

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 30th November, 2016

The House met at 9.30 a.m.

*[The Deputy Speaker
(Hon. (Dr.) Laboso) in the Chair]*

PRAYERS

QUORUM

Hon. Deputy Speaker: Let us have the Quorum Bell rung.

(The Quorum Bell was rung)

Hon. Deputy Speaker: Hon. Members, you may settle down. We are now properly constituted. We can start now.

PETITIONS

Hon. Deputy Speaker: We are supposed to get a brief on two petitions from the Departmental Committee on Lands.

Hon. Mwiru: Thank you, Hon. Deputy Speaker. I beg to lay the following Papers in terms of Petitions on the Table of the House:

The Report of the Departmental Committee on Lands on its consideration of the settlement of Ntirimiti Subuiga squatters on Land Parcel Nos.2806/3 Subuiga Bosnia and 2822/3 Ntirimiti Settlement Scheme.

A Petition on land grabbing and illegal evictions in Isiolo County by Okoa Jahazi people.

Hon. Speaker: Have you given both of them?

Hon. Mwiru: Yes, Hon. Deputy Speaker.

Hon. Deputy Speaker: Let us move on to the next Order.

PAPERS LAID

Hon. Deputy Speaker: Hon. Mwiru, are those the two Papers that you have just laid?

Hon. Mwiru: Yes, because they were in form of petitions. Therefore, I do not need to give any Notice of Motion. They are petitions.

Hon. Deputy Speaker: So, you have petitions and Papers? We are expecting a report on a Petition on the settlement of Ntirimiti squatters.

Hon. Mwiru: Indeed, I have laid the Papers in the form of petitions.

Hon. Deputy Speaker: Thank you.
Next Order!

POINT OF ORDER

STATUS OF REPORT ON GMO

Hon. (Dr.) Ottichilo: Thank you, Hon. Deputy Speaker. I rise on a point of order. I wish to know from the Departmental Committee on Agriculture, Livestock and Cooperatives whether they have completed their Report. This is because that Committee was supposed to submit a Report on the Genetically Modified Organisms (GMOs) this morning. The Members of that Committee assured you that they would do so without fail, but I am not seeing that Report being tabled. I want to know the position of the GMO Report by the Departmental Committee on Agriculture, Livestock and Cooperatives.

If they fail to table the Report now, then I think I have a right that you allow me to continue with my Motion. Otherwise, this would be a delaying tactic, which is not allowed. If it continues, then I need redress from the Chair on what I should do next.

Hon. Deputy Speaker: You are absolutely right, Hon. Ottichilo. We cannot keep telling you to hold on. Is the Chairman or a Member of the Departmental Committee on Agriculture, Livestock and Cooperatives in the House? I hope you are not coming up with more stories, Hon. Maanzo.

Hon. Maanzo: Hon. Deputy Speaker, the Report was ready as of yesterday and most members of the Committee have signed it. It is supposed to be tabled today as you ordered. You ordered the Committee to table the Report on Wednesday. It will be tabled today most probably at 2.30 p.m.

Hon. Deputy Speaker: That is okay. Today is still Wednesday, Hon. Ottichilo. We had talked of Wednesday. So, should there be nothing by the end of Wednesday, you can proceed with your Motion on Thursday if it would have been put in the Order Paper.

Next Order!

BILLS

First Reading

THE LIVESTOCK AND LIVESTOCK PRODUCTS DEVELOPMENT AND MARKETING BILL

*(Order for First Reading read - Read the First Time and ordered
to be referred to the relevant Departmental Committee)*

THE REFUGEES BILL

Second Reading

(Hon. Oyugi on 23.11. 2016- Morning Sitting)

(Resumption of Debate interrupted on 23.11.2016)

Hon. Deputy Speaker: We have a balance of 36 minutes to complete this Bill. Hon. Aghostinho, I am sure you will be replying. So, allow the other Members to contribute.

I hope those Members had not contributed to this Bill. Yes, Hon. Michael Onyura.

Hon. Onyura: I had, Hon. Deputy Speaker.

Hon. Deputy Speaker: That is okay. Let us have Hon. Pukose.

Hon. (Dr.) Pukose: Thank you, Hon. Deputy Speaker for allowing me to contribute on the Refugees Bill.

This is a very important Bill. As you are aware, our country has been a host of refugees for a long time. That is right from when we had destabilisation in Uganda in the 1970s, refugees from Somalia in the 1980s and refugees from Sudan and other places.

Issues about refugees and how we handle them are key. As much as we do not call them refugees, we have had cases of Kenyans being displaced following post-election violence. We had Kenyans being displaced to a neighbouring country like Uganda. As we speak, I am aware of some Kenyans who are still holed up in some foreign countries. They are still camping in Uganda especially in a place called “Riwa” in Bukwo District. We are talking about more than 1,000 Kenyans who are Internally Displaced Persons (IDPs). The last time I spoke to them, we had advised them to seek support from the Kenya High Commission which has been very slow in responding to the plight of those Kenyans at Riwa Camp. I think there is a technical problem.

Hon. Deputy Speaker, these are Kenyans who deserve to come back and be resettled as IDPs. I do not know whether we will call them IDPs because they went beyond the border. In one way or another, they became refugees. The unfortunate thing is that the International Red Cross and refugee agencies had not registered them. It is also a question of people knowing their rights and understanding what is open for them so that they can address their plight. We hope the Government will respond, bring them back to the country and resettle them like other Kenyans so that they can engage in meaningful activities.

We also have challenges especially in Sudan because for many years, Kenyans have hosted refugees from that country. It is unfortunate that Kenyans who have gone to look for livelihoods in South Sudan have not got the same treatment from the Sudanese and Sudanese Government in terms of their safety and their access to opportunities. This is the case and yet the Sudanese who continue to live in our country and take their kids to schools within our country are being treated fairly.

So, we also want the Government of South Sudan to treat the Kenyans who are in South Sudan in a fair and humane way. Let them give opportunities to those Kenyans the same way we have accommodated the Sudanese within our country and allowed them to take their children to school and even do business.

With those few remarks, I think there is some problems with the microphone. I ask the technical people to look at it.

Hon. Deputy Speaker: Yes. You are right. We seem to be having some problems.

Yes, Hon. Abdikadir Ore.

Hon. A.O Ahmed: *Off-record.*

Hon. Deputy Speaker: We are not hearing you. Can you try to move the microphone closer to you? Is it not working?

(Hon. A.O. Ahmed gestured in the negative)

It is not. You may come and use the Dispatch Box. Is the microphone on the Dispatch Box working? Maybe you just need to use it. Just come to the Dispatch Box, because I do not think you will use that one.

(Hon. A.O. Ahmed moved to the Dispatch Box)

Hon. A.O. Ahmed: Thank you, Hon. Deputy Speaker. I rise to support this Bill.

I think the Bill has come at the right time after we have had many problems with refugees from other countries especially Somalia, Ethiopia and Sudan here in Kenya. This Bill clearly elaborates who a refugee is, the process of applying to be a refugee, their rights, the appeals and in case a person's refugee status is revoked or cancelled, the process that should be followed. It also gives entitlements of refugees in Kenya. This has been a bone of contention for a long time. We have had issues with refugees. We remember the Kasarani concentration camp very well. They were being roughed up and repatriated back to Somalia.

So, this is a Bill that clearly puts refugees where they belong, how they should live with us in terms of education, in terms of land, their entitlements and how they can be supported.

I support the Bill and congratulate *Mhe. Neto* for bringing it up.

Hon. Deputy Speaker: Hon. Daniel Maanzo, you have the Floor.

Hon. Maanzo: Thank you, Hon. Deputy Speaker. I rise to support this very important Bill.

From the outset, I want to say that the Refugees Bill in Kenya is very important. This is timely. I want to congratulate Hon. Neto for doing so. This Bill also falls within the international law because refugees are handled all over the world. Once in a while, and from one region to another there has arisen a situation of war. People have moved from one country to another.

Right now, there are very many asylum seekers and refugees in Europe as a result of the Middle East crisis. They are trying to access various countries and different laws have to be applied. That is why we have to apply this sort of law.

The issue of refugees is old in history. It started long time ago. The Bible makes reference to refugees and so does the Quran. The Quran states that you should treat a foreigner fairly, and that the treatment accorded to a foreigner should be the same as that accorded to a widow or orphan. It was a serious offence to mistreat a foreigner. Indeed, that is the origin and the basis of refugee treatment.

Different laws were developed in various countries. We have the AU Charter and parts of it have been reproduced as annexures in the proposed Bill. So, it is good to have a system that is well-regulated so that refugees are handled in the right way and within the law. We have been handling refugees using international laws. International relationships are reciprocal and countries reciprocate based on how you treat them.

It is good to have our own law which conforms to international law and the African Union (AU) and the United Nations (UN) agreements. Clause 59 makes it an offence if a refugee disobeys the laws of the host country. Our own Constitution protects everybody, including refugees in the country. The moment a refugee is in Kenya, our laws apply and so the refugee's rights are protected by our Constitution. For that reason, I support this Bill.

I support this law and thank Hon. Neto. I believe once this law comes to force, we will repatriate the refugees in a humane manner. We are supposed to treat them right and God will bless our nation.

Hon. Deputy Speaker: Let us have Hon. Irungu Kang'ata.

Hon. Kang'ata: Hon. Deputy Speaker, I take this opportunity to support the Bill brought by the Member for Ndhiwa, Hon. Neto. I support refugee rights, but we need to debate as to whether the best protection to refugees is where you integrate them in society or you keep them in one location.

Kenya is a poor country, but we have been able to cater for refugees comparatively well. The way we have done it is incomparable to the way more advanced societies are doing it. I say that because I have been following news about the crisis of refugees in Europe on international channels. About 20,000 refugees entered Hungary and the political class and the public at large became jittery.

The refugee crisis has enabled right wing political parties to assume power. It is now projected that an ultra-nationalistic party in France will emerge as the most popular party this coming election. The same trend appears to have underlined the Brexit vote and this can also explain the rise of Donald Trump in the United States of America (USA). In Kenya, we have been hosting almost one million refugees for very many years, but seemingly that has not affected our society negatively. I say kudos to our Government.

I wish we could do the following. First, we may not be able to integrate refugees into our societies the way it is done in the west – they are not kept in one region rather they are integrated directly in the society.

In Kenya, we have Kakuma and Dadaab refugee camps. Those are more of concentration camps. However, that is based on our level of development. So, I still propose that we continue with that methodology pending economic opportunities where we may integrate refugees directly into our society.

Secondly, Kenya bears a disproportionate burden when it comes to refugee management. The refugee problem is not purely a problem of the host country. What about the international partners and the UN? I am aware of the International Organization of Migration (IOM) and the United Nations Refugees Agency (UNRA). I urge the drafter of this Bill to ask himself how we can provide for legal mechanisms for better engagement between Kenya and the international partners. I say so because the resources required for refugees to maintain a good life can be quiet high.

We should also look at this issue from the point of view of uplifting the living standards of Kenyans. I am aware that about 30,000 Kenyans are masquerading as refugees in Kakuma and Dadaab. It only means that those camps appear to be giving human beings a better livelihood as opposed to the one being provided by our society. Therefore, when you see that happening, it is a negative vote on the part of our societies. It shows that we may need to increase safety nets. We should provide free food for our children in schools. The feeding programmes need to be entrenched. It is not good when Kenyans migrate to these camps and masquerade as refugees. In fact, it shows that we are not giving our locals better life compared to the ones they get at the refugee camps.

There is this issue of the nexus between refugees and terrorism. I concede. I think it is unfair for us to condemn all refugees and say they are terrorists. There is a very small element amongst them in those camps that masquerades as refugees when the truth is that they are

terrorists. I urge the Government to come up with better mechanisms of identifying people who may engage in terrorist activities. I also urge that we provide in this Bill how long one can be considered a refugee. I am saying this because currently, being a refugee is a lifelong categorization. What if your country becomes more conducive like Rwanda? Burundi appears to be going back to chaos.

Hon. Deputy Speaker, I know of societies which were in conflict at some point, but have now stabilized. How do you treat that person who is still in your country? How do you define the end of hostility? When do you stop being a refugee so that you can go back to your home country? That is something that needs to be clarified in law. Our neighboring countries are quite fragile. One day they have peace and the next day they break up.

In my opinion, that is neither here nor there. I can cite the example of South Sudan, which prior to its independence was fragile. It was peaceful after the referendum but it has now reverted to chaos.

If you are a refugee from a country that is no longer at war, is it fair for you to still be deemed as a refugee? Can we not tell them that since their country is stable, they are no longer entitled to any support as refugees?

The definition of the word “refugee” ought to be determined in terms of the period of time within which one qualifies to enjoy such status so that at the lapse of that period one ceases to be deemed a refugee. That can be provided through an amendment to Clause 2 of this Bill.

Under Clause 2, the law defines such terms. The term “refugee” ought to be defined and a time limit put in place so that one does not remain a refugee for his entire life. Such provision will encourage refugees to make an effort to ensure that their country stabilises. The current situation gives them incentives to ensure that chaos continue in their countries so that they can continue to claim that they are still refugees in the new country they live in.

Hon. Deputy Speaker, there is the issue of children born out of the society that have gone into exile. For example, you came out of Somalia to Kenya, what about the children? One can argue that such children may be deemed to be Kenyan citizens. That is a dangerous preposition. It should be clearly denoted what happens when you go to a host country and you bring forth children. Should they be deemed to be children of the original state or the host state? It is crucial that we deal with that aspect. There is debate about the number of people in the North Eastern region. Does the number include refugees or children born in refugee camps? It should be clarified in this Bill that was moved by Hon. Neto.

With those few remarks, I support.

Hon. Deputy Speaker: Hon. Cyprian Iringo, you have the Floor.

Hon. Kubai Iringo: Hon. Deputy Speaker, I have already spoken on this Bill.

Hon. Deputy Speaker: Hon. Members, if you have already contributed to this Bill, please remove your cards. Let us have Hon. Justice Kemei.

Hon. Kemei: Thank you, Hon. Deputy Speaker for giving me the opportunity to add my voice to this important Bill.

At the outset, I want to say that nations must address issues that lead to people exiting their countries to become refugees. We should address human rights, governance and development issues so that people do not have to move to other countries where they feel they will be more secure and have opportunities.

Kenya has always been home to refugees from Uganda, Somalia and South Sudan. I want to ask Hon. Neto to look at the issue of time limit. A refugee should not be a permanent resident

of the host country. If a refugee has been in this country for 10 years, we should address the challenges that led to the person coming to this country. I want to ask the international community to be tolerant to refugees. We should understand the situations that have forced them to leave their countries. The international conventions that protect refugees should be respected by all nations.

Thank you, Hon. Deputy Speaker.

Hon. Deputy Speaker: I will give the last chance to Hon. (Dr.) Nyikal. We have Members who still want to speak to this Bill but we have only 36 minutes. I will give the last 10 minutes to the Mover. If he is magnanimous, he can share his time with a few of you. The Members who still want to speak to this Bill include Hon. Dawood, Hon. Tong'i, Hon. David Wafula, Hon. (Ms.) Amollo and Hon. (Ms.) Murugi.

Hon. (Dr.) Nyikal: Thank you, Hon. Deputy Speaker for giving me the opportunity to contribute to this Bill. This is an international issue. Across the world, people are moving out of their countries because of insecurity and economic situations. If you look at the situation in Syria and the effect in Europe, and what we have gone through because of problems in our neighbouring countries, you will realise that this is an issue which must be addressed. It is sad that thousands of Africans have died in the Mediterranean Sea trying to cross over to Europe. The issue of refugees is not just a matter of where the will is but it is an economic issue. How do we take care of them in terms of human rights and provision of services?

In some circumstances, it becomes a burden on the host countries. Kenya has experience in hosting refugees. You even find situations where there is competition for services between refugees and citizens. It is definitely a security problem.

As a country, we have had to move people in order to take care of our own security. It is definitely a health problem. I have had experiences where diseases that we had almost eliminated in this country – in terms of the international law on elimination of certain diseases – re-emerged. Kenya started suffering from polio and measles again. We have had outbreaks that could clearly be linked to the influx of refugees.

The issue of refugees has brought in a new aspect to globalisation. We have seen the outcome of the Brexit Referendum in the United Kingdom, and the outcome of the recently held elections in the USA. In both cases, the world was shocked but the results were responses of the people in those countries to the issue of immigration. These happenings have put in question the issue of globalisation. We should have a Bill that streamlines how refugees are handled. This Bill seeks to provide for legal recognition and protections of refugees within our country, in line with the international conventions that we are signatory to.

Part II of the Bill establishes structures. We have the Repatriation and Settlement Commission, the Secretariat for Refugees and the Refugees Status Appeal Board.

This Bill provides for processes of applying for---

Hon. Deputy Speaker: Hon. (Dr.) Nyikal, your time is up!

Hon. (Dr.) Nyikal: Hon. Deputy Speaker, I also like the eligibility structure that is being put in place. We must look at the refugees' background and what they bring to our country.

With those remarks, I support.

Hon. Deputy Speaker: Let us now have Hon. Neto.

Hon. Oyugi: Thank you, Hon. Deputy Speaker. I thank my colleagues for showing overwhelming support for this Bill. With my 10 minutes, I would like to donate the first two

minutes to Hon. Esther Murugi, the next two minutes to Hon. Rachel Ameso and one minute each to Hon. David Wafula, Hon. Richard Tong'i and Hon. Abdul Dawood.

I think I will have a balance of three minutes to reply. Thank you.

Hon. Deputy Speaker: That is okay. Let us have Hon. Esther Murugi.

Hon. (Ms.) Mathenge: Thank you, Hon. Deputy Speaker. I thank *Mheshimiwa* for bringing this Bill because he is aligning everything to the protocols we have signed. What I like most is that he has defined who a refugee is. One thing I would like him to look at when it goes to the Committee of the whole House is that as we look at the issue of refugees, we should not ignore the issue of the host community. I say this in connection with the community in Daadab and in the evil areas, where refugees were seen to be better off than the host community. So, you must look into the host community as you are looking into the issue of refugees.

Again, I also want to say that we are going through very turbulent times in the world. Therefore, this Bill has come at the right time. I feel that we must support it and look at it from a humane angle. Therefore, I support and commend Hon. Neto for bringing the Bill. I do not have much more to say.

Hon. Deputy Speaker: The next person is Hon. Rachel.

Hon. (Ms.) Amolo: Thank you, Hon. Deputy Speaker. I thank Hon. Neto for bringing this very important Bill. It will be very important when it comes to screening of the refugees as they come in, and more so the issue of the right to education for every child who is a refugee in this country. When this child grows up, one day, maybe, the people that he will be relying on may not be there. So, they need education while they are in this country.

The protection of women and the disabled is also very important. We should put structures in place to take care of the women and children who are in the refugee camps so that in future they can also contribute to the development of our nation, Kenya.

The other thing is the integration of refugees into the communities. This will be very important because they will also be contributing when it comes to developing that area where they are integrated.

The other issue is that of the reception officer. This is very important because the reception officer will also help these refugees with information and help them understand what it means to become a refugee in Kenya. If we put these structures in place, we shall have the register where we will know the number of refugees we have. This will help when it comes to budgeting in the Republic of Kenya.

With those few remarks, I support this Bill because it will be very crucial to us. I thank Hon. Neto for bringing this Bill to this House.

Hon. Deputy Speaker: Hon. Neto, you are almost running the risk of having no minutes for yourself. Where were your one minute donations going to?

Hon. Oyugi: Hon. Tong'i and Hon. Dawood, Hon. Deputy Speaker.

Hon. Deputy Speaker: Let us have Hon. Tong'i.

Hon. Tong'i: Thank you, Hon. Deputy Speaker. I thank Hon. Neto for thinking about the rights of the people who are hurting and who are at their weakest point. As we appreciate the refugees and the support they need, I would like to include the IDPs in Kenya. This is because they are in the same status as refugees, and as a country, we need to treat our people well. We need to give them a better deal even as we want to give outsiders a better deal because you can only give what you have. We have IDPs in Kenya who are displaced from their places.

In Kisii, we have very many IDPs. We have not gone out of our way, as a country, to support them and ensure that they are settled. It will be fair that we start from home. This is because even as we think of taking care of the refugees who come from other countries, charity begins at home. These refugees are going to live in our midst and if there are people who are not happy and think they have not been treated well, they cannot give the same love to these people who are going to come from other countries.

I support.

Hon. Deputy Speaker: Your minute is gone. Next is Hon. Dawood.

Hon. Dawood: Thank you, Hon. Deputy Speaker. I wish to thank Hon. Neto for bringing this Bill to the House. At the outset, we are fulfilling our international obligations but I believe that the children who are born in refugee camps need to be given a right of stay in the country because when they are born and bred in this country, there is no way they can go back to the countries where their parents came from. While we are fulfilling our international obligations, I wish that our international partners would do much more for the refugees because we do not need to “make” refugees. We need to see how we can protect those countries and make them stable so that we can reduce the refugees who come to this country. I believe we need to give them equal treatment. We need to house them and treat them in a humane manner.

I support the Bill.

Hon. Deputy Speaker: That is your minute. Lastly, let us have Hon. Wafula and then the Mover will only have a minute.

Hon. Wekesa: Asante sana, Mhe. Aghostinho Neto. Mhe. Naibu Spika, suala la wakimbizi lazima tulishughulikie kwa makini sana, hasa tukizingatia kwamba kuna Wakenya ambao walijiandikisha kama wakimbizi kwa madhumuni ya kutaka kupokea misaada ya wakimbizi. Nina wasiwasi kwamba Wakenya huenda wakashindwa kuthibitisha kwamba wao ni Wakenya na kutakuwa na shida.

Kuna Wasomali wanaotoka Somalia ambao wamezaliwa Kenya wakiwa katika kambi za wakimbizi. Huenda ikawa, kwa kuwa wamekuwa Kenya kwa muda mrefu, wametumia mbinu nyingine za kupokea stakabadhi za kuthibitisha kuwa ni Wakenya, na watatumia nafasi hiyo kupata uraia wa Kenya.

Ninaunga mkono Mswaada huu.

Hon. Deputy Speaker: Your time is up! Hon. Aghostinho, you have the Floor.

Hon. Oyugi: Thank you, Hon. Deputy Speaker. First, I would like to apologise immensely to Hon. Shinali, the Member for Ikolomani and a Member of the Caucus. I am not able to donate any time. Hon. Leshoomo, I apologise. I wish I could donate some time to you but I look forward to you participating in the Third Reading of this particular Bill.

I thank my colleagues for supporting this Bill. I am happy with the comments that I have received and some of them are going to be used to improve the Bill. I assure my colleagues that this is a progressive Bill that caters for Kenya’s internal security as well as host community interests. It also responds to international obligations with regard to refugee issues.

The second thing I would like to say is that Kenya is a classic example of refugee protection and I really think the international community should learn from this country on what refugee protection is about. I really think that one of the things that Kenya ought to do is to add refugee as a pillar of its foreign policy because we really stood up strong and we are moving the best way forward.

I think some of my colleagues want to appreciate that refugees are not only those from Somalia. There are other nationals. There are Burundians and South Sudanese who are refugees. Whereas there could be issues with Somalia refugees, we need to look at the refugee community in a holistic manner.

The other thing is that I would like to have an inclusion of the returnees in this Bill so that their issues are taken into consideration. I look forward to the improvement of this Bill in the Third Reading but I would like to thank my colleagues immensely. I look forward to a vote this afternoon so that we proceed with this Bill in the Third Reading.

Hon. Deputy Speaker, I thank you. I also thank all my colleagues. I look forward to the Third Reading of this Bill.

Hon. Deputy Speaker: Hon. Members, we are not in a position to put the Question. We will do it at the appropriate time.

(Putting of the Question deferred)

Let us move on to the next Order.

MOTION

RECRUITMENT OF SCHOOL BURSARS

Hon. Mukwe: Thank you, Hon. Deputy Speaker for giving me this opportunity. I beg to move the following Motion:

THAT, aware that Free Primary Education is an important milestone to economic and social development in the country; further aware that since the introduction of Free Primary Education (FPE) in 2002, the Government has spent huge amount of money on the programme; noting that the recent Report by the Ministry of Education submitted to the Ethics and Anti-Corruption Commission (EACC) indicated that the Government could be losing millions of capitation funds in public schools through inflated enrolment figures, fraudulent deals that include irregular allocation of funds, procurement of goods and questionable expenditure by headteachers; concerned that the spirit of FPE was to provide a chance to every student in the country to acquire free education, giving effect to Article 43(1)(f) of the Constitution; noting that most headteachers do not possess requisite financial management skills to proficiently handle FPE funds; this House urges that the Government, through County Education Boards to recruit School Bursars to ensure prudent utilization/management of FPE funds disbursed to various schools in the country.

We all recall that from January 2003, primary education in Kenya was made free. All that was required was for a child, regardless of age, culture, religion, race or ethnic background to walk to a school next to where he or she lives in school uniform and start learning. The Report by the EACC indicates that teachers are not giving true figures on enrolment in schools. In so doing, funds meant for FPE are being misappropriated or embezzled.

As a representative of Kabuchai Constituency, I want to take this opportunity to salute and appreciate the Government's effort towards the implementation of this policy. As a result,

other international organisations came in and supported this initiative in Kenya. The Government has continually increased its budgetary allocation to education each year as well as the introduction of Constituencies Development Fund (CDF) Bursary Fund.

To date, the Government has released billions of money in order to sustain the FPE programme. Initially, each child was getting Kshs120 per year. As at 2014, the Government increased FPE funds to Kshs1,420 for each child. That money was to be allocated to ten million children in about 23,000 public primary schools. As a result, it costs the Government of Kenya Kshs14 billion each year to finance the FPE.

It is noted that the education sector in general continues to get a lion's share of the country's national budget every year. We have FPE funds and sometimes we, as elected Members of Parliament, really suffer because every time head teachers come to our offices asking for funding for collapsed toilets or roofs of classrooms when they have been blown off. It is very sad that sometimes when they are asked how they spend their money, they cannot explain.

A school that has enrolled about 1,000 students multiplied by Kshs1,420 gets a lot of money. These schools also receive NG-CDF money. So, if head teachers manage the FPE and CDF money to run schools and also manage children, they are overburdened. The best way is to recruit or employ bursars to run school funds.

This Motion is very important as it seeks to safeguard the public from losing money that has been set aside for a worthy cause. It is saddening to learn from a report by EACC titled *Examination Report into the Disbursement and Utilisation of Free Primary Education Fund* that some primary school head teachers and teachers are condoning malpractices and embezzlement of these funds. Some of them issue wrong enrolment figures, flawed procurement procedures, bribe and hide crucial audit documents to conceal evidence.

In some cases, schools receive fewer funds than expected based on the numbers of pupils enrolled. It is clear for everyone to see that in the education sector of our country, we do not have a challenge of resources to be spent. Kenya is the seventh highest funder of education in the world, more than any other country in Sub-Saharan Africa.

The major challenge is how to manage these resources. It will be prudent for county boards to employ bursars to manage the FPE and NG-CDF money. Unless urgent measures are taken to reform the management of FPE and learning in public primary schools, literacy levels in the country will continue to decline even as taxpayers continue to be burdened by FPE in primary schools.

As an intervention, I propose that the Government, through the County Education Boards, recruit well trained school bursars like in secondary schools to be responsible for the financial administration of the FPE funds within schools. These bursars must possess the technical, human and conceptual skills in order to be good financial planners. They should, therefore, be well equipped with relevant knowledge and skills to perform their duties effectively.

In the EACC report, there are several other findings and good recommendations. This Motion notes that given their training and other managerial roles, head teachers are overburdened and not well placed to spearhead the recommendations. Therefore, bursars will be in the forefront of implementing the EACC recommendations and provide a more professional framework for management of all school revenues after undergoing thorough training in relevant

bodies and the Ministry of Education, Science and Technology on the administration of the funds.

Sometimes when you have national events like music festivals, teachers are overburdened because of the distance they travel, for instance, from Western to Mombasa. Teachers are then forced to do virement which is not done procedurally. What they normally do is take money from one account and spend it on a different vote head. By so doing, the EACC found out that that is embezzlement or misappropriation of funds, and as such, FPE is not being run as it is expected by the taxpayers.

Hon. Deputy Speaker, we also have repair and maintenance. We learnt with a lot of concern that if toilets cave in or collapse, FPE money is meant for their repair and maintenance. Unfortunately, the head teachers come to us and ask for money from the NG-CDF for such repairs. We wonder where the money for repair and maintenance goes. We need to get professionals to handle the FPE money and the revenues that are allocated to primary schools like in secondary schools. By so doing, this worthy cause will be realised in this country. The Government must, at least, do something so that this money is managed properly.

As I sum up, I want to call upon my good neighbour, Hon. Wanyonyi to second.

Hon. Deputy Speaker: Hon. Wanyonyi, you have the Floor.

Hon. F.K. Wanyonyi: Hon. Deputy Speaker, thank you for giving me this opportunity. I want to second this Motion. Given what my colleague has outlined as deficiency in the running of the FPE funds, there is a lot of concern, particularly on the leadership. I am sure each one of us who runs NG-CDF is experiencing the same pains that my brother has just mentioned.

Education is a social parameter through which you can see the achievement made in a society. It is not something new. Universal primary education is traced back when some of us in this House were not born, almost 1948, when it was declared by the United Nations a basic right for everybody to get educated. I just want to outline the importance of the FPE that in 1948, the UN declared that education is a basic right for each child.

Again, I am made to understand that in 1962, the UN General Assembly acknowledged literacy as the main obstacle in most countries for socio-economic growth of any country in the Third World. Kenya is one of them.

Therefore, it is very important that education in one's life is taken seriously. We all remember that the NARC Government in 2003 declared that every child is free to go to school. As outlined by my colleague, that meant that regardless of the age, anybody can get education. We have seen even people as old as 80 years going to school and I think one of them was the oldest pupil in the world. You just go to any primary school regardless of ethnic background or tribe, as long as you put on the uniform, you start learning. That is an achievement of the NARC Government. Therefore, education was made free for everybody.

Thirdly, I am also aware that because of the importance of this particular sector, many world organisations have brought aid to our country. For example, I am made to understand that the World Bank, has put in as much as Kshs3.7 billion into the education sector. The International Development Agency of the British Government also put in Kshs1.6 billion in the education sector. The Organisation of the Petroleum Exporting Countries (OPEC) gave Kshs1.2 billion and UNESCO has put in Kshs250 million in the same sector.

This was meant to assist in the purchase of text books for primary schools and maintain school facilities as mentioned. Part of the money was meant to buy instructional materials and assist in cases where schools had to pay teachers' salaries.

Therefore, the Government of Kenya has spent so much money in this sector, particularly in primary schools. In my constituency, through the NG-CDF, we give so much money to primary schools. As mentioned by the Mover of the Motion, in 2003, each child was to get about Kshs1,020 per year, which was increased to about Kshs1,420 per child. Today, that is what a child is entitled to. That is the money going to primary schools. Therefore, the Government spends a lot of money in this sector, but it goes to waste. Look at these figures: In the 2015/2016 Financial Year, we spent Kshs335 billion on education, which is more than what we spent the previous year.

Therefore, this Motion is meant to see how we can suffocate this wastage in primary schools. As mentioned, we have cases where heads of schools have misappropriated funds. I have nothing personal against any primary school head teacher, but this is on record. Some of them are doing a very good and commendable job, but you go to a primary school and as mentioned in the anti-corruption report that my brother was reading, they flout procurement procedures in schools. That is common knowledge. If you go to a primary school and ask to see how they have done their procurement, you will find that there is nothing. It is fraud. It is not the right way to do things. Others hide crucial documents and that is why the anti-corruption agency comes in. They hide crucial documents, so that one cannot see what has happened.

I know of a case that I do not want to mention in this House where a head teacher went for an overseas trip using the school's funds. Look at that. That money should have been spent on the FPE. Some of them lend themselves money from the schools' accounts. I know of a case where a treasurer does not have a signature and so, he uses his thump. After the money is withdrawn from the account, the head teacher and his beautiful wife go for an overseas trip or to Mombasa for holiday. There are cases where some of the documents do not even exist. I know of a case where the school head claimed that a school project is complete when there was nothing on the ground. The project does not exist.

I do not know whether my colleague is listening. I know of a case which I do not want to mention because that is something you can prove later on, where money that was meant for a school went to another school's account. That is concealing information such that you cannot find that money. In that school, there was no money. What happens? If school "A" has given money to school "D" and then other transactions are done, it becomes difficult to trace that money. There are clever boys out there.

Hon. Deputy Speaker, schools are receiving funds and are expected to increase literacy levels in our country, but the funds are being misused. World bodies like the UNESCO, the British International Aid and the World Bank have given us money, but if we continue misusing it, we will not do well. We can have bursars in secondary schools, colleges and other institutions who can look after these funds. They must be trained. That again goes down to school boards, which are run by county governments.

Hon. Deputy Speaker: Your time is up, but I will add you a minute to conclude.

Hon. F.K. Wanyonyi: Hon. Deputy Speaker, since I have given that background, I take this opportunity to ask county governments to come up with ways of hiring bursars to run schools efficiently, so that the teachers are spared and can do other duties.

I second the Motion and hope this House will support it, so that we can pass it and help our schools and children for posterity.

(Several Hon. Members stood along the gangways)

Hon. Deputy Speaker: Members, can you be seated so that I can propose the Question?

(Question proposed)

Hon. Wanjiku Muhia.

Hon. (Ms.) Muhia: Thank you very much, Hon. Deputy Speaker. I support this Motion and congratulate the Member for coming up with this brilliant idea. Good management is the key to the success of any institution. We realise that this country has a lot of funds channeled to several institutions be it the Youth Enterprise Fund, the Women Enterprise Fund and Free Primary Education (FPE) Fund, but they are never managed properly. That is why this Member thought of bursars who can take charge of the funds channeled to schools. The head teachers will be able to concentrate on their key mandate which is basically to ensure good performance of our pupils in schools. Time and again, head teachers divert their attention because they need their institutions to have a new face or to run smoothly through the National Government Constituencies Development Fund, (NG-CDF), the Members of Parliament or the free primary education funds. For this reason, the performance of our pupils has been going down every year. This is a very good idea. If bursars are responsible for the finances, head teachers will have time to perform their key mandate and the Government can question them on performance if it goes down.

The FPE is a basic foundation of literacy levels in our country. The former President, Mwai Kibaki, came up with this great idea because he had realised that in our country, basic education was lacking. As much as it looked simple or cheap, several parents could not afford it. Since the FPE was launched, every child has gone to school. This month, we had a Bill in this House on nursery education where we debated how to make it a crime if a parent does not take a child to nursery school. Education is the foundation for every country. Poverty levels in this country have gone down, but could go down further if the funds that are channeled to our learning institutions are well managed.

Today, if you look at the Youth Enterprise Fund and the Women Enterprise Fund, funds are channeled, but rarely do you find tangible results. The management of these funds is not structured.

This is a good Motion. If the drafter could have another idea, because I was looking at it possibly being very expensive for every primary school to hire a bursar, we could have a situation where maybe in a division, we hire two or three bursars to manage the funds of the schools in the division. We must also put in mind that the wage bill in this country has been huge and we must be sensitive any time we want to increase it.

With those few remarks, I thank the Member and support the Motion.

Hon. Deputy Speaker: Hon. Ken Okoth.

Hon. Okoth: Thank you, Hon. Deputy Speaker. I thank the Member for bringing this Motion. It is an important Motion on the issue of making sure that every school has a competent bursar to manage its finances. We have FPE in this country on paper and we have had it for about 14 years. In my Kibra Constituency, unfortunately, parents do not know what FPE is. There is shortage of teachers in schools that were centres of excellence like Olympic Primary School. There has been overcrowding of students. The student teacher ratio has gone up from about 1 to 40 to about 1 to 90. The number of teachers needed in Olympic Primary School,

which is just an example, has not been doubled. Therefore, we are relying on volunteer teachers who have to be given a subsidy and stipend and it does not come out of thin air. It is parents who dip into their pockets to pay for it.

On the issue of text books, the Government, through the FPE, should provide adequate resources for learning in schools. The reality is that there are no text books in schools. Parents have to pay. The Kshs1,400 that comes in as capitation is too little to meet the needs that are required in a market of text book production in this country that is a cartel. The Government needs to think about how school funds are managed. I am mentioning it in the context of the FPE which is a theory and a promise. It is not a reality on the ground. Our parents are paying a lot of money for uniforms, text books and for the feeding programmes. They also pay money to buy fuel and other items to make sure the school feeding programmes are running.

We have to be honest and call the FPE by a different name like subsidised primary education and say what parents are paying and how much it is per year. If it is really free, the CS (CS) in charge must make sure it is happening that way and all Government officers at every level should make sure that the children have access to free and compulsory basic education.

While this Motion is good in the sense that it wants to have a bursar recruited in every school, there are some small schools that have 200 or 400 children. When you add one extra staff with an accounts qualification to do that job, it is minimal. This would not be a full time job and if you think about the funding that is being handled with a capitation of Kshs1,400 per child in a school of a 1000 children, it is a substantial amount of money of about a Kshs1 million. If you think about the cost of hiring a school accountant, per year, it might be 30 per cent of the money that you are hiring a bursar to manage. It is costly. So, you will be adding cost to the schools and I can assure you I do not see the commitment from the Ministry to hire these people per school. We need to engage as we push this Motion. There is a policy in which staff can be rationalised. While schools need accounting and bursar services from professionals, we need to make sure that they share these services, so that schools within one ward can have one or two bursars who can go to one school and handle the financial matters one or two days a week and rotate around the other schools. Otherwise, we will end up with a redundancy of people who are not fully engaged and do not have enough work yet they have to be paid full salaries which our poor parents again will have to dig into their pockets.

We are going into 2017 and I mentioned at the beginning of my remarks that with the issue of the FPE, there is a big elephant in the room where the ruling class in this country both from CORD and Jubilee, in their manifestos, said that by January 2016, 10 months ago, children in this country were supposed to have free day secondary education, but that has not been realised. Parents are out there angry, disappointed and frustrated. This week or early next week, we expect to receive the KCPE results. Children are going to be running to the CDF offices asking their Members of Parliament, whether it is in Sotik, Kibra or Kakamega, for bursaries to go to Government schools in January. As a leadership class, starting from this Parliament, we need to ask the CS for the National Treasury, Mr. Rotich, and the CS, Mr. Matiang'i, to implement the free day secondary education by January 2017. It is already too late, but we need to make sure that our children can go to school. Free day secondary education is something that we really need to deliver. I promise you political rewards under the Jubilee Government, the presidency of Uhuru Kenyatta and the Jubilee majority in this House with control and oversight of the CSs. If we realise the dream of free day secondary education, those will be votes in the bag of Jubilee in a big way. You might not even need to campaign, but if we fail and the

Government fails to implement this, then we are trifling around the edges with adding bursars. They are nice, but they are not important. What is important and critical is that every child has a constitutional right under this 11th Parliament. The Government of Kenya in these five years has made sure that we have implemented that policy and our children are not stopped from joining Form One because their parents are poor.

Every child has a right to go to school. We are talking here about education and the management of education funding. It has to start from the top. We are looking at the Budget Policy Statement (BPS). Yesterday, the Departmental Committee on Education, Research and Technology got a very good briefing from the Parliamentary Budget Office and our fiscal analysts on what has been proposed for next year. Enough money has not been proposed to make sure that there will be free day secondary education. This country puts priorities on things like the SGR, the Eurobond and many things, but we are doing a great disservice if we do not put people first. The people first will change this country. We can escape from issues of poverty, radicalisation, crime and prostitution. The young children need a chance to be treated like equal Kenyans through education. Education is the greatest equaliser. I am feeling very frustrated and disappointed that up to this point, we have not taken a sense of urgency to make sure that, together, CORD and Jubilee Members of this House, can push for the Budget for next year to have the money for free day secondary education that all our children can go to school. This is something we can afford to sacrifice and cut money from other areas of the Budget where there is wasteful spending. These are Ministries whose reports and allocations are superfluous and very high, for example, the Ministry of Health which just had a huge scandal of over Kshs5 billion that was not properly explained. There are questions on the Ministry of Transport and Infrastructure. There is the Ministry of Foreign Affairs and we wonder how they spend some of their money.

We should go back to Kenyans and tell them “we are here to serve you, the Government belongs to you, you are the sovereigns and the priority is your wellbeing and the future of our children through a quality education”. Let us put in the policy of free day secondary education and make it happen. Secondly, let us follow the gazetted guidelines of the cost of boarding secondary schools. The Government owns those schools, but they are charging high prices that to many average Kenyans in places like Kibra, Kawangware and Korogocho are private school fees that are keeping children away from their right to education. This country will pay in the long term for it when we keep away the children of the poor from their right to education. It is a price we will pay when that generation comes around and does not have hope, it is frustrated and feels they are not Kenyan enough.

I support this Motion that we need proper financial management in our schools. We need to deploy creatively and strategically accounts managers who are called bursars to run the affairs of the schools and assist the head teachers in any of the money that they are handling. We also must, at the top, make sure that all children go to school as a right and the gazetted school fees for boarding secondary schools is very minimal and affordable to all Kenyans. For children who can walk to day schools, we should make sure that they can walk to those schools.

In Kibra Constituency, we have deployed the NG-CDF under my policy of Elima Kwanza or Education First, into building new secondary schools and increasing classroom capacity. The TSC has given us support. We have more teachers and head teachers assigned to our day secondary schools and now, children who cannot afford boarding schools have schools

that are affordable, accessible and of high quality by Government standard. They are not held to find for themselves cheap private schools that are not offering the quality that is required.

With those few remarks, I beg to support the Motion. I hope that it is something that the Government will listen to and find a policy to implement.

Thank you.

Hon. Deputy Speaker: John Nakara.

Hon. Nakara: Thank you, Hon. Deputy Speaker, for giving me this opportunity to contribute to this Motion. First of all, I want to congratulate the President for increasing the amount that we get for the FPE. This has helped many nomad students to stay in school especially in hardship areas like Turkana, Samburu and West Pokot.

For accountability of these funds, we need bursars in schools. Most of the head teachers are busy with other issues of the school. They are administrators, managers and accountants. They do everything in school. Because of that kind of environment, you realise that there is no accountability. The records are not there. If we have bursars in schools, the head teachers can keep records and perform other duties and the bursars will take care of the finances.

This will also create job opportunities for our young men and women who have finished school and are at home without doing anything. If we get a bursar in every school in this country, we will create a lot of jobs and we will realise the Jubilee dream of creating job opportunities for the youth.

Another issue is about the Arid and Semi Arid (ASAL) areas. Although this money has been increased, some schools in ASAL areas still have a lot of problems. If you consider a teacher going to town from the interior to collect money, they use motorbikes and use the same money to pay for their transport. I wish we could have a special kitty to help the teachers in the ASAL areas. We should increase the amount of money, so that they can meet other expenses that are not foreseen. For example, the price of items in Kitale, by the time the items reach Turkana, the price doubles because the businessmen include transport costs. They also include profits and you find that the budgets are affected in one way or another.

Hon. Deputy Speaker, it is my prayer that the Government of Kenya sees how to compensate such kinds of costs that are not intended to be incurred during the disbursement of the money. Items in Turkana, West Pokot and Samburu cannot cost the same with items in Kitale, Nairobi or Eldoret. So, it is our prayer that MOEST sees how they can increase this money for the areas that experience high influx of transportation and prices and have special schools.

Another thing that I want to mention here is the issue of special schools like schools for the deaf and the blind. We want that money to be increased because that group is very special. The kind of environment they are in cannot be the same as with that of other students. So, we appeal to MOEST to see how they can increase that amount of money. Some of these students need special diet. They are not like the normal students who can take *githeri* and other normal foods. So, we want MOEST to see how these special schools can be compensated by increasing their amount above the normal disbursement that other schools get.

Another issue that I want to highlight is the issue of support staff in schools. They are underpaid. It is our request to MOEST and those concerned to look into this issue. We may end up paying the bursars little money compared to the market rates. The support staff in schools like watchmen, cooks and office messengers are underpaid. Sometimes, they stay for three months

without getting their salaries yet they have families to feed. Some of them have rented houses. When there is delay in disbursement of funds, these people experience a lot of problems.

It is my prayer that the two issues, namely, the increment of the support staff salaries and timely disbursement of funds must be dealt with by MOEST.

Finally, there is the issue of registering new schools. Recently, many head teachers in our place went through a hard time. They were told that they cannot get the money for the FPE unless they register the school. Some schools are built in rural areas where 90 per cent of locals are pastoralists and pastoralists do not have money throughout the month. So, we are requesting the Government to include the money for registration to the FPE Fund to save the head teachers. The head teachers have to run up and down looking for money and even fundraising. Sometimes, District Education Officers (DEOs) threaten the head teachers by telling them that if they are not going to register the school within a certain period, they are not going to get the money. You will find the head teacher running up and down, using his or her money to register the school to be able to access the FPE funds. That way, we are tormenting our teachers. We make our teachers suffer because schools are not their property. Schools are not their houses. The school belongs to the community and the Government.

It is good if we could set aside some money from the FPE Fund to be used for registering our schools, so that we can save the teachers from running up and down looking like beggars to register schools.

Finally, I want to thank the Government for waiving examination fees. Many students in hardship areas had their certificates held by schools for failing to complete paying school fees. When the President declared that no student in this country, no matter their background, should leave school without getting their certificates, it was a relief in our areas. Now, students can collect their certificate and use it to look for jobs as they wait for their results.

With those few remarks, I support.

Hon. Deputy Speaker: Michael Onyura.

Hon. Onyura: Thank you, Hon. Deputy Speaker, for giving me this opportunity.

From the outset, I want to thank our brother, Hon. Lusweti, for bringing this Motion for discussion.

Apart from security and health, the other critical service that *wananchi* expect the Government to deliver is education. We know that schools get funds on a regular basis, starting with the FPE funds. I am aware schools get many other funds like contributions from parents. They also get funds from *Harambee* and we support them through the NG-CDF kitty. They are also being supported in one way or another by the county governments.

There are quite a bit of funds flowing into primary schools and the operating words here are proper management and prudent utilisation and management of these funds. That is very important. I have a feeling that, perhaps, there is a lot of wastage. There is a lot of corruption and outright raw theft of funds. I know there is no guarantee that the money will not be pilfered and it will be protected by employing bursars. In fact, many bursars have appeared in court for misappropriation and misusing of public funds, but it is a move in the right direction.

It is a move in the right direction in the sense that we are building capacity in primary schools for proper management and professional management of the funds they get. I also expect that MOEST will, from time to time, be reviewing the level of contribution to the free primary education. It cannot be Kshs1,200 or Kshs1,400 per child forever given the rate of inflation. I also look forward to the money that is remitted to schools to increase at frequent regular

intervals. So, there is a good case for ensuring that there is sound management and capacity in schools to manage all the funds that come from the various sources.

*[Hon. Deputy Speaker (Hon. (Dr.) Laboso)
left the Chair]*

*[The Temporary Deputy Speaker (Hon. (Ms.) Mbalu)
took the Chair]*

One of the things that give the impression that these funds are not properly used is that you hardly see anything going on in primary schools even some very basic requirements like digging and constructing pit latrines. You find that things deteriorate until public health officers threaten to close the schools yet the FPE funds are given to the schools.

*(Hon. (Ms.) Khamisi and Hon. (Ms.) Amolo
consulted loudly)*

Hon. Temporary Deputy Speaker, I am distracted.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): You are protected.

Hon. Onyura: They are distracting me with their sweet voices.

You hardly notice anything coming up and these funds are given to schools every year. Even some very simple and basic services like what I have said are not being done. That could be an indication that, perhaps, these funds are not being used properly.

There are many other challenges in our primary schools and not just the management of funds. The major challenge is shortage of teachers. As has been mentioned here, the idea of the FPE is compromised by the fact that parents are being called upon to contribute money to abet the shortage of teachers by employing some teachers through the boards. It is a challenge that the current CS for Education, Science and Technology needs to address with the energy and vigor that he is addressing other concerns in the education sector. I am happy with what he is doing in terms of stabilising and securing the integrity of exams. He should now turn his attention to other challenging areas such as the management of funds and shortage of teachers.

I would also like to point out another disturbing area. There appears to be a policy from the Ministry of Education, Science and Technology not to register new schools, both primary and secondary schools. If it was about stopping the emergence of new schools, perhaps, that would not be a bad idea. However, they have gone as far as closing down schools that were started by parents. I can cite two primary schools and four secondary schools which have been affected in my constituency. One of them is Madola Secondary School, which has classes up to Form Three and they were expecting to move to Form Four.

I hear the schools have received circulars cautioning them not to allow children in school next year. The school has over 600 children. The total number of students in the schools that are affected is about 2,000 students. I do not know where the Ministry expects them to go to. That would be a very unfair and short-sighted move because it will undermine the Government's policy of 100 per cent transition. Where will the children from our primary schools transit to if we are closing down some of the secondary schools that parents have started on their own initiative?

Parents have given out land and we have supported them through the NG-CDF in terms of building classrooms. That is an area that I wish to ask the Ministry of Education, Science and Technology to look into very carefully and not rush into taking that kind of short-sighted action.

With those comments, I support the Motion.

The Temporary Deputy Speaker (Hon. Mbalu): Thank you, well spoken. Let us have the Member for North Imenti, you are next on my list.

Hon. Dawood: Thank you, Hon. Temporary Deputy Speaker. From the outset, I support Hon. Lusweti's Motion regarding employment of bursars in schools. The way our schools are run at the moment leaves a lot to be desired. There are schools where emergency funds are required for the construction of pit latrines or repair of pit latrines which have sunk because of rains yet there is money in schools which, if used prudently, would do a lot.

Bursars need to be employed directly through the National Treasury. The CS, National Treasury, said that all Ministry departments should employ auditors. This is the direction we should take. Bursars should not be under the head teachers. If bursars were to be employed by the head teachers, it would definitely defeat the purpose of their very own existence. So, we need to determine how the bursars are to be paid and who is to pay them. Some of my colleagues have said that it is an extra expense because the wage bill will increase. We should look at the bigger picture. The wage bill will increase, but corruption that is going on in some schools will stop. Parents pay a lot of money to take their children to the Early Childhood Development Education (ECDE) classes, but if you talk to those who are in charge, you realise that they do not even account to the sponsors of the institutions. Therefore, you cannot tell how the money is used. It is my view that bursars should be paid from another source and be accountable to another authority. They should not be under the Teachers Service Commission (TSC) at all. If we do not do that, we will have problems. For example, if money was to get lost, we would not want the teachers' unions on our back telling us that we cannot sack people. So, this is the right way to go if the Government implements this proposal.

One of the speakers said that the Jubilee Government, in its manifesto, promised to provide free secondary education. In 2013, the Jubilee Government waived examination fees for all students. It has also promised that starting 2017, children under the ECDE in public primary schools or ECDE centres, even though they fall within the province of the county governments, will be exempt from payment of fees. That is a big plus for the Jubilee Government. I thank the Member from the CORD side who said that the President will not have to campaign. This is because we have done very well in the education sector. We also need to congratulate the CS for Education, Science and Technology because this year's exams have been conducted without any incident of exam leakage. We have been experiencing exam leakage for quite some time. It is only the Jubilee Government that has managed to conquer the menace of exam cheating.

Parliamentarians have a role to play. Indeed, we assist schools through the NG-CDF, but we now need to see to it that the court case against NG-CDF by the governors is completed. They need to see what we have done with the funds under the NG-CDF. They should withdraw the case, so that we can build more schools and make them better.

With those few remarks, I support the Motion. I also would like to request Hon. Lusweti to clarify who should pay the bursars, so that they can be accountable to all of us. That way, we will get value for money.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Members I have 14 requests. We are debating the issue of recruitment of school bursars to ensure prudent utilisation

and management of FPE funds. Our Standing Orders talk against repetition. So, please, avoid repetition. That will also ensure that other Members get time to contribute. It is all in your discretion.

Let us have Hon. Rose Nyamunga, the Member for Kisumu County.

Hon. (Ms.) Nyamunga: Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to contribute to this Motion. First, I support it because it is important.

In supporting this important Motion, I want to agree with my colleagues that Kenya is endowed with a lot of resources. These resources will benefit many people if they are used prudently. The FPE programme was a key achievement of the National Rainbow Coalition (NARC) Government. It was an uphill task when it was first launched. We were not sure it would succeed. It succeeded and many children now have access to education. It is important for us to recognise the good work that the Cabinet Secretary (CS) for Education, Science and Technology has done. The degree of cheating in national examinations in the country has been reduced tremendously. We must add value to our schools in a good way.

We all know that there is a big overhaul in the education system. The Government intends to do a thorough overhaul even in the curriculum. We must streamline everything. We must let teachers be. If we combine teaching with accountancy and management, we will lose it. We must allow the national Government to take charge of the management of the resources under the FPE Programme. Many students will access education if those resources are managed well. There are still demands on parents in terms of activity fees. If the money is properly managed and utilised, there will be no teacher asking for fee from any parent. We have children who are not going to school because of the charges in primary schools. If the money intended for the FPE is properly utilised, children will not be asked for extra money.

We used to have bursars in schools during our time. Where did they go? The bursars should be employed independently by the national Government. We might say that the wage bill is already high, but employing one extra person will help us save money that we are losing through the mismanagement of the FPE kitty. I support this Motion with the aim of ensuring prudent use of resources not only in our primary schools, but in all Government offices. We should get rid of the culture that people must loot where they serve because this culture is denying Kenyans the services they deserve. They can access those services if we manage our resources properly. Teachers should be allowed to manage schools. They should not be involved in the management of funds. They might be tempted to use the money for purposes that are not intended.

I support this Motion. We can hire a bursar to help us manage our resources in a proper manner.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Member for Kakamega County.

Hon. (Ms.) Amolo: Thank you, Hon. Temporary Deputy Speaker. I rise to support this Motion. I would also like to thank Hon. Lusweti for bringing it to the House to improve the management of the FPE funds. A lot of infrastructure is not in place because most of the schools were put up in early 1960s. Classrooms are in poor conditions. When it rains, pupils are exposed to a lot of risk. Since schools do not have funds for renovating classrooms, they are forced to look for money in other offices. They end up at the offices of the NG-CDF while in other instances, they organise for *Harambee*. This eats into their teaching time. Teachers should be supported fully if we must get quality education. We should have proper infrastructure in

schools, so that teachers can concentrate on giving quality education. This will improve the livelihoods of Kenyans because we will equip our children at the early stages.

It is very important to have bursars to manage our finances. Bursars will be creative. They will have Budgets for various activities in schools, including for the repair of classrooms. This will improve performances in our schools because teachers will concentrate on their core function, which is training and teaching our young people.

We should also look at the challenges that schools have faced since the implementation of the FPE Programme. We can then task the bursars to look for solutions to these challenges. I want to agree with Hon. Okoth that some schools do not have big populations. We should look for ways of countering such when we employ bursars. Some of them will be idle. We must have proper structures, so that in such situations, one bursar is allocated two or three schools to manage.

The Kshs1,420 capitation per student is very low. If we must improve the quality of education and give the bursars work, the Government must increase that amount to about Kshs2,000 per pupil because the cost of education has also gone up.

I think the issue of registration of schools has been put on a standstill for now, yet we have so many children who are joining these schools. Therefore, I urge the Government to look into that issue. More schools should be registered, so that we have enough schools that will take care of our children.

We now have ECDE centres in our counties. This is also another factor that we need to look at. I support the idea of recruiting bursars because they will be advising parents and teachers in good time on what is supposed to be done in the schools. Those who contributed early in the morning said that we need to provide education to refugees who are quite a number in this country. If our children do not have enough, it will be very difficult for us to give to outsiders proper and quality education. We need to look at all the aspects of this issue to see how we can improve our FPE and increase the enrolment of children in ECDE education.

I believe the bursars who will be recruited will have some important skills. They need to have negotiation and financial management skills because without these, it will be a waste of time and it will just continue to bring in the issue of corruption in our schools. We need proper records to be put in place, so that during audit, it will be easy for the schools to provide us with proper records and audited accounts for us to have that morale of supporting our schools.

When we conduct *Harambees* for particular schools, the bursar will be in charge of negotiation and financial management. He will explain to parents what exactly the *Harambee* money has done, where it has gone and the balance. This will not give our good teachers any headache when it comes to the infrastructure of the schools.

We all know that when a teacher does not have a staffroom, an administration block and classes are in a poor state, the performance of the school will go down. The teachers will be busy looking for funds to put up structures that are almost falling down. They do not know when the structures will fall down which can be on a school day or when the children are away from school. It becomes a big risk for the teachers. We know very well that the Kenya Certificate of Primary Education (KCPE) determines what our children will be in the future. This is a very important stage. We need to give children free and proper education. It should not only be free, but quality education. If there are no classrooms, where are we sending our children to?

We need to look into what the Kshs14 billion that has gone into the FPE has done since the programme was implemented. How can we improve it? Sometimes we just add money in our

budgets, yet we are not looking at the key aspect of what the money is doing. I support Hon. Lusweti and thank him for bringing this Motion. If this Motion is passed, I urge the bursars who will be recruited to come with clean records and support us, so that we can improve the performance of our children in primary education and fight corruption that has eaten into the economy of the Republic of Kenya.

With those few remarks, I thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Johana Kipyegon.

Hon. Kipyegon: Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to support this particular Motion. I believe and wish it should be headed to a Bill, so that it does not just end in the Clerk's Office or wherever they normally go, lie and gather dust.

I support this Motion. First, there is corruption in many schools and public institutions in our country and corruption has eaten the fabric of every part of our society. There is corruption everywhere. There is corruption in big and small offices. So, corruption is going down and down until one of these days, those who have houses will be forced to pay some tips for somebody to cook for them. Corruption has become a menace in this country. When you hear the level of corruption that is in the FPE Programme, sometimes you wonder why such a thing should happen. Sometimes people say "if they are eating, who are we not to eat also?" We are breeding a bad culture. This idea is good. Not only should we recruit bursars for primary schools, but we should go further to ensure that these bursars are given proper training, so that they can know how to manage, not only the FPE funds, but also other funds that go to the schools. We normally invest a lot of money in primary schools by building classrooms, toilets, libraries and administration blocks. So, we need to have prudent bursars who can ensure that there is proper accountability of the money that is invested in the schools.

I was not born then, but I read that Mzee Jomo Kenyatta talked passionately about education because he knew education would equalise everybody; the poor and the rich, those from well-off families and those from poor families.

Hon. Temporary Deputy Speaker, you will be shocked that even the Speaker who was sitting here before you came, was from a very rich family. She is one of the Kalenjin doctors. When I was 15 or 16 years old, I used to milk cows in our home, but education has equalised me with her. Today, we sit in the same House. We have almost the same number of degrees and we do almost the same things. Education is the best equaliser. This is the best thing that we can give to our children.

The drafters of the Constitution in Articles 43 and 53 did not even want to cast doubt. Article 53 (b) says that:

"Every child has the right to free and compulsory basic education."

What does that mean? That means that we, as the Government, are supposed to provide facilitation and money to ensure that education is free, so that the children are not sent home to bring funds, maybe for the Parents Teachers Association (PTA). Education should be fully free. The money that is taken down there should be taken directly to where it is supposed to go. The introduction of bursars in schools will help us to ensure that the money we send to primary schools is utilised and accounted for properly. We should also have the same in day secondary schools. I have been reading Government policies that we have free day secondary school education in Kenya. Some of us have been building secondary schools to ensure that all the children in our villages, who cannot manage to go to big schools, access education through day schools. When they go there, they are being asked to pay a lot of money.

We need to make it a reality by ensuring that day secondary schools are free so that those children whose parents cannot pay fees in big schools can also access education like the rest of us. This initiative of Free Primary Education (FPE) was Kibaki's and we must thank him and his co-principal who were running the Government at that time. It is only that this initiative is not being made a reality by the current Government. We want to urge and force this Government to ensure that every single coin that is meant to go to our schools is sent to schools, be it primary or secondary school.

There is also an issue that we should make compulsory for this Government. The Government must employ a certain number of teachers every year. We can talk of FPE but maybe from Class One to Class Eight they only have two teachers. Parents are forced to pay for additional teachers through Parents Teachers Associations (PTAs). How then are we claiming that these schools are free and yet we are paying for the teachers who are supposed to have been paid by the Government? We want to urge the Government to consider what used to happen before in the 1970s and early 1980s where we had untrained teachers who were paid by the Government. What happened along the way? If the Government cannot train enough teachers, we have teachers who are either trained or untrained but have not been recruited by the Government. The Government should supplement those teachers. It should be the Government which should be paying them while they are waiting to be recruited by the Teachers Service Commission (TSC). We always say we are making education free, but at the same time we are not paying teachers, neither are we employing enough teachers to those schools. Instead, we are forcing parents to employ other teachers to help in meeting the needs of our children.

The corruption we see in FPE, we do not know whether it is within the headquarters here or it is down in the primary schools or at the county levels. We want to ensure and urge all those institutions and agencies that deal with corruption to deal with it. This dragon called corruption is swallowing and tainting this country, making it look useless. Even the watchdog committees which are supposed to be dealing with these issues sometimes get tainted because they are not dealing with this monster properly. We must rise up as a country and ensure the dragon of corruption in this country is killed completely, so that we do not make it a culture where if a certain Cabinet Secretary (CS) is corrupt, the Principal Secretary (PS) becomes corrupt, the Chief Executive Officer (CEO) becomes corrupt and all the people down in the chain of command become corrupt. We cannot say that because the President is corrupt, the Deputy President has to be corrupt and all those under them will be corrupt. We also cannot say that this House is corrupt and, therefore, Members of Parliament should be corrupt and all those who are working under us should also be corrupt. We need to change this. We are people who can make changes in this country. Why can we not kill this dragon once and for all and forget it? Corruption is destroying this country completely. Every other day when you watch news, you will not see anything else. You will not see development issues. You only see that they were unearthing corruption in this Ministry and the previous day they were unearthing corruption in that other Ministry, Department or house. I do not know when we will be reading good news that happened in this country.

I wish to support by saying this country should not be let to go to the dogs by corrupt leaders.

Thank you, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Members, we have 16 requests and save your time by not repeating yourselves and focus on the Motion. Concentrate on the key points, and then we can have other Members speak.

Hon. James Nyikal, Member for Seme, the Member for Likuyani and the Member for Sirisia in that order.

Hon. (Dr.) Nyikal: Thank you, Hon. Temporary Deputy Speaker. I rise to support this Motion. However, I am a bit worried because many of these Motions that we pass urge the Government. There must be a big pool somewhere where all these Motions that urge are kept. I wish the drafter would amend it and say “resolve”. I know when we say “resolve”, it will have huge financial implications but we do not have to do everything at ago. If we want to resolve this and decide to start, we will prioritise which schools to start with. We can take schools with big populations and start there.

However, I support the Motion. There are large primary schools with about 1,000 kids. With the FPE funds and funds that are raised by the parents and donors, that is a considerable amount of money that needs management. Good management is important for every institution. It results in efficiency, cost effectiveness and better outcome. When you talk of better outcome for our children, primary education is the foundation. If it does not come out right, children lose out for life. I, therefore, do not see why it should be accepted by us that secondary schools with bursars are better managed and that primary schools can run with teachers who are doubling up as managers as well and in many cases have had no training at all. It is time that we put management into these schools as well. Most teachers at primary level do not have any management skills at all and, therefore, putting them into this is asking them to do what they are not good at and, therefore, we cannot blame them if we do not see good results with the monies we have.

We know that when the FPE fund started, there was a lot of graft that went right down from the headquarters to the schools themselves. That is why we need people who are trained in financial management. At the same time we have had a huge shortage of teachers and so if we confine some teachers to management, we will be eating into the numbers that would be useful for the actual work of teaching our children. We need to free our teachers and give them more time to teach and, therefore, we need to employ these bursars. When we employ them we must look at their appropriate skills and as other Members have said, this is a burden that should not be put to the schools but it should go directly to the national Government. It is a national investment.

With that, I support this Motion.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Good. You spent your time very well. Next was the Member for Likuyani, Hon. Enoch Kibunguchy.

Hon. (Dr.) Kibunguchy: Thank you, Hon. Temporary Deputy Speaker. Before I say one or two words on this Motion belated as it may be, let me join the world leaders in sending my condolences following the demise of Fidel Castro, the leader of Cuba. As a medical doctor, I commend Fidel Castro for having put together probably the best health system in the world. As doctors and for what he did, we will really miss him.

Hon. Temporary Deputy Speaker, I support this Motion. Since I was in the 9th Parliament when the FPE programme was set up for the very first time, I would like to say that if it were not for the late Saitoti, I do not think the programme would have picked up and be implemented as smoothly as it was. Over the years, obviously, we have had challenges. Some of the challenges

are what this Motion wants to address, the challenges of managing FPE Funds. Let me frankly say that sometimes it is very difficult for old habits to die.

I think most of our primary school head teachers were used to what was called PTA funds. Over the years when FPE came, it was very difficult for them to let that go. So, they find all kinds of excuses for parents to pay something. For example, in my constituency---

(Hon. Kipyegon shook Members' hands as he walked out)

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Kipyegon, I know you do it when you want, but you do not do it here. It is always good to have decorum in the House.

Hon. (Dr.) Kibunguchy: Thank you, Hon. Temporary Deputy Speaker. I was just relating an incident which we find very odd. I was sure in most constituencies, Members of Parliament have encountered where teachers demand that pupils should pay money for lunch. When pupils do not pay this money, they are sent home and yet the Government has paid for their tuition in primary schools and in secondary schools. The funds for subsidised secondary school education are first and foremost paying for tuition. I have asked teachers and we have had arguments on this. If the parents of a child have not paid for lunch, the best thing you can do to the child is not give them lunch, but let them learn. When you send this student or pupil home, he is going to miss two things, one that has been paid for by the Government, which is tuition, and second, that lunch you are talking about. Somehow we can get this to percolate. You find in the morning children with same uniform, there are those going to school and there are those going home. They keep passing one another on the way. If the FPE funds were being used prudently, I think most of these little things like lunch would be catered for within that.

Finally, I will not feel well if I cannot commend the CS for Education for the reforms that he has put in place. His resolve to streamline the Ministry of Education, Science and Technology many have been there and many have failed. I will commend Dr. Fred Matiang'i for what he has done so far. And I will ask him, the same way he has streamlined examination issues---It is Fred Matiang'i; it is not the Jubilee Government. We have to differentiate between the two because there was a CS for Education, Science and Technology in the Jubilee Government who did not do what he has done. We will commend him as an individual. Even the President of the Republic of Kenya can learn something from Dr. Fred Matiang'i. Instead of saying there is nothing he can do about corruption, Dr. Fred Matiang'i has been able to streamline or is in the process of streamlining education, and he could borrow a leaf from him.

Because of the exemplary work he has done and with your indulgence, Hon. Temporary Deputy Speaker, I will just give a Swahili saying. I know I am contributing in English, but I am asking for your indulgence. Swahili people say: *Tenda mema nenda zako*. It is not easy to translate into English because it loses its meaning. Because of that, there is a student in my constituency who, when she was sitting for her exams recently went into labour and gave birth to twin boys. The first one was named Fred Matiang'i and the second one was named Enoch Kibunguchy.

Thank you, Hon. Temporary Deputy Speaker.

(Laughter)

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): We are happy at least one of them was named after you. We are proud as the National Assembly of the 11th Parliament.

Hon. Sirisia, you can carry on.

Hon. Koyi: Thank you, Hon. Temporary Deputy Speaker, for giving me a chance to speak on this good Motion. I want to congratulate Hon. Lusweti for bringing it. For the first time, he has been quiet in this House, I think he has tried.

(Hon. Nassir crossed the Floor)

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Order Members! I think it is time to know our rules and procedures. Hon. Member, you know very well you cannot cross from one side to the other like that. Members, if we cannot remember our own procedures then we will be out of order.

You can proceed.

Hon. Koyi: That is shameful because we have been here for four years. We need to respect the House.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Order! You are not the Speaker. Order! The Member for Sirisia, you can only make your contribution. Carry on.

Hon. Koyi: Hon. Temporary Deputy Speaker, we all know that education is key to everyone all over the world. About this Motion by Hon. Lusweti, I want to congratulate him for having brought it.

The Government has spent a lot of money on education. I want to congratulate CS Matiang'i. He has done a lot in trying to bring back the glory of this nation in terms of discipline in exams. There was a lot of theft. We want to thank him for that. Again, I want to support the Government of Kenya for stopping new registration of schools because most schools in this country lack teachers. That is one way by which they will employ teachers for the schools that are there. Later on, after filling up the gap of the teachers who are lacking in most schools, they will allow registration, which is very good.

It is true that there has been a problem with the money for FPE. The money has not been spent properly as many of my colleagues have said. My problem is that it is good Hon. Lusweti has brought this Motion, and we want him to even bring a Bill on this later, but if we can allow every primary school to employ a bursar, the wage bill is going to increase, obviously.

I propose, and many Members should think along the same lines, that bursars be employed at the divisional or zonal level. We cannot say that we employ bursars in every primary school.

The money they are given is not a lot compared to that of secondary schools and already the secondary schools have bursars. I agree that even bursars in secondary schools have been stealing money. They have been mismanaging money in many schools. The Government allocates every pupil in primary schools about Kshs1,000 and about Kshs13,000 to every student in secondary schools. So, if the primary schools employ bursars at the divisional or zonal level, that can work.

Hon. Temporary Deputy Speaker, without making many remarks, I just wanted to take three minutes and donate my remaining minutes to Hon. Z.K. Cheruiyot. Three minutes are enough for me. I donate the remaining to him.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Waluke, you know very well that you cannot donate your time to any other Member. Of course, I know that was on a light note. You were trying to observe time.

Today, I appreciate the senior Members, who have been here as mentors in the House. For that matter, allow me to give the chance to Hon. Stephen Manoti, Member for Bobasi. He is serving his second term.

Hon. Manoti: Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity also to support this very important Motion. As we all know, the Ministry of Education, Science and Technology has given a lot of money to our primary schools. The major problem these schools face is improper accountability. You find that the head teachers of those schools work as accountants and planners. It becomes very difficult for them to do all this work. Most of them do not know accounts work. Therefore, I support my friend Hon. Lusweti for bringing this very important Motion hoping that when we pass it, it will be brought back in form of a Bill to be effective and to help us manage the funds which go to our primary schools.

As Members of Parliament, we give money from the National Government Constituencies Development Fund (NG-CDF) to these schools, but at some stage it becomes very difficult for the head teachers to manage it. If they have to build classrooms and other facilities which are required in those schools, they cannot manage to teach and manage finances of their primary schools. So, it is timely and important to have bursars in our primary schools. I say so because it is manageable. As much as I agree that each school cannot get a bursar, we can go for the easy way of controlling the budget by having each sub-location with a maximum of ten schools having a bursar. They can be employed by the Ministry of Education, Science and Technology to manage the funds that go to our primary schools.

The Cabinet Secretary (CS) Education, Science and Technology has done a very good job. I have heard Kenyans from all corners of the country congratulating him and his officials on the way they have conducted the national examinations for this year. If all the CSs could follow his example, we could move very far. We do not know what some CSs do. The CS Matiang'i has done a commendable job. We know that some primary schools especially in rural areas are understaffed and I ask him to balance the staffing of teachers. You find that schools in urban centres are overstaffed whereas if you go to primary schools in rural areas, you find that some primary school have three or five teachers. It becomes very difficult for our children to get quality education because the teachers cannot teach as required.

The money given by the Ministry of Education, Science and Technology to schools to build classrooms and laboratories should be balanced throughout the country and we should know which schools have received it. This money is there and the Ministry should give it to all schools in this Republic.

As we all know, education is key. When we talk of Free Primary Education it should be extended to secondary education. Most of the bright children from poor families find it very difficult to join Form One because their parents are not able to pay school fees. As we know, the Government collects a lot of revenue from all quarters. Education should be given priority and thus free secondary education should be introduced to assist children from poor families. If we go that way, we will balance this nation and we shall not be talking about poor and rich families. At least, from nursery up to Form Four, all children should go to school without getting interrupted.

With those few remarks, I support and request the Mover to bring the Motion in form of a Bill. Thank you.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): The Mover has been requested to advance the Motion into a Bill. Hon. Members, what I meant about seniority is age and serving Parliament for a long time.

I now give the Floor to the Hon. Member for Kangundo, Kyengo Kathata.

Hon. Maweu: Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity so that I can contribute to this Motion. As I support it, I have a lot of reservations when we talk about employing a bursar for every school. I do not think that, that will help. I have been a chairperson of a board of management of a primary school in my area and I know very well that there are other areas where we can tighten the management of FPE funds that are disbursed to those primary schools. If the Ministry would train the board of management to manage those funds, it would be better. Even if we employ a bursar, he will collude with the head teacher and they will still mismanage those funds.

So, the best thing we can do is to train the board of management to run the funds that have been disbursed to their schools. We also have auditors in every constituency. I would ask the Ministry to take the responsibility to the auditors. The auditors are there. It should ask them to have regular checks on those funds. It has come to our knowledge that some suppliers, for instance, of books--- These books are very important to those students yet there are schools which have not seen even a single exercise book or text book. The head teachers collude with the suppliers and forge documents and at the end of the day, not even a single book reaches the schools. Colleagues in this House may not know about the funds that are disbursed to these primary schools. They are disbursed to finance areas which are very important. Therefore, the money is used to enhance education in our primary schools. We have the areas of maintenance, supply of books, water, electricity and others. Why can we not ask our able CS to go down to primary schools and see what the head teachers are doing with these funds? It is a lot of money. We cannot cheat ourselves and say it is not a lot of money; it is a lot of money.

As we pass this Motion, employing a bursar is not enough.

Hon. Chea: On a point of order, Hon. Temporary Deputy Speaker.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Order, Hon. Katatha! I just got an intervention from the Member for Kaloleni. Are you on intervention?

Hon. Chea: Yes.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Is it a point of order? Hon. Members, when you are rising on a point of order, I want you to state the Standing Order that you are rising on. You have your Standing Orders. Otherwise, I will declare you out of order. Yes, hon. Member for Kaloleni.

Hon. Chea: Thank you, Hon. Temporary Deputy Speaker, for that direction. I want to believe the point of order I want to raise is under a Standing Order that is quite conversant to the Members. I am of the view that this Motion has been thoroughly ventilated. I was kindly asking whether I would be in order to request you to ask the Mover to reply.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Please, quote your Standing Order again. You are procedural but I need you to quote the Standing Order you are standing on.

Hon. Members: Rule him out of order!

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): No. He is procedural but I need him to quote the Standing Order. You can check and then you can raise the point order again if

you want. It is good to state the Standing Order because you have it with you. I would not want to tell you which one it is.

Hon. Chea: Let me get the Standing Order right away.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Okay. Hon. Katatha.

Hon. Maweu: As I conclude, I ask the Ministry to increase the money for maintenance. The CDF alone cannot do a better job when it comes to development of infrastructure of these primary schools. If you go round our country, you will find that the infrastructure in most of the schools is very poor. Even if the Member of Parliament for the constituency tries, he cannot build classes in every known primary school in that constituency. I would urge the Government to increase this money for maintenance. At the same time the head teachers need to be urged to do better maintenance of infrastructure in school as opposed to buying say, one window or two doors.

I support the Motion. However, I know that the Government will not afford employing bursars. I, therefore, ask that in every constituency we get two bursars to serve all the schools and at the same time every board of management to be trained in the handling of finances.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Well spoken. Any Member who has a dissenting opinion on this? If you are not supporting, let me see you on the intervention. It is a House of debate. In the meantime, I want to give the Floor to Hon. Member for Alego Usonga.

Members, let us not repeat ourselves. Of course, this is a very straightforward Motion. If you could spare some time for other Members to debate on this, we would be glad. Hon. Member for Alego Usonga to contribute before I give the ones who are opposing.

Hon. G.W. Omondi: Thank you, Hon. Temporary Deputy Speaker, for ignoring what he was saying. You should have ruled him out of order because he did not know the Standing Order he was standing on.

Let me support this Motion first by commending generally about education. As the previous speakers have said, education is the equaliser because it puts the rich and the poor together and the strong and the weak together and even different genders together. Education, therefore, is one area that must not be handled very casually.

It has been the case that whenever there is a big problem in an area or something that people do not understand people would ask, "What is the teacher saying?" This means that those who are educated and, especially teachers are given a special status in our communities. It is very interesting that we Kenyans have very good ideas but when these ideas are put into practice, somehow we handle them very casually. Maybe it is because of the inborn corruption that we have in our country or somebody sets up these good ideas to fail so that they can benefit. Truly speaking, FPE is one of the precursors of the devolved Government that we have presently. Before the devolved governance that we have now, these are some of the areas that the Government experimented with and resources were devolved to lower levels. The only problem is that we are not devolving the human resource to go and manage these things. For example, it has been said here that we expect a teacher to look after funds. It is really a tall order because they do not have any training in that area of finance. They do not have any knowledge in basic bookkeeping. I do not know what is taught at the Teachers Training Colleges (TTCs), but I wonder whether they are trained to be accountants.

Even the CDF itself, the way it was conceived initially, it did not have any fund managers and the Members of Parliament who were handling CDF by that time went everywhere with the

cheque books in their pockets. Somehow, that was arrested and now in the CDF, we have fund managers to take care of these funds which are given down there.

The FPE is supposed to do certain things which have been said here like buying books, repair and maintenance of classrooms and also provide security for the schools. But it is a pity that we are called upon through the CDF to repair and maintain classrooms. We are sometimes called upon in book donation days in schools to go and donate books. So you wonder where this money is going to. It is a very good idea to have somebody who has got financial training to look after these finances, which the Government takes down there.

Talking about my constituency, it has 143 schools and we get close to Kshs70 million a year. That works to slightly under Kshs500,000 per school. I do not think a teacher who is not trained in accounting will be able to utilise that money very well.

Therefore, it is high time *Mheshimiwa* Lusweti's Motion is looked into and, maybe, as others have said, put it into a Bill and demand that we must have bursars for these schools. Whereas we may not have bursars for all schools, we could go ahead and have bursars for what teachers call zones. When they are giving exams or when they are doing something, they have zones. We could have bursars per zone. I think this will go a long way in handling these finances very well because head teachers cannot do it. Currently, they are the accounting officers and I think they are completely incapable of accounting for these funds.

With those few remarks, I support.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Let me just have one dissenting voice. I understand, Hon. Mary Emaase, you are opposing the Motion in totality. Give her the microphone. You would rather be opposing because you are given chance on that not.

Hon. (Ms.) Kipchoim: *Off-record.*

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Grace, even though you are opposing, we will follow the right procedures. Do not take advantage.

Yes, Mary Emaase.

Hon. (Ms.) Otucho: Thank you, Hon. Temporary Deputy Speaker, for the opportunity. Whereas I appreciate the thinking and the spirit of the Motion---

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): But---

Hon. (Ms.) Otucho: I must start by saying that because I am opposing. I am just saying whereas I---

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): I want you to go into record that you are opposing.

Hon. (Ms.) Otucho: Yes, I will get there. Whereas I appreciate the thinking in terms of what the Member was seeking to address, that is to ensure prudent utilisation and management of the Free Primary Education, I have reservations with respect to the how to recruit bursars which he believes will be a solution to that.

I want to oppose this Motion for the following reason: Recruiting bursars will not be a guarantee to addressing the challenge. We have had bursars in secondary schools but we have cases of misappropriation and mismanagement. The issue of corruption is an issue that Kenyans need to awaken to its reality and look for long-lasting solutions. It is a culture. It is a menace and it is a disease. Sometimes I wonder when I see colleagues pointing fingers at each other. When I see Kenyans politicising the issue of corruption yet it is everywhere, I wonder. It is in the society; it is in our schools; it is everywhere. To address this problem of mismanagement, it goes beyond employing the bursars.

Secondly, we must put our priorities right. When we look at primary schools, sometimes I pose to ask myself: “Do we have free primary education?” If you ask a parent in my Teso South Constituency whether there is free primary education, they will say they do not know and they do not see it.

I want to join my colleagues in congratulating Dr. Matiang’i for what he has done. He has done extremely well. But, I want to tell Mr. Matiang’i to make those surprise visits to the parents of Kenya across this country and listen to them to see whether there is free primary education. To me, the priority should be to make sure we have free primary education. There are children in my constituency who have discontinued education - which is a right and an equaliser - because they cannot raise extra fees that are being charged for sports, mocks, exams and to pay teachers. So, can we first make primary education free so that every child can access that education?

I belong to an association where we sometimes have to raise money to help our parents employ more teachers.

There is serious understaffing. So, how can we talk of employing bursars when we do not even have enough teachers in the schools? Can we employ more teachers? Can we promote those teachers to motivate them? Can we remunerate the teachers properly then we begin to talk of employing bursars?

Hon. Temporary Deputy Speaker, as a result of what is on paper as Free Primary Education, we experienced increased and massive enrolment. In my constituency, one class has over 100 pupils. There is serious strain on physical infrastructure. I heard a Member say his constituency has 143 schools. My constituency has close to that. The National Government Constituencies Development Fund (NG-CDF) is not sufficient. I am urging Dr. Matiang’i that the same energy, vigor and interventions he directed at KNEC, he directs at primary schools so that we have the Ministry supplementing what we are doing through the NG-CDF. We need to develop our infrastructure so that we have conducive learning environment. If these three things are addressed, then we can increase capitation. The money being given to schools is little. The Ministry needs to increase capitation in order to address those issues. The Ministry should cater for mock examinations, sports and so on. This is so that the parents of Kenya can really enjoy Free Primary Education. Once we increase capitation we can talk of employing bursars who are trained in financial management to manage these monies. At the same time we should declare corruption a national disaster and confront it head on. We also now need to address all those issues concurrently be they about bursars, proper financial management and prudence in the management of resources in our schools.

I oppose. Those issues must be addressed.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Good points of discussion. Thank you, Hon. Otucho. It is a House of debate, Hon. Members. Let us have the Member for Bondo.

Hon. Ogolla: Thank you, Hon. Temporary Deputy Speaker. I oppose this Motion. Hon. Lusweti had a good idea, but the prescriptions are not right. If you look at the body of the Motion, the biggest problem is that head teachers inflate the number of pupils, fraudulent deals, irregular allocation of funds and procurement. The worst people who do these are bursars, particularly in secondary schools. So, in my view we are trying to bring in a wrong prescription for a genuine problem. What needs to be looked at is if we can enhance the capacity of the officers at the District Education Offices. These are the people who can check, in terms of the levels of enrolment, whether things are crooked or not. So, when *Mheshimiwa* is prescribing for

bursars, I think there is a problem. What has gone into FPE in the last 12 years is massive training of committees and head teachers. These people have been trained from time to time on issues of capitation. So, if you bring in another group of bursars in the name of being knowledgeable in handling school funds, then that is not right.

There is another thing the Motion has not addressed. The average number of pupils we have in primary schools is about 300 per school in the whole country. We have those that are over 1,000 and others that are below 100. So, if you look at the level of capitation, we are disbursing around Kshs350,000 to schools in a year. If you employ a bursar and, say, you pay him Kshs30,000, it means you will be paying him Kshs360,000 and yet the capitation is Kshs 300,000. To that extent this is not a good solution.

We should look at the mathematics involved. If we employ a bursar for each primary school, we will pay them not less than Kshs300,000 yet a school has only Kshs300,000 in terms of capitation per year. We are adding more staff for purposes of fighting graft yet all the relevant institutions for fighting corruption are in place. The CS for Education has so far done a good job in curbing exam cheating. He should now move to schools and see what is happening. Education officers at the district level can handle the FPE. We should not bring in bursars who are going to be idle and creative in terms of generating avenues for stealing.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Members, I still have 14 requests. Let us have Hon. Wangamati.

Hon. Cheruiyot: --- (*Off record*)

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Cheruiyot, it is not about age but about who is first on my request list.

Hon. Wangamati: Thank you, Hon. Temporary Deputy Speaker for giving me the opportunity to contribute to this important Motion.

Hon. Lusweti has seen it wise that we talk about management of resources in our primary schools. We must guide the country on that matter. I would like to ask the Government to continue pumping money into the FPE Programme. The Government should also look for ways of increasing the allocation to primary schools for effective management of basic education. The Government must employ bursars in our primary schools. I heard Hon. Okoth say that there are schools with student populations of about 100. Is it in this country? Most of our primary schools have student populations of about 500 students. If you visit any school in Nairobi, you will be surprised at the number of pupils. I urge this House to pass this Motion so that Hon. Lusweti can bring a Bill for enactment into law as from next year. We need to save taxpayers' money.

Textbooks can be kept for many years because the curriculum is not changed every year. Pupils only buy exercise books regularly. There is no way you can write a text book today and the following year you write another one. These books are never kept. The primary schools should learn to keep these books so that we do not spend money every year to buy books. I do not see how the schools can do this because every time a child is sent home to go and bring money to do a test or get books in the school. Even the parents do not feel that there is free education. I advise both sides of this House, Jubilee and the Coalition for Reforms and Democracy (CORD), that we should come together to help the Government. They are pouring money and people who are supposed to use this money misuse it by pretending that nobody will check. When we put bursars in these schools, they will be accountable and the Government will have a chance of checking how money has been spent and even see what it has been used for in

the school. The bursar must be a Government employee. They should be trained people who will look after this money.

This is a democratic House. Whether you are from the Opposition or the Government side, you should help the Executive. Let us help the Executive, which is willing to devolve a good education system in this country. We can only have a good system of education in this country by equipping our primary schools and by facilitating them, then we shall have the best education which will attract many other countries to come and copy from us. We should not only think about the parents crying to teachers every year. They even assume that the Government has not brought in money. Government gives our primary schools money every year.

I do not want to talk much. Because of my age, I advise all Members of Parliament to support this Motion and help the Government to run the primary schools better.

With these few remarks, I support the Motion. Thank you for giving me this opportunity.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Member for Kaloleni, you are on intervention.

Hon. Chea: Hon. Temporary Deputy Speaker, I just want to put the record straight. When I stood earlier on, you requested me to quote the relevant Standing Order. I wish to refer you to Standing Order No. 95. I wish to rise and propose that you call upon the Mover to reply. I am of the view that this Motion has been fully ventilated. We also have constraints of time. We are left with about 10 minutes to closure of proceedings this morning. I think this Motion does not infringe on the rights of Members.

I propose so.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Member, your procedure is in order and as I was saying before, it is important because you are abusing the procedures of the House every time you stand on a point of order and we are not able to establish if they are points of arguments or interruption of the debate of another Member.

So, the Member is right under Standing Order No. 95 to request for closure of debate. Therefore the Speaker can only put the Question.

*(Question, that the Mover be now called upon to reply,
put and agreed to)*

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Member for Kuresoi South. Because of the interest from other Members, can you use your three minutes?

Hon. Cheruiyot: Thank you, Hon. Temporary Deputy Speaker. I still want to say that the issue of discrimination includes age and height.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Order Hon. Member, you are saying that because Hon. Katatha has grey hair but he could be younger than you and everybody else including the Member for Kaloleni. We are equal here. Seniority means either age or--- Hon. Millie Odhiambo has just walked in and she is a senior Member since she is serving her second term. Hon. Member for Kuresoi South, I know you fall in another bracket.

Hon. Cheruiyot: Thank you, Hon. Temporary Deputy Speaker. At the outset, I would like to say I support this Motion. In supporting I want to say that since Independence our country has been talking about universal education for all. As a country, we have not done well. We have not gotten beyond 70 per cent. Countries like Zimbabwe are way ahead of us yet they have fewer

resources. In supporting this Motion, this is only a knee-jerk reaction to a situation which is unfolding that we have not achieved our targets and we want to make it efficient and improve on the managerial ability by proposing that we get bursars in primary schools. As a country we need to start thinking of how we can make universal education free, affordable and available to all our children, so that we can have an improved quality of life. We should also industrialise after having an educated population.

For a long time we have been talking of free education. We started with the first President talking about fighting three ills which include ignorance, poverty and disease. We then moved to free education. We also talked of free water by the year 2000. Why have we not achieved all these? There must be something wrong about our policies and our commitment to the goals we set. We are producing papers for the whole world to use and implement yet we have not reached a position of achieving our goals. I have spoken a bit on this and support it. I would like us to look at our policies and ensure they are operationalised.

Thank you for recognising the Member for Kuresoi South.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Very well spoken Hon. Member. Hon. Christine Ombaka, you can have your two minutes.

Hon. (Ms.) Ombaka: Thank you, Hon. Temporary Deputy Speaker for your opportunity. My observation about primary schools is that these are institutions where so much money is poured in. There is so much money that goes to primary schools through the Ministry, parents, donors and friends of schools. So, there is need to have bursars. Primary schools are neglected. They do not have key people that look after the resources that go to them. Bursars are hardly there. Sometimes the people who manage the funds for the schools are called clerks. They are never called bursars. They are just clerks, people who have worked in that school for a long time and have some experience about managing funds but are never trained. They do not have any professional knowhow on how to manage funds. That is why primary schools are poorly run and that is the kind of image in the community at the village level where you will find that a school has so much money but it is lost, mismanaged or embezzled. Buildings are rotten, there are no toilets, books or anything of the kind. This is simply because the funds that are being managed in that school are not professionally managed. That is why there is need to recruit bursars.

One thing I would like to highlight is, in the recruitment of school bursars, we should not just go for education level that they are trained financial managers or controllers but they must also have codes of conduct.

Where do they come from? Some of them are transferred from one school to another and some are recruited by the boards of the schools. But they never carry with them codes of conduct. They are definitely qualified because they can manage. But do who knows their background? These are the people who embezzle funds. These are the people who run away with school funds. I look at the way I manage my life as a politician, every other day there is a *Harambee* we carry out. Sometimes if it is not *Harambee* we have school book donation. But these books do not last long; within a week books are lost. What are the roles of bursars? They are not only to look after money, but also what the money buys for that school. I feel it is important to recruit professional bursars so that the money is utilised adequately, properly and accurately. But they must also carry with them the code of conduct that ensures that these are good people that can manage school funds. How do we know that they can manage school funds? How do we know that the money we give to the schools is taken care of? They never know how to account for the funds.

Where money gets lost a lot are schools where there are no bursars. I recommend that the schools must have them so that we can control the resources that the schools have, and not only the money but also other items that the schools buy such as books, beds if it is a boarding school, and desks.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): The Member for Turkana East.

Hon. Ngikor: Thank you, Hon. Temporary Deputy Speaker, for giving me time to rise and oppose this Motion. I oppose this Motion because our primary schools have a lot of problems, and the issue of bursars is not an issue when it comes to the other major problems affecting our schools. We need to talk about lack of teachers. We need to employ teachers instead of employing bursars. We also need to get the infrastructure in place to support the learning of our children. We also need to have subordinate staff instead of bursars to support the learning of our children in schools. Transportation is also an issue. Instead of bursars, we need to look for ways of getting transport to our children in primary schools.

When we talk of bursars, we also need to look at the number of primary schools. Our primary schools are so many. If we can employ bursars, the wage bill will rise, which will bring problems to the economy of the country. So employing bursars is not an issue as per now because the money allocated to our schools is not a huge amount of money. It is little money. When we employ bursars, what will they be doing? This money normally comes once a year. The rest of the months the bursar will just be seated there and earning a salary. Sometimes the money delays for a year. What will be the work of the bursars in schools?

The way this money is being channeled--- If this money was given monthly we can talk about bursars. But the money comes once. In some schools it is Kshs20,000 or Kshs100,000. What will this do apart from paying the salary of the bursar? So, I oppose the issue of bursars in our schools. It will bring a lot of corruption in our schools because the bursar will also be trying to add a number of pupils so that he can have a job. Maybe what we can do for us to make the schools account for this money, the Ministry needs to train the teachers. Some teachers must be trained so that they can do the work of accounting.

I also join my colleagues in thanking the Cabinet Secretary for Education for the good job done during the examinations. But my question to the CS is: Who normally sets these exams? We are talking about the exams being printed out there, but this year the CS was just going around to ensure there is no cheating in exams. My question is: Who normally sets the exams?

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): These last minutes let me give to Hon. Richard Tong'i, the Member for Ol Kalou, Hon. John Nyaga and Hon. Ronald Tonui, if time allows.

Hon. Tong'i.

Hon. Tong'i: Thank you, Hon. Temporary Deputy Speaker, for the opportunity to also speak to this Motion. At the outset, I think every successful country must have its priorities right. The idea of having bursars in school is an idea whose time has not come, in my view. There are many ways we can achieve this bursar's function without having to employ a bursar when we need more teachers in schools and other basic things. I was in a school in my constituency where they do not even have chalk, the infrastructure is completely deplorable. You cannot then imagine of employing a bursar there when they do not have Government teachers. It is a good idea whose timing is wrong.

In place of that, I propose that we train some of the teachers in schools. One can double up as a teacher and a bursar at the same time. After all, the money they receive is so little. If you want to know that the success of education is also a function of a manager, look at what Hon. Matiang'i has been able to achieve. The Bible says people perish for not choosing God-fearing leaders. When we have a good leader who is God-fearing like Matiang'i and many other Christians like me, we make a country a better place to live in. The corruption in the country is a lot. We need to pray about it and work so hard to ensure that we eliminate it. That way, we are going to achieve a lot more.

The Temporary Deputy Speaker (Hon. (Ms.) Mbalu): Hon. Members, I must appreciate the Member for Ol Kalou, Manyatta and Bomet Central for the interests they have shown to contribute.

ADJOURNMENT

Hon. Members, the time being 1.03 p.m., this House stands adjourned this afternoon at 2.30 p.m. The balance of time for this Motion is 30 minutes.

The House rose at 1.03 p.m.