

NATIONAL ASSEMBLY

OFFICIAL REPORT

Thursday, 11th April, 1996

The House met at 2.30 p.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

PAPERS LAID

The following Papers were laid on the Table:-

Annual Report and Accounts of Marsabit Lodge for the year ended 30th June, 1991 and the Certificate thereon by the Auditor-General (Corporations)

Annual Report and Accounts of Marsabit Lodge for the year ended 30th June, 1993 and the Certificate thereon by the Auditor-General (Corporations)

Annual Report and Accounts of Transport and Tourism Services for the year ended 30th June, 1992, and the Certificate thereon by the Auditor-General (Corporations)

Annual Report and Accounts of Golf Hotel Limited for the year ended 30th June, 1994, and the Certificate thereon by the Auditor-General (Corporations)

(By the Assistant Minister for Tourism and Wildlife (Mr. Sing'aru) on behalf of the Minister for Tourism and Wildlife)

Annual Report and Accounts of Moi University for the year ended 30th June, 1993, and the Certificate thereon by the Auditor-General (Corporations)

(By the Assistant Minister for Tourism and Wildlife (Mr. Sing'aru) on behalf of the Minister for Education)

ORAL ANSWERS TO QUESTIONS

Question No.050

COMPLETION OF FLATS

Mr. Deputy Speaker: Is Mr. Icharia not here? We will leave his Question until the end. Let us move on to the next Question of Mr. Kinyua Mbui.

Question No.007

REVIEW OF CIVIL SERVICE SALARIES

Mr. Mbui asked the Minister of State, Office of the President, in view of high cost of living, whether he could consider setting up a Commission to review the salaries, housing and travelling allowances for civil servants.

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Deputy Speaker, Sir, I beg the indulgence of the House that the answer is not ready and if the Question can be put on the Order Paper for Tuesday, I would be able to answer it.

Mr. Deputy Speaker: Hon. Mbui, I suppose really you have to agree, but I will want to appeal to the Front Bench also to try and answer the Questions when they are due because deferring them to some other day

tend to disorganise our own plans. We have already deferred two Questions for Tuesday next week. We will want to have every day have about the same number of Questions.

Mr. Mbui: Mr. Deputy Speaker, Sir, I cannot get you?

Mr. Deputy Speaker: Order, if the Assistant Minister says that he does not have the ready answers and he is requesting that we defer the Question to Tuesday, I suppose, however unhappy you maybe, you also have to go along with that because you want the answer. We can do nothing except to go ahead with the request to defer the Question, but I will want the Front Bench or the Government side also to try and assist us by trying to answer the Questions as and when they are due because deferring them does disorganise the schedule of our forward plans about what Questions have to be answered on which day.

We have already deferred two Questions to Tuesday. So, I will accept that the Question be deferred and to be put on the Order Paper at earliest convenience next week.

(Question deferred)

Question No.041

BETTER PRICE FOR MAIZE CROP

Mr. Busolo asked the Minister for Agriculture, Livestock Development and Marketing what steps the Ministry is taking to restore confidence in the maize sector so that farmers may be assured of a better price for their crops this year.

The Assistant Minister for Agriculture, Livestock Development and Marketing (Dr. Misoi): Mr. Deputy Speaker, Sir, I beg to reply.

As you are aware, under the current liberalisation process, maize marketing was liberalised in December 1993. Following this liberalisation, a considerable amount of maize was imported into the country by private sector. At the same time, the country also realised a bumper harvest of the maize crop during the year 1994/95 season. As a result of which there were excess supplies of maize in the country, and hence the depression of farm gate prices to as low as Kshs350 to Kshs400 per 90 killogrammes bag.

Following this development, several actions have been put in place by the Government in an effort to restore confidence in the maize production. These efforts include:-

In collaboration with the Ministry of Finance, Ministry of Agriculture, Livestock Development and Marketing, we have imposed import duties on maize at the level of Kshs4.00 per kilogramme or 15 per cent of CIF value.

To mop up the excess supplies, the Government authorised the National Cereals and Produce Board to export upto 4.47 million bags of maize. This action boosted local maize prices by raising them from the very low levels I have quoted above.

Through the National Cereals and Produce Board, the Government was able to procure one million bags of maize for strategic reserve. This procurement was made possible through the funds derived from the maize export.

The Government has released credit to be advanced to farmers during this season in support of increased food production by our farmers.

Mr. Busolo: We know that maize is the staple food for most people in this country. Even in places where ugali is not a favourite food, I understand that people have started eating ugali all over the country. The farmers who produce this maize do not get good prices for their crop. If anything, the income levels of the farmers cannot even allow them to educate their children, meet their health needs and even travel. It has even reduced their ability to meet their social and basic obligations for example, the provision of shelter, clothing and food. That speaks very negatively about our farm policy when it comes to maize farmers. It is also well known that the value of money itself has gone down.

Mr. Deputy Speaker, Sir, we know that price is the main incentive for productivity. The economic capacity of the maize farmers has been reduced to a level where even the Assistant Minister cannot tell us the level at which the prices rose so that farmers this year can produce more maize. Could the Assistant Minister tell us, out of his calculations what the price will be at the end of this harvest season before the farmers can produce more?

Dr. Misoi: I agree entirely with the hon. Member that maize producers have suffered great losses because of the low prices which they got for their maize. The intervention by the National Cereals and Produce Board to buy maize for Kshs600 per bag assisted the farmers by influencing other purchasers, for example, the

millers to raise the prices of maize. We know that in a free market economy where demand and supply dictate the prices of commodities, there is very little which Government can do.

To avoid unfair competition from outside this country, we have taxed imported maize and stopped taxing imported machineries and chemicals that are required by the farmers. This is one way of also reducing the cost of input in food production.

Mr. Rotino: I think the Ministry of Agriculture, Livestock Development has failed to advise the farmers on food production. When the Minister was contributing in this House last time, he complained that how his Ministry is being frustrated by the Ministry of Finance.

The Assistant Minister has failed to answer the Question. The Question is specific: What steps is the Ministry going to take to ensure that farmers are given confidence that the prices of maize will remain stable this year? He should tell us the specific steps and not mere stories. He should tell the farmers the plans which the Ministry has got to ensure that during this particular year, farmers will get good prices for their maize. Otherwise, we are not going to take it very lightly because that is our staple food.

Dr. Misoi: I have given the steps which the Government has taken in order to restore the confidence of farmers in the production of maize and this applies to other food commodities which are subject to the forces of free market economy. The hon. Members must also realise that the time when Government used to set the price ceilings for agricultural produce or any other commodities is no more there. This is a liberalised market and the only intervention which the Government can effect is to monitor all taxation on inputs used in farming such as tractors, implements and spare parts. The Government can also ensure that any food stuffs from outside the country are taxed at the level specified under our laws. That is when we can control the dumping of imported goods which can affect the marketing of produce from our farmers. So, the actions that have been put in place, if implemented very well, we would be able to facilitate the availability of good prices for products that are produced in this country.

Mr. Rotino: On a point of order, Mr. Deputy, Speaker, Sir. The Assistant Minister has evaded answering the Question. He should be able to differentiate between steps and reasons. We want him to tell us how they are going to instil confidence in the farmer. They should not hide behind liberalisation. Liberalisation is a big word and they should not hide behind that. They should be able to restore confidence in farmers, by stating the farmers will be paid Kshs800 per 90 kilo bag as opposed to the world market.

Dr. Misoi: I am also a small-scale maize producer and I also suffer from these consequences. The hon. Member is aware of the cleaning operations that have been instituted at the KPA in Mombasa and the Revenue Authority to weed out those persons who have been flouting the rules and promoting corrupt practices and, therefore, allowing commodities to enter into the market at very low prices to undermine the marketing of our farm produce in this country. Arising out the efforts being made at the KPA, it is expected that dumping of foreign commodities will not be allowed into this country. If it happens, those responsible will have to carry their own cross.

Mr. Busolo: What I want the Assistant Minister to tell us is this: If liberalisation is against the interest of the farmers why should the Ministry turn to liberalisation when it is against the very tenets of our farmers?

Dr. Misoi: Mr. Deputy Speaker, Sir, I did not quite follow that question.

Mr. Busolo: The Assistant Minister is claiming that we are in a liberalised economy and as such, we have nothing, therefore, to do with prices. In other words he is admitting that they have nothing to do with the plight of the farmers as far as I can understand him. The Question I am asking is this: Since the Ministry is in charge of promoting the productivity of the farmers in this country, why should they agree with a policy that is opposed to its very own existence as a Ministry? Are they telling us that the Ministry of Agriculture, Livestock Development and Marketing has fallen short of what is expected from it?

Dr. Misoi: I am saying the truth. Hon. Members do know that this country is operating under both political and economic liberalisation. It is unfair for an hon. Member of Parliament who is quite conversant with the deliberations of this House not to be honest enough to say that these steps which have been taken will work.

Mr. Rotino: On a Point of order, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Next Question, hon. Kiraitu Murungi.

Question No. 001

TARMACKING OF ROAD

Mr. Murungi asked the Minister for Finance:-

- (a) what steps the Government has taken, so far to raise funds for tarmacking the Meru-Githongo-Chogoria Road as unanimously resolved by the House in 1994; and
 (b) how much money has been raised so far.

The Assistant Minister for Finance (Mr. Koech): Mr. Deputy Speaker, Sir, I beg to reply.

(a) During the current Financial Year, 1995/96, the Government has allocated K£100,000 for the tarmacking of the Meru-Githongo-Chogoria Road. In addition, the Ministry of Public Works and Housing is currently negotiating with a potential donor for supplementary funding.

(b) As indicated above, the Government has set aside K£100,000 in the current Financial Year, 1995/96. For the subsequent Financial Years, the Government has allocations as follows:- 1996/97, K£500,000, and then we have got money also for the subsequent Financial Years to show that this particular road is in the programme.

Mr. Murungi: Mr. Deputy Speaker, Sir, this answer by the Assistant Minister confirms what we have suspected all along, that this Government hates the people of Meru and it is not willing to spend any money on them. It only requires them to continue singing "KANU juu, juu zaidi," but when it comes to expenditure, it spends nothing on the people of Meru. This year, the Assistant Minister says that they have earmarked K£100,000 for this road, but as a matter of fact in the Printed Estimates, this House had approved K£500,000. Then in the Supplementary Estimates, they chopped off Kshs 8 million and left only Kshs 2 million, which cannot tarmac even a single kilometre.

Mr. Deputy Speaker, Sir, we are tired and sick of the promises of the Government.

Mr. Deputy Speaker: What is your Question, hon. Murungi?

Mr. Murungi: My Question is: Does the KANU Government want the votes from the people of Meru or not?

(Laughter)

Mr. Kamuren: On a point of order, Mr. Deputy Speaker, Sir. The Question as it appears on the Order Paper has nothing to do with "KANU juu, juu zaidi". What does he mean?

Mr. Deputy Speaker: Order, Mr. Kamuren! Continue, Mr. Koech.

Mr. Koech: Mr. Deputy Speaker, Sir, I am not going to engage in a lot of talk which has nothing to offer because we are a very serious Ministry.

Mr. Deputy Speaker, Sir, the money has not been chopped. What happened during the Supplementary Estimates Stage is that if the tarmacking of road has not started, there would be no point retaining Kshs 8 million for one or two months because it would not be finished before the end of the Financial Year. But to show that the Ministry is serious and it is going to tarmac this road, they must give some money which can be used for documentation and anything else, so that when the next Financial Year comes, the money would be forthcoming.

Mr. Deputy Speaker, Sir, what caused the delay in doing this is because the Government has got to identify a potential donor. So we are very serious and we just do not payuka, but we work.

Mr. Murungi: Mr. Deputy Speaker, Sir, they say that for 1996/97 Financial Year, they have earmarked K£500,000, 1997/98, K£750,000, 1998/99, K£1 million, totalling to Kshs 22 million. The road requires Kshs 500 million. Between now and 1999, the amount allocated by the Government can only tarmac 4.5 kilometres out of the 55 kilometres of this road. My Question is this: We have allocated Kshs 700 million to a single dam in Baringo. What is the shame in allocating even Kshs 100 million for this road?

Mr. Koech: Mr. Deputy Speaker, Sir, I do not know whether the hon. Member listened to me, and I want him to listen very seriously. When this money has been allocated which is in the Printed Estimates this year, it is for documentation. At the beginning of next Financial Year, the Government is giving more money for this particular road when the really job is going to start and when the payment is going to be effected.

Mr. Farah: On a point of order, Mr. Deputy Speaker, Sir. I have from the hon. Member the written answer and it says that in the current Financial Year, 1995/96, the Government has allocated K£100,000 for the tarmacking of the Meru-Githongo-Chogoria Road. It does not say for documentation or for the study, it says for the tarmacking, Kshs 2 million. How many metres of the road can be tarmacked using kind of money?

Mr. Koech: Mr. Deputy Speaker, Sir, I can excuse the hon. Member because when it says tarmacking, it includes everything.

(Applause)

Mr. Deputy Speaker, Sir, we do not tarmac the road before we do the design. We do not say that the money has been given for the design, and, then for documentation and so on. The appropriate money is given, and then there is design which has got to be undertaken. Then after that the work starts, and the really payment for this road is going to be during the next Financial Year.

Mr. Muite: Mr. Deputy Speaker, Sir, since this House had originally allocated K£500,000 which was reduced and re-allocated, can the Assistant Minister kindly tell this House where the K£400,000 which was re-allocated went?

Mr. Koech: Mr. Deputy Speaker, Sir, this is a normal procedure. When projects are started, the documentations and designs for some jobs may not be done very fast because of some problems particularly affecting those projects.

If the Ministry realises that it cannot be able to utilise the money during this Financial Year, it would rather utilise the funds for something else which is already in place. We have so many projects that are being undertaken. There are projects which might appeared underfunded and because those ones were due for payment, that money has to be paid. This one also, if by the end of the next Financial Year, there is shortage of money, there may be some allocation for this particular road.

Dr. Lwali-Oyondi: On a point of order, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Next Question, Bishop Kimani. Bishop Kimani is not in and we shall stand over the Question for the moment.

Next Question, Mr. Mwaura.

Question No. 032

EFFECTS OF COLD WAR END

Mr. Mwaura asked the Minister for Foreign Affairs and International Co-operation what has been the effect of the end of cold war and the collapse of the Communist block on Kenya's Foreign Policy.

The Assistant Minister for Foreign Affairs and International Co-operation (Dr. Manduku): Mr. Deputy Speaker, Sir, I beg to reply.

Since Independence in 1963, Kenya's Foreign Policy has been, and still is, based on certain basic principles and acceptable norms in the interaction of Nations. These principles are: Good neighbourliness, non-interference in the internal affairs of other states, non-alignment, respect for territorial integrity of other sovereign states, peaceful settlement of disputes and regional co-operation.

These principles have been the basis of the conduct and practice of Kenya's Foreign Policy both during the Cold War as well after the collapse of the Communist Block.

I wish to add that the overriding consideration in the conduct and practice of Kenya's foreign policy is to promote, project and protect Kenya's national interest. Thank you.

Mr. Mwaura: Mr. Deputy Speaker, Sir, I am disappointed by this answer that the Assistant Minister for Foreign Affairs and International Co-operation has given because my Question ought to get a more appropriate and good answer. For example, can the Assistant Minister tell this House what new foreign policy has the Kenya Government adapted to take advantage of the collapse of the former Eastern Europe countries in respect of our business community for our trade in horticulture and areas like this? These are the kind of answers that I would have wanted to be given. Various countries, like the United States of America are moving very aggressively to the former Soviet Block countries. I am asking the Ministry whether they have exploited the collapse of big power politics in order to encourage our business community to exploit the market which were hitherto non-existent in the Eastern Europe countries?

Dr. Manduku: Mr. Deputy Speaker, Sir, our foreign policy is something which is permanent and it has been there since the inception of Independence. The question of conditions changing---

Mr. Mwaura: On a point of order, Mr. Deputy Speaker, Sir. I think it is wrong for the Assistant Minister to lecture the House about what is our foreign policy. I am asking specifically whether Kenya's foreign policy has taken advantage of the end of Cold War to help this country in matters of trade? This is a specific question that I am asking.

Dr. Manduku: Mr. Deputy Speaker, Sir, the hon. Member is talking of the conditions now but the policy is what I have mentioned. The conditions can change any moment and they are not necessarily to be contained in

the policy.

Mr. Farah: Mr. Deputy Speaker, Sir, the question by the hon. Member of Parliament is that there is a change of a massive magnitude that is being seen by the entire world. There are new markets in the former Soviet Blocs. There is chance of creating business for the borrowing technology from that Bloc to our country here which is cheaper also. What he is asking you is that now that it is not a closed Bloc, what is this country doing to enhance co-operations at the commercial level with the former Soviet bloc? What are you doing?

Dr. Manduku: Mr. Deputy Speaker, Sir, after the collapse of Communism, every country is striving to do business with this region and in this respect, Kenya has diversified and has also formed groupings in the regional co-operation. We have the COMESA, the East African Co-operation etc. Therefore, we are also taking that advantage and we are taking care of our nationals in business.

Dr. Lwali-Oyondi: Mr. Deputy Speaker, Sir, I think the Assistant Minister is not understanding the questions we are asking. We are asking this: What are you doing so that we can trade directly with Russia and other former communist countries?

Dr. Manduku: Mr. Deputy Speaker, Sir, on the question of trade if the Questioner wants to know what the Ministry is doing with the trade with Russia, Romania and the rest, then that should be dealt with by the Ministry of Commerce and Industry.

Mr. Murungi: Mr. Deputy Speaker, Sir, Kenyan foreign policy falls into two parts. Can the Assistant Minister confirm or deny that Kenya's foreign policy falls into two parts like this: Number one during communism, our policy was opportunistic. It was "wait and see". So, we were to do nothing and not take any position. We had to wait and see. Then after the collapse of communism, our policy has been to support dictators like Said Barre, Habaryamana, Mengistu, Abacha and now Bashir. Can the Assistant Minister deny or confirm that this is our foreign policy?

(Laughter)

Dr. Manduku: Mr. Deputy Speaker, Sir, I do not think that is our foreign policy. However, if hon. Mwaura is insisting that he should know what we are doing about trade with this Eastern Blocs, definitely we already have opened Embassies in some of these Eastern Bloc countries. We have already signed trade agreements with them. I do not know whether that is not we could not call foreign policy.

Mr. Mwaura: Mr. Deputy Speaker, Sir, I hope the Assistant Minister will understand that any countries foreign policy encompasses many things. We are a member of the Non-aligned Movement. Can the Assistant Minister tell us, for example, whether Kenya, because of the end of the Cold War has changed. One would expect that the non-aligned movement pursuit would be different because we are a member. What steps is Kenya taking, for example, to ensure that the Non-alignment Movement will pursue more trade matters and security of developing countries than hitherto it was doing?

Dr. Manduku: Mr. Deputy Speaker, Sir, I think I have answered that question. We have agreements which we have signed with these countries and, therefore, whether we are a member of the Non-alignment Movement or not, we still have got good relationships with these countries.

Mr. Deputy Speaker: Next question, Mr. Mak'Onyango.

Question No. 046.

ALLOCATION OF LAND

Mr. Deputy Speaker: Since Mr. Mak'onyango is not here, we will leave the question for the moment. Question No. 027, Mr. Paul Muite.

Mr. Muite: Mr. Deputy Speaker, Sir, in my capacity as the *de facto* Member of Parliament for the whole of Narok and Trans-Mara, I beg to ask Question No. 027.

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Deputy Speaker, Sir, in Trans-Mara we have a saying that when the owner is still alive you cannot inherit him. Is the Member for Kikuyu right in saying that he is the *de facto* Member for Trans-Mara?

Mr. Muite: Mr. Deputy Speaker Sir, but none of the Members of Parliament from Narok or Trans-Mara have got the courage to ask this Question. I cannot allow ---

Mr. Deputy Speaker: Hon. Muite you are definitely out of order to claim representation of areas which fall within other constituencies. Will you just ask your Question.

Mr. Sunkuli: On a point of order, Mr. Deputy Speaker, Sir. It is not the courage that we lack. The hon. Member is just a political tourist.

Mr. Deputy Speaker: Order now. Mr. Muite, just go ahead and ask your Question.

Question No. 027

REPAIRS TO ROAD

Mr. Muite asked the Minister for Public Works and Housing:-

(a) whether he was aware that the Mai-Mahiu-Mara Road is in a deplorable and pathetic state;and

(b) If the answer to "a" above was in the affirmative, and given the importance of tourism as a foreign exchange earner, what urgent measures the Government is taking to re-carpet this road, being the only gateway to Maasai Mara Game Reserve?

Mr. Deputy Speaker: Nobody from the Ministry of Public Works and Housing? The Question will be stood over for the moment. Question No.036. Dr. Lwali-Oyondi.

Question 036

ALLOCATION OF JUA KALI SHEDS

Dr. Lwali-Oyondi asked the Minister for Research, Technical Training and Technology:-

(a) when the Minister will allocate the Jua kali sheds, next to Muslim Cemetery in Nakuru Town; and,

(b) if the Minister could outline the method used in allocating the said sheds.

The Minister for Research, Technical Training and Technology (Dr. Onyonka): Mr. Deputy Speaker, Sir, I beg to reply.

Allocation of the *jua kali* sheds in Nakuru Town will take place between the 9th, and the 14th of June this year. The allocation will be done by the District *Jua Kali* 'Shades' Allocation Committee through balloting by qualified *jua kali* artisans.

Mr. Mathenge: On a point of order, Mr. Speaker Sir. Are you talking of shades or sheds?

Mr. Deputy Speaker: It should be s-h-e-d-s but we understand what he means.

Dr. Lwali-Oyondi: Mr. Deputy Speaker, Sir, while I thank the Minister for his answer, I would like to know from him why it has taken almost three years since those sheds were finished. Why are they been lying farrow up to this time?

Dr. Onyonka: Mr. Deputy Speaker, Sir, there are certain formalities that had to be cleared before reaching the stage of actually allocating the sheds. The ground work has more or less been now completed, but definitely when one looks at the details of the programme, there are certain pre-conditions that had to be met in order for us to put these sheds to good use. It is true, and I agree with the hon. Member, that there has been an inordinately long delay, but within the recent past, we have managed to sort out most of those difficulties and really are ready now to move forward.

Mr. Muite: Mr. Deputy Speaker, Sir, could the Minister assure this House that, in the light of the land grabbing mania in this country, at least the Muslim cemetery in Nakuru will be spared since this plots are next to it?

Dr. Onyonka: Mr. Deputy Speaker, Sir, to date we have not had a problem with the allocation of sheds and I would like to assure the hon. Members that one thing we have done is to ensure that members of the Jua Kali Association of the relevant towns are members of the allocation committee. If there is any issue that comes up, they are free to raise this with the Ministry's headquarters which is represented and in fact, I would like to inform the House as to what is supposed to be the composition of the committee; who the members are. We have an allocation committee that is supposed to be chaired by the Permanent Secretary in my Ministry but from time to time, it becomes necessary to delegate this to another senior officer. Other members are, the District Trade Officer, the District Development Officer, the District Industrial Development Officer, a representative of the KIE, a representative of the Jua Kali Association and a member of the Development Consultants that have been used in the construction of the sheds in a given town and also a member of the local authority concerned. On the basis of the number of artisans in each trade and the number of available sheds, the committee allocates a certain number of sheds to each trade. In the case of Nakuru, we are talking about 119 sheds.

Dr. Lwali-Oyondi: Mr. Deputy Speaker, Sir, first of all I wonder why the Minister has left out the MP for the area who is the actual representative of the people. That is just by the way. Is he aware that already the artisans are complaining that they are now being transferred to the road to Baringo and that marked people from the ruling party and very rich people are the ones who are going to take over the sheds?

Dr. Onyonka: Mr. Deputy Speaker, Sir, I would be very grateful if the hon. Member for Nakuru Town could furnish me with the names of the very rich people targeted to take over the sheds, then I will look into the problem. Please, you can give me the names of the very rich people targeted to take over the sheds. Because, the sheds have not been constructed to be given to rich people, they are for Jua Kali Association members only.

Mr. Nthenge: On a point of order, Mr. Deputy Speaker, Sir. Once the indication is given like that, is not out of order to ask the Member to do the job? The Minister should now organize to check himself who are the existing people so that he allocates sheds to them?

Mr. Deputy Speaker: Order! Order! It is perfectly in order for the Minister to say, he will be glad to receive further information including the names of those people. Next Question by hon. Kamau Icharia for the second time!

Mr. Icharia: Mr. Deputy Speaker, Sir, before I ask my Question, I apologise for coming late.

Question No. 050

COMPLETION OF FLATS

Mr. Icharia asked the Minister of State, Office of the President:-

- (a) what has caused the delay in the completion of the flats development at the Nyayo Bus Service depot in Ruaraka;
- (b) what the original cost of the project was and how much has been spent so far; and,
- (c) how much is required to complete the project and when it will be completed.

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Deputy Speaker, Sir, I beg to give the following reply.

(a) The delay in completing the flats at the Nyayo Bus Service Complex at Ruaraka in time, is due to inadequate funding in the voted estimates.

(b) The original cost of the project was Kshs175,320,000 but this figure was later revised to Kshs279,676,143 to cater for fluctuation of prices of building materials. So far, Kshs254,946,000 has been paid to the contractor. A total of Kshs24,730,028.80 is required to complete the project and it will therefore be completed in the 1997/98 Financial Year.

Mr. Icharia: Mr. Deputy Speaker, Sir, as we all know, the Nyayo Bus Corporation is in the "intensive care unit" and the situation is not likely to improve. The only answer now, is to sell all the assets of the Nyayo Bus Corporation to a private company for example the Stage Coach so that the services rendered by the Corporation can continue to be given to the members of the public. Can the Minister confirm or deny that these houses have already been earmarked for grabbing by the KANU hawks?

Mr. Sunkuli: Mr. Deputy Speaker, Sir, I deny.

Mr. Nyanja: Thank you, Mr. Deputy Speaker, Sir. Can the Assistant Minister, hon. Sunkuli, deny or confirm that the contract having been varied by more than 50 per cent, is in Government terms irregular, and therefore, not acceptable to this august House and to Kenyans in general?

Mr. Sunkuli: Mr. Deputy Speaker, Sir, the hon. Member is a contractor and he should be able to know---

Mr. Nyanja: On a point of order, Mr. Deputy Speaker, Sir. I am not a contractor, I am a professional consultant. I am an architect from the University of Nairobi with a masters degree.

Mr. Sunkuli: Mr. Deputy Speaker, Sir, the hon. Member, having something to do with the building of houses, must be able to know that revision of contracts is quite in order and there is nothing irregular about it.

Mr. Nyanja: On a point of order, Mr. Deputy Speaker, Sir. I have been a consultant for the Government of Kenya and the Government policy from Treasury is that no contract should be varied by more than 50 per cent. We have the original contract sums here and the revised estimates totalling to Kshs279 million. This is more than Kshs100 million over an above the contract sum. I am talking from Government experience. So, this would not have happened during the Kenyatta era. Can the Minister therefore confirm that this is irregular? I am in the Public Accounts Committee and I know what I am talking about. This is not acceptable. It is in total contradiction of the Government policy.

Mr. Sunkuli: Mr. Deputy Speaker, Sir, the hon. Member is asking and answering his own question.

Mr. Deputy Speaker: Next Question!

(Several hon. Members stood up in their places)

Mr. Deputy Speaker: Next Question!

Question No.21

ALLOCATION OF BURSARY FUNDS

Mr. Deputy Speaker: Bishop Kimani not here? The Question is dropped.

(Question dropped)

Question No.46

ALLOCATION OF LAND

Mr. Deputy Speaker: Hon. Otieno Mak'Onyango still not here? Question dropped.

(Question dropped)

Question No.027

REPAIRS TO ROAD

Mr. Muite asked the Minister for Public Works and Housing:-

(a) whether he is aware that the Mai-Mahiu-Mara Road is in a deplorable and pathetic state, and,

(b) if the answer to "a" above is in the affirmative, and given the importance of tourism as a foreign exchange earner, what urgent measures the Government is taking to re-carpet this road, being the only gateway to Masai Mara Game Reserve.

Mr. Deputy Speaker: Anybody here from the Ministry of Public Works and Housing?

An Hon. Member: Drop the Question!

Mr. Deputy Speaker: Order! The Question cannot be dropped if the Minister is not here. It is deferred, to be put on the Order Paper at the earliest convenience next week.

(Question deferred)

CONSIDERED RULING

MURDER ALLEGATION: MEMBER TO WITHDRAW

Mr. Deputy Speaker: Order! Is hon. Dr. Otieno-Kopiyo here?

Hon. Members: He is not here.

Mr. Deputy Speaker: He is not here? Hon. Members will recall that yesterday, immediately after the expiry of Question Time, the hon. Dr. Otieno-Kopiyo did stand up on a point of order to seek a Ministerial Statement on the violence which has accompanied FORD(K) elections and that culminated, the previous day, in the death of Mr. Okulo within the compound of the All Saints Cathedral in Nairobi. You will also recall that pursuant to his statement, there was quite some argument on the Floor of the House, in particular a heated demand by the Members of the Government from the Front Bench, who demanded that he should substantiate the allegations he had made, generally and specifically against Members of the House. I did in the end say that I would have to consult the HANSARD, reflect on the matter and come back to the House today. I wish now to do that. I have looked at the HANSARD, I have listened to the tape recordings and I must indeed apologize to the

House for having failed to hear some of the words which Hon. Dr. Otieno-Kopiyo did actually utter. When I refused to order substantiation, I was insisting on the protection of the integrity of Members, which is underlined by Standing Order No.73. Unaware that, in fact, his last sentence specifically mentioned an hon. Member of this House, hon. Raila, on whom he imputed the responsibility for a murder which took place. I want to state here, and clearly, that that was clearly out of order. If Dr. Otieno-Kopiyo were here, I would require him to withdraw and definitely he will be bound to withdraw that statement on the Floor of the House at the earliest opportunity that he comes in.

I also want to state for the avoidance of doubt that, whereas Members in the heat of the moment are not expected to glorify each or phrase each other, we still have some minimum standards of acceptable Parliamentary language. Likewise, therefore, I think a statement such as "some of the murderers sit in this august House". Outside the context of a Motion brought specifically to discuss the conduct of specific Members, is much as it is general, unacceptable and out of order. I hope Member will in future avoid it.

MINISTERIAL STATEMENT

MURDER OF RICHARD OKULLU AT ALL SAINTS CATHEDRAL

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Deputy Speaker, Sir, this House will recall that during yesterday's sitting 10th of April, 1996, a Ministerial Statement was demanded on the murder at the All Saints Cathedral. The circumstances leading to the killing of Mr. Richard Okulo Were at the All Saints Cathedral are as follows:

On the 9th April, 1996, at about noon, about 20 young persons alleged to be Members of the Raila FORD(K) faction, went to the Cathedral and demanded to know from the Archbishop Manasses Kuria the umpire of FORD(K) elections why he wanted to rig the elections. They started throwing stones and at that juncture the Archbishop called the police on telephone. The police visited the scene and the youths dispersed but two of them; namely Mr. Lucas Otieno and Paul Akogo were arrested and charged with the offence of creating a disturbance in a manner likely to cause a breach of peace. They appeared in Kibera Court on the same day yesterday.

Later, at about 6.00 p.m on 9th April, 1996, police were again informed that there was a fracas at the Cathedral where one person was beaten and stabbed to death by youths who disappeared after the incident. The police rushed to the scene and were informed that the deceased and three others were at the gates of the church while waiting for Mr. Musikari Kombo who had gone inside the Cathedral when they were found by the youths from the rival faction. They were talked to in Dhuluo and when they were suspected to be Luyhas they were chased during which Mr. Richard Okulo Were was cornered, beaten and stabbed to death. The incident is being investigated by the police and once this is through, appropriate action will be taken against the culprits.

Mr. Deputy Speaker, Sir, let me put it clear at this point that the violence that has characterised the FORD(K) elections has shocked, saddened and demoralised many Kenyans and portrayed the country as made thirsty of each other's blood, simply on the ground that they differ on exercising their democratic rights. It is pertinent and sad to note that violence has been a style of the Opposition and indeed the present violence that was being perpetrated is reminiscent of the clashes that preceded the 1992 elections. Those that are perpetrating this political thuggery are doing a disservice to this nation, and the people of Kenya, as they are impeding our progress towards absolute democratisation based on the principles of peace, love and unity, and the respect of individual rights. It is in this regard that we would like to appeal to all Kenyans that they should not allow themselves to be misused by politicians for selfish motives. Church leaders in particular should desist from violating the sanctity of the church grounds as evidenced by what has been taking place of late in various churches; where the places of worship have been turned into bases of secular operations.

The violence that has rocked FORD(K) elections has been perpetuated by members or supporters of that party, and KANU or the Government have had nothing to do with the cause of that violence. The allegation, therefore, that KANU sponsored the violence is shifting the blame and is being irresponsible. Indeed, the circumstances were such that had the police not intervened, the degree of the chaos would have been nothing near what it is now. It is therefore, virtually incorrect to claim that the police did not help in containing the thuggery attending the elections.

Mr. Murungi: Thank you, Mr. Deputy Speaker, Sir. Although this Statement is very good, there is a gap in the sense that it did not mention what role the Provincial Administration and the police have played in the FORD(K) electoral violence. Under the law it is the duty of the police and the Provincial Administration to keep law and order and protect the lives and the property of Kenyans. Why has the Provincial Administration and the

police kept away as members of FORD(K) attack, kill and maim each other as if they are not Kenyans?

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Deputy Speaker, I have already given a clear Statement on what the police did to stop the chaos when it arose. The insinuation that the police ought to be in every scene of crime is not justified. We have left the members of FORD(K) exercise their democratic rights properly in the sanctity of the church grounds and we only intervened when it became necessary for us to do so.

BILLS

First Reading

THE AUCTIONEERS BILL

(Order for First Reading read - Read the First Time - Ordered to be read the Second Time tomorrow)

Second Reading

THE KENYA INSTITUTE OF ADMINISTRATION BILL

The Minister of State, Office of the President (Mr. Kones): Mr. Deputy Speaker, Sir, I beg to move that The Kenya Institute of Administration Bill be read a Second Time.

I would probably like to give the background of the Kenya Institute of Administration (KIA). I would like to say why it was formed. The Kenya Institute of Administration was established in 1961 to prepare Kenyans to take over the ruling of the Civil Service from the Colonial Service who were expected to depart following the attainment of Independence. The Institute was able to achieve its objectives. By the end of 1960's, most of the administrative and executive positions in the Civil Service were held by local people. Since then, the Institute has continued to offer training, research and consultancy mainly for the public service over the years. However, KIA has had to cope with a number of challenges that have called for a necessary restructuring of the Institute and reinstate its mandate.

The main objective of this Bill is to provide for the establishment of a body corporate to be known as the Kenyan Institute of Administration. Currently, the Kenya Institute of Administration operates as a department of the Government under the Directorate of Personnel Management. Once this Bill is passed as an Act of Parliament, all the assets and liabilities of the KIA will be transferred to the new body corporate as soon it is established. The accounts of the new Institute will be audited annually by the Auditor-General (Corporations) in accordance with part seven of the Exchequer and the Audit Act Cap. 142, and its budget as well as its plan of operations and activities, will be subject to the approval of the Minister.

The Institute will provide relevant training, consultancy and research activities on commercial basis which are designed to promote national development, standards of competence and integrity in the Local Government. The Institute will also be empowered to conduct examination and award diplomas and give other forms of suitable awards. The management of the Institute will be covered by a council which will consist of a non-executive chairman to be appointed by the President and not more than 15 and not less than 11 members of which five will be *ex-officio*. The council with the approval of the Minister responsible for the Directorate of Personnel Management, will formulate policies to the organization and management of the Institute. Besides, the council will also be responsible for the administration of the property and funds of the Institute. The chief executive of the Institute will be the director who will be appointed by the Minister while other members of the Institute shall be appointed by the council.

Having said that, I would like to say that the Institute has been operating as a Government Department since 1961. It has been able to meet its challenges until very recently under the new retrenchment. It has been found that the very few staff that remained within the Civil Service need a lot of intensive training. The Institute, as at now, cannot cope with the bulk of untrained Government public servants and employees in the private sector.

For the Institute to be able to cope with this heavy load, it has been decided that it becomes a body corporate so that it can be able to solicit its own funds by, of course, operating commercially so that the services are paid for and they are able to run and manage their own finances. It could also try and solicit its own funds from outside, say if the donors are able to give them some funds, they could do that directly so that they are able to negotiate for

their funds without necessarily going through the Arm of the Government.

Another aspect is that, because of the volume of work that is going to be carried out in this Institute, we will require that we have very competent staff who are able to compete favourably in terms of salaries with other institutions all over the world. If we are going to leave this within the Government wing, the limiting factor here will be the salary scale, but if we were to give it a body corporate, the chances are that the corporation will be able to hire more competent staff and pay them because they are able to solicit and operate within their own limitations of their own funding. Currently, we cannot have very competent staff working in there because of the limits the Civil Service kind of imposes on them. For example, if there was a lecturer who would do better in that institution, the limiting factor will be the salary but if we were to give it an autonomy, chances are that the body will be able to hire better staff, pay them and therefore these people are able to stay for a longer time and give better training to our civil servants and employees in the private sector.

Another aspect about this is that, we find that certain civil servants could still be very useful to the institution even after they have attained the age of 55. If we allow this to happen, it is possible that the corporation could even hire people beyond that age limit so that they could still give this training to our young Kenyans without necessarily getting limitations of the age factor. We could also have part-time lecturers lecturing within the institution and therefore giving our people good training, not necessary because they are employed within the institution, but they could also come as part-time employees of the KIA. We could get such staff from within the country and even outside the country. We know for instance that we can have exchange programmes with the rest of Africa and even outside Africa but the limiting factor today is that it cannot happen because they have to operate within the Government regulations.

I think this is a very straightforward Bill. It is a Bill that is meant to make KIA a better Institute, give it a better image, provide better training facilities, get more people trained at the same time, train people of all sectors of life, and train public and private sector. With this, we would even make sure that the Institute is running almost round the year because they will be organizing various training courses for various cadres of people. But as at now, the limiting factor is funds because sometimes the Institute runs empty. Sometimes there is nobody getting trained out there because of the limitation of funds and we are wasting a lot of resources that could otherwise be used by the Kenyans to get trained in various fields.

Another thing is that we are trying to develop the private sector so much in this country and the facilities that we feel are lacking so much is training. So, if we can get this Institute, and not only this one but probably even more other Institutes, we would train people who would go to the private sector to try and bring up the standard of our private sector. In this way, the private sector would get very strong in this country because we rely very much today on it for private investment because we realise that without the private investment in this country, the talk of economic growth may not be realized. So, we feel that this Bill is coming at the right time, at a time when we are doing retrenchment in the Civil Service. We are also saying that the staff that will remain within the Civil Service should be effective so that we do not hear all sorts of bad reports about them because sometimes they say that they lack training. We hear a lot about the administration personnel out in the field.

Sometimes, very ugly things that they do are due to lack of training. If we can be able to train them we would expect them to perform quite well in the field. We have realised that after 30 years of Independence, we need to change so that we can cope with the current society. We are in a multi-party system and we should expect the administration in the field to understand exactly that they are not going to run this country as if we are having a one party system. To be able to do this, they require a lot of training. To get of a single-party system to a multi-party system is not an easy exercise. Therefore, our people need a lot of training so that they can understand what they are doing. We believe that if this Bill is approved and the Kenya Institute of Administration (KIA) becomes an autonomous body we shall be able to push a lot of these people through this Institution. It will not be for free, but also for commercial purposes. We believe, by doing that, the Institute will make a lot of money and, therefore, there will be money available to hire qualified staff.

This Bill is straightforward and, therefore, I urge hon. Members to contribute on it and where they feel it is not very clear, I will be able to explain later on. Finally, I would like to urge hon. Members to support this Bill.

With these few remarks, I beg to Move.

The Minister for Information and Broadcasting (Mr. Makau): Thank you very much, Mr. Temporary Deputy Speaker, Sir.

This is a very, very important Bill which has been ably moved by my colleague. This is a great moment because what was mooted a number of years ago is becoming a reality in that KIA, which for many years it has been the training Institute for public servants in this country and it is going to gain momentum after we have passed this Bill because it is going to become autonomous.

Mr. Temporary Deputy Speaker, Sir, since 1961 when KIA was established, there was no shortage of

money for training officers in such places. But over the years, as a result of Structural Adjustments Programmes (SAP) and due to the economic reforms that have been undertaken, it has become impossible to get enough funds to run training institutes like KIA.

This Bill is seeking Parliamentary approval for this Institute to gain autonomy. Currently, KIA relies entirely on finances from the Treasury. Everyone is aware that money which used to flow easily from Treasury, is no longer available and most of the areas which are suffering are training institutes like KIA.

I remember in 1989, when I was in charge of Directorate of Personnel Management (DPM) as a Minister of State, Office of the President, is the time when money started drying up and the facilities at KIA have since continued to deteriorate. We are appealing to hon. Members to support this Bill because if KIA becomes autonomous, its administration will not be tied to Directorate of Personnel Management (DPM). Currently, it is a department of DPM in the Office of the President. Since a council is going to be established to run KIA and the decision making process is not going to be bogged down by red tape.

The important aspect of this autonomy is on the question of finances. Currently, those agencies that used to finance KIA are no longer doing so. They insisted that if KIA does not become autonomous, it would be difficult for bi-lateral and multi-lateral financiers to come in. By passing this Bill and establishing KIA as an autonomous Institute like Utalii College which solicits funds from various bi-lateral or multi-lateral organisations, KIA will have enough funds that will facilitate its development.

Dr. Lwali-Oyondi: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the Minister in order to mislead this House by saying that Utalii College solicits funds from outside, when we know very well that Utalii College is run with funds from the Catering Levy that is collected from the hotels.

The Minister for Information and Broadcasting (Mr. Makau): Mr. Temporary Deputy Speaker, Sir, I forgive the hon. Member because he does not understand what I am explaining. Currently, Utalii College is looking forward to setting up another campus. It is trying to solicit funds from various organisations. That levy is not enough.

An hon. Member: It is a token!

The Minister for Information and Broadcasting (Mr. Makau): If you are familiar with the establishment of Utalii College, then you will know that it cannot accomplish what it is doing using the levy that comes from the Catering Levy. This is something---

Mr. Mulusya: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for hon. Makau to mislead this House and the country that Utalii College is unable to run on funds collected from the Catering Levy? The very lowest establishment---

The Temporary Deputy Speaker (Mr. Wetangula): You are now arguing. You are not on a point of order.

Mr. Mulusya: I am on a point of order, and that is why I want the Minister to tell us---

The Temporary Deputy Speaker (Mr. Wetangula): Anybody who raises a point of order---

Mr. Mulusya: Is he in order to mislead the House? Does he know how much money Utalii College collects on monthly basis leave alone annually? Does he know how much money it collects from the Catering Levy?

The Minister for Information and Broadcasting (Mr. Makau): I do not have to know, but I am talking about provision of facilities. If Utalii College wants to expand, or set up another campus or branch, obviously it has to look for funds. The levy helps a lot, but what I am saying is that due to its autonomy, it is able to solicit funds from bi-lateral and multi-lateral donors and organisations. That is what I am trying to explain. I am also trying to compare Utalii College with what we are discussing here. The autonomous status that we are seeking for KIA will enable KIA to do the same. We know that KIA will continue getting some funds from Treasury, but those funds are not enough. It is on the question of financing that I feel this Bill should be supported to enable KIA to have training facilities and to hire qualified lecturers. This is greatly affected by lack of funds.

I believe this Bill came at the right time when KIA needs a lot of funds. In 1989 there were some buildings which were started then, but up to now due to lack of funds, have not been completed. Autonomy will enable KIA to solicit funds from other sources.

Another important area is that donors who used to sponsor students to go and train on public administration especially in Britain and Canada, are no longer doing so. Those scholarships are no longer available because some of those countries like Canada have their own financial problems. That is why they stopped financing Kenyans who wanted to go and study advanced public administration. We should try as much as possible to have these training facilities in this country. KIA offers one of the best facilities, but due to lack of

funds, it has not been able to train as many people as we would like.

Mr. Temporary Deputy Speaker, Sir, after making the Kenya Institute of Administration (KIA) autonomous, we will save a lot of foreign exchange. There is one thing that the Office of the President (OP), and especially the Director of Personnel Management (DPM), should bear in mind as we talk about creating autonomous status for this institute. We should not lose sight of the fact that we have a lower cadre of public servants, who need training. We know that there are other institutions like the Government Training Institutes (GTI) in Mombasa and formerly Maseno, that have been offering training to this cadre of civil servants. We should also try to continue increasing the facilities in those institutions which are below the status of KIA. The KIA is supposed to offer diploma courses, but the DPM should continue providing facilities in those other institutions. The retrenchment scheme in the Civil Service has resulted in a lot of problems in respect of availability of secretaries in Government offices. Many of the secretaries, clerks and drivers in the Government have opted for early retirement under the golden handshake programme. This is a problem in all the Ministries. It is not possible now to have very qualified secretaries because they opted for early retirement. They have done this because they know that after getting their golden handshake payment, they will get employment in other institutions. So, it is very important that these institutions that have been responsible for training of secretaries, like the GTI and others, continue getting the right facilities. Although I have talked about the problems which accompanied the retrenchment scheme in the Civil Service, we know that the policy has obviously worked very well. However, we are experiencing difficulties in the Ministries: Many Departments have no drivers. This is an area that the DPM should look into.

This Bill has come here at the right time because now we have the East African Co-operation. Out of all the public administration institutions within this region, the KIA ranks highest. By making it autonomous and giving it more facilities, it will be able to attract students from within the region. In this way, this country will earn a lot of foreign exchange. Consequently, KIA will become a centre of excellence, as far as training of public servants is concerned.

To conclude, I would like to say that over the years, this country has produced one of the best professionally trained and disciplined Civil Service. Many people have criticised Kenyan civil servants, but I would like to say one thing, that I have always said: That this country has been kept running by our professionally trained civil servants, who are very committed to the country. In many countries you cannot find professionally trained civil servants. This is especially so in those countries where military coups have taken place. In spite of whatever some people say about the Civil Service in this country, we Kenyans could claim to be one of the few countries in the world, if I may say so, that has maintained well professionally trained and disciplined civil servants.

Mr. Achola: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Minister in order to mislead the House by saying that Kenya has some of the best civil servants who are honest and efficient, when we know that the money that was stolen through M/s Goldenberg International was stolen by great civil servants in the Central Bank of Kenya?

The Minister for Information and Broadcasting (Mr. Makau): Mr. Temporary Deputy Speaker, Sir, in the first place I do not think that the hon. Member should have referred to the goldenberg issue because it is *sub judice*. What I am trying to say is that we have to criticise some people, because we cannot claim that all civil servants are efficient. But I would like to state here that our civil servants are very committed and disciplined. The few who involve themselves in corruption are like hon. Achola and other people, who also find themselves in the same situation. However, the majority of our civil servants have brought Kenya where it is.

I know there is this criticism that the Civil Service should be delinked from KANU. This is one of the statements that I find a little embarrassing. In fact, civil servants are in the service of the Government formed by a party. The word "delink" is borrowed from foreigners.

An hon. Member: If it is a foreign language why are you using it?

The Minister for Information and Broadcasting (Mr. Makau): But it is the official language that we speak here! You cannot speak Kiluhya in this House!

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

The Temporary Deputy Speaker (Mr. Wetangula): Mr. Mulusya, it is not allowed. Carry on, Mr. Makau.

The Minister for Information and Broadcasting (Mr. Makau): Mr. Temporary Deputy Speaker, Sir, the party that forms government is the one that is responsible for the civil servants. So, there is no way you can delink the Civil Service from the Government that has been formed by KANU. After 100 years, when you in the Opposition may form the Government, you will also find it impossible to delink the Civil Service from the existing

Government that will employ them. You can argue that tax payers' money is used to pay the civil servants, but that tax payers know that the party that has constitutionally formed the Government is KANU.

So, I would like to take this opportunity to pay glowing tribute to the contribution the civil servants make in this country. I would like to appeal to them to continue to be patriotic and to serve the Government of the day with diligence.

With those few remarks, I beg to second.

(Question proposed)

Mr. Muite: I thank you, Mr. Temporary Deputy Speaker, Sir. The KIA Bill, 1996, is an example of the mundane or pedestrian pieces of legislation, which ought not to have any priority whatsoever in the portfolio in the sort of Bills that this House should be debating. The Mover correctly concedes that the KIA was first set up back in 1961. The Institute has performed effectively and exemplarily during all these years in training civil servants in this country. The Minister of State conceded that. But I found his argument contradictory. He said that the Institute has done very well in training the civil servants in this country. That far I agree with him. He then argued that Kenya is today retrenching the Civil Service. In other words, we are reducing the number of civil servants. That is why we are now giving them the 'golden handshake'. One of the arguments that the hon. Minister put forward for this Bill is that the Institute is no longer able to cope with the numbers. In terms of logic, if the Institute was able to cope with the much larger numbers before retrenchment, does the argument by the Minister hold; that now that the Civil Service is in the middle of retrenchment, suddenly the numbers have increased? We are talking about the opposite. Which is which?

The Institute has done very well in training civil servants, and it should do better now that the number that it has to train is becoming smaller with retrenchment.

The Minister of State, Office of the President (Mr. Kones): On a point of information, Mr. Temporary Deputy Speaker, Sir. I really---

Mr. Muite: Mr. Temporary Deputy Speaker, Sir, I cannot accept it.

The Minister of State, Office of the President (Mr. Kones): Why do you not accept? You need to be clear about this.

Mr. Muite: Mr. Temporary Deputy Speaker, Sir, I do not want information because, hopefully, the hon. Minister will have all the time he wants to respond. I am merely taking him on, on his arguments, since he is saying that the reason for bringing this Bill is because the Institute can no longer cope with the numbers, and in the same vein, he is saying that the Civil Service has become smaller because they are retrenching.

An. hon. Member: He is confused.

Mr. Muite: Anyway, my point is this: What Kenya needs is not more laws, not more Statutes, not more Bills and not more Acts of Parliament. This is not what Kenya needs. What this country needs is greater enforcement and observance of the laws that we have. We need to respect the institutions that we have, they are doing well. We need to comply with the laws we have, they are adequate. But this game by this KANU Government of thinking that the problems of a nation are going to be resolved by yet more Acts of Parliament, yet more Bills, yet more laws, we are missing the ball. It is better management of the Kenya Institute of Administration that will cure the ills, not more red tape, not more bureaucracy and not more Bills. This is what this Bill is introducing. More bureaucracy, more civil servants, more red tape, leading to greater inefficiency and resulting into the opposite of what is intended.

I am happy that my friend, hon. Sunkuli, who is trained as a lawyer is here. So, he can take notes of what I am about to say now because it is a technical matter and, hopefully, pass it on to the Attorney-General.

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

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

Mr. Temporary Deputy Speaker, Sir, Clause 4 of the Bill---

(Hon. Sunkuli looks for a copy of the Bill)

Hon. Sunkuli does not have a copy of the Bill.

An. hon. Member: Give him mine!

*(Hon. Kones passed a copy of
the Bill to hon. Sunkuli)*

Mr. Muite: Mr. Temporary Deputy Speaker, Sir, there is lack of clarity. The Government does not appear to know exactly what it wants in choosing the language it has chosen to use in Clause 4(a) of the Bill. First of all, the Clause says that the function of the Institute shall be:

"To provide training, consultancy and research services on commercial basis".

If one pauses there, the message that comes out is purely a matter of construction and interpretation of the Clause.

The message here is that if it is to provide these services, it will be charging fees. The students there will have to pay fees. It will provide training, consultancy and research services on commercial basis. But then, when one proceeds, the Clause goes on to say:

"which are designed to promote national development and standards of competence and integrity in the public service, State Corporations and Local Governments".

Now, if the functions of the Institute are correctly intended to train public servants, Local Authorities and State Corporations personnel, where does the question of doing so on commercial basis come in? Is it intended that the District Commissioners (DCs) will now be paying from their pockets? Is it intended that even the Clerks, Junior Management and Senior Management will be paying from their pockets? Is it going to be commercial basis when the same Government that is going to be running this Institute takes money from here to go and--- Is that commercial basis? What does this Government want? If it wants to set up an Institute that is going to be run on commercial basis and to provide all these services, it must say so, and go out and train anybody, private individuals and people from private sector. Any individuals who want to go there should be allowed. That is not what this Clause says. At the moment it is closed to civil servants, State Corporations and Local Authorities. So, what is intended by the use of the term, "commercial basis" in this Clause? The Government must make up its mind. If it wants to set up an Institute then give it autonomy and allow it to provide training facilities, research facilities and consultancy facilities for every Kenyan and for every person,--- Hon. Minister Makau, who seconded, even talked about the East African region. If it is actually intended to attract students from these other regions, we must be clear in the drafting. We must make it clear that this is an Institute or a college that is offering these sort of courses to anybody who can afford to pay the charges. That is what running on commercial basis means. You must not confine it, as it is done now, to training only for the public service, State Corporations and Local Authorities. That must go and you must come up with language that makes it clear. Companies, private sector, individuals from Tanzania, Uganda and everywhere can come to the Institute, pay fees and take the courses that they want to take. If that is the real intention, then we need to look at a few more Clauses in this Bill. We cannot both eat our cake and have it. If you want to run it purely as a commercial institute, which I would second--- The Institute is next door to my Constituency and, perhaps, the cleaners and the cooks will come from my area. So, I support the liberalisation of the Institute. It should not be confined to training the civil servants, State Corporations and Local Government personnel. Let us open it up.

If we are going to do so then, we need to re-examine some of the other Clauses here, so that the Institute will not truly just be autonomous, but will be perceived to be so. If it is going to gain the confidence of the sort of people that we are trying to attract to that Institute, it must be set up in a manner in which it is going to attract that confidence. The reputation of an Institute is very important. You cannot force people to apply or to go in. They will only be attracted because of the quality of the services being offered, the manner in which it is being run and the structure of management. In other words, if you want to make it a completely commercial undertaking, we need to let go a little. With all due respect, the problem that some of us find with this Government is that, they have not yet embraced what liberalisation is all about. They want both control and to liberalise. You cannot do both. If you are going to liberalise, you must relax. It is like children when they get to the age of 18 years. The parents must learn to let go as they are grown ups. You must allow them to find their own feet. The Government must also learn to let go and loosen the grip.

Clause 5 talks about the establishment of the Council. It states:

" The Governing body of the Institute shall be the Council which shall consist of a non-executive chairman appointed by the President".

Mr. Temporary Deputy Speaker, Sir, this is one of the areas that this Government finds very sensitive. The President of this nation has enough to do, we do not have to keep on loading him with more and more responsibilities. The choice of the Chairman is going to be the first indication, and now we are back to the same

old bad habit; the Chairman is appointed by President and all the other members of the Council are appointed by the Minister. What autonomy are we talking about here? This is inbreeding. The autonomy does not come from the legal autonomy that you have said that "the Institute is a body corporate with perpetual succession, common seal and so on." No! It is the practical functioning nature of the Institute.

Let us involve the private sector. Let the Council which is going to run this Institute involve the private sector, let the Institute of the Public Accountancy nominate members to this Council because Accountants are trained there, let them nominate one member, and let the public bodies like the Law Society of Kenya nominate one person to this Council and let other disciplines like the Chamber of Commerce, the Association of Kenya Manufacturers nominate members to this Council. Let us reach out to Kenyans in general and constitute this Council and let that Council appoint its own Chairman.

This is the way that we will begin to give this Institute the perception of integrity, the perception of the autonomy and not just by saying in this Bill that they have got a legal status. That does not really send the correct signals.

On Clause nine, again the person who is heading it, now instead of being called Principal, he is now called a Director, and again he is being appointed by the Minister. I am not casting aspersions on these Ministers, but we do know from past experience that where an Act of Parliament says "appointments are going to be made either by the President or Minister," the conditionality of such appointments is absolute loyalty to the ruling party KANU. One must have these things that they wear on the lapel to begin with, all the time, and even when the President appeals to them not to exhort him and equate him with God and things like those one, one finds all sorts of unholy and unqualified people heading very important public bodies like soil conservation and so on, on the basis of loyalty and not on the basis of competence.

The time has come for us to embrace the liberalised environment in which we are living in. This Director is not going to be more competent merely because he is now being called a director instead of a principal.

In fact, the Institute has been running very well when it was running under the Director of Personnel. So, let us be quite clear on what it is that we intend to do that we intend to achieve. If the Institute has been well as a Department of the Kenya Government, what is it that we are now trying to achieve? Arguments were put forward that it is in order to solicit funds and it is in order to give it autonomy. I have already spoke on the issue of autonomy, but on funding, one does not have to have autonomy legally in order to raise funding. I am sure that Institute has been funded from the Treasury with money raised from the donors. The Institute, as it is today, can raise funding from the donors if the Constitution, the manner in which the Council running it, is properly constituted, and if the donors are satisfied on the integrity of the Institute. It does not have to be constituted in an Act of the Parliament in order to be funded. It is the objectives and proposals that matter. The Kenya Government can borrow money which they want to develop that Institute and to enable it to run.

Even when they say that the Institute will be able to raise funding on its own, that is not convincing because in terms of the Clauses of this Bill, the Government has not let go. They are not really for practical purposes, they are not giving any autonomy. They continue to have the struggle, so it is the same Government merely saying that it is going to be a body corporate does not change the pact of the character or status of the Institute. All the appointments are by the Government. So it is still for all practical purposes it is going to be seen by all and sundry as continuation of a department of the Government. So, merely because we have given it legal status here, it is not going to attract donor-funding. That argument is not convincing.

The Minister who proposed this Bill said that the civil servants need a lot of training in this era of multi-parties. With that, I entirely agree. In fact, it is not just the public servants, the Ministers and the hon. Members of Parliament are the ones who need training even more than the public servants, particularly, the Minister of State, Office of the President, and his colleagues!

(Applause)

I do hope that he is going to set a good example by being the first student there, to be trained on how to behave now in a multi-party era before the civil servants go there. I take up the challenge the day that the Minister enrolls at KIA, I will also be there. I think it will be a very good idea on a serious note for this Government to organise for a seminar to be attended by all hon. Members of Parliament at KIA to be taught on how to behave in multi-party era. If that is why you were saying that we need this Bill on that issue then I will support the Minister. We all need this training. We will listen to each other, teach each and will get people even from outside this country. Hon. Colleagues on the other side, perhaps, needed a little more than those on this side but we shall all enrol.

Mr. Temporary Deputy Speaker, let me say that if this Bill becomes law, it is going to coincide with a

change in attitude. The training is going to bring a "new culture" for civil servants in this country. By and large, the civil servants are already working under very difficult conditions and except for the top ones who are over-paid, the others are under-paid and they cannot cope with cost of living with the salaries they are getting except the top ones.

But, Mr. Temporary Deputy Speaker, Sir, the problem with public servants in Kenya comes from the politicians, Ministers and the Government of the day. The way that our Constitutional order was envisaged in 1963 under the Independent Constitution, it was envisaged that the Civil Service will be neutral and independent in this country; "Independent" from the Government of the day, contrary to what Minister Makau said when he was seconding this Bill. That is why in the 1963 Constitution, the Civil Service Commission is established with the Chairman of the Public Service Commission. It was intended to give security of tenure to the civil servants from the lowest to the highest so that they could discharge their duty without political interference, and to be able to tell the Government of the day, "No, I shall not do it." That was the Constitutional reasoning. That is why the "firing and hiring" was intended to be in the hands of the Public Service Commission not the politicians. If we could go back to that integrity, it would bring to the Civil Service the lost glory that the Civil Service in country used to enjoy. It is one thing for hon. Makau to say, "You wait for 100 years so that you can form your Government and take over the Civil Service." That is not good for this nation. We do not want a Government which will be formed in 1998 by any party or by the Opposition, which they can do, if this Government was to agree to political and constitutional reforms. If the elections in 1997 will be free and fair, which is not possible because this Government is already rigging them, the Opposition would form the Government and it would be a very sad day when the Opposition forms the third Government, whether it will be a coalition Government or on-party Government, because a KANU Government will not be there, it does not matter which party on this side forms the Government.

In 1997, the elections will be free and fair because we will force issues. We are tired of trying to negotiate. We will get back to action and you are going to force this Government to agree to reforms that are going to make the elections free and fair. One of the reforms is to return the neutrality and the independence of the Civil Service. Some ridiculous judgement in 1981, misinterpreted Section 25 of the Constitution to say that the President can hire and fire civil servants. That was the beginning of the destruction of the neutrality of the Civil Service.

Through constitutional amendments, it must be made clear that the only body with a legal capacity to hire and fire civil servants is the Public Service Commission. That is one of the constitutional amendments that we have been saying, must be effected. The Constitution must make it quite clear that that judge who gave a political decision was wrong and the constitutional position was that the Chairman of the Public Service Commission enjoys security of tenure whether hon. Kones or his neighbour hon. Sunkuli becomes President tomorrow. He should not have the ability to sack the Chairman of the Public Commission. Whoever becomes President, with exception of hon. Kones, I do know that some of my colleagues on this side would also equally bad Presidents. I do not want even those in the Opposition to have such immense powers that to sack the Chairman of the Public Service Commission. I also do not want them to sack the members of the Public Service Commission so that these members can hire and fire civil servants on merit so that members of the Public Service Commission, like in other countries, can be able to serve the nation and not the party of the day. Today, the entire Civil Service, and particularly the Provincial Administration, do nothing other than serving the ruling party-KANU and ensuring that party remains in power. This is because the fear of God has been drilled into them because of the way they are sacked without any notice. They have families and their jobs to care for. If it comes to doing what they should do - a duty to the public- and not risking losing their jobs, they would choose the latter. The civil servants know that what we are saying is true. They know what they are being told to do is wrong, but they have their jobs to protect. They do not want to spill their unga and so they continue to do the wrong things at the behest of the politicians. So, this issue is fundamental and very critical and this is the sort of amendment that my friend the Attorney-General should bring in this House and not to give the so-called legal autonomy to the Kenya Institute of Administration.

Another major issue which I hope this Government will take up seriously when this Bill is passed is the Civil Servants Union which was deregistered. This Union should be registered so that the civil servants can negotiate for their salaries. The fear of this Government that Kenyans must not gather and exchange ideas; that Kenyans should not brainstorm and negotiate for their welfare is a replica of what used to happen in the Communist countries. This is only applicable in totalitarian regimes. So, if we are going to liberalise, we must give civil servants the right, like any other Kenyans, to have their union so that they can be able to negotiate with their employer about their emoluments, terms and conditions of service. They cannot negotiate individually. Civil servants are suffering in silence because they have got no channel through which they can articulate their

grievances to their employer. Before such a Bill is brought in Parliament for discussion, the Attorney-General should be telling us why the Government, of which he is a party, continues to violate the constitutional freedom of association of the civil servants. I am not talking about Safina today.

Trade Union Movement in this country must have the right to register societies and unions because that is the constitutional freedom of association which is granted to all Kenyans under the Constitution. So, I am saying that this House is having its time taken up by these sort of pedestrian Bills-non-important mundane Bills- which are being given priority by this Government. If the sentiments that I have expressed are accommodated in terms of the amendment when it comes to the Committee stage, I will be happy to support this Bill, subject to the comments which I have made.

Thank you, very much, Mr. Temporary Deputy Speaker, Sir.

The Assistant Minister, Office of the President (Mr. Sunkuli): Thank you, Mr. Temporary Deputy Speaker, Sir.

I wish to support this Bill and especially after our eloquent, Member for Kikuyu who is always wrong has spoken. This Bill emphasises on the question of training. It does not emphasise on anything else, but on an effective and efficient Civil Service. The KIA has a number of programmes including the induction programmes for accountants, newly recruited administrators, immigration officers. It also runs the advanced Public Administration (APA) courses for district officers and assistant secretaries. There are also senior management programmes for middle and senior level staff of the Government and Statutory Corporations. They also run Kenya Staff College Seminars for officers of the Government and Statutory Organizations.

We also run courses on computer applications for managers, officers, secretaries and clerical staff, as well, project management courses for engineers, agricultural officers, administrators, doctors and etcetera.

Mr. Temporary Deputy Speaker, Sir, the Kenya Institute of Administration (KIA) also runs Population Management Courses for staff in charge of population projects. The KIA also has financial management courses, for audit inspectors, accountants, administrative staff responsible for financial functions in the Ministries and departments.

Mr. Temporary Deputy Speaker, Sir, we also offer French courses for both beginners and for those people who want to advance their French further, and this is usually for Inter-port staff or Airport staff and so on.

Mr. Temporary Deputy Speaker, Sir, the emphasis as I said is on training, and we have said that we would like to have these body to be autonomous so that it can be able to run on a commercial basis.

Mr. Temporary Deputy Speaker, Sir, the hon. Member for Kikuyu has brought to our notice to Clause 4 of the Bill, which says:-

"That we are going to provide training, consultancy and research services on commercial basis."

He is wondering how this is going to be done. We are not rejecting outrightly the suggestions of hon. Muite. In fact, we are probably going to ---

Mr. Muite: On a point order. Mr. Temporary Deputy Speaker, Sir. Is the hon. Sunkuli in order to now admit that they are not rejecting outrightly what I suggested when at the beginning of his speech, he said that I was always wrong? Is he now withdrawing the earlier rude statement that "I am always wrong?"

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, hon. Muite is a lawyer and he knows that every rule has an exception and I am saying that he is always wrong except that he has suggested that the private sector does not need to be incorporated in this Bill. I believe that we need to actually do that. Although that this institution can still run on commercial basis in the sense that the KIA becomes a department separate from the Government, and Government Ministries that send officials there would have to pay for the services that would be rendered by the KIA. I am not saying that we are rejecting that suggestion. The Minister concerned will elucidate on this factor and I think, it was a very good suggestion.

Mr. Temporary Deputy Speaker, Sir, we are, of course, not like the Opposition. When we see something good from them, we do always accept and incorporate a little good that may come from them. Mr. Temporary Deputy Speaker, Sir, I want to be brief. I want to say that the question of training civil servants is for their efficiency and effectiveness. We do not need to go back to school to understand the theory of the Civil Service or who the civil servant is. Immediately after a General Election, what happens is that a political Government is formed that sets the policies that says how the country should be run. That Government has a financial Budget and policy on culture, education and on practically everything. It is this political Government that is elected by the people of a country. What the people of every country, and especially Kenya, expect from their Government, is that what they have voted for should actually be given to them. We all portrayed our manifestos to the people, and explained to them what we wanted to do for them. FORD-K told them whatever they told wanted and FORD-A did the same and we in KANU also told the people what our plans were for them. What happened is that after carefully listening to everyone, the people of Kenya elected KANU and they expect that what KANU

promised for them would be given to them. The arm of the Government that is responsible for delivering the policy of the Government is called the Civil Service.

Mr. Temporary Deputy Speaker, Sir, the neutrality of the Civil Service means that the policy of the Government be implemented without bias or any favour. It is not that the neutrality of the Civil Service is that they should implement neither of the policy; that is a wrong suggestion. The civil servant in his neutrality, he is not expected to remain neutral in the sense he implements no policy. The civil servant is neutral because he implements the Government policy uniformly and he is supposed to serve the Government of the day with dedication and loyalty because we here, the politicians, do not have another machinery to make the fruits of our labour reach the people. It must be done through the Civil Service. It would be terribly wrong for anybody, either in this House or outside this House, to even merely suggest that the job of the civil servant is not to serve the Government of the day. That person needs to go back to school and understand the theory of good governance.

Dr. Lwali-Oyondi: You are misleading the House!

The Temporary Deputy Speaker (Mr. Ndotto): Order, Dr. Lwali-Oyondi. I am sure that one does not go well with you, but it is his own opinion. I would give you time to say your bit.

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, I am not misleading the House. I am stating my position and I know my friend, hon. Ndicho, just like my friend, hon. Muite, here do not believe that we actually always speak the truth here because anything that is spoken by the Government side, the Opposition end up saying that it is not true. Just like they are saying that every election that they have not won, has not been free and fair. The truth is that every election that has been won, has been free and fair, and if they want to win let them give us better policies for our civil servants to implement. Recently, we have won Starehe by-election fairly and I hope that you can say that, that was won very fairly.

Mr. Temporary Deputy Speaker, Sir, as I was saying that the policy of the civil servants must be the policy of the Government of the day. I want to urge the civil servants in this country to take it upon themselves to implement Government policies and to be loyal to the Government of the day because that is all about Government. We have a political Government that, therefore, implements its policies through the Civil Service. It is saddening to note that sometimes, some other civil servants have chosen to implement the policies of the tribe that they come from and, therefore, introducing the element of tribalism in the Service. I would like to go to any Government department and find a civil servant from tribe X and he would serve me, not on the basis of my tribe, but because I am a Kenyan. I know that multi-partyism being a very nice thing has brought us very many good things, but we must accept that it has brought us one disadvantage. Because our Opposition political parties were formed along tribal lines civil servants of certain tribes have tended to echo that particular aspect of the whole thing, and, therefore, they have also become a little tribal. There are civil servants in this country who cannot serve people unless they come from their tribes and this is very unfair. We must let it go down on record that we, as Parliament, condemn civil servants, who serve people along tribal lines. I know that some civil servant are suffering from the same dream as the hon. Muite that in 1998, there will be a Government other than KANU. Even, if that was true and I must say that does not seem to be the truth at all, this is 1996, and the civil servant must put his dream away and serve the Government that existed from 1992 and shall continue to exist until the people of Kenya say otherwise.

Mr. Temporary Deputy Speaker, Sir, it is so crucial a fact that very many civil servants are being told, "Oh, ngoja kidogo, our Government is coming." They should be seeing that the Opposition, the way it is now, actually has no future because tribalism has no future in this country. Any party that is formed along tribal lines is going to collapse because Kenyans will not accept tribalism to rule them. They will never also not accept a party that is formed along tribal lines and that is why the Opposition, as it is composed now, can never win an election in this country. It has nothing to do with rules. If the Opposition want us to formulate a Constitution that would help them win an election, I think that is very unfair.

QUORUM

Mr. Mbeo: On a point of order, Mr. Deputy Speaker, Sir. Is there a Quorum in the House?

The Temporary Deputy Speaker (Mr. Ndotto): No, we do not have a Quorum. Ring the Division Bell.

(The Division Bell was rung)

The Temporary Deputy Speaker (Mr. Ndotto): Order! We have a Quorum now. You may proceed,

Mr. Sunkuli.

Mr. Muite: Can you repeat what you have said?

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, the hon. Muite is asking me to repeat what I have said but tomorrow he will have the chance to read the HANSARD. I just want to make one last point. There have been a call, especially by the hon. Member for Kikuyu Mr. Muite, that the Civil Service do act professionally and I must say that we shall always endeavour to do that. The civil servants working in Kenya will always endeavour to serve the people of this country as efficiently as possible and anyone who does not do so will have to be taught or at least made to serve the people of this country professionally.

Mr. Temporary Deputy Speaker, Sir, the call for professionalism should not be limited to the civil servants alone. It must run through the entire system in Kenya. Even professional organisations must serve Kenyans professionally. Professional organisations must not demand from the Civil Service professionalism is they themselves are not acting professionally. If there is tribalism in the Civil Service then it should be condemned and if there is tribalism in the Law Society of Kenya it must be condemned. If the Kenya National Union of Teachers is starting to serve the purposes of an Opposition Party, it must be condemned. We should not condemn the civil service only because last year I asked the Teachers Service Commission to post 135 Kikuyu teachers to Trans-Mara because I thought we needed quite a number of people from Central Province.

Mr. Temporary Deputy Speaker, Sir, a man called Francis Nga'nga goes to the Press and says that I have actually said that Kikuyu teachers should vacate Trans-Mara. I think that this particular untruth should be corrected by KNUT because I know why they said that and this is because they are being used by certain personalities. Even the churches must operate professionally because I know that at a certain point ---

Dr. Kituyi: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is this Assistant Minister in order, for more than once in a span of just one week, to use the Floor of this House to answer a person who wrote something in the form of a letter to the editor of a newspaper knowing that person cannot defend himself here and also knowing that he can also write to the editor and express his views?

The Temporary Deputy Speaker (Mr. Ndotto): I do not think that is a genuine point of order. He is just trying to clarify what he was saying and he has not attacked anybody in that speech. Continue.

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, it was not even a letter to the editor. I have no right of replying to the *Daily Nation* because they are also one-sided.

Mr. Temporary Deputy Speaker, Sir, the point I am trying to make is this question of professionalism being demanded of our civil servants and I am saying that it is not just a Civil Service problem but a Kenyan one too that even the churches are starting to act in an unprofessional manner. When a whole Bishop, appointed by His Holiness the Pope, decides to go and collect rumours from a bar, that is not professional.

Mr. Ndicho: On a point of order, Mr. Temporary Deputy Speaker, Sir. We cannot surely sit in this House and allow the person of Bishop Raphael Ndingi Mwana a' Nzeki to be maligned here that he collected rumours from a bar. Surely, since when did a Bishop go to a Kilgoris bar where he collected the rumour?. Is the Assistant Minister, Office of the President from animalland in order to say that the Bishop collected this information from a bar? Is he in order?

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, the hon. Member is actually wondering like I am because strange things actually happen nowadays. I am a Roman Catholic and I am terribly ashamed with what the Bishops are actually doing.

Dr. Lwali-Oyondi: On a point of order, Mr. Temporary Deputy Speaker, Sir. Could the Assistant Minister substantiate the fact or what he is claiming that the Bishop got his information from a bar. Can he substantiate that allegation?

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, what I meant is that the Bishop stated things that are usually stated in bars.

(Messrs. Ndicho and Mulusya shot up)

The Temporary Deputy Speaker (Mr. Ndotto): Order, Mr. Ndicho and Mr. Mulusya. I am on my feet and you should sit down.

Mr. Mwaura: On a point of order, Mr. Temporary Deputy Speaker, Sir. The Assistant Minister said that a Bishop went to a bar to get the rumour which is false. I heard him say this and I do not want the Assistant Minister to justify this. When the Bishop said those words, we know that he never told lies and I support him on this. When I said that the Bishop did not tell lies, the Kenya Broadcasting Corporation twisted my statement and

announced that I was the one who lied yet it is the Government which lied on this matter. It is the Government which is telling lies; but not the Bishop!

The Temporary Deputy Speaker (Mr. Ndotto): Order! When I give you the Floor on a point of order, please do raise a point of order. I do not want to raise a point of argument because I will give you time to speak if you happen to catch my eye. Hon. Mulusya.

Mr. Mulusya: On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Member has stated categorically that, the Bishop went and collected rumours from a bar. Is it not out of order for him to say so? Could he substantiate when the Bishop went to the bar, when he collected that rumour and from who?

The Assistant Minister, Office of the President (Mr. Sunkuli): When I go to the Catholic Church, I go there to receive holy communion. I do not go to listen to politically misconceived statements which have no basis in truth. The Bishop did not go along with the Press to the forest. Why did he not go to the forest?

(Several hon. Members stood up in their places)

Mr. Temporary Deputy Speaker (Mr. Ndotto): Order! Order! Hon. Sunkuli is dealing with a point of order from hon. Mulusya. You may not want to listen to what he is saying, but let him finish and then you can raise a point of order. You do not just cut him short in the middle. He has not dealt with that point of order. Continue, Mr. Sunkuli.

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, with those few remarks, I beg to support.

(Several hon. Members stood up in their places)

The Temporary Deputy Speaker (Mr. Ndotto): Order! Order! Hon. Mulusya, you are not in the Chair. Hon. Sunkuli, I think you made a statement. Could you perhaps deal with it? There is a point of order on that statement.

The Assistant Minister, Office of the President (Mr. Sunkuli): Thank you, Mr. Temporary Deputy Speaker, Sir. If you read the HANSARD, I said that the Bishop went to collect rumours from the bar. And I said what I mean is that the Bishop went to say things that are usually said in the bar.

Mr. Muite: On a point of order, Mr. Temporary Deputy Speaker, Sir. This is an august House and we are supposed to be hon. Members. This is a serious issue. Here is a man appointed Bishop by the Pope. The Assistant Minister has made a very categorical statement and, with respect, this House is entitled to be told which bar, what date, what time, what rumour and by who? This House is entitled to a substantiation by the Assistant Minister. If he is not substantiating--- It is not enough for him to say what he meant. The words meant what they said. Let him substantiate or withdraw and apologise to the Bishop.

The Temporary Deputy Speaker (Mr. Ndotto): Order! Order! I am afraid hon. Sunkuli you did say "when the Bishop collects rumours from the bar." I think you did say that, I heard it and I have confirmed you said that and I am afraid you have to substantiate or just withdraw and we proceed.

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, I will substantiate on another occasion.

The Temporary Deputy Speaker (Mr. Ndotto): Hon. Sunkuli, when do you want to substantiate?

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, I will substantiate that the rumours which the Bishop spoke were like the rumours that are usually stated in the bar.

Mr. P. N. Ndwiga: On a point of order, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Ndotto): Order! Order, hon. Ndwiga! Hon. Sunkuli, I am asking you a simple question. When are you going to substantiate?

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, as soon as possible, probably on---

The Temporary Deputy Speaker (Mr. Ndotto): Order! Order! For the last time, hon. Sunkuli, I am asking you when are you going to substantiate?

The Assistant Minister, Office of the President (Mr. Sunkuli): Mr. Temporary Deputy Speaker, Sir, on Tuesday.

Mr. P. N. Ndwiga: On a point of order, Mr. Temporary Deputy Speaker, Sir. There has been a previous ruling in this House by the Speaker of this House that, a Member is responsible for any categorical statement that he makes and Members have been thrown out of this House, including myself, for failing to

substantiate at the moment the statement is made. Now, the statement made here, could make this country burn. We are demanding according to the Standing Orders---

The Temporary Deputy Speaker (Mr. Ndotto): Order! Order! I have given a ruling, and I gave a categorical ruling that he has to substantiate, and he has said he will do it on Tuesday and I have allowed him to do it on Tuesday pending the ruling of the Speaker.

Dr. Lwali-Oyondi: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me a chance to contribute to this Bill. Why the Ministers are bringing up these Bills from time to time is what I do not know. The Minister has argued that he wants the institute to be autonomous. Why is it that despite the fact that we have recommended that this House to be autonomous, to effect efficiency, the Ministers have not brought up a Bill like this. We have even passed a Motion that this House which is the supreme legislative body in this country; to become autonomous to effect efficiency. to give proper salaries to the staff so that they can work more efficiently and yet nobody has ever responded up to now. The Motion that was passed in this House was passed exactly at the beginning of this Seventh Parliament and up to now we have not made our own House autonomous yet we are looking for little schools all over the place and trying to make them autonomous. There must be a hidden agenda; why there are such assiduous efforts to make these places autonomous? Now, how will an institute become autonomous? Let us turn to clause 5 and see who will be looking after it. "There will be a non-executive chairman appointed by the President."

That is usually the beginning of sorrows. Because, many of those people who have been appointed by the President to various places are the ones that have failed those particular departments or Ministries. A good example is the Ministry of Lands and Settlement which is now in a total mess. It is the headquarters of ripping off of public lands including schools and giving them to certain people who immediately sell them. Why is it that nobody talks about it? Is that efficiency? Now, we have a Permanent Secretary, and "a director of the institute is to be appointed by the Minister." How will it be autonomous and with a Permanent Secretary to the Treasury which is already in a mess? Included in the Board will be the Permanent Secretary for the time being in charge of Provincial Administration, which is one of the headquarters of dictatorial activities in this country. Also a member from the Public Service Commission who has been "castrated," will be included. The Public Service Commission is no-longer employing anybody. People are appointed from the Office of the President to man various departments and therefore this man who is from a "castrated" institution is likely to do very little apart from just saying "yes". So, there will be no indication of autonomy once these civil servants are there and controlling this particular institution.

Now, if you look at the last page of the Memorandum of Objects and Reasons, just the last sentence, it reads:

"The enactment of this Bill will involve additional expenditure of public funds, and this will be provided through annual Estimates."

It is mostly likely that this institution will be getting money from the Annual Estimates. So, what is the difference between KIA which is getting provisions from Annual Estimates and KIA as an autonomous body getting the money from there?. In fact, it will be worse because this new KIA, will pay higher salaries and allowances and, therefore, the Treasury will have to pay more than it is paying currently. So, I am wondering what advantage this will give us. The whole thing, and this is how I look at it; is just going to be a way of making sure that certain people from certain areas are to man this KIA so that they turn out a particular type of officers who will be relevant to the present way of running the country, which is miserable.

The Minister should tell us how inefficient the department that was looking after this particular institution was. He should also tell us why it was inefficient and why was it not easier to correct that inefficiency instead of creating another "white elephant" in form of an autonomous body? If at all the corporate body which will be formed by this Bill to run this particular institution becomes inefficient again, as we have seen in the case of the Higher Education Loans Board--- At the present moment it has given us more problems than it is solving. Today there are more student who are dropping out from the universities than before. Therefore the Higher Education Loans Board has not solved the problems of the students at the universities but it has increased them, and if fact, it is threatening to run down the institutions of higher learning by not allowing most of the students to pursue higher learning. In this particular case, the Minister should tell us what he will do to guarantee efficiency in this new body; instead of just creating it and telling us that it will work.

Now, in the Memorandum of Objects and Reasons, the Minister talks of research services. Why do we think this particular institute will have better research facilities than our universities? Already the university research programmes are at freezing point. There is no money for research, and universities are for research work. Where will this mysterious money come from to help the Kenya Institute of Administration to do research when our own research institutes are completely in disarray, and in fact, in particular have no research facilities at

all? The lecturers there, instead of doing both teaching and researching, are involved in continuous teaching usually running from dusk to dawn. Other research institutes, like Kenya Agricultural Research Institute, have already been looted. The land on which they were doing research has already been taken away and given to people. There is less and less money going into these institutions to finance research. Therefore, I think, this is just giving us nice words in order for us to rubber stamp this particular Bill.

One Member here talked about the commercial basis of running these institutions. What institutions of the Government at the moment are running commercially? Sugar companies like Nzoia were supposed to be run commercially. They cannot run commercially because politicians are interfering with them. Appointments are made from the very sources which were being put in this particular Bill. They have been a total failure. How is it that this particular institution will run on a commercial basis? The institutions which are supposed to be running on commercial basis fail because of one thing. They are run by civil servants who have never sold even a banana since they were born. How will they do commercial undertaking? By virtue of the fact that they are civil servants they opted away from commercial undertakings. How will they compete with professional commercial people? Therefore, I am not convinced that this particular institution will run on a commercial basis. It is just there to whittle away the little funds we have.

Apart from that of course we are now trying to trim the civil service. I do not see why we should expand institutions when the civil servants are supposed to be reduced to less than half of what they are at the moment. Now, the Bill talks of competence and the Minister also emphasized the fact that he would like to have some competence in the Civil Service. Who needs competence in Kenya at the moment?

Just last week, I went to the Electoral Commission and I just wanted to get a voters' register. First of all it took me three days to get that voters register, and when it came out they were selling it at Kshs4 a piece. I had to pay Kshs13,500 for the Starehe voters' register. On it, it had been stamped that it was correct, by somebody who had been appointed there; one of the workers or the officers there. On opening that particular document, I found that there were names which were cut off by a photocopier. Why on earth a voters' register should still be photocopied is what I do not know. When the names were given out, the numbers for those voters were not there while in other places the names were cut off. When the names were given out, the numbers for those voters were not there. In other places the names were cut off. So these are some of the appointees that are taken to the Electoral Commission and they even say that the documents are official, stamp them and put their signatures. They only know how to sign documents and probably these people are half literate. So efficiency in Kenya is not what this Government is after. We have had very efficient civil servants but they have been retrenched and very inefficient ones left. The best example and one that is very shocking is the fact that some of these people went to South Africa and instead of purchasing an office for our High Commission, they bought a house that was owned by a certain company and the result of that is that, now we do not own that house and this has a very serious legal implication in that particular transaction. We actually do not have an office in South Africa because the one that was bought is owned by a certain company. How can an efficient civil servant purchase shares in a company instead of a house for our High Commissioner? Some of the people who are already in our High Commission office have even refused to move away from that office because they are tenants there. You can imagine how it feels to have tenants in your house. It is a show of terrible inefficiency.

The other day, I also stated here that even the High Commissioner's residence was bought at an exorbitant price when actually its value was less than half what was paid. In the drawing, they included areas which were owned by other people so that the price of the house would be inflated, and in actual fact, the High Commissioner's house is very small and the compound cannot accommodate visitors during celebrations. In fact, the swimming pool which he was told was his belongs to the City Council of Pretoria. These are examples of efficiencies caused by appointment of people to positions they should not be holding. If I take another example of Nakuru, our Town Clerk had been trained as a Treasurer and now he is the Town Clerk of Nakuru. He was just appointed because he happens to come from the right group. He spends most of his time drinking away the Council's money in the Rift Valley Sports Club with his friends. The man in charge of water is actually a sewerage person and now he is looking after water. You can imagine what will happen. There are chances of him not running the water system properly since he is used to dealing with sewerage systems. We have also been brought a Treasurer from Ol Kalaou who had been suspended because of misappropriation of some funds. That is why I am asking who needs efficiency in the Kenya Government. The talk of efficiency here does not arise. People take small people from all over the country to man very responsible positions in the Government. KANU youths are appointed as chiefs in Nakuru and some of them have even been accused of various crimes like rape and other crimes. How does one expect such people to look after the country.

Through you, Mr. Temporary Deputy Speaker, Sir, the Minister will have to clarify what he means by the word "efficiency" here. Everybody knows that there is terrible inefficiency in Kenya and it is not because we do

not have the personnel. We have some of the most highly trained personnel in this country but they have been made inefficient by the Government---

Mr. Munyasia: On a point of order, Mr. Temporary Deputy Speaker, Sir. You might have heard the hon. Member saying that a KANU youth, who is a rapist, has been appointed a chief somewhere in Nakuru. Could he substantiate that claim?

The Temporary Deputy Speaker (Mr. Ndotto): Order! Might you have said that, hon. Dr. Lwali-Oyondi? I did not get what you said.

Dr. Lwali-Oyondi: Mr. Temporary Deputy Speaker, Sir, what I said is that, some of these people who have been appointed as chiefs have been rapists. We have read these cases in the newspaper and it is public knowledge. We have read that a certain chief has raped a woman. This is what I have said and it is common public. If the hon. Member has been reading newspapers, he knows that chiefs have been accused of raping women. Some of these chiefs are normally appointed from the youth. Some of them have even been watchmen. For example, in Butere we have a watchman who has been appointed a chief in Nairobi.

Coming to the Bill, I want to go through one or two sections so that I can allow the hon. Members to contribute. Turning to Clause 5, part "G", it states:- "Not less than six and not more than 10 persons who do not hold offices in the public services or who are not members of the National Assembly". I think there should be equity so that people are chosen from all over the Republic of Kenya. Basically, they should be ten and not less than that number. They should be chosen from all over the country so that we have equitable representation on provincial level so that we do not only have one tribe forming this particular group. He should also give us the criteria they are going to use in choosing these people. There is no need to have useless people as it has been pointed out like, for example, that person who had been appointed to head the Commission on Soil Conservation and he did not know how to write his name and yet people expected such a person to read and delve into very serious scientific exposition in the Soil Conservation work.

We hope that the Minister will not recycle political deadwoods and have them serve on this Institution as a reward after being defeated on a KANU ticket when they stand for the elections in the forth-coming elections. They have been excluding politicians although most of committees like the General Purpose Committees are supposed to be looking at our welfare. It is high time that Members of Parliament were included in these institutions so that they can report to us. The committees should have been doing this job and reporting back to us. Sir, I do not want to go into too much details of this Bill because I do not see the reason why it was brought in this House in the first place.

With these few remarks, I beg to oppose.

Mr. Wetangula: Thank you, Mr. Temporary Deputy Speaker, Sir.

I wish to make a few comments in support of this Bill and in doing so, I want to draw the attention of the Minister who moved the Bill to look at the following clauses: With regard to Clause 4, I support hon. Muite's sentiments that apart from training Public Service, State Corporations and Local Government personnel, the Bill should envisage the situation where they would also train personnel from the private sector. Clause 4 should be amended to give that meaning, so that immediately after the word "Local Government", it should add 'and the Private Sector whether local or not', so that we look at the training of not only Kenyans, but with the re-creation of East African Co-operation and Kenya being a centre of learning in this region, we anticipate a situation where we can train personnel from our neighbours like Uganda, Tanzania, Sudan, Somalia and others.

With regard to Clause 5 (1G), I would like the Minister to incorporate the provision of representatives of professional bodies to be represented on the Board of the Council of this Institute, so that we can have the Law Society of Kenya, architects, doctors, engineers and others represented because the people we are training need to have some basic knowledge on areas involved with all these professions and we need to have some input from members of those professions.

With regard to Clause 5 (4B), where the Bill suggests that a person may be removed from the Council if convicted of a criminal offence and sentenced to imprisonment for a term exceeding six months or to a fine exceeding Kshs2,000. I do not see any meaning in this. We should specify whether a person convicted is one convicted of a minor offence or a serious offence. We have had cases where murderers are convicted by a court of law and discharged or sentenced to one day imprisonment. Would such a person eligible to sit on the Board simply because the sentence is not one of those prescribed in the Act? I would suggest to the Minister, to amend that Clause to read: "A person convicted of an offence that is a felony is not entitled to be a member of the Council", so that persons convicted of minor offenses, misdemeanours like parking meters and so on are eligible for office. You cannot be convicted of a parking meter and be fined Kshs 4000 to Kshs.5000 and then you are automatically disqualified while the person who has committed murder and sentenced to one day in prison is eligible to sit on the Council. Also, these big time thieves who find their way out of courts through discharges or

light fines will still be eligible to go the Council and cause messes there. We need that kind of clarity so that we have a good legislation.

Clause 5 (4E) it reads as follows:-

"A person is said to be unqualified if he conducts himself in a manner deemed by the Minister to be inconsistent with the Membership of the Council".

What does that mean? I think the Minister should come out clearly and tell us what conduct does the Minister deem inconsistent with being a member. Does being drunk amount to that? Does being insolent amount to that? Does being dishonest amount to that? We need to clarify this so that we do not leave room for mischief when the Bill becomes law.

Clause 8 (2A) reads as follows:-

"All these instruments, contracts and other documents shall be deemed to be duly executed by or on behalf of the Institute:

- (a) Where they are required to be under seal, sealed with the common seal of the Institute and signed by two members of the Council".

I want to suggest to the Minister that he should make the Director of the Institute or its Chairman a mandatory signatory to this seal, and then any other member of the Council can sign after that. Otherwise, to leave it to any two members of the Council can be liable to abuse in certain cases.

Mr. Temporary Deputy Speaker, Sir, apart from those observations, I also would like to make a few general remarks about the importance of this Bill.

Training of personnel, capacity building and improvement of our manpower is very important. If we want to have a quality Civil Service, we need proper training. If we want to have a quality private sector, we must invest in training. In doing so, we need very, very high calibre personnel involved in this training. I am hoping that when this Bill is passed and the Institute becomes autonomous, they will insist on acquiring capable personnel. They will only hire people who are qualified to impart knowledge to others so that the society can benefit. We should avoid any situation where we compromise standards with mediocrity for purposes of pleasing certain people, so that we can have quality Public Sector.

Mr. Temporary Deputy Speaker, Sir, in this era of multi-partyism, the Institute will be very important in re-training, re-orientating and assisting public servants in understanding what it means to be a district commissioner (DC), provincial commissioner (PC) and a district officer (DO) in a multi-party situation. We have several situations where our public administrators really do not know how to behave in the face of either the Government or the Opposition, because they have not been properly trained and orientated to fit in the circumstances. It is in such a situation that this Institute will be very important to teach our administrators that the political system is such that an opponent is not an enemy and he is just somebody who holds a different view. They should know that a mwananchi who holds a different shade of opinions should not be denied services simply because he does so and so forth. This will be very, very important in furthering our very, very young multi-party democracy in the country.

Further to that, public servants should be taught the basic norms of justice and fairness to the public. Normally, what comes to light is when a DC or a PC mistreats a Member of Parliament (MP) and then the MP makes a lot of noise and it becomes news. But we have certain situations, where public servants do not compromise the rights of the people because of their political affiliation, but because they do not know what they are doing. You find cases where land rights of the people are affected and where public servants are alienating public resources. This is not a political, or party issue. This happens just because they have not been trained to learn and know that they are the custodians of our natural resources, the people's rights and the people's comfort, and that they should treat everybody fairly and justly. This Institute will do a lot of good to this country, if it orientates our administrators to know that they have to be fair to each and every person who comes before them. This can only be done through continuous training, seminars and conferences. I believe that the Institute will provide an ample environment and manpower to take care of that kind of a situation.

Mr. Temporary Deputy Speaker, Sir, another thing that I would wish to comment on is that, this country has a lot of abundance of manpower. We have a lot of trained people; we have a lot of Kenyans who are providing professional services out there. But we have never sat down, as a Government, to really quantify the importance of our people who are working out there. Recently, I was surprised to learn that the Director of Forestry in Namibia is a Kenyan; the United Nations Development Programme (UNDP) representative in Lesotho is a Kenyan and certain professors in Namibia and South Africa are Kenyans. This is something that we do not seem to have quite clearly defined as a policy, so that we can not only be proud of our people who are working out there and spreading the good name of the country, but we can also tap the income that they generate out there. A country like the Philippines is a leading exporter of domestic servants in the world and the Filipinos are proud of

it. They know exactly which domestic servants from the Philippines are working where, and those servants take money back home. Countries like India, Cuba and North Korea have a very large portion of their Gross Domestic Product (GDP) coming from their nationals who work abroad. I think it is high time the Ministry of Labour and Manpower Development liaised with an Institute like this one to find out which Kenyans are where, what they earn and what they bring into the country. Attention should also be focused on what incentives we can give them, so that they bring here whatever they earn and boost the economy of the country. I think this will in the long run help our country a great deal.

Last but not the least, I would want to urge my colleagues on both sides of the House that, the good behaviour of public servants is also dependent on our own good behaviour. If we, as leaders, embark and engage in insolent attitude and abusive language to public servants, they are also human beings; they tend to resent that kind of behaviour. It is important that we also treat them like human beings. I have seen cases where, simply because some of us are in the Opposition, we are there to oppose anything and everything that comes our way. Even when a District Commissioner (DC) says something good, we oppose it because we have a feeling that he is serving a Government which we oppose. This is wrong. Even we in the Government side, sometimes abuse public servants by making them do things they ought not to do; things that are blatantly unfair to the other side. This, either way, compromises the standards and affects the conduct of public administrators.

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

Mr. Mwiraria: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the opportunity to support the Bill before the House. Let me, first and foremost, say that I support the establishment of the Kenya Institute of Administration (KIA) to carry out the functions set out in this Bill. But, like the previous speaker, I do support the expansion of Section 4(a) to include the training of private sector personnel.

I do not know whether I would be out order to suggest, too, that the KIA should be used for the training of politicians, because it looks as though, with the advent of multi-partyism, many of us seem to have lost a sense of direction. Let me just refer to a recent incident where I went for a campaign rally in Ntonyiri Constituency last Saturday and where, unfortunately, my car was stoned by KANU youth wingers, who had been fed with drinks and miraa by an hon. Member of this House. It is really sad to realise that an hon. Member of this House, a Cabinet Minister at that, could organise such thuggery and take pride in it. I am here referring, unfortunately, to somebody who is not here. This the hon. Kalweo, the Minister in charge of Internal Security who on 29.3.96 went to the venue of the meeting, where we were going last Saturday. He told his KANU followers, in the presence of women and children, that if any Opposition Member of Parliament dared visit the place, they should be castrated.

An hon. Member: Have what done to them?

Mr. Mwiraria: They should have their testicles removed. He even said something further, which I will not repeat, because it will be too embarrassing. It is unprintable. It was about what should be done with the testicles once they were removed from the human being. The Minister went a little further and said, since he was the Minister in charge of internal security and the head of the police - and he pointed at them - he could guarantee that nothing would happen to his supporters once they beat the Opposition people.

As a Mumeru, I am really embarrassed to have to say this in this House. Hon. Kalweo is my agemate and through his action he embarrassed my age group. I do not even know what to say. But when we get to a situation where a Government Minister tells people to commit crimes and guarantees them of protection--- The day I was being stoned, I could see the District Officer, the Officer Commanding Police Division and other policemen---

The Temporary Deputy Speaker (Mr. Ndotto): Hon. Mwiraria, much as I am sure that what you are saying is important to you, are you relating it to what we are discussing in this House?

Mr. Mwiraria: Yes, Mr. Temporary Deputy Speaker, Sir. I said I believe that, in fact, we should amend this Bill to include in it the training of politicians like myself, so that we can know what multi-partyism is all about. I am very relevant on this matter. We are talking about a training institution, because some of us do not seem to know what multi-partyism is all about, including the Minister in charge of internal security. This concerns me.

Be that as it may, I just want to remind hon. Kalweo of one Kimeru saying. I will say it in Kimeru and then translate it into English. It says: "*Gachiu karire munori na munorerwa aratira*". What this means is that the knife killed the sharpener and the person it was being sharpened for escaped. I think the hon. Minister should realise that if he teaches people to become thugs, one day they could turn against him.

Mr. Temporary Deputy Speaker, Sir, I am really speaking in strong support of the point made by the hon. Wetangula, who has just spoken and walked out of this House. I would really like the Kenya Institute of

Administration (KIA), once re-constituted, to focus on training Kenyans on multi-party democracy. When I was a young man, Kenya, at Independence, had two major parties, KANU and KADU. I happened to be a civil servant then, and I went to KIA and one of the things I was taught was that a civil servant works for the Government of the day. Nonetheless, he has a right to have a political opinion and to vote for whatever party he likes, but he does not have to show it publicly. These days, members of our Provincial Administration have all become functionaries of one of the parties, the KANU party. They are---

The Minister for Health (Mr. Angatia): They are working for the Government of the day!

Mr. Mwiraria: I hear the hon. Minister for Health tell me that they are working for the Government of the day. They are not supposed to do the political work for the Government of the day. In fact, I have had occasion to complain once again, of a District Commissioner (DC), who gives permits for meetings. There are twelve days between the day he authorises the meetings and the election day. He gives a meeting for everyday, 12 of them. He cancels four for the Opposition and not even one for the ruling party. In this way, he is really acting against the rules of natural justice. All I am saying is that we need to re-train our people to appreciate the fact that if we want to nurture, promote and develop democracy in this nation, we need to have civil servants who appreciate what they are doing.

We also need to train our civil servants on a recent development; wanting to keep Government secrets secret. But, unfortunately, these days everything done in the Kenya Government is a secret. It is either secret, top secret, top top secret, I do not know what else. In fact, I was horrified the other day when I got the Government directory which is supposed to show the Ministers, Assistant Ministers and Permanent Secretaries together with their respective Ministries. Less than 10 years ago, when I was a civil servant, we used to show the direct lines through the Secretaries to the Ministers, Permanent Secretaries and everybody else. These days, you only get the Ministries' main lines and what then happens? Yesterday I spent one and a half hours trying to call hon. Mulinge because most of the time the general line is engaged, and when I go through, nobody replies. What is the purpose of having these many numbers? I know every Minister has at least two, if not three direct lines. What is the purpose of having them if the public cannot use them? What is the purpose of keeping Ministers and Permanent Secretaries inaccessible to members of the public who need to get hold of them? I am speaking with a little passion because I was in this Parliament, and I even called the support of the operators to get me hon. Mulinge. It took me one and a half hours. What happens to the ordinary member of the public? What are we protecting? What are we paying the Ministers, Permanent Secretaries and senior civil servants for? Why are we giving them public telephones if they are not going to be displayed in the official directory?

Mr. Temporary Deputy Speaker, Sir, I think we need to make this Government a little more open and transparent, but we do not improve things by making everything secret. They are not making things secret only to MPs, who already know there is a circular telling them that they cannot see anybody below the Permanent Secretary. But, I think the public of Kenya needs to be served and served fairly by the people who are given positions of responsibility in order to render services.

I would like to turn to Clause 5 of the Bill, which deals with the appointment of the Council. Clause 5(a), recommends the appointment of a Chairman by the President. While I have no objection to the appointment of the Chairman by the President, I would strongly recommend that the name of the person to be appointed should be screened first, either by the Public Service Commission (PSC) or by another body. In recent years, we know of many cases in this country, where people have been turned into 'instant experts'. You remove somebody from the classroom and make him Managing Director of a highly technical Corporation. Kenya is a developing country and if we really want to develop, we have to make use of our human resources properly. My suggestion is that while the President has got the powers to appoint people, he should at least have people who have been properly screened and who qualify for the jobs, not people whom he expects to become 'instant experts' after he has appointed them.

I too believe that training of personnel is fundamental and absolutely essential to the proper development of our country. It is through training, through an institute like the one we are establishing under this Bill, that we will have Kenyans who are patriotic, Kenyans who first think of Kenya and second of the rest of the world and even of themselves and their own personal interests. Unless we reach a position where Kenyans think first and foremost as Kenyans, and subject their own personal interests even financial and material benefits, this nation will not prosper as a nation. We all talk about corruption, but the main problem is that we do not pay our civil servants adequately. In addition to that, we have allowed them to put self before the nation. I do hope that once KIA comes into being, we will start training our people to become patriotic.

Mr. Temporary Deputy Speaker, Sir, I really wanted to say I do fully support the Bill and I hope colleagues from both Sides of the House will do likewise.

With those few remarks I beg to support.

The Minister for Research, Technical Training and Technology (Dr. Onyonka): Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me an opportunity also to contribute to this important Bill which one of our colleagues referred to as being "pedestrian." Contrary to that belief, I think this is a very important Bill; a Bill that deals with an Institution that in my opinion has "molded" the thinking and behaviour of so many Kenyans administrators. In this regard, the KIA has no rival. By far, the majority of our civil servants were trained at this Institution and thereafter else where to further improve their education.

I think it is important that an Institution such as this one should undergo certain changes to keep up with evolving situations, because, initially KIA trained Kenyans to assume new responsibilities. But, the nature of these responsibilities has also been changing. We need to improve the quality of training that goes on at KIA, and that can only be realised by hiring more competent lecturers or teachers at this Institution. It is the feeling, of course, of the Government that by changing its status it would be much better placed to fulfil that responsibility.

As I understand it, what is now expected of KIA is improved training, quality training to probably a smaller number of civil servants and not to the contrary, because we know that given our limited resources, it has become increasingly necessary to eliminate the over-staffing that we have had at the lower levels of the Civil Service, especially at the level of subordinate staff and similar categories of the civil servants. There were too many of them because we all know that in the old days when leaders came into office, they always brought along a chain of these people who often had nothing to contribute, but who felt that they should be employed through the "good offices" of, say, a hon. Member of Parliament or a Minister in Government.

So, I think it is important that we change the set up which hopefully would provide the sort of environment that one needs to train better quality of administrators. This is not to suggest that those who trained at KIA in the past have not made their due contribution to nation building, a great many have. Once a while, we do have problems with some officers, but, frankly, often it is not accurate to condemn the whole lot, because there are committed officers. There are people who have spent 30-40 years doing constructive work in their careers, but as usual we end up with the few that mess-up situations here and there.

I hope that the new KIA and I subscribe to the notion that KIA should not only train people for Government, including the Local Authorities or the parastatals, but rather they should re-organise themselves in such way that they are able to train people for the private sector for a fee, because that would broaden their market.

They would have many more firms and other people interested in their training. And that implies that they have to be able to compete in what they offer, be it in general administration or be it in management, because increasingly there are other institutions that have come into being, that are able to render fairly similar services, although KIA is in many ways still a rather unique Institution.

One area where I suspect the KIA could do a lot to help this country, is to look into the whole question of values and attitudes. We know from experience that there were people who apparently had what looked like excellent training experience at the beginning of *Uhuru*. They ended up even performing admirably as administrators, but when they transfer their services into politics, some of them behave like "platoon commanders." They do not seem to realise that in politics there are more other elements that mold what happens; that what applied with so much ease and facility in the Civil Service is not quite applicable directly when it comes to politics. And so what happens, you end up with some of these "one billion-dollar-men" who seem to think that when they have got their over-flowing bank accounts others have no right to think and reply to them when they are talking nonsense!

(Applause)

It is important that we model as many of our people to think straight on a lot of issues because it takes all sorts of people to build a nation. Frankly, one of the things I find very strange is that even by 1996, we still have people who think that they are "commanders." Oh! We need to communicate with other Kenyans sensibly, with modest not with extremes of egotism.

An hon Member: Like your boss!

The Minister for Research, Technical Training and Technology (Dr. Onyonka): No, my boss is not one of them.

An hon. Member: Please, substantiate?

The Minister for Research, Technical Training and Technology (Dr. Onyonka): I do not have to substantiate anything.

The Temporary Deputy Speaker (Mr. Ndotto): Hon. Onyonka, address the Chair!

The Minister for Research, Technical Training and Technology (Dr. Onyonka): Mr. Temporary

Deputy Speaker, Sir, I wanted the hon. Member to know that if we are talking about my "boss" he could not have survived for such a long time if he was the sort of individual I was describing. Perhaps, he is one of the best handlers of men!

(Applause)

So, Mr. Temporary Deputy Speaker, Sir, it is important that people are trained, people acquire new values and attitudes. Currently, we lead a life where there is, at least, need for a modicum of tolerance. There is no point of talking about multi-partism and all these other things when it is felt that if one hon. Member is perpetrating violence, it is not good for the other party. I have seen the best, and I have seen the worst. And let me tell you that one of the tragedies of African continent in the recent past, and perhaps, currently, is to have so many people who have no regard for others at all; slaughter for them is a simple thing. This business of organising thugery---

(Applause)

We need to train not only the civil servants and politicians, but even churchmen! I think the Archbishop Manases Kuria is beginning to realise that dealing or handling politics is a different game from handling things in a pulpit. I am not saying what he has had is a pleasant experience, it is a terrible experience, and it should not happen. But people go ahead as if the whole thing is a hobby.

Training institution imbued with the right values could make a tremendous contribution to the future unity and integrity of this country. Everyone is free to move to higher positions, but one must make sure that when one gets there, he should serve this country with humility and not with threats. Threats have not carried anyone very far. It does not matter whether these people, politically, belong to the Opposition, the ruling party-KANU or any other group. The important thing is that we need to evolve a value system to which the majority of the people of this country subscribe to, not because they have been given money, but because being human beings, they have the capacity to assess what is fair and reasonable.

Certain institutions and approaches have served us well in the past. I hope when we talk about the KIA going into consultancy, research and training, they will be on the frontier of exploring knowledge development so that they have knowledge to impart. At one time I taught at KIA and I am pleased to see that one or two Members of Parliament in this House who were my students at that time. I taught the little I knew at that time but I realise that since then, it is over 25 years, a lot of changes have taken place. We need to train our people in a broader and changed context. It is at these institutions that we implore our people with the notion that we have a country in which everyone has a stake and that it has to be run a manner that imparts confidence to almost everyone. It cannot be realised 100 per cent. It takes a very long time to build up institutions that have build nations.

The situation has changed dramatically in the last 10 years, that surely we have train people now to grapple with new developmental problems. There are issues that administrators have to grapple with. They are no longer the tax collectors. The administrator is no longer employed for the purpose of harassing people. The administrator is supposed to be a development promoter and a chief facilitator doing things that are meant for the welfare and the interest of the majority of the people. Sometimes I get surprised when individuals go over board and you wonder where they were and how they were trained. They are mimics to excesses and which will never get us anywhere. In the final analysis, we will lament about it. I have seen it and watched it for a quarter of a century and my conclusion is: It does not matter where you belong politically, but, excesses will never lead us anywhere. It will not take us to that great prosperity we are aspiring to.

If the DC is not doing what he is supposed to do wananchi know that. Wananchi are not fools. They are now knowledgeable, literate and numerate and they know exactly when a guy is performing his duties and when he is not performing his duties. A local councillor knows it quite well and an ordinary worker in an authority knows those things. Through training in places like the KIA where we could get our good friends including the officials of the county councils and municipal councils and other senior officers understand that they are supposed to run viable institutions which are created to fulfil a purpose and not as centres for perpetual wrangling. Sometimes one wonders whether there are functions and that they are performing.

At the end of it, election time comes and mwananchi goes to vote. I am telling you that there are places where one has got to ask the question: for what purpose are some of these institutions existing. They are playing basically what are perverted roles and they cannot justify their existence. Are we training people to serve those sort of institutions?

Mr. Temporary Deputy Speaker, I do hope that in the long term as a country, we would definitely be able to evolve broadly-based values system, a Kenyan system. We may have our shortcomings and please, let us not create the impression that there is nothing good in this country. That it is all mess, mess and nothing else. I have seen worst places and situations, but I am saying we should ourselves get into similar situations because we have a basis for improving things and we are capable of doing so. There are certain human fundamentals when they are not fulfilled, we end up in problems, and once we get into problems, the cost of extricating ourselves from these problems are beyond even what churchmen can pray for. So we are in one boat. Whether you are in the church, Government or in the private sector, let us agree that, at least, there is a modicum of doing things, an approach that gives people hope; voting.

Mr. Temporary Deputy Speaker, Sir, there is one or two other points, I would like to touch upon while talking about the proposed changes at the Kenya Institute of Administration (KIA). Right now, there is a lot of talk about liberalisation. It is very interesting to see that occasionally after the Opposition Members have talked about the need to liberalise this and that, and so on, liberalisation to a large extent means minimizing Government role. But having done so, you then turn around again and say the Government ought to have done this and that. There are certain areas where the Government role is a must, a typical example, is security and I have realised that. But we have to watch out against excesses. It is the excesses that have robbed, brought problems and misery to many African countries. Then, as you people, embrace that idea or approach of doing things, and sometimes it becomes difficult to know when the majority have actually said no. Then, willy nilly, one continues.

One does not have the courage of his convictions to say that let us not go beyond this. There are things that are workable and there are others which sometimes are not visible and one should have the courage to say for this and that reason we have to change codes. We cannot have a situation where 100 per cent the Government is always wrong or the Opposition is always wrong. We do have such people in this country.

Mr. Wamalwa: We do not say that. It is you on the Government side.

The Minister for Research, Technical Training and Technology (Dr. Onyonka) Mr. Chairman, I am not saying you said that, but there are such people. They may not be even in this House, but there are such people. When you have that sort of environment, you should know you are headed for trouble because then there comes a time when a trained man ought to be able to see that, that is black and that is white, and that is yellow. But the moment he keeps on telling you that what is black is white, you know you are in trouble. He ought to be able to tell you that I know it is black, but I realize you like white, but may I whisper to you that the real colour is this one as a properly trained adviser or technician. People are not automaton. So, I wish to say that there are people in the private sector and whether they are giving services to the Government parastatals or local authorities they should have national interests first before them because at the end of the day when the boat sinks, we will sink together. Only God knows our gain. The truth of the matter is that with the properly trained population, whether they are civil servants, parastatal workers and so on, it is the totality of these people that goes to constitute the outlook of a country, the outlook of a nation. When we begin to say that these people are ethical morally this is improper and it will not get us anywhere. But blindly or with tendencies to impose what is not workable, we will then be sowing seeds of destruction, seeds of unnecessary discord and I do hope that in an institute such as this one will have that quality training. The training of a total man because he is going to be a leader of a community or communities.

A hon. Member: Which total man? Biwott or who?

The Minister for Research, Technical Training and Technology (Dr. Onyonka): That is your concept of total man. I do not want to be misinterpreted or dragged out of context. I am talking about the whole man if that is what you like. Training the whole man in the sense that you try to shape his values and his perception of things, happenings and interpretation of facts. The separation of facts from fantasies. It is occasionally by the way that people derive a lot of pleasure by simply amassing fantasies and imagining them to be the realities of this world. I have observed situations where after a brief moment I am forced to laugh and say that I am sure the guy was actually seeing fantasies before him but he believed they were the realities. So, my view is that having created an institution such as this one, give it to the appropriate management. Put there men of competence. Let them hire others on the basis of merit. You balance issues by giving them other meaningful factors such as a sense of belonging. That is the only way that you are going to develop excellence is some of these institutions. Nobody has a monopoly of excellence. I am not saying that any particular tribe has all the excellence that we need in this world because even among minority communities you will always find a very bright guy capable of doing a decent job to earn a living. Things begin to go wrong when we start thinking that only my brother-in-law, uncle, a guy whose name starts with "O" or "K" can do it. So, it is important that when it comes to institutions such as this one, you get the right chairman and members of the council and thereafter recruit competent Kenyans and there is no shortage of them now. After thirty years of continuous training these people are there because if there is any area

where this country has invested very heavily it is in the field of manpower development. Therefore, is a pool from which this new KIA could recruit and develop manpower. It ought to be a model and a centre of excellence in terms of doing what needs to be done properly. That is the only way to set that example and it is my hope that having been granted that autonomy, the new KIA would go out to prove that they deserve it. I believe that, if this country is going to prosper economically and in many other socio-economic areas, the whole question of manpower must be looked at critically. If you look at those who have succeed, there are numerous variables that have made it possible to succeed. But in the final analysis, and in the majority of these instances, it boils down to heavily properly trained people floated in the right places, performing effectively. By the way, we need to make a distinction between being effective and being efficient. They do not mean quite the same thing sometimes. So, we need to have people capable of delivering. People in the forefront. Not just administrators only but innovators in so many other areas. With this plus sufficient investment in technology and in other related activities, there is no reason why this country cannot take off. I believe, I have a fairly broad knowledge of Africa. I know this is not a country devoid of people with initiative, they are here and in fairly large numbers. We have people in this

country committed to being very good farmers. We have got our young Jua Kali fellows struggling. We are trying to assist them as much as we can, but the important thing is for us to appreciate that for us to make headway, it is investment in people amongst---

Mr. Gatabaki: On a point of order, Mr. Temporary Deputy Speaker, Sir. With due respect to the very, very able presentation by my former Professor, in the University of Nairobi, is it in order for him to continue talking about excellent quality managers and merit in Government when he is involved in a Ministry, and a Government that believes in incompetence? This is a Government that has put the most incompetent people in management of Government services ever on this continent.

The Temporary Deputy Speaker (Mr. Ndotto): That is not a point of order. Dr. Onyonka, proceed.

The Minister for Research, Technical Training and Technology (Dr. Onyonka): Mr. Temporary Deputy Speaker, Sir, I will need one more lecture with my former student in order to sort out a few points of disagreement. The truth of the matter is, that if the hon. Member believes that it is in Kenya where he has seen extremes of incompetence, then I am afraid he knows very little of the world.

Mr. Temporary Deputy Speaker, Sir, I believe that this country may be having its share of incompetence. But the truth of the matter is, there are also shining examples of efficient or effective performance in almost all sectors of our society and economy. So, I would not subscribe to the idea of condemning, in general terms, whatever one might feel about things in this country. The truth of the matter is, that there are areas where we could still do better. I am a firm believer in the fact that the basics are there but it is true we could still do much better. That is what I consider my motivation in approaching the whole question of professional training and the search for excellence. And it is true that you might not have it in 80 per cent of our sectors and sub-sectors but there are areas where, despite the constrains, it is possible. Not just in one area, but in very many other areas.

Because, to say otherwise, this is to discourage the youth of this country and the people of this country who I believe are forward looking and hoping that in the next decade or so, they will undergo a major transformation in terms of economic and social achievements. We have had our problems and shortcomings, but I consider myself a perennial or optimist and after all what is great about other countries? It is that they failed so many times but were able to stand up and walk again. I am not saying that we go through the same process, but I am going to say that we have to be believers in our capacity to stand up and walk again, where we have had failures. People lament about indigenous banks having failed, maybe we should not have had that experience. Look at the history of banking in the world; it is littered with numerous experiences of similar disasters, but I am going to say that we have had enough of it, we do not want a repeat of it and that means that in the days ahead, prudence is paramount; if we are going to evolve the sort of institutions that will enable us to asked to stand up from where we fell, and walk again, and walk fast and walk strong.

Mr. Temporary Deputy Speaker, Sir, it is going to work if we give our people appropriate training. We need to train people that will hold the torch high the way our runners do. Every time Kenyans see one of our long distance runners on the track, they automatically get excited. We need our trained manpower to hold that torch high; to give us the hope, the expectations and the commitment that, one day we will train manpower with the right attitude and approach to others. We shall be able to conquer the problem of underdevelopment and poverty. There is no other way. After all what is development? It is our ability to develop a capacity to solve our problems. If we train people that are supposed to have that capacity, the better they are trained the better the capacity; combined with other ingredients, like honesty, modesty, perseverance and other elements that make that whole man. This is because in the final analysis one decision, we took a long time ago under the late President Mzee Jomo Kenyatta, a tradition brought forward by our President Daniel arap Moi is that we are supposed to build a

united nation that puts together trained people, pulling together in a given direction and within it there is going to be diversity. We know that, but in the final analysis we will have a united nation pulling in one direction with people who know where we should be going politically and, technically where we should be.

Otherwise, for one to say that discussing a Bill such as this amounts to dealing with pedestrian matters--- Yes, it is pedestrian matters that by and large, if badly handled, tend to affect, in a rather negative way, the welfare of the ordinary man whom we aspire to serve with our commitment. So, the so-called small things make a lot of difference.

If you got an administrator with the right approach to the ordinary man, he might not always have solutions to his problems but there is the human dimension.

This cannot be done by fear or if it is done, it will only be for a very short period. History is replete with examples which show that that has never lasted for ever. So, in training our people, the Kenya Institute of Administration (KIA) has a major challenge before it, to train these people not simply to behave like platoon commanders driving wananchi but they are actually guides. Often, they are arbitrators and occasionally they serve like fathers and mothers irrespective of their ages.

The human dimension, to me, must be central to any future improved training because the goals we are now pursuing have changed dramatically. Let us not keep on pretending that on the basis of tribe, we are different. The basic needs are the same whether you are a Kamba, Maragoli, Luo or a Kisii. So one must never hold that view that you cannot totally disregard what is happening around you simply because the immediate environment is very entertaining. For us leaders, one of the biggest challenges before us is to come down to reality and accept the fact that basic needs for the majority of all these people are the same. When a Mkamba goes hungry because there has been no rain, we have a problem. When a Luo cannot get fish in adequate quantities, we have a problem.

Dr. Otieno-Kopiyo: On a point of order, Mr. Temporary Deputy Speaker, Sir. I have listened to the hon. Dr. Onyonka whom I have a lot of respect for. He is saying some things which I think are very constructive, but as a Cabinet Minister, should we not be pushing these things through the Cabinet and getting them implemented so that Kenyans can have services that will be eloquently expounded?

The Minister for Research, Technical Training and Technology (Dr. Onyonka): Mr. Temporary Deputy Speaker, Sir, there is so much I can push in the Cabinet and the rest in this House. I am saying all these things because among us, we might be entertaining a misleading view. How many times have we had to sit here and listen to a lot of allegations, serious assertions as if we are all dump and as if we do not understand what difficulties other people in this country face. I want to state before the House that the Cabinet is one forum where we discuss what we discuss. The House is the other forum where I am entitled as Member of Parliament for Kitutu Chache to express an opinion while perhaps wearing both hats, as a Member of Parliament and as a Minister.

I would like us to agree on one thing, that there are issues on which we have differences of opinion very often based on emphasis and not because of realities attendant to the situation. So if your people are not eating it will be unethical and immoral for me in KANU, as Member of Parliament and Minister to say, "Mhe. Nthenge, those people in Makueni are eating and it does not matter and if they are not eating, that is your problem". If I say that, then something has gone wrong somewhere for it is a situation whereby, a section of a country is very much like a limb of a body. If the finger is paining, the stomach is not likely to be very happy with itself. The head is not likely to be performing efficiently. Eventually, the body gets somewhat incapacitated. So one cannot be efficient and make his full contribution. I am trying to say that when training, let us train our people as a community to go out and serve a Kenyan community. I would like to emphasize that one area where our training at KIA has had a few problems is that given our present state of development, we still have differences of culture in a lot of our different areas. When a District Officer comes from Kisii, and goes to Maralal we need to understand that things there are different.

With these few remarks, I beg to support.

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Ndotto): Hon. Members, it is now time for the interruption of business. The House is, therefore, adjourned until Tuesday, 21st April, at 2.30 p.m.

The House rose at 6.30 p.m.