

H A N S A R D

Tuesday, 15th November, 1988

The House met at thirty minutes past Two o'clock.Mr. Speaker in the Chair

## PRAYERS

## ORAL ANSWERS TO QUESTIONS

MR. EKIDOR: Mr. Speaker, Sir, although I have not received the reply for my Question, I beg to ask Question No. 496.

Question No. 496

MR. EKIDOR, asked the Minister of State, Office of the President why the chiefs in Turkana District have not been paid accommodation allowance when they go to the district headquarters for official duties for the last three years.

THE MINISTER OF STATE, OFFICE OF THE PRESIDENT (Mr. Nabwera): Mr. Speaker, Sir, I beg to reply.

It is not true that chiefs in Turkana District have not been paid accommodation allowance whenever they have attended official duties in Lodwar town. Some claims have already been settled and others are in the process of being settled.

MR. EKIDOR: Will the Minister make sure that in future such cases will not occur again.

MR. NABWERA: Mr. Speaker, Sir, I cannot give such an undertaking because of the magnitude of the problem.

Question No. 455

MR. SPEAKER: Mr. Mohammed not here? We will leave his Question until the end then. Next Question.

Question No. 441

MR. SPEAKER: Mr. Mwenje not here? We will leave his Question until the end then. Next Question.

MR. TUVA: On behalf of Mr. Bujra, I would like to ask Question No. 492.

THE ASSISTANT MINISTER FOR REGIONAL DEVELOPMENT (Mr. Omido): On a point of order, Mr. Speaker Sir. I think the Question is written in Kiswahili. Now, hon. Tuva is asking it in English, <sup>to do that</sup> is he in order?

MR. SPEAKER: I hope <sup>you have</sup> hon. Tuva has taken note of that, hon. Tuva?

Question No. 492

MR. TUVA, kwa niaba ya Bw. Bujra, alimuliza Waziri wa Fedha:-

- (a) ikiwa anafahamu kuwa mji wa Kiunga katika Wilaya ya Lemu hauna ofisi ya forodha licha ya kuwa mpekani; na
- ni lini
- (b) ~~kuwa~~ atafungua ofisi na kupeleka ofisa wa forodha katika sehemu hii.

THE ASSISTANT MINISTER FOR FINANCE (Mr. Thuo): Bw. Spike, naomba kujibu.

(a) Mji wa Kiunga, katika Wilaya ya Lemu unao ofisi ya forodha iliyofunguliwa rasmi mwaka wa 1975.

(b) Kutokana na jibu la (a), hakuna haja ya kufungua ofisi wala <sup>inasi manauwa</sup> kupeleka ofisa wa forodha katika wilaya hii kwa vile ofisi hiyo ~~inasi manauwa~~ na maofisa kutosha.

Question No. 439

MR. KAGWIMA asked the Minister for Livestock Development:-

- (a) why the construction of Kanyuru Cattle dip stopped; and
- (b) when this project is going to be completed.

THE ASSISTANT MINISTER FOR LIVESTOCK DEVELOPMENT-(Dr. Wekesa): Mr.

Speaker Sir, I beg to reply.

(a) Kanyuru cattle dip has not been constructed because the site is inaccessible.

(b) The project will be completed as soon as funds are requested for and re-allocated.

MR. KAGWIMA: Mr. Speaker Sir, I do not understand what the Minister means by saying that the site is inaccessible. I have a small car and <sup>on</sup> a number of times, I have been ~~an~~ able to drive to the site. We are aware that most of Government Ministries are provided with Land Rovers, which are hardy and can be driven to more difficult areas <sup>where</sup> ~~than~~ the smaller cars cannot manage to get to. Can he confirm whether any of his officers have tried to reach that area in the last one year? A road has been constructed linking that site with other areas.

DR. WEKESA: Mr. Speaker Sir, the question here is not <sup>on</sup> ~~in~~ my officers going to the ~~site~~ <sup>it is ~~on~~ ~~the~~</sup> ~~the~~ <sup>and</sup> problem of the contractors who have been given this job <sup>and</sup> ~~was~~ have been unable to reach the site. I believe the contractors need to carry materials ~~to~~ <sup>up</sup> to the site. They require lorries to do that job. The contractors ~~are~~ <sup>are</sup> have been unable to reach the site. For the information of the House, I would like to say that my Ministry is not responsible for the actual construction of cattle dips, ~~my~~ but we have a supervisory duty to do regarding their ~~own~~ construction.

MR. KAGWIMA: Mr. Speaker Sir, while appreciating the reply given by the Assistant Minister, I would like to inform him ~~that~~ that sometime this year, some people from his Ministry and the contractors went to the site and tried to pick some of the material that was brought there three years ago. ~~That~~ That proves that that site is accessible. Therefore, the ~~own~~ question of the contractor being ~~a~~ unable to ~~go~~ reach the site is ~~own~~ ruled out. I wonder whether the Assistant Minister is in order to say that his Ministry is not responsible for <sup>implementing</sup> ~~implementing~~ the project.

END A.....

MR. KAGWIMA (CTD):

They actually have to remind the District Development Officer (D.D.O.) repeatedly because they are the people concerned with the completion of the project.

MR. SPEAKER: Order! Mr. Kagwima, what is your question?

MR. KAGWIMA: Mr. Speaker, Sir, my question is: who is this person who went to collect the materials from site in February this year? Is it the contractor or the Ministry's staff?

DR. WEKESA: Mr. Speaker, Sir, I would like to assist the hon. Member by saying that the Ministry is very keen to see <sup>to it</sup> that there is a cattle dip in this area. But the technical advice we have received is that the present site is inaccessible. As soon as a new site has been found, the <sup>Ministry</sup> ~~Ministry~~ is willing to assist the farmers in this area by constructing the dip ~~at a better site~~. So, we must go by what the experts say.

MR. KAGWIMA: Mr. Speaker, Sir, I would like to ask the Assistant Minister to confirm <sup>whether</sup> ~~that~~ if I bring an alternative site proposal next week, his Ministry will finance the project immediately.

DR. WEKESA: Mr. Speaker, Sir, I cannot confirm that. However, I would like to inform the House that the funds for cattle dips construction are channelled <sup>through</sup> the sub-district development committee right up to the district development committee. Once a new proposal has been channelled through this way, it will be possible to start construction work; but funds must be ~~made~~ available through this very well established channel.

Question No. 477

MR. TANUI asked the Minister for Water Development:  
Development:-

- (a) whether he is aware that Kaigot Dam in Kibiyet Location, Nandi District, dried up in 1987; and



MR. TANUI (CTD):

- (b) what steps the Ministry is taking to rehabilitate this Dam.

THE MINISTER FOR WATER DEVELOPMENT (Mr. Ayah): Mr. Speaker, Sir, I beg to reply.

(a) Yes; I am aware that Kaiget Dam in Lelmokwo Location, and not Kabiyeet Location, in Nandi District has silted up.

(b) My Ministry has already carried out survey work for a new dam and the design is now in progress. When the design work is completed, cost estimates for its construction will be done and, if funds are made available, construction will start soon after.

MR. TANUI: Mr. Speaker, Sir, while appreciating the answer from the Minister, I would like to request him to speed up this design work, and also give us funds for the reconstruction of this dam.

MR. AYAH: Mr. Speaker, Sir, I do not know whether there is an answer for that, but I appreciate the hon. Member's polite request, and we will do all we can. It is fortunate that the Nandi District Development Committee has already put this project as a priority number one, and we are asking for some £20,000 for the 1989/90 Financial Year for it. One hopes and prays that that money will be available.

Question No. 467

MR. MANG'OLI asked the Minister for Public Works:-

- (a) whether he is aware that there are no bridges on Wabukhonyi-Misemwa Road and Nabuyole-Furoi Road; and
- (b) if he could consider building these bridges as a matter of urgency.

THE MINISTER FOR PUBLIC WORKS (Mr. J.K. Koech): Mr. Speaker, Sir, I have not got a sufficient reply for this Question. So, I will come and reply to it when I have a ready reply.

(The Member)

Question No. 497

MR. JALDESA asked the Minister for Public Works:--

- (a) what the present grade of the road from Maua to Garba-Tulla is;
- (b) whether he is aware that this road is almost impassable yet it is a very important link between Meru and Garba-Tulla; and
- (c) whether he could consider gravelling this road as a matter of urgency and make it all-weather.

THE ASSISTANT MINISTER FOR PUBLIC WORKS (Mr. Maiyani):

Mr. Speaker, Sir, I beg to reply.

(a) The road from Maua to Garba-Tulla is classified as a minor road.

(b) This road, which is an important link between Meru and Garba-Tulla, was graded in June this year after the rains. There is, however, an impassable section of about 10 kilometres between Kinna and Mulika which was not graded during that period due to ~~circumstances~~ <sup>circumstances</sup> beyond our Ministry's control. The grading work will be done as soon as practically possible.

(c) There are no immediate plans to gravel this road due to lack of funds.

MR. JALDESA: Mr. Speaker, Sir, arising from the Assistant Minister's unsatisfactory reply, he agrees with me that this road which links Garba-Tulla and Maua is a very important one. What are these factors which are beyond their control and which make it them unable to undertake the gravelling of this very important road?

MR. MAIYANI: Mr. Speaker, Sir, I am sorry to say that the ~~circumstances~~ <sup>circumstances</sup> surrounding this problem are a sad affair. I would like to say that the Ministry has no immediate plans to gravel the 100-kilometre road owing to shortage of funds, as I have already said. The 12-kilometre section between Dusai and Kinna has been recommended for gravelling during this financial year. But this may not be done

MR. MAIYANI (CTD):

due to security reasons. The 10-kilometre section between Kinna and Mulika could not be graded recently, even though there were plans to do so, owing to the same reason of insecurity. It is, however, hoped that the two sections of this road will be graded as soon as the security <sup>situation</sup> in this area has improved. I hope the hon. Member does appreciate this problem, which the Government is very concerned about. We would like to <sup>repair</sup> ~~do~~ this road for better communications, but, as I have said, there is that insecurity problem.

MR. MALEBE: Mr. Speaker, Sir, this <sup>road</sup> ~~has~~ <sup>not</sup> been in existence for a long time, and we have been having a security problem prior to the poaching problem, which started in that area hardly a year ago. Now, does it mean that the Ministry has never budgeted for the improvement of that road, which is a very important link between Maua, the Meru National Park and Garba-Tulla?

MR. MAIYANI: Mr. Speaker, Sir, I do appreciate the sentiments of the hon. Member, but I also beg that he appreciates my <sup>Public</sup> point of view. The Minister for ~~Public~~ Works is not responsible for security. The Ministries responsible for security are doing their level best to bring the situation in the area to normality. It is a pity that we have poaching of wild animals as well as of human beings.

END ..... B

*J. M. J.*

MR. JALDESSA: Mr. Speaker, Sir, arising from the Assistant's reply that there is a security problem in the area, is he aware that although we know that there is a security problem in this area, the Government has already assured wananchi that this security problem is under control? Is he really in order to say that no development will take place in this area as long as this security problem is there when Government itself has assured wananchi that they will be protected?

MR. MAIYANI: Mr. Speaker, Sir, the security problem in this area is being handled effectively and as soon as it is guaranteed that our poor <sup>who</sup> and few official workers/will be able to gravel this are protected, the work will start. However, at the moment, we cannot risk their lives and we shall first have to deal with the security problem in the area and everything is now being done to deal with the problem.

MR. MALEBE: Mr. Speaker, Sir, there was a similar Question brought to this House during the last Session and the Minister promised to grade this road. This road is partly in my constituency and partly within hon. Jaldessa's constituency. Today, we have two tractors lying idle along similar security roads in my constituency for the last two months. These tractors have broken down and their tires have become flat. It seems to be the practice of this particular Ministry to keep on promising to grade these roads and then at a later stage, the Minister comes up with an excuse of lack of security, as he is now saying. Other times, the Minister ~~will~~ comes up with an excuse of lack of funds and so on. We would like the Assistant Minister to tell us why they are keeping their tractors on these roads? The particular road which we are now talking about was graded but then they removed the tractors from this road and put them to some of our roads where they have not graded even one kilometre of the roads there. Now, the Minister is telling us that there are no funds despite the fact that they had budgeted to spend millions of shilling in gravelling these roads? Now, would the Assistant Minister assure this House that if the Ministry had budgeted ~~ex~~ to gravel these roads throughout the country, ~~then~~ they will go ahead and grade the

last two months and - - -

HON. MEMBER: What is your question!

MR. MALEBE: My question, Mr. Speaker, Sir, is; would the Assistant Minister promise this House that they will now grade this particular road with the same tractors lying idle in the area irrespective of the situation security problem because right now the security/has improved? We have a lot of askaris in those areas.

MR. MAIYANI: Mr. Speaker, Sir, that is indeed a very long question and I do not know which of the points/the hon. Member raised in the question question of tractors lying idle somewhere I am able to comment on. However, Sir, the/seems to me to be a different question altogether. It would be helpful if the hon. Member would prepare that question and send it to us and we shall seek information from the field. With regard to the security problem in the area, surely, the hon. Member would not like us to risk the lives of our field officers. We would like to handle the security problem first and then later gravel the roads.

MR. MOKKU: Mr. Speaker, Sir, the question of security as the Assistant Minister is telling the House does not arise because in that area, wananchi are there and these wananchi are protected by the Government. Since wananchi are living in this area, where the Assistant Minister claims that there is no security, I think this question of lack of security does not arise. At the same time, there are Government officers in this area, such as the administration police and so on. Therefore, I think the Assistant Minister will agree with me that the question of lack of security does not arise.

MR. MAIYANI: Mr. Speaker, Sir, half of the officers in their various stations, are staying there peacefully and their work is not the same as that of officers working along the road which passes through an inhabited area. So, let us wait for the final information about the security situation in this area. When security improves in this area, my Ministry will be ready to continue with the work.

MR. SPEAKER: Let us move on now to the Next Question. Mr. Gachui's Question.

Question No.499

MR. SPEAKER: Mr. Gachui is not here? Mr. Lewa's Question.

Question No.397

MR. LEWA asked the Minister for Lands and Housing:-

- (a) whether he is aware that no provision for the supply of electricity has been made for the National Housing Corporation site and service scheme still under construction at Kilifi Town, and
- (b) what arrangements he is making for the provision of electricity for the sixty units allocated to various individuals.

THE ASSISTANT MINISTER FOR LANDS AND HOUSING (Mr.Mutiso):

Mr. Speaker, Sir, I beg to give the following reply.

(a) I am aware that no provision for the supply of electricity has been included in the contract for the National Housing Corporation site and service scheme under construction in Kilifi Town.

(b) It is the responsibility of the plot owners to undertake the provision of electricity to their individual houses as and when they have completed constructing their houses.

MR. LEWA: Mr. Speaker, Sir, I am surprised by the answer given by the Assistant Minister. We are talking here about 60 housing units and I would like to know from the Assistant Minister whether it is the new policy from now onwards that the ~~existing~~ National Housing Corporation does, in fact, issue plots for development and then electricity is provided by the owners of the plots? I find this to be a rather sad situation.

MR. MUTISO: Mr. Speaker, Sir, what <sup>happened</sup> ~~happens~~ is that these 60 plots were developed at Kilifi site and service scheme in 1983 at a total cost of Shs.1,529,961/45. The development by the National Housing Corporation was limited <sup>to</sup> ~~to~~ the demarcation of plots and the provision of technical services, such as water, sewerage and roads. This site and service development was intended to benefit the low-income residents of Kilifi Town whose monthly incomes range between Shs.600 and Shs.1,800/-. A material loan of Shs.7,000/- per plot was provided so that the construction of houses on these

MR. MUTISO (Ctd.):

plots could be undertaken by the allottees themselves. Therefore, Sir, when the whole scheme has gone up by 70 per cent or 75 per cent in completion, then it is the responsibility of the ~~the~~ Ministry of Local Government and Physical Planning ~~Kenya~~ <sup>Kenya</sup> ~~want~~ to apply to the/Power and Lighting Company to supply electricity to the area for street lighting and so on. The individual owners of plots will then apply to the Kenya Power and Lighting Company for the installation of electricity in their individual houses. It is not the responsibility of the National Housing Corporation to instal electricity to the individual houses. This is the responsibility of the plot owners themselves.

MR. MANG'OLI: Mr. Speaker, Sir, while appreciating the Assistant Minister's reply and bearing in mind that the intention of starting this scheme was to cater for the low-income group of workers as he has said, and also realizing that it is very expensive to instal electricity in these houses - - - The same problem <sup>exists</sup> ~~is~~ at Webuye where we want to bring electricity to a site and service scheme and this is going to cost us a lot of money. Would the Assistant Minister tell us how much money <sup>by each tenant</sup> is needed/to supply electricity in these houses? —

MR. MUTISO: Mr. Speaker, Sir, that question can only be dealt with as and when the Ministry of Local Government and Physical Planning has applied to the Kenya Power and Lighting Company to bring the power <sup>number of the people who</sup> ~~is~~ near there. This can be assessed when the/~~people~~ have applied for the supply of electricity has been known and from there we can work out the total cost, but right now it is impossible to work out the total cost of electricity supply to houses which do not exist.

END C.

MR. MANG'OLI: On a point of order, Mr. Speaker, Sir. The question I asked was with regard to the supply of electricity to this scheme in accordance with the Ministry's projections. If the Ministry is aware of this, then I do not know whether this matter is being handled professionally. Is the Assistant Minister in order to imply that he does not know the cost of electricity supply to this scheme? If the supply of electricity to this scheme will be more expensive than the construction itself, then there is no need of giving these plots to the low income group. Is the Assistant Minister in order not to tell us the cost of electricity supply?

MR. MUTISO: Mr. Speaker, Sir, I am perfectly in order. I said that after the houses are between 70 and 75 per cent complete, the Ministry of Local Government and Physical Planning will apply to the Kenya Power and Lighting Company for installation of electricity. Thereafter, the individuals will apply for allocation of houses. After we have known the number of people who are interested in having electricity in their houses, we shall work out the cost. How can we work out costs of things which do not exist and which we do not know of?

MR. WASIKE-NDOMBI: Mr. Speaker, Sir, will the Assistant Minister consider when working out the infrastructure of their operations, making the the supply of electricity to National Housing Corporation houses part and parcel of the whole package instead of waiting until the Ministry of Local Government and Physical Planning applies to Kenya Power and Lighting Company?

MR. MUTISO: Mr. Speaker, Sir, that is not the practice at the moment. The practice has been that the package which is given to the contractors does not include the installation of electricity to these houses. Therefore, I cannot undertake <sup>to do</sup> what the hon. Member is suggesting. If this trend changes, then there will be no problem in considering the hon. Member's suggestion.

MR. SPEAKER: Can we go back to Mr. A.I. Mohamed's Question?<sup>2</sup>



Question No. 455

MR. SPEAKER: Mr. A.I. Mohammed still not in?

(Question dropped)

Let us move on to Mr. Mwenje's Question.

MR. MWENJE: Mr. Speaker, Sir, before I ask my Question, I wish to apologise for being late due to traffic jam. I also wish to say that up to now I have not received a written reply to my Question and, perhaps, the Ministry should apologise to me.

Question No. 441

MR. MWENJE asked the Minister for Local Government and Physical Planning:-

- (a) why Dandora Maternity Hospital has not started operating yet it has been completed; and
- (b) when it will start operating.

THE ASSISTANT MINISTER FOR LOCAL GOVERNMENT AND PHYSICAL PLANNING

(Mr. Mbori): Mr. Speaker, Sir, I beg to reply.

(a) Dandora-Health Centre has already opened a maternal child health clinic but it has not been possible to open the maternity wing and dispensary due to lack of medical personnel and other supporting staff.

(b) My Ministry and the Nairobi City Commission are currently working on the staffing of the Dandora Health Centre - in particular - and all other health units run by the Commission in general. The Dandora Maternity Unit is, therefore, expected to be opened immediately this exercise is completed.

MR. MWENJE: Mr. Speaker, Sir, this is a pathetic situation. The Dandora Maternity Wing has all the necessary equipment funded by the World Bank. These equipment have been rotting there for the last six years simply because this Wing has not been opened for use by the public. This is a pathetic situation and yet the Assistant Minister is telling us that they are in the process of engaging of the staff. Can we be told when this maternity wing will be opened and when the required personnel will be engaged so that the wananchi can benefit

from this project? The equipment in this wing is deteriorating and the and the residents financiers are getting worried. The Assistant Minister should give us a specific date <sup>or to</sup> when this wing will be opened. Will it be in December, January or February next year?

THE ASSISTANT MINISTER FOR LANDS AND HOUSING (Mr. Mutiso): On a point of order, Mr. Speaker, Sir. Can the hon. Member convince this House that those pieces of equipment have been in that health centre for the last six years without being used?

MR. MWENJE: Mr. Speaker, Sir, what evidence am I supposed to give? I have lived in that part of the city for the last 10 years and I know when that equipment was brought to that health centre. I was a councillor in that area and I am now a Member of Parliament representing that place.

(applause)

What other evidence am I supposed to give?

MR. MBORI: Mr. Speaker, Sir, we accept the fact that the hon. Member was a councillor in that area. The equipment which the hon. Member alleges is rotting is supposed to be handled by qualified personnel. The equipment cannot be handled by unqualified personnel for the provision of medical services. The question of dealing with problems related to human health require skilled personnel with professional qualifications.

As I said earlier, my Ministry is making all the possible efforts to consult the Nairobi City Commission to get the required personnel who can handle the Dandora Health Centre.

MR. MALEBE: On a point of order, Mr. Speaker, Sir. Is the Assistant Minister telling us that they have gone round the country and they cannot get the qualified personnel to run this health centre? This exercise is going on very slowly. Is he telling us that they cannot get the qualified personnel to run this institution? Why is he repeating himself so much?

MR. MBORI: Mr. Speaker, Sir, that is not a point of order.

The Nairobi City Commission is already carrying out the exercise of---

HON. MEMBERS: On a point of order, Mr. Speaker, Sir,

MR. MBORI: Mr. Speaker, Sir, I am responding to the hon. Member's point of order. The Nairobi City Commission has done the necessary calculations concerning the manpower that is required to run this health centre.

With your permission, Sir, I would like to say that for the Dandora Maternity Unit to ~~operate~~ operate, the following staff breakdown is required and arrangements are already underway to get the staff:

two medical officers  
12 enrolled midwives  
three clinical officers  
12 clinical assistants; and  
21 other supporting staff.

When these personnel are engaged, the Dandora Maternity Health Unit will operate.

MR. MANG'OLI: On a point of order, Mr. Speaker, Sir.

MR. SPEAKER: Mr. Mang'oli, what is your point of order?

MR. MANG'OLI: Mr. Speaker, Sir, my point of order is that is the Assistant Minister in order to rule that hon. Malebe was out of order when he stood on a point of order when the Chair is supposed to make such a ruling? We seek the guidance of the Chair on this matter.

END.....D



MR. SPEAKER: Order! Mr. Mang'oli you have chosen to misuse points of order instead of ~~askin~~ raising supplementary questions. I will appreciate if this is minimized.

MR. MWENJE: Mr. Speaker, Sir, ~~Edandora~~ Edandora ~~is~~ is in Nairobi. Those people who would otherwise go to ~~Edandora~~ Edandora Maternity Hospital are at the moment being attended to at Pumwani Maternity Hospital. While I hope it is true what the Assistant Minister has said - that they are in the process of engaging these members of staff - could he possibly tell us when they will be engaged? Can he also consider transferring some staff from Pumwani Maternity Hospital to be running with a skeleton staff at ~~Edandora~~ Edandora Maternity Wing/while we are waiting for him to engage the many members of staff ~~ix~~ which he has enumerated here?

MR. MBORI: Mr. Speaker, Sir, that point is well put and it will be looked into in due course.

MR. MAKAU: On a point of order, Mr. Speaker, Sir. The Assistant Minister has tabulated the required personnel in this hospital. But there is a question which he has been asked and he has not exactly told us what the problem is <sup>is this a</sup> ~~is~~ <sup>the</sup> ~~is~~ <sup>problem of</sup> availability of qualified personnel or is it financial? All these people that the Assistant Minister has enumerated are many in the country - enrolled nurses and the like. Is it the financial ~~strain~~ constraints of the City Commission or ~~is~~ <sup>is it the</sup> ~~is~~ <sup>unavailability of the local qualified people?</sup> ~~is~~ <sup>which is the problem here</sup> He has not yet told us what is the problem. These people-- enrolled mid-wives <sup>et cetera</sup> ~~are~~ are so many in the country and have no jobs.

MR. MBORI: Mr. Speaker, Sir, that is not a point of order.

MR. SPEAKER: Order! The hon. Member is entitled to a reply. So, can you kindly reply?

MR. MBORI: Mr. Speaker, Sir, on that supplementary question, I would like to inform the House and the hon. Member, that advertisements have been made and the committee concerned with this - Staff and General Purposes Committee - ~~was~~ met way back in September. The posts have definitely been advertised and they will be filled accordingly.

MR. SPEAKER: Can we now go back to Mr. Gachui's Question.  
Question No.499

MR. SPEAKER: Mr. Gachui is not here? Let us then move to Questions by Private Notice.

#### QUESTIONS BY PRIVATE NOTICE

MR. CHEPKOK: Mr. Speaker, Sir, I beg to ask the Attorney-General the following Question by Private Notice.

(a) Is the Attorney-General aware that the self-exiled fugitive Mr. Andrew Kimani Ngumba is using monies he acquired illegally from the sale of Boulevard Hotels Ltd; Westwood Park Country Hotel Ltd; and those of innocent depositors of Rural Urban Bank Ltd to wage his subversive activities against our Government?

(b) How did this fugitive acquire Westwood Hotel Ltd and how much money was paid to him both locally and overseas from the sale of Boulevard Hotel Ltd?

(c) What arrangements is the Attorney-General taking to have this person extradicted to answer criminal charges?

THE ATTORNEY-GENERAL (Mr. Muli): Mr. Speaker, Sir, before I ~~xx~~ start replying ~~xx~~ to this Question, I would like to say that I was misreported by our friends - the local media - when I stood up two weeks ago here. What I said ~~was~~ was that the Question was loaded not long. Therefore, it had a lot of implications - some of them of security nature and also complexity. When I read the

THE ATTORNEY-GENERAL (Ctd.):

the newspapers the next day, I was being told that I refused to answer the Question. Although we have told the Press ever since 1963 that they have got freedom of expression in the Constitution which we protect, I think that has got corresponding responsibility of reporting accurately, correctly and fair. So, I was offended and I would like that impression corrected through you, Mr. Speaker, Sir. I hardly refused to answer the Question.

Secondly, I would like the hon. Mr. Chepkok to listen carefully so that he may not make some insinuations. The answer will be a little bit long, so he should listen carefully.

MR. CHEPKOK: On a point of order, Mr. Speaker, Sir. Is it in order for the Attorney-General to speak in that manner - as if I am deaf? Is that Parliamentary language that he has used - that I should be careful?

MR. SPEAKER: Order! The Attorney-General is merely requesting you to listen to the reply very keenly because it is fairly long and I am sure it is full of legal language.

MR. EKIDOR: On ~~the~~ a point of order, Mr. Speaker, Sir. This Question is now the property of the House. So, why should the Attorney-General request only Mr. Chepkok to listen?

THE ATTORNEY-GENERAL (Mr. Muli): Mr. Speaker, Sir, the ~~other~~ other hon. Member is also involved.

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

(a) With regard to part (a) and (b) of the Question, I will give the historical background of the transactions referring to---

MR. CHEPKOK: On a point of order, Mr. Speaker, Sir. My Question is quite clear; it is asking and I quote in part:-

MR. CHEPKOK (Ctd.):

"Is the Attorney-General aware that the self-exiled fugitive Mr. Andrew Kimani Ngumba is using monies he acquired & illegally from the sale of Boulevard Hotels Ltd; Westwood Park Country Hotel Ltd and those of of innocent depositors of Rural Urban Bank Ltd to wage his subversive activities against our Government?"

I do not want him to give me stories. Let him answer "Yes or No".

THE ATTORNEY-GENERAL (Mr. Muli): Mr. Speaker, Sir, I think the hon. Member should be fair and give the person answering his Question a chance to answer. This may be a sketchy answer - Yes or No. What is that? I am sure the House is entitled to know <sup>whether</sup> those transactions involved <sup>are</sup> ~~whether~~ legally or illegally.

(applause)

Boulevard Hotels Ltd is owned by a company called Chezer Investment Ltd---

(There was noise in the Chamber when hon. Chepkok stood on a point of order)

MR. CHEPKOK: On a point of order, Mr. Speaker, Sir. His story and my Question are different issues completely. When I was asking whether he ~~knows~~ is aware, he could have said "Yes or No" and then later give that history later.

MR. SPEAKER: Order! Mr. Chepkok, why do you not give the hon. Attorney-General the right to reply the way he wants to?

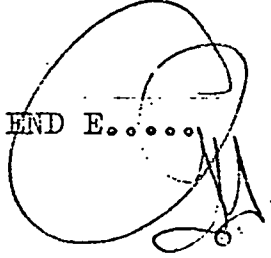
MR. MWENJE: On a point of order, Mr. Speaker, Sir. Is hon. Chepkok in order to anticipate the answer which the Attorney-General want to give?

THE ATTORNEY-GENERAL (Mr. Muli): Thank you, Mr. Speaker, Sir, for your wise ruling. I can answer yes or no at the beginning or at the end depending on where I choose to do so. What I was saying will answer hon. Chepkok in parts (a) and (b) satisfactorily, I believe.

THE ATTORNEY-GENERAL (Ctd.):li

Mr. Speaker, Sir, on 12th January, 1977, Mr. Andrew Kimani Ngumba was invited to join the board and acquired 20 shares of KSh. <sup>20</sup> each out of the company's total of 5,020 shares. The 20 shares were transferred to Mr. Ngumba from another director by the name Mrs. Komora who retired from the company. On 28th August, 1978, Mr. Ngumba was ~~xx~~ dismissed as ~~a~~ <sup>a</sup> the director of the board. He did not own Boulevard Hotels Ltd at any time ~~and therefore~~ <sup>how was he in</sup> the management of the Boulevard Hotels Ltd.

END E.....





THE ATTORNEY-GENERAL (Mr. Muli)(ctd.)

Mr. Speaker, Sir, during his time as a Director, he was paid Kshs. 20,000/-, less Kshs.2,000 paid as ~~tax~~ tax to the Government, on his behalf. ~~On 8th~~ On 8th November, 1977, he was paid Kshs.5,000/- by the Hotel as entertainment allowance. The 20 shares he held in the company from that period to the time he was dismissed were valued at 0.39 per cent of the company's total shares, and Mr. Ngumba would therefore, have been entitled to Kshs.400/- which <sup>up</sup> to-date ~~has~~ has not been paid. It has also been established that Mr. Ngumba never ~~ever~~ at any one time sold his shares to any one else. Therefore, the question of Mr. Ngumba selling or obtaining money from Boulevard Hotels Limited, <sup>legally</sup> ~~legally~~ or otherwise does not arise.

Mr. Speaker, Sir, Westwood Park Country Club Limited was owned by another company from as early as 1965 to 1977 when it was transferred to Karen Investments Limited. Karen Investments Ltd was incorporated in 1977 as a private company with four directors. Mr. Ngumba was appointed one of the directors in 1981.

Mr. Speaker, Sir, according to my records of ~~the~~ <sup>H</sup> company's latest Annual Return which was made up to 1981, the company's share capital was Kshs.500,000/- divided into 25,000 ordinary shares of Kshs.20 each. Records also indicate that Westwood Park Country Club was acquired <sup>L</sup> and I am aware of this <sup>L</sup> by the Government through acquisition in 1983. An award of Kshs.14,593,500/- was given to the registered owners who were

THE ATTORNEY-GENERAL (Mr. Muli)(ctd.):

Messrs Karen Investment Ltd which was accepted on 23rd June, 1983.

The amount of compensation of the said sum was then apportioned among those already determined to be interested in the property.

Out of the total sum, it is on record that Kshs1,213,573/- was due to Mr. Ngumba and was paid to his advocates in Kenya.

Mr. Speaker, Sir, you can see that there ~~is~~ was no money that was paid by the Government to the advocates of <sup>Mr.</sup> Ngumba <sup>which</sup> was taken out of the country.

Mr. Speaker, Sir, <sup>Mr.</sup> Ngumba ~~did~~ did not borrow money in his personal capacity from Rural Urban Credit Finance Limited.

However, a number of companies and one business name, where he was then and still a director, borrowed money from the company.

That company is called Lisa Estates, registered under ~~the provisions~~ of ~~the~~ business names in my office, and its business is farming.

This company's total outstanding loan from Rural Urban Credit Finance ~~Ltd~~ Limited, as at 31st October, 1988 was Kshs.10,149,232.40.

The companies which are still indebted to this financial institution, in which ~~Ngumba~~ Mr. Ngumba had interest until 30th October, 1984 when he resigned as a ~~dir~~ director are as follows:-

NAME OF COMPANY	AMOUNT OF LOAN STILL OUTSTANDING
1. Development Promotion Services	Kshs.17,985,026.90
2. Hosiery Manufacturers Ltd.	Kshs.43,005,317.70
3. Country Wide Developers Ltd.	Kshs.7,710,906.60

THE ATTORNEY-GENERAL (Mr. Muli)(ctd.):

Mr. Speaker, Sir, my office, through the official receiver, is following <sup>this matter</sup> ~~the~~ in order to recover this money from these companies, although Mr. Ngumba is no longer a director there.

Mr. Speaker, Sir, as regards part (c) of the Question, the answer can ~~xxx~~ easily be obtained from Cap.76 of the Laws of Kenya. ~~My~~ May I add that the Government took a timely action to save the depositors of the Rural Urban Credit Finance Ltd. and other <sup>Collapsing</sup> ~~collapsed~~ financial institutions. The ~~official~~ official receiver has collected debts and has been able to pay all small depositors leaving only 13 creditors which are mainly parastatals, Local Government Authorities, and other financial institutions. I wish also to confirm that <sup>Mr.</sup> Ngumba did not get foreign exchange from the Central Bank. I hope this information will ~~xxx~~ satisfy the hon. Member and the House.

MR. arap CHEPKOK: Mr. Speaker, Sir, I think the Attorney-General is misleading the House. He has not answered <sup>it</sup> correctly <sup>and</sup> so he must have ~~xxx~~ made up the story from some other sources. We know that Messrs Karen Investment Ltd., was not the one <sup>which</sup> ~~who~~ acquired the Boulevard Hotel Ltd. I have <sup>the name of</sup> the registered company which acquired the Boulevard Hotel Ltd. I would like to inform my hon. Friend that his information is wrong <sup>and</sup> so he better go back to his office and get the right answer.

MR. MULI: Mr. Speaker, Sir, I would like -----

MR. arap CHEPKOK: Mr. Speaker, Sir, the company that acquired the Boulevard Hotel Ltd. was Sentrim Kenya Limited, owned by Mrs. Anooa Shah and the former Assistant Minister for Tourism and Wildlife, Mr. Jan Mohamed, who invited Mr. Ngumba to be their partner.

Eater on, Mr. Speaker, Sir, Hotel Boulevard Ltd., and Westwood Park Country Club were bought by some Germans from an Asian and former Assistant Minister for Tourism and Wildlife, Mr. Jan Mohamed and both of them have since left the country.

The new owners never obtained Central Bank of Kenya (C.B.K.) approval to acquire the hotels. The major portion of the purchase price was paid outside Kenya and therefore, up to the present time the Central Bank of Kenya has not recognised the new owners.

AN. HON. MEMBER: Ask your ~~faithfully~~ question!

MR. arap CHEPKOK: Mr. Speaker, Sir, the new owners brought in personalities like Mr. H.P. Makecha who is a prominent criminal lawyer. Mr. Makecha is a director and a share holder in that hotel. Mr. Ngumba is also one of them. A lady known as Mrs. Marlies Auer, is the one who bought Boulevard Hotel Ltd., and the Westwood Park Country Club Hotel.

(END.....F)

MR. arap CHEPKOK (contd.):

Mr. Speaker, Sir, all the four of them were shareholders and they registered the two hotels under the names of Boulevard Beach Hotele Limited and Cheza Investment Limited and not Karen Hotel Limited as the Attorney-General has informed the House. Can he, therefore, give the House a proper answer? If he does not have one, then he had better go back and get a proper one.

MR. MULI: Mr. Speaker, Sir, I do not recall even one moment when hon. arap Chepkok has challenged my official records. If he has other official records other than those from the Registrar of Companies, then he should produce them here, so that we can compare the facts.

MR. MAKAU: On a point of order, Mr. Speaker, Sir. Now that we have heard from hon. arap Chepkok, he should table the document that he has referred to in this House, so that other hon. Members can have the benefit of reading them.

MR. arap CHEPKOK: Mr. Speaker, Sir, I will table them later on. There is no problem about that since it is the property of this House. I am, however, waiting for the hon. Attorney-General to answer the Question satisfactorily. I would urge him not to mislead the House while answering the Question.

MR. MULI: Mr. Speaker, Sir, I think the hon. Member is taking unfair advantage of the House and myself by not tabling on this Table the documents contradicting the official documents that I have in my office. It is most unfair for him to say that the facts I have given are untrue. Unless he challenges the official report, I would like to ask him through you to withdraw his statement. I am not dealing with other individual directors. I am dealing with Mr. Ngumba as from the time he joined Boulevard Hotels Limited and the time

MR. MULI (contd.):

he joined Karen Investment Company Limited. I did not wish to mention other shareholders or directors because they are not mentioned in the Question.

MR. MWAMZANDI: On a point of order, Mr. Speaker, Sir. With regard to the reply by the Attorney-General, and the ~~same~~ statement expressed by hon. arap Chepkok it looks as though they do not agree at all. Each one of them has official records supported with facts. It will not be possible for us to get a satisfactory answer during this question time. It looks as if the Attorney-General has been misled by his officers. I have seen the papers the hon. Member is talking about. Will it, therefore, be in order ~~to~~ for the Attorney-General to contact hon. arap Chepkok to help him to give a proper reply for the benefit of this House? We are tired of being given misleading replies by Ministries these days. It is becoming an order of the day for replies to ~~be~~ given by Ministers just ~~because~~ for the sake ~~of~~ of replying.

(applause)

MR. MULI: Mr. Speaker, Sir, hon. Mwamzandi seems to have had an advantage of seeing the documents which hon. arap Chepkok has - the other hon. Members have not. He, however, has not had the chance of ~~see~~ seeing the document that I have, yet he seems to have come to a conclusion that he should join hands with hon. arap Chepkok in maintaining that his version is the correct one. I do not accept that those documents are the correct ones.

THE ASSISTANT MINISTER FOR EDUCATION (Mr. Cheruiyot):

On a point of order, Mr. Speaker, Sir. Is it in order for hon. Mwamzandi to impute improper motives on the Ministries

THE ASSISTANT MINISTER FOR ~~HEALTH~~ EDUCATION (Mr. Cheruiyot)(contd.):  
by saying that nowadays it is the order of the day for Ministries  
to bring wrong answers to the House?

MR. SPEAKER: Order! I think we were ~~in~~ handling a very  
important Question here, but since it appears as if we are not  
making any progress, I will kindly ask hon. arap Chepkok and the  
Attorney-General to settle the matter privately so that they can  
come and give us an answer that they have agreed upon.

(applause)

MR. KABINGU-MUREGI: On a point of order, Mr. Speaker, Sir.  
We know very well that once a Question has been raised it becomes  
the property of the House. A point of order has been raised to the  
effect that hon. arap Chepkok should lay the documents he is using  
on the Table of the House. I think it is just proper that he does  
that because the Question has now become the property of the House.

MR. SPEAKER: There is no problem about that because he  
has promised to ~~lay~~ lay them on the Table.

MR. MAKAU: On a point of order, Mr. Speaker, Sir. Now  
that hon. arap Chepkok has agreed to lay the documents that he has  
~~on~~ on the Table, could the Attorney-General do the same so that  
hon. Members ~~can~~ can have a look at all of them?

MR. SPEAKER: Order! The hon. House will only wait for  
a very proper reply from the Attorney-General.

Let us move on to the next Question.

MRS NDETEI: Mr. Speaker, Sir, I beg to ask the Minister for Health the following Question by Private Notice.

(a) Is the Minister aware that there is no ambulance at Makindu District Hospital?

(b) Could the Minister, as a matter of urgency, provide this hospital with an ambulance?

THE ASSISTANT MINISTER FOR HEALTH (Mr. ole Sompisha): Mr. Speaker, Sir, I beg to reply.

(a) No, I am not aware. Makindu District Hospital has an ambulance, registration No. L072.

(b) The Ministry will not provide Makindu District Hospital with an ambulance immediately because the hospital is presently well provided with vehicles No. GK L027 and GK 1067.

MRS. NDETEI: Mr. Speaker, Sir, I was in Makindu hospital exactly two weeks ago <sup>and there was not a single ambulance.</sup> The situation was pathetic, I would like the Assistant Minister to inform ~~us~~ this House when he got ~~in~~ this information because I know that there is not a single ambulance in Makindu hospital.

MR. ole SOMPISHA: When the gracious lady says that she ~~was~~ was there two weeks ago and found no ambulance at the hospital, she ought to bear in mind that ambulances are supposed to go out. Could be the ambulances were out when she went there.

(laughter)

MRS. NDETEI: Mr. Speaker, Sir, I know ~~that~~ the hon. Assistant Minister is fully aware that I could not put this kind of Question if the ambulance was out and on duty. At that time when I was there, two weeks ago, all these vehicles <sup>had</sup> ~~were~~ broken down. I found the situation ~~xxxx~~ very pathetic and patients were dying because they could not be transferred to Machakos



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MRS. NDETEI (contd.):

General Hospital. I had to rush to Kibwezi to borrow an ambulance to go to Makindu to take a patient to Machakos General Hospital. I am sure there is not a single ambulance in Makindu hospital. So, could the Assistant Minister investigate and send one to the hospital immediately?

MR. ole SOMPISHA: Mr. Speaker, Sir, I have already given the numbers of the vehicles. It is normal for vehicles to break down and so the best thing to do is to ask for them to be repaired. At first hon. Ndetei said that there were no vehicles in the hospital.

MR. BIDU: Mr. Speaker, Sir, hon. Mrs. Ndetei is asking about an ambulance, and the Assistant Minister is telling us about vehicles. Can he differentiate between a vehicle and an ambulance? It is an ambulance which is needed and not a vehicle.

MR. ole SOMPISHA: Mr. Speaker, Sir, the hon. Member wants to know the difference between a vehicle and an ambulance: When a vehicle is built in such a way that ~~can~~ it can carry sick people then it is an ambulance.

End G.....

MR. JALANG'O: On a point of order, Mr. Speaker, Sir. A vehicle which carries people is a matatu and not an ambulance.

MR. SOMPISHA: Mr. Speaker, Sir, the hon. Member is referring to those vehicles which ferry passengers, but I am referring to those vehicles which ferry sick people. I do not think matatus are designed to ferry sick people; it is ambulances which are meant to carry sick people. An ambulance is a vehicle.

MR. WAMBUA: Mr. Speaker, Sir, when we talk about hospitals, we talk about lives of people. We should, therefore, not be taken for a ride when we are talking about ambulances. Could the Assistant Minister tell us when the ambulance will be taken to Makindu District Hospital?

MR. SOMPISHA: Mr. Speaker, Sir, I think I have already said that there are two ambulances there. We are, therefore, not going to take other ambulances there.

MRS. NDETEI: On a point of order, Mr. Speaker, Sir. I am aware that there are two ambulances attached to Makindu District Hospital, but at the moment, none of them is on the road since both of them have broken down. Could the Assistant Minister, therefore, send either a relief ambulance there or have the two which are already there repaired as soon as possible? And when is he going to do that?

MR. SOMPISHA: If those two ambulances are broken down, we will look into that.

~~MR. NDETEI: On a point of order, Mr. Speaker, Sir.~~

(MR.) MATE) to ask the Minister for  
Local Government and Physical Planning:-

(a) Is the Minister aware that the recreation field set aside in the development plan for Ishiara Market has been allocated to an individual?

(b) Could the Minister retrieve this land and allocate it for the use it was earmarked?

MR. SPEAKER: Mr. Mate not here? Let us move on to the next Question.

DR. MISOI: Mr. Speaker, Sir, I beg to ask the Minister for Labour the following Question by Private Notice:

(a) Why was Mr. Charles Atuya dismissed by his employers, Smith Kline and French Laboratories Ltd. of P.O. Box 49582, Nairobi?

(b) Has Mr. Atuya been paid his terminal benefits, and if not, when will he be paid?

THE ASSISTANT MINISTER FOR LABOUR (Mr. Mibei): Mr. Speaker, Sir, I beg to reply.

(a) Mr. Charles Atuya was dismissed by Messers Smith Kline and French Laboratories Ltd. on 19th July, 1988 for alleged poor performance and neglecting his duties as a sales manager. He was also accused of devoting ~~most~~ much of the company's time to his own businesses, which was contrary to his terms and conditions of employment.

(b) He has not been paid his terminal benefits and these will not be paid to him until he repays what he owes the employer.

DR. MISOI: Mr. Speaker, Sir, I do appreciate the answer given by the Assistant Minister very much but it is very much unsatisfactory. How can you be ~~sxx~~ sacked for alleged poor performance; what is that poor performance and what exact failures occasioned this man to be sacked?

MR. MIBEI: Mr. Speaker, Sir, the company went by the terms of employment ~~wi~~ which Mr. Atuya agreed to and signed, whereby he was told that the company could terminate his appointment immediately if he failed to perform his duties honestly or effectively.

MR. MAKAU: Mr. Speaker, Sir, the Assistant Minister has given us the reasons why Mr. Atuya was dismissed as a sales manager, but could he tell us who replaced him and his nationality?

MR. MIBEI: Mr. Speaker, Sir, that is obviously a different question.

MR. MAKAU: On a point of order, Mr. Speaker, Sir. ~~The~~ This House has just got the answer ~~for~~ from the Assistant Minister. What we are now asking, as a supplementary Question is who replaced Mr. Atuya and what his nationality is.

MR. MIBEI: Mr. Speaker, Sir, the reason why I said that that is a different matter is that that was apparent when the first Question was answered. I am not in a position to answer that question.

MR. MANG'OLI: On a point of order, Mr. Speaker, Sir. Hon. Mwanzandi said that ~~we~~ when we get answers here, the wananchi outside there think that we come here to play. The question we are asking is: since Mr. Atuya, who was in a senior position, was sacked, who replaced him? Is the Assistant Minister ~~is~~ in order to say that that is a different question?

MR. MWAMZANDI: On a point of order, Mr. Speaker, Sir.

MR. SPEAKER: Order! The Assistant Minister is not in order. That supplementary question is so much related to the original Question.

MR. MWAMZANDI: On a point of order, Mr. Speaker, Sir. When hon. Mang'oli used me as his reference, he put words into my mouth. When we were dealing with hon. Chepkok's Question, there is no time when I said that wananchi would think we are playing. I did not say that. It was entirely on a different subject.

MR. MANG'OLI: On a point of order, Mr. Speaker, Sir. I did not refer to the Question as Mr. Mwamzandi is saying. I said that with the answers we are given, wananchi would think we are not serious - that is when we ask Questions here and they are not answered satisfactorily. That is what I said. I do not know how many words I put in hon. Mwamzandi's mouth.

DR. MISOI: On a point of order, Mr. Speaker, Sir. Mr. Charles Atuya was dismissed on 19th July, 1988. According to the information I have here, the same company was also registered on 19th July, 1988, and yet Mr. Charles Atuya had worked for that company for 15 years. Can the Assistant Minister enlighten us on this discrepancy?

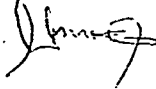
MR. MIBEI: Mr. Speaker, Sir, at the time of Mr. Atuya's dismissal, the company agreed to pay him three months' salary in consideration of his long service. The payment was subject to Mr. Atuya returning all the company property as well as repaying an outstanding loan from Howse and McGeorge Co-operative Savings and Credit Society in the sum of Ksh.19,500. He also had to account for Ksh.20,000 ~~expenses~~ which was expense float account which was under his possession.

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MR. MIBEI:(ctd.):

Mr. Atuya has referred ~~to~~ the matter to his lawyers and the company is willing to pay the balance as soon as the lawyers and the company come to an agreement.

END H.

A handwritten signature in cursive script, appearing to be "J. H. M.", written below the "END H." text.

MR. WASIKE-NDOMBI: Mr. Speaker, Sir, it has been the policy of the Government that posts <sup>occupied by</sup> foreigners should be taken over by the indigenous people. Mr. Atuya replaced a non-citizen. According to the reply given by the Assistant Minister <sup>his services were terminated and</sup> ~~he was terminated~~ he was given his normal termination dues. He was paid three months' salary in lieu of notice. After his termination he was replaced by a Mr. Simon Löxengburg who is a non-citizen. Is it <sup>more</sup> proper that the post of a salesman should be taken over by a non-citizen in preference of a Kenyan? The post had been Kenyanised and now it is again de-Kenyanised. Is it proper that such kinds of posts like this one of a mere salesman should be taken over by non-citizens when most of our people in this country <sup>can do that</sup> ~~are out of work~~?

MR. MIBEI: Mr. Speaker, Sir, I cannot say whether it was proper or not. My only concern was facts about the dismissal of Mr. Atuya. But as whether his replacement was fair or not is the business of the company.

(Several hon. Members stood up in their places)

MR. SPEAKER: Order, hon. Members! I think the best thing for us to do is to request the Assistant Minister go and look ~~farther~~ into this question a little bit further than he has done.

Can we go on to the next question?

MR. ANGATIA: On a point of order, Mr. Speaker, Sir. We would like to ask the Assistant Minister since he was not aware of these facts to go and research and bring us a better reply. I think all of us here are very concerned with that situation. Since the Assistant Minister is ~~not~~, unfortunately, not properly informed, could he ~~go~~ go and bring a better answer and bring it to ~~h~~ this House on another day?

MR. SPEAKER: Order, Mr. Angatia! That is the ruling that I had given.

Let us move on to the next question.

MR. MAKAU: Mr. Speaker, Sir, before I ask my Question, I would like to inform the House that the written reply that the Attorney-General has submitted to me is too difficult for me to understand. This is because I had asked him whether he was aware, and instead of answering that Question he has gone on to give me a very long <sup>history</sup> ~~reply to that question~~. The Question is about dissidents like Ngumba, but the history that the Attorney-General has given me is not in line with the Question that I had put to him.

AN HON. MEMBER: So you do not want the reply! Why do you not wait until he replies to your Question?

MR. MAKAU: Okay, Mr. Speaker, Sir, with those remarks, I beg to ask the Attorney-General the following Question by Private Notice.

(a) Is the Attorney-General aware that the runaway dissidents Ngugi wa Thiogo, E Koigi wa Wamwere and others who are waging a campaign abroad to discredit our country are authors of Heinemann whose local subsidiary is called Heinemann Kenya Limited?

(b) How much royalties ~~xxxxxxxHeinemannxxxxxx~~ have been ~~xx~~ paid to Ngugi wa Thiongo, Koigi wa Wamwere and other runaway dissidents for their books sold in Kenya since publication, and of the total royalties paid to them, how much has been paid to their foreign accounts?

(c) Apart from royalties and advances Heinemann continue paying to Ngugi wa Thiongo and other dissidents authors, what other facilities have they offered/continue to offer to these dissidents in their London headquarters?

(d) What immediate measures is the Attorney-General taking to ensure that companies and other organisations with subsidiaries in Kenya do not use the money that they are making to aid runaway dissidents who are bent to destabilise this country?



THE ATTORNEY-GENERAL (Mr. Muli): Mr. Speaker, Sir, with the greatest respect to the ruling you made previously, I would like to inform the House that the papers that hon. Chepkok laid on the Table are purely taking this House up a garden path. He has ~~said~~ lied and laid irrelevant documents on the Table in this House. I thus feel <sup>loathe</sup> ~~lost~~ to go to sleep with accusations like the ones that he made. These documents have no <sup>relevance</sup> ~~relevancy~~ to what he had said except the two legal notices of acquisition of <sup>Kareu</sup> ~~current~~ Investment. The other documents are irrelevant and have no connection with the Question that he had asked.

MR. MAKAU: On a point of order, Mr. Speaker, Sir. I thought the Attorney-General was going to answer my Question! What do those documents have to do with me?

(Laughter)

THE ATTORNEY-GENERAL (Mr. Muli): Mr. Speaker, Sir, I am on my feet and I have a right to stand where I am and answer a Question. I was informing the Chair that this House has been taken up a garden path by hon. Chepkok by laying documents that <sup>are</sup> irrelevant to his Question. If the Chair agrees, hon. Chepkok should be made to lay the proper documents on the Table so that I can compare them with my notes to see-

MR. MANG'OLI: On a point of order, Mr. Speaker, Sir, We are on Question No. (5) by Private Notice. We have all agreed that we shall have a look at the documents that have been laid on the Table. It is after looking at them that we can decide whether they are irrelevant or not. We also know that the Attorney-General is the custodian of the law and knows whether what is in the documents is lawful or not. But he should know that we are now on another ~~Mr~~ Question. Could he please answer that Question first so that we can proceed?

THE ATTORNEY-GENERAL (Mr. Muli): Mr. Speaker, Sir, I wonder whether my friend hon. Mang'oli wants to be the Speaker! All that I was asking was for hon. Chepkok to lay the proper <sup>relevant</sup> documents on the

THE ATTORNEY-GENERAL (ctd.):

Table. That is all I was asking through the Chair so that I could compare them with my notes. This is because what he has brought to the House is irrelevant to the Question.

Mr. Speaker, Sir, I have--

MR. MANG'OLI: On a point of order, Mr. Speaker, Sir. Actually this will be my last point of order. The documents have already been laid on the Table and have thus become the property of this House. They do not belong to the Attorney-General, to other hon. Members or myself. They belong to the House. We shall look at them later and decide whether they are irrelevant or not. But could he now answer this Question and then we shall look at those documents later on?

THE ATTORNEY-GENERAL (Mr. Muli): Mr. Speaker, Sir, I have a duty to draw to your attention that the hon. Member has led this august House up a garden path.

MR. SPEAKER: I have not looked at those documents myself, perhaps, I will have an opportunity to go through them later on.

So, could we kindly go on Mr. Makau's Question?

THE ATTORNEY-GENERAL (Mr. Muli): Mr. Speaker, Sir, I beg to reply.

The Question could not be answered appropriately by 'yes' or 'no'. So the answer that I have is this:

Heinemann Kenya Limited has a background history. It was owned by various companies until it became a Kenya controlled company which does not receive any instructions from the London company <sup>itself</sup> ~~at~~ ~~such~~. The main subject of the Question is whether this company publishes books for Ngugi wa Thiongo and Koigi wa Wamwere. That I can answer in the affirmative. It does.

Royalties due to Ngugi wa Thiongo have been paid ~~to~~ by this company to his wife and son since Ngugi left the country. Records also indicate that no royalties have been paid by the company to him

THE ATTORNEY-GENERAL (Mr. Muli) (ctd.):

abroad. The amounts of royalties over the years cannot be quantified on <sup>a</sup>short <sup>a</sup>notices like this one, but they have not been paid into any foreign account.

Mr. Speaker, Sir, <sup>in</sup> the case of Koigi wa Wamwere, the company paid him royalties when he was a local resident. In 1985 he was paid shs.955.10 and <sup>in he was paid</sup> 1986 shs.634.70. Since he left the country Heinemann Kenya Limited has never paid him any royalties. His current outstanding amount in their books for him is to date shs.5,101.50

Available information indicate<sup>s</sup> Heinemann Kenya K Limited has never offered any facilities of whatever sort to the two named ~~dissidents~~ dissidents named above or to any other ~~dissident~~ dissident authors abroad.

With regard to the other part of the Question, I would like to ~~be~~ inform the House that the Government has enough machinery to check through its agencies that no money has been going through from Kenya to feed <sup>or help</sup> these dissidents or any other.

END I.....

MR. MAKAU: Mr. Speaker, Sir, in part (a) of the Question, the Attorney-General gives a misleading statement by saying that this company does not receive instructions from Heinemann (London). The majority shareholder of this company is the United Kingdom (U.K.) shareholder because he controls 60 per cent of the shares while the local shareholder holds 40 per cent of the shares. Therefore, the major shareholder is the foreigner.

The other thing that I really wanted to get, and that was the gist of the Question, was how much royalties have been paid to Ngugi wa Thiongo, Koigi wa Wamwere and other runaway dissidents for their books sold in Kenya since publication of those books and not since Ngugi wa Thiongo left the country. This is because the money he is using in London is from the royalties realized since the books were published in 1967. Here in the answer the Attorney-General has given us what Koigi wa Wamwere and Ngugi's wife and son have been paid as royalties since ~~these men~~ <sup>these men</sup> left the country. But what I wanted to know is the bulk of payments in form of royalties that have been paid to Ngugi wa Thiongo for his 18 books which have been set books in this country. I am interested in the figures of the amount of royalties which Ngugi wa Thiongo has been paid since publications of his books. The answer given by the Attorney-General is not adequate because it just talks of the amount paid to Koigi wa Wamwere, but I want to know the amount of royalties <sup>that</sup> has been paid to Ngugi wa Thiongo and out of that, how much has been paid abroad.

MR. MULI: The hon. Member of Parliament for Mbooni had a benefit of my answer although it is a Question by Private Notice. He should have noticed that ~~before~~ Ngugi wa Thiongo, ~~he~~ was paid here himself, but when he left no more money was paid to him, but was paid to his wife. In my reply I said that due to the short notice it was difficult to give the actual amount of money ~~is~~ paid to him here.

As regards Koigi wa Wamwere, for his only one publication and that is the book titled 'A Woman Reborn' was paid Kshs. 955.10 in 1985 and another Kshs. 634.70 in 1986. But since he left <sup>the country</sup> no more money has been paid to him here or abroad, but there is an outstanding amount owing to him on the account books.

MR. MAKAU: On a point of order, Mr. Speaker, Sir. The Attorney-General ~~is~~ says that the amount payable over the years is not available, however, <sup>about the amounts paid</sup> my Question was since publications. If the hon. Attorney-General <sup>does not have</sup> ~~is not ready~~ with the detailed information since publication, would I be in order to ask the Chair to allow him more time to get the answer and then give us the reply later?

MR. MULI: As far as Koigi wa Wamwere is concerned, there is no question. But as far as Ngugi wa Thiongo is concerned, the hon. Member wants to know how much royalties were paid to him here before he left <sup>the country</sup> and there is nothing in his Question about how much he was paid abroad. However, I will get that information and I will make it available <sup>to the House</sup> ~~here~~.

MR. MAKAU: On a point of order, Mr. Speaker, Sir. Unless the hon. Attorney-General's English is failing him, my Question is very clear, I am asking about books sold in Kenya since publication. If you write a book and it is published, it is from that day when it is sold that you get the royalties. If he could get the breakdown of the royalties paid to Ngugi wa Thiongo then we would be able to check that aspect of what he was paid abroad. I am asking this Question because I want to help this country and that is why we are demonstrating against these dissidents. But we cannot keep on demonstrating when the same dissidents are still being paid money and the Attorney-General tries to prevent us from knowing what is happening. We had a Question about Andrew Ngumba and now this one, but he is not giving us a ~~xxx~~ satisfactory answer. What is he hiding?

MR. MULI: The hon. Member has imputed improper motives when I have gone out of my way to get the answer to this Question. This Question had not been asked to the Attorney-General, but had been directed to the Office of the President and we tried to get all the information to satisfy this House in the interest of the ~~xxx~~ country and not for the hon. Member alone. I am giving him the information as I have, I have said that it was a short notice <sup>and we could not</sup> ~~to~~ get the quantum and he can read it in my reply. As to how much royalties were paid over the years, I have been unable to quantify at this short notice: It is all

MR. MULI (CTD.):

very clear and there is nothing to hide. If it is a question of how much royalties he was paid since publication, we are not dumb-fools; we know what he means by publication and we are able to get such ~~in~~ information. In fact, I will bring that information here.

MR. MAKAU: On a point of order, Mr. Speaker, Sir. Is it in order for the hon. Attorney-General to use the word 'dumb-fools'?

MR. SPEAKER: Order! Order! We are running short of time hon. Members. Can we now move on to the Next Order.

#### POINTS OF ORDER

#### THE ASSISTANT MINISTER FOR LOCAL GOVERNMENT AND PHYSICAL PLANNING

(Mr. Mbori): On a point of order, Mr. Speaker, Sir. I stand on a point of order relating to <sup>a</sup> Question by Private Notice that was raised by hon. P.K. Kinyanjui last ~~week~~ week but one relating to the allowances which were supposed to be paid to a Mr. Fredrick K. Kamau of the then Nairobi City Council.

Sir, my Ministry has reconsidered Mr. Fredrick K. Kamau's case and has requested the Nairobi City Commission to pay ~~him~~ him his honorarium allowance amounting to Kshs.13,359.50 calculated at the rate of 10 per cent of his basic salary with effect from 1.10.82 to 22.11.85 as he was already paid a similar allowance for the period 1.4.81 to 30.9.82. He should, therefore check with the City Commission at the end of the month of November, 1988, to enable the Ministry to facilitate the process and <sup>convey</sup> ~~obtain~~ the necessary approval to the Commission.

MR. P.K. KINYANJUI: On a point of order, Mr. Speaker, Sir. I am very grateful to the Assistant Minister for ~~the~~ the action he has taken. But since Mr. Kamau is claiming Kshs. 30,000 and the Assistant Minister has said that the amount to be paid is Kshs. 13,359.50, could the Assistant Minister <sup>ensure that</sup> ~~ascertain~~ the Mr. Kamau get<sup>s</sup> paid the right amount?

#### THE ASSISTANT MINISTER FOR LOCAL GOVERNMENT AND PHYSICAL PLANNING

(Mr. Mbori): I will not go beyond what is on record, I If Mr. Kamau complains otherwise, let him submit his application accordingly.

MR. JALDESSA: On a point of order, Mr. Speaker, Sir. My point of order is in connection with a story appearing in the Sunday Nation of 13th November, 1988. I quote:-

'Following the recent killing of rhinos in Meru, game rangers there said that Borans to the north and north-east of the park were involved in the poaching and were aiding the poachers.'

This is a very serious allegation because the area that this Sunday Nation correspondent is talking about happens to be my constituency. This area is always a victim of poaching activities. Recently, on 10th October, 1988, 11 people were killed there. I wonder how the people who are victims of this poaching activities are alleged to be involved in poaching and aiding poachers.

This article has worried my constituents, and the author has a lot of intention which is meant to incite the local innocent people who have nothing to do with poaching. Secondly, this story is very malicious and maybe somebody somewhere wants to cover up the truth. This story is meant to tarnish the name of my people, and I actually want the situation to be rectified. If any game rangers have said that these poachers are Borans, let him give evidence. As far as we and the relevant authorities know, no Borans are involved in poaching activities. In fact, Borans are always victims of poaching.

I do not know whether this correspondent is quoting game rangers. If he is, what were these rangers doing when the rhinoceros in question were being killed? They, themselves, were involved in this poaching. Let them desist from tarnishing the name of an innocent community.

Thank you.

MR. HAKHANI: On a point of order, Mr. Speaker, Sir. My point of order concerns the price of paddy rice, the Question I asked here last

MR. MAKHAKU (CTD.):

week and the reply I got from the Minister for Regional Development. I promised that I would bring here the document showing that the National Cereals and Produce Board had been, for a very brief period in September, 1988, paying farmers at the rate of Shs.246.75 per 75-kilogramme bag of paddy sindano rice. With your permission, I wish to lay this document on the Table so that the Ministry can investigate the matter further and, if possible, confirm the price of paddy rice at Shs.246.75 or give us a further explanation as to why this price was lowered to Shs.130/= and then raised to Shs.232/=, which price was quoted here by the Minister concerned.

(Mr. Makhaku laid a document on the Table)

MR. MANG'OLI: On a point of order, Mr. Speaker, Sir. My point of order is with regard to the dignity of this House. While the Attorney-General was replying to a Question raised by hon. Makau, somehow I heard the words "damn fool", and this is an unparliamentary language.

AN HON. MEMBER: From whom did you hear them?

MR. MANG'OLI: I heard them from the Attorney-General, Mr. Speaker, Sir. I do not know whether I heard these words correctly as I am sitting very far from the Attorney-General. If it is true that they were uttered, this House needs to be protected because that is what we have come here to do. If such an unparliamentary comment is made by the Attorney-General, the custodian of the laws of this country, then all we can say is that the Lord should help us.

MR. SPEAKER: Mr. Mang'oli, the dignity of this House will definitely be protected every one of us here. That is our intention.

Let us move on to the next Order.

COMMITTEE OF THE WHOLE HOUSE

(Order for Committee read)



[Mr. Swedler left the Chair]

IN THE COMMITTEE

[The Temporary Deputy Chairman (Mrs. Ndetei) took the Chair]

The Restrictive Trade Practices, Monopolies and Price Control Bill.

(Clauses 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 and 21 agreed to)

Clause 22

# THE MINISTER FOR FINANCE (Prof. Saitoti): Madam Temporary Deputy Chairman, I beg to move:-

THAT clause 22 be amended by inserting the following definition in its proper alphabetical sequence:-

'market' in relation to any given goods or services, means the total value of transactions measured in prices at the stage of production or distribution under examination based on the date of the recent year for which they are available; and

THAT, the following new heading and sections be inserted immediately after clause 21:-

Control of unwarranted concentration of economic power.

Identifying unwarranted concentrations of economic power.

22. (1) The Minister shall keep the structure of production and distribution of goods and services in Kenya under review to determine where concentrations of economic power exist whose detrimental impact on the economy outweighs the efficiency advantage, if any, or integration in production and distribution; and in identifying unwarranted concentration of economic power he shall pay particular attention to the following factors:-

- (a) a person controls a chain of distributing units the value of whose sales exceeds one-third of the relevant market for the category of goods sold by the chain, comprising the national market in the case of a national chain or a regional or urban market in the case of a regional or urban chain, respectively; or
- (b) a person, by virtue of controlling two or more physically distinct units which manufacture substantially similar products, supplies more

## THE MINISTER FOR FINANCE (CTD.):

than one third of the value, at ex-factory prices, of the domestic market for the category of the goods into Kenya but excluding exports of the goods from Kenya; or

(c) a person has a beneficial interest, exceeding twenty per cent of outstanding shares, in a manufacturing enterprise, and simultaneously has a beneficial interest, however small, of outstanding shares, in one or more wholesale or retail enterprises which distribute products of the manufacturing enterprise; or

(d) a person has a beneficial interest, exceeding twenty per cent of outstanding shares, in a wholesale distributing enterprise, and simultaneously has a beneficial ~~interest~~, *interest* however small, in one or more retail ~~enterprises~~ which distribute goods supplied by that wholesale enterprise.

*h enterprises*

(1) The Minister may direct the Commissioner to investigate any economic sector which he has reason to believe may feature one or more factors relating to unwarranted concentrations of economic power; and for that purpose the Commissioner shall be entitled to require any participant in that sector to grant him or any person authorized in writing by him access to records relating to patterns of ownership and percentages of sales accounted for by leading enterprises in the sector.

(3) The Commissioner may require any person possessing the records referred to in subsection (2) to give him copies of the records or alternatively to submit the records to him for copying.

(4) For the purpose of this section, an unwarranted concentration of economic power shall be deemed to be prejudicial to the public interest if, having regard to the economic conditions prevailing in the country and to all other factors which are relevant in the particular circumstances, the effect thereof is or would be:-

THE MINISTER FOR FINANCE (CTD.):

- (a) to increase unreasonably the cost relating to the production, supply or distribution of goods or the provision of any service; or
- (b) to increase unreasonably:-
  - (i) the price at which goods are sold; or
  - (ii) the profits derived from the production, supply or distribution of goods or from the performance of any service; or
- (c) to reduce or limit unreasonably competition in the production, supply or distribution of any goods (including their sale or purchase) or the provision of any service; or
- (d) to result in a deterioration in the quality of any goods or in the performance of any service.

Orders Minister to dispose of interest. 22E. (1) After receiving the report of the Commissioner on an investigation under subsections (2) and (4) of section 22A the Minister may make an order directing any person whom he deems to hold an unwarranted concentration of economic power in any sector to dispose of such portion of his interests in production or distribution or the supply of services as the Minister deems necessary to remove unwarranted concentration.

(2) A disposal of interest in pursuant to an order made under subsection (1) may be accompanied by sale of all or part of a person's beneficial interests in an enterprise, or by sale of one or more units in a group or chain of manufacturers or distributors or supplies of services controlled by the person.

(3) No order shall be issued under this section that would have the effect of subdividing a manufacturing facility, whose degree of physical integration is such that the introduction of independent management units controlling different components reduce its efficiency and substantially raise production costs per unit of output.

(4) An order made under this section shall allow sufficient time for orderly disposal of interests so as to cause undue loss of value to the person to whom the order is addressed.

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THE MINISTER FOR FINANCE (CTD.):

Offences and penalties

Offences and penalties.

21D. (1) Every person who, whether as principal or agent, and whether by himself or his agent:-

- (a) having lodged no appeal within the time allotted for appeals under section 22C against an order of the Minister made under section 22B, contravenes or fails to comply with such order;
- (b) after the Restrictive Trade Practices Tribunal has pronounced its decision on the appeal, contravenes or fails to comply with any portion of an order of the Minister made under section 22B which is confirmed by the Tribunal, or as modified by the Tribunal;

shall be guilty of an offence:-

(1) A party to an appeal under subsection (1) who is dissatisfied with the decision of the Restrictive Trade Practices Tribunal may appeal to the High Court against that decision within thirty days after the date on which a notice of that decision has been served on him and the decision of the High Court will be final.

(Question of the amendment proposed)

(Question that the words to be left out be left out, put and agreed to)

(Question that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 22 as amended agreed to)

(Title agreed to)

(Clause 1 agreed to)

A handwritten signature and the initials 'E.M.' are present at the bottom of the page.

THE MINISTER FOR FINANCE (Prof. Saitoti): Madam Temporary Deputy Speaker, I beg to move that the Committee doth report to the House its consideration of The Restrictive Trade Practices, Monopolies and Price Control Bill and its approval thereof with amendment S.

(Question proposed)

(Question put and agreed to)

The Statute Law (Miscellaneous Amendments) Bill  
 Schedule (Clause 2 agreed to)

THE ATTORNEY-GENERAL (Mr. Muli): Madam Temporary Deputy Chairman, I beg to move *the following amendment to the ~~the~~ schedule:-*

SCHEDULE:

(i) THAT, the Schedule be amended by inserting the following new item against the Law Reform Commission Act (Cap.3).

The Law Reform  
 Commission Act (Cap.3)

s.2(1) Delete the words "four other commissioners" and insert "six other commissioners."

(ii) THAT, the Schedule be amended as follows:-

(a) by deleting the entry relating to the Criminal Procedure Code (Cap.75) and inserting the following -

The Criminal Procedure Code (Cap.75)

s.35 Delete the words "or treason" and insert "treason, robbery with violence or attempted robbery with violence".

(b) by inserting the following new entries -

The State Corporations Act (Cap.446)

s.26(1)(a) Delete and insert the following:-

(a) The Permanent Secretary in the Office of the President who shall be the Chairman;

s.29 Delete the words "or which or who restricts the Inspector in the performance of his duties" and insert "or which or who restricts the Auditor-General (Corporations) or the Inspector in the performance of his duties".

## THE ATTORNEY-GENERAL (Contd.):

- (iv) by inserting the following entry immediately after the entry on the Betting, Lotteries and Gaming Act (Cap.131) -

The Immigration  
Schedule Act  
(Cap.172)

Delete paragraph (a) under  
class K and insert the  
Following new paragraph -

- (a) is not less than  
thirty-five years ago.

- (v) THAT, the amendment to the Diamond Industry Protection Act be altered by deleting "(2) The fee for a licence shall be one thousand shillings." and inserting "(2) The fee for a licence shall be ten thousand shillings.".
- (vi) by deleting all the entries relating to the Local Government Act (Cap.265) and inserting the following -

The Local  
Government  
Act (Cap.265)

ss. 26 Delete the proviso and  
insert the following -

39(1)  
and 46 . Provided that the total  
number of councillors  
nominated or appointed  
under paragraphs (b)  
and (c) shall not  
exceed one-third of the  
number of elected  
councillors under  
paragraph (a) or  
where the number of  
elected councillors is  
not divisible by  
three the next lowest  
number so divisible.

THE ATTORNEY-GENERAL (Contd.):

(Question of the amendment proposed)

(Question <sup>that</sup> of the words to be left out be left put and agreed to)

(Question <sup>that</sup> of the words to be inserted in place thereof be inserted, put and agreed to)

(Schedule as amended ~~put and~~ agreed to)

(Title agreed to)

(Clause 1 agreed to)

*Sir,*  
 THE ATTORNEY-GENERAL (Mr. Muli): Madam Temporary Deputy <sup>Chairman</sup> Speaker,  
 I beg to move that the Committee doth report to the House its consideration of The Statute Law (Miscellaneous Amendments) Bill and its approval thereof with amendments.

(Question proposed)

(Question put and agreed to)

(The House Resumed)

Mr. Deputy Speaker in the Chair

REPORT, CONSIDERATION OF REPORT AND THIRD READING

The Restrictive Trade Practices, Monopolies and Price Control Bill

MRS. INDETEI: Mr. Deputy Speaker, Sir, I beg to report that a Committee of the whole House has considered The Restrictive Trade Practices, Monopolies and Price Control Bill and approved the same with amendment.

THE MINISTER FOR FINANCE (Prof. Saitoti): Mr. Deputy Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

THE MINISTER FOR EDUCATION (Mr. Oloo-Aringo) seconded.

(Question proposed)

(Question put and agreed to)

THE MINISTER FOR FINANCE (Prof. Saitoti): Mr. Deputy Speaker, Sir, I beg to move that the Restrictive Trade Practices, Monopolies and Price Control B be now read the Third Time.

THE MINISTER FOR EDUCATION (Mr. Oloo-Aringo) seconded.

(Question proposed)

(Question put and agreed to)

(The Bill was accordingly read the Third Time and passed)

The Statute Law (Miscellaneous Amendments) Bill

MRS. NDETEI: Mr. Deputy Speaker, Sir, I beg to report that the Committee of the whole House has considered The Statute Law (Miscellaneous Amendments) bill and approved the same with amendment S.

THE ATTORNEY-GENERAL (Mr. Muli): Mr. Deputy Speaker, Sir, I beg to move that the House doth agree with the Committee in the said Report.

THE MINISTER FOR EDUCATION (Mr. Oloo-Aringo): seconded.

(Question proposed)

(Question put and agreed to)

THE ATTORNEY-GENERAL (Mr. Muli): Mr. Deputy Speaker, Sir, I beg to move that The Statute Law (Miscellaneous Amendments) Bill be now read the Third Time.

THE MINISTER FOR EDUCATION (Mr. Oloo-Aringo) seconded.

(Question proposed)

(Question put and agreed to)

(The Bill was accordingly read the Third Time and passed)

End W.



## MOTION

THAT, this House adopts Sessional Paper No. 6 of 1988 on Education and Manpower Training for the Next Decade and Beyond, laid on the Table of the House on 10th November, 1988.

(Mr. Oloo-Aringo on 10.11.88)

(Resumption of Debate interrupted on 10.11.88)

MR. DEPUTY SPEAKER: When the House adjourned last week, Mr. Oloo-Aringo was moving the Motion and will continue today.

THE MINISTER FOR EDUCATION (Mr. Oloo-Aringo): Mr. Temporary Deputy Speaker, Sir, I thank you for giving me this opportunity once again to continue with my submissions in support of the Sessional Paper No. 6 of 1988. In my opening remarks, I reminded the House that education must be seen in the context of our national philosophy which was established in Sessional Paper No. 10 of 1965 on African Socialism and its Application to Planning and Development. The philosophical bases which were stated in that Sessional Paper were two at that time and today they are still as they were. Indeed, I did ask my hon. colleagues to revisit Sessional Paper No. 10 of 1965 so that we continuously remind ourselves of the philosophical bases of our nation. I did say that the basic premises of political democracy, social justice, respect for human dignity and mutual and social responsibility contained in Sessional Paper No. 10 of 1965 were as ~~now~~ valid then as they are today. Since our educational philosophy and policy emanate from our national philosophy, I said that education must be seen in the context of philosophical, cultural, social and political philosophy of this nation.

Sir, let me recapitulate briefly that the policies and philosophies of our ruling party have continued to adhere to the philosophy of African Socialism and its Application to Development as was defined in that statement of policy in 1965. I also want to ask my colleagues to revisit the Kanu Manifesto, in which our policies on education are very clearly stated. The relevant part, page seven, says:-

15.11.88.

## THE MINISTER FOR EDUCATION (ctd.):

"KANU Government recognises education as one of the most important influences on the quality of life. It provides the basis for the technology to sustain and improve the standard of life. It also influences quality of health status and the standard of housing. It is in this light that the KANU Government will insist on a systematic, purposeful and planned education. Already KANU Government has implemented the 8-4-4 education system which will be fully operational in 1990 from primary to universities.

"Aimed at giving employable to all the 8-4-4 programme would contribute to reduce unemployment rate of school leavers. KANU Government will also remain committed to the improvement of functional education to all children of school age. In addition to technical and vocational training, KANU Government will ensure that higher level training is undertaken at the polytechnics and colleges of technology".

Mr. Deputy Speaker, Sir, it is very important that we define that context and see education in the totality of our national philosophies and policies. I went further and outlined that context, and I am now referring to Sessional Paper No. 6 of 1988, and I intend to highlight some aspects of it. I said it over the weekend, and I want to say it here, that, basically this is a major reform of our educational system. It is important that we look at the consolidation of the 8-4-4 system of education in its totality, which is what this reform is all about. Of course, highlight has been given to only one aspect of this policy, the one on cost-sharing. I want to plead with the media, particularly the print media, to bring into focus the various recommendations which will affect education and training in this country for this decade and beyond. I said that we have made a major step forward because, much as we have discussed food policy, water policy and employment policies in this House, it is the first time that this country is addressing itself to the whole question of human resource management.

Sir, we are today talking about education and training of the human person, which is by far the most important factor in the management of our resources. Therefore, we must look at this Sessional Paper in ~~his~~ its broadness and take into account the fact that we are tackling the whole question of human resource management

15.11.88.

THE MINISTER FOR EDUCATION(ctd.):

I am confident that my hon. colleagues will not lose sight of that particular focus as they make their contributions to this Motion.

Mr. Deputy Speaker, Sir, having dwelt on some aspects of the relationship between education and environment, and having said that it is important for us to start from the known to the unknown and indicated that we must continue to support the conservation of our environment, I would now like to turn to the last part which I was mentioning. Those who have the Sessional Paper No. 6 of 1988 can refer to page nine - The Education and Training for Self-Reliance and Management of Time. In this Sessional Paper, the Working Party recommended that education and training should develop skills which promote self-reliance and self-employment. It is our ultimate objective that the individual who graduates from our institutions must be equipped with skills with which to earn their living, whether in self-employment or in wage employment. In fact, it is easier to retain somebody who already has not only the correct attitude but also certain basic skills. Similarly, we have also recommended that education and training should develop skills and inculcate attitudes and values that lead to productive use and ~~prop~~ proper management of ~~the~~ time.

Sir, let me say that my limited experience has shown me that, in fact, the greatest crisis in our society today is the management of time. This is what we mean when we say, for example, that people desert their offices leaving their jackets and claim to be in meetings and conferences when, in fact, they are doing their private business. How do we cultivate attitudes so that there is no cheating of that type on public time and public funds? That is what we are referring to. What attitudes should we create when, during our leisure time, the only recreation we think of is to go to a bar? Surely, an education that does not teach us how to utilise our recreation time is not a good education. We must, therefore, have oriented education to enable us to grapple with the question of proper utilisation of time, whether leisure time or work time. I think that has come out very well, indeed, in this Report

## THE MINISTER FOR EDUCATION (ctd.):

Having said that, Sir, let me now turn on to some basic areas which this Sessional Paper addresses, and that is the whole area of formal education, professional education and technical education, including university education. I would like to talk about the pre-primary education, which is the foundation of education. In this Sessional Paper, the aims of pre-primary education ~~is~~ are stated very clearly, but I will cite two recommendations which have been ~~is~~ made. First, local authorities, communities, parents, private organisations and sponsors should be encouraged to establish more pre-primary schools to cater for the growing demand.

END.... M

## THE MINISTER FOR EDUCATION M. (ctd)

In other words, we appreciate the role of the private sector and the community in providing pre-primary education. We hope that this practice will continue. While our role is equally important, pre-primary curriculum should be harmonised with that of ~~pr~~ the primary education. Therefore, our role as Government will be to continue <sup>Supporting</sup> ~~to support~~ research, develop appropriate local teaching and learning materials for children of pre-primary school age <sup>to do</sup> research in early childhood education and child psychology, <sup>will</sup> ~~pre~~-primary school children be grouped according to the age and ability, <sup>will</sup> ~~and~~ the district and zonal primary school inspectors <sup>will</sup> be given ~~in~~ training on pre-primary education <sup>to</sup> enable them to provide effective guidance and supervision to the schools. I <sup>would</sup> ~~will~~ like to say a little more about the role of zonal inspectors at a later stage. We are going to train them even better than ~~a~~ before to be able to handle the pre-primary education.

All pre-primary schools will be registered as a matter of urgency. That is the control mechanism and it is <sup>on</sup> ~~is~~ that one that ~~for~~ I am going to insist. ~~that~~ <sup>E</sup>ven though the private sector is participating in providing pre-primary education, our supervision will remain crucial and ~~p~~ critical. I will ensure that before pre-primary schools are registered must have a minimum number of ~~minimum~~ trained teachers to handle the children at this very tender age. They should not be left to ~~any~~ hands to handle them ~~with~~ all the unprofessionalism that goes with it. It is <sup>at</sup> ~~with~~ the ~~in~~ level of registration again that my Ministry will continue to ~~any~~ exercise supervision and to manage it through inspection, <sup>and</sup> I quote:

"Managers of pre-primary schools be encouraged to recruit able teachers and to give them appropriate terms and conditions of service based on their academic and professional qualifications".

So, hon. Members, you can take that as a notice of intention that we are going to insist that pre-primary schools must have a certain number of limited trained teachers to handle the very precious children that we give to these ~~people~~ places.

THE MINISTER FOR EDUCATION (ctd):

Mr. Deputy Speaker Sir, I would like to draw your attention to Primary Education, ~~which~~ Again the Working Party has made certain specific recommendations. Since the ~~the~~ aims are very well state\_d there, I will go straightaway to the recommendations, to give <sup>the hon.</sup> Members the opportunity to look at them and debate them.

- (a) "all parents with children of primary going school age be required to send such children to school and retain them there for the whole duration of primary education."

Again, this is in line with the past policies. Right from the beginning, Kemu was committed to universal primary education. Let me add more on that issue. That is equally in line with our philosophy that education is a human right, ~~the~~ that everybody has a right to ~~literacy~~ the basic literacy skills of reading, writing and counting. Literacy, in fact, gives access to information, particularly on ~~science~~ science and technology which is essential for development. It is for that reason that we are committed to universal primary education. In fact, what that suggests ~~is~~ in ~~an~~ another way is that we must move as soon as facilities are available to the next ~~stage~~ stage which is inevitable. That stage is not only having universal primary education, but make that education compulsory. We are saying that everybody should be literate; it is everybody's right to be literate and we must provide for it. I am carefully suggesting that as soon as facilities are available, we should move to the logical step of making it compulsory. I am saying this because, I know that while it is possible in certain parts, we have to develop those facilities in ~~the~~ other parts.

*Let me quote these words:*

- (b) "The causes and extent of primary school drop-outs and repeaters be studied with a view to improving the cost-effectiveness in the provision of primary schools".

In the Ministry, we have found that there is a very high drop-out <sup>rate</sup> in primary schools. We are looking into the causes of these drop-outs. We are in fact studying the whole question of repeater phenomenon. In fact, I am taking steps now, to encourage that we must reduce this element of repeaters <sup>amounts to</sup> because its wastefulness.

END N.....

## THE MINISTER FOR EDUCATION (CTD):

I know that in some cases people repeat because certain schools want better results. But this is a waste of time for the students and of resources for the parents. Therefore, we must study the drop out rate very carefully, particularly where it is caused by repeating. However, that is not the only cause; there are <sup>other</sup> causes of drop outs, and we have to go into the matter so that people can have eight years of basic primary school education.

Mr. Deputy Speaker, Sir, the Working Party on Education and Manpower Training for the Next Decade and Beyond has recommended that the Government continues to meet the cost of boarding in schools in arid and semi-arid districts, but that it reviews such maintenance periodically. I have <sup>said</sup> in this House before, and I want to repeat it today, that stability in this country, and anywhere else, will depend on justice, and that if we perpetuate injustice we cannot expect stability. It is, therefore, important that we take note and care and provide for <sup>those</sup> parts of this country which are disadvantaged. In this case, therefore, we <sup>maintain</sup> support <sup>the policy</sup> of continuing to support boarding schools in arid and semi-arid areas as one way of redressing the historical imbalances in education.

The next point is on the curriculum, where in (a) we have recommended that:-

"the primary school curriculum be reviewed to allow for options in vocational subjects and more time to cover the curriculum content more effectively".

That means, of course, that we are reviewing the curriculum continuously. In fact, parents have come <sup>to me</sup> and suggested that, perhaps, the curriculum is too crowded, and that, perhaps, the children cannot cope with the work. But I am saying that, in fact, we are doing a great deal of review to see how best to improve the curriculum.

<sup>Similarly</sup> Similarly, we have recommended that:-

## THE MINISTER FOR EDUCATION (CTD):

Provide "primary schools be provided with adequate science facilities, and local communities and parents associations be encouraged to provide primary schools with libraries and adequate reading materials".

Mr. Deputy Speaker, Sir, let me take this opportunity in these recommendations to appeal to my colleagues, as leaders, and to leaders everywhere, to realise that there is an imbalance in education which is being created by not providing the learning facilities; and that those communities which provide learning facilities will see their children through a better education than those areas that do not provide such facilities.

I will give one example. As a Ministry and Government, we have very little money for equipment. In the area of books, if a community waits for the Ministry to provide text books for children in their schools, well, I must say that some of those communities will have a lot of difficulties. I know, for example, in many parts of the country leaders are now mobilising their communities to raise funds for buying books. This is good because there will be an imbalance in education. For example, if you take a school in Nairobi that has all the text books it requires, and compare it with another school which has only one text book for a class, and where the teacher is compelled to write on the chalkboard, bearing in mind that when the bell goes the next teacher erases the notes which the previous teacher might have been providing the students with, obviously those students are disadvantaged. This is a challenge to all of us to ensure that schools have text books - the soft ware of education; we must tell parents this truth as it is. Again, the areas of provision of science equipment, laboratories and workshops are a responsibility of communities, and I think we must all inform these communities of their role in providing that education.



## THE MINISTER FOR EDUCATION (CTD):

Underneath it, I know that it is a question of management, and I invite comments from hon. Members. The question of inspection of schools and supervision of education will come up and we are going to take note of your observations.

Mr. Deputy Speaker, Sir, let me come to the area of secondary school education, which is on page 14 of the Sessional Paper. I will deal only with some aspects of the consequences of the phenomenal growth in education, and as a result of that the need for us to consolidate our gains. Here I am careful because I am talking about the need for us to consolidate our gains. It is true that many of us, particularly those who are involved in politics, are under pressure to ensure that every location within our constituencies has several Harambee secondary schools, or secondary schools for that matter. As a result, we have many small schools: one-stream or two-stream schools. We have found that this <sup>is</sup> not cost-effective; it is not the best way to manage education at that level in terms of consolidation of resources. Therefore, the Working Party has first recommended - and I really want hon. Members to take this very seriously - that:-

"single and double-stream secondary schools be expanded to minimum of of three-stream schools as a more cost-effective way of increasing enrolment."

END ..... 0

## THE MINISTER FOR EDUCATION (Ctd.):

This is even better for our own management and for the proper utilization of trained teachers and equipment and facilities that we have. The second recommendation that we have made says:-

- (b) future secondary schools be established as day schools as a more cost-effective way of expanding and providing accessibility to secondary education.
- (c) more opportunities to be created for girls in secondary education and facilities to be provided to enable them to study technical subjects.

Mr. Deputy Speaker, Sir, I do not want to dwell on that at length because all of us now know that most schools must go day and it is to their advantage to be day schools to cater for the immediate environment. However, the management and maintenance of day schools is far easier for the communities than boarding schools. What we have recommended on paragraph 29 has raised an important issue which I would like to explain, and that is, the whole concept of categorization of schools. More recently, Mr. Deputy Speaker, I explained publicly that in the future, we shall have only two categories of schools. One group of schools will be public schools and the other group will be private schools and this is for good reasons. This is to be found in paragraph 29 (a) which says:-

- (a) secondary schools which are developed and equipped and provided with staff from public funds by the Government, parents and communities be designated as public schools;

Mr. Deputy Speaker, Sir, the aim of this policy is to stop discrimination against Harambee schools. Let me illustrate this. We have 2,600 secondary schools in Kenya, and of these, about 2,000 schools are actually Harambee secondary schools. Six hundred schools can be categorized under maintained schools, for example, the Alliance and the Maseno High Schools, and so on. The second category of schools are called, assisted schools and there are many provincial and district secondary schools under this category. Finally, we have community schools of Harambee schools. Invariably, our policy has been that we give Harambee schools at least three teachers.

You can have within the same location, two secondary schools, one being a Harambee school while the other is an <sup>Government</sup> assisted school. The Government assisted school has full trained teachers while the other one has only three trained teachers. All these are children of Kenya and when they come out of school, they will serve the same economy. The question here is: why discriminate against one section of the children in our schools? To me, this is a major change because we are saying here that if our resources are limited, we should share them equally between all the schools. Therefore, if we have trained teachers, we should share them equally between all public schools. Therefore, we are abolishing once and for all, the so-called maintained, ~~and~~ assisted and Harambee schools with a view to removing the discrimination against Harambee schools. I do not think, Sir, that I need to express that in the area of funding, we have very little funding. Therefore, what little funding exists will be distributed equally to all the schools. This is basically because of our policy of equality in order to be fair. With this policy therefore, we are going to have maintained schools, assisted schools and Harambee schools all being re-classified as public schools and the purpose of this is to treat these schools equally particularly in the area of the provision of teachers.

Mr. Deputy Speaker, Sir, - - -

MR. KUBO: On a point of order, Mr. Deputy Speaker, Sir, while we are very happy with what the Minister is saying right now, is he aware that what is happening is that the students who are admitted to Harambee schools have lower pass-mark after doing the Kenya Certificate of Primary Education Examination. So, can he explain whether that is going to continue?

THE MINISTER FOR EDUCATION (Mr. Oloo-Aringo): Mr. Deputy Speaker, Sir, one of the problems in this House is the concept of listening. <sup>Some</sup> people have very little patience and they do not want to listen. If the hon. Member had remained patient, he would have got the total policy which I am trying to explain. The art of listening is a very important art. I am saying this because when I - - -

MR. KWAMZANDI: On a point of order, Mr. Deputy Speaker, Sir. Hon.

Members in this House should be referred to as hon. Members, ~~how~~ The Minister has referred to hon. Members as people or something like that. Could he refer to us in the proper title because we are hon. Members?

THE MINISTER FOR EDUCATION (Mr. Oloo-Aringo): With all due respect to the hon. Member, & Mr. Deputy Speaker, Sir, I simply referred to a concept which in the society as a whole, is a problem and of course, I was coming to talk about the hon. Members of this House and say that my hon. colleagues should learn to listen a bit longer and they will pick up the whole message.

Having said that, Mr. Deputy Speaker, Sir, I was saying that the whole idea of this policy is to remove discrimination. My hon. colleague is a lawyer and I think he should be able to read between the lines. Surely, that is very basic and elementary and I do not want to indulge further on this. So, let me develop the point which I was pursuing. The second point which I wanted to make is that on the other hand, however, will be private schools. So, there will be two groups of schools, that is public schools on the one hand and private schools on the other. Some private schools have in the past benefited by having teachers <sup>from the</sup> ~~from the~~ Teachers Service Commission posted to them and yet, the Government was not involved in the management of such schools. What we are saying in this new policy is that if schools choose to be private, then they must remain private schools, but our role will continue to ensure that education standards in those schools are maintained through registration, supervision and inspection to make sure that they employ qualified teachers. I would like to use this opportunity to these appeal to private schools to play their proper role. In this country, we have many Kenyans who are now qualified to teach in secondary schools and these private schools must try their best to recruit Kenyan teachers to teach there. The idea of running to Bombay or to any other country to bring in foreigners ~~in~~ to teach in Kenya while we have many Kenyans who have done their Advanced Level Examinations or other higher examinations and could ably teach in secondary schools, must stop so that we can provide ~~opportunities for our people.~~ We should place the management of these schools in the hands of our people.

THE MINISTER FOR EDUCATION (Ctd.):

However, Mr. Deputy Speaker, Sir, we as a Ministry will continue to supervise standards in all private institutions, particularly, the private schools to ensure that they provide quality education to Kenyans. That is a policy which I think hon. Members of this House would like to debate vigorously and we hope that they will give us support in this. With regard to part (b) of our recommendation, the categorization of schools as high cost or low-cost schools will also be abolished. However, I would like to add here, Sir, that we shall continue to have national schools as centres of excellence and later on I shall be discussing the need to provide schools for gifted children in this country. These national schools, therefore, will be "pace sectors" or standard bearers" and the <sup>Centres</sup> ~~y~~ will remain ~~standards~~ of excellence in secondary education. // I hope that many more private schools will also become centres of excellence. I know that some of the private schools have been centres of excellence. For example, we have the Strathmore College in this country which has been a very good school by its standard and I know many private schools can actually achieve that level of excellence. Not only in this country do we have ~~many~~ private schools. We have the University of <sup>Havard</sup> ~~Havard in the United Kingdom~~ which is a private university and it has continued to be a centre of excellence. So, being private does not mean being mediocrity or the "bwana mkubwa" of this country. I shall continue to take action against those few private schools that want to exploit the public. Let them not make that mistake. So long as I remain the Minister for Education, I will not allow ~~these~~ <sup>tendencies</sup> mediocrity and exploitative ~~tendency~~ in those private institutions. So, I want to ~~stress~~ stress the need for us to have these national schools as centres of excellence in order to encourage every district to have a model school. What is a model school in this context? A model school will be a school which will have all the facilities that you have in <sup>a</sup> national school, but will have its ~~catchment~~ catchment area in the district. The purpose of this policy is to give every district an opportunity to have excellent schools and therefore to vie for university places.

//MP.

THE ASST MINISTER FOR EDUCATION (Ctd.):

That is the purpose of this policy, that is, to enable every part of Kenya, as I said, to have balanced development. That is the concept of social justice without which there cannot be peace and stability.

Mr. Deputy Speaker, Sir, I have spent some time on that point and therefore, let me now turn to the area of secondary school curriculum.

END P

## THE MINISTER FOR EDUCATION (ctd):

Mr. Deputy Speaker, Sir, let me touch on the ~~are~~ area of secondary school curriculum. We have recommend that this curriculum be reviewed to ensure effective coverage of its contents and to assist in strengthening career orientation. As you know, secondary schools are the gateway to the world of work and to further education and training. Therefore, I appeal to the hon. Members to provide these students with workshops, laboratories and home science facilities so that they have the facility to cover the curriculum and to compete effectively with the very best.

Secondary schools should be provided with adequate facilities and equipment for proper teaching of science subjects. I have said this and I want to repeat that if the secondary school is the basis or the foundation or the gateway to the world of work, it is extremely important that we lay the basis for a science culture in these schools. This culture should be oriented to the better use of modern technology. The challenge to all of us is to provide those facilities.

I will talk about section 30(c) when I will come to teacher education.

We have made a series of recommendations on supervision of secondary education. We have acknowledged certain ~~are~~ weaknesses in order to improve on <sup>this</sup> our management capacity. We have ~~done~~ by establishing a criteria to determine the number of secondary school inspectors, training of inspectors and senior teachers and so on.

I would like to say that - and I will emphasize later on - because of the Government's recent approval of the scheme of service, we are in a strong position to bring certain changes in this respect. I will make a final remark on that one when I will touch on the area of management of schools in what is alleged to be a widespread unrest in schools.

I will now touch on the area of vocational and technical education. The House might know that in the wisdom of His Excellency the President, we now have the Ministry of Technical Training and Applied Technology which will

streamline this area. I am glad th<sub>at</sub> my hon. colleagues in the Ministry of Technical Training and Applied Technology are here and will take note of the hon. Member's, ~~my~~ observations together with my Ministry.

I feel that we must address the whole area of vocational education. We as leaders must understand what is involved this area of training. We are talking about training. What sort of skills are relevant? How do we provide those skills? At what level do we provide those skills? In fact, I say this deliberately because many of my hon. colleagues still come <sup>to me</sup> and say "We want to register a technical secondary schools." I try to plead with them that we used to have technical secondary schools which were a dead end. When some of the very best students graduated from technical secondary schools, they could not go to Form Five because there was no technical class at that level. They, therefore had to revert to <sup>the</sup> pure sciences of Physics, Chemistry and Biology even if they did Wood Technology and other subjects which were in the technical skills. Similarly, they were not easily admitted into the national polytechnics. They were, therefore, hanging somewhere. As a result, we could not absorb a number of people.

As a result of that policy, the technical secondary schools were converted into technical training institutes to train artisans and craftsmen in order to provide them with sellable skills. That change is important and I want my hon. colleagues to understand that we have moved away from technical secondary schools to technical training institutes.

One of the changes which my hon. colleagues will realise is on the various levels of training. For example, we have technical training institutes which have now been recommended to take primary school graduates so that they can acquire artisan and craft skills. We have youth polytechnics, institutes of technology and national ~~in~~ polytechnics.

I have often said that even the United States of America which has the largest university system in the world, has a very limited number of people who join the universities in that country. I do not know the exact statistics



properly, but it must be hovering around 10 per cent. Other countries have an even smaller percentage of those who join universities. A system of education that only caters for those who will ultimately end at the university, cannot obviously be a good system. This is because a vast majority of the people will not go to university. Therefore, you must address the problem that arises at the base of the pyramid. That is where middle level training institutes or colleges come in. These are the places where people go ~~to acquire skills~~ to acquire skills and to improve upon those skills.

It is for this reason, therefore, that we must give a central cliff in our education system to technical and <sup>vocational</sup> ~~educational~~ training. We must explain the role of technical training institutes and youth polytechnics. All of here, with all due respect, have hundreds of graduates of primary schools who have no training. We cannot advise them because we do not know what to advise them on. It is for this reason, that we must address ourselves, particularly to the training of primary school graduates whose numbers will continue to increase rather than decrease.

Similarly, the institutes of technology are playing a very important role particularly in the provision of technicians and technologists. They have a future in providing the much needed middle level skill manpower in both technical and professional fields.

I have a lot of admiration for the national polytechnics. From experience, I know that graduates of national polytechnics have no problem at all in getting employment because they <sup>are</sup> practically oriented. In fact, invariably they are sponsored by industry. This is because when they are at college, they are assured employment on completion of the course. Sometimes, they make good money. We must address ourselves to the question of the university syndrome in our country. We must know that not everybody will go to university and that many of us can benefit from middle level colleges. In fact, many of us go overseas or raise money to go and join very inferior colleges there, when the skill can be attained right here in Kenya.

It is, therefore, at this stage that we must appeal to Kenyans to begin to change their attitudes particularly towards technical and vocational education. We know from experience that a good doctor <sup>give</sup> - I will give this as an example - although it is not necessarily accurate but it is very much to the point - diagnoses a disease but it is the nurse who injects you with the medicine. The doctor will similarly see many patients. Not only that. A good engineer will need, say, 10 or 30 technicians or craftsmen for his work to be efficient. It is at that level that we must <sup>address</sup> the question of training. Many hon. Members will have a chance to say more about this issue.

I would now like to come to the area of special education. I said earlier that we are one country which has addressed the whole question of human resource development. I would like to give an example of the story of the lizard which I read in the book Things Fall Apart which was written by <sup>Prof.</sup> Chinua Achebe. Now that Prof. Achebe has been touring the country, I might as well recall this part of the story. According to this story, the lizard fell from the iroko tree which was many feet high. Some how the lizard survived from the fall. After waking up from the unconsciousness, the lizard looked around and nobody congratulated him. It then said to itself "At least I must congratulate myself ~~because~~ for having come from that far and survived. I think I did very well."

I am not saying that we have done everything we could with special education but we must congratulate ourselves particularly on the area of the handicapped. I know that hon. Awori who is involved in this will, of course, enlighten the House on what we are trying to do in the area of special education. As a country we have addressed the whole question of the visually handicapped, those with hearing impairment, the mentally handicapped and so on and we have tried to provide for them.

This Report, therefore, makes very strong recommendations not only in cultivating correct attitudes in handling the handicapped but in ensuring that they are integrated in our total national development through education and employment.

THE MINISTER FOR EDUCATION (Ctd.):

This is actually within the African tradition. As a young man, I was trained to never laugh at somebody because he was handicapped. I once got a severe beating when I laughed at somebody who was crippled. This is the correct attitude we should all have rather than what happened in a certain country where I was told that the handicapped were collected in a lorry and dumped into a lake. In our own situation, we have accepted to integrate the handicapped in our education, training and our employment policies and we have made a sea of recommendations.

I must say that the Ministry of Education, Mr. Deputy Speaker, Sir, has a very strong department dealing with special education and have a very strong teachers training programme at the Institute of Special Education in Nairobi.

Let me say briefly the area which will interest hon. Members in the area of teacher education. We have addressed the question of pre-primary; the need to train those teachers of pre-primary and we have made recommendations on how to go around it. We have made recommendations in the area of secondary teachers education. I will not mention the first two but will mention ~~the~~ that the Bachelor of Education (BEd) degree programme of teachers of secondary schools be extended to five years under the 8-4-4 system of education. The post-graduate diploma be expanded to train more teachers. Let me add here that in the area of teachers for secondary schools, we have made considerable progress.

Just to refresh the hon. Member's memories, Kenyatta University is our strong university on education but even at Kenyatta University, those who have been enrolled particularly this year have increased enormously. Not only that, we have also opened a faculty of education at Moi University to produce the

## THE MINISTER FOR EDUCATION (Ctd.):

much needed science ~~xxxx~~ teachers for secondary schools; we have a faculty of education at Egerton University to produce the much needed secondary schools science teachers and others. Again, we therefore, we are addressing the question of providing secondary school teachers for our schools. <sup>We are doing so</sup> in the area of technical teachers and special education teachers -- and equally important, the area of teacher trainers. We have at the moment in the universities in the country as well as overseas student teachers who will in the end train other teachers in teacher training colleges.

I think it is in the area of university education that I want to spend a little bit of time just to explain it. I will go a little bit ~~slow~~ slow because I need the full understanding of this House and the country particularly in view of the recommendations that we have made and I know we shall have the full support of the country. First of all, we have recommended that the growth in university students enrollment be <sup>matched</sup> ~~matched~~ with commensurate provisions of appropriate resources in order to maintain high standards, quality and relevance of university education, training, research and ~~scholar~~ scholarship. The second recommendation is that some of the existing training and research institutions ~~be~~ should be developed as university institutions offering degrees of Kenyans publically.

We have many specialized ones in such institutions like Kenya Medical Research Institute (KEMRI), Kenya Industrial Research and Development Institute (KIRDI), Kenya Forestry Research Institute (KEFRI) and the Kenya Agricultural Research Institute (KARI). They are doing great work and they can be integrated in parts of developing -- as we said, centres of excellence for research training and scholarship.

## THE MINISTER FOR EDUCATION (Ctd.):

The establishment of private universities is a sensitive point. These institutions could be encouraged but controlled. This is why we set up a commission for higher education and through this commission, we shall be able to control the development of universities particularly private ones. I must say that I am aware that a number of universities have ~~all~~ applied for registration because under the ~~law~~ commission for higher education, they must register to function as universities. They are being inspected and scrutinized and we are considering ~~at~~ their applications but they must satisfy the standards that we have set. We have a watch-dog here - the commission for higher education - which will ensure that standards are maintained.

Sir, the establishment of private universities should be encouraged but should be controlled and guided to ensure that they offer ~~any~~ courses relevant to the needs of Kenya and maintain acceptable standards. You might recall that in the issue of the so-called ~~Muguga High School~~ *I took a very firm stand* and will do the same thing today. I know some people supported Muguga High School not because they believed in what they were saying but simply out of tribal sentiments. ~~Personally~~ Personally, I have no room for tribal sentiments.

We have also recommended development of public universities be co-ordinated and harmonized to ensure complementarity in the provision of university education. The functions for ~~higher~~ the commission for higher education and the public universities in university education, planning and development, staff and financing on the admission of students be reviewed with a view to streamlining their responsibility. The commission again was approved by this House and it is playing a very important role.

In fact, I was just looking at some of their recommendations which

THE MINISTER FOR EDUCATION (Ctd.):

we are still looking at at the Ministry, concerning standardization, accreditation and supervision. The commission has now published rules which must be followed in order to register. In future, not every Tom, Dick and Harry will come about and establish universities; they will have to go by our guidance and they must therefore, satisfy and meet the minimum standards.

Mr. Deputy Speaker, Sir, we have addressed the question of teaching and research and also we have addressed ourselves to the question of university students. First of all, we are committed to the staff development in the universities to ensure that we have quality staff in the academe to support our teaching, ~~to~~ our research and to support our scholarship. We have made recommendations from A to E - universities should ensure that their teaching staff establishments are adequate and vacancies are filled promptly. I have encouraged universities to fill vacancies promptly. Universities should also ~~to~~ consider recruiting holders of masters degree into substantive university teaching posts and to facilitate them to acquire higher qualifications. Even ~~with~~ with the recent effort that we made of going overseas to recruit staff, we are still short of staff at the universities. It is in that area that the working party has recommended that universities should recruit people with masters degrees - some of whom will graduate with a PhD degree in order to have them as lecturers at the universities.

Universities should establish ways and means of raising funds from the public and private sectors to ~~strengthen~~ strengthen universities research. University ~~libraries~~ libraries should be provided with adequate funds and so forth and university press be established. I am told that the University of Nairobi has

THE MINISTER FOR EDUCATION (Ctd.):

gone ahead and established its own publishing house in that direction and many more will follow suit.

Let me now turn to the area of students. We have made recommendations and I want to elaborate on this one. Schools and universities provide necessary ~~guidance~~ guidance and <sup>counselling</sup> ~~counselling~~ to university applicants to enable them to make the right subject and course <sup>choices</sup> ~~choices~~. Universities should recognize and give credit for education and training required from <sup>post</sup> ~~both~~ secondary school institutions and to institutes flexibility in the admission to university programmes. What we mean is that, for example, we have a number of ~~graduates~~ Form Six graduates who joined diploma colleges to graduate as teachers with <sup>a</sup> ~~diploma~~ diploma in teaching or those who joined national polytechnics. In the past, they have found it very difficult to join the universities here because the universities insisted that they had to complete the full circuit programme. We are saying that the same people go overseas and are given credits for the programmes which they might have undertaken at the diploma colleges or the national polytechnics.

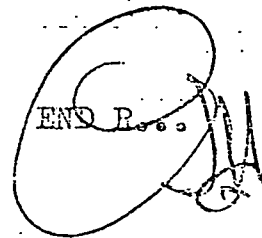
For example, if somebody has a higher national diploma, it is important that you recognize that training, give credit for that training and therefore, make it possible for him to be able to complete his course in a ~~shorter~~ shorter period of time.

Therefore, we are recommending that because the same people go overseas with their higher national diploma and actually return to the country and join universities as professors yet they had been rejected at one standard. <sup>they should be considered</sup> This is a contradiction and should not be allowed to continue. Senates and other bodies responsible for management of universities must now take this into consideration.

R.6.....15.11.88

THE MINISTER FOR EDUCATION (Ctd.):

I want to say that there is considerable progress. We have been discussing this and there is a lot of understanding and I am sure steps are being taken to take into consideration the training which you might have received in some of those post-secondary school institutions. The admission of students to public universities, except for special circumstances, should be as day ~~universities~~ *university students.*

END R. 



## THE MINISTER FOR EDUCATION (ctd.):

This is important ~~and~~ and I really need the understanding here that the universities the world over provide tuition only. They are not responsible for the bed in which ~~w~~ you are going to sleep <sup>in</sup> or for the food you are going to eat. All we are saying is that we too must not tie tuition to bed space. When we tie tuition to bed space, the opportunities we can offer are limited. What we want, by this, is to open up <sup>more</sup> opportunities for more Kenyans. In future, we shall not <sup>guarantee</sup> accommodation. The role of the university will be to admit you to their programme and it will be for you to look for a place to live in and know how you are going to live. The university will only be concerned with your academic development and your progress. This is the tradition which is <sup>prevailing</sup> the world over. Those colleagues ~~h~~ who have been to universities overseas know this only ~~know~~ too well.

There is a thing ~~a~~ I found intriguing when we had the large intake recently. When we did indicate that the problem and the constraint was accommodation, many parents actually picked up ~~up~~ telephones and called me and my Permanent Secretary and said, "Look, hon. Minister, Sir, I am prepared to ~~x~~ live with my son or daughter at home if you can admit them to your university". And for the first time, there was a breakthrough. If anything, I must say that plight did indicate a lot of things, that parents were now beginning to ask the question. In the ~~fx~~ past, parents were keen on getting rid of their children from home, some of ~~wh~~ whom lived in Nairobi. But they wanted to dump their children in the universities and forget about them. Probably some of the problems we have in education today are societal - in the homes. Maybe we are not

THE MINISTER FOR EDUCATION (Ctd.):

taking enough interest in our children. But in fact, with this crisis, many parents - even one or two of my colleagues here - said to me, "If you can admit my son to the university, I will live with him at home". A year before, he would not have said that. That indicates that if we can ~~have~~ have day scholars, we shall have more ~~places~~ places ~~for~~ available for more Kenyans to benefit from university education. Therefore, the question of accommodation will be ~~x~~ the responsibility of the students and not of the universities. That is one fundamental change.

Paragraph 56(d) states:-

"the management ~~x~~ and administration of the students' boarding and feeding services be streamlined and provided separately from the management and administration of the universities."

Each of the universities' feeding programme is now administered by the University Students' Accommodation Board (U.S.A.B.), but this should now be treated as separate from the academic work which the ~~xx~~ student is going to undertake at the university. That is one thing which I think is inevitable, and which will allow us to expand universities and have more Kenyans benefit from university education.

Let<sup>me</sup> now come to the area of university staff development.

Paragraph 57(a) states:-

"(a) universities be provided with adequate funds to expand post graduate programmes to meet the demands for national manpower training and promotion of research

(b) universities should ensure that post graduate students, tutorial and research fellows devote adequate time on their studies and research in order to complete their programmes on time;

(c)

## THE MINISTER FOR EDUCATION (ctd.):

(c) universities endeavour to train their academic staff in the basic concepts of university teaching, methodology and in the guidance and counselling;

(d) university academic staff who are involved in the training of teachers should combine both academic or vocational qualifications and professional training in education;

(e) an adequate capacity and capability be developed in Kenyan universities to enable them to train national manpower in all specialized areas."

Let me take this opportunity, again, to pay tribute to the university staff because in this year, in which there has been ~~enormous~~ <sup>measured</sup> enormous expansion, they have ~~managed~~ very well and responded very well to the challenges of this expansion. They deserve a pat on the back.

I will skip chapter XI and plunge to chapter XII, which is Co-ordination of Manpower Training. Again, I will not say much on this one because His Excellency the President again, in his wisdom, recognizing the importance of human resource development, has created a Ministry of Manpower Development and employment. That alone shows our commitment. As I said, the Report <sup>is</sup> and a Government Report <sup>and recommendations</sup> and not the ~~the~~ recommendations of the Ministry of Education.

Paragraph 66(a) states:-

"national manpower survey and research be made a continuous exercise to provide up-to-date and correct information data for the purposes of effective planning, development ~~and~~ and utilization of human resources;"

Mr. Deputy Speaker, Sir, I <sup>ran</sup> into this problem at one time when I was serving in the Ministry of Labour. I had a crisis in this House when a Question was raised that there was a

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job which we had not indexed properly. This was in reference to the then post of <sup>chief</sup> chef cook at the Hilton Hotel. Of course, when we Kenyanized the personnel in the hotel, those who wanted to beat the policy quickly changed the title into chief kitchen technician. Obviously because we had no other record, this man kept hiding in that particular institution as <sup>chief</sup> chef kitchen technician, when, in fact, his title was <sup>chief</sup> chef cook. Hon. Members took me to task to ~~expat~~ explain the matter. I said that there was a loophole somewhere. Therefore, this ~~to~~ type of survey/<sup>and index</sup> recommended in the Report will eliminate that kind of problem. I am very glad that the Working Party and the Government has made that recommendation.

Paragraph 66(b) states:-

"employers be encouraged to utilise the Industrial Training Levy to train their personnel in various categories of public training institutions".

I learnt a great deal about this when I was in the Ministry of Labour. Most ~~x~~ employers are ~~are~~ quite happy to collect and to remit the Industrial Training Levy, but to defeat the objective, they are not training anybody at all. So long as they comply with the law ~~x~~ by collecting the levy and dump it with the Government, that becomes the end of the job. But the purpose of the levy is to train more and more E Kenyans, and I am very pleased indeed to note that some of these things are now being streamlined by the Ministry of Technical Training and Applied Technology.

Paragraph 66(c) states:-

"the Hotels and Catering Training Levy be extended to train manpower for all types of hotels and catering houses."

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We need ~~high~~ quality service and so, formal training should be oriented to take into account the special training needs of the informal sector, with particular emphasis on providing entrepreneurship skills. As you know, we have many people in the 'jua kali' industry who are qualified and many of whom were foremen who disagreed in matters of principle with their employers. Some of these people are highly skilled, but unfortunately, some of ~~them~~ <sup>They</sup> have not learned the basics of book-keeping or accounting skills. That is why we are saying that some of the funds should be used to train them in entrepreneurial skills; things like book-keeping, and accountancy and personnel management in order to improve their performance and profit margins.

On skills applicable in the informal sector, this should be studied and developed through the formal training programme. Again, let me come to an area of great importance, namely, centres of excellence in education training and research. We have, of course, developed in this country, enormous capacity in research. Of course, the Report mentions a number of them, such as Kenya Medical Research Institute (KEMRI), Kenya Industrial Research ~~Institute~~ and Development Institute (KIRDI), Kenya Trypanosomiasis Research, Kenya Agricultural Research, Kenya Marine and Fisheries and so on, including international ones that ~~have been~~ <sup>are</sup> located here such as the International Centre for Insect Physiology and Ecology (I.C.I.P.E.), the International Laboratory for Research on ~~the~~ Animal Diseases (I.L.R.A.D.) and so forth. <sup>therefore,</sup> The Working Party and the Government, has paid attention to this and recommended that universities and research institutes should be provided with adequate facilities, equipment, funds and specialized staff on a long-term ~~basis~~ basis in order to develop and maintain excellence in their areas of specialisation.

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Of course I need not elaborate that India made a breakthrough in the so-called green revolution because of the kind of ~~rice~~ rice which they discovered and which has given them the bumper harvest that they have. The sort of thing<sup>s</sup> we are referring to are such as the achievement we have made in the ~~high~~<sup>highbreed</sup> maize development and the others. It is in our interest to address ourselves to the problems raised by science and technology and to attempt ~~them~~ to answer them. The National Council for Science and ~~Technology~~ and the Kenya National Academy of Sciences should intensify the promotion of research and establish national awards to encourage the researchers. The existing higher education training and research institutions should expand and diversify their studies and so forth."

Paragraph 72 states:-

"(a) every effort be made to develop local institutional capacity and capability through the provision of qualified personnel to enable centres of excellence to be self-reliant;

(b) national research discoveries and innovations be strictly safeguarded and protected by law."

This is important. Many of us have travelled to other countries. I have visited countries, attending conferences and such other meetings, and I know that countries jealously guard their secrets because it is in the area of technology that the next domination will come. So, if you are loose with your achievements, you ~~will~~<sup>no</sup> are exposed and you ~~do~~ have capacity even to protect what you have. So, this is the gesture to protect our achievements in the area of research.

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Paragraph 73 states:-

"(a) gifted and talented children be identified early and be provided with special ~~re~~ programmes that will accelerate the development of their special gifts and talents; "

~~Any~~ I know that every country is endowed with a number of genius or talented persons. What we are recommending here is that they should be ~~revised~~ identified ~~and~~ early and be given special training. That is one way of training our scientists. They should be identified, groomed, trained and remunerated properly.

END S. *Gunn*

- (b) some of the existing ~~and~~ educational and training institutions be identified and developed to provide education and training for the ~~f~~ gifted and talented students;

Mr. Deputy Speaker, Sir, I have already referred to national schools. I have also said that gifted children do not necessarily come from affluent homes. Let me elaborate on this. Many of us here wish that we had children who were gifted and who are <sup>genius</sup>~~genius~~. God is clever and does not give us everything. ~~As~~ I know many of the so called gifted children come from very poor homes. It is for this reason that we have suggested that they should be identified. I know that in a situation where we provide centres of excellence, we shall be able to cater for the gifted children and be able to provide them with those opportunities. As I said earlier on, sometimes we wish ~~that~~ that the affluent people should have the so called gifted children, but invariably, they do not usually have them inspite of opportunities which they have beyond the others. But that is God's wish and I have no way of knowing how he works.

- (c) national awards be established and other incentives created at all levels of education, training and research to promote the development of excellence.

We are doing this in science. We have science congresses and we can do it in many other areas to provide this. We are going to streamline and harmonise curriculum examination and certification. We have indicated at how this is going to be done. I would like to take this opportunity to pay special tribute to the Kenya Institute of Education (K.I.E.) for the work that it has done for this country. This is the tremendous work that has gone on in responding to the demands of the 8-4-4 system of education. This is because of the dedicated officers and experts ~~at~~ at K.I.E. who have done a commendable job. As I speak now, we have completed the curriculum for the primary schools. As I said earlier on, we shall ~~continue~~ continue to review this from time to time. This is because education is a process and must be



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reviewed. The same has been done for secondary schools and we are now working in collaboration <sup>with</sup> ~~with~~ the universities ~~x~~ to come with a university based programme. I have recommended that K.I.E. ~~to~~ be strengthened, expanded and diversified <sup>in order</sup> to meet the challenges of today and that curriculum ~~development~~ <sup>development</sup> be implemented <sup>and</sup> co-ordinated <sup>of</sup> and <sup>harmonised</sup> ~~harmonised~~ to ensure <sup>sequencial</sup> ~~sequence~~ development of concepts and so on. Training programmes offered to private and public students should be co-ordinated through the K.I.E.

Mr. ~~E~~ Deputy Speaker, Sir, I ~~h~~ must also say that the Kenya National Examination Council (K.N.E.C.) <sup>H</sup> has done a commendable job. I hope that ~~h~~on. Members will have the opportunity to express those achievements as well as the areas <sup>where</sup> ~~that~~ we can do better. We have said that the K.N.E.C. be ~~responsible~~ responsible for all national examinations and certification except for those of the universities. Its capacity should be expanded and strengthened to cope with its increased responsibilities. Examination and certification being offered locally ~~ix~~ by foreign bodies be discontinued. I ~~z~~ might as well explain this. This is ~~b~~ecause this was raised by somebody in a meeting that I had. We know, for example, that the basis of our education is 8-4-4 and that the university selection will be based on this system of education. If somebody who is a Kenyan, therefore, sits for the London General Certificate of Education (G.C.E.) he will not be considered for a place at the university. That is the thing that we are telling our people. We are telling them that we ~~h~~ must have faith in our examinations. Our examinations are of the highest standard and that we believe in the 8-4-4 system of education. By coincidence I was in the United Kingdom early this year, and one of the things that I learned there was that the British were ~~agonising~~, with all due respect, over their own reform of education. <sup>They</sup> ~~There~~ were returning the centralised curriculum. Many of them were sceptical about the G.C.E. All we are saying, ~~therefore~~

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therefore, is that perhaps the Kenyans were a step ahead, identified the problem and devised the 8-4-4- system of education with an examination that ~~will~~ will fulfil the objectives of the 8-4-4- system. It is for this reason and for other reasons which I will not elaborate on at length, that we are saying that ~~the~~ foreign based examinations be phased out. I have given the example of the London G.C.E., but this applies to many other bodies.

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

I would like the Minister to clarify whether the local universities <sup>will</sup> accept ~~our~~ students with G.C.E. and if so would those outside universi-  
ties accept our examinations?

HON. MEMBERS: That is not a point of order! It is a question!

THE MINISTER FOR EDUCATION (Mr. Oloo-Aringo): Mr. Deputy Speaker, Sir, hon. Makau is a personal friend of mine and so I will not say anything very nasty to him. I will be nice and say that I know that he will have a chance ~~to~~ make those suggestions. All I am saying is that we ~~at~~ first and foremost must have a starting point which is our system. And in this ~~case~~ case our system is 8-4-4- which will be the basis of selection to the universities. We shall, ~~also~~ of course, have ways of translating equivalences. That is what the Commission for the Higher Education will do. But there is no point in cheating the Kenyans. This is because the vast majority of ~~the~~ Kenyans have no opportunity of going ~~to~~ to overseas universities. So their best chance is here. That is why we are encouraging them to undertake the 8-4-4.

I have said that we as the Government ~~are~~ are very flexible and we are doing this very smoothly. That should give a lot of people consolation. It is true that we are disengaging the system. But we are doing it smoothly as we always do things in Kenya. ~~Shramani~~ School can contact us on individual basis. That is the thing that must be

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made clear. That we are human and considerate. If ~~there~~ there are a few foreigners who would like to continue to sit foreign based examinations, we shall phase it out slowly and smoothly and quietly.

- (a) the development of education and training programmes be co-ordinated to harmonise entry requirements and certificates awards to allow flexibility in students upwards mobility throughout the education and training system;
- (b) educational and training institutions give appropriate credit for qualification and experience gained in determining the level of entry and the duration of the course.

This is the area that I would like to elaborate on. This is because we have ~~had~~ had ~~experienced~~ a spate of unrest in a limited number of schools. I want to stress this word 'limited'. There is no strike hysteria in Kenya's secondary schools. If you take an area such as Nyanza where we have had the largest number of unrests, out of 500 schools only 35 had some indiscipline and unrest. ~~ix~~ What about the 450? Similarly if you take the nation as a whole, you will realise <sup>t</sup>hat the number of schools that had unrests and indiscipline were <sup>and</sup> less than 70. out of about 2,600 schools. Invariably, in our analysis first reaction, we found that many of the schools that had ~~in~~ some problems, were young schools, and, not the old schools. So we had to find out what the problem was. I am saying this because later-on ~~am~~ am going to address the ~~the~~ question of management of ~~these~~ schools and institutions. What~~x~~ was the problem here? We have made attribution here and there and may colleagues have spoken publicly. But I as a Minister I had to ask myself; 'How much <sup>of</sup> ~~is~~ the ~~problem~~ <sup>is</sup> in schools <sup>is</sup> due to external factors?' I then ~~de~~ divided the ~~external~~ external factors into two. The first one was: 'Was ~~ix~~ it due to activities of political subversive and economic saboteurs some of whom are in exile and what percentage can we attribute to them?' This is because we must do an analysis as a people. The second one was; 'Is the external factors

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non-students inciting students?' I secondly asked this important question: 'How much of the unrest and indiscipline in these schools <sup>was</sup> due to internal factors or the question of mismanagement and mal-administration? We have to address ourselves to that question.

END T.....

THE MINISTER FOR EDUCATION (Ctd.):

In fact, it is for that reason that they have gone subterranean and that is why that is why they are subversive. I am saying that let us address the issue correctly and look into what is the cause of unrest in schools.

The second external factor; it is possible and there is evidence on this one that some leaflets obviously have been circulated by certain teachers. I want to say only this; this has been proven and there is evidence that we can attribute some leaflets to: some teachers. In fact, I was just talking to my good friend hon. Dr. Koech a few minutes ago and <sup>he</sup> himself being a renowned educationist and having been Principal of Rift Valley Institute of Science and Technology for a number of years, he did say that there is usually no strike in a school if some teachers do not collaborate with students. I think I agree with him that the teacher factor is there. I do not want to go into details of what group of teachers are involved, I ~~ma~~ would rather we discuss this more seriously and thus we should not look for scape-goats at the moment. But I can only say that if teachers were involved and some of them have obviously been charged in court and therefore, we cannot discuss that - but anybody who is convicted of inciting students will be deregistered. I will not condone teachers who are themselves inciting students and, therefore, causing unrest. Equally important, it means looking into a whole teaching policy; who goes into teaching? Who should go into teaching? Is it because somebody had nothing else to do that he goes into teaching as an outlet? I think that is equally important; ~~some~~ to that extent of the external factor.

The bulk of the problems that we have had to face is because of management and maladministration. Let us look at the number of schools, I have said that out of 2,500 we are talking about less than 100. But even in those areas where are talking about less than a 100, when there has been a problem, they have been categorized. Sometimes students have complained of mock money not being accounted for, and of course accountability is important; it maybe due to mismanagement of funds in school, and, therefore the teachers and students work together in order to be able to pin-point a particular administrator. It might

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be due to boards of governors neglecting their roles; I know of boards that were appointed and have not met for two years. How can such boards be in charge of an institution if they themselves do not meet? Sometimes there is collaboration between certain heads of schools and certain boards and again this leads to break-down. This is because the other teacher who may not be benefiting will gang up with the other and seek, to undermine the authority. However, I am saying that there a large number of teachers and headmasters who are doing a commendable job and many of these schools are stable and are running well.

As a Ministry we are addressing the whole question of management of our institutions and I am citing the recommendations which will strengthen our hands. Firstly, the Directorate of Education will be restructured to provide distinct, separate and co-ordinated professional service. The Directorate will provide an adequate number of professional staff with appropriate academic and professional qualification, experience and competent to effectively enable to provide professional service at all levels".

Let me say this; the composition of the members of the district education board should be reviewed and reconstituted to strengthen their capacity to perform their functions effectively. I know we are members of these education boards, but how many of us really attend the district education board meetings?

Another recommendation and I think this is what hon. Members wanted to conclude from remarks is that

[Management] "All heads of educational institutions and those who administer educational finances be trained on financial and be updated on a regular basis".

I do not want us to blame all the heads or those heads who have not measured up. This is because, if you take somebody who has been teaching History maybe for seven years and you make him an headmaster, he now must be manager and administrator and you must train him and as a result of that training, he will improve his management and administrative skills. We are approaching it, ~~there~~ therefore, positively by saying that we are going to strengthen our training and we have established the Kenya Education Staff Institute (K.E.S.I.) for this

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purpose. It is going to train heads of institutions and our field staff so that they can cope with the work and the demands of management and administration of the institution.

Secondly,

"Educational institutions audit services be <sup>expanded</sup> ~~extended~~ and strengthened to ensure that institutional accounts are audited promptly".

This is going to come from hon. Members because I know our audits have not been quite good and, of course, we are trying our best to decentralize. In fact, we have said that schools should ~~not~~ now be audited by the district Treasury as a part of improving. I know some of the constraints we have had in the Ministry, but this is an attempt to address the issue of audit of schools and hon. Members are going to tell me of schools ~~in~~ which have not been audited for three years, four years and so forth. We are aware of this and we hope that they will give us suggestions on how to do it.

Another ~~final~~ final recommendations is

"Educational managers and administrators, supervisors and planners be trained in technological and management skills to enable to utilize ~~existing~~ existing technology to obtain ~~data~~ <sup>data</sup> and so on".

With a lot of happiness, the Government approves the Scheme of Service which allows us actually to improve conditions particularly for those who will be heading our secondary schools. I can assure this House that we are going to implement this carefully in order to improve. But let me also plead with my colleagues to allow me to make appointments of heads professionally. Sometimes, colleagues come with their friends or ~~xxx~~ relatives and want me to make their relative a headmaster; look the relative may not have the competence of being a headmaster and, therefore you are jeopardising that institution.

MR. MWENJE: On a point of order, to Mr. Deputy Speaker, Sir. The hon. Minister has made a very serious allegation, so can he substantiate?

THE MINISTER FOR EDUCATION (Mr. Oloo-Aringo): What do I substantiate about that one? It is common knowledge and I do not have to mention their names. My colleagues do come to me and say,

"help my ~~xxx~~ brother to be the headmaster of this school"

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As much as I tell him no he does not have the capability, he says 'no, you <sup>know</sup> when you are a Minister we can gain something of it'. I say that I do not operate that way, I operate strictly on professionalism. If leaders allowed us to appoint heads <sup>of</sup> institutions on their competence and ability, the management of institutions <sup>would</sup> improve.

Similarly, if you allow me to upgrade the quality of boards of governors - there are many members of boards of governors who are remaining in the board because their great grandfather gave that piece of land. Obviously that particular member may not be literate; he has no concept of funds or management of funds. Therefore, certain crooked headmasters will take advantage of such board members. I am pleading that I be allowed, or given support, to appoint boards of governors that can manage institutions. That goes down to school committees. I want to appeal to leaders to elect into school committees people with interest in the schools and people who have some capability to manage the schools. The mere fact that somebody donated land 20 years ago is not enough qualification today for one to be a member of the board of governors, or a member of a school committee. I was making that plea because I know, together with your assistance, you will be able to help me, particularly, as I said, <sup>to deal with</sup> that constraint that comes in as a result of management.

Let me touch on the other aspect that action be taken to enforce legal provisions of the Teachers Service Commission and so forth, and that district education officers be responsible. In fact, I am very pleased that we are moving very rapidly to improve the quality of our field staff. I ~~cannot~~ can only elaborate a bit because it is in formative stages, but we are in touch with the Directorate of Personnel Management, and the hon. Minister was here and he knows that my staff and his are working very closely in order to improve the quality of field staff. I want to say it quite bluntly that it is true that our selection of some of the assistant primary school inspectors and heads of primary schools were equally problems of this type of influence; local influence, and that if you ~~allowed~~ allowed me a free ~~hand~~



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hand to run the Ministry professionally - which I will do anyway, whether you put pressure on me or not - I am only pleading for understanding when I say "No". I still need my colleagues understanding, particularly when I tell a hon. colleague a very gentle "No", because I mean well. What I am saying is that the selection of the heads and assistant primary school inspectors will be reviewed in order to ~~improve~~ improve it. But I will also insist that in future those who are ~~going~~ joining the administration of education must be graduates and, therefore, will start ~~at~~ at a certain level and rise

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MR. MALEBE: On a point of order, Mr. Deputy Speaker, Sir. Is the Minister in order to imply that hon. Members of Parliament influence him in appointing competent headmaster? I know that even the officers of his Ministry have the worst <sup>of</sup> such influence in that even an incompetent fellow is appointed headmaster of a school.

THE MINISTER FOR EDUCATION (Mr. Oloo-Aringo): Mr. Deputy Speaker, Sir, I was not clearly understood. What I said was that these pressures do exist. I did not talk my colleague hon. Members; I merely mentioned leaders, who need not be hon. Members of Parliament. These are leaders of different categories. I do not know whether my friend wants to stand in for all leaders in this country, including the Senior Chief of his locatin. That is what I said earlier. The art of listening is so important to us in life that I sometimes wish hon. Members could only listen. When you listen, you will grasp the message. With due respect, even if my colleagues tried to put pressure on me, I would not accept it. I want the hon. member to understand this. That is all I am saying.

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 Let me stress a certain point here. In this recommendation, members of Boards of Governors and school committees should be appointed from among persons who have qualities of commitment, competence and experience which would enhance the management and development of educational institutions. Not too long ago - I think it just a couple of months ago - I read what was called Prof. Ouma's Report on South Nyanza very carefully and keenly. This point came out, not only in that report but also in others. Some of our problems are due to what I have just said - the quality of the members of Boards of Governors who are managing our schools. Together, we can actually enhance their quality. I am very pleased that, because of the leadership His Excellency the President himself has shown - he is Chairman of a number of Boards of Governors - he knows great details that go on those schools. I am amazed at the questions he raises when he comes from the Boards of Governors. He

L1.c.

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raises in those Boards of Governors the question that if we had more and more enlightened people committing themselves to serving on these Boards of Governors, matters would be better. After all, what we are saying in short is that there should be the concept of political democracy. We know it in politics and regular elections to this House, and we have re-stated it in education. Communities must have a say in the education of their children. So, we should appoint on these Boards members of the community so that they may guide the education of their children. Therefore, this is a very serious undertaking and commitment on behalf of our society.

I have also stated in a different area the role of sponsors. I do not want to dwell much on that point because I know what my colleagues feel about sponsors. All I can say is that sponsors during my school days had a great responsibility. They used to provide support for schools by building classrooms, libraries and dormitories. These days, however, most sponsors have abdicated their responsibility. Many of them come to me in order to change heads of schools, but when I ask them, "What are you doing to the institutions concerned?", I find that they are not doing enough. I would like today's sponsors to be like those of old days and do more for schools, and not just be satisfied by being called sponsors. Land should be provided for the establishment of schools that are to be sponsored. Some sponsors, for example those on church land, are holding schools to ransom because these schools do not have their own land. I know one sponsor who wanted to charge a school rent for being on his land. We are saying in this recommendation that schools must be provided with land. I can say here that His Excellency the President has established this committee which is looking into the allocation of land in urban areas particularly for public institutions. I appeal to my colleagues to make full use of this provision and provide land for the

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future of our schools, colleges and other educational institutions. There is one area in which I desperately want people to construct a teachers training college. I am desperately looking for land, and I appeal to the leaders in that area to come out and give us land so that we can establish for them a teachers training college that they asked for. The ball is not in my court, but in that of the leaders. I know that my colleague over there knows what I am talking about, so I hope that he will take up the matter at the appropriate level.

Sponsors of Harambee secondary schools should not be registered as managers of such schools. I will go into this point in greater detail later on. Private educational institutions should be required to comply with the provisions of the Education Act. Let me add another important point here. Private schools have tended to do without Boards of Governors, and we do not insist that they should have them. In future, however, we are going to insist that they have parents-teachers associations so that the parents may have a say there. If the parents of Muguga High School had met, they would have seen the flaws in the management of that school a long time ago. We insist that private schools in future <sup>must</sup> have parents-teachers associations as a part of their management. After all, those parents want to have a say in the education of their children.

I will skip the next recommendation with regard to adequate facilities for future expansion of education, and so on. I will also skip school equipment because I have made an appeal to my colleagues with respect to the training of managers for schools, and so on.

Let me come to the final part which has received a lot of publicity, but which is a very small portion of the totality of this major reform in consolidating education and training under the 3-4-4 system of education. This point relates to the financing of education.

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I will only read out the recommendation; but hon. Members will, of course, elaborate the point one way or another, and we will pick up their messages as they talk. We have said that the Government continues to finance the provision of education, administration and professional services, including the Directorate, Inspectorate, entire field staff in the Ministry, and so on. We will continue to bear that responsibility even in respect of universities. We will continue to hire lecturers, other teaching staff and the other staff of universities.

The Government continues to provide for schools, training institutions, special institutions and universities while communities, including parents and sponsors provide physical facilities in all other educational and training institutions, such as teacher training colleges, national polytechnics and national universities. We will continue to provide facilities, teaching staff and professional services. Let me say that this is what is called cost-sharing. With all due respect, the point has been blown out of proportion, but it has always been a part of our policy. There is nothing new in the cost-sharing policy. It has been an integral part of education from the beginning of this century. If you take Christian schools, for example, to which many of us went - hon. Akibaya and hon. Kibaki can bear us out here - you will find that they were built in collaboration with missionaries and parents. This was cost-sharing per excellence. There is nothing new in our saying that the Government will provide this and the communities that. All we are doing is to try to improve this aspect at this time in this day and age. What we are saying is - and I want hon. Members to note this point - that parents and sponsors should provide physical facilities in some educational and training institutions. On the other hand, the Government continues to provide specialised equipment to public institutions while parents provide books, in the form of supplementary readers, stationary

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and consumable materials.

(Noise)

THE ASSISTANT MINISTER FOR EDUCATION (Mr. Cheruiyot): On a point of order, Mr. Deputy Speaker, Sir. Please, protect us from the noisy consultation of hon. Members that is now taking place here. We cannot hear the Minister clearly.

THE MINISTER FOR EDUCATION (Mr. Oloo-Aringo): Mr. Deputy Speaker, Sir, it is the Minister himself speaking, and maybe that is why hon. Members are comparing notes loudly.

The third point is that the Government encourages the development of private educational and training institutions at all levels, but under supervision.

Let me add here the part which affects our universities and which many people have---

(Noise)

MR. MANG'OLI: On a point of order, Mr. Deputy Speaker, Sir. I am sure that the Ministers and Assistant Ministers in the Front Bench will have heard more from the Minister than we will hear here although we are not complaining. I think they should not make such noise over there.

THE MINISTER FOR EDUCATION (Mr. Oloo-Aringo): Mr. Deputy Speaker, Sir, the hon. Member's point of order is that there is a lot of loud consultation taking place, but we can do this more quietly so that this point of cost-sharing may be discussed fully.

I have said that this point is not new; it has always been an integral policy of education management in this country.

## THE MINISTER FOR EDUCATION (Contd.):

I have said the area where, for example, parents have continued to share. But I am coming to the area of universities. What we have recommended is that students in public educational and training institutions, not just universities, but I am talking about —

MR. KUBO: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the Minister to continue saying that there is nothing new in this paragraph 352 when we know that the public has never been provided books — supplementary readers — and stationery in the past but only buildings. So, he is misleading the House.

THE MINISTER FOR EDUCATION (Mr. Cloo-Arango): Mr. Deputy Speaker, Sir, my father used to buy me supplementary books. My father bought me books when I was in school. That was part of cost-sharing. I am sure hon. Kubo must have known that his parents were buying him books to assist and supplement what was being provided. At no time has any Government provided books in any country. After all, when you go to a bookshop you find a book that you want to read, and more so taking into account the numbers, the rapid expansion of education, and the limited resources in our hands, that, in fact, it is more necessary now. We shall simply be finding it more precise than we had it before. But even if we take the area of university, for example, hon. Kubo knows that the students loan scheme was meant to be a loan. It was not a gift; it was not a free gift. But the problem came in the management of the loan scheme and a lot of money went into abeyance mainly because of management problem. I have said it elsewhere. That is why we are suggesting that what we are talking about is the improvement of management of students loan scheme. But it was meant to be a revolving fund. The fact that some of us have not paid does not necessarily mean that it was a gift. In fact, we are all committed to recovering all that money, and we have set up the machinery to recover all that money. We are going to improve on its management. In fact, my Ministry, for example, has strengthened that section which deals with the recovery of the loan scheme. All those people who owe money will pay. Even if it means coming into this House and asking this House to amend the law to allow us to chase those who are holding back the money

## THE MINISTER FOR EDUCATION (Contd.):

for them to pay. That is one. So, my good friend is not even right in the matter of fact being a lawyer himself. He knows very well and he has been to the University. He has also benefited from the students loan scheme. I do not want to embarrass him by asking him whether he has paid or not. But maybe if he puts me with my back to the wall, I will have no choice but to ask him that very pertinent question. But let us leave that alone for the time being. We are not here to criticise my good friend, hon. Kubo. I will, however, have a chat with him when we have tea or a drink together. I will try to peruse on that section. But if he has not paid then I will ask him to join the others who must pay.

Now, having said, that, let me clarify that point. This student loan scheme was meant to be a revolving fund. In fact, what we are saying is that we are just repeating the same thing. We are just stating that the student loan scheme will continue for the needy students. Let me appeal to the parents particularly those who can afford it to pay for their children in our universities. It is much cheaper to train somebody locally here in Kenya because for the same course in the United Kingdom, for an Arts Degree, for example, you need well over KSh.150,000/- to sponsor a student for one year in the United Kingdom. When you think of what we are talking about it is nothing. The Government is responsible for providing facilities, the infrastructure in the universities and also in teacher training colleges. All we are saying is that the students should be responsible for their personal effects, for their personal belongings, for where they sleep, for what they eat, for what they wear and so on. We, as a Government, cannot continue taking responsibility for what people wear and what people eat, and where they sleep when we are under so much financial constraints. Therefore, I am appealing to <sup>wealthier</sup> parents who can afford it to pay for the cost of their children in the universities and, therefore, leave this student loan scheme to support the needy; those who come from the disadvantaged backgrounds and also those who come from disadvantaged homes. The idea that everybody who qualifies will automatically get a loan scheme will not be true in future. We will have to verify this one and establish that this student is needy and, therefore, will



THE MINISTER FOR EDUCATION (Contd.):

be given the loan. I have also proposed here that, first of all, students in public education and training institutions, including the universities, to pay the full cost of boarding and feeding. Secondly, the needy students who for special circumstances must attend boarding institutions be assisted through bursary or loan. So, we are taking care of those in our society who are disadvantaged. It is in line with our philosophy of equality of opportunity that no one should be discriminated against because of the background from which they come. I want the hon. Members to support this idea because it is not new.

Not only that. We have also admitted, as a Ministry, that we do not have the capacity to chase this money or to recover all the money. So, we have encouraged that this fund - the loan scheme - be administered by the commercial banks so that the management can be more efficient. For instance, you ask me to make the most senior officer to head the loan scheme, but we do not have the data or records adequate enough for us to continue to follow some of those defaulters and be able to make them pay. So, we have suggested that parents' associations should be encouraged in schools. But we have also said that personal allowance and this is, I think, what has been highlighted by the media, and I want the media not only to highlight this, but also to highlight the other aspects of what we are discussing, personal allowances which are given by the Government to students in training institutions, including universities, be discontinued, and I do request the House to support in this.

We have also suggested that the students loan scheme for needy students be continued but be managed by the commercial banks. Appropriate measures to be taken to recover all outstanding loans. I do not have all the figures, but we will be able to give it to you at one stage or another. In fact, what is outstanding is a colossal amount of money. What we are going to do is to streamline the collection and no one should think that we are going to forget it. So, my appeal is that this money must be repaid to become a revolving fund so that other can also benefit from it.

Having said so then, let me conclude my remarks here by saying that we are grateful for the support that leaders in this country have

THE MINISTER FOR EDUCATION (Contd.):

given the rapid expansion of education and training in Kenya. If anything, as I said, sometimes I feel like being the lizard, to pat ourselves from the back. But complacency may also like it led the Romans into dangerous laxity. We must not be complacent. It is now that we must redefine our policy, project them into the future, and actively pursue that course because we know that education and training are important tools in the management of our economy.

I also want to take this opportunity to congratulate His Excellency the President for the leadership of our country, but more so in the area of education. A lot of ideas that we are going to discuss with the people have actually originated from his own initiative, and it is very rare that a Head of State can take that type of very keen interest in great detail of what is taking place in the area of education.

Mr. Deputy Speaker, I know I have spoken at length. But I feel strongly that it is important for me to clarify a lot of these points so that my colleagues after reading this, make their contribution.

With those few remarks, I beg to move.

(applause)

End W.

JMK

## THE ASSISTANT MINISTER FOR TECHNICAL TRAINING AND APPLIED TECHNOLOGY (Dr.

R.K. Koech): Thank you very much, Mr. Deputy Speaker, Sir, for giving me this chance to second the Motion on Sessional Paper No. 6 of 1988. In doing so, I would like to congratulate His Excellency the President for having appointed the Presidential Working Party on Education and Manpower Training for the Next Decade and Beyond, which comprised of reknown people versed with education. Those are people who have had experience in our own institutions and the desire to change the trend of education in this country.

Sir, allow me also to congratulate the Minister for Education for his able presentation of this very important Motion. He is himself an educator who has been ~~educated~~ educated in our system, and also the architect and also one of the participants of this Sessional Paper. While seconding this Motion, I wish to state that my Ministry is part and parcel of all the formulations and implementation of the recommendations contained in this very important Sessional Paper. You will agree with me that there is a great need to equip Kenyans with relevant vocational and technical skills for rapid economic ~~exert~~ development of our nation.

Mr. Deputy Speaker, Sir, I wish to support the objectives of vocational and technical training as contained in Section 32 of the Sessional Paper. These objectives will enable us, first of all, to provide skilled training opportunities for school leavers that will enable them to be self employed. Secondly, the objectives will enable us to provide practical skills and attitudes which will lead to income-earning activities in the urban and rural areas through employment or self-employment. They will also provide technical knowledge and vocational skills necessary for manpower development and also create awareness in the ~~applied~~ application of knowledge for the solution of our environmental problems.

I now wish to make a few remarks in support of the recommendations made in Section 33 of the Sessional Paper. While the 545 youth polytechnics cater for mainly ~~xxx~~ primary school leavers, it is intended that there will also be handy upgrading of the jua kali artisans. While the technical training institutes will

THE ASSISTANT MINISTER FOR TECHNICAL TRAINING AND APPLIED TECHNOLOGY (Dr. R.K. Koech)  
(ctd.):

mainly cater for primary education, a few with sophisticated facilities will offer some higher courses for secondary school leavers. As you will note, we have not excluded those people who will not have further sources or channels for furthering their studies or those considered to be drop-outs from secondary schools. On the other hand, the national polytechnics will be developed to have the capacity to train people in manpower in higher diploma and also to provide diploma or degrees in technical education.

Sir, while supporting the recommendations on technical teacher education as contained in Section 48 of the Sessional Paper, I wish to conclude my remarks by emphasising that vocational and technical teacher training programmes will be expanded to cater for the increase in demand in vocational and technical teachers. Some of the existing vocational and technical training institutions will be utilised to train vocational and technical teachers. In other words, where there is shortage of technical teachers, particularly in the 8-4-4 system of education, we will work hard to create an opportunity to train more teachers to fill in the gaps which exist currently within the primary and secondary education within the 8-4-4 system. Skilled professionals in various trades will be recruited and trained to become vocational and technical teachers.

Mr. Deputy Speaker, Sir, I would like to mention here that the Minister for Education has covered most of the points on ~~the~~ technical training and applied technology that we would have liked to include in this presentation. We are happy that an inter-Ministerial committee has been included in the document, and we hope that the committee will contribute extensively in directing the present requirements for technical ~~xxxx~~ education in this country.

Since I know that many hon. Members would wish to contribute to this Motion, Sir, with those few remarks, I beg to second.

(Question proposed)

15.11.88.

## THE ASSISTANT MINISTER FOR NATIONAL GUIDANCE AND POLITICAL AFFAIRS (

Prof. Cuna): Thank you very much, Mr. Deputy Speaker, Sir, for giving me this opportunity to say a few words on this very fundamental Report. First of all, allow me to say that this Working Party on Education and Manpower Training came at a very opportune moment of our national development. The more of us who can realise that, the greater the ~~disignifance~~ significance we shall place on it. The Report talks on education in the next decade and beyond. It, therefore, wants us to have a view point of the type of educational system and conception that will introduce us into the 21st Century and beyond. The "beyond" here is indefinite future.

Sir, I regard this as one of the most fundamental documents that has ever been produced by any committee in this country. I say that the document is fundamental because education is the foundation of all other forms of development. This document is fundamental because, in it, I see an attempt to ~~rx~~ rationalise bits and pieces of reform over the last 25 years. It attempts to rationalise those bits and pieces of reform by concretising and integrating them to form a system out of them, which came as a result of human motivation. I see this document as very fundamental because, if we are to implement the recommendations it contains, one thing is then certain; not only the educators, but the whole public of this country will need a re-education as to the conception, meaning and goals of education. This not not just one of the many reports; it is a report which ~~ni~~ will remain a landmark in the history of educational revolution in this country for a long while to come.

Mr. Deputy Speaker, Sir, this Report is yet another of the many silent commentaries on the sagacity of ~~the~~ national management that we ~~fa~~ go through. It gives us an insight of ~~h~~ what the community needs. I am trying to say, in many words, that His Excellency the President, as many of my colleagues have said, deserves a very special thank ~~en~~ you and a pat on the back by the people of this country for having appointed the ~~exam~~ committee which came up with this Report.

Having said those opening words, let me now touch on a few ~~things~~ parts of this Report in which I take a special interest. I will speak on primary and

15.11.88.

THE ASSISTANT MINISTER FOR NATIONAL GUIDANCE AND POLITICAL AFFAIRS (Prof. Ouma)(ctd.):  
secondary education, taking only part of the whole. I will speak especially on the polytechnics and, on one aspect, on university of education. On primary and secondary education, there is one aspect which has come out to me, as a result of close involvement in the problems primary and secondary education, in the district from which I come. That problem is management. Until and unless we make provisions to ensure that in certain parts of the country where management is likely to suffer, there are provisions for ~~internal~~ internal correction, then education will continue to ~~suff~~ suffer in certain parts of the country.

END.... X

## THE ASSISTANT MINISTER FOR NATIONAL GUIDANCE AND-POLITICAL AFFAIRS

(Prof. Ouma)(Cont'd.):

Mr. Deputy Speaker, Sir, I am also aware that Boards of Governors are of different qualities. I am also aware that schools committees are of different qualities, yet it is these Board of Governors and schools committees which finally make a difference on the quality of management of both primary and secondary schools. I am trying to suggest, Sir, that the Ministry of Education should again look into ways and means of providing in-service education to the key personalities of the Boards of Governors and school committees to ensure that there is a minimum of acceptable standards to enable them to co-operate with the head teachers of those schools. They should also be able to co-operate with the field officers of the Ministry of Education and the provincial administration as whole. I am saying this because according to my experience in the field of education, especially in dealing with educational problems/<sup>both</sup> in primary and secondary schools, it is not the quality of the headmaster or the head-mistress which finally makes a school succeed or not succeed but rather, it is the quality of integration and ability of all those who are involved in the management of the school. It is that quality of integration which should be nursed and managed.

For example, Mr. Deputy Speaker, Sir, - - - Maybe I have read this Sessional Paper rather too quickly, but I do not think any part of it mentions about the/<sup>Kenya</sup> National Union of Teachers as an integral and important part of the management of education in this country. I am trying to say that this idea of integrated management must be central to the success of educational system. That integrated management means that wherever there is going to be a fraud in that management, there should be a proviso within the management of our educational system that will ensure a collective measure. I think there also should be a provision to enable Key personalities in the management system; ~~those~~ the people concerned with the Provincial Administration; the Ministry of Education officials; the officials of the Kenya National Union of Teachers; the head teachers and the community and the representatives

## THE ASSISTANT MINISTER FOR NATIONAL GUIDANCE AND POLITICAL AFFAIRS

(Prof. Cuma)(Ctd.):  
of the various sectors  
/within the management system, ~~are~~ enabled to work more efficiently.

Secondly, Mr. Deputy Speaker, there is also the question of which has not been touched on and yet it is very central and this is the question of motivation of the teachers. I am saying this because in the final analysis, however good we are as managers, it is the teachers who are the technicians in the classrooms. that will make a big difference or unsuccessful between successful/implementation of these reforms. Sir, there must be a way of incorporating the motivating spirit in teachers; there must be a way in which teachers are always made to have a high expectancy so that they are able to study and continue as students for the rest of their lives to upgrade themselves and their performance. There is not way in which a teacher <sup>without</sup> ~~with~~ motivation or something to look forward to, is going to burn his lamp until <sup>midnight</sup> ~~in~~ studying over and ~~is~~ above the marking scheme of work and so on. For example, the criteria for promotion should be spelt out and retained so that it does not change from period to period.

END Y



THE ASSISTANT MINISTER FOR NATIONAL GUIDANCE AND POLITICAL AFFAIRS (Prof. Ouma) Ctd:

If it is a question of passing certain standard examinations, then let it be so. It should be seen to be fair, objective, achievable by the average teacher and motivating.

Unless the upgrading opportunities are there for the average teacher, he will lose heart and find other avenues for utilizing his extra energy. This extra energy which should be utilized for profiting the pupils, will be used for profiting in other directions. These may be very minor things to the Ministry of Education but they matter for the practical teacher in the field in the day to day handling of himself and self application in work. There must be a scheme of upgrading which is based on known objective criteria which are mentioned, measurable and achievable.

The other point is with regard to the question of supervision in primary and secondary schools. I have read with much concern and appreciation what the Working Party says on supervision. Supervision is one of the central activities which is charged with maintaining standards and to ensure that they ~~and~~ actually rise. It is something which should be treated as an emergency in many areas. It is not abnormal to find a school which was supervised five years ago. If a school has not been visited by a supervisor in five years, it is a miracle for the teachers of that school to perform as they should. There should be a postscript remark on the quality of training that our teachers go through.

Without professional commitment, it will be impossible for a school which has gone without supervision for five years to maintain the required standards. The nation spends a very high percentage of the national production or more per year on education. Education takes almost 33 per cent of the national cake. A little extra money should be spent to make the supervisors work efficiently, say, providing them with means of transportation or in lieu of that refunding whatever money they use for transportation when they move from place to place. That little extra is not too much to ensure that the already

THE ASSISTANT MINISTER NATIONAL GUIDANCE AND POLITICAL AFFAIRS (Prof. Ouma) Ctd:

high percentage of the national resources that is spent, is effectively utilized.

I cannot stress it more because human beings being what they are, <sup>one</sup> there is only way in which some person can ensure that a minimum of standards and professional ethics are adhered to. The person who can do that is the field officer in the person of the supervisor of school. The inspectorate is so keen----

ADJOURNMENT

MR. DEPUTY SPEAKER: Hon Members it is now for the interruption of business. The House is, therefore, adjourned until tomorrow, Wednesday 16th November, 1988, at 9.00 a.m.

The House rose at thirty minutes past Six o'clock.

END....



H A N S A R D

Wednesday, 16th November, 1988

The House met at Nine o'clock.Mr. Deputy Speaker in the Chair

## NOTICES OF MOTIONS

MR. MAKAU: Mr. Deputy Speaker, Sir, I beg to give ~~me~~ notice of the following Motion:-

THAT this House, having regretfully noted the wanton destruction of our wildlife by poachers, which adversely affects the future of our tourism industry, resolves to appoint a Select Committee to investigate the origin and causes of the prevalent poaching; devise ways and means of eradicating this wanton destruction of our wildlife; and formulate a system which will protect the tourism industry against the poaching menace and that the Select Committee shall, for the purpose of such investigations, have the power to order attendance of witnesses to give evidence or produce documents as conferred by Section 14(1) and (2) of the National Assembly, (Powers and Privileges) Act.

MR. BIDU: Bw. Naibu Spika, naomba kutoa arifa ya Hoja ifuatayo:-

KWAMBA kwa vile uchaguzi wa mlolongo unefana sana na huku tukizingatia kuwa maendeleo ya nchi sasa yanaanzia wilayani hivyo kukifanya cheo cha uchifu kuwa muhimu zaidi, Bunge hili linapendekeza kila kunapotokea nafasi ya uchifu au naibu wake kuchujwe watu wasiozidi watatu wenye kiwango cha elimu kisichopungua cha kidato cha nne watakaopigiwa mlolongo na wananchi wa kata hiyo na yule mwenye wafuasi wengi aidhinishwe kuwa chifu au naibu wa chifu.

ORAL ANSWERS TO QUESTIONS

Question No. 500

## ORAL ANSWERS TO QUESTIONS

Question No. 500

MR. GACHUI asked the Minister for Agriculture whether in view of the financial difficulties experienced by coffee farmers in procuring materials to tender their crops, he could consider paying monthly advances to assist these farmers purchase the necessary raw materials for their crops.

THE ASSISTANT MINISTER FOR AGRICULTURE (Mr. Kariuki):

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

The Government shares the concern of the hon. Member who has asked this Question, concerning the difficulties experienced by farmers because of receiving their coffee payments rather late. Mr. Deputy Speaker, Sir, harvesting of coffee is done on a continuous basis and, therefore, it cannot be limited to a calendar month period. Therefore, the advances on <sup>a</sup> monthly <sup>basis</sup> ~~bases~~ cannot be possible <sup>because</sup> the determination of the amount is based on the available coffee that a farmer takes either to the Kenya Planters Co-operative Union (K.P.C.U) or the Coffee Board of Kenya (C.B.K.). So, it would be impossible to base the payments on monthly terms because we would not know how much a farmer is going to be paid for.

MR. GACHUI: Mr. Deputy Speaker, Sir, according to the answer given by the Assistant Minister, it seems he admits that farmers pick coffee on a continuous basis. Is it not possible to establish monthly prices based on that to determine how much a farmer could be advanced on monthly basis to enable him purchase fertilizer and other inputs, as well as use the funds to pay for the picking of coffee cherries, which is very expensive nowadays?

MR. KARIUKI: Mr. Deputy Speaker, Sir, I am sure the hon. Member comes from a coffee-growing area, and I believe

MR. KARIUKI (ctd.):

he is, in fact, a coffee grower, himself, and he knows that as far as inputs are concerned, be it fertilizers or herbicides, these are available on a request either from co-operative unions, the K.P.C.U. or the C.B.K. These are obtained on a request from either of these institutions, and the amount is determined by the crop to be harvested or the bit that has been harvested by the farmer. The reason ~~is~~ for this is that there has to be some security from where either of the institutions can recover payments or advances from.

Other than the advance, the C.B.K. makes weekly payments on coffee delivered and classified. This is seen as a means of helping the farmers to cope with the finance requirements for further production as a form of short-term measures.

In other words, I do not believe that a farmer who has delivered some coffee either to the K.P.C.U. or to the C.B.K. really has to suffer for lack of inputs - fertilizers or herbicides, because these are available from ~~a~~ either the K.P.C.U. or ~~th~~ from the C.B.K. but ~~is~~ their supply is based on the amount of coffee the particular farmer has delivered to either of these institutions.

MR. WASIKE-NDOMBI: Mr. Deputy Speaker, Sir, I am a small-scale coffee grower with only 500 coffee bushes, but ~~the coffee~~ I have not received anything at all from the coffee I delivered last year and we are now in November, 1988. Hon. Gachui's Question is very relevant and carefully worded. I think it is only proper that the Assistant Minister <sup>considers</sup> ~~considered~~ paying farmers ~~as~~ advances to enable them pay for labour and all sorts of other things. I think it is only proper that the Assistant Minister <sup>considers</sup> ~~considered~~ this because we are finding it very difficult to keep our coffee in ---

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MR. DEPUTY SPEAKER: Mr. Wasike-Ndombi, can you

please put your question?

END A

*J. J. J.*

MR. WASIKE-NDOMBI: In view of the difficulties we are experiencing, Mr. Deputy Speaker, Sir, could the Assistant Minister now consider giving us monthly advances?

MR. KARIUKI: Mr. Deputy Speaker, Sir, what the hon. Member has asked for is, in fact, being done. I believe that hon. Members, particularly those who come from coffee-growing areas or who grow coffee, know that immediately—

MR. MANG'OLI: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to say that what the hon. Member has asked for is being done whereas hon. Wasike-Ndombi delivered coffee last year and he has not yet been <sup>paid</sup> ~~given~~ any money for it up to now? Is the Assistant Minister in order to say farmers are being paid when coffee delivered last year has not yet been paid for? Is he in order to mislead the House saying that advances are being made by the Coffee Board of Kenya?

MR. KARIUKI: Mr. Deputy Speaker, Sir, I was just going to explain this point. It is a known fact that the Coffee Board of Kenya will pay an advance immediately coffee is delivered to its stores. We will see in one or two weeks' time that the Board will pay an advance for coffee. If there is any hon. Member here who has information that coffee has been delivered to the Kenya Planters Co-operative Union and no advance has been made for over the period of one year that the hon. Member is quoting, we would like to have that information. We know that the regulation involved here stipulates that the farmer is paid an advance immediately on delivering coffee to the Kenya Planters Co-operative Union stores.

MR. MALEBE: Mr. Deputy Speaker, Sir, I think the Assistant Minister is taking the coffee farmer for a ride. No money has been paid to farmers for their coffee for the last one year. In fact, coffee farms, especially those in Igembe, have been neglected. Farmers are even uprooting and burning coffee plants because they have no protection in the form of inputs, and so on. In answer to the Question now before us, the Assistant Minister says that the Coffee Board of Kenya is paying advances, but it is not doing so at all.

MR. MALEBE (CTD.):

Farmers complain that even when inputs are in store, they do not even want to collect them because they have no money to pay for the inputs.

MR. DEPUTY SPEAKER: Order, Mr. Malebe. What is your question?

MR. MALEBE: My question, Mr. Deputy Speaker, Sir, whether the Assistant Minister will tell this House the truth about the payment of advances to coffee farmers to stop this hue and cry we have all over the country. Could we have the truth about the matter? What is happening to the payment of advances? That is my question.

MR. KARIUKI: Mr. Deputy Speaker, Sir, I can assure hon. Members here that I am telling the truth, the whole truth, and ashaming the devil.

MR. MANG'OLI: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to say what he has said when an hon. Member of this House has categorically stated that he, himself, has delivered coffee and that he has not been paid for it? Why should the Assistant Minister continue telling us that he is giving the truth? Is he serious? Could we be protected from this kind of answers?

MR. DEPUTY SPEAKER: Mr. Mang'oli, your point has been taken. I will ask the Assistant Minister to respond.

MR. KARIUKI: Mr. Deputy Speaker, Sir, in fact, I was just going to explain that point. When I say that the Kenya Planters Co-operative Union and the Coffee Board of Kenya have paid advances, I do not necessarily mean that this money has actually reached farmers. There are many factors that are taken into consideration here. Let me give an example.

(Mr. Mang'oli stood up)

MR. DEPUTY SPEAKER: Order, Mr. Mang'oli. Allow the Assistant Minister to finish what he wants to say.

MR. KARIUKI: Mr. Deputy Speaker, Sir, coffee payments are made by the Coffee Board of Kenya to the Kenya Planters Co-operative Union, which then gives this money to district unions which share out the money among coffee factories and other subsidiary unions. What I am saying is that the Kenya



MR. KARIUKI (CTD.):

Planters Co-operative Union or the Coffee Board of Kenya will pay advances after the delivery of coffee to the Kenya Planters Co-operative Union stores. This money is not the responsibility of the Coffee Board of Kenya or the Kenya Planters Co-operative Union to pay to farmers. The Kenya Planters Co-operative Union pays the money to district unions which, in turn, pay it to secondary unions which are supposed to pay farmers.

HON. MEMBERS: Point of order. On a point of order, Mr. Deputy Speaker, Sir.

MR. DEPUTY SPEAKER: Order, hon. Members. The Assistant Minister is responding to a point of order. Let him finish what he has to say first.

MR. KARIUKI: If the hon. Member's money has not yet reached him, he should ask his union about it. We, as a Ministry, are certain that money has been paid out by the Coffee Board of Kenya.

There are some cases where the money paid is not sufficient to meet all advances in the form of fertiliser and other inputs that the farmer has received from the Union. In such cases, the farmer gets nothing. However, that does not mean that money has not been paid out. It may have been paid out and then deducted in order to meet all the advances that the farmer was given by his secondary union.

(Mr. Kiliku stood up)

MR. DEPUTY SPEAKER: Are you on a point of order, Mr. Kiliku?

MR. KILIKU: Yes, Mr. Deputy Speaker, Sir.

My point of order is that hon. Walebe said that farmers have not been paid for one year now. Hon. Wasike-Ndombi said the same thing. We want the Assistant Minister to respond to this allegation by either denying or confirming it. If these farmers have not been paid for one year now, we want to know the action he is taking to ensure that farmers are paid. Forget about the Coffee Board of Kenya and the Kenya Planters Co-operative Union. We are talking about farmers.

MR. KARIUKI: What I have been explaining, Mr. Deputy Speaker, Sir,

MR. KARIUKI (CTD.):

is that the Coffee Board of Kenya has paid out money to district unions.

MR. MANG'OLI: On a point of order, Mr. Deputy Speaker, Sir.

MR. DEPUTY SPEAKER: Order, Mr. Mang'oli.

MR. KARIUKI: Mr. Deputy Speaker, Sir, if farmers have not received their money from district unions, there could be many explanations for this. One explanation that I gave was that maybe the value of the coffee that farmers have delivered is not enough to cover the advances that farmers had obtained in the form of fertiliser, herbicides and other inputs. However, if there is a case where any secondary union is deliberately refusing to pay farmers, this matter will be investigated. Then, we will answer this question fully.

MR. KONES: On a point of order, Mr. Deputy Speaker, Sir. I think the Assistant Minister was specifically asked to tell us whether farmers have been paid or not. All he has said is that unions have been paid. He should actually have taken some trouble to look into the question of whether farmers have been paid or not.

MR. DEPUTY SPEAKER: Mr. Kariuki, would you like to respond to this point?

HON. MEMBERS: Point of order. On a point of order, Mr. Deputy Speaker, Sir.

MR. DEPUTY SPEAKER: Order, hon. Members. Mr. Kariuki is on a point of order. Allow him to respond to it because we have to move on.

MR. KARIUKI: Mr. Deputy Speaker, Sir, could the hon. Member repeat his question?

MR. DEPUTY SPEAKER: Mr. Kones, could you repeat your point of order?

MR. KONES: My point of order, Mr. Deputy Speaker, Sir, was that the Assistant Minister was told that a year has passed and farmers have not been paid. All he has told us today is that district unions have been given that money. I said that the Assistant Minister should have taken a bit of trouble to dig into whether farmers, and not unions, have been paid up to now.

this Question

MR. KARIUKI: Mr. Deputy Speaker, Sir, ~~was~~ directed to the Ministry of Agriculture which is directly responsible for the Coffee Board of Kenya. The Ministry is not normally responsible for co-operative societies.

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

MR. KARIUKI: Let me answer the question, Sir. If the issue here is that the farmers have not received monies due to them from their co-operative unions, what I can do is to promise the House that my Ministry and the Ministry of Co-operative Development will make investigations on this matter and report to the House.

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

MR. DEPUTY SPEAKER: I am going to allow the last point of order on this Question.

MR. MAKAU: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister said clearly that, perhaps, those farmers who have not received their money could have had their dues deducted. My point of order is why he is now talking about the investigations to be carried out by the Ministry of Agriculture and the Ministry of Co-operative Development. If the Assistant Minister knows that the farmers have not received their money because it has been deducted, then it shows ~~that he knows~~ how this was done. Can he tell us who deducted it?

AN HON. MEMBER: That is not a point of order.

MR. KARIUKI: Mr. Deputy Speaker, Sir, the hon. Member is putting words into my mouth. I did not say that the farmers have not been paid because their dues have been deducted.

HON. MEMBERS: You did!

MR. KARIUKI: Wait a minute. All I said is that one of the reasons why, perhaps, the farmers might not have received their money is probably that it has been deducted to pay for the inputs that were advanced to them. I did not make a categorical statement in this respect. I gave that as one of the possible reasons. This is the reason why I said that, if that is the case, the

Ministry of Agriculture and the Ministry of Co-operative Development - which is in charge of co-operative societies - will make investigations on this matter and report to the House.

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

MR. DEPUTY SPEAKER: I am not going to allow any more points of order on this Question. We have already spent 20 minutes on it.

Next Question.

Question No. 501

MR. CHEPKOK asked the Minister for Finance:-

- (a) whether he is aware that Mr. John Kwambai Chebii a former employee of the Ministry of Health, P/NO. 140299/53 has not received his retirement benefits as per letter of reference No. AFN/PC\_3378(2) dated 2nd July, 1978; and
- (b) when he will be paid.

THE ASSISTANT MINISTER FOR FINANCE (Mr. Keah): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Yes, I am aware that Mr. John Kwambai Chebii has not yet received his retirement benefits.

(b) Mr. Chebii will be paid his retirement benefits as soon as his last employer submits to us the information required to enable the Pensions Department of the Ministry of Finance calculate the related retirement benefits.

MR. CHEPKOK: Mr. Deputy Speaker, Sir, the Assistant Minister is giving false information to the House. On December 17th, I came from home with Mr. Chebii and we went to the Ministry of Health and collected the necessary documents and later forwarded them the Treasury. I know what I am talking about. We delivered all the necessary papers to the pensions officer in the Treasury. It seems the Assistant Minister was not given proper information.

MR. KEAH: Mr. Deputy Speaker, Sir, I shall not dispute the fact that hon. Chepkok took the necessary papers to the department concerned. What I have to inform him is that the information contained in the papers he submitted,

when compared with the information we have separately received from the Ministry of Health, differ. In the circumstances where the information differs, the Pensions Department cannot proceed in calculating the retirement benefits based on two levels of information.

I, of course, sympathise with this case. On our part, as far as the Pensions Department is concerned, we have written to the Ministry of Health for independent confirmation of the relevant details pertaining to Mr. Chebii. These details have not been independently confirmed. We <sup>are</sup> awaiting such confirmation.

MR. GACEUI: Mr. Deputy Speaker, Sir, does the Assistant Minister know his Pensions Department is proving to be inefficient?

(applause)

Very often, Questions are brought here about pensioners who have been waiting for years before <sup>getting</sup> ~~they get~~ their dues. Having served this nation for a number of years, the least they can expect is to get their pensions on time.

MR. KEAH: Mr. Deputy Speaker, Sir, I agree with one point raised by the hon. Member with respect to the fact that after wananchi serve this country for so long, they deserve to be paid their pensions on time. I disagree with the hon. Member <sup>the</sup> ~~that~~ Pensions Department is inefficient. I would like to explain the reason why I disagree with him.

The Pensions Department is only one of two or three parties in as far as retirement benefits are ~~concerned~~ concerned. The employee who is retiring and must fill in some forms, <sup>and</sup> his parent Ministry has to submit the correct information to the Treasury to enable it calculate the correct retirement benefits. If the information so submitted differ in material respect, the Pensions Department cannot proceed. It is only when the correct information has been submitted by the parent Ministry, that retirement benefits can be calculated.

I will go further and say that the accounting officers of several Ministries take a bit of time in submitting the required information. While I agree with the fact that the wananchi should paid their pensions on time, I can only urge the retiring employees to ensure that their claim forms are filled

correctly before retiring. Secondly, I would like to urge the accounting officers in the various Ministries to ensure that this information is submitted expeditiously to the Pensions Department.

MR. WASIKE-NDOMBI: On a point of order, Mr. Deputy Speaker, Sir. Mr. Chebii ~~if~~ is a former employee of the Ministry of Health. According to regulations, there is a provision for a notice of six months before one retires. This means that this employee was given a notice of six months to prepare for retirement. The Ministry of Health should then have started to prepare the retirement benefits of this employee. Can the Assistant Minister direct other Government Ministries that before an employee is finally retired, all his claim forms should be ready so that at the end of the six-months notice, he gets his benefits and goes away?

MR. KEAH: Mr. Deputy Speaker, Sir, the Government regulations in this respect are well known by all Ministries. It is not proper for me to direct any Ministry in this manner because those regulations stand clearly as our Standing Orders in this House.

I would like to make a point here which is well known by hon. Wasike- particularly him being a labour man or one who deals with trade unions. Ndombi/~~regarding social labour matters very important~~ There could be changes in the particulars of an employee between the six months which serve as notice. He knows that very well. If---

MR. WASIKE-NDOMBI: On a point of order, Mr. Deputy Speaker, Sir. Did I hear the Assistant Minister say that I am in the labour ward?

END.....C



MR. KEAH: Mr. Speaker, Sir, I merely said trade unions not labour wards. I did not mention the word labour. But let me add on my point to elaborate on the fact that during the six months' period of notice, there could be changes in salary etcetera relating to the particular employee, and it is, therefore, necessary that the Accounting Officer waits until the retirement date in order to provide the correct information. Thank you.

Question No.446

MR. MAKAU, on behalf of Mr. Mwenje, asked the Minister for Transport and Communications:-

- (a) if he is aware that the Aerodromes and Kenya Airways houses at Embakasi have no electricity; and
- (b) when the Ministry will paint those houses and supply them with electricity.

THE ASSISTANT MINISTER FOR TRANSPORT AND COMMUNICATIONS (Dr. Momanyi):

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

(a) Yes, I am aware that the single unit houses have no electricity, but the flats have electricity.

(b) Renovation of the houses and supply of electricity to those units without will be done when the funds become available.

MR. MAKAU: Mr. Deputy Speaker, the last time when this Question came up the Assistant Minister said that he did not have an answer for it. He had a negative answer for it. So, he needed to be given more time to get a positive answer for it. But now here the Assistant Minister has also given us another negative answer when he says that this will be done when funds are available. However, he had promised that he would give an affirmative answer and that is on record.. So, could he tell us what has happened to the positive answer he promised the House?

DR. MOMANYI: Mr. Deputy Speaker, right now the Ministry is carrying out estimates for supplying electricity into the units that do not have, and also the renovation of the flats. The Ministry is putting those estimates into 1989/90 financial year, and if the funds are allocated by the Treasury the houses will be renovated.

Question No.468

MR. MANG'OLI asked the Minister for Transport and Communications:-

- (a) if he is aware that there were plans to construct a railway line from Butere to Bungoma; and
- (b) why the Ministry has taken so long to implement the plans.

THE ASSISTANT MINISTER FOR TRANSPORT AND COMMUNICATIONS (Mr. Mbai):

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

(a) Yes, I am aware. There are plans to construct a railway line from Butere to Bungoma, a distance of 30 miles, to link up the main Kenya/Uganda Railway and the Nakuru/Kisumu Railway line.

(b) Construction of this railway line had been included in the 1984/88 Development Plan, but there were no funds available to facilitate implementation of the project. The Government continues to look for funds for the project, and it is anticipated that we shall succeed in our efforts in the near future.

MR. MANG'OLI: Mr. Deputy Speaker, while appreciating the reply from the Assistant Minister - and I have not yet got my written reply - he says it will be done in the near future. *Construction of the line was included* The railway line was in the ~~estimates~~ *Development Plan* for 1984/88, but it was removed from there. Now, he says it will be done in the near future. Can he tell us 'near future' means when? Does it mean after the Lord has called <sup>us</sup> or the end of the world?

MR. MBAI: Mr. Deputy Speaker, the Kenya Railways Corporation is very much anxious to construct this railways line, and that is why they have undertaken to do the locational survey and to include it in the Development Plan. But because the funds are not available, it is not possible to construct it immediately. But active efforts are being made to get funds to construct ~~the~~ railway line.

MR. MAKHANU: Mr. Deputy Speaker, arising from the Assistant Minister's reply, if the project was in the 1984/88 Development Plan, may I know if it has been included in the current development plan?

Deputy  
MR. MBAI: Mr. ~~Speaker~~, Sir, the proposal to construct a railway line from Butere to Bungoma is an on-going project with the Kenya Railways Corporation *and* *already* The locational surveys have been completed. The line will not serve this



MR. MBAI (Contd.):

fertile agricultural area only, but it will also link up the two lines, that is the Uganda Railways line and the Nakuru Railways line.

MR. MWAMZANDI: On a point of order, Mr. Deputy Speaker. The Question was that this project was in the Development Plan of 1984/88. Now, the hon. Member was asking if it has been re-included in the current Development Plan. But he is giving another reply which is contrary to the question.

MR. MBAI: Mr. Deputy Speaker, I want the hon. Member to know that this is an on-going project of the railway line. Therefore, if it had been included in the 1984/88 Development Plan then obviously, it is in our plans to construct it. It is only that we are looking for funds to construct it.

MR. KILIKU: Mr. Deputy Speaker, if these funds were there during 1984/88 Development Plan, which is now expiring, we want to know from the hon. Assistant Minister - and not 'obvious' but to be confirmed - whether he is sure that this project has been included in the next Development Plan? Tell us.

MR. MBAI: Mr. Deputy Speaker, I did not touch on that point. I said that the proposed project is an on-going project. The railway line is in our plans to construct it. Therefore, it is within the current Development Plan.

MR. MANG'OLI: Mr. Deputy Speaker, I appreciate that the project is now confirmed to be in the current Development Plan. But I am yet to go and look at the same plans to confirm it. This is because it is serious for the Assistant Minister to say that it is there whereas maybe it is not there because of the way the Kenya Railways Corporation is behaving is funny. What I want to ask the Assistant Minister now is a policy matter. Since the Kenya Railways Corporation seems not to be making money now, what is his future plans to look for grants because it is only grants that will help the Kenya Railways Corporation? What is his future plans for securing the money he says that will be available in the near future? Is he securing it through a sponsor or the Government?

MR. MBAI: Mr. Deputy Speaker, the Government has its own ways of looking for funds to finance such projects like this railway line from Butere to

MR. MBATI (Contd.):

Bungoma. I would only assure the hon. Member that Government, and indeed the Kenya Railways Corporation, is doing its best to secure funds to start this railway line.

Question No.456

MR. DEPUTY SPEAKER: Dr. Wameyo not here? Next Question, Mr. Jaldesa.

Question No.498

MR. DEPUTY SPEAKER: Mr. Jaldesa not here? Next Question, Mr. Kagwima.

Question No.454

MR. MALEBE: Mr. Deputy Speaker, Sir, I have just seen Mr. Kagwima walk out. Can I ask this Question on his behalf?

MR. DEPUTY SPEAKER: No; you are not authorised to do so.

Next Question, Mr. Mcharo.

Question No.504

MR. MCHARO asked the Minister for Public Works:-

- (a) if the Ministry has any plans of tarmacking the Mwatate-Taveta main road which links Kenya with Tanzania; and
- (b) if so, <sup>when</sup> work will start, ~~when~~

End D.



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End D.



16.11.88.

JMK

THE ASSISTANT MINISTER FOR PUBLIC WORKS (Mr. Maiyani): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Yes. My Ministry has already made plans to tarmack the Mwatate/Taveta road, which links Kenya with Tanzania, during the 1988/89 and 1990/91 Development Plan period.

(b) The construction work on this road has been planned to commence during the 1990/91 Financial Year when funds become available.

MR. MCHARO: Thank you, Sir, for that reply. However, we have in the past received similar answers regarding this particular road. I remember that in 1982 we were told that this work would start in 1986, and now we are being told that it is in the plan and it will start in the 1990/91 Financial Year. Is this a firm assurance and how much will the work cost? I am concerned about this road as an international one linking Kenya with Tanzania and as a road that traverses an area teeming with wildlife; it contributes to our tourist industry. Could the Assistant Minister, therefore, give a firm assurance that this road is going to be tarmacked?

MR. MAIYANI: Mr. Deputy Speaker, Sir, I do appreciate the sentiments of the hon. Member. The Government is equally concerned about this road. The tarmacking of this road has already been included in the 1990/91 Development Plan. The

MR. KILIKU: On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to mislead this House by saying that the construction of this road has been included in the 1990/91 Development Plan when we know that he is talking about 1990/91 Financial Year? A development plan carries a period of five years, whereas a financial year carries only one year. Is he in order to mix the two?

MR. MAIYANI: Sir, I would say that I am talking about both because a development starts first and then a financial year comes at the financial stage.

As I was saying, Sir, the draft tender documents for this road have been finalised, and the total construction work is estimated to cost the Government some

MR. MAIYANI (ctd.):

KShs.260 million. The construction work is expected to commence during the 1990/91 Financial Year, subject to availability of funds. Although the project was included in the previous financial years, the commencement of work was inhibited by lack of funds.

MR. KUBO: Mr. Deputy Speaker, Sir, in 1975 - 13 years ago - I as given a similar reply. What happens is that this road comes into the budget but it is skipped because there is nobody to follow up the matter from that particular district. Could the Assistant Minister agree with me that roads are being tarmacked on favours depending on who is who from which district? Can he assure the House that this particular road is going to be tarmacked through his own follow up?

MR. MAIYANI: Mr. Deputy Speaker, Sir, I do appreciate that it does irritate them to hear the phrase "subject to availability of funds". My Ministry makes plans and estimates, and then ~~xxx~~ approaches the Treasury for funds. We know that we have various projects throughout the country, and the Treasury uses its own discretion as to which projects should be given priority. We cannot force the Treasury when it comes to priorities. However, we shall continue to present to the Treasury our requirements for this road every time, and that is what we have done. If the Treasury lets us down, we have no choice but to present our requirements to them again. I would also urge the hon. Member to work with us; he ~~can~~ can also help us when we are talking to the Treasury. His district development committee can also put in some words from time to time.

MR. MAKAU: On a point of order, Mr. Deputy Speaker, Sir. Hon. Kubo said that although there was a similar assurance on this road 13 years ago, it has not been tarmacked merely because there was no one in the district to follow up the matter. The Assistant Minister seems to be agreeing with him that there should be somebody to follow up the matter in the district. Are we assuming now that ~~next~~ there has to be somebody in a high position in a particular district to follow up Government projects? How about those of us who come from districts that have no senior people in the Government?

16.11.38.

MR. MAIYANI: Sir, the question of follow up does not depend on who is who in a particular district; it is also done through district development committees.

MR. A.K. KINYANJUI: Mr. Deputy Speaker, Sir, the hon. Member has said that this project has been in the Estimates for the last 13 years. Could the hon. Assistant Minister tell us what criteria is followed by the Treasury to allocate funds for projects? We know that district development committees submit their priorities to the various Ministries, and if such projects are not financed then it becomes a mockery of the district development committees. What criteria is actually used by the Treasury in prioritising projects?

MR. MAIYANI: Sir, I do appreciate that supplementary question from the hon. Member, but, as I have said, we put our requests to the Treasury, who have a limitation of funds. It is upon the Treasury to prioritise the projects we give them for financing. Ours is only to remind them, from time to time, of the projects we submit to them. I hope that we shall be able to get funds for the tarmacking of this road.

MR. MAKAU: On a point of order, Mr. Deputy Speaker, Sir. Hon. A.K. Kinyanjui asked what criteria the Treasury, in conjunction with the Ministry of Public Works, uses when giving priority to projects, but the Assistant Minister has not answered that question. Is he in order to evade it?

MR. MAIYANI: Sir, we have placed this road as a priority ourselves, but it is not for me to say what criteria the Treasury uses to place certain projects as priorities.

Question No. 322

~~MR. MAIYANI asked the Minister for Lands and Housing:~~

~~(a) who the registered owners of Group Plot XIV/2, Group Plot 111125~~

16.11.88.

Question No. 399

MR. LEWA asked the Minister for Lands and Housing:-

- (a) who the registered owners of Group Plot XIV/24, Group Plot XIV/25 and XIV/26 of Ngerenyi Location, Kilifi District, are; and
- (b) whether he could allow the people currently living on these plots to assume ownership of the plots for further development.

THE ASSISTANT MINISTER FOR LANDS AND HOUSING (Mr. Mutiso): Mr. Deputy

Speaker, Sir, I beg to reply.

(a) According to our records, Group Plots Nos. XIV/24, XIV/25 and XIV/26 in Ngerenyi Location, Kilifi District, have not yet been registered.

(b) Yes. The Recorder of Titles has already adjudicated this land in favour of the people currently living on the plots, and arrangements are under way to issue grants under the Registered Title Act, which will ensure the ownership of this land for a period of 99 years.

END.... E

MR. LEWA: Mr. Deputy Speaker, Sir, while thanking the Assistant Minister for his reply, although I have not received the written reply yet, could he tell this House when adjudication in this area was actually declared and carried out?

MR. MUTISO: Mr. Deputy Speaker, Sir, the major point here is the concern of the hon. Member whether the people living in those plots are considered to be the rightful owners of those plots. I have told the hon. Member that the Minister has already considered this point and the plots have now been adjudicated and demarcated and the people now living on these plots are considered to be the rightful owners of the plots.

MR. LEWA: Mr. Deputy Speaker, Sir, would the Assistant Minister tell the House when this was done because as far as I know, no land adjudication has been done in this particular area? Could he therefore give us information regarding when this was done? We want to know the month and the year when it was done.

MR. MUTISO: Mr. Deputy Speaker, Sir, I am surprised that the hon. Member does not know that this area has been adjudicated. Perhaps he should check to find out whether this exercise has been completed. The question of the year or the month when this was done does not arise because the area has already been adjudicated and the people can now own these plots rightfully.

MR. KUBO: Mr. Deputy Speaker, Sir, as far as I know a recorder of title, is a title which is given under the Land Titles Act. These plots are supposed to be adjudicated under the Land Adjudication Act, but these are two different Acts. Therefore, could the Assistant Minister explain whether this Land Titles Act still exists and whether after he adjudicates this area, that adjudication will be recognized by the Land Adjudication Act.

MR. MUTISO: Mr. Deputy Speaker, Sir, what is happening is this. The area in question as we know, was formerly a Government land and it was adjudicated in the first place under the Land Titles Act. However, this has now been changed and it is operating under the Registered Titles Act



Act which is the same Act applied in the adjudication of land in towns like Nairobi here and in Mombasa and so on, because this is Government land which gives the rightful ownership of land under a 99 year lease. As I said earlier on, the people living on these plots have now the right of owning those plots.

MR. DEPUTY SPEAKER: Mr. Tanui's Question.

Question No.493

MR. TANUI asked the Minister for Technical Training and Applied Technology whether due to the increased student population in the country, he could consider establishing more local polytechnics in order to absorb the school leavers who are not able to continue with their education.

THE ASSISTANT MINISTER FOR TECHNICAL TRAINING AND APPLIED TECHNOLOGY (Mr. Amayo): Mr. Deputy Speaker, Sir, I beg to reply.

Local youth polytechnics, as they are popularly known throughout the Republic, are community-based vocational training institutions which owe their origin to the Harambee movement of this nation. In keeping with the Harambee spirit and practice, youth polytechnics have in the past, been initiated and established by the local communities themselves. My Ministry will, however, continue to encourage the local communities all over the Republic to establish such youth polytechnics in order to meet the nation's technical manpower requirements while at the same time enabling the young people trained in such institutions to obtain gainful self or <sup>Salaried</sup> ~~part~~ employment.

MR. MALEBE: Mr. Deputy Speaker, Sir, I think this Question by hon. Tanui is very important to the development in the whole country. At the moment, we know there are certain areas where the Ministry has left the establishment of youth polytechnics in the hands of the communities. Now that the Ministry's attention has been drawn to the problem affecting these youth polytechnics, could they guide and assist the local communities to establish more local polytechnics, particularly in area where there are no such polytechnics at all instead of leaving the whole responsibility of putting up these youth polytechnics to the communities themselves?

This would actually <sup>enhance</sup> ~~increase~~ job opportunities for schools leavers who are very many today.

MR. DEPUTY SPEAKER: What is your question, Mr. Malebe?

MR. MALEBE: My question, Mr. Deputy Speaker, Sir, is: would the Ministry initiate a policy of encouraging and assisting the local communities to establish more local polytechnics in all districts of Kenya?

MR. AMAYO: Mr. Deputy Speaker, Sir, I have answered that question already. I have said in my original reply that my Ministry will continue to encourage the local communities to establish such youth polytechnics in the country. At the moment, we have <sup>over</sup> 500 such youth polytechnics in the country and the Government is assisting over 320 youth polytechnics in different ways.

MR. MAKAU: Mr. Deputy Speaker, Sir, arising from the answer given by the Assistant Minister and in view of the importance that the 8-4-4 system of education is placing on technical training, could he consider establishing a staffing unit like the Teachers Service Commission in the Ministry of Education to cater for teachers in our youth polytechnics? I am asking this because previously, these polytechnics were taken as places for school drop-outs. However, now that there is a new Ministry which is in charge of these institutions, could the Assistant Minister consider establishing a staffing unit so that these polytechnics can get qualified teachers instead of collecting people from the villages to teach there?

MR. AMAYO: Mr. Deputy Speaker, Sir, that is a very good suggestion, May I tell the hon. Member that this is under consideration because all the teaching staff in these youth polytechnics are under the community ~~committees~~ management. However, we are considering looking into the possibility of having one central place to cater for the staff in these institutions when funds become available.

MR. KIPKORIR: Mr. Deputy Speaker, Sir, since a new Ministry has been created to cater for these institutions, why can this Ministry not take over the welfare of all the teachers in these youth polytechnics? These teachers at the moment are employed by the local communities on a Harambee

basis. Could the Ministry take over the welfare of these teachers?

MR. AMAYO: Mr. Deputy Speaker, Sir, I have said that this suggestion is under consideration. I did say that at the moment, the Ministry is assisting 320 youth polytechnics and every year they are taking over 20 Harambee youth polytechnics and when funds become available the number of youth polytechnics to be taken over will be increased.

MR. DEPUTY SPEAKER: Let us now go back to Dr. Wameyo's Question for the second time.

Question No.456

MR. DEPUTY SPEAKER: Dr. Wameyo is still not here? Okay, we now move on to Mr. Jaldessa's Question for the second time.

MR. JALDESSA: Mr. Deputy Speaker, Sir, I beg to apologize for coming late.

Question No.498

MR. JALDESSA asked the Minister for Labour:-

- (a) why Jipe Agricultural Development Limited of P.O. Box 41822, Nairobi, terminated the services of Mr. Osman Dida Halake on 12th June, 1986,
- (b) whether he is aware that Jipe Agricultural Development Limited did not pay Mr. Halake his terminal benefits despite the instructions issued by the Nairobi Provincial Labour Officer on the 11th October, 1988, and
- (c) If so, whether he could direct that Mr. Halake be paid his terminal dues immediately.

THE ASSISTANT MINISTER FOR LABOUR (Mr. Mibei): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Mr. Osman Dida Halake who worked as a foreman for Messrs. Jipe Agricultural Development Limited in Narok District had his services terminated after he disappeared when he was required to help police in their investigations on a theft case.

(b) I am aware that Messrs. Jipe Agricultural Development Ltd. did not pay Mr. Halake his terminal benefits.

(c) Mr. Halake should contact the Provincial Labour Officer who will advise him on what dues he is entitled to.

MR. JALDESSA: Mr. Deputy Speaker, Sir, arising from the ~~late~~ Assistant Minister's reply, I think he is deliberately refusing to tell this House the amount of money which Mr. Halake is supposed to be paid. However, I have already been told the amount, and I know the Assistant Minister also knows the amount involved. Is he satisfied that this amount of money is enough for somebody who has worked for almost ten years?

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MR. MIBEI: Mr. Deputy Speaker, Sir, Mr. Halake was claiming Kshs.6,020/-, while the provincial labour officer had managed to recover from the management a total of Kshs.3,733.30.

MR. MAKAU: On a point of order, Mr. Deputy Speaker, Sir. We have been given some information by the hon. Questioner, hon. Jaldesa, and the Assistant Minister has also given us ~~his~~ different information. It seems as though ~~the~~ the Assistant Ministers are ~~now~~ bringing us ~~kinda~~ hidden answers. Hon. Jaldesa has said that he has got the details of the amounts, and the Assistant Minister has given us ~~is~~ a different information. What is this hide-and-seek <sup>being played</sup> game by the Assistant Ministers? Why should we ask the hon. Questioner to go to the labour office while he has the answer here. <sup>?</sup> Is it in order to practise this hide-and-seek game in the House?

MR. MIBEI: Mr. Deputy Speaker, Sir, the problem was that Mr. Halake had not actually <sup>been going</sup> ~~gone~~ to the labour office for a long time. When he went there, he presented the claim that I have already mentioned, ~~while~~ <sup>the</sup> the labour office had only recovered Kshs.3,733.30 from his employer. So, it is up to Mr. Halake to go and <sup>consult</sup> ~~work together~~ with the provincial labour officer so that he can be paid his claim.

MR. JALDESA: Mr. Deputy Speaker, Sir, why was the Assistant Minister so reluctant to disclose the actual amount that was involved? Now that he has disclosed that the total amount recovered by the provincial labour officer was not enough,

MR. JALDESA (ctd.):

can he go back and tell them that they are supposed to pay the claimant more money?

MR. MIBEI: Mr. Deputy Speaker, Sir, the provincial labour officer ~~will~~ will talk with Mr. Halake, so that he can take his particulars, and they will both work out the amount of money he is entitled to. We will be ready to help him after they have worked out the amount <sup>that</sup> he is entitled to.

MR. DEPUTY SPEAKER: Mr. Kagwima's Question for the second time.

MR. KAGWIMA: Mr. Deputy Speaker, Sir, before I ask my Question, I would like to apologise for coming late. I was wrong in my calculations because I ~~thk~~ thought there were two Questions before mine <sup>and</sup> so I thought I had time to answer a telephone call and ~~thk~~ come back in time.

Question No.454

MR. KAGWIMA asked the Minister for Public Works what plans the Ministry has to gravel road No.C92 which serves both Embu and Meru Districts.

THE ASSISTANT MINISTER FOR PUBLIC WORKS (Mr. Maiyani):

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

The Ministry has already made the necessary plans to gravel the road C92 which serves both Meru and Embu Districts.

MR. KAGWIMA: Mr. Deputy Speaker, Sir, I did not get what the Assistant Minister said. Can he please repeat that reply?

MR. MAIYANI: Mr. Deputy Speaker, Sir, I will repeat it with pleasure. <sup>have</sup> ~~The reply~~ I ~~gave~~ said that the Ministry has already made the necessary plans to gravel the road C92 which serves both Meru and Embu ~~Districts~~.

MR. KAGWIMA: W I am asking for specific plans. What ~~was~~ are these plans that the Ministry has carried out to gravel the road? What <sup>are</sup> the plans <sup>o</sup> and when will they be implemented? I am asking for specific plans.

MR. MAIYANI: Mr. Deputy Speaker, Sir, I have some specific information here. The road Meru-Mitunguu-Ishiarara-Ena, has a ~~length~~ length of 109 kilometres. Out of the total length, 58 kilometres of <sup>the</sup> road lie in Meru while 41 kilometres lie in Embu. Both Meru and ~~M~~ Embu District Development Committees (D.D.C.) ~~has~~ have already signified their approval for its gravelling, and as a result, my Ministry <sup>has</sup> included the road in our gravelling programme. The cost of gravelling this road is ~~is~~ rather too <sup>high</sup> ~~expensive~~. My Ministry has plans to gravel it on <sup>Section to section</sup> ~~section~~ basis in order to contain the high cost within our ~~budgetary~~ budgetary provisions. During this Financial Year, 1988/89, my Ministry has allocated and issued a sum of Kshs.1 million, to the Embu D.D.C. for the gravelling of the ~~the~~ section of the road that lies in that district. Messrs. G.M. Contractors have been awarded the tender, and it is hoped that the gravelling work will start any time from now.

MR. KAGWIMA: While thanking the Assistant Minister for that supplementary information, I would like to know how much money the gravelling of this road will require since he is saying it is too expensive. I would like to know the total cost of gravelling this road, so that I may know how many kilometres will be gravelled with the Kshs1 million which the Ministry has already given to the Embu D.D.C.

MR. MAIYANI: Mr. Deputy Speaker, Sir, I would have thought that the hon. Member would have thanked the Ministry for starting with the section of the road that lies in Embu, which is 41 kilometres long. As I have already said, we are gravelling this road, section by section, and so we have not made the estimates for the Meru section. After the completion of the Embu section, we shall embark on requesting the Treasury to provide the money we require for the Meru section, but we have not worked out the estimates. Therefore, I cannot give any specific figure.

MR. KIILU: Mr. Deputy Speaker, Sir, would the Assistant Minister tell us when this contractor will start the gravelling of that road?

MR. MAIYANI: Mr. Deputy Speaker, Sir, I have already stated that the contract has already been awarded, and the money has already been given to the Embu D.D.C., and so the contractor will start any time from now. I cannot give any specific day.



QUESTIONS BY PRIVATE NOTICE

MRS. NDETEI: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Agriculture the following Question by Private Notice.

(a) Is the Minister aware that not all cotton farmers have been paid for their 1987 and 1988 harvest in Kibwezi division?

(b) What steps is he taking to ensure that ~~the~~ these farmers are paid promptly?

THE ASSISTANT MINISTER FOR AGRICULTURE (Mr. Ngaruro):

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

(a) Cotton farmers in Kibwezi Division, who sold their cotton to the Cotton Lint and <sup>Seed</sup> Marketing Board in 1986 ~~and 1987~~ <sup>season,</sup> have already been paid. The Board started buying the 1987/88 crop in Kibwezi Division on 31st August, 1988. The buying of the crop is still on progress. However, all the ~~xxx~~ invoices received by the Board from the Machakos Co-operative Union, ~~upto~~ and including 21st October, 1988, have been paid to the Union who in turn, hopefully, will pay the farmers.

In view of the answer to part (a) then ~~R~~ part (b) does not arise.

MRS. NDETEI: Mr. Deputy Speaker, Sir, the hon. Assistant Minister has said that the money has been paid to the Union. I am not asking about the Union, I am asking about the farmers.

(applause)

MRS. NDETEI (ctd.):

The Ministry is answerable to the Union, <sup>and</sup> so they should tell us what the Union is doing. ~~Can the Assistant Minister confirm,~~

~~Because~~ <sup>last</sup> week, I was at a place called Kithululu, and those farmers have not been paid for their cotton harvest for 1986/87, and now they are being told to plant <sup>more</sup> ~~another~~ cotton.

~~pkz~~ Why are they being asked to plant before they have been paid for what they have delivered? <sup>?</sup> Can the Assistant Minister clarify that?

(END.....G)

MR. NGARURO: Mr. Speaker, Sir, the farmers are members of the co-operative union and as far as the board is concerned, the supplier of the cotton is the union itself. The union is paid in bulk and in turn, they should go ahead and pay the farmers respectively.

MR. GALGALLO: Sir, Would the Assistant Minister assure this House that cotton farmers will be paid as soon as they deliver their cotton? This is because there has not been a common policy as regards the payment of cotton farmers; farmers in this country have been experiencing the problem of non-payment for even ~~x~~ upto a period of one year. So would the Assistant Minister confirm to the House that from now on the Cotton Board will be paying farmers as soon as they receive cotton from them?

MR. NGARURO: As far as the payment of cotton is concerned, we are trying out a system where the farmers can be paid directly by the board. This system is going to be tried on the coffee farmers first, and if it works ~~out~~, then it would extended to the cotton farmers. This, therefore means that although farmers are members of the co-operative union, their names will be entered into the Board and whatever will be supplied to the union is directly recorded to the Board and they will be paid less the expenses or advances they have collected from their respective unions. I hope that when this system is operational, ~~the~~ the farmers will be paid promptly and on time.

MR. KILIKU: The Assistant Minister says that Kibwezi Cotton farmers were paid through their unions. <sup>Therefore,</sup> could he tell us how much was paid to <sup>the</sup> union and why the union has not <sup>paid</sup> these farmers? Would the Assistant Minister take the necessary action and <sup>ensure</sup> ~~see~~ that the union pays these farmers immediately?

MR. NGARURO: I have got all the information here and I am now ready to read it. For the 1986/87 crop season, cotton farmers in Machakos District which includes Kibwezi Division, delivered to the Board, a total of 1,121,992 kilogrammes of AR Cotton worth shs.5.6 million and 225,997.5 kilogrammes of BR Cotton worth shs.636,993.85. A total of Kshs. 6,246,953.85 was paid to these farmers leaving a nil balance with the union. All the farmers, therefore should have been paid in full for the 1986/87 cotton crop delivered to the Board.

MR. NGARURO (Ctd.):

For the 1987/88 cotton crop season, the Board started buying in Kibwezi Division on 31/8/88 as follows:- first buying 31/8/88 to 13/9/88 a total value of Kshs. 150,843.80. Invoices were received by the Cotton Board from the Machakos Co-operative Union on 15/9/88. Cheque released by the Board to the union was on 19/9/88. Machakos Co-operative Union paid Kibwezi farmers the entire sum between 26/10/88 and 27/10/88.

Second buying started on 13/9/88 to 17/9/88 and the total value of the cotton was Kshs. 58,369.10. Invoices were received by the Board from the Machakos Co-operative Union on 21/9/88 and the cheques were released by the Board to the union on 13/10/88. The Machakos Co-operative Union is said to have paid the farmers on 14/11/88 according to their payment schedule.

The third buying started on 15/10/88 to 21/10/88 and the total value of the cotton was Kshs. 34,098.50. Invoices were received by the Board from the Union on 20/10/88 and cheque number 014824 for Kshs. 34,098.50 was released by the Board to the Machakos Co-operative Union for the payment to the farmers. The buying is still in progress and the farmers will continue being paid on receipt of the invoices from the Machakos Co-operative Union.

MR. MANG'OLI: The hon. Questioner and the hon. Member for Changamwe <sup>have said</sup> ~~concur~~ that the farmers have not been paid but the Assistant Minister says <sup>Has</sup> that they were paid through their union. The Question is very clear, <sup>was</sup> ~~is~~ the Assistant Minister carried <sup>out</sup> ~~enough~~ investigations to find out whether the farmers have been paid?

MR. NGARURO: From the information that we have from the grassroots, the farmers have been paid, but if as the hon. Questioner has alleged that they have not been paid, I am willing to investigate and take the necessary action. But for the time being, I have been told that they have been paid.

MR. CHEPKOK: On a point of order, Mr. Deputy Speaker, Sir. I think the Assistant Minister should have confirmed with the Ministry of Co-operative Development whether these farmers have actually been paid before answering this Question. This is because he is now giving us half answers which is misleading and that is not in order.

MR. NGARURO: From the information available, the farmers have been paid, but if there is any new information to the contrary, I am willing to investigate and take the ~~xxx~~ appropriate action.

MR. GALGALLO: On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister has said that the Board released money to the union, <sup>So</sup> ~~is~~ he is not certain whether the farmers have been paid or not. Therefore, can he promise the House that he is going to investigate and make sure that these farmers are paid? In fact, the Ministry of Agriculture has a habit of frustrating the farmers in this country particularly the cotton farmers.

MR. NGARURO: If the hon. Member has been attentive, I said that I am going to investigate and take the necessary action.

MR. A.K. KINYAJUI: On a point of order, Mr. Deputy Speaker, Sir. The original Question asked about the farmers and not about the union and now the Assistant Minister is saying that he is going to investigate. Why did the Assistant Minister in the first place not answer the original Question as it had been put by the Questioner?

MR. NGARURO: As I said earlier, the information available to the Ministry confirms that the farmers have been paid. But if the farmers have not been paid as the hon. Members have alleged, I am going to investigate and take the necessary action.

MR. KILIKU: Sir, could the Assistant Minister tell us when he is going to bring the information?

MR. NGARURO: As this will involve all the ~~xxxx~~ cotton farmers, I am willing to ~~xx~~ carry out the investigations and possibly bring the information here in the next 14 days.

MRS. NDETEI: The cotton farmers are falling victims of mismanagement in the co-operative unions and for that reason, I am requesting the Ministry of Agriculture to ensure that the monies are paid directly to the farmers and not to middle man to pass it on to the farmers. Can the Assistant Minister assure the Kibwezi farmers before the next crop is planted in the next two to three days, that they are actually ~~you~~ going to be paid. I do not want to hear that he is going to carry out investigations, I want them to be paid.

H.4.....16.11.88

MR. NGARURO: I have already said that we are working out a new system of paying farmers who are members of co-operative <sup>Societies</sup> societies. Previously, they used to deliver their crops to the primary <sup>Societies</sup> societies and thus we had to pay them through the primary societies. We <sup>are</sup> experimenting with coffee farmers, where the farmers will deliver their ~~own~~ crop to their various co-operative societies but will be paid directly. If we succeed in coffee, I am definitely sure that we shall carry out the same ~~own~~ system to the cotton growers.

END H....

MR. WASIKE-NDOMBI: Mr. Deputy Speaker, Sir, I beg to ask the Minister for Labour the following Question by Private Notice.

(a) Is the Minister aware that Messrs John Ochieng, Ernest Lupano and 110 other employees of Cibelco Construction Co. - Ltd of P.O. Box 67316, Nairobi have not been paid for the months of July, August and September, 1988 for the work done at Kakamega Municipality?

(b) Is he further aware that the same Company has not paid for the materials supplied by Messrs Margaret Masitsa, Charles Shashio, Ernest Nampwayo, Richard Ambunya, Muhuntsa Mukoto, Pius Matakwa and Oliver?

(c) What steps is the Minister taking to make sure the employees and suppliers referred to in (a) and (b) respectively are paid?

THE ASSISTANT MINISTER FOR LABOUR (Mr. Mibei): Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that Messrs John Ochieng, Ernest Lubano and 110 other employees of Cibelco Construction Co. Ltd of Nairobi have not been paid for the months of July, August and some few days for the month of September, 1988 for the work done at Kakamega Municipality.

(b) I am not aware that the same Company has not paid for materials supplied by Messrs Margaret Masitsa, Charles Shashio, Ernest Nampwayo, Richard Ambunya, Muhuntsa Mukoto, Pius Matakwa and Oliver. About 77 employees involved have individually lodged their complaints with the District Labour Officer, Kakamega and efforts are being made to recover whatever is due to those employees.

MR. WASIKE-NDOMBI: Mr. Deputy Speaker, Sir, this Question involves a little more than paying employees. The Assistant Minister is now saying that 77 of the employees have lodged complaints individually to the District Labour Officer, Kakamega. As the Question as a whole concerns the Minister for Labour, can the Assistant Minister take steps to ensure that all of these employees are paid for the work they did from July upto the end of September, 1988? It is illegal for one to work for 30 days and be not paid. Why were they not paid?

MR. NIBBI: Mr. Deputy Speaker, Sir, the problem arose from the Company having been stopped from continuing with the project on 30th August, 1988 by the National Housing Corporation (N.H.C.) without allegedly having been paid part payment for the work which had already been done. The Company has already filed civil suit No. 4187 of 1988 in the High Court of Kenya, claiming all the money due to them from this contract, which is estimated at Shs.300,000/-. The District Labour Officer's claim for the employees so far amounts to Shs.50,341/-. As regards payment for the suppliers materials, they should be advised to follow the normal procedure of recovering debts. The employer has, however, admitted that the suppliers in question have not been fully paid, and that as soon he is paid by the N.H.C. they will be paid.

MR. WASIKE-NDOMBI: Mr. Deputy Speaker, Sir, there is a saying that, "Where two bulls fight it is the grass that suffers". There is a civil suit here filed by the Company against the N.H.C. Now, these innocent employees are just going to suffer because this case might <sup>go on</sup> for the next four years. Will the Assistant Minister, therefore, ensure that the Company pays the employees for the months they worked <sup>while</sup> it pursues its civil suit against the N.H.C.? The employees should be paid while the case continues.



MR. MIBEI: Mr. Deputy Speaker, Sir, we are following up the matter closely, and we have told them <sup>the Company</sup> that ~~they~~ <sup>the Company has</sup> must pay the employees, but they ~~have~~ <sup>have</sup> been asking for time to get payment from the N.H.C.

MR. MANG'OLI: Mr. Deputy Speaker, Sir, the Assistant Minister should now give this House an assurance on this matter. He seems to be dragging us into the civil suit against the N.H.C., which is not part of the reply hon. Wasike <sup>Wasike</sup> requested for, and which suit may continue for five years. Since this Company may have other assets, can the Assistant Minister now direct that it pays these workers their rightful dues while they continue with their suit rather <sup>than</sup> ~~dragging their~~ <sup>to</sup> feet on the matter on the pretext <sup>it is</sup> ~~they are~~ waiting for the results of the suit?

MR. MIBEI: Mr. Deputy Speaker, Sir, I have said that we are following up the matter.

MR. KILIKU: Mr. Deputy Speaker, Sir, could the Assistant Minister assure this House that these workers will be paid whether the employer is paid by the N.H.C. or not? He should not link the two matters.

MR. MIBEI: Mr. Deputy Speaker, Sir, I repeat that we are following up the matter.

MR. MANG'OLI: Mr. Deputy Speaker, Sir I beg to ask the Attorney-General the following Question by Private Notice:

(a) Is the Attorney-General aware that the property of Mr. Maurice Psisei of Bungoma worth over Shs.93,000/- was auctioned to recover a debt of Shs.3,155/- in civil case No. 158 of 1984?

(b) Is he also aware that Chweya Auctioneers are still holding a Peugeot pick up and household effects worth over Shs.90,000/-?

(c) If the answer is in the affirmative, what steps will he take to ensure that justice is seen to be done?

I:4. 16.11.88

THE ATTORNEY-GENERAL (Mr. Muli): Mr. Deputy Speaker, Sir, I beg to reply to this Question, which has been on the Order Paper for far too long.

(a) I am aware that the said Bungoma Resident Magistrate Court's Civil Case No. 158 of 1984 involving one Henry Bisau and Maurice Psisei was based on a claim for the recovery of Shs.8,000/-, being the balance due and owing to the plaintiff - of course the plaintiff here is Henry Bisau - from the defendant, Maurice Psisei, for the sale of a motor vehicle registration No. KLM 609, which was sold to the defendant, ~~I think that is Maurice Psisei,~~ on the 19th March, 1984. The case proceeded exparte on the 26th November, 1984, the defendant having failed to enter what we call "an appearance", or to file what we call "a defence". Then a judgement was applied for and was entered against the defendant, Maurice Psisei. Subsequently an application for a decree to execute that judgement was granted on the 8th January, 1985. Later, <sup>on parties</sup> both sat together and entered what we call "a consent arrangement", and a consent order was issued for payment of the whole amount of money owing by the 17th April, 1985. No payment was made by the defendant, and the Court was moved and ordered the auctioneer to proceed with the sale. So far, the Court machinery seems to have been exhausted.

(b) I am also aware that Chweya Auctioneers, who are based in Bungoma, attached a lot <sup>of</sup> items to recover a total sum of Shs.9,228.15. Of course that was the original claim of Shs.8,000/- plus interest, which is what made it jump to Shs.9,228.15. The auctioneer attached a Toyota KLM 603 - you can <sup>see</sup> this one is different from the original KLM 609; Peugeot pick up KTG 635; a motor cycle KNT 433 and one table and four chairs.

END ..... I

THE ATTORNEY-GENERAL (Mr. Muli) (ctd.):

Mr. Deputy Speaker, Sir, the auction was held on 1st November, 1985. The Toyota was sold at the auction for shs.15,000/= and a motor cycle for shs.4,500/=. After the attachment and sale, the auctioneer indicated that <sup>his</sup> ~~their~~ costs were shs.30,410/=. The records, however, neither indicate the breakdown of this amount nor do they indicate a formal contest of the bill <sup>of costs</sup> ~~in court~~.

This is a case where I feel on the face of it and on the facts of it that this auctioneer attached a fairly large amount of articles to recover a very small amount of money.

(applause)

I am also not satisfied that the fees <sup>he charged</sup> ~~was charge~~ for himself are not excessive or inflated. I would like to ask the hon. Member to ask the defendant to go back to the same court and complain and a proper bill of costs to be taxed. If he gets any difficulties, he can come and see me and see <sup>assist</sup> ~~nk~~ how we can ~~see~~ <sup>assist</sup> him.

(applause)

MR. MANG'OLI: Mr. Deputy Speaker, Sir, I appreciate the reply given by the Attorney-General on whom this country depends when it comes to legal matters. One can realise from the question itself the seriousness of the matter. The defendant owed only ~~shs.3,000~~ shs.3,000/=. The auctioneers are holding goods worth shs.200,000/=. From this one wonders what is going on. I am saying this because there has been correspondence between the defendant and the Attorney-General. So for me to go back to seek help from the Attorney-General would be repeating what Mr. Maurice Psisei had already done. Mr. Psisei had asked for assistance from the Attorney-General and the Criminal Investigation Department on this particular case, but in vain. He has thus reached what the economists call a point of no return. He has thus resorted to this august House to request the Attorney-General as the custodian of the law in this country to help. There is no need for

MR. MANG'OLI (ctd.):

us to go back to the auctioneers. It can openly/<sup>be</sup>seen that this is robbery without violence on the part of the auctioneers. Could the Attorney-General now order that the auctioneer returns the goods that are worth shs.90,000/= which he still holds even after collecting shs.93,000/= from Mr. Psisei? Why is the Attorney-General not suing the auctioneers and any such auctioneers in a court of law? This is a sad affair. Mr. Psisei has had his goods taken and auctioned. Could the Attorney-General direct that these goods still being held be released immediately? Could he also direct that the amount of money collected over and above the debt of shs.3,155/= be refunded to the defendant? We all, and you even you Sir who is a lawyer, know ~~the behaviour of these~~ <sup>the behaviour of these</sup> ~~what is known about~~ auctioneers. Their commission is usually 10 per cent. In this case it should be 10 per cent of shs.3,155/=. So how does the cost of shs.30,410/= come in? Unless we can--

MR. DEPUTY SPEAKER: Order, hon. Mang'oli! Could you ask your question?

MR. MANG'OLI: Mr. Deputy Speaker, Sir, could the Attorney-General direct through this august House that these goods x that are being held be released? With all due respect to the Attorney-General I hope he does not ask Mr. Psisei to come to him xg again.

MR. MULI: Mr. Deputy Speaker, Sir, I have said over and over again in this House that the auctioneers and brokers should be ~~absolutely~~ absolutely careful when handling properties of wananchi in the case of auctions of land and properties like this one. Last week you will remember Sir I was moving a Bill in connection with a profession to have a code of conduct. It is high time that the auctioneers had a code of conduct and ethics. This is not one of the professions which are within my portfolio. These people get their licenses from the Provincial Commissioner. I do not know what criteria that the Provincial Commissioner uses to issue these licenses to certain

MR. MULI (ctd.):

individuals. The only thing that I can do is to ask the hon. Member to ask Mr. Psisei is to go back to that court whereupon I would pass this--

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

MR. DEPUTY SPEAKER: Order, Mr. Mwenje! Could you give the Attorney-General time to finish first and then you can raise your point of order?

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

MR. DEPUTY SPEAKER: Order, Mr. Mwenje! Could you proceed, Mr. Muli?

MR. MULI: Mr. Deputy Speaker, Sir, I am asking the hon. Member to go back to that court because there may be need to do that. This property that he is saying that I should order to be released; ~~it~~ it could have been held there for too long and might be damaged. As a result his client might lose a lot of money. There is an order that orders the attachment of these goods. I would like him to go back and I on my side <sup>will</sup> ~~would~~ refer this matter back to the court for investigations to be done as to what actually happened. This is a case <sup>Probably</sup> ~~property~~ where this auctioneer should be held for misconduct. ~~his~~ and his licence suspended or revoked. I would like a full investigation and co-operation <sup>from the hon. member</sup> and the defendant through the normal machinery. If he can consult me, we can see how best we <sup>can help me.</sup> ~~can help me.~~

(applause)

MR. MWENJE: On a point of order, Mr. Deputy Speaker, Sir. The Attorney-General has told us that these auctioneers are licenced by the Provincial Commissioners. The fact is that they are licenced by a board which is appointed to license them. Could the Attorney-General, since this has been as a first class order of corruption, come up with a policy for these auctioneers? This is <sup>(because this is</sup> a common thing that ~~it~~ keeps on happening in this country.

J.4.....16.11.88

MR. MULI: Mr. Deputy Speaker, Sir, I would like the hon. Member to declare his interest.

MR. MAKAU: Mr. Deputy Speaker, Sir--

MR. MULI: On a point of order, Mr. Deputy Speaker, Sir. I would like the hon. Member to declare his interest in the matter. This is ~~xxx~~ because he is a broker!

MR. MWENJE: Mr. Deputy Speaker, Sir, I have no interest to declare.

MR. DEPUTY SPEAKER: Order, Mr. Mwenje! That is perfectly in accordance with the Standing Orders of the House. So could Mr. Mwenje declare his interest in the matter?

MR. MWENJE: Mr. Deputy Speaker, Sir, I will not declare my interest. I used to be in that company, but I am no longer working there.

MR. MAKAU: Mr. Deputy Speaker, Sir, while appreciating the answer given by the Attorney-General could he deny or confirm that this is one of the cases whereby there is a <sup>Collusion</sup> ~~collusion~~ or racket between the lawyers, <sup>Magistrates</sup> ~~magistrates~~ and auctioneers in the country to defraud or <sup>swindle</sup> ~~swindle~~ <sup>judicate</sup> ~~judicate~~ people through ~~xxx~~ auctioning of their property? I am saying so because he has confirmed that this was an expert judgement. On many occasions people who are supposed to be served with court summons have ~~the~~ judgements being made for them in courts without them having received the court summons. I have been a victim of such a thing. After the judgement you find people coming to ~~x~~ auction your things when you have never been summoned to court. Could the Attorney-General deny or confirm that there is a ~~collusion~~ <sup>Magistrates</sup> and racket between the ~~magistrates~~, ~~xx~~ lawyers and auctioneers in this country?

END J.....

MR. MULLI: Mr. Deputy Speaker Sir, there is nothing that I will confirm. This is a serious allegation of which I would like hon. Makau to substantiate. He has attacked the independence of the judiciary; he has attacked a professional discipline of advocates; and he has more or less attacked the day to day business of the legal profession. This sort of wild-~~card~~ accusations is lowering the dignity of this House. In connection with what went on yesterday, <sup>the</sup> time has come when we should ~~not~~ name some of the <sup>hon</sup> Members who bring wild-~~card~~ accusations against people who cannot defend themselves in this House.

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

MR. DEPUTY SPEAKER: Order, Mr. Makau! I concur with <sup>learned</sup> the Attorney-General on this point and I would like to refer hon. Members to Standing Order No. 73 which reads as follows:-

"Neither the personal conduct of the President, nor any conduct of Mr. Speaker or of any judge, nor the judicial conduct of any other person performing judicial functions, nor any conduct of the ruler or the government or the representative in Kenya of any friendly country shall be referred to adversely except upon a specific substantive Motion moved for that purpose."

MR. MULLI: Mr. Deputy Speaker Sir, may I ask, through you, that hon. Makau withdraws and ~~apologises~~ apologises to the House for ~~the~~ that reference. He should take the business of this House very seriously.

MR. DEPUTY SPEAKER: Order! I will not ask for substantiation, I will simply ask hon. Makau to withdraw that particular remark.

MR. MAKAU: Mr. Deputy Speaker Sir, will you allow me to move a Substantive Motion because I have evidence to substantiate that allegation?

MR. DEPUTY SPEAKER: Order! Mr. Makau, you can give that further thought, but I will not allow you now to ~~stand~~ stand and move a substantive Motion. What I am asking you to do is to withdraw that remark in view of the clarity of ~~that~~ Standing Order No. 73.

MR. MAKAU: Mr. Deputy Speaker Sir, in view of ~~that~~ Standing Order No. 73; I withdraw that remark, but give notice to move a substantive Motion on this issue.

MR. DEPUTY SPEAKER: Very well, next Order.

THE ASSISTANT MINISTER, OFFICE OF THE PRESIDENT (Mr. Onyancha):

On a point of order, Mr. Deputy Speaker, Sir. In view of your ruling, and the hon. Member having heard what the Standing Order states, withdrawing ~~in~~ the remark is not enough. Would the hon. Member actually apologise to the House unconditionally?

MR. DEPUTY SPEAKER: I would be ~~xxx~~ satisfied if hon. Makau simply withdraws and give him the benefit of the doubt in this particular case. So, if hon. Makau ~~wix~~ withdraws unconditionally, that will be okay; I thought I heard him conclude his <sup>statement</sup> withdrawal with "but".

MR. MAKAU: In view of Standing Order No.73, I have withdrawn the remark unconditionally.

MR. P.K. KINYANJUI: On a point of order, Mr. Deputy Speaker, Sir. The Attorney-General stated that auctioneers do not fall under his portfolio. Does ~~xxx~~ he not have an obligation to advise the Government on what should be done in order to avoid such malpractices <sup>by</sup> of the auctioneers?

MR. NJILI: If the hon. Member listened to me very carefully, he heard me say that I am not satisfied with the discipline of ~~xxx~~ these auctioneers. These auctioneers will be contacted and some action is being contemplated to be taken against them, but for the instant case, the hon. Member can <sup>consult</sup> ~~consult~~ me so that we may see how best we can handle this case to safeguard the interests of this particular defendant.

MR. DEPUTY SPEAKER: Let us ~~now~~ move on to the next Order.

(Mr. Mang'oli stood up) ~~to raise a~~ ~~at a point of order~~

Yes, Mr. Mang'oli, what is your point of order? I hope you are not going to touch on the previous issue.

MR. MANG'OLI: On a point of order, Mr. Deputy Speaker, Sir. Since the Attorney-General has asked me to go and carry out some investigations—

MR. DEPUTY SPEAKER: Order, Mr. Mang'oli! I have already indicated that we should move on to the next order. We have spent a lot of time on this issue.



## POINTS OF ORDER

MR. MALEBE: On a point of order, Mr. Deputy Speaker, Sir. I rise on a point of order to say something in relation to Ministries trying to answer Questions which they are not competent to answer.— Today, we had two Questions which were answered by the Ministry of Agriculture — that is Question No. 500 and the first Question by Private Notice on the Order Paper. These Questions should have been forwarded to the Ministry of Co-operative Development. The farmers involved in the Questions are members of the co-operative movement. In the normal circumstances a farmer <sup>who</sup> is not a member of the co-operative receives his money with no difficulty. We never had any complaint from farmers who are not members of the co-operative societies. Farmers ~~are~~ who are members of co-operative societies are the ones who lose money through the mismanagement of unions, societies, factories and so forth. I would like to request the Ministry of Agriculture to refrain from answering Questions which they cannot give satisfactory replies to. This is why, this ~~morning~~ morning, we could not get satisfactory replies regarding payments of coffee or cotton farmers because they are members of co-operative societies. The Ministry of Co-operative Development could have answered those Questions adequately.

MR. DEPUTY SPEAKER: Very well. I am going to allow only one more ~~last~~ point of order.

MR. WASIKE-NDOMBI: On a point of order, Mr. Deputy Speaker, Sir. Is hon. Malebe in order to sort of challenge the Speaker's responsibilities? The preparation of the Order Paper is the responsibility of the Clerk and the Speaker.

MR. DEPUTY SPEAKER: Hon. Malebe can stand guided by hon. Wasike-Ndombi in regard to that particular point.

## MOTION

THAT, in view of the continuing rise of population against the non-increasing land surface and since there have been simultaneous increase in the acreage and number of Game Reserves; this House urges the Government to review the entire structure of wildlife sanctuaries vis-a-vis the population demand for more land and degazette those reserves that are non-viable with a view to releasing more land for public use.

(Mr. Galgallo on 9th November, 1988)

(Resumption of debate interrupted on 9.11.88)

MR. DEPUTY SPEAKER: Mr. Mahihu was contributing to the Motion before the debate was interrupted. Mr. Mahihu, you have a balance of three minutes to contribute.

MR. MAHIHU: Thank you, Mr. Deputy Speaker, Sir, for allowing me to continue with my contribution. The reason why I was opposing the Motion is that to degazette national parks in favour of public utilities would amount to reducing the wildlife. It is important that the Ministry of Wildlife helps us to get the actual situation of wildlife. *Tourism and*

Mr. Deputy Speaker left the Chair

The Temporary Deputy Speaker (Mrs. Ndeti) took the Chair

Madam Temporary Deputy Speaker, the story of Kenyan ivory being sold in Somali is being ~~debated~~ carried in the newspapers. In today's "Daily Nation", there is an article ~~which~~ in which, "New Africa" magazine insists that the story they had published linking the Somali Government with the killing of elephants in Kenya is genuine. First of all, I would like to ~~ask~~ congratulate the Commissioner of Police for the steps he is taking to ensure that while we are still debating ~~the~~ poaching, *this question of* ~~and~~ ~~poachers~~ ~~and~~ ~~their~~ ~~poaching~~ in our country. I feel very strongly that it is important for the Ministry concerned to ~~ask~~ keep the country ~~aware~~ informed whether these stories we hear are true or false.

Madam Temporary Deputy Speaker, the other point that I would like to mention in this respect is that if we degazette the national parks, the land that is being occupied by the wildlife or *make* any attempt to reduce the land, it ~~wildlife~~. Our wild animals have been reduced so much that we cannot even imagine ~~discussing~~ discussing this Motion.

MR. MAIHU (ctd):

Madam Temporary Deputy Speaker, I feel very concerned that this Nation has continued to get contradictory statements. Today, the Commissioner of Police denied the story carried in the local newspapers, regarding the killing of 10 elephants.

END K....

MR. MAHIHU (contd.):

I would like to urge those who are writing these stories to write the truth. It is very important that this country, which has suffered so much <sup>from</sup> distortion of facts is told the truth; at least by our own newspapers.

Madam Temporary Deputy Speaker, we can not overemphasise the importance of the wildlife since it is obvious. I would also like to inform the Ministry concerned that <sup>the</sup> time has now come for the wananchi, who live around the national parks, to be given some benefits from the money which is obtained from the tourists who visit the national parks. It is important that the Masai, the Samburu and all the other people who live around the national parks get some benefits from the income from the tourist industry. The Assistant Minister for Wildlife and Tourism who is here should listen to this: The Ministry of Wildlife and Tourism must give more money to the local authorities in the areas where the wildlife are found. This will go a long way in making the wananchi in those areas friendly to the game. There is no better defence of the wildlife than the local people. I believe that if the local people will get the income which is obtained from the tourists industry, then they will protect the game. If the tourists pay Kshs.20/- at present to visit Masai Mara, then they can be asked to pay a further Kshs20/- which should be given to the people who live in the areas where the game is found.

Thank you Madam Temporary Deputy Speaker. I still oppose the Motion.

MR. KUBO: Thank you very much Madam Temporary Deputy Speaker, for giving me an opportunity to speak about this Motion. It is unfortunate that ~~Max~~ most <sup>hon.</sup> Members do not understand the sentiments of the Members of Parliament who represent the areas

MR. KUBO (contd.):

where these national parks and game reserves are situated.

The first thing is that we should differentiate between national parks and game reserves. Game reserves are normally located in trust land which <sup>were</sup> ~~were~~ termed as native reserves during the colonial period. It is only in these areas where game reserves are found. And it is only in these areas where the local residents are normally paid some money which is obtained from the ~~wild~~ tourist industry. However, in the areas where national parks are found which are statelands, like Tsavo National Park, the residents of those areas have nothing to benefit from those parks, ~~as a district~~. Whatever <sup>Consolidated</sup> is earned from the parks goes directly to the National Fund. This is very unfair because there is no difference between these two ~~wildlife conservation~~ areas. Just because one was called native reserves and the other one referred to as crownland during the colonial days does not mean that there is a difference. There is no difference at all. What we want to see happening is that both people living around the game reserves or national parks are equally treated so that they all benefit from the tourist industry.

One of the problems in the Taita-Taveta District is that we are surrounded by one of the biggest national parks, but we get no direct benefit. In fact, the so-called tourists only benefit the people from other areas. There was a Motion to that effect last week, and it was, in fact, very clear that the local indigenous people are not benefiting much from this tourist industry directly; although the Government gets funds through get collections <sup>from those entering</sup> ~~into~~ the parks. Those of us who represent these areas are very bitter because we have no land for our people. The matter is, in fact, more serious because

MR. KUBO (contd.):

even the land that we have is being interfered with by these wildlife. Moreover, whenever we have any compensation claims made by the residents of these ~~xxxxx~~ districts, they are paid so little that they, in fact, do not appreciate <sup>Seeing</sup> the game in these areas.

Madam Temporary Deputy Speaker, for your information the natives of these areas, as they used to be termed, were experts in the conservation of game. They knew which animals to kill, and which ones <sup>not</sup> to kill. They, in fact, used to live with the wild animals even before the coming of the whiteman. And they used to preserve them, so there is nothing strange about them living with wild animals. The mere fact that the land is allocated to the local residents does not necessarily ~~mean~~ mean that they are going to destroy the wildlife - in fact, they have always lived with them. In a district like Taita-Taveta, three quarters of the district is a ~~nt~~ national park, and you find that people are getting very little from it. Still, they are prepared to live with the wild animals. You, in fact, very rarely hear of a Taita or a Taveta <sup>man</sup> having killed an elephant. Occasionally they kill the small dick dicks <sup>for</sup> antelopes <sup>for</sup> their own consumption. The extent in which they kill these animals is not all that serious. The <sup>c</sup>misconception that we intend to destroy these animals is not true at all. In fact, currently ~~right now~~, in the Bura area, Mwatate, Salt Lick and Taita Hills Lodge, the animals have encroached on the trust lands, they are no longer living in the Tsavo National Park. They have left the park and are now coming to ~~xxxx~~ live where people stay. That is enough proof that the wananchi of that area do not disturb the animals.

MR. KUBO (contd.):

The animals are now fearing to live in the national park; they are coming to live near the people who are peaceful. This is a fact, and I think that the animals have some instincts and know where they can live happily and safely. They also know those places where they are being hunted down.

I can, therefore, assure the House that by asking for more land we are not advocating the idea of destroying these animals at all. All we are saying is that we can live with them, but we want to be given some right to use that land. As you may know, the only farming that can be done in those marginal dry areas is ranching. Ranching cannot be done on a small piece of land. We need to give a lot of space to the animals. Sometime we have to set aside up to 10 acres per animal depending on the prevailing climate. The land that we have right now in the hills has been exhausted, and so only the lowlands can be irrigated. Therefore, all that we are asking for is that we be given a bit of land. When Members of Parliament bring such Motions, it is not that they are selfish as people may tend to think. They are not selfish; all that they are trying to do is to help in the preservation of the wild animals.

Madam Temporary Deputy Speaker, as we know, there is no law guaranteeing that we shall get some income from the national parks. We are asking the Ministry concerned to make ~~x~~ allowance so that we are given some grants. I am supporting what hon. Mahihu said earlier on. The Ministry should be giving grants to the county councils in those particular areas. It is very strange to find that in Taita-Taveta District, most of the students cannot even get bursaries ~~fr~~ for their education. We are educating our children about the preservation of animals, How can we do that if they cannot go to school due to lack of

L.5.....16.11.88

MR. KUBO (contd.):

money? It is very pathetic to find that in a district like Taita-Taveta ~~where~~ where people are so poor the Government is making so much money from the tourist industry in that district; yet it does not benefit the local people.

The only benefit that these people get is that of being able to sell their cabbages and potatoes to the tourist hotels. Still, there are very few hotes in that part of the district. The hotels we have there are; Salt Lick, Taita Hills Lodge, Kilanguni, and Voi Safari Lodge which is a small one. These few hotels only employ a few local people and purchase the vegetables which are grown in the district. The majority of the indigenous people do not benefit at all. That is why we say that the land should be set free for use by the local people. This Motion is a bit misleading; we are not saying that the land should be used by the general public, but by the indigenous people living in ~~in~~ that area. With the objective of helping the local people to appreciate the preserved animals, I hope that we shall be able to help the Government, which on its part should look into ~~in~~ this problem very seriously, and help the local people of that area.

With those few remarks, I beg to support.

End I.....



MR. BIDU: Bi Naibu Spika wa Muda, kwanza natoa shukurani zangu kwako, kwa kunipa nafasi hii ili wa niwaeleze wenzangu vile Hoja hii ambayo najua kuwa haifai ilipoweza kuletwa hapa. Naweza kufananisha Hoja hii na hadithi moja ya ngamia aliyei-pindua hema ya Mwarabu. Katika hadithi hii, kulipokuwa kukinyesha, ngamia alianza na kuzamisha kichwa chake kwenye hema lakini baada ya mda mfupi hakutosheka na akaamua nundu yake pia ni lazima aizamishe humo pia. Mwishowe Mwarabu alinyeshewa na mvua kweli kweli kama vile tunavyoona katika Hoja hii.

Hapo awali, mhe. Mbunge mwenzangu alikuwa ameitoa Hoja moja nzuri sana - kwamba angependekeza ~~ax~~ asilimia 51 ya mapato ya utalii iwe mikononi mwa Wakenya. Sasa kwa vile ~~wx~~ wanyama wa pori hawawezi kujizungumzia au kupiga foleni, mhe. Mbunge anaonekana kama angependa kuipindua hema kwa sababu Hoja yake ya kwanza ilikuwa nzuri sana. Mhe. Mbunge mmoja alisema kuwa game reserves na national parks huwa ni tofauti lakini kwa maoni yangu aina zote mbili za mbuga za wanyama wa pori ni sawa kwa sababu mambo hayo mawili huenda pamoja. Kama hatutaendelea hizi mbuga za wanyama wa pori hatutawapata wanyama wa pori na hali wizará hii huleta pesa za ~~kigani~~ <sup>kigeni</sup> ambazo sisi hutegemea sana. Wale watalii ambao huja nchini kuwaona hawa wanyama wa pori ~~a~~ kama ndovu, simba, ~~vifarú~~ <sup>four</sup> huleta pesa nyingi za kigeni. Kama tutakubalia wananchi wawé wakiishi katika hizi mbuga za wanyama wa pori, tutakuwa tukitilia mkazo haya mambo ya uwindaji haramu ~~an~~ na tungependelea uwindaji haramu umalizike kabisa ili tuwe na wanyama wengi wa pori.

Hivi sasa tunapozungumza hapa, wanyama wengi wa pori wameuwawa na hawa wawindaji haramu - ndovu, simba na vifarú ni baadhi ya ~~wam~~ wanyama wa pori ambao wamebakia wachache sana. Si haki <sup>tutakubali</sup> ~~tutakubalish~~ Hoja hii kwamba ~~tutakubalish~~ watu kukaa katika

MR. BIDU (Ctd.):

mbuga za wanyama wa pori eti kwa sababu wanazaana sana. Hapa nchini leo kuna mwito wa kupanga uzazi. Kitu ambacho ningependa kumuuliza mwenzangu ni kama ni vyema au ni vibaya tumalize hizi mbuga za wanyama wa pori ili watu waishi humo? Hivi leo wananchi wanaishi vyema kwa vile <sup>ardhi</sup> ~~arshi~~ ya makao ni nyingi kama vile tulivyoona katika Hoja ile ya kwanza. Pia sisi twataka mapato ya pesa za kigeni kwa sababu watu wakiruhusiwa kukaa humo watashikwa na tamaa ya kujitajirisha kwa kuwaua wanyama wa pori na kuuza pembe zao.

Bi Naibu Spika wa Muda, sisi tunaomba mbuga za wanyama wa pori ziendeleo kuwako. Kuna mfano mmoja tulipewa hivi majuzi ambapo Omwari - yule nyoka wa ndugu zangu - aliyeletwa hapa Nairobi National Park na wale watu wakamdai kwa nguvu mpaka wakarudishiwa Omwari wao. Hii ni kuonyesha watu wanapendelea mbuga za wanyama wa pori zihifadhiwe. Si kweli kwamba tukizinyakua hizi mbuga za wanyama wa pori ndipo tutakuwa tumejitoshelesha na tutaweza kumaliza uwindaji haramu nchini. Uwindaji haramu utaongezeka kwa ~~sababu~~ sababu huletwa na tamaa - kwa sababu watu wana njaa. Tunataka Wizara ya Utalii na Wanyama wa <sup>Porini</sup> ~~Pori~~ ifanye bidii kuona kwamba uwindaji haramu ~~unazalishwa kwa~~ <sup>unakomesha</sup> ~~unastopishwa~~. Uwindaji haramu siku hizi umegeuka kwa sababu wale wanao wanaofanya hivyo wana njaa. Nikizungumza hivi---

THE ASSISTANT MINISTER FOR FINANCE (Mr. Keah): Jambo la midhamu, Bi Naibu Spika wa Muda. Nashangaa na lugha ya mwenzangu. Hili neno "kustopishwa" ni lugha gani - ni Kingereza au ni Kiswahili?

MR. BIDU: Bi Naibu Spika wa Muda, sisi waheshimiwa Wabunge twakubalishwa kuzungumza lugha zote mbili katika Bunge hili.

THE TEMPORARY DEPUTY SPEAKER (Mrs. Ndetei): Order!

Mr. Bidu, you are supposed to speak either English or Kiswahili not both of them simultaneously. So, you would better stick to Kiswahili perhaps.

MR. BIDU: Bi Naibu Spika wa Muda, najua "kustopishwa" ina maana ya kuzuiwa lakini nasema hivyo kwa sababu nenc hilo ~~kaz~~ linakuja mdomoni kwa urahisi na ndipo nilikuja kulitumia.

(The red light was switched on)

Nilifikiria kuwa ~~na~~ nitaongezewe saa lakini naona sivyo sasa.

Basi, kwa hayo machache, naipinga Hoja hii.

THE TEMPORARY DEPUTY SPEAKER (Mrs. Ndetei): Hon.

Members, since the time allocated for that Motion is over, I now call upon the Mover to reply.

MR. GALGALLO: Thank you very much, Madam Temporary Deputy Speaker, for giving me this opportunity to reply to this Motion.

The Motion clearly states that we are asking for only those non-viable game reserves to be ~~di~~ degazetted so that more land may be released for public use. That is a very clear point. It surprises me when some of my friends talk against this Motion yet most of them have not been exposed to game reserves and national parks. We are saying that those game reserves which are non-viable; ~~are~~ those that are not generating any income and are therefore, a liability in their maintenance should be degazetted. This is all what this Motion is asking for. Such kind of game reserves are numerous. For example, we have the Kwale Game Reserve, Kitui South Game Reserve, Araware Game Reserve, Rahale Game Reserve and several others which are all liabilities in their maintenance and generally non-viable. We do not even have game rangers to man them.

MR. GAIGALLO (Ctd.):

So, Madam Temporary Deputy Speaker, we are suggesting that such reserves should be released for public use where people can grow crops. The people of Kitui South <sup>used</sup> produce more food ~~in~~ along Thuo River together with the people of Tana South but this land has been gazetted as a game reserve. That was the land which had been shared by some politicians and after that move was revoked that land was converted into a game reserve yet there are no animals but people. It is very ~~xxx~~ unfair to deny people such an opportunity and that is what I am talking about. I am not saying that people should be allowed to move around in the national parks, ~~but~~ <sup>I am saying that</sup> those game reserves that are non-viable <sup>should</sup> be given out for public use.

There are also other factors. One of them is that the population of this country is increasing very fast and there is a need for us to grow more food to sustain our economy. These are some of the lands that we need to use for this purpose. It is useless to acquire an area, fence it and call it a game reserve while there is not even one species of animals in it. We have even gone to an extent of ~~fencing~~ <sup>fencing</sup> some area and ~~xxx~~ calling it "A primates game reserve" where we only have only three red monkeys and yet the whole area is enclosed from ~~xxx~~ public use. These are some of the points that we must be serious when we are discussing. It seems that we are minimizing the value of human beings and promoting that of wildlife. We understand that they bring in foreign exchange but let us have enough ~~funds~~ <sup>parcs</sup> that we are able to maintain.

END M...

MR. GALGALLO (ctd.):

The Assistant Minister here was talking about providing fences for national parks. I cannot imagine how the Ministry is going to raise funds to fence over 200,000 square acres of land. He said that the Ministry is negotiating with the World Bank for those funds. That is immaterial; it does not work that way. Instead, we should employ enough game rangers to man and protect those animals we have in the parks. That is the most important thing. The terms of service for the game rangers should be improved because, as far as I know, in all the places we have game rangers, there are no proper houses for them or even enough transport facilities to enable them move ~~about~~ about in the parks.

Madam Temporary Deputy Speaker, I have witnessed the slaughter of 20 vervet monkeys 20 miles from Hola, and it took three days for the game rangers to move to that area. This was due to sheer lack of transport facilities. This is the kind of thing we must improve on. We should not just say we need this land for keeping animals. Let us utilize the resources we have to be able to control poaching. Let us improve the terms of service of game rangers and make them mobile. I think that is important. ~~ES~~ We should also employ more game rangers to ensure that our ~~an~~ animals are protected from the poaching menace.

Madam Temporary Deputy Speaker, when we talk of releasing the extra land, we are not saying that we should do away with the ~~wax~~ wildlife, we know how much it earns. But let us be serious. Our people need to be compensated against damage caused by ~~wax~~ wildlife. We have so many people who have been maimed or killed by wildlife and others whose crops <sup>or animals</sup> ~~have~~ <sup>lost</sup> have been ~~wax~~ <sup>lost</sup> by wildlife. The ~~an~~ Ministry is unable to prepare

MR. GALGALLO (ctd.):

a comprehensive programme for compensation; they cannot do so. These are our wild animals and these are our people, so we should take care of both of them.

We have been completely unable to control poaching because of connivance by some officers in the Ministry. I think we need thorough discipline in this particular Ministry. Something must be done; the whole Ministry should be overhauled so that we have a properly constituted Ministry able to protect our wildlife. I say this because ~~xx~~ recently, some chairman of some county council was talking about poaching in Mount Elgon. I heard about that for the first time. If poaching has gone to that proportion, and we still say we need more land for wildlife —. Even the Director of Wildlife Conservation gave a lecture the other day and said that there was need for the degazettement of some of these game reserves. So, when some hon. Members talk about ~~they~~ conducting illegal cropping of wildlife, that is imputing improper motive. Some of my good friends have opposed this Motion but I accept their sentiments, but some of them simply did it ~~for~~ just for opposition.

MR. MWENJE: On a point of order, Madam Temporary Deputy Speaker. The hon. Member has referred to the Director of Wildlife Conservation as having agreed that some of these ~~xxx~~ game reserves need to be degazetted. Can he produce a document to substantiate his allegation.

MR. GALGALLO: Madam Temporary Deputy Speaker, I will refer the hon. Member to the current issue of The Weekly Review, where he will read about the lecture <sup>by</sup> of the Director of Wildlife Conservation.

So, what we are saying is that these are our people ~~it~~ and this is our wildlife.

MR. MAIHU: On a point of order, Madam Temporary Deputy Speaker. We need substantiation that the Director of Wildlife <sup>Conservation</sup> ~~Conservation~~ supported the gazetting of national parks.

MR. GALGALLO: What I said, Madam Temporary Deputy Speaker, was that even the Director of Wildlife Conservation, who gave a lecture last week, was quoted to have said that the Ministry is thinking of the possibility of degazetting some of these game reserves. I am referring to the hon. Members to the current issue of The Weekly Review since that is where they can get that information.

MR. MWENJE: On a point of order, Madam Temporary Deputy Speaker.

MR. GALGALLO: Do not waste my time.

MR. MWENJE: On a point of order, Madam Temporary Deputy Speaker. The hon. Member said very clearly that the Director of Wildlife Conservation said that some of these game reserves will be degazetted. He said that the Director of Wildlife Conservation was quoted by The Weekly Review. All we are saying is that since The Weekly Review is not an acceptable standard, can he produce the document stating that some game reserves are going to be degazetted?

THE TEMPORARY DEPUTY SPEAKER (Mrs. Ndeti): I request the hon. Member to produce any substantive documents to prove what he has said about the Director of Wildlife Conservation if he has any, or withdraw.

MR. GALGALLO: Madam Temporary Deputy Speaker, what I said was that it has been quoted that the Director of Wildlife Conservation said that they are considering the possibility of degazetting some game reserves. That point is very clear.

THE TEMPORARY DEPUTY SPEAKER (Mrs. Ndetei): Order!

Mr. Galgallo, you will either withdraw your allegation or to this august House produce/valid documents to prove what the Director of Wildlife Conservation said.

MR. GALGALLO: If you give me time, I will be able to bring that magazine.

THE TEMPORARY DEPUTY SPEAKER (Mrs. Ndetei): Can you tell us exactly when you can bring it?

MR. GALGALLO: I will bring it tomorrow.

THE TEMPORARY DEPUTY SPEAKER (Mrs. Ndetei): Okay.

THE ASSISTANT MINISTER, OFFICE OF THE VICE-PRESIDENT AND MINISTRY OF HOME AFFAIRS AND NATIONAL HERITAGE (Mr. Lalampaa): On a point of order, Madam Temporary Deputy Speaker. Is hon. Galgallo in order to tell hon. Mwenje that he is wasting his time? That is totally out of order and unparliamentary.

*out*  
THE TEMPORARY DEPUTY SPEAKER (Mrs. Ndetei): It is out of order for an hon. Member to say that another hon. Member is wasting time. Can you withdraw that please, Mr. Galgallo?

MR. GALGALLO: I withdraw, Madam Temporary Deputy Speaker.

What we have to seriously consider is whether we still need game reserves that are nothing but a liability to this country, or whether we need to have properly constituted national parks that we are able to protect.

With those few remarks, I beg to move.

(Question put and negatived)

~~MR. GALGALLO: Madam Temporary Deputy Speaker,~~

~~he would move the following Motion:-~~



N.5.16.11.88

MR. MWAMZANDI: Madam Temporary Deputy Speaker, I  
be to move the following Motion:-

THAT in view of the fact that the Government knows when one is due for a retirement from the Public Service and in view of the fact that people who retire take years to get their retirement benefits; this House urges the Government to amend the Pensions Act to provide that a retiring officer receives his/her benefits within three months after completion of terminal leave.

END N *[Signature]*

MR. MWAZANDI (CTD.):

Mr. Temporary Deputy Speaker, those of us who have been Members of Parliament for some time now, and those who joined us recently, have already seen that it takes us a lot of our time, having been sent by our constituents, to find out where their pension is. Those of us who have been lucky to be appointed Ministers perhaps do not experience this situation because they are normally guarded by security officers, and our constituents find it difficult to get in touch with us. However, I think some Ministers are approachable, and they experience the same problem as we do.

Mr. Temporary Deputy Speaker, the Pension Act—

THE ASSISTANT MINISTER FOR FINANCE (Mr. Keah): On a point of order, Madam Temporary Deputy Speaker. The hon. Member on the Floor has persistently referred to you as "Mr. Temporary Deputy Speaker" although we have agreed in this House on how to address you as "Madam Temporary Deputy Speaker." I request the hon. Member to address you correctly.

THE TEMPORARY DEPUTY SPEAKER (Mrs. Ndatei): For the convenience of the House, I advise hon. Members to look at me first before they address me.

MR. MWAZANDI: Thank you very much, Madam Temporary Deputy Speaker. I would also like to thank hon. Keah. I did not first look at who was in the Chair; I was just speaking without realising that it was you ~~that is~~ in the Chair.

I have no quarrel with the Pension Act itself. I have read it and found it to be in conformity with all our requirements. However, we have realised that there is a breakdown somewhere which needs to be controlled. If it is not controlled, we will always have people throughout the entire Republic complaining that they have taken so long without being paid their terminal benefits. This matter has become very serious in that some retirement beneficiaries have died before receiving their retirement benefits. Some of the people who have retired cannot afford to travel to Nairobi to pursue the question of their benefits. Some retired officers are so old that they cannot

MR. MHAIZANDI (CTD.):

travel long distances, and that is why they send some of us to pursue their pension claims for them.

In my experience, I have found that an officer is retired, say, today, but never gets his retirement benefits for as long as seven years. The notorious Ministries in this regard are Education and Health, which are parent Ministries. We had Question No. 501 on today's Order Paper in which hon. Chepkok asked about the retirement benefits of one of his constituents who retired in 1987. This is a very recent date. We have cases of people who retired in 1984, and yet they have not received their retirement benefits up to now. The Ministries of Education and Health are very notorious in this respect. These Ministries' officers normally know exactly when an officer is going to retire, and they send him all the relevant documents regarding his final leave. Some officers, unfortunately, have no leave to go on at the time of their retirement. These Ministries, however, do not fill the relevant forms so that those who are retiring can get their benefits in time. Why do these Ministries behave this way? They behave this way because they want the retired officers to travel from home, say from Msambweni, to the headquarters.

When you go there, having retired, you will have no money but the officer handling your case may tell you, "I have a Harambee funds drive somewhere. Could you help me with some money towards it?" If you do not contribute to the Harambee funds drive, your papers will never be processed. This attitude should be controlled. We want the Attorney-General to bring here an amendment to the Pension Act so that immediate payment of terminal benefits to retired officers is made mandatory. The same officer in the parent Ministry who sends a retiring officer his retirement letter should be required to process all the relevant retirement documents so that the retiring officer can get his pension in three months' time. I mention three months because it is very unfair for anybody to have to wait for his terminal benefits for four or five years whereas he had been used to earning a salary every month. We have

being sent away from school because their fathers have

MR. MAMZAI (CTD.):

not yet been paid their pension.

We have also seen parents who are ashamed of accepting Harambee donations towards their children's education because they have been living a good life during the time of their employment. Now that they do not have any more salaries, they are ashamed of approaching people to donate towards their children's school fees. In such cases, children have been sent away from school. Why should somebody who has worked for the Government for a long time suffer this way? This is very unfair.

Of all cases I have seen, there is one which is very serious. It relates to Madam Joyce Matuo, a Maasai, personal number 5654. She used to work with the Ministry of Education before she retired on 1st February, 1984. It is shameful that this lady has not yet been paid her retirement benefits up to now. She once came to me from her home in Loitokitok, P. O. Box 32. She had no alternative but to tell me, <sup>what the officers concerned said, hence,</sup> "This lady has not been paid her retirement benefits since 1984 because her papers have not yet been processed, and this is because somebody is 'sitting' on these papers."

This is why we want it to be made mandatory that when somebody gets his terminal three-month leave, during which he continues to earn his salary, his retirement documents are dealt with so that after the leave, the officer gets his terminal benefits immediately. If terminal benefits are not processed during this three-month leave, the retiring officer should continue to be paid his salary until he is paid his terminal benefits. There is no reason why a retired officer should wait to be paid his terminal benefits for as long as five years. We want this requirement to be mandatory because some Ministries do not take it <sup>as</sup> ~~to be~~ their duty to process retirement documents in time so that a retiring officer may be paid his terminal benefits immediately.

END O *J. G. G.*

MR. ISHALEZANDI (ctd):

We do not know whether these people behave that way because they are agents of these run-away dissident or whether they want Kenyans to complain that this Government is not paying pensions. This is the reason why we have an outcry throughout the country. They do not process the claims because, perhaps, they are agents of these corrupt people. If they are not, then they should work for the Government so that people can be satisfied. If they do not do so, then we might connect them with magendo or Kwakenya people. These are the people who want to cause an outcry in the country; they are bad people.

Claim forms should be processed, Madam Temporary Deputy Speaker, and if this not done, then we should regard these people as agents of the magendo and Kwakenya people. We also have another problem in the Ministries. For example, a senior officer might be willing to help you so that you get your pension very quickly but the file may be hidden somewhere. Although a senior officer in the Ministry may be willing to help you get your pension, a junior officer somewhere will hide the relevant file so that all the efforts of that senior officer are defeated. This is very dangerous.

If you<sup>go</sup> to that office and tell the messenger there "I have a pound for you here if you send that file to the concerned officer quickly." If you do that, the file will be fished out. The magendoism attitude might ruin the efforts of our President who does not want his people to suffer. We, as hon. Members, are tired of bringing a voter from home, accommodate him and then take him to the Pensions Department to follow his claim. When you take him to the pensions officer, you are told "This form has not been received here and such and such information is not available." You again take this voter to the parent Ministry and you are told that the file is not available. You are eventually told to come with him the following week. This is very unfair. We are very tired of this sort of attitude and that is why we want this amendment to be incorporated into the Pensions Act so that the officers in every Ministry know that it is their responsibility to perform those duties.

retired  
Madam Temporary Deputy Speaker, I have a case of a certain messenger in Kwale District who died last month. He waited for so long but unfortunately he died without getting his retirement benefits. Death is natural and anybody can die. Lack of a source of income can reduce the life span of a human being who has been receiving a salary every month. When such a person does not receive any income for, say, seven months, his life span is reduced. In that case, if you were to live for the next 10 years, you will only live for seven years. This is because such a person is exhausted and cannot continue to be useful to the society. When you have nothing, you can join any group.

We would the Attorney-General to amend this Act so that the Ministries can pay the pensioners on time. Another surprising thing is that a retired officer - when following his claim - is asked to produce his last payslip. For example, if I am asked to produce my October payslip, I cannot be able to do so because I do not know where it is. I do not take care of some of these minor things. One of the reasons which delays payment of pension, is the failure to produce the last payslip. Why should it be compulsory for such a claimant to produce his last payslip when the Ministry which paid him is in existence? Why can the Ministry not produce information concerning the claimant's last payslip? Why does the Ministry ask for a payslip from a person who does not file anything and which, perhaps, was taken by somebody else? When we take some claimants to the Pensions Department we are asked "Where is his last payslip?" What for? Why should this be so when the necessary information is kept by the Ministry?

These small things are the ones which spoil the good name of our Government. We have a good leader who wants all people to be treated equally. Our President says that we should be peace loving people. Is it really in accordance with the Kuru motto when somebody is asked to travel from the rural areas just to be seen, say, in Afya House so that he can give "chai". These are the things which make some officers to hide a file so that you give a little "chai". You cannot get a reply until you appear there in person so that you can be asked to contribute Harambee for a certain project. How do you

expect somebody who does not have a salary to contribute to Harambee or provide lunch before you fish out his file? This is very serious.

To my surprise, nobody can report this to the Criminal Investigation Department (CID). This is because if you do so, you <sup>might</sup> make it even worse and the file might "disappear" for ever. This should not be made a habit. This Motion should be taken seriously because we are tired of following these claims. There is a big outcry in many parts of the country as far as the issue of pensions is concerned.

With these few remarks, I beg to move and request hon. Makau to second the Motion.

MR. TUVA: On a point of order, Madam Temporary Deputy Speaker. When the Mover was moving the Motion, he made very serious allegations about corruption in Government Ministries about files being produced only upon production of a pound. When these allegations were made, the hon. Members of the Front-Bench did not make any comment. I just want to find out whether this was a confirmation of the practice in Government offices as far as this is concerned.

MR. WASHIE-NDOMBI: On a point of order, Madam Temporary Deputy Speaker. Is the hon. Member in order to raise a point of order after the Mover has finished moving the Motion and sat down?

THE TEMPORARY DEPUTY SPEAKER (Mrs. Ndetci): The hon. Member was out of order and I would like to request hon. Makau to second the Motion.

MR. MAKAU: Thank you, Madam Temporary Deputy Speaker. This Motion which has been moved so eloquently by hon. Mwanzandi calls for a very simple thing which every Kwananchi and hon. Members in this House should support. The Motion urges the Government to pay pensioners their dues <sup>within</sup> three months upon retirement. It also seeks an amendment to the Pensions Act. We are lucky because we are in a country which is run very efficiently. We also have a Constitution and Acts of Parliament that govern the various fields that Kenyans are involved in.

END. . . P )

MR. MAKAU (Contd.):

Madam Temporary Deputy Speaker, we are also very luck now. By the time these people attain the age of 55 the computer automatically shows that So-and-So has already retired, and six months notice is given. Everybody who is about to retire is given six months notice. Within six months a notice is given that So-and-So or such and such a person will retire, ~~and a six months notice is given.~~ What is embarrassing is that immediately these pensioners retire they go to the country. <sup>side</sup> They now get into another problem of looking for their pension. We have had many questions here and even today there was a question brought here whereby somebody is asking for his pension to be paid. There is always a question of a given document has not been found, a given document is missing, or a given document has not been sent to the Ministry of Finance and so on. But what this Motion is asking is for the Ministry to amend the Pensions Act in such a way that immediately after an employee has retired, and especially Government employees, because this is where the problem is, that within three months' time that person is paid his dues. We are asking this because of the problem that have been faced.

Madam Temporary Deputy Speaker, hon. Members of Parliament have been seeing more people going to see them. For instance, I have seen ~~more~~ <sup>many</sup> people coming to me telling me that they have not been paid their pension for the last five years, and more so teachers. Teachers are put in such an awkward position. Immediately they retire, they keep on going round their Members of Parliament asking them to go and ask questions on their behalf so that they can be paid their pension. This is very strange because most of the Ministries have computerised their ~~salary~~ <sup>salaries</sup> section. One wonders, <sup>why there are these delays</sup> especially, ~~if one has~~ <sup>salaries - section in</sup> retired, ~~say~~, from the Office of the President. I am told that the Office of the President is fully computerised. During this period of six months notice, or the notice that is given, the Ministry should <sup>take</sup> the necessary action so that the proper documentation is done because retirement is not one of the best things especially when people retire at the age of 55 years. Some people marry very late, and by the time they are retiring their children are not even in Standard VIII. So, by this time is the crucial time when they need the money.



MR. MAKAU (Contd.):

The practice that has been going on is that if one has retired all the way from Wundanyi he keeps coming to Nairobi to see what is happening, especially the teachers. They suffer a lot. When they come to the Teachers Service Commission they are given letters. Then they are told such and such a document is missing from their files, or such and such a deduction has not been effected. Now, this delay is causing a lot of suffering to those pensioners.

Madam Temporary Deputy Speaker, this Motion is timely. Everyday whenever we have a question here it is on benefits to be paid to employees. So, this is something that is always here. One thing we would like to ask, and that is why we are asking for the Pensions Act to be amended, is that if somebody is going to retire at the age of 55, he is also told this six months before his time comes. The computer also indicates that, but one wonders why an Assistant Minister for Finance said this morning that the documentations from the Ministry of Health have something to be corrected. This Motion gives the Pensions Department three months to do all the necessary documentation. One does not understand why people are retired at 55 years because some people are still very strong at this age. After they retire they have no other source of income. Some people work without investing and pension is the only income that is available to them.

Madam Temporary Deputy Speaker, the question of payment to these pensioners was also brought up this morning. We are also asking for this Pensions Act to be amended so that pensioners can be paid within a period of three months. At the same time, we also request that the problems that the pensioners face, such as coming all the way from their areas like Machakos which is very far, be minimised. It is a long distance for people to go to the district commissioner. Sometimes you will find that the money the person is paid at the district commissioner's office is almost equivalent to what he has spent going there. So, we would request that these cheques be sent to the chiefs. Also, due to the district focus for rural development strategy, we should also request the Ministry concerned to decentralise the pensions offices. Recently, the pensions office in the Ministry of Finance (Treasury) was transferred to Nairobi West; an action which makes Kenyans suffer when they come to Nairobi. When they are told to go

MR. MAKAU (Contd.):

Nairobi West, say, Wilson Airport, it becomes another bother. That is why we are asking for the Pensions Act to be amended, <sup>Also</sup> and there should be decentralisation of pensions offices so that by the time people are just about to retire they know where they are supposed to collect their money. So, if the decentralisation is <sup>done</sup> ~~is~~ good the work will be easy for the <sup>Commissioner</sup> district rather than lumping all the work in the Ministry of Finance at the Headquarters. This is too much for them. For instance, <sup>T</sup> the other day the Assistant Minister was answering a question here whereby a cheque of a pensioner was cashed by other people. ~~But~~ <sup>I</sup> If there was decentralisation of the Pensions Department then it would have been easier to do the work. A lot of people, and especially teachers, suffer. They do not get big salaries. <sup>T</sup> By the time they come to Nairobi they have suffered a lot. For instance, I tried to assist one of the teachers from my constituency to be paid her marriage gratuity because she had retired on marriage grounds. When we went to the offices the files were not available. The people you are dealing with do not care. They ask you to stay in a given place and then they say the file is not available. This is a pensioner, or somebody who has no other income. This is a humble Kenyan who has retired and given an honest service to this country. Probably sometimes some of these pensioners die even before they are paid their dues, and the beneficiaries keep on suffering. They keep coming and they are told the documents are wrong.

Now, they have introduced another system whereby a Member of Parliament has to certify that you are the person named in the letter or document. So, now you get a multitude of people coming into my house with letters so that I can certify that they are the ones to be given the pension. So, when he is told that there are some documents which are missing he feels very bad <sup>because</sup> He has travelled all the way from the rural areas <sup>to Nairobi</sup>. He is told the Member of Parliament is not at home <sup>and</sup> So, he goes to wait for him at Parliament Buildings after 6.30 p <sup>but later</sup> ~~then~~ <sup>discovers that</sup> some documents are not available. So, what this Motion is asking is that after retirement, these people should be paid their pension within three months time. I do not see the reason why this cannot be done. It is high time the Ministry of Finance and other Ministries concerned to computerised the pensions

MR. MAKAU (Contd.):

~~Scheme~~ <sup>Section</sup> so that immediately after somebody has retired all the dues are tabulated and checked and a cheque is written to him so that the beneficiaries can get it within three months' time. I am saying so because the suffering which the pensioners are going through <sup>in</sup> this country is enormous. We do not have to go very far to understand this. For instance, this morning this House was caught in a discussion on a problem of a document. The Assistant Minister stated clearly that the Ministry of Finance and the Ministry of Health did not send the document, and he appealed to them to make sure that the document was made available to them. However, this Motion is requesting that this money be paid within three months' time.

With those few remarks, I beg to second the Motion.

(Question proposed)

End Q.

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MR. KIPKORIR: Thank you, Madam Temporary Deputy Speaker, for giving me this opportunity to support this Motion.

The time has come when our people should be protected and assisted, irrespective of which part of the country they come from. I would like to urge hon. Members to recommend to the Government the best way of serving the wananchi of this country. On several occasions I have wasted a lot of my valuable time going to the Pensions Department of the Ministry of Finance to try and assist my constituents who happen to travel all the way from Elgeyo/Marakwet to Nairobi to look for their pension. The time has come when Government should ensure that the Pensions Department of the Ministry of Finance is decentralised to the district level so that no pensioner should be seen travelling from upcountry to look for his pension in Nairobi.

Madam Temporary Deputy Speaker, since 1983 I have been going to look for assistance for my people in the Pensions Department, Ministry of Finance. Those who have been affected most are retired chiefs and assistant chiefs who retired more than five years ago. Despite the fact that these are family people who have children to look after, most of them have not been paid their money to date. The officers who sit on pensioners' claims should be equated to Kwakenya because they are actually frustrating their fellow Kenyans. The officers of the Pensions Department should follow what His Excellency says about minding other people's welfare. This House must make the final decision as regards the payment of pension claims because we have had this problem discussed here time and again. We have recommended that Government should have pensions officers at district level to monitor all records so that when one is ~~due~~ due for retirement, and after being given the six months' terminal leave, he has all his dues calculated properly and paid to him immediately. The officer at the district level should be given the responsibility to ensure that all records are prepared and presented to the district commissioner's office for the purpose of pension payment at the same level.

Hon. Members are elected to this House to represent the interests of

so, they should not be made to do the work of Government officers.

MR. KIPKORIR (ctd.):

Why should a Government officer sit on pensioners' claims just to be given some "chai?" One should not be happy to see old men of about 60 years going to his office to look for their dues. That is not in line with the Kenya we want. We want a Kenya that is peaceful and void of frustrations; everyone should enjoy the fruits of our Independence. This "chai" business should be eradicated from our offices. Why should civil servants make public offices their own? Government officers who frustrate wananchi should be fired immediately they are discovered; they should not be given any chance to frustrate innocent wananchi.

Madam Temporary Deputy Speaker, it is surprising to find that the Office of the President, which is supposed to set the best example to other Ministries, is the most lax when it comes to preparation of pension claims. Why should a chief or an assistant chief take a long time before his dues are prepared and paid? This is very serious, and I appeal to hon. Members to make a final decision as regards the question of pension claims so that all pensioners are paid at the district level. What happens to claims of deceased pensioners who die before they are paid, leaving behind widows and children who need support? Who takes the money? In most cases, the bereaved families go on suffering without the slightest protection and assistance from the Government. It is my sincere hope that this House will recommend to the Government the best ways of protecting pensioners and their families. Officers who frustrate pensioners and their families should be disciplined. We have 22 million people in this country who need peace, and the elements in the Government who tend to frustrate those people should be sacked. For example, the Chief Pensions Officer should be made to explain why pensioners should not be paid at the district level despite the fact that that move has been recommended by this House from time to time.

It costs some pensioners a lot of money to travel from their home districts to come to Nairobi to look for their money, only to be told to go back and wait for their cheques. Sometimes they are assured that the cheques would be posted to them, but immediately they leave the office the matter is forgotten. After one year or

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MR. KIPKORER (ctd.):

two, one is again forced to look for bus fare to h. come to Nairobi for his money. We are not going to entertain this laxity any more. We want our people to be proud of their country as they continue enjoying the peace, love and unity that prevail here. Kenyans should not entertain people who go ~~to~~ contrary to the policies of this country.

With those few remarks, Madam Temporary Deputy Speaker, I beg to support the Motion.

END.... R.

THE ASSISTANT MINISTER FOR FINANCE (Mr. Keah): Thank you, madam Madam Temporary Deputy Speaker, for giving me this opportunity to make contribution to this Motion. On the onset, I would like, from the Treasury's point of view, to suggest an amendment to this Motion. I would like to amend the Motion straightaway so that as I speak, hon. Members can see the reason why I have suggested such an amendment. For those hon. Members who have the Order Paper for today, the amendment will come in on the fifth line and the last line of the Motion as follows:-

"delete all the words on the fifth line after the words; "Government to", that is, "amend the Pensions Act to provide" and insert in the place thereof the following words:-

"re-examine the payment procedures so as to ensure".

"delete all the words on the last line after the word, "after", that is, "completion of terminal leave", and insert in the place thereof, the following words:-

"leaving the service"

Madam Temporary Deputy Speaker, the whole Motion as amended will read as follows:-

THAT, in view of the fact that the Government knows when one is due for retirement from the Public Service and in view of the fact that people who retire take years to get their retirement benefits; this House urges the Government to re-examine the payment procedures so as to ensure that a retiring officer receives his or her benefits within three months after leaving the service.

Madam Temporary Deputy Speaker, let me explain why I have made the above amendment. I would like to start by saying that perhaps I can refer to the present procedure with regard to the payment of retirement benefits. As hon. Members have said, it is true that there is <sup>a</sup> 12 months' notice given before one retires. In fact, the way the retirement system works is that the Treasury is required, through an internal circular from the Treasury to all the Ministries, to provide the Accounting Officers of the Ministries, a computer print-out of lists containing the names of officers in the various Government Ministries and Departments, who are due to retire

THE ASSISTANT MINISTER FOR FINANCE (Mr. Keah)(Ctd.):

from the service on the attainment of 55 years, 12 months in advance.

This is what is happening at the moment as was pointed out by hon. Makau.

The circular also requires - -

MR. MAKAU: On a point of order, Madam Temporary Deputy Speaker. My point of order is a little bit referring to the technicality of the Motion. This Motion has been directed to the Attorney-General but the amendment to the Motion is now being done by the Assistant Minister for Finance. I am seeking information from the Chair as to whether the Assistant Minister is amending the Motion on behalf of the Attorney-General or on behalf of the Minister for Finance. I am asking this because the Motion is seeking the amendment <sup>to</sup> /the Pensions Act from the Attorney-General.

THE TEMPORARY DEPUTY SPEAKER (Mrs. Ndetei): The hon. Assistant Minister is quite in order because he is speaking on behalf of the Government.

THE ASSISTANT MINISTER FOR FINANCE (Mr. Keah): Thank you, Madam Temporary Deputy Speaker. In any case, pensions do fall under Treasury and therefore, it is quite in order for my Ministry to make a statement about this. With regard to the amendment which I have proposed to the House, there is <sup>a</sup> slight variation on the third line instead of - - -

MR. KUBO: On a point of order, Madam Temporary Deputy Speaker. I tend to agree with hon. Makau on the point he was trying to raise because the amendment which has now been proposed, is in fact, going to change the entire concept of the Motion. The Motion is talking about the amendment of the law while in his amendment, the Assistant Minister is talking about administrative machinery of the Government. These are two different things. Therefore, he should be very clear about his amendment because re-examining the payment procedures of pensions, is not in itself amending the Pensions Act, which this Motion is seeking.

MR. KILIKU: On a point of order, - - -

THE TEMPORARY DEPUTY SPEAKER (Mrs. Ndetei): Order! Why do <sup>we</sup> not first allow the Assistant Minister to respond to Mr. Kubo's point of order?



THE ASSISTANT MINISTER FOR FINANCE (Mr. Keah): Madam Temporary Deputy Speaker, it is not in <sup>order</sup> ~~order~~ for the hon. Member to say that Treasury cannot respond to this Motion. In fact, pensions do fall under Treasury and it is up to the Treasury to make recommendations to the Attorney-General to draft the necessary law. So, it is quite in order for the Treasury to make this particular response.

If I may continue, Madam Temporary Deputy Speaker, I was merely recapitulating the present procedure for the benefit of hon. Members. I said that the Treasury does, in fact, submit lists of all those who are retiring to the various Government Ministries 12 months in advance. This is to permit all the necessary processes to be worked through and this procedure also affords for verification by the Controller and Auditor-General. There is, however, an exception in respect of the - - -

MR. MANG'OLI: On a point of order, Madam Temporary Deputy Speaker. I do not know whether we as a House are in order to accept the hon. Assistant Minister's amendment. I am saying this because the concept of the Motion is to amend the Pensions Act, so as to give the officers concerned a law which can force them to <sup>expedite</sup> ~~effect~~ pension payments. Normally, one is given a six months notice before one retires and the Pensions Department has never been able to do that. So, we want to amend the Pensions Act so that they know there is a law which says that pensioners must be paid their money within three months after retiring. If the Assistant Minister amends the Motion to remove the concept of the Motion, is this going to help anybody? Is he really in order to do this?

THE TEMPORARY DEPUTY SPEAKER (Mrs. Ndetei): Order Mr. Mang'oli, you should give the Assistant Minister the time to present the amendment after which you can bring up your point in the course of your contribution to the Motion as amended. Could you carry on, Mr. Keah?

MR. A.K. KINYANJUI: On a point of order. I think we need your guidance with regard to points of order. At the moment hon. Members are raising points of arguments and not points of order. What are we going to do in a situation where hon. Members continue to raise points of arguments

under the guise of points of order? The Assistant Minister is now proposing an amendment to the Motion on behalf of the Government and hon. Members should give him the chance to do so and if they have the chance to speak, they should oppose that amendment.

THE TEMPORARY DEPUTY SPEAKER (Mrs. Ndetei): I think I have been very firm on the matter, Mr. Kinyanjui and I have already ruled that hon. Members should give the hon. Assistant Minister to finish moving the amendment.

THE ASSISTANT MINISTER FOR LANDS AND HOUSING (Mr. Bomett): On a point of order, Madam Temporary Deputy Speaker. I think the Chair should guide the House on this matter because a lot of hon. Members now have continued to raise points of order when actually, they are points of argument. In fact, those of us who have been in this House for long enough know that if any hon. Member continues to raise a point of argument under the guise of point of order, <sup>he</sup> is normally sent out of the House.

THE TEMPORARY DEPUTY SPEAKER (Mrs. Ndetei): I would once again, like to request hon. Members to observe our Standing Order<sup>S</sup>. In the meantime, do continue, Mr. Keah.

MR. KILIKU: On a point of order, Madam Temporary Deputy Speaker. It is out of order for any hon. Member to generalize any issue in this House? The hon. Assistant Minister for Lands and Housing stood on a point of order and generalized that a lot of hon. Members continue to raise points of arguments under the guise of points of order. Can he substantiate that or else he withdraws that remark because he himself will be out of order if he cannot substantiate that allegation.

THE TEMPORARY DEPUTY SPEAKER (Mrs. Ndetei): Order hon. Kiliku!. I concur with what hon. Bomett has said and I insist that the Standing Orders of this House should be observed strictly. Carry on Mr. Keah.

END S

MR. MAKAU: On a point of order, Madam Temporary Deputy Speaker.

THE TEMPORARY DEPUTY SPEAKER (Mrs. Ndetei): On something else, Mr. Makau?

MR. MAKAU: On something relevant to what we are discussing.

THE TEMPORARY DEPUTY SPEAKER (Mrs. Ndetei): I have already made a ruling on that matter and I would like the Assistant Minister to continue.

MR. KILIKU: On a point of order, Madam, Temporary Deputy Speaker.

THE TEMPORARY DEPUTY SPEAKER (Mrs. Ndetei): On something else, Mr. Kiliku?

MR. KILIKU: Madam, Temporary Deputy Speaker, I think we are diluting the supremacy of this House if an hon. Member can <sup>not</sup> substantiate <sup>allegations</sup> ~~allegations~~ simply because he is an Assistant Minister. He should substantiate his allegations by giving ~~his~~ names and not to generalize on all hon. Members.

THE TEMPORARY DEPUTY SPEAKER (Mrs. Ndetei): Mr. Kiliku, I think now you are directly challenging the Chair. I have already made a ruling on the matter. Can we give time to the Assistant Minister to continue with the contribution.

(Applause)

THE ASSISTANT MINISTER FOR FINANCE (Mr. Keah): Thank you very much, Madam Temporary Speaker, for saving me and for being permitted to continue. In terms of the amendment, I would like to strike the word 'years' on the third line of ~~the amendment~~ this Motion and substituting the word 'years' with the word 'time'. With that amendment, I would now like to ~~proceed~~ proceed in explaining why I have proposed this amendment.

First of all, I did say that the Treasury does print list<sup>s</sup> of people retiring and submit <sup>these</sup> ~~this~~ list<sup>s</sup> to the Ministry<sup>s</sup> concerned 12 months in advance. This is to <sup>permit</sup> ~~present~~ all the necessary procedures including the verification by the Controller and Auditor-General. However, this relates only to those who retire normally at the age of 55. There are certain cases where this is not ~~possible~~ possible and I can cite these cases under the 50 year rule where one opts to retire at the age of 50 years old or on the abolition of an office or on medical grounds. When one is retired on medical ~~ground~~ grounds, there is need for a medical board to be

THE ASSISTANT MINISTER FOR FINANCE (Mr. Kesh):

constituted in order to determine whether or not the employee is to be retired on medical grounds. There are occasions also when one is retired <sup>in</sup> ~~for~~ public interest or where there is a reorganisation of a Ministry or a department or where there is premature retirement due to death or any eventuality whatsoever. In these circumstances, it is not possible and it will not be practicable to in fact, insist on a three month rule as is proposed by this Motion. This is why I am suggesting that the amendment relating to terminal leave ~~is~~ <sup>Not</sup> ~~not~~ all cases have got terminal leave appended to <sup>them</sup> ~~it~~ or will refer or relate to the terminal leave.

I would like to <sup>say</sup> ~~to~~ therefore, that to say that it must ~~be~~ enacted and entrenched into an Act, we would be asking the Ministries to do things ~~z~~ that are almost impracticable ~~and~~ <sup>if</sup> you pass a ~~in~~ law where you know that it cannot be done for obvious reasons, as I have explained, such law would render execution of justice almost impossible. ~~z~~ For these reasons, therefore, I have made those amendments and I would ask hon. Members to see them objectively and to accept that the Ministry and the Treasury are in fact, ~~z~~ doing their best and those who retire at the age of 55 years now. There are cases where ~~are~~ people have been paid within two weeks of retirement.

I do sympathise indeed with the sentiments expressed here where ~~have~~ there have been cases of delay and these cases of delay are regretted. In the majority of cases where delay has occasioned or has occurred is primarily because of the breakdown in communication. We are taking every possible step to ensure ~~that~~ that delay is minimized and one of the ~~main~~ steps we have taken is the computerization of these records in order to expedite the ~~payment~~ calculation and the payments of retirement. <sup>benefits</sup>

I would like to refer to a number of points that have made by hon. Members in their contribution. For instance, one hon. Member said that he is required to sign these forms. I am not <sup>aware</sup> ~~of~~ any provision in the regulations on the retirements benefits where it has been made mandatory for the hon. Member to sign and authenticate the existence of the individual, but if he <sup>of</sup> ~~course~~

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THE ASSISTANT MINISTER FOR FINANCE (Mr. Keah):

contributes to that aspect, this is welcome because he is merely assisting in expediting the processes.

END.T..

MR. KUBO: On a point of order, Madam Temporary Speaker. Our procedure is <sup>that</sup> when somebody is moving an amendment he should only do that. But the Assistant Minister is moving an amendment and at the same time responding to hon. Members' views. So, which is which? We are just being patient and we want him to be concerned with the idea of the amendment of the Motion only.

THE TEMPORARY DEPUTY SPEAKER (Mrs. Ndetei): Order, Mr. Kubo! Carry on, Mr. Keah.

THE ASSISTANT MINISTER FOR FINANCE (Mr. Keah): Thank you, Madam <sup>Temporary Deputy</sup> Speaker. Here we are trying to be objective and ensure that hon. Members do understand all the facets that go with the particular Motion. So, I think it is in order that I should carry on.

The other point that was raised—

MR. MAKAU: On a point of order, Madam Temporary Deputy Speaker. Is it in order for the Assistant Minister to do what he is doing? Is it in order for him to continue responding after moving the amendment when we have not yet debated it?

THE TEMPORARY DEPUTY SPEAKER (Mrs. Ndetei): Mr. Makau, it is the correct procedure. The Assistant Minister has to present the amendment, explain it; it is seconded and then you can debate it. So, he is in order. Carry on, Mr. Keah.

THE ASSISTANT MINISTER FOR REGIONAL DEVELOPMENT (Mr. Omido): On a point of order, Madam Temporary Deputy Speaker. I think it is in accordance with the Standing Orders of this House that when an amendment <sup>is proposed,</sup> is disposed of first before we go to the main Motion.

THE TEMPORARY DEPUTY SPEAKER (Mrs. Ndetei): Hon. Members, Mr. Keah is still moving the amendment. He will then be seconded, after which we will dispose of it. Mr. Keah, can <sup>you</sup> continue?

THE ASSISTANT MINISTER FOR FINANCE (Mr. Keah): Thank you very much indeed, Madam Temporary Deputy Speaker. Since I will be speaking on the Motion later, I was merely making corrections of

THE ASSISTANT MINISTER FOR FINANCE (Mr. Keah)(Ctd):

certain erroneous statements that have been made here. But as I have already moved the substantive amendment, and for the benefit of the hon. Members, I would like to conclude there. <sup>I beg to move.</sup> Thank you.

THE ASSISTANT MINISTER FOR LIVESTOCK DEVELOPMENT (Mr. Kisiero Madam Temporary Deputy Speaker, I stand to second this amendment which, in my view, is an improvement on the original Motion. This is, <sup>because</sup> the original Motion was seeking to amend the Pensions Act. This would have been a very long procedure, because we would have had to print the Bill and so on. It would have taken a long time to do that.

So, the amendment the Assistant Minister has moved is a very simplified way of approaching the issue; that is by <sup>examining</sup> re-examining the existing procedures. In doing that one has to take into account many other different problems. As the Assistant Minister has explained, one may die, be retired prematurely or retire in the normal way. So, the best approach is through re-examination of the existing procedures, and improving them to make it possible for pensioners to receive their pensions in time.

It is true that many of our pensioners go through very difficult times when it comes to getting their pensions. Many of them take a long time coming to Nairobi and going back to their home areas; so that eventually, it is the hon. Member for the particular area who takes up the burden. Many of us have had to assist those people <sup>who</sup> come here; we have had to go, ring <sup>up</sup> or write to the Attorney-General's <sup>Chamber</sup> pleading for a pensioner's case. Sometimes this takes a very long time.

END .....

THE ASSISTANT MINISTER FOR LIVESTOCK DEVELOPMENT (Mr. Kisiero) (ctd.):  
 Hon. Members will appreciate the fact that Kenya is on the run and we cannot afford to frustrate the retired workers because if we do that they may not be able to put that money into good use. If they get their pensions after some time, perhaps, when they get this pension the amount of money they would get may have lost a value. It would be prudent to devise ways and means of ensuring that our pensioners receive their money as fast as possible.

This, Madam <sup>Temporary</sup> Deputy Speaker, includes those cases where the Attorney-General is appointed the trustee of the dependants of a certain deceased person. There are very many cases where it takes a very long time for the dependants of a deceased person to get their benefits from the Attorney-General. The procedures that are in the Attorney-General's Chambers which include going to court and determining whether the claimants are genuine or not are too long. We should try our best to cut down on those procedures so that benefits due to deceased dependants are released as fast as possible so that the beneficiaries do not spend a lot of money chasing their claims to and fro Nairobi.

With those few remarks, I beg to second the amendment.

(Question of the first part of the amendment, that the words to be left out be left out proposed)

MR. MANG'OLI: Thank very much, Madam <sup>Temporary</sup> Deputy Speaker, for giving me this chance to give my views on the amendment to the Motion.

In view of the fact that hon. Kisiero has enlightened us that we shall amend the existing Pensions Act as payments of pensions takes too long, I would like to make the following observations while supporting the amendment.

Delays in payment of pensions has been a problem in this for a very long time. I hope that the Assistant Minister



MR. MANG'OLI (ctd.):

is serious with the three months that he has given himself to come up with in connection with this issue.

Madam Temporary Deputy Speaker, there <sup>are</sup> areas that I would like the Assistant Minister to also look into. One of these areas is workers' pensions in a company that has gone into receivership. In most such cases employees of these companies have been give a flat payment of shs.4,000/=. This happens inspite of the fact that these workers have been contributing towards the pension scheme. Instead of the workers being paid their pensions, this money is goes to the receiver.

END V.....

MR. KUBO: On a point of order, Madam Temporary Deputy Speaker. We are talking about pensions payable to people in Government Service while my friend is talking about pension ~~paid~~ paid to people who do not work ~~in~~ with the Ex Government. Is he in order to go out of the topic?

MR. MANG'OLI: Madam Temporary Deputy Speaker, I was just coming to that. There is for example, KENATCO which is a parastatal and its employees contribute to the pensions scheme. If the hon. Member does not know this, he should know now. They contribute---

THE ASSISTANT MINISTER FOR FINANCE (Mr. Keah): On a point of order, Madam Temporary ~~Deputy~~ Deputy Speaker. ~~Max~~ KENATCO ~~was~~ which the hon. Member is talking about happens to be a limited company and falls under the companies act and not within the jurisdiction of the pensions scheme.

MR. KILIKU: On a point of order, Madam Temporary Deputy Speaker. Is the ~~the~~ Assistant Minister in order to mislead the House by saying that KENATO is a limited company while we know that KENATCO ~~is~~ was a ~~parastatal~~ parastatal organization run by the Government and he says that it is a limited ~~company~~ company? Could he tell us who are the shareholders of the company?

THE ASSISTANT MINISTER FOR FINANCE (Mr. Keah): Madam Temporary Deputy Speaker, with due respect to the hon. Member, I would like to inform him that KENATO is a limited company governed by the companies act.

THE TEMPORARY DEPUTY SPEAKER (Mrs. Ndeti): Let me clarify this matter. I think the hon. Member is talking about how the company was before and the hon. Assistant Minister is talking about how the company is today. Continue with your contribution, Mr. Mang'oli.

MR. MANG'OLI: Thank you, Madam Temporary Deputy Speaker. While I appreciate the ~~ix~~ points raised by my hon. friends---

MR. MWENJE: Madam Temporary Deputy Speaker, I tend to think that information is misleading. KENATCO still uses the blue number plates on their vehicles. These blue number plates clearly show that ~~they~~ <sup>the vehicles</sup> belong to a parastatal organization. If what the Assistant Minister is saying is not misleading, can he therefore order that KENATCO removes those number plates because to us, it is still a ~~ix~~ parastatal?

THE ASSISTANT MINISTER FOR PUBLIC WORKS (Archbishop Ondiek): On a point of order, Madam Temporary Deputy Speaker. The vehicles of parastats are given blue number plates ~~ix~~ depending on how they are registered. Such a company can be registered under a limited concern.

THE ASSISTANT MINISTER FOR FINANCE (Mr. Keah): Madam Temporary Deputy Speaker, I do not want us ~~ix~~ to battle on questions of law. It still remains that KENATCO does not fall within the pensions act as is being discussed here and therefore, its pensioners do not fall within the ambits of this act. Kenatco is a limited company and ~~ix~~ if we know it is now under receivership and we are taking valuable time ~~that~~ <sup>in which we</sup> should be contributing to the Motion. I am still waiting to hear the contributions from the hon. Members in respect of pensions for Government employees.

MR. MWENJE: On a point of order, Madam Temporary Deputy Speaker. The Assistant Minister is totally misleading the House---

THE TEMPORARY DEPUTY SPEAKER (Mrs. Ndeti): Mr. Mwenje, I have no yet given you time to raise a point of order. I will give you time later. Yes, Mr. Wasike-Ndombi.

W.4.11.16.11.88

ADJOURNMENT

THE TEMPORARY DEPUTY SPEAKER (Mrs. Ndeti): Hon. Members, it is now time for the interruption of business. The House is therefore, adjourned until this afternoon at 2.30 p.m.

The House rose at Thirty minutes past Twelve o'clock.

END W.4.11.16.11.88

H A N S A R D

Wednesday, 16th November, 1988.

The House met at thirty minutes past Two o'clock.

Mr. Speaker in the Chair

## PRAYERS

## ORAL ANSWERS TO QUESTIONS

Question No. 490

MR. MWENJE asked the Minister for Local Government and Physical Planning:-

- (a) whether he is aware that the high electricity power line passing over Umoja Estate was recommended to be re-routed; and
- (b) when will this resolution be implemented.

THE ASSISTANT MINISTER FOR LOCAL GOVERNMENT AND PHYSICAL PLANNING (Mr. Mbori): Mr. Speaker, Sir, I beg to reply.

(a) I am aware that the high electricity power line passing over Umoja Estate was recommended to be re-routed along new Komorock road to remove the danger the power line poses to the residents of this ~~Est~~ Estate.

(b) The Nairobi City Commission has already paid a sum of Kshs.1.8 million required by the Kenya Power and ~~Lighting~~ Company (R K.P.L.C.) Limited, being the cost ~~of~~ of re-routing the power line. The Company has however, included the re-routing work within their programme for the period 1988/89.

MR. MWENJE: Mr. Speaker, Sir, sometimes we have to be more ~~serious~~ serious with certain issues. Here we talking about a very dangerous power line, with ~~very~~ very high voltage passing over houses. It was agreed ~~x~~ that it should be re-routed. The City Commission is not the one to re-route it, but ~~it~~ is the Kenya Power and Lighting Company (K.P.L.C.) Limited. The City Commission is only required to remit the money to the K.P.L.C. so that this power line can be re-routed. The Assistant Minister has told us that the money is there, but it is still being held by the City Commission. When will this money be remitted to the K.P.L.C. so that they can re-route this power line?

*seems to be*  
 MR. MBORI: Mr. Speaker, Sir, to me, this *is* a matter of language, and my good hon. Friend must have heard me saying that the Nairobi City Commission has already paid a sum of Kshs.1.8 million. In other words, this was a remission to the K.P.L.C. so that it can do its work.

*is he aware that*  
 MR. MAKAU: Mr. Speaker, Sir, arising from the Assistant Minister's answer, *are* most of the people in this country ~~is~~ aware that the City Commission and Municipalities are having financial ~~prorik~~ problems? Can he now tell us how that error was committed? How come that that error was committed when the finances of the City Commission were so scarce, and now it is calling for re-routing. Was the error caused by the City Commission officers, just to cost this country Kshs.1.8 million to correct it?

MR. MBORI: Mr. Speaker, Sir, this is the work of the Kenya Power and Lighting Company Limited, and I am sure that it does its work <sup>properly</sup> including surveying, routing, and re-routing.

MR. MAKAU: On a point of order, Mr. Speaker, Sir. My question was very clear. If re-routing of the line is to be done, then it means that there was an error which was committed ~~xx~~ when the line was being installed. This error will cost the City Commission Kshs1.8 million to rectify ~~it~~. Could the Assistant Minister tell us who committed that error by ~~x~~ installing those ~~x~~ power lines there? If the ~~City Commission~~ plans were correct, then the City Commission would not be paying Kshs1.8 million when it is still experiencing financial problems. How did this error come about? Was it caused by negligent officers?

MR. MBORI: Mr. Speaker, Sir, if there was an error, <sup>~~error~~ made,</sup> it ~~xx~~ will have to be investigated.

MR. MWENJE: Mr. Speaker, Sir, I am not concerned ~~is~~ whether there was an error or not. My concern at the ~~xxx~~ moment <sup>is</sup> is that this power line <sup>is</sup> exposing a danger to human life. The <sup>Assistant</sup> Minister has told us that the money has already been paid to the Kenya Power and Lighting Company Limited, ~~xx~~ because if it had been paid the Company would have gone there immediately to re-route the power line. When we ~~asked~~ <sup>approached</sup> them last time, they said they had not been paid. They were waiting for the payment from the City Commission. ~~x~~ Now the Assistant Minister has told us that they have been paid. Can he tell us when this payment was made?

MR. MWENJE (ctd.):

He should also give us the cheque number that was sent to the Kenya Power and Lighting Company Limited.

MR. MBORI: Mr. Speaker, Sir, this ~~xxx~~ money was paid a few weeks ago.

MR. KIPKORIR: Mr. Speaker, Sir, the hon. Questioner should be given the ~~x~~ right answer. The Assistant Minister has not given us a specific day when the cheque was delivered. This power line is very dangerous for human life, and we must protect our people. So the Assistant Minister should take action immediately and tell us how he is going about it.

*le*  
MR. MBORI: Mr. Speaker, Sir, while appreciating the sentiments expressed by my good hon. <sup>let me say that</sup> ~~Friend~~ my Ministry plus the City Commission realised that this ~~xxx~~ is a matter of life and death, and that is why so much money has been set aside to rectify the problem. We have ~~x~~ already paid Kshsl.8 million.

MR. MWENJE: Mr. Speaker, Sir, I am happy to note that the money was paid two weeks ago. It means that it was paid after this Question was sent to the Ministry. Can the Assistant Minister now tell us whether the Kenya Power and Lighting Company Limited has indicated when it will re-route this power line, <sup>?</sup> ~~and~~ <sup>1</sup> is the Ministry following the matter to make sure that it is ~~xxx~~ removed during this month, if the required money has actually been paid?

MR. MBORI: Mr. Speaker, Sir, the Kenya Power and Lighting Company Limited is definitely <sup>working</sup> on the project, and no time will be wasted.

(END....A)



MR. MWENJE: On a point of order, Mr. Speaker, Sir.

MR. SPEAKER: Order! Mr. Mbori, do you not have the date on which that cheque was sent to the Company?

MR. MBORI: Mr. Speaker, Sir, with your permission, I can bring it here next time.

Question No. 502

MR. CHEPKOK asked the Minister for Finance:-

- (a) what has delayed the payment of Miss Mary Chepkoske who was insured by the Pioneer General Assurance Society Limited as per proposal No. 38/118/67 dated 8th November, 1967; and
- (b) when Mr. Cheruiyot Kipkemei Policy No. 4110052 dated 24th November, 1970 will be paid his benefits by the said Society.

THE ASSISTANT MINISTER FOR FINANCE (Mr. Keah): Mr. Speaker Sir, I beg to reply.

(a) Miss Mary Chepkoske surrendered her policy on 11th January, 1980, and was subsequently paid a surrender value of Shs.782.25 vide cheque No. 550427. The payee acknowledged receipt of the cheque vide her letter dated 2nd March, 1980.

(b) Mr. Cheruiyot Kipkemei only paid two quarterly premiums against his policy number 4110052, hence the policy was only in force for half a year. The policy therefore did not acquire a surrender value as per the requirements of section 89 of the Insurance Act. Mr. Cheruiyot, therefore, has no money due to him under his policy.

MR. CHEPKOK: Mr. Speaker, Sir, according to Mary Chepkoske, she contributed Shs.782 for about 13 years, which totalled to over Shs.25,000/-. How come that she was paid a surrender value of only Shs.782.25. Secondly---

MR. SPEAKER: Order! One question at a time. So, can you repeat your question?

MR. CHEPKOK: Mr. Speaker, Sir, I am saying Miss Chepkoske

MR. CHEPKOK (CTD):

contributed £ over Shs.25,000/- from 1967 to 1980, which is <sup>a period of</sup> 13 years. I do not think that a surrender value of Shs.782,25<sup>is genuine</sup> So, can the Assistant Minister give us a proper answer?—I do not think there is any need of having a policy if one can operate an insurance policy for 13 years and get a surrender value of Shs.782,25; this is impossible.

MR. MANG'OLI: On a point of order, Mr. Speaker, Sir. Arising from the comments of hon. Chepkok and the Assistant Minister's reply in which he talked of six months, while the hon. Member is talking of 13 years, do we understand that the Assistant Minister is misleading this House by talking of six months?

MR. CHEPKOK: Mr. Speaker, Sir, this question has two parts: the first one is on Miss Chepkoske and the second one on Mr. Kipkemei. I think now we are dealing with the first part. I wanted to put two supplementary questions, but the Speaker told me that I had to put one question at a time. I would like the Assistant Minister to give the House a proper answer. I do not know <sup>how</sup> that surrender value of Shs.782,25 was paid after contributions had been made for <sup>So</sup> how long.

MR. KEAH: Thank you, Mr. Speaker, Sir—

MR. MWENJE: On a point of order, Mr. Speaker, Sir.

HON. MEMBERS: No; there was another point of order!

MR. SPEAKER: Order! The point of order, which was raised by hon. Mang'oli has been done away with. So, Mr Mwenje, what is your point of order?

MR. MWENJE: Mr. Speaker, Sir, there is something confusing about this Question. This is because there is nothing like "Pioneer General Assurance Society". There is either "Pioneer General Assurance", or "Pioneer Building Society".

MR. SPEAKER: What is your point of order? —

MR. MWENJE: Mr. Speaker, Sir, my point of order is that

MR. MWENJE (CTD):

even the Question itself is misleading. Is it in order to ask a misleading Question?

(Several hon. Members stood up)

MR. SPEAKER: Order! Can you please respond, Mr. Keah?

MR. KEAH: Thank you, Mr. Speaker, Sir. Let me elaborate a little bit more on Miss Mary Chepkoske's endowment policy. This was, in fact, an endowment life insurance policy, <sup>whose</sup> ~~which~~ proposal was, according to the facts we have ~~got~~ in our file, for a sum of Shs.5,000/- leave alone a payment of Shs.25,000/-, which hon. Chepkok is referring to. This policy was dated the 6th October, 1967, and was accepted by the Company on ~~the~~ 8th November, 1967. It was designated policy No. 388932. Miss Chepkoske surrendered her policy on 11th January, 1980, and was subsequently paid the surrender cash value of Shs.782.25 vide the said cheque No.55417 on the 14th January, 1980. If the policy had, in fact, continued being in force, it would have matured on the 1st October, 1987. Miss Chepkoske did in fact acknowledge receipt of the cheque vide her own written letter dated 2nd March, 1980. If hon. Chepkok has information to the contrary, I would be delighted to receive it, and have further checks made. But in so far as our records are concerned, that is all I have to support my answer.

MR. CHEPKOK: Mr. Speaker, Sir, I will provide the information to the Assistant Minister.

On the second part of the Question, the Assistant Minister said in his reply that Mr. Kipkemei made contributions for about six months, while he contributed for at least one year. ~~As the~~ <sup>the</sup> Assistant Minister ~~said~~ <sup>claims that</sup> the policy lasted for six months, but according to my information, Mr. Kipkemei made contributions for one year. How <sup>is</sup> ~~did~~ it ~~happen~~ that the Assistant Minister's information differs from mine? Maybe the Insurance & company gave him information.

MR. CHEPKOK (CTD):

<sup>bu</sup>  
of a different policy.

MR. KEAH: Thank you, Mr. Speaker, Sir. Let me also add a little bit more of elaboration and information for hon. <sup>ChepKok</sup> ~~Chekok~~. Mr. Kipkemei's proposal was, in fact, for Shs. 10,000/-. It was dated on 15th October, 1970 and was accepted by ~~the~~ the Company on 16th October, 1970, and designated policy No. 4110052.

END ..... B

*[Handwritten signature]*

MR. KEAH (CTD.):

Mr. Kipkemei paid only two quarterly premiums and then lapsed on further payments. The company, in fact, notified Mr. Kipkemei of the lapse on the payment of premiums on 31st July, 1972. Mr. Kipkemei then wrote to the company on 26th August, 1972, wishing to discontinue his policy and asking for a refund of his money. On 30th August, 1972, the company wrote to Mr. Cheruiyot Kipkemei informing him that no money was due to him since the company had taken risks on his life from 1st October, 1970 to 31st March, 1971. The company was bound to pay the full sum assured had he met with death or any accident within this period. The policy had not been in force for three years, in which case, it would have acquired a surrender value. Had it been in force for three years, which is the minimum requirement in accordance with the policy, the policy would have acquired a surrender value.

If the complainants have any further queries, they can certainly refer them to the Commissioner of Insurance but, in so far as the law is concerned, that is all I have to say.

MR. CHEPKOK: Mr. Speaker, Sir, I will still provide the Assistant Minister with the information I have. According to the records available in 1971, respect of the period between March and April, Mr. Cheruiyot Kipkemei paid Shs.397.20, and in April, 1971, he paid Shs.101.30. I have 20 such documents as these one that I have here, and all relate to the same man. I will provide the Assistant Minister with these documents later so that he can go back to his office and get the proper information.

MR. KEAH: Mr. Speaker, Sir, I will cherish and entertain whatever information hon. <sup>Chepkok</sup> Cheruiyot has. However, let me add once more here that, in accordance with the terms of his policy, Mr. Cheruiyot Kipkemei must pay consistently for a period of three years in order that the policy can acquire the minimum surrender value. Failure to do that, which is the case in this particular instance—

MR. CHEPKOK: On a point of order, Mr. Speaker, Sir. If I am not wrong, when the Assistant Minister was answering part (b) of the Question, he

MR. CHEPKOK (CTD.):

said that Mr. Kipkemei was required to pay premiums consistently. Let me quote what he actually said.

"Mr. Cheruiyot Kipkemei only paid two quarterly premiums against his policy No. 4110052, and the policy was only in force for half a year."

What does that mean?

MR. KEAH: Mr. Speaker, Sir, I am only too delighted to explain this point to the hon. Member so that he may understand it and explain it to the complainant.

What the two quarterly premiums mean is that Mr. Kipkemei paid premiums for six months only, whereas, in accordance with the terms of the policy, he has to pay quarterly instalments continuously for a period of three years for his policy to acquire the minimum surrender value, which Mr. Kipkemei did not do in this case. Hence, the policy lapsed and did not acquire the minimum surrender value.

MR. SPEAKER: Let us go to the next question, Mr. Mang'oli.

MR. CHEPKOK: On a point of order, Mr. Speaker, Sir. With regard to the minimum surrender value of the policy, I still maintain that Mr. Kipkemei paid his premiums from 1971 to 1972, and that is three years. I will give the Assistant Minister this information later. <sup>AS</sup> I do not agree with what he says.

MR. SPEAKER: I am sure you can have that problem solved outside here.

Question No. 469

MR. MANG'OLI asked the Minister for Transport and Communications:-

- (a) how many kilometres of railway line have been constructed in the country since Independence;
- (b) how much, in terms of profit, the Kenya Railways has got during each financial year since its establishment; and
- (c) why the Kenya Railways has discontinued the daily passenger train to Kitale and Nyahururu.

THE ASSISTANT MINISTER FOR TRANSPORT AND COMMUNICATIONS (Mr. Mbai):

Mr. Speaker, Sir, I beg to reply.

(a) In terms of trunk lines, there has been no additions in this country since Independence.

(b) None.

(c) Kenya Railways discontinued the daily passenger train to Kitale and Nyahururu because there was not enough demand for the services.

MR. MANG'OLI: Mr. Speaker, Sir, I appreciate the reply from the Assistant Minister. He says "None" in answer to part (b) of the Question. He also said that there has been no new trunk line constructed since Independence. With regard to part (c) of the Question, he said that there were not enough passengers. What is the Ministry doing with regard to the three parts of this Question? The Assistant Minister should give statistics because I think the Kenya Railways has been misleading us, especially with ~~regard~~ regard to the line between Malava and Nairobi. How many passengers are required in order that there may be a daily passenger train to Kitale and Nyahururu?

MR. MBAI: Mr. Speaker, Sir, with regard to part (a) of the Question, although there have been no additional kilometres in railway construction since Independence, the Kenya Railways Corporation has <sup>been</sup> investigating the possibility of providing railway services to many areas throughout Kenya that are in dire need of such services. Some of these proposals are:-

- (a) Kerio Valley Railway Line
- (b) Sagana-Embu-Meru Line
- (c) Homa Bay-Awendo-Kisii Line
- (d) Buterc-Bungoma Line.

However, due to the high cost of constructing these railways lines, which are outside the internal resources within the Kenya Railways means, these projects have not been implemented. However, they are earmarked for implementation when funds become available.

With regard to part (c) of the Question, there has been a decline in

MR. MBAI (CTD.):

the number of passengers using the line the hon. Member is interested in, and this has been as a result of competition due to improved road conditions and the transit time that commuters take when they are travelling by road. When they <sup>travel by</sup> train, they take <sup>three and a half</sup> 3 1/2 hours, whereas when they travel by bus, they take only <sup>one and a half</sup> 1 1/2 hours. Commuters would prefer to use the faster means and, as a result, the demand for train services by passengers has been very low.

With regard to part (b) of the Question, Mr. Speaker, Sir, the Kenya Railways has been experiencing a lot of constraints in financial operations. As a result of this, the Corporation has embarked on a restructural programme whose main objectives are:-

- (a) to stop further losses by the Corporation;
- (b) to put in place a system that will guarantee financial stability of the Kenya Railways; and
- (c) to ensure commercial profitability of the Corporation.

We hope that, with that programme, the Kenya Railways <sup>Corporation</sup> will begin <sup>its</sup> improving <sup>its</sup> their performance and make profit.

END C



MR. KUBO: Mr. Speaker, Sir, in view of the reply to part (b) of the Question, it means that the Kenya Railways Corporation has been losing a lot of money and that that is the reason why it is being subsidised because, unless they are subsidised, there is no way they can make ends meet. Can the Assistant Minister tell the House how much losses the corporation has made since Independence and who is shouldering that loss?

MR. MBAI: Mr. Speaker, Sir, the Kenya Railways Corporation is a Government parastatal organisation and the Government has been assisting it to operate. However, as I have already said, there is a programme to improve the corporation so that it may start making profits.

MR. KUBO: Sir, the Assistant Minister has not told the House how much loss the corporation has made since Independence.

MR. MBAI: Mr. Speaker, Sir, I am not in a position right now to give the extent of the loss. However, I know that it is a very colossal figure and, if the hon. Member insists, I will furnish him with the information at a later stage.

MR. MANG'OLI: On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order to evade the question as to how much profit Kenya Railways Corporation is making? If the corporation has not been making any profits since Independence, then it means ~~it~~ that it has been incurring losses. Can he now tell us why the corporation remains a Government parastatal organisation when it has been ~~a~~ making losses all through?

MR. MBAI: Sir, I have some figures here but, as I have answered, the corporation has not made any profits since Independence. However, as I have stated, something is being done to improve the situation. I thought the hon. Member would be settled with my statement.

MR. KIPKORER: On a point of order, Mr. Speaker, Sir. The answer given by the hon. Assistant Minister does not reflect the true position of the corporation. For example, when he mentions Kerio Valley, we have a lot of fluorspar in that area and we expect the Kenya Railways Corporation to transport that fluorspar which gives this country over KShs.160 million in foreign exchange annually. Why ~~that he has not done anything about this?~~

16.11.88.

THE ASSISTANT MINISTER FOR REGIONAL DEVELOPMENT (Mr. Onido): On a point of order, Mr. Speaker, Sir. It is becoming a common practice in the House that many hon. Members stand up on points of order only to advance points of argument. This House is being made a laughing stock since the Standing Orders are not being adhered to. When we have members of the public in the Galleries, they go away with the impression that we do not conduct the business of the House in accordance with the Standing Orders of the House. What shall we do about this situation?

MR. SPEAKER: The hon. Assistant Minister has a point. Let us not stand up to advance points of argument or supplementary questions instead of raising genuine points of order. On the other end, life is a learning experience.

MR. MANG'OLI: On a point of order, Mr. Speaker, Sir. Since I am not satisfied with the reply given by the Assistant Minister with regard to why a passenger train cannot serve the wananchi between Kitale and Nyahururu, could he be asked to go back and bring the proper statistics to this House to show that there are not enough passengers to justify that route?

MR. SPEAKER: That is not a point of order. Next Question, Dr. Wameyo.

Question No. 461

MR. ANGATIA, on behalf of Dr. Wameyo, asked the Minister for Labour when Mr. Tito Osundwa Kadima of P.O. Box 26, Mumias, N.S.S.F. No. 01594 2570, will be paid his benefits following his retirement.

THE ASSISTANT MINISTER FOR LABOUR (Mr. Mibei): Mr. Speaker, Sir, I beg to reply.

Mr. Tito Osundwa Kadima, Fund Member No. 01594 2570, will receive his benefits when he applies for them. As of now, he has not applied for them.

MR. ANGATIA: Mr. Speaker, Sir, I am surprised that the Assistant Minister says that Mr. Kadima has not applied for his benefits, yet we know that when he retired he filled in the necessary forms and submitted them in the normal way. Does the Assistant Minister mean to say that the forms that were filled in and submitted to his office are not there? If so, what happened to them?

16.11.88.

MR. MIBEI: Mr. Speaker, Sir, according to the Fund's records, no application has been received from the retiree although he qualifies for his benefits since he was born in 1933.

Question No. 494

MR. TANUI asked the Minister for Tourism and Wildlife whether he could consider fencing all the game parks in the country in order to save wildlife and crops from being destroyed by wild animals.

THE ASSISTANT MINISTER FOR LIVESTOCK DEVELOPMENT (Mr. Kisiero): On a point of order, Mr. Speaker, Sir. This Question puzzles me because I cannot understand how one can "save wildlife from being destroyed by wild animals".

(laughter)

THE ASSISTANT MINISTER FOR TOURISM AND WILDLIFE (Mr. Awori): Mr. Speaker, Sir, I think I understand the Question properly. I beg to reply.

Indeed, the Ministry has considered, several times, to fence all the national parks and game parks in the country, but it is just not possible. There is not enough money to do that. Secondly, quite a number of animals live in the forest reserves and, therefore, it would be practically ~~impossible~~ impossible to confine them in one area.

What we would suggest is that the farmers who live close to game reserves and national parks fence their farms against wild animals.

MR. CHEPKOCK: On a point of order, Mr. Speaker, Sir. Is the Assistant Minister telling us the truth? You cannot fence your shamba in a way that baboons cannot get in because they can easily jump up across the fence. How, then, does he expect the farmers to fence their farms against such animals like baboons?

MR. AWORI: Sir, in the same way that baboons can jump over a farmer's fence, the same way they can jump over across the fence around a national park.

END.... D

MR. TANUI: Mr. Speaker, Sir, I appreciate the reply given by the Assistant Minister. In his reply he has clearly indicated in part (a) of his reply that the majority of the wildlife does not live in the national reserves. This means that they are trespassing on farmers farms and also ~~s~~ destroy ~~their~~ crops. I would, therefore, like to request that Minister allows the farmers to kill all these <sup>animals</sup> ~~wildlife~~ <sup>are</sup> that ~~is~~ trespassing on their farms.

MR. AWORI: Mr. Speaker, Sir, we cannot allow that. I am sure that hon. Tanui's neighbours' cattle occasionally <sup>wander</sup> ~~wander~~ into his shamba and I am sure that if he shot any of those livestock he would be in trouble. I am sorry we cannot allow anyone to kill our wildlife particularly at this time when we are so concerned <sup>about</sup> ~~with~~ poaching.

MR. SPEAKER: Let us move on to the next Question.

Question No. 505

MR. MCHARO asked the Minister for Water Development:-  
whether

- (a) ~~he~~ <sup>is</sup> aware that the Mangao-Mwakitau Water Project in Mwatate needs urgent rehabilitation;
- (b) whether he is further aware that water pipes and concrete blocks were purchased through a District Development Committee (D.D.C.) grant in 1984 to rehabilitate this project; and,
- (c) what has delayed completion of this project and what measures are being taken now to complete it.

THE ASSISTANT MINISTER FOR WATER DEVELOPMENT (Mr. Mweu): Mr. Speaker, Sir, I beg to reply.

(a) I am aware that Mwakitau Water Project in Mwatate needs rehabilitation.

(b) I am also aware that water pipes and concrete blocks were purchased ~~is~~ through a D.D.C. and Rural Development Fund (R.D.F.) grants of a total sum of shs.539,040/= in 1984, to rehabilitate this project.

(c) The completion of this project hasx been delayed by the

THE ASSISTANT MINISTER FOR WATER DEVELOPMENT (Mr. Mweu) (ctd.):

Kenya Railways Corporation management having not given their consent for the use of the pipeline before meeting certain conditions.

Mr. Speaker, Sir, the Kenya Railways management consented to the use of their pipeline on the 17th August, 1988, on condition that a sum of shs.55,125/= be paid to them as the remaining book value. However, before the rehabilitation of the project can commence, this issue will have to be discussed in the next Taita/Taveta D.D.C. meeting so that the Ministry can continue with the work soon after.

MR. MCHARO: Mr. Speaker, Sir, I appreciate that encouraging reply from the Assistant Minister. The Assistant Minister said that before the rehabilitation work begins the D.D.C. of Taita/Taveta has to discuss this issue. But this issue was discussed by the D.D.C. way back in 1984. That is why as a result a grant of shs.539,040/= was given purchase the equipment. The materials have been there on the site for the past five years. Now, since the Kenya Railways Corporation management has given its consent for the <sup>Pipeline</sup> ~~pipes~~ to be used for the good of the people of that area, can the Ministry undertake to start the rehabilitation work immediately? I think the rehabilitation of this project is now the responsibility of the Ministry and not of the Kenya Railways Corporation.

MR. MWEU: Mr. Speaker, Sir, it is to the contrary. The Kenya Railways Corporation management <sup>demand</sup> ~~demanded~~ that they be paid shs.55,125 to close up that work. What is now required is for the Taita/Taveta D.D.C. to meet and dispose off this issue. After that we will be able to start working on the project.

MR. KUBO: Mr. Speaker, Sir, for the information of the Assistant Minister, the Taita/Taveta D.D.C. is going to meet on 25th November, 1988. If we were to approve that project during that meeting, can he give an undertaking that he is going to pay immediately the sum of money ~~xxxxx~~ involved?

MR. MVEU: Mr. Speaker, Sir, I appreciate that information. Unfortunately, the requirement here is that even if the D.D.C. meets, they have to agree to pay that money. That is the condition.

MR. MCHARO: Mr. Speaker, Sir, one thing that I know is that the Kenya Railways Corporation is not making use of these <sup>old</sup> water pipes. Could the Ministry request the Corporation to donate ~~to~~ them for the benefit of the people instead of asking for this sum of money of shs. 55,125/= for a water pipe that they are not using?

MR. MVEU: Mr. Speaker, Sir, the Corporation has no objection to granting the use of these water pipes to the wananchi. In fact I have already said that. The only condition is the payment of that money before the water pipes can be used. So if hon. Mcharo and hon. Kubo could make this point to the D.D.C. and convince its members to pay out that money, then the work can start on this project.

MR. SPEAKER: Let us move on to the next question.

Question No. 509

MR. SPEAKER: Mr. Mate is not in? We shall come back to his question later on. Next question.

Question No. 400

MR. LEWA asked the Minister for Lands and Housing:-

- (a) what has been the cause of delay in the survey of Mtwapa and Ngerenyi Settlement Schemes which were established in 1966 and 1968 respectively;
- (b) how many title deeds have so far been issued in respect of these two settlement schemes; and,
- (c) when the survey of the plots in these two schemes will be finally completed and titles issued to the registered owners.

THE MINISTER FOR LANDS AND HOUSING (Mr. Mbela): Mr. Speaker, Sir, I beg to reply.

THE MINISTER FOR LANDS AND HOUSING (Mr. Mbela) (ctd.):

(a) Mr. Speaker, Sir, the delay in the survey of Mtwapa and Ngerenyi Settlement Schemes has been brought about by the fact that all available surveyors in Kilifi District have mainly been deployed on survey work in adjudication sections and more recently on Government land where squatters are being settled.

(b) One section of Mtwapa Settlement Scheme comprising of 228 plots has already been surveyed and title deeds are ready for issue to settlers who have cleared their SFT loans. As regards the Ngerenyi Settlement Scheme, so far no survey has been carried out for the whole of the scheme comprising of 950 plots to enable it to be registered for <sup>ISSUANCE</sup> ~~issuance~~ of title deeds.

(c) Arrangements are being made to commence survey work in the two settlement schemes early next year when it is expected some of the surveyors <sup>currently</sup> working in adjudication sections would be free to move to the two areas.

It is expected that the survey work in the two schemes will take approximately one year to complete after which the plot owners will be able to get their title deeds.

MR. LEWA: Mr. Speaker, Sir, I thank the Minister for that wonderful reply. However, 1966 and 1968 is obviously a very long time of the ago. Some original founders of these plots including my own grandfather ~~is~~ are already dead. What machinery does the Minister have to ensure that the original records are up-to-date and are not interfered with? This is <sup>because</sup> the dependants of ~~some~~ most of these old founders might have <sup>convincing</sup> problems in ~~persuading~~ the land registration officers that they should inherit these plots.

MR. MBELA: Mr. Speaker, Sir, I am aware that it has taken nearly 20 years to have this done. There were problems in getting the old original title deeds surrendered. I would like to assure the hon. Member that we will work closely with the administration to make sure

MR. MBELA (ctd.):

that the title deeds are not given in the names of the dead grandfathers just because their names were entered in the original register.

MR. KUBO: Mr. Speaker, Sir, while appreciating the good answer that has been given by the Minister, could he explain about the SFT loans which he said must be cleared before these people are given ~~the~~ title deeds? This is because the understanding of the people is that now <sup>that</sup> the Government has written off those loans what they are waiting for is their title deeds.

MR. MBELA: Mr. Speaker, Sir, as far as I am aware no SFT loans have been written-off.

MR. SPEAKER: Let us go back to Mr. Mate's Question.

MR. MANG'OLI: Mr. Speaker, Sir, I would like to apologise for not asking Mr. Mate's Question who is taking part in the Embu demonstrations today when it was first called.

Question No. 509

MR. MANGOLI, on behalf of Mr. Mate, asked the Minister for Information and Broadcasting whether he could consider introducing broadcasts in Kiembu language in the Nairobi Central Service of the Voice of Kenya.

THE MINISTER FOR INFORMATION AND BROADCASTING (Mr. Kanja):  
Mr. Speaker, Sir, I beg to reply.

The Ministry has no intention or any plans whatsoever of introducing Kiembu into our system of broadcasting because Kiembu is a dialect of Kikuyu language and they speak Kikuyu the way Waruru Kanja ~~speaks~~ speaks it.

MR. MANG'OLI: Mr. Speaker, Sir, I appreciate that reply from the Minister who says that he is also a Kikuyu. Hon. Mate knew that the Embians can understand Kikuyu, but he still went ahead and asked his Question. What is the Ministry doing to introduce Kiembu in the Central Service of the Voice of Kenya?

END E...



MR. KANJA: For the benefit of my very good friend, hon. Mang'oli who speaks <sup>Kikuyu</sup> ~~English~~, I would like to repeat my reply. Hon. Mate should not have asked this Question because the idea of any language is to communicate. He can communicate with anybody else who speaks Kikuyu, the way I said I speak it, because I am <sup>a</sup> Kikuyu. We do not need the other language, that is Kiembu.

MR. MAKAU: Mr. Speaker Sir, it is very interesting that the Minister is alluding that Kikuyu and Embu speak the same language. Linguistically, Kiembu is different from Kikuyu. Bible translations and so forth have shown us that Kikuyu and the Embu have different dialects. You cannot call Kiembu Kikuyu. Is the Minister not misleading the House ~~in what he is saying~~ that the Embu and the Kikuyu speak the same language? Hon. Mate asked this Question because his constituents cannot understand ~~the~~ broadcasts aired in Kikuyu. Could he tell us when Kikuyu and the Embu became one.

MR. KANJA: Surely, Mr. Speaker Sir, I would hate to turn this hon. House into a classroom and start teaching different dialects to hon. Members. If we had to introduce that kind of system in our broadcasting system, we will require more <sup>time</sup>.

MR. CHAPROK: On a point of order, Mr. Speaker, Sir.

MR. SPEAKER: Mr. <sup>Chaprok</sup> Chaprok, will you let hon. Kanja to finish ~~his~~ what he wanted to say? ~~He has finished.~~

MR. KANJA: Mr. Speaker Sir, if we had to introduce that kind of system in our broadcasting system, we would require more time to <sup>be in the air just repeating what</sup> ~~say what we have already~~ said and <sup>has</sup> it already been understood. So, it is not necessary to <sup>do that</sup> ~~repeat~~ broadcasts in Kiembu. That is what I am trying to tell this hon. House.

MR. SPEAKER: Can we move on to Questions by Private Notice?

MR. KILIU: On a point of order, Mr. Speaker, Sir. It is a normal <sup>to</sup> ~~procedure~~ procedure ~~that~~ get written replies before the Ministers give oral answers. Has the Minister followed that procedure or he has only given his answer off-head because he did not want to reply to that Question?

AN HON. MEMBER: Is that a point of order?

MR. KANJA: Mr. Speaker Sir, it is not necessary for any Minister here or any hon. Member of Parliament to read what he is supposed to communicate to the House. I understand what I am communicating to the House—

(Applause)

After all, if he requires a written reply, here it is and my very good friend can have it.

(Applause)

*arap*  
MR. CHEEKOK: On a point of order, Mr. Speaker, Sir. To bring such a Question here is encouraging tribalism. We are Kenyans and we have Kiswahili as our national language. Why should a Member of Parliament bring such a Question here?

*Je*  
MR. SPEAKER: Order! We do not have much time left to tackle our Business. It is in order for any Member to bring Questions here through me, and as long as I pass them, then the Member is in order to bring such a Question here.

#### QUESTIONS BY PRIVATE NOTICE

MR. JALANG'O: Mr. Speaker Sir, I beg to ask the Minister for Health the following Question by Private Notice.

(a) Is the Minister aware that the diesel generator at Madiary Health Centre in Uyoma Location of F Rariada Division, has not been commissioned since its installation over two years ago?

(b) What has caused this delay?

(c) When will the ~~generator~~ generator be put into use at the health centre?

THE ASSISTANT MINISTER FOR HEALTH (Mr. <sup>*ole*</sup> Sompisha): Mr. Speaker, Sir, I beg to reply.

(a) Yes, I am aware.

(b) The delay, which is highly regretted has been caused by lack of funds for recurrent cost of running the generator.

(c) The Medical Officer of Health and other experts from the Ministry of Public Works will visit the site today, Wednesday, 16th November, 1988, to test the generator. If they find that it has no fault, it will be commissioned and put into use today.

MR. JALANG'O: I appreciate the Assistant Minister's reply especially when he said that the Medical Officer of Health is visiting the health centre today. Why has it taken two years, <sup>to commission the generator</sup> since ~~the~~ it was installed at the health centre? Why did the Ministry take two years ~~has~~ before commissioning the generator?

*ole*  
MR. SOMPISHA: I think I have replied to that question. I said that the delay in commissioning ~~was~~ this generator was due to lack of funds. Now funds are available and work is being done to see the project operational.

MR. JALANG'O: Last week, during our district development committee meeting, ~~was~~ we raised this issue there. ~~Since~~ Since we did not get a satisfactory reply, that is why I ~~has~~ brought the Question here. The delay was not due to lack of funds. I am surprised to hear that the delay was due to lack of ~~a~~ funds. We were informed that a pump operator is required to run the generator. Does it mean that for two years, the Ministry cannot get a pump ~~was~~ operator who is just supposed to switch it on and off?

THE ASSISTANT MINISTER FOR REGIONAL DEVELOPMENT (Mr. Onido): There were no funds to employ ~~a~~ one.

MR. JALANG'O: This Question is not directed to you, hon. Onido.

(Laughter)

Which are these funds that the Assistant Minister is ~~saying~~ talking about? Is *he* referring to ~~the~~ the funds to run the generator; ~~funds~~ <sup>for</sup> to pay the operator; <sup>or</sup> funds to run the health centre?

MR. SOMPISHA: Mr. Speaker Sir, we need funds for the daily running of the generator, because we need ~~funds~~ <sup>money to buy</sup> for the diesel and so forth. If the generator is commissioned and funds for fuel are not available, then the generator cannot be run. Now, we have funds for that purpose <sup>and</sup> it is going to be ~~was~~ commissioned today. I am sure hon. Jalang'o will be happy to learn that the generator is working when he gets back home. If the generator will not be working when he gets home, ~~has~~ ~~been~~ due to some ~~for~~ fault, I would like to request him to come to our offices and we ~~will~~ will do everything possible to see that no more delays <sup>arise. caused</sup> will be ~~caused~~. We will make sure that the generator works.

MR. KONES: Mr. Speaker Sir, I beg to ask the Minister for Agriculture the following ~~Q~~ Question by Private Notice.

In view of the big price variation of the second payment given by K.T.D.A. factories, could the Minister explain to the House:-

(a) How ~~these~~ these prices were arrived at and give a full list of factory prices for 1987/88 and also comparative figures for the last ten years?

(b) How and who does the marketing, valuation and testing of the finished product?

(c) What he is doing to rectify these price variations?

THE ASSISTANT MINISTER FOR AGRICULTURE (Mr. Kariuki): Mr. Speaker Sir, I beg to reply.

Mr. Speaker Sir, the variation in prices, particularly between tea farmers east of the Rift Valley as compared to tea farmers west of Rift Valley has created considerable interest. Therefore, I will take my time and answer this Question very thoroughly, so that any misconception is removed once and for all.

(a) The rate of second payment to the tea farmers is obtained by deducting the total cost incurred by the factories. This includes, the first payment, manufacturing cost, packing cost, labour cost, administration cost and financial charges. These are deducted from the gross sales revenue received by the factories, then dividing this by the waste of green leaves delivered by growers to buying centres.

(b) The K.T.D.A. has four outlets by which its teas are marketed. This is through an auction <sup>and</sup> in Mombasa, an auction in London, through direct sales to consumers and through Kenya Tea Packers ~~(K.T.P.)~~ Limited (KETEPA). Teas are sold in Mombasa and London <sup>and</sup> ~~and~~ through <sup>and</sup> ~~and~~ tea brokers who are appointed and are members of the East African Tea Traders Association and the United Kingdom Tea Traders Association respectively. About 70 per cent of the K.T.D.A. tea is sold through this method. Auction prices are determined by the prevailing market forces. Brokers in Mombasa and London accept the highest bids in the auction which are based on the quality of the tea in the market from every individual factory.

(END F.)...

THE ASSISTANT MINISTER FOR AGRICULTURE (Mr. Kariuki)(contd.):

(b) As regards the price variations, I would like to state that all ~~auction tea~~ <sup>is tasted</sup> / ~~and~~ and valued by ~~and~~ auction brokers. Prior to tea testing by brokers, our own officers in the Kenya Tea Development Authority (K.T.D.A.) taste the tea in order to ascertain the quality as compared to the valuation by the brokers. It must be noted that price valuation will always depend on the quality. Let me emphasise that price valuation will always depend on the quality of the tea.

(c) As <sup>regards</sup> to the action the Minister is taking to rectify the price variations; The K.T.D.A. has continued to intensify the quality of extension services in areas where fertilizer application and crop husbandry has been found to be below recommended standards. Additionally, the authority has increased the number of administration plots in areas where tea cultural practices are inadequate. The K.T.D.A., through Tea Research Foundation is intensifying research on varieties of tea <sup>Suitable</sup> commensurate for the right ecological zones; both east and west of the Rift Valley. This will largely affect the quality and quantity of tea expected to be harvested under <sup>this</sup> the marketing programme.

The hon. Member also wanted me to give a list of the prices obtained in 1987 and 1988 as compared to the prices received in 1978 and 1979. I would like to say that I have the list, but it is such a long one that unless he specifies one particular area that he wants me to read out, it would <sup>me</sup> take the whole evening to read out the list.

Thank you Mr. Speaker.

MR. MOMANYI: Mr. Speaker, Sir, can we know those areas which are in the east and those which are in the west as regards the marketing of tea?

MR. KARIUKI: Mr. Speaker, Sir, I am sure that the hon. Member is very knowledgeable about the geography of Kenya. When we talk of the East, we mean all those districts which are East of the Rift Valley, whereas when we talk of West we mean all the districts that are West of the Rift Valley.

MR. KONES: Mr. Speaker, Sir, I would like to thank the Assistant Minister for giving us a lengthy answer to this Question. I was, however, not issued with any written reply to refer to. It does not help me very much to explain why there was a big differential in prices of tea in the West and East of the Rift Valley. He talked of cost differential. However, I hope that the Assistant Minister will agree with me that the cost of processing, transport, packing, freight, and any other is also applicable to other factors. Why then is there such a big differential in prices of tea in the West and the East up to a tune of up to Kshs.4/- per kilogramme?

MR. KARIUKI: Mr. Speaker, Sir, first of all, let me make it very clear that when tea is sold in the auctions, each package from a particular factory is sold individually. This is after it has been tasted by both the brokers and the K.T.D.A. officials. The packages are then opened for the buyers to bid for the tea. If they bid low on a particular package of tea, and bid higher on another package, depending on their tastes and the marketability of a particular type of tea, it is very difficult to say why that happens.

The other point is that there are different styles, methods, and qualities of husbandry. The teas also come from different geographical zones with different soils, which amounts to the fact that they produce slightly different kinds of tea. It is nobody's fault that the consumers might like a particular type of tea and dislike the other one. It is

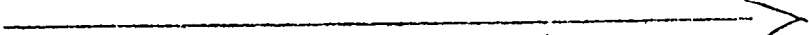
MR. KARIUKI (contd.):

just a matter of taste. They can just like that particular kind of tea and bid higher for it. The auctions are open public auctions, and so we cannot ask them to bid higher for one particular kind of tea if they do not want to do so.

MR. A.K. KINYANJUI: Mr. Speaker, Sir, in view of the answer that we have been given by the Assistant Minister that every K.T.D.A. factory in this country sells its tea according to its wishes; and that the price that is paid to the factory is what is paid to the farmer since K.T.D.A. does not determine the prices; would the Assistant Minister now assure this House that each factory will be paid separately, so that the benefits of good tea from a particular factory is paid to it?

MR. KARIUKI: Mr. Speaker, Sir, I think that is exactly what I have just stated. Each particular batch of tea is sold separately, and is paid for separately. However, if the hon. Member wishes me to give a further assurance that it is going to be done and will continue being done, then I give that assurance.

MR. MAGARA: Mr. Speaker, Sir, tea production has been done by K.T.D.A. for a long time, and price variations have now been there from a few years ~~x~~ back. I would, however, ask the Assistant Minister whether he has any documentary evidence which specifies that soil ~~xx~~ variations and rainfall affect the contents of tea tasting.

MR. KARIUKI: Mr. Speaker, Sir, tea tasting is a profession. It is done by experts, and the factors which they take into consideration are not something that the Ministry can do anything about. They just taste the tea and decide that it is of a higher quality and leave the rest to the buyers and brokers. I really do not see anything that the Ministry can do short of dictating to ~~thxx~~ these tasters to give 

MR. KARIUKI (contd.):

a higher grade to certain batches of tea. This is not the right procedure since these are independent people; they are the tea brokers and they taste the tea and determine how much they are going to pay for the particular batches of tea. It appears as if there is very little we can do about it. However, when I say that there is nothing we can do about it, that is not entirely ~~ERR~~ correct, because as I said, the Government, the Ministry and the K.T.D.A. are doing their best to teach the farmers both in the east and the west of the Rift Valley and also to <sup>help</sup> ~~aid~~ them with fertilizer so as to ensure that they obtain the ~~best~~ best yields. In fact, there was an announcement by the Minister the other day that the farmers from the west of the Rift Valley will have their fertilizer deductions suspended for a while, to try and help them to achieve higher qualities of tea.

End G.....



MR. MANG'OLI: While appreciating the reply from the Assistant Minister, it appears as if the farmers have been thrown to strangers. Now, would the Assistant Minister tell us the nationalities of both the tea brokers and the tea auctioneers? Are they Africans, Asians or Europeans?

MR. KARIUKI: Sir, the brokers are brokers irrespective of their ~~the~~ colour or—

MR. MANG'OLI: On a point of order, Mr. Speaker, Sir. If the Assistant Minister wants to reply to the question ~~he~~ then he should answer what I have asked. My question was very specific, who are the brokers and auctioneers of tea?

MR. MAIHU: On a point of information, Mr. Speaker, Sir.

MR. SPEAKER: No, Mr. Mahihu. Mr. Kariuki can you go ahead?

MR. KARIUKI: Mr. Speaker, Sir, I said that tea brokers are professional people who are recognized by both the East <sup>African</sup> Tea Traders Association and also the United Kingdom Tea Traders Association. Here we are talking about a commodity that is exported; that is not just consumed locally and it is necessary that we have tea brokers who are recognized internationally. There would be no purpose of putting anybody, a Kamau, Mang'oli or Njuguna to become a tea taster when he is not recognized by the consumers. This is because in the final analysis we are selling this tea to the consumers and these tea tasters and the brokers must be recognized by these consumers who are the buyers of tea.

MR. MANG'OLI: On a point of order, Mr. Speaker, Sir. The same people who were auctioning tea before Independence, are the same people who are doing it today. So I wanted the Assistant Minister to tell us the names of these people and tell us the plans the Ministry is taking to ensure that our people are given that job.

MR. MAIHU: On a point of information, Mr. Speaker, Sir.

(Mr. Kariuki took time to respond)

MR. SPEAKER: Order! Order! If the hon. Assistant Minister is surrendering his responsibility, this is not the right place to surrender it, he should do it elsewhere.

(Applause)

MR. KARIUKI: The original Question from the hon. Member did not specify that he wanted the names of the brokers. I thought—

(Several hon. Members stood <sup>up in</sup> ~~on~~ their places)

MR. SPEAKER: Order, I cannot really understand what is agitating the House. He is <sup>replying</sup> ~~replying~~ to a point of order which was raised by Mr. Mang'oli.

(Applause)

MR. KARIUKI: What I was is that the Questioner had not asked the Ministry to supply him with names. If he wants just mere names, I can tell him that I can supply them to him tomorrow. But the point I am making is that the—

MR. MANG'OLI: On a point of order, Mr. Speaker, Sir.

HON. MEMBERS: He is answering a point of order!

MR. SPEAKER: Mr. Mang'oli, he is replying to your own point of order! Why do you not give him time to finish?

(Applause)

MR. KARIUKI: As I have already said, if hon. Mang'oli wants me to supply him with the names tomorrow afternoon, I will do that. This is because the most important thing here is not the names—

(Several hon. Members stood on their places)

MR. SPEAKER: Order! Order! Can all of you get seated please! Can the hon. Assistant Minister finish replying to the point of order raised?

MR. MALEBE: On a point of order, Mr. Speaker, Sir.

MR. SPEAKER: Order, Mr. Malebe, can you allow the Assistant Minister to finish then you ~~can~~ raise your point of order!

MR. MWAMZANDI: On a point of order, Mr. Speaker, Sir. Our rules say that whenever an hon. Member rises on a point of order, the other hon. Member who is on the Floor will sit to give way for the Speaker to give his ruling. But we have repeatedly seen that although there is a point of order the hon. Assistant Minister does not want to sit down to wait for your ruling.

MR. SPEAKER: I know quite a number of times the Standing Orders of this House have been violated and you have also ~~violated~~ <sup>them</sup> violated because you have replied to a point of order.

(Applause)

MR. KARIUKI: If it is necessary for me to repeat what I have already ~~xi~~ said, I have said that if hon. Mang'oli wants the mere names I will give them to him tomorrow afternoon. But I would like to emphasize this point that the important thing is that these brokers and these tasters are qualified people who are internationally recognized. If any hon. Member has any suspicion about any of these brokers, then he should inform the Ministry and we will take the appropriate actions. If he has any reasons to suspect any of these brokers to be doing any under-earth tactics, we shall welcome his ideas and his report. But I would like to assure the House that these are people who are qualified in their job, they are doing their job properly and they are internationally recognized by the consumers who we have to <sup>sell</sup> ~~sell~~ this tea to. The most important thing is that they have to be recognized by the consumers because we have to sell the tea.

(Several hon. Members stood on their places)

MR. SPEAKER: Mr. Malebe, what is your point of order?

MR. MALEBE: On a point of order, Mr. Speaker, Sir. The Assistant Minister is categorically refusing to answer the question. Part (b) of the Question is clearly asking how and who does the marketing, valuation and <sup>testing</sup> ~~testing~~ of the finished product. Why is he refusing to give us an answer when the Question had been put to him <sup>a</sup> long time ago?

(Applause)

MR. KARIUKI: Sir, I agree that the ~~Q~~ Question is very clear, <sup>Who</sup> ~~the~~ tastes and values this tea? I have answered and I have said that all auction teas are tasted and valued by auction brokers. I answered hon. Mang'oli and ~~ask~~ told him that <sup>if</sup> he wants specific names, I am going to supply them to him tomorrow in the afternoon. But I have answered ~~the~~ the Question because I have said that all auction teas are tasted and valued by auction brokers ~~and~~ and I have also said that prior to tea <sup>testing</sup> ~~testing~~ by ~~the~~ brokers, our own officers in the Kenya Tea Development Authority (K.T.D.A.) do taste this tea in order to ascertain quality and compare it to the valuation that is given by the ~~the~~ brokers. I think, Mr. Speaker, Sir, in all honesty, I have answered the Question.

MR. KONES: On a point of order, Mr. Speaker, Sir. The Assistant Minister has carefully evaded answering the Question. He has also said that there is nothing he could do to improve the variations. Now that <sup>T</sup> the Kenya Tea Development Authority (KTDA) is one body which manages the East and West of Rift Valley and the <sup>Assistant</sup> Minister is ~~sk~~ saying that there is nothing he could do to improve the situation. I would like to know whether he is aware that the factories East of the Rift Valley have received a closer attention of supervision than the factories West of the ~~Rift~~ Rift Valley? That is the cause of this variations of prices. I want him to confirm whether he knows that the transport element has also <sup>played</sup> ~~taken~~ a big role in bringing this difference in prices? I want the Assistant ~~the~~ Minister to answer my question. The reason why I took him 10 years back was because I wanted him to compare what used to happen 10 years ago and what is happening today since tea was still managed by the same body.

MR. KARIUKI: Mr. Speaker, Sir, I did not say that we cannot do anything ~~about the~~ to improve the variations. I said we cannot do anything about the tea tasting but I ~~am~~ did not say that we cannot do anything about improving the quality of tea that is produce in <sup>the</sup> ~~the~~ <sup>of</sup> ~~the~~ Kenya. In fact, I mentioned several points about what the Government is currently doing to assist the farmers, particularly west of the Rift Valley, to see that their tea output is improved. I am glad that the hon. Member has mentioned about the roads because at the ~~M~~ moment, KTDA, in consultation with the Government through the Ministry of Public Works and the District Development Committee (DDC), is endeavouring to improve the quality of roads in the tea growing areas of the country. This will minimize delays presently experienced in the

MR. KARIUKI (Ctd.):

tea leave collection in certain areas to the tea factories. This is not just in the areas west of the Rift Valley but also in some areas east of the Rift Valley. If the hon. Member has any evidence that KFDA has in one way or the other given certain favouritism to certain areas and not to others, we shall certainly welcome that ~~any~~ evidence and action will be taken immediately.

MR. CHEBELYON: Thank you, Mr. Speaker, Sir. I think the Assistant Minister has refused to answer the question correctly and accurately. My first question is that if the Assistant Minister is saying that farmers are paid their money for tea according to their factories, I do not think this is true. A tea farmer like myself, for example, ~~delivers~~<sup>take</sup> tea to a different factory and I am paid my dues from a different factory. In that case, ~~it~~ therefore, it is not true that the prices are given according to each factory. My second question---

MR. SPEAKER: Ask one question at a time.

MR. CHEBELYON: Mr. Speaker, Sir, I have another question to supplement the first one. Can the Assistant Minister tell us the highest price and the lowest given to the farmers east of the Rift Valley so that ~~our~~ this House is ~~enlightened~~ enlightened on how terrible things within the management of the KFDA are?

MR. KARIUKI: Mr. Speaker, Sir, the hon. Member has asked two questions in one and I will endeavour<sup>a</sup> to answer both of them. The first question was about the payments to the factories. I repeat once again that the payments of tea is ~~is~~ given in accordance with the pricing that has been achieved by every individual factory. I stress that point and I do not intend to go back on it.

MR. KARIUKI (Ctd.):

The second question is that the hon. Member wants me to give the figures of the highest ~~price~~ <sup>factory which received the</sup> second payment. This was ~~was~~ <sup>a factory in</sup> Kiambu - but not Kiambu District as a whole but Kambaa factory. We must once again bear this in mind that when we are talking about the marketing for tea, we talk about factories not districts. In this case the highest ~~price~~ <sup>price</sup> was paid to Kambaa factory. The lowest price was paid in Kitale, I believe, and it was 47 cents per kilogram. Once again, I repeat that this was based on the quality of tea produced by ~~the~~ that particular factory. The difference is there and nobody has any argument about that - one was Sh.5 while the other was 47 cents per kilogram.

KONES: Mr. Speaker, Sir, I am not too happy about the way this ~~is~~ Question has been ~~answered~~ answered in this House. A lot of questions have been evaded very carefully. We know that factories managed by the same company like the Brooke Bond Leibag (Kenya) Limited one in the east and the other in the west have got prices margins in cents. The Brooke Bond which is in the west has sold its tea in the east for 100 cents per kilogram while KFDA is giving us this difference of up to 156 cents per kilogram <sup>in the East</sup> as compared to 76 cents per kilogram of tea in the west.

MR. KARIUKI: Mr. Speaker, Sir, at the risk of repeating myself, I think the hon. Member should ~~be~~ not be asking why a particular factory was paid 47 cents per kilogram but why a particular factory produced a certain quality of tea. I think that is a relevant question <sup>for him</sup> <sup>to</sup> ~~ask himself~~ <sup>to</sup> why a particular factory ~~is~~ produces a certain quality of tea and---

MR. KONES: On a point of order, Mr. Speaker, Sir: When the Assistant Minister talks about the quality of tea, he should consider many factors affecting the quality of tea which are answerable to the KTDA organization. So, let him not waste a lot of time while he should be telling us why there is this difference.

MR. SPEAKER: What is your point of order? I think we can ~~be~~ move on. Next ~~a~~ Order.

POINTS OF ORDER

THE MINISTER FOR WATER DEVELOPMENT (Mr. Ayah): Thank you, Mr. Speaker, Sir, for allowing me to raise this point of order. In today's issue of the Daily Nation, very conspicuously published is the ~~the~~ photograph of the run-away rebel, Mr. Ngumba---

HON. MEMBERS: Thief! Criminal!

THE MINISTER FOR WATER DEVELOPMENT (Mr. Ayah): Yes; thief, criminal, rebel or whatever you want to call him. In my opinion, this raises two fundamental questions:

The first one is, what does the Daily Nation want this nation to understand <sup>or</sup> what are they <sup>communicating</sup> communication to us? In view of the fact that recently there has been and there is still a great deal of anger and massive demonstrations against these useless people who are in Europe and now the Daily Nation is telling us, and I quote:--

"Runaway politician Andrew Ngumba smiles confidently in a picture he sent the Daily Nation this week from Sweden".

END -I.

THE MINISTER FOR WATER DEVELOPMENT (ctd.):

Is the Daily Nation telling us that it does not matter what Kenyans think? And is Mr. Ngumba and the Daily Nation, together, communicating to us a message? Is the Daily Nation telling its readers, who are the nation as a whole, <sup>and</sup> this House in particular, and we in the Government would like to know what the Daily Nation intends us to understand by publishing this picture at this particular time? We would like to know this from the Daily Nation tomorrow, if possible.

I am assuming that whoever published this story, if he is a Kenyan, might have got into communication with ~~the~~ our security forces, but if they have not yet done so, we would like to see, prominently displayed ~~tomorrow~~ tomorrow, or as soon as possible, what they intend us to understand by publishing this particular photograph at this ~~particular~~ time. That is one important point.

Secondly - and it comes out of this publication - is the Daily Nation saying that they are in daily contact with Mr. Ngumba, and if they are, what else is being communicated to them by Mr. Ngumba? Is it just the photograph or is there any further communication that the Daily Nation has got from him? We would like them to tell us what else Mr. Ngumba is telling them that either they have not told us or they intend to ~~to~~ tell us. This nation must ask that question and this Government is asking that question. What other communication is the Daily Nation newspaper getting from Mr. Ngumba that they would like us to know? This is so important to us that I would like to use your good offices to ask the Daily Nation to answer those two questions as soon as they can publish another newspaper.

Thank you.



THE ATTORNEY-GENERAL (Mr. Muli): On a point of order, Mr. Speaker, Sir. On the same note, we take very seriously matters connected with & dissidents who are waging war abroad, and we would like & information to be accurately presented and authenticated because the Government takes a very <sup>serious</sup> view to such matters and we have a machinery to follow them up. What is attributable to me as having said yesterday by the Kenya Times is not mine, it was all hon. Chepkok's. And since I said that the contents of those documents were ~~are~~ irrelevant to the Question and also unauthenticated, I would like him to get the credit for all that he said, I do not want to have it on my neck.

Mr. Speaker, Sir, if you are satisfied that the documents are properly authenticated, I can assure this House that we will follow the ~~same~~ information contained in today's <sup>issue of the</sup> Kenya Times as a result of yesterday's deliberations.

Mr. Speaker, Sir, I also promised to give further information on a matter on which the Member of Parliament for Mbooni, hon. Makau, thought that I, for one, would like to hide something, to help the dissidents. He can rest assured that he would be living on his own laurels if that is the case. However, the ~~if~~ information I have been able to get is that Mr. Ngugi wa Thiong'o has not been paid any <sup>royalties</sup> ~~loyalties~~ outside Kenya since 1983. ~~But~~ I am unable to get & any information on the period before then because transactions were ~~in~~ being done by the company, Heinemann Educational Books, of London. So, I do not have that information. But I am happy to say that I have been able to get data showing that <sup>royalties</sup> ~~loyalties~~ were paid to

THE ATTORNEY-GENERAL (ctd.):

his wife and son in Kenya with effect from 1983 as follows:-  
 in 1983, they were paid Ksh.3,565; in 1984, Ksh.634; in 1985,  
 Ksh.35,202.10; in 1986, Ksh.71,369.40; in 1987, Ksh.45,632.50,  
 and in this year, 1988, Ksh.44,756.10. As of today, ~~the~~ <sup>royalties</sup>  
 royalties due to him or his wife and son is Ksh.43,293.20.  
 That is the breakdown, and I think the hon. Member will be able  
 to get the ~~the~~ total from his own calculation.

MR. CHEPKOK: Jambo la nidhamu, Bw.Spika. Jana, nilimpa Mkuu wa Sheria <sup>muda</sup> ili ayachunguze madai yangu, hata ingawa najua kuwa madai yangu ni ya kweli. Lakini ningependa kujua msimamo wake - kama anawaunga mkono wale wanasiasa walio-kimbilia mafichoni nchi za ng'ambo au —

MR. SPEAKER: Order! Bw. Chepkok batutaki kabisa kuyasikia matamshi ya aina hiyo. You have no right whatsoever to tell the House that you want to know so-and-so's stand.

MR. CHEPKOK: Jambo la nidhamu Bw.Spika. Kulingana na vile Mkuu wa Sheria alivyosema, inaonekana kama haamini habari niliyompa. Mimi mwenyewe ninajua habari niliyompa ni ya kweli na ni haki. Kama ~~tukizionesha~~ tukizionyesha nchi za ng'ambo kuwa tunawaunga mkono wanasiasa hao waliotorokea nchi za ng'ambo, na hali wananchi <sup>wenyewe</sup> wanafanya maandamano ya kuonyesha ~~na~~ kwamba ~~na~~ hawawataki watu hao, tutakuwa tukionyesha nini? Nilikuwa nikifikiri kwamba Mkuu wa Sheria angeenda ayachunguze ~~na~~ maneno hayo halafu aje alieleze Bunge kama maneno hayo ni ya kweli au ni ya uongo.

MR. SPEAKER: Tumesikia ulivyosema. Tulivyokubaliana ni kwamba utachukua karatasi zako zote, ukae pamoja na Mkuu wa Sheria; ambaye umesema ni rafiki yako, muone vile mtakavyofanya.

J.4...16.11.88

MR. CHEPKOK: On a point of ~~an~~ order, Mr. Speaker, Sir. I would like the Minister for Local Government and Physical Planning to issue a Ministerial Statement regarding the ~~the~~ former town clerk of the Nairobi City Commission and tell us why the <sup>former</sup> town clerk is still earning a salary from the Nairobi City Commission and yet he was removed.

MR. SPEAKER: Order, Mr. Chepkok. You are an old hon. Member here. You surely have no responsibility to order a Minister to make a statement. If you really want a Minister to make a Ministerial Statement, bring a Question.

END J.

MR. MAKAU: On a point of order, Mr. Speaker, Sir. The Attorney-General has been <sup>misted</sup> ~~led~~ by the information which he has been given. So, if I could get in touch with him and discuss this issue further, maybe he can get a true picture. Somebody somewhere is not giving the true information.

THE ATTORNEY-GENERAL (Mr. Muli): Mr. Speaker, Sir, the hon. Member has no obstacle in walking up to the fourth floor, Sheria House, and he will find my door open. I do not think he needs any prior appointment to do that.

MR. MWAMZANDI: Jambo la nidhamu, Bw. Spika. Wakati mhe. Chepkok alipokuwa akieleza jambo la nidhamu kuhusu Mkuu wa Sheria amemuweka katika hali mbaya ambayo ni ya kumchochea kwamba anaungana na --

MR. SPEAKER: Order, Mr. Mwamzandi! I ruled him out of order.

MR. MWAMZANDI: Then he should withdraw and apologise to the House!

MR. KONES: On a point of order, Mr. Speaker, Sir. I am sorry to take you back to this Question of mine. The Question I asked was --

MR. SPEAKER: Order, Mr. Kones! If you were not happy with the way the Minister replied to your Question, you can raise it up through a substantive Motion.

THE ASSISTANT MINISTER FOR REGIONAL DEVELOPMENT (Mr. Orido): On a point of order, Mr. Speaker, Sir. Hon. Chepkok has made a serious allegation to the effect that the former Town Clerk of the Nairobi City Commission continues to draw a salary. Can he substantiate that?

MR. SPEAKER: I have already given a ruling on that. Next Order.

#### PROCEDURAL MOTION

THE MINISTER OF STATE, OFFICE OF THE PRESIDENT (Mr. Nabwera): Mr. Speaker, Sir, I beg to move the following Motion:-

THAT, the debate on Sessional Paper No.6 of 1988 on Education and Manpower Training be limited to ten minutes for every Member speaking and twenty minutes for the Mover in replying.

Mr. Speaker, Sir, I am doing this on behalf of the Leader of Government Business because the Sessional Committee looked at the problem last evening

and that we have not only this Sessional Paper to discuss, but we have also

THE MINISTER OF STATE, OFFICE OF THE PRESIDENT (Mr. Nabwera)(Contd.):

two other Bills that we have to dispose off before we adjourn. And because of the importance of this Sessional Paper to the country, it is the feeling of the Sessional Committee that as many Members in this House as possible should have an opportunity to express themselves and also to speak on behalf of their constituents on this important Sessional Paper. If we follow the present practice, an hon. Member could speak for the rest of the day, and maybe we would come to the next week only when very few hon. Members have had an opportunity to speak. Therefore, to facilitate this, the strong recommendation of the Sessional Committee to this august House was that we limit the time to ten minutes for each speaker and twenty minutes for the Mover to reply.

Mr. Speaker, Sir, I beg to move.

THE ATTORNEY-GENERAL (Mr. Muli): Mr. Speaker, Sir, I beg to second. The hon. Members know that the House is now composed of about 200 hon. Members, and each hon. Member is entitled, when he catches the Speaker's eye, to speak. So, if we were to continue to give unlimited time a large number of Members will not be able to contribute. So, it is normal to limit a debate so that every hon. Member can have a chance to contribute. We cannot have one Member, as the Minister who was moving the Sessional Paper did, speaking for the whole day. But it is not necessary for everyone else to repeat the whole tone of the Sessional Paper. One could chose a portion of interest to himself or certain points of importance on the whole Paper. But the idea is to give as many hon. Members as possible a chance to contribute to this important Sessional Paper.

I can do no more than to support it, and second the Motion.

(Question proposed)

MR. KABINGU-MUREGI: On a point of order, Mr. Speaker, Sir. In view of the fact that this Motion is straightforward, would I be in order to move that the Mover be now called upon to reply?

(Question, that the Mover be now called upon to reply,

put and agreed to)

MR. MAKAU: On a point of order, Mr. Speaker, Sir. I know what is happening. But it would be <sup>have been</sup> a good idea if this Procedural Motion <sup>was</sup> brought before the Motion <sup>was</sup> brought into the House so that we are aware of the time limit instead of getting stuck in the middle of the debate. This is a very important Motion, and ~~then~~ <sup>we</sup> should be <sup>made</sup> aware of the timing.

MR. ANCIATIA: On a point of order, Mr. Speaker, Sir. In addition to what hon. Makau has said that we are in the middle of a debate and then we move to a Procedural Motion, it is a bit odd. It does not happen that way. Secondly I think the closure was not necessary because we were going to move an amendment and I am sure the Government was going to accept it. Now, the closure has come before we moved our amendment. Therefore, in view of that, is it possible for you overrule the closure so that we can hear the views of the hon. Members first?

MR. KABINGU-MUREGI: On a point of order, Mr. Speaker, Sir. I think the House has taken a decision, and all it means now is that such other points of order are not necessary. It only remains for the Chair to dispose of the question.

MR. SPEAKER: Yes. It is now time for the Mover to reply.

THE MINISTER OF STATE, OFFICE OF THE PRESIDENT (Mr. Nabwera): Mr. Speaker, Sir, I beg to move.

(Question put and agreed to)

End K.

THE ASSISTANT MINISTER, OFFICE OF THE VICE-PRESIDENT,  
 MINISTRY OF HOME AFFAIRS AND NATIONAL HERITAGE (Mr. Lalampaa): On a point  
 of order, Mr. Speaker, Sir. Was hon. Angatia really in order to stand  
 on a point of order while the Speaker was on his feet?

MR. SPEAKER: He was really very much out of order. Next Order.

MR. KUBO: On a point of order, Mr. Speaker, Sir. It is a matter  
 of principle in this House - - - I am not trying to <sup>Challenge</sup> ~~challenge~~ your ruling,  
 Sir, but all I am saying here is that it is not procedural to have this  
 procedural Motion brought at the middle of a debate. This Procedural Motion  
 ought really to have been brought at the time when this Sessional Paper  
 was being presented. This is a question of procedure but now we are deviating  
 from our normal procedure in this House and I think this would tend to give  
 a lot of leeway to the Leader of Government Business. He should always be  
 alert and should have brought this procedural Motion right from the beginning  
 and not just <sup>in</sup> ~~at~~ the middle.

MR. SPEAKER: Order Mr. Kubo! Do you know that this was a decision  
 that was made by the Sessional Committee which is a Committee of this House  
 and therefore, your own Committee? All that the Minister is now <sup>trying</sup> ~~trying~~ to  
 do is to report the decision of the Sessional Committee to the House. Next Order!

MR. MAKAU: On a point of order, Mr. Speaker, Sir. It is very  
 important that the House should listen to this point of order. My point  
 of order is how we are going to calculate the time that Prof. Ouma speaks? --  
 I am asking this because he spoke for more than ten minutes last night.

MR. SPEAKER: Order! Order! The Chair will certainly do something  
 about that. We shall ask him to sit down when his time is up.

MR. A.K. KINYANJUI: On a point of order, Mr. Speaker, Sir; the  
 whole of today, we have a lot of points of order which are out of order,  
 and I think we have now reached a point in this House where we should have  
 proper guidance from the Chair as to where a point of order should come in.  
 In fact, right now, we are overloading the position. Just a minute ago  
 when you were on your feet, somebody just stood up and started speaking.  
 Just a while ago, even hon. Makau did just the same when you were on your feet.

He just stood up without your permission and started speaking. So, I think we have reached a point where we need proper guidance from the Chair.

MR. SPEAKER: Order! You as the Chief Whip should do something about this as well.

(laughter)

MR. WASIKE-NDOMBI: On a point of order, Mr. Speaker, Sir. Earlier on, the Chair ruled that the rules of this House should be strictly adhered to. Now, Sir, we have a Procedural Motion before us and the Government just decides to bull-doze it without entertaining contribution from a single hon. Member. Is this really in order? Are we going to continue like this?

THE ATTORNEY-GENERAL (Mr. Muli): Mr. Speaker, Sir, my friend, hon. Wasike-Ndombi, is attributing this decision to the Government although, Sir, you have given him adequate information that the Sessional Committee of this House, which is a Standing Committee of this House, sat last night and decided that this Procedural Motion should be brought to the House today. The Leader of Government Business, not being present in the House today, the Minister moved this Motion on <sup>his</sup> behalf and <sup>on</sup> behalf of the Sessional Committee. So, Mr. Speaker, Sir, how does the Government comes in?

MR. ANGATIA: On a point of order, Mr. Speaker, Sir. Is the hon. Attorney-General in order to mislead this House? A Standing Committee of this House reports to this House and it is this House which then decides to accept or not to accept its recommendation. Therefore, this House cannot ~~make~~ <sup>make</sup> a decision just because the Sessional Committee sat last night and made the decision. The Sessional Committee made the recommendation and we as a House either accept <sup>do</sup> or not accept the recommendation. However, to bring in an argument here that because the Sessional Committee brought this recommendation to the House, therefore, we ought to accept it, is out of order, irregular and under-rating the intelligence of this House.

MR. SPEAKER: Order Mr. Angatia! You are not being fair to the House. You were in when this decision was accepted by the whole House and if you are of a different opinion, you should have stood up. You know the Standing Orders of this House.



MR. WASIKE-NDOMBI: On a point of order, Mr. Speaker, Sir. Two wrongs do not make a right. The Sessional Committee knew very well that we cannot interrupt a debate on a Motion just in the middle and then try to introduce a procedural Motion. Now, Sir, we are being asked to endorse a mistake that the Sessional Committee made and my opinion is that we should not continue like this. We should stick to the rules of this House strictly, otherwise, we shall turn this House into something else.

MR. SPEAKER: Order! Order! If any hon. Member has a different point of order which has nothing to do with what we have before us now, he can now raise it, otherwise, I am not going to accept any other points of order! Next Order!

MOTION

THAT, this House adopts Sessional Paper No.6 of 1988 on Education and Manpower Training for the Next Decade and Beyond, laid on the Table of the House on 10th November, 1988.

(By the Minister for Education on 10.11.88)

(Resumption of Debate interrupted on 15.11.88)

MR. SPEAKER: Prof. Ouma was speaking.

THE ASSISTANT MINISTER FOR NATIONAL GUIDANCE AND POLITICAL AFFAIRS (Prof. Ouma): Mr. Speaker, Sir, I was speaking on the question of the significance of supervision and I was saying that the significance of supervision is the achievement and maintenance of - - -

MR. ANGATIA: On a point of order, Mr. Speaker, Sir, in view of the argument that the Minister covered the whole scope of debate on this Motion and that there is no more need for debate, may I propose that the Mover be now called upon to reply?

MR. SPEAKER: No, I will not accept that. Can you carry on Prof. Ouma?

THE ASSISTANT MINISTER FOR NATIONAL GUIDANCE AND POLITICAL AFFAIRS (Prof. Ouma): Thank you, Mr. Speaker, to allow me to finish my speech.

MR. ANGATIA: On a point of order, Mr. Speaker, Sir. I made a proposition and it should be disposed off before the speaker on the Floor continues with his speech.

MR. SPEAKER: Order Mr. Angatia! You are the same person who brought an amendment to the Procedural Motion a few minutes ago, and you wanted more time. How can you all over a sudden again change your mind and say that we have exhausted all we <sup>wanted</sup> ~~just~~ to say on this Motion. That does not make any sense to me at all, and I will not accept it.

MR. ANGATIA: On a point of order, Mr. Speaker, Sir. We are now in a very contradictory situation. We made a proposal that we needed more time and the Sessional Committee and the House ruled that we do not need any more time. Now, I am accepting that we do not need more time and moving a closure to debate on this Motion only to be told, "No, we need more time". We are we now, Mr. Speaker, Sir?

MR. SPEAKER: I do not see any confusion at all. This is where we are: We shall give every other hon. Member wishing to speak on this Motion, ten minutes and the Mover will be given 20 minutes. That is where we are and I do not see any confusion and I am sure you are not confused, hon. Angatia.

MR. ANGATIA: On a point of order, Mr. Speaker, Sir. Under our normal procedure in this House, any hon. Member can move a closure to debate. I moved that the Mover be now called upon to reply and I do not see anything odd in doing that. The Chair cannot rule out this because it is up to the House to decide. After all, Mr. Speaker, - - -

MR. SPEAKER: Order Mr. Angatia! I have given a ruling on this, Mr. Angatia and if you are not very happy with it, you know what to do to challenge my ruling.

MR. KILIKU: On a point of order, Mr. Speaker, Sir. The Mover of the Motion said that the time is being reduced because we do not have much time left now before the House rises. I do not know when is the deadline, and therefore, hon. Angatia is quite in order to propose that the Mover be now called upon to reply since we do not have much time left.

MR. SPEAKER: Will you continue, Prof. Ouma.

## THE ASSISTANT MINISTER FOR NATIONAL GUIDANCE AND POLITICAL AFFAIRS

(Prof. Ouma): I am even confused, Mr. Speaker, Sir, because I do not know how much time I have left. I will summarise whatever thoughts I can still recollect because there is so much talk that it is not easy to ventilate on such an important matter as this one.

I was speaking on the question of supervision before I was interrupted. I said that supervision of schools is so important that in the absence of provisions to ensure that such supervision will be carried out systematically, we cannot be sure of reformative measures being implemented. I wanted to draw the attention of the Minister for Education when I said that some schools are never visited by a supervisor for even a period of five or more years. I also pointed out that a high percentage of the national Budget goes into servicing the educational system in the country. I also said that the little extra resources which could be put at the disposal of the inspectorate to ensure that the educational system works efficiently, is not too much.

I would like to go to the next point which is on the question of special subjects. The 8-4-4 system of education is a marvellous conception and it will bring a lot of educational benefits to this country. But there are certain hurdles on its way. One of them is that the very key subjects which makes a difference between the 8-4-4 system of education and the previous type of education are not well provisioned for. In particular, the teachers of art\_s and crafts, wood work and so on - even Kiswahili becomes a very specialised subject - are not always available.

For example, in the case of South Nyanza District which I know better than any other district in Kenya, teachers for these subjects are very few. These subjects are generally very badly done in national examinations. This means that unless the Ministry of Education makes a decisive attempt and provision for ensuring that the <sup>number of</sup> teachers who teach specialised subject is rectified, certain parts of the country will continue to perform badly in the Kenya Certificate of Primary Education. This will mean that they will continue

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to badly prepare the children for secondary and post-primary education.

Mr. Speaker left the Chair

The Temporary Deputy Speaker (Mr. Mwanzandi) took the Chair

There is also an important factor which I would like to touch on.

I believe that this educational reform is supposed to give a national character after some years. This educational system is supposed to give Kenya a certain national character. It is supposed to make Kenyans constructively nationalistic. It is supposed to make Kenyans achieve a certain rate and stability in development. It is supposed to make every Kenyan develop a balanced and complete personality. There are so many other prospective benefits of this reform which are summarised in this Sessional Paper.

Temporary  
Mr. Deputy Speaker, Sir, one thing is lacking in this reform. One expects a far reaching proposal reform which should seek a general continual education at all informal levels. It is not enough to have the Department of Distant Education in the universities because not everybody will have access to it. That department cannot give service to all those who deserve it. The Ministry of Education, in conjunction with the Ministry of Culture and Social Services, should provide or should look forward to the progressive provision of library materials. The development of the library system is an integral part of development of permanent education. This is because some of the children who leave school after completing Standard VIII, will not have access to their own reading materials and will, therefore, not have access to means of self uplifting and continuing with their education.

Whereas this reform intends to develop a literate and a permanently literate nation, we must look at some of the shortcomings therein. I would like to say that it would be a good idea if the Ministry of Education, in conjunction with the Ministry of Culture and Social Services, could see how they can progressively provide for areas where reading can be a continuing process: so that literacy and numeracy can be improved informally after Standard VIII education.

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Yesterday, I mentioned something about the National Union of Teachers. I also explained <sup>why</sup> it is not possible to disregard that union and still plan effectively for effective management of education.

I would now like to move to something which I feel has been ignored. This is the question of the polytechnics. If we are trying to develop an integrated system, then the polytechnics, in my opinion, should occupy a very special position. I would like the Minister for Education to give the polytechnics a special thought. For example, if there is a location with two secondary schools and, say, 30 primary schools, it means that only a small fraction of the primary school pupils will see the gates of a secondary school. In my mind, the polytechnics remain the university of the disadvantaged. The polytechnics will mean a gateway to job opportunities and self-employment. They remain the doorway to continuing management of the jua kali areas because they will be run by people who are technically qualified.

As I know, polytechnics, especially in South Nyanza District, are a pathetic site. It would be a good idea if the Ministry of education, could try to provide not only the teachers for the polytechnics but also a generally acceptable national syllabus. The polytechnics should be increased in number so that they can cater adequately for the primary school leavers.

Because I see that my time is running out, I would like to briefly touch on universities. It is not enough to train university lecturers but it is more important to retain them by giving them fringe benefits. Lastly, all universities should be encouraged and be helped to establish publishing houses so that we do not lose teaching material and important research material because of simply not having a way to publish them. We shall get teaching material in this way.

I beg to support.

THE MINISTER FOR WATER DEVELOPMENT (Mr. Ayah): Thank you, Mr.

Deputy Speaker, Sir. First of all, I would like to congratulate my hon. colleague, the Minister for Education, for an extremely well developed Sessional Paper ~~and~~ and also for the manner in which he presented it to the House. As far as I can see, the crux of the matter of this Sessional Paper is contained in Page 7.

Within a limited time at my disposal, I would like to point out a few things that ~~have been taken care of~~ <sup>have been taken care of</sup> ~~in this Sessional Paper but need~~ <sup>have been taken care of</sup> stressing because it is a fundamental issue in our educational system. First of all, I would like to congratulate His Excellency the President for the overhaul of the educational system that he has instituted in our society.

END.....



THE MINISTER FOR WATER DEVELOPMENT (ctd.):

Mr. Temporary Deputy Speaker, Sir, perhaps in the last ten years, we have examined our educational system so thoroughly that we have now established a bench mark for a take off for a very advanced kind of education. I feel that the 8-4-4 system of education ~~is~~ is not unique to Kenya, but it has been very well developed, documented and established, <sup>and</sup> so I think it will give our society a very good base for development. On page 7 of the Sessional Paper No.6, which I have already referred to, ~~it~~ the sub-heading <sup>reads;</sup> says "Philosophy and Objectives of Education".

Part (d) of that sub-heading says:-

"Education must provide for the full development of talents and personality".

Mr. Temporary Deputy Speaker, Sir, perhaps in every society the very reason for educating young people is that they should be fitted for the take over of that society in the future when the elders are gone. It is very important that in our educational system, we should establish the fact that we would like to see our young people well developed as individuals, and also as people who can fit into the society that exists, and can advance it to greater heights of development. Again, this is important because ~~usually~~ very often, societies produce very well trained engineers, doctors, and other kind of scientists, but ~~when~~ they are <sup>misfits</sup> disadvantaged because they do not have a comprehensive educational background which makes them fit into the society.

— THE MINISTER FOR WATER DEVELOPMENT (ctd.):

Consequently, we have heard <sup>of</sup> cases where children have been unable to cope with the surroundings, either in the family or in the society, and therefore, unable to fit into the future.

I think the kind of education that we are intending to provide for our children in this document, and in our educational system, is the kind that I and I am happy to say, that if it is strictly followed and documented to the benefit of the teachers ~~it~~ will enable our children to be well educated, fitted, <sup>and</sup> developed for our society.

I am afraid that I have noticed that a great deal of our middle aged and older people in this society, in spite of their very advanced education, ~~they~~ have become totally illiterate. This is because they did not have a very good kind of education. It was an education which trained them to pass examinations, and nothing else. Now we have people who read ~~the~~ The Standard newspaper and end there. They do not have any other facilities for self advancement. Consequently, we have a society/ <sup>sometimes</sup>

where people ~~sp~~ after spending time grabbing wealth, fairly or unfairly, they do not have anything else that they can pass to their children. It is very important, because I think, in any educational system, we have got four people. In my opinion, these four people are the pupils, the teachers, the parents and eventually the Government. I would like to see a situation where our pupils do nothing ~~at~~ but learn in the schools. They have no other business, but to learn what is being provided for in the <sup>advance,</sup> train them and make them ready for the future.



THE MINISTER FOR WATER DEVELOPMENT (ctd.):

Mr. Temporary Deputy Speaker, Sir, I would like to tell my hon. Colleagues, that ~~in order~~ the teachers should be well trained so that they can carry out the kind of philosophy that we are developing here. The teachers should be well trained in citizenship, education and in every aspect, because in any case, they are leaders. They take over from the parents for a great deal of time during the day, and they should be in a position <sup>to impart to</sup> ~~give~~ the pupils the kind of training that we are envisaging in this document.

Consequently, I would like to see a situation where our educational system trains teachers who will <sup>become</sup> ~~be~~ headmasters. It is not <sup>right</sup> ~~to~~ assume that just because a teacher is a good biologist, or a mathematician, he is capable of being a headmaster. We must be able to establish and train people who can be leaders, because a great deal of some of the problems that we are having in our schools are due to <sup>the</sup> ~~fact~~ that the headmasters have not been trained in management. They might be good teachers, but they are not managers, they are not leaders. Therefore, they are not able <sup>to</sup> ~~look~~ after the ~~schools~~ <sup>schools</sup>, ~~the~~ teachers and ~~the~~ pupils, and consequently, there is a communication break down which leads to certain <sup>bad</sup> ~~mis~~behaviours in the schools. I would like these <sup>things</sup> ~~misbehaviours~~ to be avoided by training teachers.

(END...N)

## THE MINISTER FOR WATER DEVELOPMENT (CTD):

So, I would like to ask my colleague to see that in the course of training teachers there is a department which trains people to be headmasters instead of selecting teachers for headship at random.

Mr. Temporary Deputy Speaker, Sir, those of us who are parents should also be aware of the responsibilities we bear. This is because in many cases parents have left their children alone to "float" around without anybody at home to come back to. I believe that in order to help in this regard, we should have a situation where we use our radio system, newspapers, and maybe our adult education classes to train the parents on their responsibilities and also inform them of the kind of education we are giving to their children. It is only then that they will be able to supervise their children when they come back home. Unless that is done, you will find a situation where children pretend to know more about the society than their parents. Consequently, if you send children home to come back to school with parents, they will go and tell their parents what the parents should go and tell the teachers, in which case we will come back to square one. So, I would like to see a situation where the parents themselves are informed about the 8-4-4 educational system; about the philosophy and the reasons for which we are giving this kind of education so that they, themselves, can supervise the children when they come back home. They can also help as members of the parents-teachers associations; boards of governors and generally as members of the society, so that children know that what they are being taught is generally understood not only by the Government and teachers but by their parents as well. I would like to see a situation where this is done, and done well.

The other element in this situation is the Government of Kenya; this goes without saying. We as a Government are trying to establish the system. So far we have spent

THE MINISTER FOR WATER DEVELOPMENT (CTD):

millions and millions of shillings establishing ~~schools and universities~~

laboratories and all kinds of facilities in our schools and universities

I would like to see the Government <sup>continuing to provide</sup> ~~continue~~ providing the facilities

it is able to provide with the limited funds that are at our <sup>disposal.</sup> ~~command.~~

However, I think we should also, as a Government, through the Ministry

of Education, particularly strengthen the Inspectorate Department

in the Ministry of Education. This is because, perhaps, the most

important element that is so far lacking in the administration of

our educational system is the <sup>inspectorate</sup> services. I remember

that when I was a kid, every teacher used to <sup>tremble</sup> ~~tremble~~ when it was known

that an inspector would be visiting a school. They never gave any

notice, but one would notice them because they normally <sup>moved</sup> ~~went~~ on motor

cycles. Whenever they came around, the school would be clean, orderly

and well organised. These days we have school inspectors who go and

meet teachers in the local bars long before they go to the schools,

and, certainly, even after they have been to the schools. The harm

that is being done to our children because of this careless attitude,

and lack of integrity on the part of the school inspectors, is so

fundamental that I would like to ask my colleague to take a second

look at it, and ensure that we have a strengthened inspectorate to

organise our educational system.

Finally, I want <sup>to say</sup> ~~to say~~ something about university education. I

would like to say that university education is not a necessity. I

know that we are so fond of getting more and more education that

some of our people are becoming professional students. It is not

necessary, that everybody should go to the university. But those

who go to the university should get a relevant kind of education;

education that can help them fit in the society so that they can be

useful to our society. I would like to see, for instance, an

educational system at the university level that is based on the

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THE MINISTER FOR WATER DEVELOPMENT (CTD):

fundamental needs of this country. I know that university education is universal, as the word suggests, but it must be adapted to our immediate needs economically and philosophically.

With those few remarks, I beg to support.

END ○○○○○○ *[Signature]*

MR. MALEBE: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this chance to contribute to this very important debate. First of all I greatly commend the Minister for Education for having brought this Paper here for discussion. I also thank him for the elaborate way in which the Commission, under the chairmanship of Mr. Kamunge, came up with very elaborate recommendations. These recommendations are going to form a basis for changing our educational system after 25 years of Independence. I am sure this Paper is going to be the "Bible" for education with, of course, a few amendments every now and then. The Paper is quite inspiring, and it is a result of the efforts of our great leader, His Excellency the President, who commissioned this Working Party which came up with these recommendations.

I find this Sessional Paper very elaborate and detailed as far as changing the educational system of this country is concerned. It is going to form a basis for the maintenance of educational quality and excellence. It will also enable us to try to "come back home" and forget the systems which we borrowed from our previous masters. This is a very commendable job. If the Paper is implemented the way it is, we will be able to bring up our children to attain self-reliance and commitment. They will also be able to have self education and manage themselves well in their day-to-day lives.

I will just talk about a few of the points that I noted in this Paper. The first one is the principle of cost-sharing in education as recommended on Section 92. This principle is quite acceptable to the community, but the community has not been fully educated on the meaning of cost-sharing. I find that the Government will be maintaining schools, giving them advisory and professional services. However, no recommendation has been made to the effect that when parents think of starting a school, the Government will give so much input in terms of financing the school. So, the parents concerned and their community will have to hold Harambee funds drives in order to build a complete school for themselves. I think this is a point that requires to be fully explained to the community so that people may know that they will build schools on their own for the betterment of their own children.

When parents and the community contribute towards cost-sharing and buy books and other educational facilities, there will be need for the formulation of a system to show exactly how many books are to be bought.

When such books are bought, parents and the community will not need to be told to bring different books in future terms. This means that our school ~~curriculum~~ <sup>curriculum</sup> will have to be firm, and that it should not be changed from time to time.

The other point I want to raise, Mr. Temporary Deputy Speaker, Sir, is <sup>on</sup> ~~the~~ <sup>the</sup> education and /casual lives of our people. We find that before the implementation of this Paper, the level of ~~illiteracy~~ <sup>illiteracy</sup> of our people is still very high after 25 years of Independence. You will find, for example, that in my constituency, particularly in one location, we have only 432 adult students. This is very appalling because I do not know what the Adult Education Department has been doing for all these 25 years. I think ~~that~~, with the new changes in our educational system, we should improve adult education so that our people are able to read and write. They should be able to know the value of our currency notes. When they get a new note, they should know that its value is such and such. If we carry out mass education, everybody will be able to understand the principles of this Sessional Paper.

The other point I have concerns the boards of governors and committees of schools. The way in which boards of governors of schools are currently appointed is a little bit informal. You may find a board of governors that does not ~~know~~ have any clue at all as to what it is going to do in a school. Some people want to be appointed members of a school's board of governors purely to go and misappropriate the little funds there are in the school. Here is where we have to be rational in appointing the right people <sup>to be</sup> members of school boards of governors and committees. They should have interest in developing their schools. This is also where we have to bring in parents-teachers associations to suggest names of those to be appointed. If possible, we should specify the type of people we would like to ~~sit~~ be members of our boards of governors. In this case, we will be able to improve the financial status and

MR. MALEBE (CTD.):

the management of schools.

The other issue I want to bring up relates to the upgrading of head teachers. You will find that every educational zone has the right of having, at least, one head teacher from its own area. In some areas, you have some head teachers who seem to come from the ~~same~~ same region outside the zone to which they are posted. Does this mean that this zone does not have qualified teachers who could be promoted to head teachers? This is exactly what is happening in my constituency, where we do not have more than three local secondary school headmasters. Most of the head teachers there have been posted from outside my constituency. I would appeal to the Ministry of Education to consider my constituency and, at least, increase the number of local head teachers there. We have capable teachers who could be promoted to head teachers.

Mr. Temporary Deputy Speaker, Sir, I would like to comment on the categorisation of schools. In Recommendation No. 29, the Commission says that from next year, there will be public and private schools. The problem here is how to identify which schools become public and which ones become private. At the moment we have "A", "B", "C", "D", Private and other categories of schools. We know that those schools that have been 100 per cent Government-maintained will automatically become public schools, ~~but we have some schools~~

THE MINISTER OF STATE, OFFICE OF THE PRESIDENT (Mr. Nabwera):— On a point of information, Mr. Temporary Deputy Speaker, Sir. I hate to interrupt my hon. friend who is on the Floor, but I would like to tell him that this Paper is very clear in saying that all schools, including all Harambee schools, will become public schools, and then there will be private schools. There will be only two categories of schools.

MR. MALEBE: Mr. Temporary Deputy Speaker, Sir, it is unfortunate that I was interrupted when I was coming to exactly what hon. Nabwera has said.

From next year, there will be only two categories of schools; that is public and private schools. We have schools that are sponsored by different

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denominations, and there is now a "scramble" in which one denomination takes a school from another denomination so that when it comes to filling forms for registration they start wrangling and claiming that the school is theirs, be it categorised a public or a private school. This is where the Ministry of Education should assist to see that in categorising schools as public or private, and in moving away from the present categorisation, this is done smoothly with proper circulars so that we do not have problems between the different denominations that have been ~~SM~~ sponsoring schools.

End P *(Signature)*



MR. MALEBE (ctd.):

The other point I would like to touch on is about the age of children who should go to school. I know that we have more children of school age than we have schools, but there must be a way of making sure that every child goes to school.

With those few remarks, Mr. Temporary Deputy Speaker, Sir, I beg to support the Motion.

MR. MHEENDWA: Thank you very much, Mr. Temporary Deputy Speaker, Sir. I would like to start by congratulating the Minister for Education for the very clear, able and excellent manner in which he presented Sessional Paper No. 6 of 1988 on Education and Manpower Training for the Next Decade and Beyond. Indeed, at the end of his presentation of the Sessional Paper, I was tempted to stand up and move a Motion that we say "Amen". However, I desisted from doing so because I realised that many hon. Members would like to contribute to this very important subject.

Sir, as Sessional Paper No. 6 constitutes Government statement on the policies which were based on the Presidential Working Party on Education and Manpower Training for the Next Decade and Beyond, the Working Party deserves to be congratulated for the extremely commendable and clearly and well thought out Report. The Report is a clear indication of His Excellency the President's wisdom and foresightedness in appointing the Working Party. Because of the time factor and the coverage the Minister made during his presentation of the Sessional Paper, I will only dwell on few points:

First of all, I would like to commend the Report for its clear statement on the relationship between the national and the educational philosophies. I think, for the first time, it has been made quite clear that the educational philosophy must always be subservient to the national philosophy so that we can translate the educational one into reality through training in schools. The policies adopted here can be termed as brave new educational and training policies. They ~~are~~ cover a wide area and they have a far sightedness.

MR. MWENDWA (ctd.):

Having said that, Mr. Temporary Deputy Speaker, Sir, I would now like to turn to the question of specially gifted children, teacher education and the loan scheme. I agree with the Report's recommendations that specially gifted children should be identified early and trained to the full because it is from those children that the country will get very high level manpower. It is from those children that the country will get researchers who will be able to develop and advance substantial knowledge to this nation. Those who know tell us that if a statistically significant group of population is taken at random and tested, two-and-a-half per cent of that group would be geniuses and very able people. Another 14 per cent will be a group of able and very able people. So, out of that group, one would have a sixteen-and-a-half per cent of extremely able people who ought to be identified early in life. If you calculate it that way, you will find that we have virtually five million people in Kenya who are extremely able and who need to be identified early and trained fully for the benefit of the country. This ability is, I believe, distributed equitably throughout the world. What appears to confuse issues in normal examinations is the performance factor. In other words, it is possible to be born a genius but, if a school never exists near your place, you remain illiterate for the rest of your life. Still, however, you will remain innately ~~irately~~ an able person. It is, therefore, important to recognise that performance through education does not always indicate the presence or absence of ability. I suggest, therefore, that the Ministry of Education should facilitate the start of a research on methods of identifying this ability early. I believe that it should be possible to identify this ability at the age of six.

The next point I would like to touch on is the question of teacher education. I believe that for any quality of education to exist in any country, the teacher is central to that process. In any system where untrained teachers exist, you are unlikely to get the kind of quality that is required by a given country. In Kenya, we have about 43,000 untrained teachers in the primary school sector and about nine thousand ~~is~~ untrained teachers in the secondary school level.

16.11.88.

MR. MWENDWA (ctd.):

These teachers should, and they can, be trained. I know that the Ministry is doing all it can, through the pre-service training programmes, and also the in-service training programmes. What I would like to suggest is a modification of the in-service teacher training programme. It is possible to train our teachers once and for all - the 43,000 in the primary school sector and the nine thousand in the secondary school sector - by using the on-the-job training programme. The difference between the in-service training programme and the on-the-job training programme is that the in-service programme trains a few selected teachers while the on-the-job training programme trains all the existing untrained teachers. I suggest that the mounting and the programmes should be conducted by the nearest teacher training colleges. This way, all the untrained teachers, both at primary and secondary school levels, can be trained on-the-job, an exercise that <sup>can</sup> eliminate the element of untrained teachers once and for all. Thereafter, teacher training colleges would ensure that they take care of the replacement and expansion elements of the teaching force.

Mr. Temporary Deputy Speaker, Sir, it is well known that there can be no quality of education if the teaching force itself is untrained. It is important, therefore, that teacher training should be given priority. If the Government policy of providing equal education and training opportunities to all areas of Kenya is to become a reality, then all teachers must be trained.

Sir, I would now like to turn to the ~~Siz~~ University Students' Loan Scheme. The idea of financing university education through a loan scheme is, indeed, a very commendable one. The scheme has been established in many countries, including European countries, Japan, United States of America and others, and it has worked with varying degrees of success in the various countries.

END.... Q.

MR. MWENDWA (ctd.):

Mr. Temporary Deputy Speaker, Sir, the objectives of the various loan schemes have been to ensure that the beneficiaries of higher education and training pay for their <sup>education</sup> ~~registration~~; to promote <sup>equality</sup> ~~equity~~ of opportunity of qualified students irrespective of their economic background and circumstances; to provide a <sup>CONTINUOUS</sup> ~~continuous~~ source of finance through a fund which becomes self-perpetuating, to reduce dropout rates by giving the students an added incentive through economic commitment to complete their studies; to complement the Government financial commitment to higher education and training and thereby increasing the number of trainees and to contribute to national development by encouraging investment in education to meet the manpower requirements. By doing all these things the students loan scheme becomes an effective method of cost-sharing between the Government and the beneficiaries. In the circumstance<sup>s</sup>, therefore, the policy to continue with the students loan scheme <sup>but</sup> ~~that~~ is managed <sup>by</sup> a commercial bank is an excellent one. However, I do not subscribe to that idea.

THE TEMPORARY DEPUTY SPEAKER (MR. Mvumzandi): Order, Mr. Mwendwa. I think your time is over.

MR. MWENDWA: Mr. Temporary Deputy Speaker, Sir, I beg to support.

MR. MIRUKA-OWOUR: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me an opportunity to make a few observations on this very--

THE ASSISTANT MINISTER FOR LANDS AND HOUSING (Mr. Mutiso): On a point of order, Mr. Temporary Deputy Speaker, Sir. I am sorry to interrupt my hon. friend who is contributing now. I did not get properly the name of the paper or document that the previous speaker was quoting from. If it was not a personal document could he lay it on the Table here in the House? What is the name of the paper or ~~is~~ <sup>is</sup> quoting from when he was making his contribution?

THE TEMPORARY DEPUTY SPEAKER (Mr. Mkwamzandi): I saw him referring to his notes which is quite in order according to our Standing Orders.

THE ASSISTANT MINISTER FOR HOME LANDS AND HOUSING (Mr. Mutiso) On a point of order, Mr. Temporary Deputy Speaker, Sir. He was ~~was~~ reading and quoting from a written document and not from ~~his~~ ~~own~~ ~~notes~~ personal notes.

THE TEMPORARY DEPUTY SPEAKER (Mr. Mkwamzandi): Could you please carry on Mr. Miruka-Owuor?

MR. MIRUKA-OWUOR: Thank you Mr. Temporary Deputy Speaker, Sir. May I request that the time be re-set properly because a few of my minutes have already been consumed.

(laughter)

May I take this opportunity to commend the Ministry of Education for presenting Sessional Paper No. 6 of 1988 which is going to have a very fundamental impact on our educational system and also on our national development. This Ministry has done very well in many respects and they should be commended, especially, the Minister, for the competent management of the Ministry's affairs.

I noticed some salient and fundamental points that were made in the Report and also in the Minister's exposition. These were notably that the Minister emphasised that ~~the prime purpose~~ of this Sessional Paper No. 6 of 1988, is a policy declaration by the Government to start a national educational system which will remove injustice in society and also give opportunity for education and training in all areas of the country. It also aims ~~at~~ at removing existing imbalances and ~~disparities~~ <sup>disparities</sup> in education to ensure uniform development in the country.

I would have <sup>liked</sup> ~~like~~ the Ministry to have gone a little bit further in their policy statement. It is commendable that they wish to remove existing <sup>disparities</sup> ~~disparities~~ in the ~~an~~ education system. But they

MR. MURUKA-OWOUR (ctd.):

should have gone further and said that they want to ensure that such disparities will not be allowed to arise again, and that the development of not only education but also of the economy will continue to be uniform throughout the whole country. I am mentioning this because I would like to make a brief comment on this policy of cost-sharing and provision of educational facilities.

Mr. Temporary Deputy Speaker, Sir, whereas I am one of the strong supporters of the strategy, I think that this policy of cost-sharing ~~is~~ might defeat the object which the Government has already set upon to achieve, <sup>namely</sup> ~~this is mainly~~ to ensure that there are no injustice<sup>s</sup> or disparities in education in any part of the country. I say so because <sup>unless</sup> ~~this system of cost-sharing unless~~ <sup>is</sup> properly <sup>monitored</sup> ~~monitored~~, and nursed by the Ministry, it will end up in unbalanced development in the country. This is ~~is~~ because of ~~the~~ obvious reasons. Our people live in different areas under different conditions and circumstances. For those who are blessed with good land on which they can plant a lot of cash crops which can make them powerful economically and financially ~~they~~ can easily find it possible to erect <sup>school</sup> ~~school~~ facilities whereas some of our people live in areas where they cannot even grow food. How do you expect these people to develop at the same rate as the people who are blessed with good land on which they grow coffee and other cash crops?

<sup>stated</sup> So the Government should have ~~stated~~ that as matter of policy it is going to monitor the cost-sharing programme to ensure that no area in Kenya slips back. I note that the Government wants to assist the semi-arid and arid areas to pull up and catch up with ~~h~~ the rest of the country. But in this exercise of cost-sharing there is a danger that the other areas if not attended to properly, ~~they~~ might slip back and this will result in the same imbalance which we are trying

~~to~~ <sup>to</sup> ~~remove~~ <sup>so</sup> the cost-sharing ~~o~~ policy should be closely monitored.

MR. MIRUKA-OWOUR (ctd.):

If this is not done, then Kenyan pupils for no fault of their own might be victimised.

Mr. Temporary Deputy Speaker, Sir, in the programme of selection of primary school pupils to secondary schools on the basis of the districts, you find that in some districts a pupil with 50 <sup>points</sup> failing to be selected for admission to a secondary school while in another district a pupil with 40 points gets admission. This is a challenge to the Government. It should do something to those pupils who have failed to secure places in secondary schools. This is because these are Kenyans who might be victimised through no fault of their own.

I would like to state that <sup>with regard to</sup> ~~in connection with~~ the university education, the wananchi throughout the country have established institutes of technology. We have the Ramogi Institute of Technology, and Kimathi Institute of Technology, <sup>and</sup> Sangalio Institute of Technology.

THE ASSISTANT MINISTER FOR CULTURE AND SOCIAL SERVICES

(Mrs. Ogot): And Siaya Institute of Technology!

MR. MIRUKA-OWOUR: And Siaya Institute of Technology which I understand is also coming up! These institutes should be taken over as university colleges to increase the admission vacancies for the students. The Government should also adopt a policy of regarding the admission of students into the universities on a quota basis. This would ensure that each district is represented at the university. If this is not done there is a danger that the universities are going to be <sup>dominated by</sup> ~~dominated~~ some districts while others will not get this share chance.

The Ministry has <sup>made great strides</sup> ~~received great strides~~ in education. This is due to the competence of the Minister and also due to the peace and stability that has prevailed in the country <sup>and</sup> for which I must record appreciation to His Excellency the President for maintaining

MR. MIRUKA-OWUOR (Ctd.):

Mr. Temporary Deputy, Speaker, Sir, the policy is to equip Kenyans with skills so that when they finish their education, particularly the secondary education, they will get employment for self-reliance. Here there is a very big challenge which the Ministry should consider and I note that they have got a joint Ministerial Committee. ~~Right away~~ There should be a research on new avenues for employment because we are going to end up with people who are well-trained but have got nothing to do. In this regard, the Government should consider that people who are in self-employment need a lot of protection and help from the Government. A situation like that one which ~~was~~ occurred at Miwani Sugar Factory early this year should not be repeated. A situation where people who are self-employed take their money to a factory and then the Government sits watching when the money is going to the drain should be avoided. I suggest that the Government should be in a position to <sup>intervene</sup> ~~stop~~ in such a situation so as to protect <sup>from exploitation</sup> ~~the workers~~ ~~from~~ ~~lose~~. They can sort out the question of liabilities and assets with the owner of the factory later. So if we are going to have people with skills, something must be done to make their occupation viable and profitable and this will require considerable thought on the agricultural sector because this is what employs most of our people.

However, here there are still a lot of problems; people grow produce and there are no roads to take them to the marketing centres. After taking them to the market centres, transport problem notwithstanding, the ~~xa~~ people who buy from them pay at their own leisure, ~~x~~ which means that the farmers are not taken care of. These are the things which need to be looked into and the ordinary mwananchi should not be left at the mercy of the multinationals. I would add that if more attention is paid to agriculture and the producers assisted, agriculture would offer a lot of employment for the people and I think very few people would come to town looking for jobs. So there is a lot to do in agriculture, but the <sup>people</sup> ~~public~~ are being frustrated. People grow sugar-cane ~~has~~ in my area and then the sugar-cane rots in the field due to lack of transport, poor roads, frustration from the factory and so on. I ~~was~~ would appeal to the Government to consider particularly in the field of sugar-cane ~~was~~ establishing ~~xa~~ transport to assist the poor farmers to



MR. MIRUKA-OWUOR (Ctd.):

to deliver their produce to the factories. This is a very big ~~big~~ business which will actually pay for itself.

With those few remarks, I beg to support.

THE MINISTER FOR STATE, OFFICE OF THE PRESIDENT (Mr. Nabwera): Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this chance to support <sup>Sessional</sup> ~~the~~ Session Paper No.6 of 1988. Let me start by congratulating the Minister for Education and his entire team for having prepared and produced this report. When the recommendations in this report are implemented from January next year will create a completely new situation in ~~ex~~ our ~~ex~~ education system.

I would like to underline just a few points that are in this report so that when we are discussing the report we are quite clear as to what is proposed to be done as from 1.1.89. In this report, one very important and fundamental recommendation which when implemented will completely revolutionize our education system is that the Ministry of Education has recommended and the Government has accepted that ~~a~~ the entire population of Kenyan children will be placed under two types of schools only. Sponsors of schools will not be running schools as private schools. The work of ~~sponsors~~ sponsors will be to recommend as under the Education Act the people to be appointed to serve on the various boards of governors of the schools that they will have sponsored. They will also have a role of spreading the word of God to the youth and the rest of us. The Sponsors will not run schools in Kenya as private schools from January, 1989.

All schools that we ~~will~~ have in Kenya will either be fully private schools owned by individuals like my hon. friend Miruka-Owuor or myself or fully <sup>aided</sup> Government schools. Such individual schools will be known as private schools and such schools will be scrutinized and supervised by the Ministry of Education to make sure that they provide education ~~a~~ that is suitable for the Nyayo children of this country. The rest of the schools will be treated ~~as~~ like the rest of Government schools. In the ~~whole~~ Republic we have about 2,600 secondary schools and those which have been assisted by the Government are only

THE MINISTER OF STATE, OFFICE OF THE PRESIDENT (Mr. Nabwera) (Ctd.):

600 schools and the rest have been run on Harambee basis. But come January, the Government is taking over all the remaining 2,000 schools which have been in Harambee secondary schools. In fact, we should be very proud of our Government for having decided at <sup>the</sup> stroke of <sup>the</sup> a pen to take over 2,000 schools and classify them as public <sup>schools</sup> so that they will also receive qualified <sup>teachers</sup> as other Government schools have been receiving. They will ~~also~~ <sup>receive</sup> whatever assistance this Nyayo Government gives to other ~~public~~ schools so that there will be no more discrimination ~~between~~ between what we have been calling high-cost schools or Government assisted schools and the Harambee schools. I would like to thank the Minister and to pay tribute to the Government for having <sup>taken</sup> ~~brought about~~ this step. I expect to see very few private schools, the rest of the schools will be public schools and they will enjoy the same facilities and we should continue to do that.

The second point that I would like to highlight is the responsibility of the school heads and the board of governors. The school heads whether they would be headmistresses, headmasters, or principals of colleges should now take their work more seriously than maybe they have been doing in the past. This is because ~~is~~ it is the responsibility of the school head to be the first inspector <sup>of</sup> or his or her own school. ~~If they do not do that~~ Some of the laxity that we have in our schools today is because of the quality of some of the school heads that we have. ~~The Ministry of Education must ensure that we have school heads who are properly trained to head those schools so that we do not have some of the difficulties that we have.~~ I am quite sure that many of the strikes that we have had, and I am very clear in my own mind, must have been as <sup>the</sup> result of some of the problems that exist within the schools. Let us leave people like Ngumba, <sup>alone</sup> There is no way a thief like Ngumba can cause a strike in Nyanza, Western or North Eastern Provinces. He has no way, ~~and so~~ <sup>have</sup> you are giving him the ability which he does not <sup>into</sup>. Let us look very ~~in~~ carefully <sup>to</sup> what has been happening in these schools and make sure that it is rectified. Let us make ~~is~~ sure that the money that the children bring for school uniform, <sup>is used to buy them uniforms</sup> ~~they are given uniform~~; let us make sure that if they are boarding schools the money <sup>they</sup> pay for boarding is properly utilized

the inspectors do their and we will have very few problems.

- E.N.S. -

## OFFICE OF THE PRESIDENT

THE MINISTER OF STATE (Mr. Nabwera) (Ctd.):

Thirdly, Mr. Temporary Deputy Speaker, Sir, I would like to ~~now~~ refer to the middle colleges. The middle colleges are going to be a very important aspect of our national life. They will be even more important in some respect than the universities because the universities ~~are~~ are going to cater for the very top people. All countries that have developed in the world have developed because of the middle <sup>colleges</sup> ~~group~~ or the manpower that ~~will be~~ <sup>is</sup> produced by the various types of middle colleges. Industrialization, modernization of agriculture et cetera will all ~~be~~ depend on the men and women who will graduate from the middle colleges. They are going to be the prime movers of our development.

I want to thank the Ministry for having analysed the situation very accurately so that a lot of our manpower, after finishing secondary schools, will move to the middle colleges to revolutionize development in this country and that we will be able to see the results.

I will talk as a former teacher who I was. I would like to say that a ~~majority~~ majority of our teachers, lecturers and professors are good people and are doing a commendable job. It is very easy for somebody to stand especially on a political platform and begin attacking people as a group. We know that where we have had strikes, there have been some teachers who may have been involved. I am glad to hear the Minister of Education say that those teachers who will be found guilty with such a crime will be deregistered. The Ministry should also consider that people entering to the teaching profession are properly selected so that we do not have people who have formerly been rebellious at school or at college or at universities being given the responsibility of looking after our children. The

OFFICE OF THE PRESIDENT

THE MINISTER OF STATE / (Mr. Nabwera) (Ctd.):

children of this country deserve better leadership and better teaching than that got from the few irresponsible teachers who have been given the responsibility to mislead these children.

I would like to underline the fact that since the vast majority of teachers are good and since the majority of the people in our universities are good, let the Ministry of Education ensure that these people are given ~~se~~ courses or <sup>seminars</sup> seminars organized for them from time to time. <sup>By so doing,</sup> ~~that~~ they will be able to understand the political climate, and know the needs of our country so that our education system can be moved rapidly into the 21st Century knowing that we have good teachers and good people looking after our children.

Let me deal <sup>with</sup> ~~of~~ one point where the Report dwells on how this Government and how the people of Kenya are going to spend some of the resources of this country in helping the disabled in our society and in helping those areas <sup>of our country</sup> that did not have the advantage to advance in the same level as the other provinces of Kenya have done. I would like to congratulate the Ministry for preparing this Report and I am sure that through our tax system, there will ~~be~~ be enough ~~in~~ provision in the Ministry of Education so that the disabled persons in Kenya can <sup>be</sup> properly trained for jobs that they are best suited so that they can live a normal live in ~~our~~ our society like the rest of Kenyans. It is important to do that.

With those few remarks, I beg to support.

THE ASSISTANT MINISTER FOR LANDS AND HOUSING (Mr. Matiso):

Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to also share my views with my colleagues who have spoken before me on this very ~~and~~ important Sessional Paper.

THE ASSISTANT MINISTER FOR LANDS AND HOUSING (Mr. Mutiso) (Ctd.)  
 Education is one of the very important key instruments for our development. As such, it ~~costs~~ costs this Government the greatest share of its national Budget. Because of that, it is only fair that we take this matter very seriously especially when we see this very important document which has come about through the initiative of His Excellency the President during the just ended 10 years ~~of~~ of Nyayo Era.

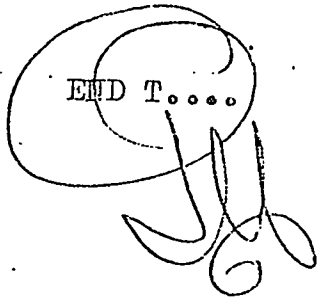
This is one of the conerstones that we must congratulate His Excellency the President for his achievements in this nation. He has given the people a political/educational guidance for the next 10 years and beyond. I only want to touch on a few points that I feel concern me most. The document is very elaborate and there is no need for me to go through ~~each and every~~ each and every point.

When the Minister was moving the Motion on this Sessional Paper, he said that he wanted and he was pleading with the hon. Members to give him an opportunity to elect ~~the~~ ~~suitable~~ suitable people to run the schools - members of the board of governors and the members of the school committees. He was complaining of some interference from certain <sup>quarters</sup> ~~quarters~~ but what I have seen especially in my own area is that apart from the influence from the other parts of the community, what greatly hampers <sup>the choice</sup> ~~this choise~~ <sup>of selecting school heads</sup> is his own members of staff. The people who represent his Ministry in the educational zones and districts go wrong and you find that people who ~~run~~ should run the school committees are not the ones who are elected to these committees. I say this because I have had some experience in my own area where I have ~~reported~~ witnessed ~~many~~ ~~times~~ several schools where there have been corruptions and the parents in those particular ~~the~~ schools have

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THE ASSISTANT MINISTER FOR LANDS AND HOUSING (Mr. Mutiso)(Ctd.):  
complained ~~that~~ more than ten times that they have never had  
elections of their school committees. They have given their  
complaints to the District Education Officers yet there have been  
no changes. The reason behind this is that some of the headmasters  
that we have in some schools have become businessmen and have  
established themselves in the areas that they live where they  
have opened shops and they would not wish to leave these places.  
They have ~~in~~ therefore, connived with members of the school  
committees who protect them from being transferred despite the  
complaints of the parents or representations from the Administration.  
This has demoralized the community which has built up these schools  
to an extent that you find that such school are not making any  
progress whatsoever.

Education is very important to our national development  
but such ~~area~~ areas have remained behind. I would like to ask  
the Minister to look <sup>into this</sup> very seriously and see ~~that~~ to it that there  
are annual elections of school committees; annual election of  
the boards of governors according to the constitutions - either  
~~ann~~ annually or biannually. These elections must be carried out  
freely and fairly so that the community can have the people they  
have confident in to run those schools. Otherwise, you will find  
that certain areas cannot make any progress or that they cannot  
even pay the development fees or whatever money is required because  
they have no confidence in the heads of those schools.

END T.....  


THE ASSISTANT MINISTER FOR LANDS AND HOUSING (Mr. Mutiso)(Ctd.):

Mr. Temporary Deputy Speaker, Sir, the other point I want to touch on is the promotion of teachers on ~~the~~ merit. On several occasions, we have seen ~~people~~ <sup>teachers' performances</sup> being inspected so that they can be promoted on merit ~~because~~ because of their long teaching experience. But a ~~the~~ teacher can be inspected for more than two times and, despite the fact that his records are clean and good, he never gets promoted. I would like to ask the Minister to look into this problem because the influence of money in those promotions and appointments <sup>was</sup> does play a very <sup>negative impact</sup> important role. As a result of that, you find that people who deserve promotion do not get promoted because they cannot "cough out" the amount of money that some people want to be given in order to make favourable recommendations. This is very bad. I know the love of money among our people is so great and when it gets to the ~~the~~ education field ---

MR. WASIKE-NDOMBI: On a point of order, Mr. Temporary Deputy Speaker, Sir. If I heard the Assistant Minister right, he said that a teacher has to provide some money in order to get promotion. Can he substantiate that. That is a very serious allegation from ~~a~~ <sup>an</sup> Government Assistant Minister against the Government.

THE ASSISTANT MINISTER FOR LANDS AND HOUSING (Mr. Mutiso): Mr. Temporary Deputy Speaker, ~~the~~ Sir, I have seen in my area <sup>teachers</sup> ~~people~~ in several ~~the~~ locations who have not been promoted even after inspection, despite the fact that they are qualified, and other teachers ~~the~~ who have very little experience in teaching have been promoted.

THE MINISTER FOR EDUCATION (Mr. Oloo-Aringo): On a point of ~~the~~ information, Mr. Temporary Deputy Speaker, Sir. With all due respect, hon. Wasike-Ndombi is perfectly right because

THE MINISTER FOR EDUCATION (ctd.):

that is a serious allegation. The mere fact that a teacher is inspected does not mean that he has passed. Not only that, there are other factors such as finance. For example, I can ~~not~~ only promote so many teachers in a year. Therefore, a number of teachers may pass, but the budget ~~is~~ I have determines the number of teachers I can promote. So, it is very important that we watch the things we say, particularly when we are Ministers.

THE ASSISTANT MINISTER FOR LANDS AND HOUSING

(Mr. Mutiso): Mr. Temporary Deputy Speaker, Sir, I thank the Minister for that information but let me ---

MR. WASIKE-NDOMBI: On a point of order, Mr. Temporary Deputy Speaker, Sir. I do not know whether we should just allow hon. Mutiso to get away with that allegation. He has mentioned money. ~~He~~ He has said that unless a teacher pays money, he cannot be promoted. If he is in doubt, the HANSARD will bail me out. He has to withdraw and apologize.

THE ASSISTANT MINISTER FOR LANDS AND HOUSING

(Mr. Mutiso): Mr. Temporary Deputy Speaker, Sir, I withdraw that statement.

Let me now conclude by making another point to the Minister, and that is that there has been a rumour that ---

MR. MANG'OLI: On a point of order, Mr. Temporary Deputy Speaker, Sir. Hon. Wasike-Ndombi said that the Assistant Minister should withdraw his allegation ~~and~~ and apologize. ~~Can~~ He has withdrawn but has not apologized. Can he withdraw and ~~apologize~~ apologize to the Minister?

THE TEMPORARY DEPUTY SPEAKER (Mr. Mvanzandi): He has withdrawn.



THE ASSISTANT MINISTER FOR MANPOWER DEVELOPMENT AND EMPLOYMENT (Mr. Otwani): Thank you Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to join my colleagues first of all to hail this Sessional Paper which has shown that our education is in very good hands. I would like to hail His Excellency the President for his choice of the Chairman and the other members of the Commission because without proper choice of the members of the Commission, we would not have had such an excellent Paper.

I would like to go ahead and base my first comment on cost-sharing. I would like to support this idea of cost-sharing and say that this House and the nation should not see anything strange in this issue. In fact, this is a culmination of what has been going on for a long time - a climax of the Harambee spirit in education. Certainly, some of us have been enjoying some privileges. Some of us have been receiving bonuses when our schools perform excellently in examinations. At this juncture, it is only proper that people accept what has been going on for a long time as the general policy. This is not a crisis solution as it appears and nobody should be suspicious about it. K.O.P. I would only like to request the Minister to ensure that the process through which cost-sharing, particularly in terms of boarding and giving loans to the students, is going to be effected 7 is carefully worked out so that we avoid a situation that almost cropped up a few weeks ago when some parts of the Sessional Paper were going to be effected before discussions and <sup>details worked</sup> detailed working out. Those who are already in the system should be given time to adjust because, if we are going to embark on that programme ~~next year~~ in January next year, those who are already in the system - students in boarding schools and other institutions - are going to be hard hit because they have not

THE ASSISTANT MINISTER FOR MANPOWER DEVELOPMENT AND EMPLOYMENT

(Mr. Otwani)(ctd.):

planned for it. So, I will just request the Minister and his team to ensure that the execution of the policy is carefully done.

Mr. Temporary Deputy Speaker, Sir, the Minister made an appeal to the leaders of this nation to reduce <sup>particularly</sup> influence in the appointment of headmasters. He appealed to the leaders to allow him to appoint the headmasters professionally. At this juncture, I would like to ask the Minister and his team to work out a way of limiting this influence. A point has been reached where head teachers should be professional administrators as well. Most head teachers have been appointed because they have been very good class-room teachers. Some of them have proved to be true administrators but there are others who have been demoted later <sup>under</sup> the measures they call disciplinary.

END I would like to appeal to the Minister and his team to consider a scheme of training head teachers ~~and~~ and enabling them to get diploma certificates. We have the Kenya Educational Staff Institute which could offer the training. After identifying a teacher who can be a good headmaster, it should be possible to put him on a residential course for a period of six months or one year, ~~during~~ after which, he would get a diploma certificate. If he does not qualify after the training, somebody else ~~may~~ be asked to take over as the headmaster. Now that the Ministry is considering taking both graduate teacher trainees and primary & school teacher trainees for at least a one year residential course, there is no ~~any~~ reason why teachers who have been identified as would-be headmasters should not undergo a <sup>Course</sup> six-month or one-year ~~course~~ course so that they obtain diplomas in education.

THE ASSISTANT MINISTER FOR MANPOWER AND DEVELOPMENT (Mr. Otwani) (Contd.):

Those who will not have obtained diplomas in education, surely, even if we, as leaders, approach the Minister, the Minister should be able to say, "Well, we tried to identify <sup>him</sup>, but he has not obtained a diploma". In that way we might reduce influences.

Mr. Temporary Deputy Speaker, on the question of board of governors, in many communities there is still a need to use teachers. Teachers have the experiences within the schools. They can guide fellow teachers, headmasters and boards of governors very well. I am happy that most of our retired personnel is getting appointments into the board and they are giving excellent guide and advice. But if teachers in some disadvantaged communities are allowed to sit on the boards, I think most schools will work on good grounds. Assistant Education Officers (A.E.O.'s) and ~~school~~ <sup>zonal</sup> inspectors, I would like to suggest, that they should also, as a matter of policy, be made to sit on boards, advise and guide schools. It may be necessary if that is going to be effective to have A.E.O.'s and ~~school~~ <sup>zonal</sup> inspectors appointed from graduate level so that they can inspect both the primary schools and secondary schools, and be able to sit on the boards and advise accordingly.

At the moment, many boards sit without any professional guidance because the number of officers in the district are too few to sit on all boards. That is normal. I would like to go ahead and support the idea of national schools continuing as well as ~~modern~~ <sup>model</sup> district schools. The selection, particularly to district schools, should be district based. I think the practice of provincial selection should be discouraged if this policy is going to be effective so that the modern schools offered to each district will really cater to the students of that district properly. All ~~modern~~ <sup>model</sup> schools should also be equipped by the Government so that they are a good example to the others within the district.

Now, as regards the pre-primary education, Mr. Temporary Deputy Speaker, <sup>should</sup> the paper suggest that the community/continue to provide everything. But the paper has not clearly said whether the teachers should be hired by the community or not. Well, it would appear so from reading it. But experience in the villages, community are not able to identify proper teachers and pay them.

THE ASSISTANT MINISTER FOR MANPOWER DEVELOPMENT AND EMPLOYMENT (Mr. Otwani)(Cont)

So, I would appeal to the Minister to consider providing the pre-primary institutions with teachers, especially teachers from the Teachers Service Commission. We still have a number of people with third and fourth division passes who do not have any proper places to go for training. In fact, most of the training facilities at the moment require first and second divisions, and it is going to be even worse. So, if the third and fourth division passes are going to be considered for training for pre-primary education, I think, we shall be employing a few more people than we are doing at the moment.

Mr. Temporary Deputy Speaker, on the question of bursars, I have a few words to say. We have an outcry on mismanagement of schools. For those of us who have had a chance to run schools know that one of the biggest problems is the ineffectiveness of bursars. We do not have bursars in our schools. We have accounts clerks whom we are trying to use. These people do not have any idea of personnel management. They cannot help the headmasters. The bursar with the headmaster must be able to work together effectively. These people should have been trained to manage both books of accounts and also to find ways and means of taking out one or two shillings. They know how to write the books very well, and they know how to write them in such a way that they can steal.

Now, I would like to suggest that some kind of deliberate training for bursars is given so that they also become good managers of schools to help headmasters. This is because all the problems are on money, lack of uniforms, lack of facilities, poor maintenance of schools and so on. That is supposed to be the work of bursars basically. But then these bursars we have, the accounts clerks, are not able to do that.

Very quickly, Sir, because my time is running out, I want to say something on non-teaching staff. We do not have public schools and private schools. May I request the Minister to consider giving all schools non-teaching staff, those that did not. For instance, the Harambee schools did not have non-teaching. Please, consider providing them now so that the system is the same all through.

Mr. Temporary Deputy Speaker, Sir, I think I heard the Minister say that some teacher training colleges had been offered, but one district did not have land. Busia has a piece of land. Can we be given a teacher training college

Thank you.

MR. MCHARO: Thank you very much, Mr. Temporary Deputy Speaker, for giving me the opportunity to enable <sup>me</sup> to contribute towards this very important debate.

I would like to thank the Minister for Education and also the Presidential Working Party for producing this very important document which my colleagues have said will revolutionalise our educational system in this country.

Mr. Temporary Deputy Speaker, a lot of points have been made in this document, but we cannot dwell on them <sup>all</sup>. However, I would like to discuss the question of financing education in this country because, to me, this is one of the most crucial aspects of our education. We, Kenyans, are lovers of education, and every Kenyan would like to see his/her child getting the highest or the best education possible. Therefore, we must continue sacrificing quite a lot for this education. Cost-sharing is something we cannot do without. It has been there, and it will continue to be there. At the moment, we have the parent providing education facilities in the primary and even in the secondary schools. This will continue for a long time to come.

It has been said by some of our colleagues that in some areas in this country parents are not able to provide the kind of facilities that are required. This is true. Some areas in this country <sup>have</sup> physical facilities in both primary and secondary schools <sup>which</sup> are very poor indeed, and they need to be improved. The situation being what it is, it is going to take a long time to provide the kind of facilities that we need for our education system.

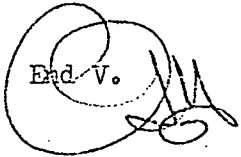
Mr. Temporary Deputy Speaker, the Harambee system is what we are using today and it will continue. But I would like to appeal to everybody in this country to contribute towards the provision of physical facilities in our schools. The Harambee system is voluntary. I would like to see everybody being made to contribute something. The other day we passed the Local Service Charge Bill, and I would like to see something of that kind <sup>established</sup> in the Ministry of Education. I want to see some kind of <sup>system devised</sup> ~~a device~~ so that the Ministry of Education can levy or get some kind of an education tax from every mwananchi's salary, including private companies and what-have-you. This money can go to a central pool and eventually be divided or sent to the district development committees (D.D.C.) so that the D.D.C. can look into areas that are in great need. This is very

we seen <sup>in</sup> the Harambee meeting from time to time, ~~but~~ <sup>that</sup> only a

MR. MQUARO (Contd.):

few people all the time are contributing towards Harambee spirit, and yet this education is an investment for the whole country. It is a public investment. Therefore, I would like to see everybody being made to contribute in one way or the other.

End. V.



MR. MCHANG (Ctd.):

Mr. Temporary Deputy Speaker, Sir, the same thing also applies to the financing of education at our universities. Everybody should be made to contribute towards our university education. The loan system at the university is necessary to enable students from poor families to benefit and I can see this system continuing for a long time. Even those ~~extra~~ students whom we think are able to pay the fees, would require assistance from the Government from time to time. So, we fully support this loan system in the universities.

Mr. Temporary Deputy Speaker, Sir, students taken to the training colleges should continue to receive some allowances. They will have to be supported by the Government and later on, as per established system, they will have to repay that money. Mr. Temporary Deputy Speaker, Sir, with regard to the general management of education, I would like to say that this is a very <sup>crucial</sup> ~~crucial~~ aspect in education. There was a time when anybody with ~~and~~ some academic qualifications was fit to become a headmaster of an institution. However, the time has now come when we must thoroughly educate and train our heads of institutions. One of my colleagues has said that heads of institutions should be sent to a residential college for training and this has our full support. We would like to see heads of institutions being trained properly and pass a written examination and come out with a diploma in educational management. We have seen our educators being sent for one or two weeks training and sometimes, they do not get very much out of that type of training. I would like to see our school administrators being sent for training for a longer period. This also includes the field education workers. The District Education Officers need to be very effective personnel in the management of education in this country.

Mr. Temporary Deputy Speaker, while on this point, I would like to see effective decentralization of our educational system. The Ministry of Education has gone a very long way towards decentralization, but I would like to see other ~~xx~~ small things that have not been <sup>properly</sup> ~~proper~~ decentralized,

being properly decentralized. We would like ~~taxes~~ the people managing the decentralized services to be the most capable people in this country. I would like to see a district education officer who is a capable person and I know this is the Ministry's policy. However, I would like this decentralization to be done a bit faster. The district education officer and his staff should not see themselves as ~~in~~ being inferior in status to the heads of schools whom they are supervising. At the moment, we have that kind of a situation and I think this brings about <sup>a frustrating</sup> ~~frustration~~ element in our education system. So, I would like to see the proper form of appointments of district education officers so that they can guide school heads.

Mr. Temporary Deputy Speaker, Sir, inspectors of schools in the district schools should be very senior people who are properly qualified so that when they visit a school, the head of that school can give them due respect. If this aspect <sup>was</sup> ~~is~~/properly established, I think we would go <sup>way</sup> a long way towards effective management of our schools.

Mr. Temporary Deputy Speaker, Sir, there is also the question of Board of Governors and District Education Boards. I concur with the Report here because we need to appoint some of the most capable and confident people into our District Education Boards. I would like a chairman of the <sup>district</sup> board who is very effective. It is not necessary to have the/Commissioner as the chairman of the Board of Governors. The district commissioners today are overloaded with work in the district and I would like to see a chairman of Board of Governors who is not necessarily a district commissioner. The chairmen of these Boards should <sup>have</sup> enough time, interest and competence to oversee education in its totality within their own districts, that is/primary, <sup>in</sup> ~~schools~~ secondary/and training colleges. The <sup>appointment</sup> ~~appointment~~ of these people will involve everybody in that district.

Finally, Mr. Temporary Deputy Speaker, Sir, I would like to say/ <sup>something</sup> ~~say~~ about the appointment of the/Board of Governors. I have a feeling that the appointment of members of Board of Governors in all 2,000 schools ~~by~~ in Nairobi by the Minister, seems to be a very cumbersome process.



MR. MGLARO (Ctd.):

W.3.---16.11.88.

I know that a lot of effort has been made to speed up the appointments of members of Boards of Governors. However, when we have effective District Education Boards and effective personnel, these appointments could also be decentralized so that the Minister's work can be done at the district and level. This is my opinion, /there are many more points which I would have liked to make, but unfortunately, my time is up.

With those few remarks, I beg to support.

MR. MAKAU: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity. First of all, I would like to take this opportunity to congratulate His Excellency the President because what we are discussing today is his brain-child. When the 8-4-4 system of education was introduced, a lot of people felt that there was ~~not~~ going to be a lot of problems before it succeeds. However, those people have now been proved wrong. His Excellency the President has brought up two examples, that is, this issue of educational policy and the issue of cost-sharing through the Harambees that he has conducted throughout this country. So, what we are saying in this House now is because His Excellency the President has been very much concerned about education in this country. For the members who were appointed to be able to come up with this kind of Sessional Paper, <sup>it</sup> is a clear indication that His Excellency the President has a lot of foresight. Therefore, I ~~should~~ thought that I should first of all pay tribute to him for this.

Mr. Temporary Deputy Speaker, Sir, education is very vital in any country and in this country any development that we are looking forward to achieve depends entirely on the type of education that we have.

Mr. Temporary Deputy Speaker, Sir, one of the problems that we have faced in our schools recently, is about disturbances and strikes. One of the schools that were involved is in my constituency and as Member of Board of ~~the~~ Governors in that school, I was able to hear what were the <sup>causes</sup> ~~causes~~ of these disturbances. Sir, when you listen to these causes, you will ~~not~~ agree with me that there is a lot to be desired as far as school concerned.

When you listen to the petty issues that cause these strikes, you will realize that there is a lot to be desired on part of the school administration. I am very happy that this Sessional Paper has stressed the need to provide professional training to heads of schools. At the moment, the third-term is the worse term in school. During this period, you will find cash problem<sup>s</sup> in schools. You will find that there is no money for students and I think this is one of the areas where I would like to congratulate those who made these recommendations because they saw the need to provide professional training to the heads of schools.

Mr. Temporary Deputy Speaker, Sir, one of the areas which I think the Ministry of Education needs to look into very seriously is this: Here, we have a Ministry which has a very competent and qualified Minister. We also have a very competent and qualified Permanent Secretary and therefore, I would like the Minister and his Permanent Secretary to look very seriously into the Inspectorate Department of the Ministry. Here, Sir, I am talking as an educationist and as a former/teacher and deputy headmaster. Therefore, when the appointment of the chief inspectors of schools is to be done, due consideration should be made. That person should be able to know about primary and secondary education. When you appoint somebody who does not seem to know one ~~part~~ aspect of education, then we shall continue to have a problem. The inspectors who probably have been teaching either in primary schools or in secondary schools ~~is~~ get into problems because they are not motivated. So, ~~when~~ the appointments of the chief inspectors to schools is so important that it should ~~is~~ be looked into. You will also find that inspection in secondary schools is not properly carried out. The only time that you can see an inspector<sup>s</sup> of schools ~~is~~ going to secondary schools is the time they<sup>s</sup> are going to recommend promotion of teachers, but <sup>in</sup> ordinary times, they rarely visit these schools to find out what is happening there.

END W

MR. HAKAU (ctd):

Mr. Temporary Deputy Speaker, Sir, the Ministry of Education should make sure that we have competent inspectors in these areas. I would like to thank the Ministry for taking care of the burden facing Machakos District. We, the Machakos District Development Committee, indicated clearly that we did not want the district education officer and his deputy who were serving in this area. There are a lot of people who are not qualified nor trained and when they are posted to some schools, teachers do not ~~not~~ respect them. For example, there are cases where a primary school teacher is made a deputy district education officer. I must congratulate the Ministry for having removed those two officers and replaced them with qualified ones. When these officers visit schools, they will be given due respect.

The officer who is given certain responsibilities should be respected by the other professionals. Such an officer should not be of questionable character, qualification and experience. If you are not a graduate then you are strictly not one and there is no equivalence. If you not a graduate and you are appointed to inspect graduates, they will never respect you. This is one area which should be looked into.

Another area is on the promotion of headmasters. When a headmaster is promoted, he should be made to stay in the same school and not transferred elsewhere. This is ~~luz~~ because he has been promoted due to the good work he is doing in that school. When he is taken to another school, the morale of the school will go down and the students will perform poorly.

Cost sharing is a very important issue. I would like the Ministry officials to look into it properly. Kenyans have accepted this proposal and are ready to adopt it. I would like the Minister for Education to go to Nang'u High School and see their model of auditing. I am a parent there and I appreciate the way the Parents Teachers Association (PTA) funds are audited. Currently, the auditing of the PTA funds is in the hands of the Ministry of Education

In some schools, PTA funds are rarely audited. Mang'u High School should be taken as a model in this respect. When we - the parents - had a meeting there, we were given a proforma invoice stating clearly all the things which were going to be done by the PTA. We were also given an audited report. The parents resolved to spend so much money for books, construction of classrooms and teachers' houses. This should be done so that the parents can exactly know what they are supposed to contribute to the ~~great~~ development of schools.

I hope that the Ministry of Education will continue to provide specialised equipment to schools. Here, I would like to urge the Ministry of Education to define what they mean by Arid and Semi Arid Lands (ASAL) in this Report. I am asking this because Machakos and Kitui District do not seem to be included in the areas which fall under ASAL. For example, there are ASAL project in Kajiado District but Machakos and Kitui Districts come under ASAL according to Sessional Paper No. 1 of 1986. These are dry lands and we should be treated as such.

Although schools in Machakos District are also supposed to sit for examinations next year, I would like to say that out of the 245 schools, less than 50 of them have science equipment. I know that a circular was sent to schools by the Kenya National Examinations Council asking them what science equipment they have. Our main worry is that most of the schools do not have these equipment.

I would like to thank the Minister because the Ministry has already equipped 23 schools and they have promised to equip four more schools. The Ministry should ask itself what is going to happen when examinations will be held next year since there are no science laboratories and equipment in some schools. This issue should be taken seriously in disadvantaged areas like Machakos District.

Another area is the question of examinations. We understand the sentiments expressed by the Minister for Education about examinations. We would like to him to look into these things because examinations are international. We should not say that G.C.E., Cambridge and so ~~on~~ should

not be done here. We should instead try to recognize equivalent examinations. All over the world, we have what we call equivalent examinations. If the people to attempt private examinations will not be ~~abs~~ taken by our universities, then their efforts will be frustrated. For example, many university professors did private examinations and were admitted to the university. When we try to block it, we are not being very fair. I am not saying that the Minister is not going to recognize that but we should revert to the way these examinations were handled in the past. If somebody wants to attempt other examinations, he should not be blocked. This is because some people would like to repeat examinations and there might not provision for that in our set standards. If these people can be allowed to do G.C.E. or Cambridge, then they will be able to continue with their education.

The other area which I should touch on is the universities. I would like to thank the President because he has motivated the lecturers by allowing them to buy cars duty free. That is a very important thing. I would like to stress that it is not necessary to have a Phd. to qualify to teach in the university. Most of the people who have Phds. collected them in the United States of America. They are no better than those people <sup>who obtained</sup> ~~with~~ first degrees in East Africa. I think that one of the best professors of Geography in Makerere University had a first degree. One does not necessarily have to ~~to~~ have a Phd. in this respect. For example, it is not easy to get a Phd. in Nairobi University or in other national universities in the country. There should not be insistence on that. The Ministry ~~should~~ should have a clear and well planned university staff development programme.

The other areas I would like to touch on is the question of having middle level vocational training centres. We should <sup>not</sup> have ad-hoc situations where people are forced out of their training like, say, in the secretarial colleges or the Kenya Institute of Administration, and other places. We need ~~people~~ people to train in those centres for middle level jobs. We should not just aim at taking people to university. We should be more concerned about those people

who will serve at the middle level... Most ~~grad~~ university graduates become a problem because they cannot fit in middle levels in the industries. We stress on the middle cadre jobs. I am very happy that hon. Nabwera and other hon. Members who have already spoken have stressed that point.

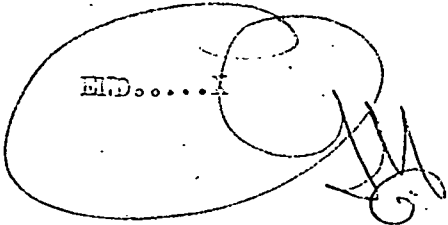
I beg to support.

MR. KULIKU: Thank you, Mr. Temporary Deputy Speaker, Sir. First of ~~it~~ all, I would like to ask the Minister, when he will be replying to this Motion, to explain the criteria which is used to determine the needy students who qualify for educational loans. If the Ministry will not be careful, corruption might be ~~done~~<sup>practised</sup> there because some students might be favoured. At what rate of poverty should a student qualify to get a loan? How is the Ministry going to determine that the genuine students get loans? We would also like to know how much loan will be given to needy students at the university level.

The Minister for Education has ~~been~~ been working very hard by visiting schools around the country. His Ministry is very wide and he should be supported. This Report says the pre-primary schools will be supervised by trained people. That is very good because primary schools will have a uniform syllabus. Right now we have nursery schools which have different syllabi and their knowledge differ. This becomes a problem when they join Standard I.

The School Milk Programme should be extended to pre-primary schools. These children are younger than their counterparts in primary schools who have access to this milk. You can find a younger sister not getting milk while her elder brother gets it.

END.....



MR. KILIKU (CTD.):

If this milk is for feeding children with, nursery school children are the ones it should go to.

MR. MAKAU: On a point of order, Mr. Temporary Deputy Speaker, Sir. Now that the Leader of Government Business is here and hon. Members are anxious about tomorrow - His Excellency the President will be coming back at 2.30 p.m. tomorrow - could he tell us what is going to happen tomorrow? Most hon. Members are anxious to know when they can go to the airport and welcome His Excellency the President. Most of us are anxiously waiting to hear whether the Leader of Government Business has anything to say about tomorrow.

MR. MANG'OLI: On a point of order, Mr. Temporary Deputy Speaker, Sir.

THE TEMPORARY DEPUTY SPEAKER (Mr. Kwamzandi): Order, Mr. Mang'oli.  
*responding to*  
I am ~~in~~ a point of order.

I am sure that if the Vice-President, ~~and~~ Minister for Home Affairs and National Heritage is willing to tell us anything, he will do so any time. Whenever he is prepared to do so, he can interrupt this debate.

MR. KILIKU: Mr. Temporary Deputy Speaker, Sir, we have untrained teachers who have been teaching for several years now, and yet they have not been selected to join teacher training colleges. We want the Minister to consider those untrained teachers who have been teaching for a long time and let them join teacher training immediately. There is no point in considering a teacher who finished school only the other day for training and leaving out another teacher who has been teaching for years. I think there is no fairness in doing so.

It would also be good for the Minister to consider that a teacher may have been teaching for, say 10 years, he goes for training for two years, and when he comes back, he does not qualify for pension. A teacher is not pensionable unless he is trained. I think we have been unfair to untrained teachers. If a teacher has been serving for about 10 years, I think it would be unfair to consider him unpensionable. I think it is high time the Minister considered untrained teachers who have been teaching for a long time. Why is

MR. KILIKU (C.D.):

it that when a teacher goes for training after having taught for all these years and finishes training and becomes pensionable, the earlier years during which he was teaching are not put into consideration? You will find that some teachers teach for a short time and then retire. To become pensionable, I think a teacher must have served for more than 10 years, but if he has been serving as an untrained teacher, those years are not considered. This is quite unfair. We should not consider an untrained teacher as a casual worker. There are some untrained teachers who are very good. We have been very unfair to such untrained teachers. When an untrained teacher joins the Government today, he becomes a civil servant. Those years during which he has taught as an untrained teacher should be put into consideration.

The other point I want to make before I finish making my remarks is that the other day graduate teachers were given salary increases. This is discrimination, and it has worked against the morale of the teachers in primary schools. Why should you give graduate teachers a salary increase and leave out those in primary schools, when both sets of teachers are doing the same job? The only difference between them is the categories of the schools where they teach, but both sets are teachers. When the salary of hon. Members here goes up this increase affects every hon. Member from a Cabinet Minister to a Back-bench Member of Parliament since we are all serving the nation together. Why have we discriminated against primary school teachers? These teachers are complaining, and it is good for us to tell the Minister the truth. Since the salary for graduate teachers has gone up, it would also be good to consider the salary of primary school teachers with a view to increasing it, so that they may feel that they are doing a good job.

The Government has done a lot of work through the Ministry of Education. While I support cost-sharing, I maintain that it would be good to know students from poor families. Since the Government supports private schools, it had better be noted that the fees charged by these schools are exorbitant.

End Y *[Signature]*



JMK

MR. KILIKU (ctd.):

Why can the Minister not issue guidelines on the ceilings of fees to be charged by private schools? Some private schools are exploiting wananchi.

AN HON. MEMBER: Some are charging upto KShs.7,000 per month!

MR. KILIKU: An hon. Member here says that some charge upto KShs.7000/- a month. That is a lot of money. This country spends a lot of money in terms of foreign exchange to send our children to the United States of America, India and other countries for university education, and I think the time has come when we should be self-reliant on education. This goal ~~xxxx~~ cannot be realised unless we put up enough universities in this country.

Mr. Temporary Deputy Speaker, Sir, the Ministry of Education is behind time. Everybody today is talking about what will happen in 1990 when the present Form III students will be qualifying for admission into our four national universities. It is only God who knows what will happen in 1990 because these students are just too many to be accommodated in the four universities we have in this country. At this juncture, I would like to invite the Minister for Education to consider elevating Bandari College, Mombasa, to university status and have it specialise in marine and biological studies since this is a marine country. Ours being a marine country, Bandari College, which is now being under-utilised, would serve to enhance marine development if it were elevated to university status. Why should the Minister go around looking for ~~xxxx~~ colleges to elevate to university status when Bandari College is there being under-utilised?

Sir, it is not fair to have all universities concentrated in one geographical zone. If you look at it my way, Egerton University, Hoi University, Nairobi University and Kenyatta University are all very near each other. It would be my suggestion that we have one university situated in Kisumu, another one in Coast Province, another one in the Eastern Province and what-have-you. The time has come when Bandari College should be elevated to university status for the purposes that I have already mentioned.

Z.2.

16.11.88.

MR. KILIKU (ctd.):

Mr. Temporary Deputy Speaker, Sir, while appreciating the need to educate our children, I would suggest that we should take special interest in the children from poor families because they sometimes even do better than those from rich families.

ADJOURNMENT

THE TEMPORARY DEPUTY SPEAKER (Mr. Mwanzandi): Order, hon. Kiliku. It is now time for the interruption of business. The House is, therefore, adjourned until tomorrow, Thursday 17th, at 2.30 p.m.

The House rose at thirty minutes past Six o'clock.

END.... Z.

R E P U B L I C O F K E N Y A

T H E N A T I O N A L

A S S E M B L Y

OFFICIAL REPORT

Thursday, 17th November 1988

PAPER LAID

NOTICE OF MOTION

Approval of Sessional Paper No. 2 of 1988

ORAL ANSWERS TO QUESTIONS

Questions Nos. 514, 506 and 401

Questions Nos. 515, 513, 470, 512 and 507 - Deferred

QUESTION BY PRIVATE NOTICE

Magari Kwa Maofisa wa Utawala, Manderā (Mr. Aden)

POINT OF ORDER

Adjournment of the House to Allow Hon. Members to Welcome  
H.E. The President from his Tour of Iran

MOTIONS

Approval of Sessional Paper No. 2 of 1988 - The Minister for  
Finance - Question Proposed - Agreed to

Adoption of Sessional Paper No. 6 of 1988 - The Minister for  
Education on 10.11.88 - Resumption of Debate interrupted  
on 16.11.88 - Debate again interrupted without Question put

H A N S A R D

Thursday, 17th November, 1988.

The House met at thirty minutes past Two o'clock.

Mr. Speaker in the Chair

PRAYERS

PAPERS LAID

The following Paper was laid on the Table:-

Sessional Paper No.2 of 1988, Kenya Government Guarantee of a Loan to Kenya Airways Limited.

(By the Minister for Finance)

NOTICE OF MOTION

THE MINISTER FOR FINANCE (Prof. Saitoti): Mr. Speaker,

Sir, I beg to give notice of the following Motion:-

THAT, this House approves Sessional Paper No.2 of 1988 as amended on Kenya Government Guarantee of a loan to Kenya Airways Limited from Credit Lyonnais Bank Nederland N.V. under the Guarantee (Loans) Act, Cap. 461 laid on the Table on 17th November, 1988.

ORAL ANSWERS TO QUESTIONS

Question No.495

MR. TANUI asked the Minister of State, Office of President whether in view of the fact that chiefs and their assistants do a commendable job at the grass root level, he could arrange so that they could be given in-service courses periodically here in the country and abroad.

THE ASSISTANT MINISTER, OFFICE OF THE PRESIDENT (Mr. Kamure)  
Mr. Speaker, Sir, I beg to reply.

The Government has all along had in-service training programmes for chiefs and assistant chiefs. This is in view of the ~~important~~ important duties they perform in their respective areas of ~~jurisdiction~~ jurisdiction. However, the Government does not intend to train these officers abroad for such a programme will not be relevant to the needs of this country.

MR. TANUI: W Mr. Speaker, Sir, while appreciating that answer from the Assistant Minister, I would like him to tell ~~him~~ me when the last lot of chiefs was recommended for an educational tour in Great Britain.

MR. KAMUREN: Mr. Speaker, Sir, I said that the Government does not intend to send chiefs for training <sup>courses</sup> programmes outside ~~courses~~ courses ~~to~~ his country. ~~This~~ is because the ~~courses~~ they get ~~from~~ in our country are enough.

Question No. 503

MR. arap CHEPKOK asked the Minister of State, Office of the President:-

- (a) whether he is aware that two police officers Nos. 33488 and 46664 stationed at Tambach Police Station attacked Mr. Julius Kiprotich, who is a watchman at Tambach Hospital on 18th December, 1987;
- (b) whether he is further aware that as a result of this attack Mr. Kiprotich fractured his spine; and
- (c) what action has he taken against these officers.

THE MINISTER OF STATE, OFFICE OF THE PRESIDENT (Mr. Nabwera)

Mr. Speaker, Sir, I beg to reply.

(a) Yes, I am aware.

(b) I am also aware.

(c) The police constables in question have been charged for this offence and appeared before the Court on 16th November, 1988

MR. arap CHEPKOK: Mr. Speaker, Sir, while thanking the Minister for that reply, I do not think ~~that~~ it is true that those police constables were charged on 16th November. I have ~~got~~ some information showing that they were not taken to court. I do not know how the Minister got that information that they were taken to court and charged. Can he give us the case number if they were charged yesterday?

MR. NABWERA: Mr. Speaker, Sir, I stand by what I said.

MR. arap CHEPKOK: On a point of order, Mr. Speaker, Sir.

MR. SPEAKER: Order! We do not have a lot of time. We must adjourn at about 3.00 p.m. Mr. Mwenje's Question.

MR. arap CHEPKOK: On a point of order, Mr. Speaker, Sir. I am not ~~s~~ satisfied with the answer given by the Minister.

MR. SPEAKER: Order, Mr. arap Chepkok, you have been here for a long time. Can you sit down? Of course, you know what to do with such an ~~s~~ answer given by a Minister.

Can we now move on to Mr. Mwenje's Question.

Question No.491

MR. SPEAKER: Mr. Mwenje not here? We will leave his Question until the end then.

Next Question, Dr. Wameyo.

Question No.462

DR. WAMEYO asked the Minister for Labour why Mr. Peter Chitechi Omubaka N.S.S.F. No.106 122 428 has not been paid his benefits.

THE ASSISTANT MINISTER FOR LABOUR (Mr. Mibei): Mr. Speaker, Sir, I beg to reply.

Mr. Chitechi Omubaka, FM No. 106 122 428 has not been paid any benefits because he does not qualify for any.

DR. WAMEYO: Mr. Speaker, Sir, the answer is so ~~brief~~ brief that I have no idea of what the Assistant Minister is talking about. How does he not qualify?

MR. MIBEI: Mr. Speaker, Sir, Mr. Omubaka was first issued with his identity card No. K/UGU/6122 at Eldoret on 26th July, 1967, when he declared that his age was 17 years. So, he is, therefore, only 48 years old. A further problem is that Mr. Omubaka's computer account has never <sup>been</sup> credited with any contributions although he has all along been a member.

Question No. 515

MRS. NDETEI asked the Minister for Tourism and Wildlife:-

(a) whether he is aware that the following people had their compensation claims approved by wildlife compensation committee, Machakos, but but have not yet been paid:-

1. Mr. Mbindyo Muutu Mutendesya  
Ref. No. WC/MD/KBO/13/Vol.IV/328;
2. Mrs. Katuku Musyoka MIN.16/82/(340);
3. Mr. Francis Minyili Mukula Ref. WC and MD.18/1/4/3/Vol.III/125;
4. M/S. Nyamai Ivali Min.No.4/82/(12) of 9th July, 1982;
5. Mr. David Kamuti Mwanja Min. No.17/82 (338) of 7th October, 1982; and
6. Mr. Nthanga Kitonga Min.61/1981/(12) of 11th September, 1981?

(b) what action is the Minister taking to ensure that these people are paid; and

(c) when will they be paid?

MR. SPEAKER: Anyone here from the Ministry of Tourism and Wildlife?

We will leave that ~~Question~~ until the end then.

Next Question Mr. Momanyi.

(END.....A)





Question No. 513

MR. SPEAKER: Mr. Momanyi is not here? Let us move on to Mr. Mang'oli's Question.

Question No. 470

MR. MAKHANU, (on behalf of Mr. Mang'oli), asked the Minister for Information and Broadcasting:-

- (a) whether he is aware <sup>that</sup> television pictures in Webuye are not clear; and
- (b) whether he could consider building a booster station in Bungoma District in order to rectify this problem.

MR. SPEAKER: There is nobody here from the Ministry of Information and Broadcasting. Mr. Kiilu's Question.

Question No. 514

MR. KIILU asked the Minister for Lands and Housing:-

- (a) whether he is aware that Kyangosi area in Masinga Sub-location has not been demarcated; and
- (b) since the surveyors are currently stationed at Masinga Market, whether he could instruct them to survey the area immediately.

THE ASSISTANT MINISTER FOR LANDS AND HOUSING (Mr. Mutiso):

Mr. Speaker, Sir, I beg to reply.

(a) I am not aware of any adjudication area in Masinga Sub-location known as "Kyangosi". I am unable, therefore, to confirm whether the area has been demarcated or not.

(b) Arising from the answer I have given above, I cannot issue instructions to the surveyors currently stationed in Masinga Market to commence demarcation in the area.

MR. KIILU: Mr. Speaker, Sir, arising from that fantastic answer, the Assistant Minister says that he is not aware of an area known as "Kyangosi", and yet there is a school known as "Kyangosi" within that area. Kyangosi area, which is between Kamburu and Masinga Dam, has never been demarcated.

MR. MUTISO: Mr. Speaker, Sir, adjudication is always declared on sub-locational level. Therefore, if the hon. Member can inform this House that there is a sub-location by the name "Kyangosi", then we can look into the matter. But as far as I am aware, and also as an hon. Member who has been representing that area, I am not aware of any sub-location by the name "Kyangosi".

MR. KIILU: On a point of order, Mr. Speaker, Sir. This is a serious case. Since the Assistant Minister has been a Member--

MR. SPEAKER: What is your point of order?

MR. KIILU: Is the Assistant Minister in order to say that he does not know of an area known "Kyangosi" when he has been a Member of Parliament for that area who used to raise Questions about the same area?

MR. MUTISO: Mr. Speaker, Sir, I am not saying that there is no area <sup>known</sup> as "Kyangosi". What I am saying is that there is not sub-location by the name "Kyangosi". According to arrangements in land adjudication, <sup>we exercise</sup> adjudication can only be declared on sub-locational level, but <sup>not</sup> for particular small areas.

MR. MATE: On a point of order, Mr. Speaker, Sir. This is an important issue where we have to be careful, otherwise we will mislead the nation. Land adjudication can be declared in an area which is not necessarily a sub-location, but the Assistant Minister says land adjudication can only be declared in an area which constitutes a sub-location. Can he clarify that because he is misleading the whole nation?

MR. KIILU: On a point of order, Mr. Speaker, Sir.

MR. SPEAKER: Order, Mr. Kiilu! Not on the same issue.

Mr. Singaru's Question.

Question No. 506

MR. SINGARU asked the Minister for Lands and Housing:-

- (a) whether he is aware that KUKU 'A' Group ranch which borders Tsavo National Park was demarcated in 1980 and 1,044 members registered;
- (b) why this Group ranch has not yet been incorporated; and
- (c) when it will be incorporated and members issued with title deeds.

THE ASSISTANT MINISTER FOR LANDS AND HOUSING (Mr. Mutiso):

Mr. Speaker Sir, I be to give the following reply.

(a) I am aware that KUKU 'A' Group Ranch was demarcated in 1980, and 1,044 members were registered.

(b) KUKU 'A' Group Ranch has not been incorporated because the process of land adjudication in the area is not yet finalised to enable the Kajiado Land Adjudication Officer to advise the Registrar of Group Representatives to incorporate ~~the~~ <sup>the</sup> Group.

(c) The Group Ranch will be incorporated when the Registrar of Group Representatives is notified by the Kajiado Land Adjudication Officer that the area adjudication register has been finalised, and that the Group has been advised to apply ~~in~~ for incorporation as provided for under Section 23(5a) of Cap 284.

However, further regulations have come into force with the effect that this particular land is Government <sup>land,</sup> and not trust land. So, in the first place it should not have been demarcated as a ranch area, ~~because it is Government land.~~

MR. SINGARU: Mr. Speaker, Sir, while appreciating the answer given by the Assistant Minister for Lands and Housing, this land was demarcated in 1980. The Assistant Minister says that this

MR. SINGARU (CTD):

Group Ranch should not have been demarcated. However, I would like to know when these people will be given their title deeds.

MR. MUTISO: Mr. Speaker, Sir, what I have said is that ~~in the first place~~ the land in question is Government land, and ~~that~~ in the first place, it was a mistake for it to have been declared an area for demarcation when it is not trust land. Therefore, even those other processes which took place may become null and void.

Question No. 401

MR. TUVA, (on behalf of Mr. Lewa) asked the Attorney-General:-

- (a) whether he is aware that Mr. Mungera Nyale was involved in a fatal accident involving GK 648 at Shaurimoyo on the Mombasa/Malindi Main Road on 5.11.84; and
- (b) when the dependants of the deceased will receive payment as compensation for the loss of life of Mr. Nyale.

THE ATTORNEY-GENERAL (Mr. Muli): Mr. Speaker, Sir, I beg to reply.

(a) I am aware that a Mrs, and not Mr., Mungera Nyale was on the 5th November, 1984 knocked down by and killed a Land Rover, registration No. GK 648 belonging to the Ministry of Information and Broadcasting. This happened along the Mombasa/Malindi Road, at a place called Shaurimoyo Sisal Estate. The accident was reported on the same day to the Kijipwa Police Station. After thorough police investigations, the police inquest file No. 16 of 1984 was placed before the Kilifi Magistrate, who ruled that the file be closed as nobody would be held responsible for the death of the deceased.

(b) Since the file was closed after the inquest no one could be prosecuted. However, if the representatives of the deceased

THE ATTORNEY-GENERAL (CTD):

followed the matter up, perhaps, the question of liability for compensation would have been gone into. I am aware that a lawyer has been writing to my office, but no action has been instituted. So, that is the position, Mr. Speaker, Sir.

MR. MALEBE: Mr. Speaker, Sir, I find that in Questions of this nature, the Attorney-General always evades the issue of compensation; we have had similar accidents all over the country. Now, what is the Government's role in getting dependants compensated when an accident has occurred, and someone has been convicted or not convicted? We really have some parents who do not have enough money for engaging advocates so as to be able to follow up the compensation issue. How ~~is~~ does the Government assist its citizens to get compensation?

MR. MULI: Mr. Speaker, Sir, when a Government vehicle is involved in an accident and a person is injured, the Government has always considered the question of compensation; I am doing that almost daily. So, I do not know what hon. Malebe is worried about.

Question. No. 512

DR. MISOI asked the Attorney-General:-

- (a) when Smith Kline and French Laboratories Ltd. of P.O. Box 49582, Nairobi, registered in Kenya; and
- (b) what kind of business, if any, this Company had in the country before its registration.

END ..... B

THE ATTORNEY-GENERAL (Mr. Muli): Mr. Speaker, Sir, I beg to reply.

The information now being sought by hon. Dr. Misoi can easily be obtained from the Registrar of Companies on payment of a fee. However, I will save him that fee today and tell him that the company he is talking about was registered as a foreign company on the 7th July, 1988 and its main office is in London as the company is registered in England. This company has operations in Kenya and so, they have registered the Kenyan aspect as a foreign company. Before that, I am not in a position to say what they were doing, but their main object is to carry out businesses of manufacturing medicine. They are also buyers and sellers and also dealers in all kinds of medicines and medical preparations of all sorts. drugs of

DR. MISOI: Mr. Speaker, Sir, would the Attorney-General agree with me that this is the same company which sacked an employee who had worked for them for 15 years? This company has been operating in Kenya since 1975 and it was only registered in - - -

MR. SPEAKER: Will you ask your supplementary Question, Dr. Misoi? Do not tell us stories!

DR. MISOI: Mr. Speaker, Sir, is the Attorney-General aware that this company has operated in this country since 1975 using the same address and doing the same business until July this year when it was registered.

MR. MULI: Mr. Speaker, Sir, I know that this company was registered on the 17th July, 1988. It could have operated under a business name because it is an incorporated company in England. So, during the period between 1975 and July, 1988, the company was still existing but it was a foreign company registered in England with its operations in Kenya. They could have operated under a business name or under any other arrangement, but I am not aware of that.

MR. SPEAKER: Next Question. Mr. Falana.

Question No. 507

MR. FALANA asked the Minister for Agriculture:-

- (a) whether he is aware that tractor owners in Saku Constituency charge exorbitant fees to plough the farms, and
- (b) whether he could provide this constituency with Government tractor services for use by the farmers.

MR. SPEAKER: The Minister for Agriculture is not in? Okay, let us move on to Question by Private Notice by Mr. Aden.

## QUESTION BY PRIVATE NOTICE

MR. ADEN: Bw. Spika, naomba kumuuliza Waziri wa Nchi, Ofisi ya Rais, Swali Maalum lifuatalo.

- (a) kama anafahamu kwamba maofisa wa utawala wilayani Mandera hawana magari ya kuwahudumia wananchi, na
- (b) kama anachukua hatua gani kuhakikisha kwamba maofisa hawa wamepata magari ili waweze kuwahudumia wananchi kikamilifu.

THE ASSISTANT MINISTER, OFFICE OF THE PRESIDENT (Mr. Keen):

Bw. Spika, naomba kujibu.

- (a) La, sina habari.
- (b) Kufuatana na jawabu langu katika sehemu ya kwanza ya Swali hili, sehemu ya pili halipo.

MR. ADEN: Kutokana na jawabu la Waziri Msaidizi, Bw. Spika, anafahamu kwamba hivi majuzi magari yote ambayo yalikuwa yakitumiwa na Mkuu wa Wilaya ya Mandera yalisimamishwa kazi na kuuzwa <sup>Kwenye mnada</sup> ~~kwake~~ na sasa hakuna magari ambayo <sup>Jamepelelewa</sup> ~~jamepelelewa~~ kule badala ya yale yaliyouzwa? <sup>?</sup>

Rhamu MR. KEEN: Bw. Spika, kulingana na habari niliyonayo, Tarafa ya ~~Uta~~ iko na gari nambari G.K.367S; Tarafa ya Mbanisa ina gari nambari, <sup>Talaba</sup> G.K.J.647; Tarafa ya Elwak in gari nambari G.K.J.648; Tarafa ya ~~Uta~~ ina gari nambari G.K.31SW na Tarafa ya Fino iko na gari ~~na~~ G.K, J.405 na Central iko na Gari la G.K.365S. Magari haya kama ninavyojua yako katika

MR. KEEN (Ctd.):

hali nzuri na hivi majuzi, Mkuu wa Wilaya ya Mandera alipewa ruhusa ya kupeleka magari manne mapya katika Wilaya hii.

MR. SPEAKER: Next Order!

MR. MOMANYI: On a point of order, Mr. Speaker, Sir, - - -

(Dr. Karanja stood up to raise a point of order):

MR. SPEAKER: Mr. Momanyi, we have somebody else on his feet, so can you kindly wait.

POINT OF ORDER

THE VICE-PRESIDENT, MINISTER FOR HOME AFFAIRS AND NATIONAL HERITAGE (Dr. Karanja): On a point of order, Mr. Speaker, Sir, I would like to propose that we interrupt the business of the House at Three o'clock to allow hon. Members to go to the Airport to receive His Excellency the President and his delegation from Iran who are going to arrive at 3.30 p.m.

(Applause)

However, we must resume the business of the House this afternoon at Five o'clock because we have very important business to carry out.

HON. MEMBERS: Oh no!

THE VICE-PRESIDENT, MINISTER FOR HOME AFFAIRS AND NATIONAL HERITAGE (Dr. Karanja): Mr. Speaker, Sir, I appreciate hon. Members' ~~EXX~~ concern about returning to the House at Five o'clock, but they know that this interruption is necessary due to official business. However, we do have a responsibility to the voters to carry out our work efficiently and purposely. So, I expect almost every hon. Member to be here at Five o'clock because we have two Motions to pass this afternoon and therefore, I would like to plead with hon. Members to return here without fail.

I thank you all; do have a pleasant afternoon.



ADJOURNMENT

MR. SPEAKER: Hon. Members, I do not think there is any need for me to put the question to the House, so, can you please stand up so that we can now adjourn. It is now time for the interruption of business, and the House is therefore adjourned until Five o'clock this afternoon.

(The House rose at Three o'clock)

END C

JHC

(The House Resumed at Five o'clock)

Mr. Deputy Speaker in the Chair

MOTION

THE MINISTER FOR FINANCE (Prof. Saitoti): Mr. Deputy Speaker, Sir, I beg to move the following Motion:-

THAT, this House approves Sessional Paper No. 2 of 1988 as amended on Kenya Government Guarantee of a Loan to Kenya Airways Limited from Credit Lyonnais Bank Nederland N.V. under the Guarantee (Loans) Act, Cap. 461 laid on the Table of the House on 17th November, 1988.

Mr. Deputy Speaker, Sir, I would like to draw the attention of this House to the fact that this new document is precisely the same as the document which I laid to this House on 21st April, 1988. So, allow me, therefore, to go through the chronological order of the situation and clarify why this Paper is now being submitted to the House for approval.

Mr. Deputy Speaker, Sir, on 21st April, 1988, I laid the Sessional Paper No. 2 of 1988 before the National Assembly seeking the authority of Parliament for Government guarantee of a borrowing by the Kenya Airways for the purchase of ~~two Fokker Friendship~~ 50 aircraft, which, of course, will be used by the Kenya Airways for the local or domestic flights.

Mr. Deputy Speaker, Sir, this authority was obtained on 2nd May, 1988, in accordance with Section 52 of the Guarantee Loans Act Cap. 461. Although the borrowing in question was evidenced by two separate instruments, that is to say, the loan agreement and promisory notes, the Sessional Paper made reference only to the loan agreement, and this was legally not correct. It is this error, therefore, that we now wish to correct by way of this Motion before the House.

The Sessional Paper before the House is exactly what I laid before the House, <sup>including</sup> and the addition of the words, and I quote here: "And the holders of the promisory notes under the purchase agreement, hereinafter referred to as the lenders, which are to be found in paragraph four, and the word 'lender' in other parts of the same paragraph."

Now, Mr. Deputy Speaker, Sir, the only amendment proposed is to add the notes to the Sessional Paper. This will enable the Government

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THE MINISTER FOR FINANCE (Contd.):

to guarantee these notes as well. I should, therefore, like to emphasise the fact that this amendment will not create any greater liability on the Government and the Guarantee because the amount guaranteed will remain exactly the same.

Mr. Deputy Speaker, Sir, I would like to emphasise the importance of the urgency of this Motion because the Fokker Friendship which are to be bought by the utilisation of the loan in question are now ready in Amsterdam, and indeed one of them should have arrived here by yesterday if it were not for the fact that this particular error was noticed. Everyday on the passage of this Motion, it is likely to cost this country a lot of money by way of demurrage, apart from the fact that all the members are aware that our own national carrier is in great need of this aircraft so that they may be able to increase the efficiency on the domestic flights. So, my appeal to the House is that since the Sessional Paper in question was first approved in April, 1988, and the House was then satisfied about the liabilities in question, so, in this particular case, we are only adding the words 'promisory notes'. In other words, the holder of the promisory notes, who, in any case, are the same as lenders. There is no substantial difference of any additional liabilities. So, I would urge the House to approve this Motion so that these aircraft can be delivered and be put into service as they are very badly needed.

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

THE ATTORNEY-GENERAL (Mr. MULLI): Mr. Deputy Speaker, Sir, I beg to second this Motion which has been ably and clearly moved by my colleague the Minister for Finance. I wish to confirm that from the legal point of view, the Sessional Paper No. 2 of 1988 which was laid before this House remains the same as far as the liability and the guarantee is concerned.

What we are doing at the moment is to add a new clause - Clause Four - so that the persons holding the promisory notes under the purchase agreement, and those are the Fokker Friendship manufacturers, be referred to in the Sessional Paper. There will be no additions or increase in the liability under the agreement.

Now, this was a very complex package. It was a complex negotiation involving various donors. At the time of negotiations, this aspect of the

THE ATTORNEY-GENERAL (Contd.):

promisory note holders did not come to light. Hence, the Sessional Paper and my legal opinion on the matter did not mention the promisory note holders. What it means, therefore, is that the lenders find it a little difficult to release the planes before we include this promisory note holders clause, and I am happy to say that no liability will be increased at all. It will remain the same.

Now, as the hon. Minister has said, we dispatched people on Tuesday to bring the first already completed manufactured Fokker Friendship.

End D.

*J. Singh*

THE ATTORNEY-GENERAL (ctd):

It was due to arrive yesterday but I am afraid we were not given a delivery notice because of that problem. Because of this, our people had to come back without the aircraft. It is now in Amsterdam waiting to be flown back. Without the approval of this loan, the plane will still remain in Amsterdam where we may incur a lot of expenses by way of demurrage, although it will remain ours.

The House is now being asked to allow that amendment to be incorporated in Sessional Paper No. 2 of 1988, to enable all the legal procedures to be carried out <sup>so</sup> ~~in order~~ that this plane can be delivered tomorrow. If the House approves this amendment, passengers will be despatched tonight on this plane.

With these few remarks, I do not think ~~I do not think~~ I have very much to say, except to add that the Fokker Friendship will reinforce our domestic flights. We accept that <sup>our</sup> ~~out~~ international flights departing from Nairobi or Mombasa are occasionally delayed by connecting with a domestic flight from, say, Kisumu, Mombasa or Malindi. This is because we do not have adequate domestic flights to bring passengers to international departing airports.

The Fokker Friendship 50 which are manufactured to our specifications, and domestic are now able to carry many more passengers <sup>and</sup> ~~will help in our~~ <sup>domestic</sup> ~~connections~~. They will also enable the international flights to depart in time to keep the name of Kenya on the world map.

I beg to second the Motion.

(Question proposed)

MR. MANG'OLI: Thank you, Mr. Deputy Speaker, Sir, for allowing me to contribute to this Motion. The Minister has already explained the necessity of this amendment and the delay in delivering this aircraft will <sup>cost</sup> ~~expense~~ this country a great deal. I think I will be in order to, therefore, <sup>call upon</sup> ~~ask~~ the Mover to reply so that we can begin to use the new aircraft to Kisumu, Mombasa and Webuye.

MR. DEPUTY SPEAKER: Order! I am advised that hon. Mang'oli had actually contributed to this debate and he cannot, therefore, move a closure to the Motion. Can we allow one or two hon. Members - in all fairness - to contribute to this Motion before moving a closure?

MR. MAIHU: Thank you, Mr. Deputy Speaker, Sir, for giving me the opportunity to support this Sessional Paper. I would like to say that improvement to the Kenya Airways Corporation has always been our great concern. There is no secret about the operations of the Kenya Airways Corporation. It has been said many times that it is operating with old aircrafts. Now that we have a chance to approve a loan to the Kenya Airways Corporation so that it can compete efficiently with the other airlines, it should be our hope that from now on, it will be able to be more efficient and compete properly.

I would like to say something - and this is common knowledge - which is important to the management and particularly to the Minister who responsible for this airline. It does not matter how much money we give to the Kenya Airways Corporation but I think it is over-staffed. It has too many employees. As you know, Sir, too many cooks spoil the broth. I would like to urge the Minister ~~more~~ concerned to allow the airline to operate with the right number of staff. If there are too many people managing one kitchen—

MR. MANG'OLI: On a point of order, Mr. Deputy Speaker, Sir. The hon. Member has said that the Kenya Airways Corporation is over-staffed. Can he tell us what he means by too many employees so that we can declare some of them redundant?

MR. MAIHU: Mr. Deputy Speaker, Sir, the hon. Member should be able to understand what I am talking about. I am a very regular visitor to the airline and I use it frequently to Mombasa and elsewhere.

MR. MANG'OLI: On a point of order, Mr. Deputy Speaker, Sir,

THE MINISTER FOR EDUCATION (Mr. Oloo-Aringo): On a point of order, Mr. Deputy Speaker, Sir. Quite frankly, I did not intend to interrupt the hon. Member who is on the Floor but we have reached ~~xxxx~~ a point where the Chair must help us with regard to what a point of order is. A little lesson on what

a point of order is will help this House a great deal. This is because we are used to utilizing the privilege of raising a point of order to raise points of arguments which can, in fact, be made in the course of ones contribution. Because of this, many hon. Members on the Floor are getting interrupted on very small issues which are not points of order at all.

I might also suggest here - in addition to your explanation which will help this House a great deal - that we need a seminar for hon. Members so as to enable them understand what points of order should be. This might be of a great help.

(applause)

MR. DEPUTY SPEAKER: Order! Can hon. Mahihu proceed?

MR. MAHIHU: Thank you, Mr. Deputy Speaker, Sir.

MR. MANG'OLI: On a point of order, Mr. Deputy Speaker, Sir.

MR. DEPUTY SPEAKER: Hon. Mang'oli, I overrule your point of order.

I ruled that hon. Mahihu should proceed.

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

With due respect, Sir, does the Chair believe that the point of order which <sup>was</sup> raised by the Minister for Education was a genuine point of order? That is another way of misusing the time of this House.

MR. DEPUTY SPEAKER: Order! That was a proper point of order.

You can proceed, Mr. Mahihu.

MR. MAHIHU: Thank you, Mr. Deputy Speaker, Sir. Recently, the whole Board of Directors and the management was sacked so as to clean the airline. A new Board was appointed with a new chairman <sup>and</sup> /managing director. This was done to enable the airline to have a fresh start. All that I want to say ~~that~~ is that since the airline is now acquiring new aircrafts, it should be able to improve its services so that it can be our true national flag carrier.

MR. MANG'OLI: On a point of order, Mr. Deputy Speaker, Sir. I would like the Minister for Education to now understand my point of order. I do not want the hon. Member who is speaking to imply that the Kenya Airways

Corporation is not running well because it is over-staffed. Instead of generalising that, the hon. Member should give us the correct figure of the Corporation's staff so that we can take corrective measures. That is what I wanted to know.

MR. DEPUTY SPEAKER: Mr. Mahiu, can you briefly respond to that point of order?

MR. MAHIU: Mr. Deputy Speaker, Sir, it has often been said that the Kenya Airways Corporation has over 2,500 members of staff with very few aircrafts to manage. All that I am saying is that the new management which has now been given the mandate by this country to manage the airline, should be allowed to overhaul the whole airline so that it starts afresh. I am supporting this Sessional Paper believing that, with the new aircraft, the flights from Mombasa to Nairobi, Nairobi to Malindi and to Europe, Kisumu and so on, will be efficient.

Many times, passengers have been held <sup>up</sup> at the airport not being told when the aircraft will arrive.

END...E



MR. MARIHU (CTD.):

I hope that the airline, with the new aircraft, will now be able to tell passengers as to why there should be <sup>any</sup> delay. If there is a delay, there will be nothing to be sorry about. I travel quite a bit and I know that, sometimes, Kenya Airways copes even better than British Airways. If you are delayed in Mombasa, say, for three hours, you get headlines in the newspapers, but if you are stranded somewhere like Heathrow Airport, say, for seven hours, you do not get---

THE MINISTER OF STATE, OFFICE OF THE PRESIDENT (Mr. Nabwera): On a point of order, Mr. Deputy Speaker, Sir. In view of the fact that Sessional Paper No. 2 was discussed exhaustively by this House, and since we have only come back to it in order to amend it and include that small clause so that our aircraft can be released, would I be in order to move that the Mover be now called upon to reply?

(Applause)

MR. DEPUTY SPEAKER: Unfortunately for hon. Burudi Nabwera, I had made a ruling that I would give one or two hon. Members a chance to speak.

MR. MARIHU: Mr. Deputy Speaker, Sir, I now find that a few hon. Members who possibly do not fly would like to interrupt me. I am a regular customer of this airline, and this is why I want to point out Kenya Airways' weak points, especially now that we are giving them new aircraft so as to be able to <sup>operate</sup> ~~move~~ smoothly.

We also support the Minister for Transport and Communications, who is responsible for the Kenya Airways Corporation. With the new management which he has appointed for the airline and the new aircraft, the airline should now be able to go ahead smoothly. There are two new aircraft coming.

We should also take note that this afternoon, this House adjourned to go and meet our President who was coming back from overseas. He used the Kenya Airways. The fact that our President uses Kenya Airways every now and then is the biggest asset we have towards promoting our country. The Head of

MR. MAHINU (CTD.):

State uses our own airline.

Mr. Deputy Speaker, Sir, I do not want to take much of the time of the House. So, I support this Motion hoping that, from now on, the Kenya Airways is going to be the <sup>real</sup> pride of Africa. It was said to be the pride of Africa even before it ~~did not even have~~ <sup>had</sup> new aircraft. Now it will prove in the sky all over Africa and wherever else it flies that it is really the pride of Africa.

With these few remarks, I beg to support.

# MR. BOY: Thank you very much, Mr. Deputy Speaker, Sir, for giving me this chance to contribute to this very important Motion. The Minister for Finance has clearly elaborated the move behind this Motion. The Attorney-General, too, has also ~~not~~ clarified the issue and told us that this Sessional Paper was discussed earlier. When we talk about the Kenya Airways, it is high time we, in this House, should support this Motion.

Because this is a straightforward Motion, I think I would be right to move that the Mover be now called upon to reply.

(Applause)

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

THE ASSISTANT MINISTER FOR LANDS AND HOUSING (Mr. Mutiso): On a point of order, Mr. Deputy Speaker, Sir. Do you not think that the hon. Member who has just spoken took advantage by speaking and then moving closure of this Motion? That was quite out of order.

MR. DEPUTY SPEAKER: Mr. Mutiso, hon. Boy was perfectly in order to utilise his opportunity to that effect.

THE MINISTER FOR FINANCE (Prof. Saitoti): Thank you very much, Mr. Deputy Speaker, Sir. Allow me to thank hon. Members for their really being very understanding in contributing to this Motion. They understood that the amendment that has been brought here is, in now way, going to add any liability to the Sessional Paper that was laid here before.

THE MINISTER FOR FINANCE (CTD.):

I only want to say one thing in conclusion. The Kenya Airways has been able to do fairly well in the circumstances it has been working under. There is no doubt at all that within Africa, Kenya Airways, in spite of having a small fleet of aircraft, is one of the best airlines we have. There is no doubt about that. We know of a number of airlines in Africa which are right now getting into a lot of problems and which are almost collapsing. Apart from Ethiopian Airlines, Kenya Airways is the only other airline which is doing very well.

(Applause)

I say this because we should also be understanding as we criticise the Kenya Airways. I think we need to create a kind of morale boost for the people in the Kenya Airways who have been able to work under very difficult circumstances. They have had to work with and use planes which are fairly old. It is commendable of them that so far Kenya Airways ~~is~~ has already set a record as being one of the best airlines in the world. These should be commended for that.

(Applause)

Mr. Deputy Speaker, Sir, I believe, and I am sure hon. Members will agree with me, that Kenya Airways, once it is in possession of these two Fokker Friendship aircraft, will be able to offer adequate services locally.

(Applause)

There is also another thing with ~~xxx~~ regard to which I would like ~~it~~ to allay hon. Members' fears. The Government is proposing this Motion on ~~the~~ guaranteeing a loan to Kenya Airways because when the Government guaranteed a loan to Kenya Airways ~~earlier~~ earlier to purchase the two Airbus aircraft, which are already in operation, the airline did not have to refer to the Treasury to be bailed out <sup>of</sup> payment. It has been able to meet payment without failure. That point should be understood.

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

(Question of the Motion as amended put and agreed to)

Resolved accordingly:-

THAT, this House approves Sessional Paper No. 2 of 1988 as amended on Kenya Government Guarantee of a loan to Kenya Airways Limited from Credit Lyonnais Bank Nederland N.V. under the Guarantee (Loans) Act, Cap. 461 laid on the Table of the House on 17th November, 1988.

THAT, this House adopts Sessional Paper No. 6 of 1988 on Education and Manpower Training for the Next Decade and Beyond, laid on the Table of the House on 10th November, 1988.

(Minister for Education on 10.11.88)

(Resumption of Debate interrupted on 16.11.88)

MR. MANG'OLI: Thank you, Mr. Deputy Speaker, Sir, for allowing me to make a few observations in respect of this Sessional Paper. While I appreciate the Minister's comments in his earlier total approach to the Sessional Paper, there are areas in which we want him to see how things are going to be run. This relates to the inspection of teachers. School inspectors have not been doing their job. As a consequence, examination results have been sinking low especially in rural areas. I would like the Minister to guarantee us that school inspectors and supervisors, especially for primary schools, are going to do their job.

If possible, the Minister should find some means of transport for these officers because some areas are so difficult that inspectors have no means of reaching the schools under their jurisdiction. In such cases, these officers just report that they have visited these schools although examination results continue to show that the schools are not improving since if inspectors do not visit the schools.

You will find that while the salaries of graduate teachers <sup>have been increased</sup> those of primary school teachers have totally been neglected.

END F 

MR. MANG'OLI (ctd.):

When you go to the rural areas, you find that most of the secondary school teachers are diploma holders, and you wonder why the salaries of graduate teachers were increased so much as to leave such a big gap between them and the diploma teachers. The Minister must do something to boost the morale of diploma teachers, who are the majority in our secondary ~~the~~ schools. In fact, in Webuye, all Harambee secondary schools are diploma holders. If, therefore, the Minister does not give them some incentive to make their job better paid, then that will be tantamount to denying them their right. The same anomaly arises when you compare the salaries of professors and those of graduate teachers; the difference is so small that professors do not appreciate their work. I hope that ~~man~~ when the Minister will be implementing the Sessional Paper he will look into that particular aspect with a view to removing those anomalies which affect the ~~marax~~ morale of diploma teachers and professors.

Mr. Deputy Speaker, Sir, I am glad that in this Sessional Paper the Minister has revolutionalised the entire education system in the country. I am sure that the technical personnel in the Ministry of Education will show the public that this new system is practical. As I am speaking now, I am afraid because the year 1990 is so near, yet when the Minister was moving this Motion said that not all students will be admitted to our national universities. Although he gave us the example of the United States of America, he should appreciate that although it is impracticable to take all our children to university, every student in secondary school has that aim. No student can plan to fail an examination so as not to go to the university. So, the question of how many students will go to the university should not be an issue. In 1990 we shall have 238,000 students competing to go to university, as opposed to the 30,000 students who applied this year. In fact, even the areas where the Minister intends to train the dropouts, such as ~~many~~ polytechnics and ~~many~~ other colleges of technology are not enough; we shall have a crisis. Therefore, the Minister should be thinking in terms of

17.11.88.

MR. MANG'OLI (ctd.):

how many new universities are going to be established. I am saying this because if we stand here and say that not all the students will go to university, then we will be underrating the abilities and the goals of the students. We should be asking ourselves what the Government would do if all the students qualified for university admission. We should not wait to solve the crisis when it arises.

At this juncture, I would like to congratulate His Excellency the President for taking a keen interest in education. I am, personally, demoralised when I see university students creating chaos. I was very disappointed during the Nyayo Decade Celebrations when first year students went on the rampage at Gilgil. His Excellency the President has done all he can to provide our children with education, but those children do not seem to appreciate what is being done for them. Indeed, I think the system of education is being changed because of the behaviour of some of our students. Most of us who passed through the university never paid any money, but we are now saying that university students should pay for their education. University students have caused so much chaos, and the Government is just finding a way of dealing with people who do not appreciate what is being done for them. Our students in the university must learn to appreciate that the Government is doing so much for them and concentrate on education. They should not engage in strikes and unbecoming behaviour.

Mr. Deputy Speaker, Sir, I am sure that the Minister for Education will agree with me that all the students in this country would like to attain university education. It is for this reason that he should make all the necessary provisions to enable whoever qualifies for university education to attain it. That is why I have suggested, in other fora, that Shang'alo Institute in Bungoma District be upgraded to a constituent university so that it can cater for the anticipated crisis in 1990. I am sure that the hon. Minister, who is well versed in education principles, will know how to deal with the crisis because it lies with him and his technical staff. The technical staff in the Ministry of Education should

17.11.88.

MR. MANG'OLI (ctd.):

realise that without their participation this country will be in crisis. If not well dealt with, the problem we ~~face~~ face can cause crisis in this country and plunge it into total mess.

In the final analysis, the Minister for Education should be able to tackle the shortcomings of the 8-4-4 system of education. ~~Some~~ Some people have said that the children are being overworked and some of them may end up being disturbed mentally, and we ~~would~~ would like the Minister ~~f~~ to come up with ways and means of modifying the system. The way it is now, the system is a bit too taxing for the children. So, the Ministers ~~z~~ should simplify the whole system. Indeed, the materials that the children are using have not been researched on properly and some of the text books are not complete. Since this is a complete new system of education, the technical staff of the Ministry should see to it that the examinations taken by the pupils are proper and up to standard. School inspectors should also ensure that teachers are properly supervised ~~n~~ and ~~through~~ the preparation of their ~~work~~ scheme of work monitored properly. If there is no good scheme of work done by teachers, then it means that the pupils will not be taught properly. In fact, vehicles should be provided to school inspectors so that they can reach all schools. It would be very difficult for school inspectors to properly supervise all schools in the absence of adequate transport.

Mr. Deputy Speaker, Sir, I am glad to note that, through this Sessional Paper, all Harambee schools will become Government schools. It is true that Harambee secondary schools have suffered a lot over the past years.

With those few remarks, Mr. Deputy Speaker, Sir, I beg to support the Motion.

END....G

## THE ASSISTANT MINISTER FOR CULTURE AND SOCIAL

SERVICES (Mr. Lomada): Thank you very much Mr. Deputy Speaker, Sir, for giving me this chance to join my colleagues in supporting this Motion on Sessional Paper No. 6 of 1988 on the Ministry of Education. I would like to thank the Ministry of Education for introducing ~~and~~ school inspectors. I say ~~this~~ this because the school inspectors are ~~is~~ playing a great role in the field of education. We have noted that academic standards in primary schools have gone up. We admire the work done by the school inspectors especially in districts like West Pokot where some schools are very far away from roads. The school inspectors have to climb up the hills ~~x~~ in the district and make sure that the teachers there prepare schemes of work. This is something that primary schools benefit from.

We have also noted that the school inspectors have helped parents to make sure that their children have attained the most important inheritance - education. Today, ~~is~~ the most important thing that a child can inherit is education. Without education, our country will lack leaders in future who would, otherwise, have taken care of the most important ~~at~~ matters of our country. Our country needs these kinds of people to ensure the well-being of the citizens.

Mr. Deputy Speaker, Sir, I would also like to congratulate the Ministry of Education for ensuring that discipline in schools has gone up. If you look at the work of school inspectors, you find that they are not only supposed to inspect the work ~~is~~ done in classrooms; they are also supposed to make sure that there is discipline <sup>among</sup> within the teachers themselves. This is supposed to be <sup>passed</sup> taken down to the pupils.



THE ASSISTANT MINISTER FOR CULTURE AND SOCIAL SERVICES (Mr. Lomada)

(ctd.):

This makes the pupils ~~m~~ work hard and feel they have something to do in the classroom. This, therefore, raises academic standards.

The other thing I would like to mention is that we have teachers advisory centres. In these centres, teachers get help when it comes to the preparation of teaching aids. If a teacher does not know how to prepare a teaching aid, he is advised to go to a such a centre where he is advised on how to make ~~teaching aids~~ and use teaching aids. These teaching aids make the pupils <sup>understand</sup> ~~understand~~ exactly what the teacher is trying to put across, and the teaching becomes realistic in the classroom.

Mr. Deputy Speaker, Sir, I would like to urge the Ministry to look <sup>into</sup> ~~at~~ the problems of school inspectors <sup>in</sup> ~~is~~ as far as their ~~own~~ work of inspection is concerned. In West Pokot, for example, in some areas, you cannot ~~even~~ travel to many schools within a day because some of the schools are very far apart, and without means of transport, it is very hard to inspect <sup>even</sup> ~~two~~ schools in a day. This is especially <sup>so</sup> ~~when~~ the school inspectors have to make sure that the work of every pupil has been brought to the attention of the concerned authority so that when it comes to the end of their <sup>examinations</sup> ~~exams~~, that work is shown. <sup>if</sup> ~~the~~ Ministry could give these people motor cycles, this would be very much appreciated. I hope the Minister has taken down that point.

Mr. Deputy Speaker, Sir, the centres in which in-service teacher trainees <sup>undergo</sup> ~~take~~ their courses are very important. This is because this is where the untrained teachers get training. After some years of the sandwich courses, the untrained teachers

THE ASSISTANT MINISTER FOR CULTURE AND SOCIAL SERVICES

(Mr. Lomada)(ctd.):

come out as well trained as those who went to teacher training colleges anywhere in the nation.

Mr. Deputy Speaker, Sir, we have an in-service course centre in Choi (?) at Kapenguria. I would like to request the Minister to take this centre into consideration when they plan to have more teacher training colleges and make it a fully-fledged teacher training college. If not so, he could consider establishing the college anywhere in the district so that the district may also benefit.

With those few remarks, I beg to support.

MR. KIILU: Thank you very much <sup>Deputy</sup> Mr./Speaker, Sir, for giving me this chance to air my views ~~x~~ on this Motion on ~~the~~ Sessional Paper No. 6 of 1988 on the Ministry of Education.

Education is very important and I would like to urge the Minister to check the issue of in-service courses for primary school teachers. I say this because during the selection of teachers for the in-service course, you ~~at~~ find that teachers who have taught for as few as three years are taken for training whereas those who have taught for ten or so years are left out. This <sup>is</sup> ~~discouraging~~ <sup>to</sup> those teachers who have taught for many years. These teachers feel neglected and they resort to ~~even~~ even asking hon. Members what might be going on. This mistreatment is not good to them as human beings. In order that every teacher may feel free with his career, something must be done to ensure that selection for in-service courses is done properly. First priority ~~is~~ should be given to those who have taught for many years. That would encourage teachers and they would feel very happy for being selected for ~~the~~ those courses.

MR. KILU (ctd.):

The other thing I would like to say, Mr. Deputy Speaker, Sir, is about the in-service teachers training programme. It would be better if these teachers who are accepted into this programme were allowed a salary advance to repay little by little on a monthly basis. This will leave them with some money to do other personal things. Some of them are quite old and if they are forced to pay fees at once, they are left with nothing to live on. Some <sup>have</sup> children who go to school and need school fees while others look after their relatives like brothers and sisters, who they pay school fees for. By advancing them some money, it would encourage them to attend college education and, at the same time, afford to continue meeting their private commitments with whatever they get as salary for teaching.

The other thing I would like to talk about is the issue of the educational officers. Some areas have so many schools which are very far apart and are not easy to reach by these educational officers. A system ~~me~~ should be introduced which could assist in the mobility of these officers to visit the schools for inspection. Primary schools are the foundation of education and inspection should be done thoroughly well so as to improve the future education of those students. Some schools are never visited by these officers for inspection because <sup>of</sup> their distances and it encourages the teachers in such schools to be reluctant in their work. Visiting such schools by these officers for inspection would discourage the reluctant teachers and educational standards would rise.

Mr. Deputy Speaker, Sir, I would ~~z~~ also like to mention something about examination invigilators. I remember some teachers who were supervising examinations last year were never paid, yet the same people have been ~~at~~ called this year to do the same

MR. KIILU (Ctd.):

work and they are doubting whether they will ever ~~be~~ be paid for it. I would, therefore, request the Minister and his staff to see to it that these people are paid <sup>because</sup> ~~for~~ they cannot expect to work for nothing. I do not know what happens in other areas but in my area - Masinga - this is the case. I know the Minister is capable and kind to his teachers and I am sure he will look into that issue.

There is also the issue of ~~merit~~ promotion ~~through~~ <sup>on</sup> merit. Many teachers have complained about this, especially teachers from schools which we find featured in the newspapers now and then as having done very well in national examinations. You find in some cases that <sup>were</sup> ~~non~~ of the teachers in such a school is given promotion yet you find a teacher working in a ~~sk~~ school which may have been the last in the national examinations being promoted. Nobody knows how this ~~merit~~ method works. It is unfair for teachers working in schools that do very well not ~~to be~~ <sup>being</sup> considered yet other lazy teachers who, may only be good in moving here and there looking for promotion, <sup>are</sup> ~~is~~ promoted. Today such a teacher may be a Pl Teacher and tomorrow he is promoted to an Sl Teacher. Is that encouraging teachers to do their work better or is it discouragement? These complaints have been there for long all over the country and I would urge this good ~~in~~ Ministry to check where this loophole is. When some teachers do well in their work, they should be rewarded properly so that others may follow suit.

There <sup>are</sup> many things that happen in this Ministry which are not ~~be~~ good but, since the Minister has been praised so much as far as his work is ~~in~~ <sup>concerned and</sup> concerned, he has been in that Ministry for a long time. The staff in that Ministry should also follow the

MR. KIILU (Ctd.):

good example of their Minister because I am sure even the teachers themselves are happy with what their Minister does.

There have been a lot of complications in Harambee Schools. We know that on the side of the Ministry, there are some Government trained teachers who are posted to <sup>some</sup> ~~any~~ of these schools. You find that some <sup>Sponsors are</sup> ~~sponsors~~ refusing to accept such ~~teachers~~ qualified teachers sent by the Ministry and appoint unqualified teachers to head those schools, yet parents keep on complaining. The Minister ~~as a Minister~~ should think of what to do with such sponsors, maybe, advise them on ~~the~~ how to run Harambee schools. When that is done, a lot of things will have been rectified in these schools. I say this because with the present situation, you find some untrained teachers and some academically unqualified teachers working in a particular school for years because of poor management.

With these few remarks, I beg to support.

MR. MATE: Thank you very much, Mr. Deputy Speaker, Sir, for also giving me this chance to air my views on Sessional Paper No.6 of 1988 of the Ministry of Education. Apart from the Minister and his Assistant Minister, I can see that we have experts in his Ministry in the House today. I am sure they will also take into consideration the views <sup>s</sup> which are being aired by the hon. Members of this House for the ~~better~~ improvement of their Ministry.

Many hon. Members have said that in Kenya, we should have a crash programme for the untrained teachers so that we face <sup>untrained teachers</sup> them out from our primary schools; they are just too many. Some of them have served in this capacity for a long time and when they remained untrained, their salaries also remain generally static.

MATE

MR. ~~KHILU~~ (Ctd.):

The Ministry should consider this proposed crash programme so that we finally do away with untrained teachers. By so doing, we will also have improved their ~~at~~ economic status. Some have remained so for the last 10 or 15 years and I see no reason why we should not train them under a crash programme. This will also improve their morale and improve the performance in the schools that they teach.

It is common knowledge that the new salary scheme <sup>for</sup> ~~and~~ secondary school teachers and the tutors at the various teacher training colleges is quite attractive but it is not impressive to the primary school teachers and the diploma teachers, for whom it does not apply. These are the people who form the majority of teachers, although they were ignored. The Minister should ~~consider~~ consider up-grading their scheme of service ~~and salary~~ so that they do not feel demoralized. The new ~~scheme~~ scheme for secondary school teachers and tutors at colleges has really demoralized the teachers in the other lower cadre. I am happy that the Minister for Education is sitting right in front of me and is ~~hearing~~ ~~is~~ going to hear all what I am going to tell him loud and clear. I am happy about this aspect.

END I. 

MR. MATE (Ctd.):

The other point that I would like to put across to the Ministry for consideration is the question of private kindergarten schools which are mostly in urban areas. These private schools have become very, very expensive. In fact, it is not surprising to get a school charging about Kshs. 500.00 per month per child. Whatever you may have there may not be human being. You can put a door there and pretend that it is the headmistress of that kindergarten school. The owners of these schools collect a lot of money. I think the Ministry should look into this matter because these schools are just too expensive for nothing. Although some Kenyans are rich and can afford high fees, these kindergarten schools are just very expensive for no apparent reasons.

The other point that I would like to air here is that I do not know why our Ministry of Education likes management by crisis, for instance, the recent university intake. In fact, we deeply and profoundly thank His Excellency the President for having intervened in that kind of crisis and it was solved amicably. Another kind of crisis that we have witnessed this year is where the Kenya Certificate of Primary Education (K.C.P.E.) pupils were grouped into funny centres and others were made to walk long distances to go and sit for their examination. I have a case in mind where I know pupils were made to walk 10 kilometres to go and do their examination. The most strange thing about the whole issue is that it had not been brought to their notice before. They were told on the rehearsal day that "the Ministry has no money, and therefore we have grouped all the centres in a particular sub-location or a location thus you will have to walk to one centre." This has not been very, very good because I know it is going to affect the performance of those pupils who were forced to walk long distances to<sup>go</sup> and do their examination. In other areas it really rained on them and when they got to the centres, they were as wet as rabbits. How can you do an examination when you have walked for 10 kilometres? How can you, after you have been rained on be expected to perform well? In fact, this particular examination is both crucial and competitive. This is why I say that it should have been looked into before and then something should have been done. As Kenyans we are used to

MR. MATE (Ctd.):

Harambee contributions; we are used to getting money out of our pockets and to cope with situations which are difficult. So if the Ministry knew that they were in a crisis because of money, we should have been told and we would have willingly contributed and we would have avoided that situation. It was actually painful to most parents to see their children being treated that way.

Let me now touch on the question of primary school inspectors; we appreciate that they are doing well in inspecting schools and as a result of this academic performance in most schools is improving. However, I would like also to touch on the appointment of assistant primary school inspectors. This is where a teacher is promoted among his colleagues, becomes the boss of his colleagues and is posted in the same district. It should be noted and that if a certain teacher has done well and is promoted, he should be taken to a different district from where he had been teaching so that he is not seen to be victimizing those who have been in the field with him. It has been said in other areas that where a teacher is promoted to the post of assistant primary school inspector, and then is posted in the same district, he victimizes his less fortunate colleagues. I take this opportunity to ask the Ministry to see to it that whenever a teacher is promoted to the post of assistant primary school inspector, he should be taken to another area for better co-existence.

I would also like to say something in connection with the much talked about cost-sharing policy. The issue of cost-sharing should be handled with a lot of caution. This is because economically not all areas in Kenya are the same; some areas are more disadvantaged than others. People in some areas are not able to get money easily because we are not on the same footing financially. I know the Ministry is seriously considering the issue of cost-sharing. I am saying that when this policy of cost-sharing is finally put into practice a lot of caution should be exercised so that the less developed areas in the Republic of Kenya are not made to suffer. This is because if people in areas like the North Eastern Province, some parts of my constituency, some parts of Kitui or Machakos Districts, West Pokot District and some other semi-arid areas are asked to pay money for their children to go to a university or to a ~~tezeki~~ teacher training



MR. MATE (CTD):

college they would not make it. This is why I am asking the Minister with all due respect that when they come to implement the policy of cost-sharing the area where one comes from should be borne in mind. This is because we are not equal in terms of wealth and so on.

The Auditing Department in the Ministry of Education is another area that I would like to touch on. I think the officers in this department should be more active. Let those who mismanage school funds be punished irrespective of whether they are head-teachers, or members of the board of governors; I think auditors are being too lenient with these people.

With those few remarks, I beg to support.

THE VICE-PRESIDENT, MINISTER FOR HOME AFFAIRS AND NATIONAL HERITAGE (Dr. Karanja): Thank you very much, Mr. Deputy Speaker, Sir for giving me this opportunity to say a few things about Sessional Paper No. 6 of 1988 which every hon. Member knows comes from the Report of the Working Party appointed by His Excellency the President to review the path for Manpower Training and Education for the Next Decade and Beyond.

First of all I wish to congratulate the Minister for Education for this very important seminar Paper which is comprehensive in its scope, incisive in its insights and brilliant in its presentations. I would also like to congratulate the people who took such great pains to write the Report.

END ..... J

JK

THE VICE-PRESIDENT, ~~AND~~ MINISTER FOR HOME AFFAIRS AND NATIONAL HERITAGE (ctd):

*L.N.P.* [The document goes into a thorough inquiry about the background of our educational system and gives us a clear path of where we have come from and where we ought to be going, particularly if we are going to get the maximum benefits from the immense amount of money we are investing ~~in it~~ as a nation in education as a whole. Kenya has made tremendous ~~z~~ strides in education since <sup>the attainment of</sup> Independence and particularly in ~~all~~ areas of our educational training. Basically, this has come about because of the peace and stability that we have enjoyed for the last 25 years, and, secondly, by the deliberate and wise policy of spending our resources for educating our young people. I think everybody knows that we fought for Independence so that we can fight the three enemies, namely, ignorance, poverty and diseases. I think, in all these areas, we have ~~now~~ made tremendous progress. I think we should be very proud of the immense developments that have taken place in all ~~s~~ these sectors. ~~I think~~ this is as a result of ~~the~~ very foresighted leadership by the Kenya Government.

Mr. Deputy Speaker, Sir, problems are going to arise, and they have begun to appear on the horizon. It would be unwise to ignore these problems because they are the ones that are going to make the difference between the ~~success~~ success and failure of any educational system that we may design. As hon. Members will know, ~~z~~ education is at the heart of national development. Education, in its ~~s~~ wider sense is meant to acquire mental and manual skills for the young generation, so that they can cope effectively with the environment in which they find themselves. Hence, the Paper has discussed in various ways all areas of education; pre-primary, primary education, secondary education, technical education, university education and teacher training. I think, of all these sectors, the most important one is primary ~~s~~ education. This is why we have emphasised the 8-4-4 educational system, which is meant to give our children, unlike in the past, some skills, right from the beginning, so that when they leave school, they are able to look after themselves in ~~independent~~ a meaningful way, instead of depending on employment all the time. ~~T~~

~~AND~~

THE VICE-PRESIDENT / MINISTER FOR HOME AFFAIRS AND NATIONAL HERITAGE (ctd):

Mr. Deputy Speaker Sir, there are two areas which I would like to put a lot of emphasis on and I think hope the Minister for Education will bear them in mind. The first one is that of teacher training - there is no education that is going to be effective if you do not have the right kind of teachers. Teacher training in this country is not in many ways ~~complete~~ not completely secure. Our teachers in many cases are not motivated and in many cases they have not been sufficiently trained. I think more emphasis should be ~~toxic~~ put on training teachers, particularly in the methods of teaching.

(Applause)

I think it is not generally appreciated that unless ~~it~~ you know how to teach, even quite often, if you know the orthodoxy of the subject and you cannot impart it to the children, then you are, in fact, a defective teacher. So, more emphasis should be put into training the teachers. We cannot assume that university graduates who come from Nairobi University, Moi university, or anywhere else, are going to be good teachers, because they have ~~got~~ a Bachelor of Arts degree or a Bachelor of Science degree. They must themselves be trained as teachers.

(Applause)

That is the only way we can make sure that they are able to impart the knowledge they have received from their classrooms because in the end an untrained teacher, even if he has a Doctor of Philosophy degree, ~~he~~ is just as bad as the teacher who has had an ordinary secondary school education.

(Applause)

Mr. Deputy Speaker, Sir, the second area which I would like to stress on is the question of technical education. I think the Minister responsible for technical education and the other people in the various Ministries will have to produce their own paper, because this document has not covered sufficiently this area of vital importance to the future of this country. ~~xxxxxxxxxxxx~~ <sup>that move</sup> Science and technology are the ~~the~~ engines of the modern society. If we do not take advantage of science in our schools, we are going to be left behind in the revolution that is taking place in the world today, and that is the science revolution.

(Applause)

## THE VICE-PRESIDENT AND MINISTER FOR HOME AFFAIRS AND NATIONAL HERITAGE (ctd):

Mr. Speaker Sir, the white teeth of technology has to be grasped by the Africans, otherwise, they are going to be left behind, like they were left behind by the industrial revolution.

Mr. Deputy Speaker, Sir, the other point I would like to make is about university education. University education is meant primarily to raise the people who are going to develop the nation in terms of high level manpower. Apart from the advancement of knowledge, which we also expect in institutions of higher learning, we are there to train the undergraduates who are going to man our various Ministries. By definition, university education must be ~~competitive~~ <sup>competitive</sup>, selective and limited. We have to be selective and make sure that our children understand that not everybody who is in the secondary <sup>school</sup> level will go to university. This notion has to be abolished from the minds of many children and from many mothers and fathers. The impression is gaining ground that every child who goes to secondary school must have a place in university. This nation, surely, cannot afford to educate everybody to university standards. It is not done even in the most advanced societies. Therefore, we must be realistic and leave our children in no doubt that only those people who can benefit from university education should be so given that opportunity. Naturally, this is a democratic and egalitarian society. We shall try to accommodate as many people as possible, but not all can be accommodated because that would be too expensive and cannot be accommodated by the state.

Mr. Deputy Speaker Sir, I would ~~like~~ <sup>point</sup> finally like to make ~~a point~~ the most important <sup>on</sup> ~~is~~ here again, <sup>is</sup> the question of cost-sharing. The question of cost-sharing is something we must accept as a new development. We need to accept that we must share the cost of education. The state, by itself, cannot meet everything. We have wealthy mothers and fathers who are sending their children to America and so forth and they pay for their education. So, why can they not pay for that education in our own society? Mr. Deputy Speaker, Sir, I hope that the inter-ministerial committee <sup>will have</sup> ~~would~~ take quick answers and guide us into the <sup>course</sup> ~~path~~ of ~~the~~ this paper when it is going to be implemented.

I thank my hon. Members for listening to me.

THE MINISTER FOR INDUSTRY (Mr. Anyango): On a point of order, Mr. Speaker, Sir. With those good remarks from His Excellency the Vice President, Minister for Home Affairs and National Heritage, can the Mover be called upon to reply?

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

THE MINISTER FOR EDUCATION (Mr. Oloo Aringo): Mr. Speaker, Sir, first of all, allow me to express my gratitude to all the hon. Members who have made extremely useful contribution during the cause of their <sup>speeches</sup> ~~contribution~~. I know that many more hon. Members would have liked to discuss this topic, but did not have the chance to do so. However, I know that they support this Session Paper No. 6, of 1988, and that it is going to get the unanimous support of this House and the country at large.

There are very important issues which have been raised by the hon. Members. Before I address them, however, let me take this chance once again to thank hon. Members for this expression of consensus. I, in fact, raised this issue when I first moved this Motion: That our definition of democracy is not the multiplicity of parties within a state. I gave the example of the case of South Africa where there are many political parties, yet it is the most <sup>tyrannical</sup> ~~authoritarian~~, undemocratic and racist system. Therefore, the multiplicity of parties in definition of democracy does not define democracy. In our situation, for example, this Paper is <sup>as</sup> a result of research by experts whose recommendations have been considered by Government. It has now been brought to the elders of this nation in this distinguished House. The elders of this nation, in the National Assembly, who represent the 22 million Kenyans are thrashing the issues involved in this policy Paper. Therefore, what is emanating from the Sessional Paper is the consensus of the nation as a whole. What is a

THE MINISTER FOR EDUCATION (contd.):

a better definition for democracy than the <sup>concept</sup> ~~concept~~ of a consensus?

This is a consensus which for example comprises of free discussion, which we enjoy in this House and in the country at large. Secondly, the consensus comprises participatory discussion and democracy. We are free to participate in a discussion. Finally, and most important, it ensures that all information is made available to the participants so that they <sup>can</sup> reach <sup>at</sup> enlightened consensus. I am saying this because the Sessional Paper, is in itself proof of this democratic tradition which we are building in this country, and which as Kenyans, we should be proud of. We should not just be proud because the Westminster model says that there must be two parties or more. We should be proud of finding out the opinion of our people; registered and articulated as policy of this country. This is an excellent example; I want to thank the hon. Members for this consensus of the country as a whole; and for the expression of unity in the House and in the whole country. Some people ask, "How do we test our strength?". We test our strength because unity has prevailed here; and we have come forward to say that we are determined to reform education. We ~~are~~ are determined to consolidate and improve the 8-4-4 system of education. This paper is an attempt to improve on the 8-4-4.

The other <sup>dimension</sup> ~~dimension~~ is the element of training. We have discussed formal education ~~from~~ from pre-primary right up to university. In this paper, and along with our policy, the great emphasis is on post school training. For example, we have talked about the fate of graduates of primary schools, and how we can provide them with the skills ~~with~~ with which they can earn their living. We have also addressed <sup>ourselves to</sup> the question of the role of technical training institutes and youth polytechnics, and found

## THE MINISTER FOR EDUCATION (contd.):

out that many graduates of primary schools can enter training <sup>institutions</sup> and qualify with artisan and crafts skills and become useful people to themselves. It is <sup>the</sup> ~~is~~ promotion of skillable ~~skills~~ <sup>courses</sup> which individuals can use in both self employment and independent employment that makes a major change in the present policies of education and training which is defined in the Sessional Paper. It is for us as leaders to go out to the corners of this country and preach the need for the expansion of these vocational institutions; the technical training institutes, the youth polytechnics, as well as the ones run by various churches. In most cases, we would like to see churches involving themselves in creative areas such as the training of the youth, instead of devoting more time to politics. Let them leave politics to politicians, <sup>and</sup> let them promote the development of the youth. If youth polytechnics could be started by christian churches, it ~~would~~ would be a major contribution to this country.

In the same way, therefore, the private sector must come up with training programmes for the youth of this country. This is because both the private sector as well as the public sector are <sup>partners</sup> ~~partners~~ in the development of Kenya. All of us have a responsibility to ensure that the youth of Kenya have the skills <sup>can make them</sup> ~~which~~ with which ~~they can~~ earn their living either in dependent employment, wage employment or in self employment. It is also, therefore, the challenge of industries to ~~start~~ expand training. I say this because under our laws, there is an Industrial Training Levy. I have said before that the private sector is extremely happy to collect this ~~levy~~ levy and to remit it to Government. The aim of this levy, however, is to provide skills to the youth. They are however, very

THE MINISTER FOR EDUCATION (contd.):

reluctant to impart these skills because they want to continue the domination of our economy by the importation of the expatriate factor. We have to defeat this syndrome, particularly of those few

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 that want to continue the domination of our economy through the importation of expatriates under the pretext that we do not have the skilled manpower. Let them use the Industrial Training Levy: To train the youth; ~~To train~~ the artisans, ~~To train~~ the craftsmen, ~~To train~~ the technicians. ~~the~~

Take for example, the textile industry which is one of the largest employers in this country. It is possible for us to train all our artisans and craftsmen and technicians and thus provide the technologies. There is completely no point in this day and age for us to import textile technologists to man. textile industries such as ~~Kika~~ Rivatex, Kikomi, or the the textile industry in Thika and Mombasa. We can do ~~it~~ it, and we must invest in our people in order to give them the control of our destiny and industries.

Similarly, we have dealt with the important ~~role~~ role of middle level colleges. Here I am referring to the institutes of technologies which are going to provide the crucial role, the middle level technicians and the professionals such as accountants. At the moment, some of the mismanagements in various Government institutions and in the private sector is because we just do not have the accountants. We just do not have good bookkeepers. There is an acute shortage both in the private sector as well as in Government. This is one of the problems I have in the Ministry of Education. We do not have



THE MINISTER FOR EDUCATION (contd.):

adequate number of auditors for schools. As leaders, we must direct ~~we~~ the energies of our people to the areas of greatest needs. The ~~ag~~ areas of greatest needs is to provide the middle level professional manpower. We must provide the much needed technicians as well as the much needed technologist and give them an opportunity to serve our nation. We have not only emphasised on that, within this system of education, we have provided for linkages at all levels, both horizontal and vertical. NI [For example, you can move from a secondary school to train in a middle level college. Somebody can even move from a middle level college into secondary school. So, there is both vertical as well as horizontal movement. People can in fact move from national polytechnics with a higher national diploma, spend a shorter period of time, receive credit for their national ~~degrees~~ diploma, and complete their degree, if that is their ambition, in the shortest possible time. This flexibility, within the 8-4-4- system of education is one of the <sup>revolutionary</sup> ~~revolutionary~~ aspects of the achievements of this new system of education. There is both vertical and horizontal movement, which allows for a person to train and acquire the skills for self or wage employment. NP [It is addressing ourselves to this level of training, particularly post school training that should now become the language of leaders. In order to <sup>address ourselves to</sup> answer the question of employment, we must ~~address~~ <sup>address ourselves to</sup> training and thus <sup>providing</sup> ~~proving~~ skills. This will make it possible for our youth to see hope, a future, and thus be committed to this country, because they have a stake in it. They have a stake in it ~~xx~~ because they have the skills <sup>with</sup> which to extract a living out of their own sweat and environment.

THE MINISTER FOR EDUCATION(contd.):

I would have liked to respond to a number of questions which have been raised by hon. Members, and which we have taken note of.

MR. DEPUTY SPEAKER: ADJOURNMENT

MR. DEPUTY SPEAKER: It is now time for the interruption of business. The House is therefore adjourned until Tuesday, 22nd November, 1988 at 2.30 p.m.

The House rose at thirty minutes past Six O'clock.