private students who will be charged appropriate fees. Why exempt it from Stamp Duty, which is required for development?

With those few remarks, I beg to support.

Dr. Khalwale: Mr. Temporary Deputy Speaker, Sir, I would like to start by congratulating hon. Dalmas Otieno, the Minister of State for Public Service.

Every time I listen to hon. Dalmas Otieno, I cannot avoid getting impressed. I am happy that hon. Otieno still acts with the passion he had when we were at the Bomas of Kenya, where we fought for the second phase of the new Constitution and eventually got it. I say so because this is the first attempt by the Government to try and bring civil servants and, indeed, the entire public service, in line with the letter and spirit of the new Constitution.

Mr. Temporary Deputy Speaker, Sir, having said so, I think hon. Otieno is not a proud man. He can still stomach a little bit of criticism from us in the sense that he is aware that in the year 2009, there was a Government Task Force Report, which deliberated at length on the issue of a Government School. The concept that was mooted was to give the school strategic positioning, so that it would be a school which would be like a think-tank, and that would give young graduates entering the Civil Service an opportunity to know Government, learn ethics, hate corruption and be proud of working for Kenya.

More importantly, the school would operate under a concept which would give an opportunity to a young civil servant to know the difference between “what is mine” and “what is ours”. A young graduate joins the Civil Service knowing that what is his is his salary, but they soon start going to seminars, and in those seminars, a few bad civil servants, who are experienced, start imparting wrong attitudes to this young man to the extent that the innocent young man, who joined the Civil Service knowing that what was his was his salary and whatever other emoluments that may accrue to him, starts thinking that public funds are also his. This is the nightmare we call “corruption”.

Mr. Temporary Deputy Speaker, Sir, it is my dream that we will one day pay our civil servants so well that we will boldly go and tell them: When the Ndegwa Commission decided to allow public servants to do business with Government, it planted the seed of corruption in the Public Service. If we will be paying them that well at that

time, it will then be very easy for us to tell them: You are being paid well. You can be patriotic. Let public funds be left for the development of the country.

Having said this, I want to request the Minister that before we move to the Committee Stage and Third Reading of this Bill – we shall be there in the usual manner – he should undertake further consultations. Consider some of the little comments we are making here. I am not an expert in this thing but there are experts out there. We would like you to undertake consultations within the Government as well as with players in the private sector, and with non-State players. We are requesting the Minister to also consider having consultations with other international stakeholders.

Mr. Temporary Deputy Speaker, Sir, if the Minister undertakes these consultations, he will have attended to the point that hon. Mungatana has so well articulated about why we want to pretend that we are offering something new when all we are doing is asking a Cabinet Secretary, whom, by the way, we do not want to go and start micro-managing anything for us--- We want our Cabinet Secretaries to be busy running our Ministries and servicing those areas that this law will ask them to go and micro-manage.

If the Minister does not do this, then what this law will simply have done is that it will just have repackaged the Kenya Institute of Administration (KIA) in a different manner. We want a situation where we will break away from the KIA because, as you said, this was a gift from the colonial government, and for which hon. Mungatana said they should not use the same module. They have their own school of government in their motherland. They were doing this so as to create people they would use to control the “natives”. We do not want to be controlled because we are not “natives”. We are Kenyans who are native residents of the areas they wanted to control.

Mr. Temporary Deputy Speaker, Sir, in 1962, the late Patrice Lumumba told the King of England that black people had refused his rule, and that they were no longer going to be their monkeys. How come 50 years later, we are still using the same module that was designed to confine us in our native areas?

The issue of approach to the school is not really clear in my mind what I want, but I think there are professionals out there, who can listen to what I am saying. In my mind, I see the role of the school as being one of providing some co-ordinated approach so as to improve performance within the Public Service in all aspects of public service; a co-ordinated approach aimed at devising, upholding and promoting a Public Service in values and ethics.

Mr. Temporary Deputy Speaker, Sir, the reason as to why medical doctors still remain professional is because we spend a lot of time in our training, in the final year at the medical school, on ethics. This is because it would be disastrous to have a doctor handling an unsuspecting public, knowing very well that he does not know what he is treating but still orders medication and pumps it into the patient. The end result of such an action is that, having found no disease in the system, the medication turns against the patient. So, we want a school that can teach our children ethics, so that they respect the employer.

Mr. Temporary Deputy Speaker, Sir, recently the Government introduced the concept of performance contracting. This is the right time for stakeholders to now think through and see how the aspect of performance contracting can be advanced beyond just a competition of Ministers being given recognition on a particular day by the Prime

Minister or the President that they performed well. This is something that can be thought through by our professionals because they know these things.

There is the concept of Rapid Results Initiative (RRI). These are innovative ways of thinking, through consultations with professionals and other stakeholders. The Minister will be able to arrive at an almost attractive model that will move Kenya to the next level in our training.

All academicians over the world, you and I, included, know that nowhere in the world do we have a school for teaching experience. Experience can only be learned on the job. There is no professor who ever got an undergraduate degree called experience. You get experience yourself. So, when we are modeling a good school like this one, it means it is the nearest you can go to giving somebody experience before he gets the 30 years that he needed to perform like somebody who has been performing for 30 years. This is where my mind is going.

Mr. Temporary Deputy Speaker, Sir, I would like to conclude by commenting on Clause 15 about the Director-General. We have to be very careful and with all due respect to us, hon. Members of Parliament, once again, we have said we want the Director-General to have a minimum of Masters Degree. That is very good. But Members of Parliament, hon. colleagues, my brothers and sisters, why do we always put these necessary high standards when it comes to others? When it is Members of Parliament or Members of the Senate, we do not want to apply the same standards.

This is something which the youth are promising us as we talk to them quietly out there that they will teach us a lesson. We have youth out there whose only reason why they cannot run against me is because they cannot mount a proper campaign, but they have better education than me. These youth might come through either a youth wave or some other wave. They will come here and they will start laughing on this Dispatch Box that how could these people be so selfish?

I support that the Director-General should have that Masters Degree, but the reason is that we should also remember that of all the commissions we have appointed, we have also put a high standard. We should go and rethink. If we hon. Members can search ourselves, we would go and review the legislation on the Elections Bill that we passed here and make the necessary amendments and put there a saving clause. We do not want to look selfish, those of us who have degrees. We should put a saving clause that members who have already performed, that is a minimum requirement for you to continue serving, so that we phase out any further risk of people who are not up to it, coming to Parliament. I am not saying they only come to earn a salary, but so that they also participate in the development of this country.

Mr. Temporary Deputy Speaker, Sir, finally, I have talked to a few friends of mine who are in the teaching profession at least in my line of training and they have proposed a few amendments. I will hand them over to the Minister, so that he looks at them. I will put there the addresses of my friends if he needs to consult them, he can do so. When we go to the Third Reading, I do not have to come here with a raft of amendments. If we can fix it at this time before we go to the Third Reading, so much the better because it will be easier.

With those many remarks, I thank you and I wish to support.

Mr. Chanzu: Mr. Temporary Deputy Speaker, Sir, I also rise to support this very important Bill; the Kenya School of Government Bill. The purpose of this Bill is to create

a level playing field. It is to do harmonization of what has not been done in Government service or in public service for a long time. In fact, some appointments have been done without basing them on any definite criteria.

So, this Bill will help us develop curriculum or a yardstick that can be used when we get people on board. It creates a lot of comfort. It creates openness. Everybody knows that if I am in this position and I will get this, I will be able to get there. We have seen what happened a few years back where appointments like that of the Head of Public Service in Government, the Government went to source from elsewhere. We saw the kind of confusion that was there in the Government. There are people who have learnt what is supposed to be done. The only thing that we were lacking was how to improve on the performance of these people.

Once we have an institution like this one, it will be easier for us to train our people and retrain them. They will be able to perform better because what we are looking at is improved productivity. We cannot talk about improved productivity if we do not train our people on how to achieve it. We have to coach them on how to achieve it.

So, I find this is a very important Bill because of the changes that are taking place worldwide. We do not want to be left behind. I want to commend our universities. The moment we increased the number of universities in this country, many people have gone back to study. Initially, we only had the University of Nairobi. Then it took a bit of time, but we were able to create others. If you look at Moi University, it has been able to produce graduates in many fields. It has come up with courses in innovations and inventions. There is a lot of improvement even when those graduates work in the private sector.

Many years ago, the Government carried out studies on how to improve service delivery within the Civil Service. Recommendations were put forward, but they were not implemented. They were left to gather dust in the shelves. I do not know when the last review was done, but the ones I read some time back, they made very good recommendations. However, the Government never bothered to implement them.

I want to congratulate this Minister because he is keen on improving service delivery in this country. I believe that even when he will leave the Government, he will leave behind an improved Civil Service. He will be remembered as a Minister who initiated many reforms in the Civil Service. People will say that during the time of Minister Dalmas Otieno we were able to create this kind of institution which will go a long way to train our civil servants and other people who will bother to know how Government operates.

As one of my colleagues said here, the intention previously was that somebody can come from the private sector and work in the Government and feel comfortable. But the problem is that if you get somebody who has been working for a company like Safaricom, the kind of innovation they have done is different from what has been done in Telkom Kenya. Telkom Kenya has not done much because of too much control by the Government. The Government has not given them a leeway to improve their service delivery to the people of this country. With this institution, people will be able to share knowledge.

The other day, Steve Jobs, the wizard of the Apple passion died, but he was not selfish the way some people are. Knowledge cannot be useful to you alone if you do not share it and even improve it through sharing with other people. This is a very useful and

timely Bill. The Constitution is trying to get rid of the marginalized groups, ethnicity and corruption, where favouritism is used and people are employed through that. If we get criteria like what I saw in the public administration where they train people who join the Civil Service, like District Officers, for the advanced public administration course, we will even create criteria for promotion. You cannot go and handpick people like I saw sometime. They are all entitled to get jobs, but there must be an entry point which is known and open to everybody. This will also apply to other areas like support institutions, for example, the police, the Defence Forces and the Teachers Service Commission. I am sure at a higher level, they may benefit out of this in order to manage the institutions properly.

With those few remarks, I beg to support.

Mrs. Odhiambo-Mabona: Mr. Temporary Deputy Speaker, Sir, in supporting, I want to thank the Minister for bringing this Bill. I will be very brief. Like the other Members who have spoken, it is not enough to bring a Bill. There must be real change. We do not want the Kenya Institute of Administration (KIA) repackaged. We know that the KIA has done a reasonably good job under the circumstances that it has operated, but we are competing with world class and competing world class, we must provide cutting edge education to our civil servants.

About three weeks ago, I was in a similar institute in France and I was extremely impressed by the level of education that they give on local administration. They have professors who have both intellectual skills through papers and practical training. So, we must find persons who combine both intellectual and practical skills, so that when they are training, they are training from experience. I know that many times in the past, we have had people who are training us about public policy formulation, but what they know is basically book knowledge. With book knowledge, they will not give you the intricacies. So, I am hoping that the Minister will be focusing on competing worldwide. We do not want to compete with Uganda or Tanzania. We must set our vision much higher.

I also want to quote the same Steve Jobs of Apple Computers that the speaker before me talked about. He said: "Change in the world or those who will bring development, will be done through innovation". So, I am hoping that one of the things that this institution will focus on is innovation. The world is becoming highly competitive. Because of climate change and the traditional things that the country has relied on and insecurity brought by *Al Qaeda* and *Al Shabaab*, we cannot with certainty say that we will always rely on tourism. So, we must diversify and we can diversify through innovation. Therefore, Kenyan students and civil servants must provide something more to the table. It is not enough to come and learn but you must go beyond that and tell us through your learning what you are bringing that is new to the Government. What are you bringing that is new that will help to develop the country?

Mr. Temporary Deputy Speaker, Sir, I know that Kenya copied the CDF from Zambia and perfected it that everybody now comes to emulate Kenya in what she is doing with the CDF. That is why I am not for the persons who say that the CDF is a thing of history because it is not in the Constitution. If you look at the current CDF, it is not also in the Constitution, but by subsidiary legislation, we can provide for it because people from northern Kenya and places like Suba are the ones who know the effect and impact of the CDF to students who were studying under trees and who now have modern

classes. If, as a country, we can pick up something that another country has been doing and perfect it for the betterment of this country, that is the innovation that we are looking at this institute to provide. It is not that we have come with a new Constitution and all that we are doing is repackaging the old institutes. Even the Bible says that if you put new wine into an old wine skin, it will burst. So, we must put new wine into new wine skins.

I heard a Member talking about how impressive it is that our universities are expanding and giving opportunities to many young people. Even though this is a good thing, personally, I am concerned because if you look at what some of our universities and some of the colleges are providing, really, there must be some level of standardization. You cannot provide a kiosk and expect us to call that a university. There are certain standards that are accepted worldwide. That is why you find that when Kenyan students go outside the country with a degree, the degree itself is not accepted because our standards are falling. If you look at the students at KIM, I was an employer myself and I can tell you for a fact that when you see people who come to do interview before you, it is dismal. The standards of education in this country are falling and as a country, we must rescue that. It is good that universities are expanding, but there must be standards towards that expansion. Lecturers now are moonlighting. One lecturer is moonlighting in some college in Homa Bay, one in Meru, one in north eastern, one in middle eastern and God knows where else. With that kind of standard, they are too tired to even research.

When I went back to school in New York some time ago, I was used to Kenya where we cite authorities which are ten years old. In the United States, for instance, now we are in the month of October/November, you cannot cite the authorities of summer, which is only a few months ago. You must cite authorities of the fall because they are always constantly learning new things. As a country, we must learn that the world is moving fast and it is flat with new technology. Our students must also learn to move with that speed.

Finally, I want to go back to the issue that hon. Khalwale and other Members have spoken about. We are hoping that this institute will teach about leadership and ethics. The greatest tragedy that this country has is that we speak a lot and act very little. When we come here as leaders, we speak very nicely, but in our privacy, we talk about corruption like it is taking a bottle of water. Perhaps, if I walk out of here with hon. Laboso, the next thing I will be telling her is that I went to the Post Office and I was having it difficult and then I bribed this guy with Kshs1,000. I hear that all the time. So, why are we preaching here to the public about things which we are not doing? If we want change, it must start with us. Let us not start preaching to the public before we, the leaders, change our attitude. Corruption will never end unless politicians change at a very personal level. The things that we think are innocent corruption or innocent *chai* are not. Today, somebody came and told me that so and so said that he had done a good job and I should give him *chai*. I said I will not. If you do for me some good work and I think I want to appreciate, it has to come from me. It cannot come from you. When it comes from you, then it is a bribe. It is not appreciating.

Mr. Temporary Deputy Speaker, Sir, let us go to our African culture that taught us to let other people thank us, and not to ask other people to thank us. What culture is this where somebody has done me a good turn and I am the one who asks them to notice what

I have done? If they have not noticed, then they are bad characters; forget about them. Let us change this country. By the time we will be teaching people ethics at the Kenya School of Government, it will be too late.

I would like to ask the Minister for Public Service to talk to his counterpart in the Ministry of Education. These are things that we must start at the early childhood education level; at the time we are training Government officials about ethics, it is very difficult to teach an old dog new tricks. If the only way the dog knows for getting water is to wag its tail, then it will only do so. So, let us not get the dog wagging its tail, which it has been doing all its life, and then tell it that it can now bark and get water. If it wags its tail all the time, then it will do so to get water. So, now let us teach the dog to bark from its childhood.

With those few remarks, I support.

The Minister of State for Development of Northern Kenya and other Arid Lands (Mr. I.E. Mohamed): Mr. Temporary Deputy Speaker, Sir, thank you. Like my colleagues, I would like to thank the Minister for brining this Bill. I think with the new Constitution, it is timely. The Government is unique and it requires unique skills to run it. This institution will allow our best and brightest to go to Government. This is an institution that will promote merit, as my colleagues said. Therefore, I fully support the creation of the Kenya School of Government. I think it is long overdue; I think it is coming at the right time when we have a section in the Constitution allowing people to use their talent to the best of their ability. Therefore, this is a very timely Bill.

Mr. Temporary Deputy Speaker, Sir, the speaker before me talked about corruption, and I would really like to say that there should be a very good training on corruption in this proposed Kenya School of Government. This is because I have seen corruption happening in this House in a very general way, and I am really thinking about its effects. Corruption must be given definition and its boundaries. When you want to fight it, you must give it a face and it must be fought from a moral background. You cannot have people using it as ping pong, where everybody just whispers about it without any clear method of fighting it. You cannot use unethical methods to accuse people of corruption, and expect to finish corruption. You cannot be unjust and finish corruption. I agree with the previous speaker that it has to be part of the training. You cannot have adults doing all the wrong things, and then expect that when they are already old and working, they will know that this is actually wrong.

So, I think that this will be one of the subjects that will be taught at this place, and it should be defined and have boundaries. In this country, for example, and even in the Government, we have no way of communicating about corruption. When it happens we ask ourselves: What are the next steps to be taken? I have seen people come here and ask people to step aside. When should a Minister, Permanent Secretary or a Director step aside? In other countries, they have policies about it. We must produce policies that say what is called corruption and show how to deal with it. Where we are now, it is not clear. At the moment, it has become a tool for fighting each other; therefore, the real corruption is not being fought. Inefficiencies are really killing our system; I am really happy that we are going to form this Kenya School of Government.

With those few remarks, I fully support the Bill. Thank you, Mr. Temporary Deputy Speaker, Sir.

Mr. Koech: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to also support this Bill. I also want to sincerely thank the Minister for bringing it before this House.

Mr. Temporary Deputy Speaker, Sir, we are in a very dynamic society. What goes on in our schools is book learning or book knowledge. Without practice, it is very difficult for one to confirm that he has actually gone through education and got fully trained to ensure effectiveness in our places of work. I want to thank the Kenyan Government for having initiated programmes that our Kenyan civil servants are able to go through as a way of building their capacity. I am also aware that the Kenya Government has been in the forefront in helping Southern Sudan to put in place structures and build their capacity so that they can perform better.

Mr. Temporary Deputy Speaker, Sir, the best way to learn is through practical skills in particular jobs. Work experience is part of learning. One learns more after finding himself in a position to serve. Many a times, as a nation, we have admired what goes on in the private sector. At some point, the Government felt that by attracting what we referred to as the “dream team” from the private sector, we were going to change this nation. The truth of the matter is that we need to learn from the private sector. But the real performers in the private sector are normally supported by those private institutions to go for further studies, to learn more about the best practices all over. That is why they are able to perform better. The best way for us, therefore, is to learn and copy from them and try to ensure that our civil servants are able to undergo refresher courses as many times as possible. I hope that the Minister will ensure that the Kenya School of Government will have the capacity to train as many Kenyans as possible, so that we can improve our performance.

Mr. Temporary Deputy Speaker, Sir, I want again to indicate that the private sector injects a lot into research and innovation. They do not just wake up one morning and initiate a programme that, after one year, you discover that it was a failure. Normally, they are very careful in starting any programme. That institution should ensure that the research department is empowered to ensure that there is enough research on any new programme. That will ensure that we start programmes that are going to succeed. Lately, we have seen the innovations in the Information and Communications Technology (ICT). As I speak today, we still have many Government officers who are yet to learn even to use simple computers. That, definitely, will not take us forward as a nation. We need officers who are up to date in everything that they do.

Mr. Temporary Deputy Speaker, Sir, one of the areas that my colleagues have touched on is corruption. That is something that we need to change or reverse as a nation. It is through leadership training that we can make sure that our leaders, regardless of whatever level they are at, are able to observe ethics and morals. That way, others will learn from them. It is unfortunate that some of the leaders that we have, in one way or another, end up encouraging corruption amongst the juniors. So, we need to ensure that we have programmes in this nation.

Mr. Temporary Deputy Speaker, Sir, a lot can be learned from the Constituencies Development Fund (CDF) programmes and structures. If we can ensure that the programmes that we put in place are those that will ensure openness and transparency, we can reduce corruption within a very short time. We have learned from the Economic Stimulus Programmes that we have today. For the first time in this Republic, we have

been able to see some of the Government programmes and projects coming up; reason being that the public was informed. You could be informed: “This school has been given Kshs30 million.” I was in Western Province and I saw how the public was welcoming such programmes. The key component behind the success of those programmes is that the public is aware of how much has been allocated to the projects. If we encourage transparency in all our structures and systems, we should be able to kill corruption as a nation.

Mr. Temporary Deputy Speaker, Sir, again, we have seen so many mushrooming of colleges and people taking advantage of the fact that, in this nation, we encourage people to go to school and get certificates. We value certificates. In this nation, you will find people who really want promotion going from one small college to another. For purposes of validity and standardization, this Bill will ensure that there is accreditation of every college. It should ensure that whatever certificate we pronounce should belong to that standard.

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

ADJOURNMENT

The Temporary Deputy Speaker (Prof. Kaloki): Order, Members! It is now time to interrupt the business of the House. The House is, therefore, adjourned until tomorrow Thursday 27th October, 2011, at 2.30 p.m.

The House rose at 6.30 p.m.