

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 27th October, 1999

The House met at 9.00 a.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

## ORAL ANSWERS TO QUESTIONS

*Question No.534*

REPAIR OF ROADS IN MBITA

**Mr. Kanyauchi**, on behalf of **Mr. Kajwang**, asked the Minister of State, Office of the President:-

(a) when the roads damaged by the *El Nino* rains in Mbita Constituency will be repaired; and,

(b) what has delayed the implementation of the project.

**The Minister of State, Office of the President** (Mr. Nassir): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The roads damaged by the *El Nino* rains in Mbita Constituency, Suba District, will be repaired starting from February, 2000.

(b) The delay of implementation of the project was caused by changes in the priority ranking in the proposed sub-project by the District Disaster Committee which necessitated the consultants to revisit the sites due to the change in scope of works.

**Mr. Kanyauchi:** Mr. Deputy Speaker, Sir, I have just been given a written notice which is part of the answer which the Minister has given. But the problem of *El Nino* roads is not just limited to Mbita Constituency or Suba District. Apparently, the date for starting the works has always been pushed forward and this time, it has been pushed to February, 2000. Could the Minister tell us whether they are really serious about starting the works or this is just a gimmick of pushing the date? I am sure when we come to the year 2000, it will be pushed further, by another one year. Are they serious about starting the works or not?

**Mr. Nassir:** Mr. Deputy Speaker, Sir, as I said before, if you give me any job, I will do it properly. I have been given the *El Nino* Programme and I will do it properly. Personally, I will visit the area.

**Mr. Deputy Speaker:** Hon. Nassir, you should restrict yourself to answering the Question instead of praising yourself.

**Mr. Nassir:** Mr. Deputy Speaker, Sir, I am not praising myself. As you can see in the papers, I was there and I will go to other places. Hon. Members are free to put Questions to me, but if they come to my office, I will ensure that the job is properly done.

**Mr. Anyona:** Mr. Deputy Speaker, Sir, could the Minister tell us the source and the total sum of money earmarked for repair of roads damaged by the *El Nino* rains both in this particular area and in the country, generally?

**Mr. Nassir:** Mr. Deputy Speaker, Sir, my colleague, Mr. Anyona, is aware that our country does not have oil wells or mines. But whatever we get, we use it to repair the roads.

(Laughter)

**Mr. Obwocha:** Mr. Deputy Speaker, Sir, the Chair will agree with me that, that answer is a disgrace to this House.

**Mr. Deputy Speaker:** Are you rising on a point of order, or do you want to ask a supplementary question?

**Mr. Obwocha:** I want to ask him a question and I will ask him twice so that he can understand it. There is some little money that was given to repair roads damaged by the *El Nino* rains, how much is it so that we know whether Mbita is able to receive any money from that Fund?

**Mr. Nassir:** Mr. Deputy Speaker, Sir, every district has been given their budget. If my colleagues can go to the DDCs---

**Mr. Sifuna:** On a point of order, Mr. Deputy Speaker, Sir. I wonder whether the hon. Minister has understood the question or not. The question is: How much?

**Mr. Deputy Speaker:** But he has not even finished answering how much.

**Mr. Sifuna:** He has not answered.

**Mr. Deputy Speaker:** Order! Order! You have not given him a chance to reply. If he is too long-winded, I will stop him, myself.

**[Mr. Deputy Speaker]**

Proceed, Mr. Minister.

**Mr. Nassir:** Mr. Deputy Speaker, Sir, the Question raised here had nothing to do with money, but when we are going to start the job. If you want to know how much money has been set aside for the Fund, I will have to consult with my Permanent Secretary and the Treasury so that I can get proper information for you.

**Dr. Kulundu:** On a point of order, Mr. Deputy Speaker, Sir. Is the Minister in order to mislead this House that every district has had some allocation from the *El Nino* Fund, when, in fact, Kakamega District in Western Province, a district that has the highest rainfall in this country, did not get even a single cent?

**Mr. Nassir:** Mr. Deputy Speaker, Sir, the *El Nino* Fund will be spent on that project. But if the hon. Member wants more information on this, he should bring a Question and I will answer it.

**Mr. Kanyauchi:** Mr. Deputy Speaker, Sir, is it not true that *El Nino* Fund, which was partly released by the World Bank and the African Development Bank, the Government was supposed to contribute its share, but they have not and this has made work all over the country to stall? Is that not the case?

**Mr. Nassir:** Mr. Deputy Speaker, Sir, when somebody wants to know about the financial position of this country, he must put a Question.

**Mr. Deputy Speaker:** I can safely say that is a draw!

Next Question, Mr. Gatabaki.

#### *Question No. 416*

#### REMOVAL OF CAPITAL CONTROLS

Is Mr. Gatabaki not here? We will leave that Question till the end. Let us move on to the next Question.

#### *Question No.390*

#### PAYMENT OF RETIREMENT BENEFITS

#### TO MR. MAKHANDIA

**Mr. Sifuna** asked the Minister for Education, Science and Technology:-

(a) if he is aware that Mr. Geoffrey Wafula Makhandia, TSC No.056015, retired on 31st August, 1998 and has not been paid his gratuity and pension to-date; and,

(b) when Mr. Makhandia will be paid his dues.

**The Assistant Minister for Education, Science and Technology** (Mr. Awori): Mr. Deputy Speaker, Sir, I beg to reply.

(a) Yes, I am aware.

(b) By the time of his effective retirement on the 1st September, 1998, Mr. Makhandia, TSC No.056015 had not yet submitted any of the documents requested for earlier by the Teachers Service Commission in writing. Upon late receipt of his pension documents on 16th September, 1998, it was noted that Mr. Mukhandia had not included his P1 certificate, which is an essential document required for pension papers to be processed. The TSC will promptly process, Mr. Makhandia's pension papers and forward the same to the Pensions Department in the Treasury for payment to be effected, once he complies and submits his P1 certificate requested for vide letter Ref.TSC 56015/344 dated 16th June, 1999.

**Mr. Sifuna:** Mr. Deputy Speaker, Sir, arising from that misleading reply from the Assistant Minister, Mr. Makhandia came with his P1 certificate and we took it to the TSC. When they brought the file to us, it was also confirmed that a copy of his P1 certificate was in his personal file and that is why he continued receiving the salary until retired. But the Assistant Minister is misleading the House that, he has not submitted his P1 certificate to the TSC. Personally, I took Mr. Makhandia to the TSC. Could the Assistant Minister be honest and tell this House, why they have delayed to process Mr. Makhandia's retirement benefits? I witnessed Mr. Makhandia delivering his P1 certificate to TSC and we found a copy of the P1 certificate in his personal file. Could the Assistant tell us exactly

what happened? Why are they delaying paying Mr. Makhandia's dues?

**Mr. Awori:** Mr. Deputy Speaker, Sir, the information that I got from the TSC was as I have explained to this House; that, they had not received a copy of Mr. Makhandia's P1 certificate. Right upto yesterday, I checked with them and they had not received it. If the hon. Member insists that he took Mr. Makhandia to the TSC, I am willing to go with him to the TSC, so that he could show me the officer who showed him the file where Mr. Makhandia's P1 certificate is.

**Mr. Anyona:** On a point of order, Mr. Deputy Speaker, Sir. There are many cases where the Ministers and the House are being misled by officials in the public service. Could we make this a case where we can establish the truth about this matter? In other words, could the Chair order that the Assistant Minister does now go and take evidence from hon. Sifuna and other people and come back to the House, and tell us whether this habit will be stopped?

**Mr. Awori:** Mr. Deputy Speaker, Sir, I suggested even a better way; that, I am willing to go along with hon. Sifuna. He will point out the officer who showed him the file where the P1 certificate is and action will be taken.

**Mr. Deputy Speaker:** Mr. Awori, surely, it does appear strange that this teacher was being paid as a P1 teacher in the absence of a copy of his P1 certificate in his file.

**Mr. Awori:** Mr. Deputy Speaker, Sir, he has indeed been paid as a P1 teacher from inception to the time he retired. But as far as the TSC was concerned, there was no P1 certificate in his file. It must have been misplaced and that is why I am offering to go with hon. Sifuna.

**Mr. Deputy Speaker:** Mr. Sifuna, would you like to go with the Assistant Minister and establish this fact? This is because really, this issue of documents missing from files, and that being used as an excuse, is not good enough. We want to go to the bottom of some of these things and establish what the actual position is. Would you like to do that?

**Mr. Sifuna:** Mr. Deputy Speaker, Sir, that will be in order. But could he tell this House, if the certificate, as he says is missing, why was the TSC paying him right from the time he was employed? Is the Assistant Minister trying to tell this House that they were paying a "ghost" teacher or they were paying him without a certificate? I am prepared to go with the Assistant Minister to the TSC, but what will happen if we prove that the copy of his P1 certificate is in his file?

**Mr. Kombo:** On a point of order, Mr. Deputy Speaker, Sir. If we set up such a precedent that each time a Minister is unable to sort issues out in his office, a Member of Parliament has to go with him to that office, I think that is very dangerous. Supposing they go and find that, that officer has been transferred?

**Mr. Deputy Speaker:** Order! What is your point of order? That is a question.

**Mr. Kombo:** Is it in order that we should insist on the hon. Member sorting out the matter in that office---

**Mr. Deputy Speaker:** Order! Order! Hon. Members, I have said it many times before that, in fact, a Minister is personally responsible for the accuracy of the answer he brings to the House. Whether he has got it from the TSC or from his Permanent Secretary or Provincial Director of Education, it is not the business of the House. The Standing Orders state that each and every Member is responsible for the accuracy of the information they give to this House. We were trying to find the solution to a very simple problem. If hon. Sifuna does not feel inclined to walk over to the TSC with hon. Awori, that is fine. We will get hon. Awori to bring that file here for inspection. But that seems strange to me, as I have already stated, that Mr. Makhandia was being paid as a P1 teacher in the absence of his certificate in the file. That is from our own experience, in that establishment, is very strange indeed. So, hon. Awori, will you bring the file.

Next Question, Mr. Maitha.

**Mr. Maitha:** Mr. Deputy Speaker, Sir, I have not received the written reply to the Question. However, I beg to ask Question No.370.

#### *Question No.370*

#### REVIVAL OF RAMISI SUGAR FACTORY

**Mr. Maitha** asked the Minister for Agriculture and Rural Development what plans the Government does have to revive the Ramisi Sugar Factory in Kwale District.

**The Assistant Minister for Agriculture and Rural Development** (Mr. I.K. Ruto): Mr. Deputy Speaker, Sir, I beg to reply.

In an effort to revive the Ramisi Sugar Factory in Kwale District, the Government commissioned a consulting firm to undertake a feasibility study to ascertain the viability of the project. The consultant established that the Ramisi

project was technically, financially and economically viable. Two companies from Pakistan and Mauritius have since declared interest in putting up a sugar factory at Ramisi. The project will be undertaken once the modalities have been worked out. The Kenya Sugar Authority has, on its part, been undertaking varietal trials, to establish viable sugarcane varieties for the Coast region.

**Mr. Maitha:** Mr. Deputy Speaker, Sir, though I have not received a written reply from the Assistant Minister, I have noted his answer. But the same answer has always been given by the Government wherever leaders from the Coast Province ask the Government to tell us when Ramisi Sugar Factory is going to be revived. Could he tell us when these firms will start operating?

**Mr. I.K. Ruto:** Mr. Deputy Speaker, Sir, these are private investors from Pakistan and Mauritius. They are not a department of Government. We will facilitate them to start operations when they are in a position to do so.

**Mr. Mwakiringo:** Mr. Deputy Speaker, what is the correct Government policy as concerns the revival of Ramisi Sugar Factory? At one time, we were told that the soils at Ramisi were not suitable for sugarcane growing. Now, we have been told that after studies, they were found to be suitable. What is the correct position?

**Mr. I.K. Ruto:** Mr. Deputy Speaker, Sir, the soils in that region are suitable for sugarcane growing. They have always been suitable, and we have not changed them.

**Dr. Ochuodho:** Mr. Deputy Speaker, Sir, I am delighted to learn that the Government is facilitating the revival of Ramisi Sugar Factory. Are there any similar plans for starting a factory in Homa Bay, and when will the Sugar Bill be brought before the House?

**Mr. I.K. Ruto:** Mr. Deputy Speaker, Sir, if the hon. Member puts that as a separate Question, we will do a study and let him know.

**Mr. Sambu:** Mr. Deputy Speaker, Sir, the Assistant Minister says that the project is viable and they are inviting companies from Mauritius and Pakistan to revive the sugar factory. The Kenya Sugar Authority has got billions of money. What is the Kenya Sugar Authority doing with its money? Why can this money not be used to revive Ramisi Sugar Factory, instead of inviting foreigners?

**Mr. I.K. Ruto:** Mr. Deputy Speaker, Sir, I think the hon. Member is not honest. That is a different arrangement completely. When he talks of the Kenya Sugar Authority having billions of shillings, I do not know whether he means that, that money is for reviving sugar factories. I would like to make it clear that we are looking for a private investor to purchase Ramisi Sugar Factory.

**Mr. Sambu:** On a point of order, Mr. Deputy Speaker, Sir. Is the Assistant Minister in order to mislead the House, that Kenya Sugar Authority has no money when, for every kilogramme of sugar bought by a consumer, Kshs7 goes to KSC? The Kenya Sugar Authority is a Government parastatal and it has money.

**Mr. I.K. Ruto:** Mr. Deputy Speaker, Sir, Kenya Sugar Authority is a regulating body. Whatever it collects is not meant to build new sugar factories.

**Dr. Omamo:** Mr. Deputy Speaker, Sir, could the Assistant Minister be honest to the House? He said that Kenya Sugar Authority is doing some trials to find viable cane varieties, while, in fact, sugarcane has been grown in Ramisi for over 50 years and it is known that the Ramisi sugarcane varieties mature within a year. Why should the Assistant Minister mislead the House that the delay is due to unavailability of a viable variety while they are already there?

**Mr. I.K. Ruto:** Mr. Deputy Speaker, Sir, with due respect to the hon. Member, I did not indicate that the delay is because we are developing a new cane variety. We are simply going on with that research as we look for an investor. Maybe, he did not get me correct.

**Eng. Muriuki:** Mr. Deputy Speaker, Sir, it is very good, as the Assistant Minister said, that the Government carried out a study. Could the Assistant Minister tell us whether they have done a study only in Ramisi or they have done studies elsewhere? Secondly, are these studies only done on sugarcane? There are other sources of sugar that can also be viable, for example, beet sugar.

**Mr. I.K. Ruto:** Mr. Deputy Speaker, Sir, currently, we depend on cane sugar in this country. Research on different varieties of sugarcane are being done in all areas where sugarcane is grown.

**The Assistant Minister for Roads and Public Works (Mr. Mwakalu):** On a point of information, Mr. Deputy Speaker, Sir.

**Mr. Deputy Speaker:** Who do you want to inform? You either inform the Questioner or the Assistant Minister who has answered the Question. The Assistant Minister who answered the Question has already sat down. He does not seem to want your information. If you want to raise a supplementary question, that is a different matter.

**Mr. Maitha:** Could the Assistant Minister confirm or deny that these two companies have always been ready and have the money to start Ramisi Sugar Factory, but the Government has not facilitated them, because very influential people are forcing these companies to have a partnership with them, whereas they do not have any money to

enter into that partnership?

**Mr. I.K. Ruto:** Mr. Deputy Speaker, Sir, the hon. Member is free to speculate and have his own ideas. Once those private companies are ready to start operations, they will be facilitated. I cannot confirm any speculative thinking.

**Mr. Maitha:** On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister has given the names of the companies. He says that I am speculating, whereas, those companies are ready to start operations. Why can he not tell us why they have not been allowed to start this factory immediately?

**Mr. I.K. Ruto:** Mr. Deputy Speaker, Sir, the modalities of starting are basically with those private companies. I cannot make a decision for them. As a Government, I have stated very clearly, that, we will facilitate them to the maximum. Nobody has stopped them from going ahead. Unless he brings us details on the other speculative issues, I cannot be able to comment.

**Mr. Ndilinge:** On a point of order, Mr. Deputy Speaker, Sir. Arising from Mr. Maitha's assertion that there are forces blocking the operations of the two companies and yet this country is now fighting corruption, would it not be in order for hon. Maitha to inform the Assistant Minister what the obstacles are, so that the factory can take off?

**Mr. I.K. Ruto:** Mr. Deputy Speaker, Sir, I will be most grateful if hon. Maitha substantiated his claims. He should Table the details and I will be able to investigate.

**Mr. Deputy Speaker:** There is no claim for hon. Maitha to substantiate. He merely said that there are people who want to be in partnership with the two companies. That, to me, does not seem to be an outrageous statement. Hon. Mwakalu, what is itching you?

**The Assistant Minister for Roads and Public Works (Mr. Mwakalu):** Mr. Deputy Speaker, Sir, the Ramisi Sugar Factory is sitting on 3,000 acres of titanium. That is the first problem that has to be uncovered.

**Mr. Deputy Speaker:** Order! That may be the problem! But the problem that we are having now is two Government Assistant Ministers standing up to answer the same Question!

**An hon. Member:** He is asking a question!

**Mr. Deputy Speaker:** If he is asking a question, it is even worse! Hon. Mwakalu, would you like to whisper to hon. I.K. Ruto and tell him what is bothering you? It is unheard of for two Assistant Ministers, to stand up and give answers to the same Question. You can have a little tutorial for hon. I.K. Ruto at the back there, but certainly, not on the microphone!

*Question No.339*

RURAL ELECTRIFICATION PROJECTS IN RONGO

**Mr. Ochilo-Ayacko** asked the Minister for Energy:-

- (a) what rural electrification projects the Ministry is currently undertaking in Rongo Constituency; and,
- (b) how much money is involved.

**The Minister for Renewable Energy Development (Mr. F.L.P. Lotodo):** Mr. Deputy Speaker, Sir, I beg to reply.

(a) My Ministry has been undertaking rural electrification projects in Rongo Constituency. Since the programme started, I am happy to inform the Member that the Ministry has already connected electricity to the following townships, markets and institutions in Rongo Constituency: Ranen Township, Ranen Mission Complex, Dede Township, Dede Girls Secondary School, Awendo Township, Mariwa Market, Rongo Township, Kanga Secondary and Primary Schools, Kanga Market, Rakwaro Mission and Rakwaro Secondary School, Kanyawanga Secondary and Primary Schools, Kanyawanga Market, Kamagambo SDA Mission, Kamagambo Secondary School, Kamagambo Market, Marera Market, Kokuro Secondary School and Kokuro Market. Currently, the rural electrification programme has not been able to plan for new rural electrification projects because the Migori District Development Committee (DDC) has not sent to my Ministry, their current priority ranking in spite of my Ministry requesting for the names in writing.

- (b) Since there are no projects planned, there is no money involved.

**Dr. Kituyi:** On a point of order, Mr. Deputy Speaker, Sir. We are getting a bit confused about Ministers and their Ministries! I did not read the supplementary debate of the Ministry of Energy's Budget, but they had a portfolio for one Minister. We were given to understand that hon. Lotodo is the Minister for Renewable Energy Development like biogas. What does he have to do with rural electrification?

**Mr. Deputy Speaker:** No! No! No! Of course, hon. Lotodo, being a Government Minister, has the liberty

to answer Questions raised to the Government. So, he is perfectly in order.

**Mr. Ochilo-Ayacko:** Mr. Deputy Speaker, Sir, could the Minister assure this House that, as soon as project proposals are received by the DDC, he will consider the issue of Rongo again?

**Mr. F.L.P. Lotodo:** Mr. Deputy Speaker, Sir, the Ministry will consider his application, if the DDC sends the list to my Ministry quickly.

**Dr. Ochuodho:** Mr. Deputy Speaker, Sir, in the case of neighbouring Homa Bay District, the DDC has already made recommendations. While I appreciate what the Ministry has done in the neighbouring Rongo Constituency, the electricity passes through my constituency. In Rodi-Kopany, a transformer and poles were brought, but they were taken away! Could the Minister undertake to make sure that, we do not turn into bricks which live in sugarcane farms, but do not know the sweetness of sugar? If he does not do that, we in Rodi-Kopany will cut the electricity that goes to Rongo. We want to benefit from the electricity. Could he undertake to provide us with electricity in Rodi-Kopany?

**Mr. F.L.P. Lotodo:** Mr. Deputy Speaker, Sir, I will do that, if Dr. Ochuodho puts a Question for that purpose. He cannot just hijack somebody else Question and expect me to get a proper answer for him! I cannot do that!

**Mr. Maitha:** Mr. Deputy Speaker, Sir, arising from that, a lot of DDCs, including the Mombasa DDC, recommended a lot of electrification projects. But every time you go to the KPLC headquarters, the person in-charge of rural electrification says he has to write letters to the Ministry, seeking permission to undertake projects anywhere in the country. Could it be made simple in that, when the DDC approves a project and the Ministry is informed, the regional boss is mandated to undertake the electrification projects without referring to the headquarters?

**Mr. F.L.P. Lotodo:** Mr. Deputy Speaker, Sir, something involving money is not just easy! We cannot mandate a body in Nakuru or Nyanza to undertake such projects, which involve huge sums of money! We have to do it in Nairobi here, where the Permanent Secretary (PS), who is the Chairman of the programme is based. So, just send your application and we will do something for you!

**Mr. Sungu:** Mr. Deputy Speaker, Sir, in view of the great agricultural and industrial potential of Rongo, which is a very fertile area, what will the Ministry do? The Minister has told us that there is no money! We know that there is a constituency, which is represented by the former powerful Minister for Energy, which has electricity even in the toilets! Is there discrimination against the people of this area? Could the Minister clarify and tell us how much money he has allocated for the development of electricity in this area?

**Mr. F.L.P. Lotodo:** Mr. Deputy Speaker, Sir, I am waiting for a list from hon. Ochilo-Ayacko! I did not say that I have money problems! You just give me the list and I will do something! But you cannot ask a question about Kwale and expect me to get an answer straightaway!

**Mr. Ochilo-Ayacko:** Mr. Deputy Speaker, Sir, whereas I appreciate the Government's kindness to the people of Rongo, may I know from the Minister, the last date when a project regarding rural electrification was implemented in Rongo?

**Mr. F.L.P. Lotodo:** Mr. Deputy Speaker, Sir, I have got 21 institutions in his Constituency already supplied with electricity. I am not in a position to give the dates when those projects started, and when the last institution was supplied with electricity. I do not have the dates, but I have got the names. If he wants the last date, I will give him on Thursday. But I do not think the dates are important.

*Question No.320*

FATE OF FORMER EMPLOYEES OF  
AFRICAN TOURS AND HOTELS

**Prof. Anyang'-Nyong'o** asked the Minister for Tourism, Trade and Industry:-

- (a) what happened to the staff of African Tours and Hotels (AT & H) who were relieved of their employment by the Receiver-Manager in November, 1988;
- (b) what entitlements these workers have to the sale of assets of the AT & H; and,
- (c) whether the Government could make sound plans to enable workers to buy shares in the companies where they have been the key factors in generating revenue.

**The Assistant Minister for Tourism, Trade and Industry** (Mr. Sankori): Mr. Deputy Speaker, Sir, I beg to reply.

(a) After the appointment of a Receiver-Manager to AT & H in mid-July, 1998, the services of 205 employees were terminated. This was done on the realisation that the AT&H had been insolvent for more than three

years and, therefore, it could not be turned around.

(b) Under the provisions of Section (C)(1)(i) of the Companies Act, Cap.486, the employees were entitled to a preferential claim payable in advance, of the claim of the debenture holders, which is restricted to arrears or wages not exceeding Kshs4 million. After their termination, the ex-employees were due for preferential entitlement of wages. 187 ex-employees have already collected their dues and as for the remaining 23 ex-employees, they can collect their dues any time from the office of the Receiver-Manager on any working day.

(c) All the assets of AT&H were attached by the secured creditor, that is the Kenya Commercial Bank (KCB). This means that after the sale, there will be no properties in which former employees can buy shares. However, the Government has put in place a debenture programme, co-ordinated by the Executive Secretariat and Technical Unit of the Parastatal Reform Programme Committee in which interested individuals can invest in those companies which the Government is off-loading shares.

**Prof. Anyang'-Nyong'o:** Mr. Deputy Speaker, Sir, I must tell the Assistant Minister that I did not receive any written answer to this Question, but I suppose that I will get a copy subsequently. The case of AT&H demonstrates very clearly how the privatisation process in this country has been turned into a looting process by the politically-correct individuals. If there had been a proper law guiding privatisation, the current practice where public corporations are fastly run down so as to be insolvent and so that their assets can be disposed off cheaply to people who can get them as opposed to the rights of workers is very unfortunate. Currently, Chemelil Sugar Factory is undergoing the same history. Why is it that in the case of AT&H, the Government never saw it appropriate to make arrangements beforehand so that workers could be reserved at least 20 per cent of the shares of AT&H and in that way secure their future? What the Assistant Minister is saying that the Government is putting up a venture initiative is just a rare-guard action to try and camouflage the fact that the money being given to the workers is not equivalent to the value of what they had put in the factory. Secondly, that the assets are being ripped-off by the politically-correct individuals in the AT&H. Why can the Government not take a much more concrete measure to ensure that the workers of AT&H get appropriate shares in the privatisation process of AT&H?

**Mr. Sankori:** Mr. Deputy Speaker, I think I had stated very clearly that all the assets of AT&H are secured with the creditors. Therefore, there is nothing left for the ex-employees to purchase as shares.

**Prof. Anyang'-Nyong'o:** On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister does not seem to understand what I am saying. Those assets are attached to creditors because they have been undervalued. If those assets were properly valued, they would be enough to pay the creditors and the workers would have shares of the same assets. Can the Assistant Minister clarify to this House why the assets of AT&H have been deliberately undervalued by the Government, so that the so-called creditors can take them irrespective of the workers' interests?

**Mr. Sankori:** Mr. Deputy Speaker, Sir, I am not aware of any assets of AT&H that have been undervalued. I think they have been properly valued.

**Mr. Kihara:** Mr. Deputy Speaker, Sir, the hotel industry has been doing very well in this country until recently when we had the breakdown of law and order and infrastructure. There was no reason for the AT&H to go under. Does this not demonstrate why the Government should not involve itself in business but confine itself to governing?

**Mr. Sankori:** Mr. Deputy Speaker, Sir, I do not think the hon. Member has put any question. AT&H had some properties and some people were claiming some money from them and all these assets are being held by the Kenya Commercial Bank which is the main creditor.

**Prof. Anyang'-Nyong'o:** On a point of order, Mr. Deputy Speaker, Sir. If the Assistant Minister is insisting that the assets of AT&H have not been undervalued, is it in order for him to say so, if he cannot disclose to this House, for example, what the market value of Trade Winds Hotel was and at what value it has been taken by the KCB or any other debenture holder?

**Mr. Sankori:** Mr. Deputy Speaker, Sir, I am ready to bring to this House whatever property that was valued if the hon. Member requires. I do not have that information right now but if it is the wish of the House, I will provide it.

**Dr. Kituyi:** On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister has said that he will bring to this House whatever property that was valued. Can you ask him to do that?

**Mr. Deputy Speaker:** Well, he will have some difficulties passing it through that door!

*(Laughter)*

**Mr. Murathe:** In addition to that, can the Assistant Minister tell this House what the actual properties of AT&H were? In most cases, AT&H was a managing agent for these hotels. When the Receiver Manager moved in, the owners of those hotels got out and left AT&H with problems.

**Mr. Sankori:** I think that is the same question which was asked by hon. Prof. Anyang'-Nyong'o. If you want me to bring the list of those properties and their respective values, I am prepared to do so.

**Mr. Gatabaki:** Mr. Deputy Speaker, Sir, can the Assistant Minister tell the House what disciplinary action has been taken against this individual who was responsible for running down the AT&H, the National Cereals and Produce Board; the Kenya National Assurance Company; the Kenya Capital Markets Authority; the Higher Education Loans Board---

**Mr. Deputy Speaker:** Order, hon. Gatabaki! Can you now put your question?

**Mr. Gatabaki:** Can the Assistant Minister tell this House what disciplinary action is being taken against this creature that was involved in the messing up of Government institutions?

**Mr. Sankori:** Mr. Deputy Speaker, Sir, that question should be directed to the office of the Attorney-General and not to my Ministry.

**Prof. Anyang'-Nyong'o:** Mr. Deputy Speaker, Sir, since the Assistant Minister has offered to bring to this House the list of assets that were attached, can he give an undertaking as to when he will bring the list, their market values and the prices at which they were disposed of?

**Mr. Sankori:** I undertake to bring that list next week on Thursday.

*Question No.421*

MANUFACTURE OF SUB-STANDARD  
FORM MATTRESSES

**Mr. Deputy Speaker:** Hon. Members, this Question by Mr. Kombe is deferred because he is out of the country.

*(Question deferred)*

**Mr. Deputy Speaker:** Mr. Gatabaki's Question, for the second time!

**Mr. Gatabaki:** Mr. Deputy Speaker, Sir, before I ask the Question, I would like to apologise for coming late. I got involved in an accident in the morning.

*Question No.416*

REMOVAL OF CAPITAL CONTROLS

**Mr. Gatabaki** asked the Minister for Finance and Planning:-

(a) in view of the liberalisation programme the Government has been undertaking in the financial sector, when the imposition of distortionary regulations such as cash ratio, reserve requirements and capital controls will be dismantled; and,

(b) what purpose the said distortionary regulation frameworks play in an increasingly de-regulated financial market.

**The Assistant Minister for Finance and Planning** (Mr. Arap-Kirui): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The Government has no intention of abolishing the requirement for deposits touching on financial institutions, to maintain a minimum cash ratio, or the capital ratio.

(b) These ratios do not distort the financial market. The cash ratio is a tool for the management of monetary policy, while the capital ratio is a prudential ratio which makes banks and other financial institutions ensure their soundness. The capital ratio is an essential stabilising factor for the financial system in a liberalised economy.

**Mr. Gatabaki:** Mr. Deputy Speaker, Sir, I think the Government is practising double standards.

*(Loud consultations)*

Mr. Deputy Speaker, Sir, I need protection from the Chair. Some hon. Members are consulting too loudly.



**Mr. Deputy Speaker:** Order! Order, hon. Members! Proceed, Mr. Gatabaki!

**Mr. Gatabaki:** Mr. Deputy Speaker, Sir, on one hand, the Government is regulating the financial market, while on the other, the same Government is de-regulating it. We very well know that banks keep on increasing their minimum balances for savings and current accounts deposits for Kenyans. While the Government is unwilling to do something about the deposit ratios, it is talking of regulating the financial market. How does the Government operate? Is it regulating the financial market or not? Is it abdicating or regulating the market? Does the Government regulate this market on one hand and de-regulate it on the other? Is there a proper policy for this Government regarding the banking sector?

**Mr. Arap-Kirui:** Mr. Deputy Speaker, Sir, I think we have to understand that liberalisation is not the same as lawlessness. Under a liberalised system, there are still certain basic laws and regulations that have to be enforced.

**Dr. Murungaru:** Mr. Deputy Speaker, Sir, hon. Gatabaki has raised a very pertinent issue. He has said that while the Government is asking banks to observe certain conditions regarding cash and capital ratios, has turned a blind eye when the same banks oppress small depositors, who are being encouraged to save in order to boost the economy, of which the Government will be a beneficiary. Could the Government employ the same law to compel banks to treat their depositors in a more humane manner by lowering their minimum deposit amount?

**Mr. Arap-Kirui:** Mr. Deputy Speaker, Sir, I believe that, that Question was adequately answered yesterday, when we answered a Question on the level of bank deposits. As I said, there must be certain minimum regulations in place; otherwise, the banking sector is liberalised. To my recollection, only one bank out of more than 50 banks in this country raised its minimum deposits recently. So, I do not think that it is fair to say that depositors are being oppressed when only one bank out of many banks in the country raised its minimum deposit level.

**Mr. Ndwigwa:** Mr. Deputy Speaker, Sir, is the Assistant Minister aware that the reasons given by banks for their frequent increases in interest rates is that they have to satisfy the cash ratio reserve requirement? If so, what is the Government doing to control the high interest rates being charged by banks, and which stifle economic growth?

**Mr. Arap-Kirui:** Mr. Deputy Speaker, Sir, we are equally concerned about the level of interest rates being charged by banks. I think the Government has expressed its concern on this matter. However, as I said earlier, we are in a liberalised economy. Although we maintain certain basic regulations, these regulations are minimal, and we cannot enforce the level of interest rates. Anyone giving the requirement for cash ratio maintenance with the Central Bank of Kenya (CBK) as the reason for the high interest rates, would be very misleading people. If anything, the cash ration levels have reduced gradually from a very high level of over 20 per cent not very long time ago, to about 12 per cent currently, of all total deposits held by any banking [Mr. Arap-Kirui] institution. So, this cannot be given as a reason for the high interest level being charged by banks.

**Mr. Deputy Speaker:** Let us go to Mr. Anyona's Question by Private Notice.

## QUESTIONS BY PRIVATE NOTICE

### REGISTRATION OF KCSE CANDIDATES

**Mr. Anyona:** Mr. Deputy Speaker, Sir, I beg to ask the Minister for Education the following Question by Private Notice:-

(a) How many students in the country have not been registered for the Kenya Certificate of Secondary Education (KCSE) Examination?

(b) Why were these students, including Daniel Machoka of Mumboha Secondary School in Vihiga District, not registered?

(c) Could he ensure that these students are not barred from sitting the examination?

**The Assistant Minister for Education, Science and Technology** (Mr. Karauri): Mr. Deputy Speaker, Sir, I beg to reply.

(a) It is not possible for the Ministry to give the number of the unregistered students since the Kenya National Examinations Council (KNEC) is satisfied that all legible candidates who met the requirements for registration in time were registered.

(b) Daniel Machoka has never been a *bona fide* student of Mumboha Secondary School in Vihiga District. However, his parents had requested the school's head teacher of the said school, in May this year, to allow the said pupil to repeat the KCSE examination for the year 1999 by registering late in that school, after the school had already registered its candidates. The parent was helped by the school's head teacher to seek late registration from the KNEC, but the parent did not attach the required registration fees for examination when he presented the student's details to the

KNEC.

(c) It was not possible for the KNEC to register Daniel Machoka, or any other candidate, who did not seek registration for the 1999 KCSE in time. These students are not known to the Ministry because they did not present the requisite documentation and registration fees to the KNEC. Also, it is not possible to register any candidate for the 1999 KCSE examination now, because the examination is already in progress.

**Mr. Anyona:** Mr. Deputy Speaker, Sir, in the first place, the Assistant Minister is in breach of the Standing Orders of this House; he did not give me a copy of the written reply to my Question. Secondly, is he aware that there were outcries in the Coast and Rift Valley Provinces, and in other parts of the country, about students who were not registered for the examination for various reasons, including the fact that school administrations squandered the moneys that were paid by parents? If he is aware of this, since this is public information, why has he said that we cannot be given this information?

**Mr. Karauri:** Mr. Deputy Speaker, Sir, I am not aware of any student who has not been registered, but if the hon. Member is aware, he can give us that information.

**Mr. Anyona:** Mr. Deputy Speaker, Sir, as I said earlier on, there was an acrimonious case in Coast Province between the parents of one particular school and the administration, which was in the public domain. Did he have his eyes shut and ears closed? What happened? In any case, even in this particular case we are talking about, I talked to the District Education Officer for Vihiga District and he did concede that it was the fault of the headmaster of the school to register this boy, and yet, the Assistant Minister comes here and tells us a different story.

**Mr. Karauri:** Mr. Deputy Speaker, Sir, first of all, I would like my hon. friend to be honest. He got the answer to this Question, and discussed it with one of my colleagues in the Ministry. Anyway, if he does not have the answer, I will give him a copy. This particular student---

**Mr. Anyona:** On a point of order, Mr. Deputy Speaker, Sir. I am being accused of being dishonest, which is not the case. What happened is that the Minister did not answer the Question. He just called me to his office and showed me a copy of the answer that they wanted to give, but since the Question was not answered he did not give me a copy. Is the Assistant Minister right to accuse me of dishonesty?

**Mr. Karauri:** Mr. Deputy Speaker, Sir, I will give him a copy of the answer. I have made it very clear that this particular student sat for the examination in 1998. The parents of the student approached the headmaster of the school to seek for registration of their student to re-sit the examinations this year in that school. The head teacher wrote a letter to the KNEC, but unfortunately, the parents did not include a banker's cheque or a postal order to pay for the examination. So, the student was not registered for the repeat of the examination.

**Mr. Anyona:** Mr. Deputy Speaker, Sir, the Assistant Minister does not know what he is talking about. This particular boy does not even come from that area, but he comes from my Constituency -Kitutu Masaba. Why would the parents go to look for a centre in Western Province when it was done at Tombe Secondary School? What is he talking about?

**Mr. Karauri:** Mr. Deputy Speaker, Sir, I know what I am saying about this particular student. He sat for the KCSE examination at Ebungwe Secondary School in 1998 under Index No.604102088. He could have gone to another place because he wanted to repeat.

**An hon. Member:** What is wrong with that?

#### DECENTRALISATION OF NATIONAL PUBLIC HEALTH LABORATORIES SERVICES

**Dr. Kulundu:** Mr. Deputy Speaker, Sir, I beg to ask the Minister for Public Health the following Question by Private Notice.

What urgent measures is the Ministry taking to decentralise the services of the National Public Health Laboratories in view of the frequent cholera and typhoid outbreaks country-wide?

**The Assistant Minister for Health (Dr. Galgalo):** Mr. Deputy Speaker, Sir, I beg to reply.

My Ministry has no intention of decentralising further the National Public Health Laboratories as we have already strengthened the ability of the provincial and district hospitals to diagnose cholera and typhoid.

**Dr. Kulundu:** Mr. Deputy Speaker, this Ministry seems to work in very mysterious ways. That is an extremely disappointing answer, in view of the facts on the ground. The National Public Health Laboratories play a very important role in the diagnosis, treatment and control of communicable diseases in this country. In fact, this Ministry is notorious for giving misleading answers to this House, especially with regard to cholera outbreak. They always say that it is malaria and not cholera. Could the Assistant Minister now tell us when the strengthening of both the provincial and the district hospitals took place? This is because in our Departmental Committee on Health, we have

it in authority that the officers in this Ministry would like the National Public Health Laboratories to be decentralised but they are hampered by lack of funds. Could he tell us when the strengthening of both the provincial and the district hospitals was undertaken by the Ministry country-wide?

**Dr. Galgalo:** Mr. Deputy Speaker, Sir, decentralisation is a policy of the Ministry of Health which has been on-going for quite a number of years now. We supply medical equipment to all the laboratories in the province on a monthly basis unless it is a specialised test which needs to be done which is taken to the National Public Health Laboratories for analysis and maintenance of standards, but the exercise is on-going.

**Mr. N. Nyagah:** Mr. Deputy Speaker, Sir, 331 people died in 36 districts and a Task Force was established. Dr. Nyamongo, who is in charge of Public Health Laboratories and Dr. Gesamy who is the Deputy Director in charge of communicable diseases indicated that they will decentralise the services alongside the decentralisation that the Ministry is doing. Why are we getting two different conflicting statements from the Government?

**Dr. Galgalo:** Mr. Deputy Speaker, I do not see where the conflict is. Decentralisation is a policy of the Ministry of Health. There is a Sessional Paper which was written and a policy framework released in 1996. From that time onwards, there has been serious commitment in terms of management of hospitals and strengthening the laboratories for purposes of medical tests. This is an on-going process and I do not see the conflict the hon. Member is talking about.

**Dr. Murungaru:** Mr. Deputy Speaker, Sir, the written answer that the Assistant Minister has just read states clearly that the Ministry of Health has no policy in as far as decentralising the National Public Health Laboratories is concerned. Now, he is talking about a decentralisation policy within the same Ministry. Which is which? Could the Assistant Minister clearly tell us whether it will be decentralised or it will remain centralised?

**Dr. Galgalo:** Mr. Deputy Speaker, Sir, my written answer says that we have no intention of decentralising further, because we have done enough as far as we are concerned.

**Dr. Kituyi:** Mr. Deputy Speaker, Sir, the Assistant Minister has said that they have not decentralised the National Public Health Laboratories, and now he is saying that they will not decentralise further because they have done enough. How much of decentralising has he done on the National Public Health Laboratories, which is a critical question?

**Dr. Galgalo:** Mr. Deputy Speaker, Sir, I do not know whether the hon. Member understands what he is talking about.

**Dr. Kituyi:** On a point of order, Mr. Deputy Speaker, Sir. The process of decentralising is not just strengthening the delivery of health services at both the district and the provincial hospitals. One of the critical things about empowering referral hospitals at both the provincial and district levels is to empower them in laboratory testing capacity. That can only be done by decentralising the National Public Health Laboratories as a critical component even in the Sessional Paper of the Ministry. The Assistant Minister does not understand the difference between decentralising other things and the National Public Health Laboratories. Could he now tell us, even as he has the impetus to suggest that I do not understand what I am talking about, what decentralisation has been done on National Public Health Laboratories? Na ushike adhabu!

**Dr. Galgalo:** Mr. Deputy Speaker, Sir, I need your protection. The hon. Member needs to be more gentle than he is already. The point here is simple; the National Public Health Laboratories is a specific institution that is charged with the responsibility of handling referral cases. What we have done is to enhance the ability of the district and provincial hospitals to handle as many cases as possible. We have given them enough equipments and we supply them with reagents on a monthly basis. So, the National Public Health Laboratories is itself a referral place for maintaining standards and doing specialised tests. This is because we cannot take specialised tests to every district hospital in the country. It is not possible.

**Dr. Ochuodho:** Mr. Deputy Speaker, Sir, going by the answer given by the Assistant Minister for not considering the decentralisation of the National Public Health Laboratories Services (NPHLS), one is left wondering, because even our hospitals within the Ministry Headquarters have the capacity to diagnose laboratories' tests. That is a self-defeating answer. So, one can argue that probably we do not even need the NPHLS right here in Nairobi. However, the outbreaks of cholera, typhoid and malaria have been very rampant over the past few months in the country. What plans has the Government put in place to deal with those major outbreaks?

**Dr. G.B. Galgalo:** Mr. Deputy Speaker, Sir, typhoid and cholera have been on the increase in most parts of this country because of poor sanitation. That is a fact which we are not denying. However, we are saying that we have given equipment and reagents to all the district and provincial hospitals to diagnose diseases particularly cholera and typhoid.

**Dr. Kulundu:** On a point of order, Mr. Deputy Speaker, Sir. Could the Assistant Minister confirm or deny

that, in fact, whenever there is typhoid or cholera outbreak in this country, a team of officers are normally sent out from the headquarters in Nairobi to the affected places, including his own constituency. There was a Question asked by Dr. Ali about this issue, and he was told us that a team of officers had been sent from the Ministry Headquarters to that area; that means from the NPHLS. What decentralisation has there been if for any outbreak of diseases that occurs you have to send medical officers from Nairobi?

**Dr. G.B. Galgalo:** Mr. Deputy Speaker, Sir, we send out officers from the headquarters when the districts are overwhelmed by such outbreaks, but not for ordinary cases.

#### MEASURES TO REVAMP TOURISM INDUSTRY

**Mr. Leshore:** Mr. Deputy Speaker, Sir, I beg to ask the Minister for Tourism, Trade and Industry the following Question by Private Notice.

(a) Is the Minister aware that tourism industry has been facing adverse publicity overseas, contributing to low number of tourists to the country?

(b) What action is the Minister taking to reverse the trend and revamp the industry to its former glory?

(c) What specific measures has the Minister taken to improve tourism in Samburu District?

**The Assistant Minister for Tourism, Trade and Industry** (Mr. Sankori): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The Ministry together with the Kenya Tourism Board (KTB) is currently engaged in numerous campaigns to counter the negative publicity in an effort to re-position Kenya an exotic destination with wide tourist product range. The campaign has been carried out through participation in trade fairs, exhibitions, print media campaigns and partnership with the private sector both locally and overseas in advertising and publicity as well as setting up of a web-site for marketing the destinations. We are also diversifying the market sources by venturing into new potential market sources in Eastern Europe, South East Asia, Australia and Latin America.

(b) The Government has endured to promote tourism in the whole country, including Samburu District. The Samburu and Shaba National games reserves constitute a core diversity region endowed with unique animals and plant species that continue to appeal to tourists.

**Mr. Leshore:** Mr. Deputy Speaker, Sir, I would like to thank the Assistant Minister because he has attempted to answer a big part of the Question. But what specific action is he taking to improve tourism in Samburu District? This is because security and infrastructure are the main issues lacking in Samburu District. The Ministry has already transferred the two security units which were providing security in that region. Security camps which were in Kisish and Sorilibia have been transferred to other areas. Insecurity still remains the main issue. Why has he taken that action?

**Mr. Sankori:** Mr. Deputy Speaker, Sir, in 1988, Samburu and Shaba game reserves experienced security problems and a number of tourists were attacked by bandits. Some tour operators suspended trips to those areas. Now, consultations were held between the Government and other stakeholders to beef up security in the area, of which I must thank hon. Leshore for participating in restoring security in that area. The Kenya Wildlife Service and the police have been instrumental in restoring security and, currently, normal operations are going on.

Now coming specifically to Samburu District, I must say that when security was put in place, the tourism sector improved. We are now trying to organise for tour operators to market that area as a safe place for tourism.

**Mr. Wamae:** Mr. Deputy Speaker, Sir, could the Assistant Minister let us know how much money has the European Union (EU) given Kenya for promotion of tourism and how much money was the Kenya Government supposed to contribute? And has the Kenya Government contributed to the KTB the amount of money that it was supposed to contribute?

**Mr. Sankori:** Mr. Deputy Speaker, Sir, the EU pledged to contribute US\$140 million. That amount of money has not yet been released up-to-date, because they are waiting for a working paper which was finished last month and which had been sent to them. However, the money has not yet been received. The budget for this Financial Year for the Kenya Government Geo-component is US\$40 million. Now, this money will be given to KTB so that they can market the tourism industry.

**Mr. Murathe:** Mr. Deputy Speaker, Sir, the Assistant Minister is misleading the House. Apart from reducing the amounts due to the KTB from about 30 per cent out of the Catering Levy Fund to about 12 per cent, this Government is not doing much in terms of the public relations job. You can take the example of South Africa where tourists are being killed every day and there is a very high level of crime incidents and, yet, they are dealing effectively with the PR side of reassuring tourists of their security. In this country, when one tourist dies, the news is splashed all over the world, which is a bad publicity and which is part (a) of this Question. What concrete measures is the Government taking to counter negative publicity by being more open and responsive the way President Museveni did when there was a massacre in a forest in Uganda?

**Mr. Sankori:** Mr. Deputy Speaker, Sir, the hon. Member is aware that just the other day when one tourist was mishandled in Lamu, the security forces in that area moved in immediately and responded. Even nowadays, when we see anything in the "Letters to Editor Column" that would paint a bad picture of our country, we respond to it immediately.

**Mr. Badawy:** Mr. Deputy Speaker, Sir, does the Assistant Minister appreciate that although the tourism promotion measures taken by the Ministry, like participation in trade fairs, have been going on for quite some time, they have not been able to counter the adverse publicity that has affected the Kenyan tourism? Does the Assistant Minister appreciate that, in fact, lack of professionalism among the stakeholders and the Government agencies, particularly KTB, and including foreign missions, have failed in effectively and professionally promoting tourism as compared to the tourism promotion that is being carried out in other countries?

*(Applause)*

**Mr. Sankori:** Mr. Deputy Speaker, Sir, I am aware of that and lately we have actually involved the stakeholders on the issue of tourism promotion. Just to tell the House of the latest developments, Members of Parliament and local authorities have been invited by the World Tourism Organisation for a meeting in Rio de Janeiro next month. I am sure Mr. Speaker must have received that invitation. We want our Parliamentarians and the local authorities to be involved, together with the stakeholders, on all activities of tourism promotion. In connection with the KTB, it is just either last year, or this year when an Act was passed in this House. Indeed, there are plans to make sure all the staff who are not required in the overseas' offices are recalled back and KTB is given a hand in the promotion of tourism in the country.

**Mr. Leshore:** Mr. Deputy Speaker, Sir, I would also like to thank the private sector stakeholders for promoting Kenya's tourism industry abroad. Is the Assistant Minister not misleading this House because KTB is unable to sell the good name of Kenya abroad because their hands are tied by the Ministry?

**Mr. Sankori:** Mr. Deputy Speaker, Sir, I do not agree with that assertion. The only snag is the financial aspect. As I said earlier on, the Kenya Government has budgeted US\$40 million for the KTB. The EU has pledged US\$140 million. The Budget for this year for KTB is US\$290 million. It is only the question of giving them that money and everything will go on as required.

**Mr. Leshore:** On a point of order, Mr. Deputy Speaker, Sir. The Assistant Minister has said that the Ministry has budgeted Kshs40 million. How much of that Kshs40 million went to the Kenya Tourist Board between June and December?

**Mr. Sankori:** Mr. Deputy Speaker, Sir, US\$35 million has gone to the Kenya Tourist Board between this period.

**Mr. Deputy Speaker:** Where did you get that amount from if Vote on Account gave you only half of it?

**Mr. Wamae:** On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the hon. Assistant Minister to mislead this House that the Government will spend US\$290 million on Kenya Tourist Board? That is not possible! Would he give the correct amount to be spent on the Kenya Tourist Board?

**Mr. Sankori:** Mr. Deputy Speaker, Sir, may I request the hon. Member to take out his pen and note down the following. The Government has budgeted Kshs40 million and the European Union has provided Kshs140 million. The Catering Levy and Tourist Development Levy will provide Kshs50 million. The tourism industry and the private sector has Kshs60 million.

#### WATER SHORTAGE IN KISII GK PRISON

**Mr. Magara:** Mr. Deputy Speaker, Sir, I beg to ask the Minister for Home Affairs, Culture and Sports the following Question by Private Notice.

- (a) Is the Minister aware that for the last three weeks, Kisii GK Prison has had no water?
- (b) How many inmates have died since then?
- (c) What is the Minister doing to ensure that water services are restored?

**The Assistant Minister for Home Affairs, Heritage and Sports** (Mr. Sumbeiywo): Mr. Deputy Speaker, Sir, I beg to reply.

(a) It is true that the water for Kisii GK Prison was disconnected on 5th October and was reconnected on 8th October. This was after three days and not after three weeks.

(b) There were no deaths as a result of the disconnection of water supply to the Kisii GK Prison.

(c) The water services were restored on 8th October, 1999, and the prison has running water at the moment.

**Mr. Magara:** Mr. Deputy Speaker, Sir, this Question was filed two weeks ago. By the time I was filing this Question, there was no water supply to the Kisii GK Prison, for the previous two weeks. Over 25 inmates had died by that time through typhoid and other waterborne diseases. Several inmates from various districts such as Rachuonyo, Trans Mara, Migori, Homa Bay and Kisii are being kept in Kisii GK Prison. The prison is over-crowded. Can the Assistant Minister clarify and state the cause of the deaths within that period when there was no water supply to the prison?

**Mr. Sumbeiywo:** Mr. Deputy Speaker, Sir, I am not aware of any deaths arising from the disconnection of the water supply to the Kisii GK Prison. If there were any deaths during that period, perhaps, they were normal deaths that occur in any other Government institutions like the hospitals.

**Mr. Anyona:** Mr. Deputy Speaker, Sir, I cannot understand how an Assistant Minister of the Government can stand here and tell this Parliament and the country that they disconnected water to a GK Prison. It defeats all reason and common sense. Can he tell us why they had to disconnect water supply even for one hour leave alone for three days?

**Mr. Sumbeiywo:** Mr. Deputy Speaker, Sir, the water supply to Kisii GK Prison was disconnected because there was a bill of Kshs186,360. The Government paid Kshs100,000 for the water supply to be reconnected. We are looking for funds to pay the outstanding balance.

**Mr. Ndilinge:** Mr. Deputy Speaker, Sir, if the prisons authorities knew that they were not able to pay for the water bill, was it not in order for them to transfer the inmates to other prisons?

**Mr. Sumbeiywo:** Mr. Deputy Speaker, Sir, the prisons authorities summoned the support from the District Commissioner's office and other Ministries to deliver water to the prison during that time.

**Mr. Muchiri:** Mr. Deputy Speaker, Sir, you have heard the Assistant Minister saying that the inmates stayed for a number of days without water. Can the Government consider compensating them for those three days when they suffered due to lack of water?

**Mr. Sumbeiywo:** Mr. Deputy Speaker, Sir, it is not true that the inmates went without water. I have said that after water supply to the Kisii GK Prison was disconnected, the prisons authorities summoned the assistance from other Government Ministries. There was no time when there was no water at Kisii GK Prison. The prisoners never went without water.

**Mr. Magara:** Mr. Deputy Speaker, Sir, during this period, which was over a month, Kisii GK Prison had no water and the prisoners were just using running river water. That is why over 25 inmates died from water-borne diseases. Can the Assistant Minister now state clearly how soon he will send the remaining balance for the water bill to ensure that there is no disconnection of water supply again for this particular prison?

**Mr. Sumbeiywo:** Mr. Deputy Speaker, Sir, the Ministry under Head 117, Item 140, has been allocated only Kshs18 million, which is grossly inadequate for the entire prisons service. We have so far paid about Kshs11 million to various institutions which supply water to our various prisons. The balance of Kshs7 million will not be enough to pay for water services for all prisons in Kenya. There is a huge outstanding bill of about Kshs69 million which has accumulated over the last 20 years. The Ministry is taking steps, and has negotiated with the Treasury to be allocated funds to pay the people who are owed money by the prisons.

**Mr. Anyona:** On a point of order, Mr. Deputy Speaker, Sir. The hon. Assistant Minister has never been to prison. He does not know what it means being in prison. His job was to take people to prison. He has never been there and he does not know what happens in prison. He has told us right now that there is a likelihood of another disconnection of water supply to the prison. Given the dangers that prisons run for various vagaries, can the Assistant Minister assure this House that there will be no disconnection of water supply whether they pay or not? What else can the prisoners do?

**Mr. Sumbeiywo:** Mr. Deputy Speaker, Sir, I have never been to prison, and I do not intend to be there. I am sure hon. Anyona can tell us better about prisons because he was there. I can assure this House that we are working very hard to ensure that the outstanding bills are paid and that there will be no disconnection of water supply to prisons. I am also appealing to the local authorities to liaise with the prisons and the other Government institutions, including the hospitals, and render the essential services. They should not disconnect their services because it is the right of the workers and the prisoners to be served. I can undertake to give that assurance.

**Mr. Katuku:** Mr. Deputy Speaker, Sir, a serious allegation has been made here by hon. Magara that 25 prisoners have died within two weeks in Kisii Government Prison. Can the Assistant Minister undertake to investigate the cause of these deaths and let this House know why these prisoners died? 25 people dying within one prison is a big number.

**Mr. Sumbeiywo:** Mr. Deputy Speaker, Sir, I do not doubt hon. Magara's statement. If there have been any deaths to the tune of 25, that is a big number. We undertake, as a Ministry, to investigate and bring the answer to this

House as soon as possible.

### POINT OF ORDER

#### DISAPPEARANCE OF MOI UNIVERSITY STUDENT LEADER

**Dr. Kituyi:** On a point of order, Mr. Deputy Speaker, Sir. On Thursday last week, I rose on a point of order to request for a Ministerial Statement from the relevant Minister concerning two things. One, the disappearance of a student leader from Moi University by the name of John Matata. Two, the recurrent practice whereby whenever there is a disturbance at Moi University, riot police go behind students and drive them towards the gate where they meet people in civilians clothes carrying bows and arrows. Since then, Mr. John Matata materialised in Siaya, drugged, and claimed he had been abducted by people from the armed forces, the police force and disciplined forces, and that he was tortured and drugged before being dumped near his home area. This is very reminiscent of what happened with the late John Muruli. First he was abducted from the University then he showed up in a Catholic Church compound, drugged. A few days later he was killed. Could the Government tell us what has happened in the matter of John Matata and assure us that the student leader's security is going to be guaranteed by the State?

**Mr. Deputy Speaker:** I believe there is a question about this issue which will come up tomorrow. Someone from either the Ministry of Education or Office of the President should be prepared to give an answer?

**The Assistant Minister, Office of the President (Mr. Samoei):** Mr. Deputy Speaker, Sir, while I take note of the gravity of the issue raised by hon. Dr. Kituyi and the allegations he has made about Mr. Matata, I want to beg this House to allow me to give a comprehensive statement tomorrow, Thursday.

**Mr. Deputy Speaker:** If there is a question about this same matter, and I believe there is a Question by Private Notice by hon. Kapten, you will answer it tomorrow if it appears on the order paper?

**The Assistant Minister, Office of the President (Mr. Samoei):** If it will not be answered by our office, then it will be answered by the Ministry of Education.

### MINISTERIAL STATEMENTS

#### EVICITION OF LAWFUL GINNERY OWNERS

**The Assistant Minister, Office of the President (Mr. Samoei):** Mr. Deputy Speaker, Sir, I want to make a Ministerial Statement on a matter of contention about a ginnery in Meru. Hon. Kiraitu Murungi, the Member for Imenti South, did request me to make a Ministerial Statement in connection to the alleged eviction of lawful owners of the Meru Ginnery. In this regard, I would like to make the following statement.

For some time, a large group of cotton farmers from Abotuguthi East division have disputed the ownership of Meru Ginnery. They claim that the ginnery was irregularly bought by a few individuals through a limited company, while the intention of the Government was to sell the ginnery to cotton farmers through co-operative societies. It is not true that the District officer I, Meru, accompanied the Central Imenti MP and other 200 people to forcefully take over a residential house belonging to the ginnery and allocated the same to the area District Officer. As at now, the area DO resides in Meru Town because of lack of accommodation in Ngaichu.

On 11th November, 1999, a group of 1,000 cotton farmers led by the area MP took over the ginnery and formed a caretaker committee under the chairmanship of Cllr. Joseph Kigunda. The ginnery was thereafter closed. The matter was reported to the DO's office. After consultations with the two parties, it was agreed that a joint committee be held on Friday 15th October, 1999, at the DC's office to resolve the dispute over ownership. The directors of the ginnery boycotted the meeting and have resorted to Press wars. I would like to appeal to the directors of the ginnery to co-operate and see the District Co-operative Officer so that another meeting of both parties can be arranged to resolve the issue.

**Mr Deputy Speaker:** Mr. Samoei, do you want to make another statement?

#### ALLEGED ROBBERY ATTEMPT BY APs

**The Assistant Minister, Officer of the President (Mr. Samoei):** Yes. Mr. Deputy Speaker, Sir, I would

also like to issue a Ministerial Statement regarding an incident where it was alleged that Administration Policemen raided Hakula Forex Bureau in Eastleigh on 2nd October, 1999, as demanded by hon. N. Nyagah.

On 2nd October, 1999, at about 1.00 p.m. three Administration Policemen attached to Eastleigh Chief's Camp were on patrol duties when they were informed by a member of the public that the proprietor of Hakula Forex Bureau was printing fake foreign currency notes. Acting on a tip-off the three officers proceeded to the premises where Hakula Forex Bureau is located, identified themselves as police officers and demanded to be allowed to conduct a search on the premises to ascertain whether any printing of fake foreign currency was going on.

At the time when the three Administration Police Officers visited the Forex Bureau many members of the public were present particularly those of Somali origin waiting to receive money purportedly sent to them through the Forex Bureau from relatives residing abroad. When the officers stopped the payment exercise to facilitate their investigations, the customers became angry and threatened to beat up the policemen. The proprietor of the Forex Bureau a Mr. Abdirizak Abdikadir Hashi, together with some of his workers and customers locked up the APs inside the Forex Bureau and called the police claiming they had been attacked by robbers. The police officers from the Pangani Flying Squad arrived at the scene and confirmed that the three persons were actually APs. The three suspects and the Bureau owner were arrested and escorted to the Eastleigh Chief's office for further identification before being taken to Pangani Police Station. Unfortunately, irate members of the public, mainly of Somali community, converged at the Eastleigh Chief's Camp and threatened to set the camp on fire unless the Forex Bureau's proprietor was released. The group numbering about 500 persons started pelting police officers with stones and other crude weapons prompting the Police Officers to fire in the air and use teargas to disperse the rowdy mob. Several police officers and members of the public sustained injuries during the scuffle. During the incident, the police took away two computers, a fax machine and US\$19,722 to facilitate further investigations. The money that was in USA currencies was confirmed to be genuine and was, thereafter, given back to the owner of the Forex Bureau together with the computers and the fax machine. Pangani Inquiry File No. 5 of 1999 was opened in respect of the incident and the matter is still pending under investigations. Once the investigations are complete, appropriate action will be taken in accordance with the law.

Mr. Deputy Speaker, Sir, however, in connection with Mr. N. Nyagah's allegation that Pangani Police Station is a den of corruption, I personally take this statement as very grave and I have instructed the Police Commissioner to give me a complete report on the activities of that police station and the matter will be addressed accordingly.

**Mr. N. Nyagah:** Mr. Deputy Speaker, Sir, the two issues that I would like to raise are: One, the three APs are the ones who were caught with the US\$20,000 and not the policemen who came from the Flying Squad. Secondly, I would like the Assistant Minister to confirm, that that was the case; that this money had been stolen. I basically wanted to know what action the Government will take against the three APs who had gone to rob this bank. Thirdly, there is constant insecurity due to harassment by policemen pretending to be on patrol and yet their aim is to drain the Somalis in Eastleigh. When will that end because it is happening literally every day? Fourthly, could the policemen in Pangani Police Station be moved out because they are all very corrupt from the top to the bottom? They are always bribed by people from Eastleigh and if you want to get good information, go to the new network of the National Security Intelligence Service and they will help you.

*(Laughter)*

**The Assistant Minister, Office of the President** (Mr. Samoei): Mr. Temporary Deputy Speaker, Sir, as I have said, the US\$19,722 was recovered by the police officers from Pangani. I do not think the allegation that this was money that had already been stolen by the APs is true because the APs and the proprietor of the Forex Bureau were already locked up by members of the public inside the Forex Bureau. I think it is very clear that the APs did identify themselves as such and they were, indeed, confirmed to be members of that force. I do not think that they had any intentions of stealing the money. However, as I have given assurance to this House, we are keenly looking at the activities of policemen at Pangani Police Station and we shall take the appropriate action.

#### POINT OF ORDER

##### KILLING OF 12 PEOPLE IN MARAKWET DISTRICT

**Mr. Sambu:** Mr. Deputy Speaker, Sir, I rise on a point of order to demand an urgent Ministerial Statement from the Minister of State, Office of the President in charge of internal security regarding a very grave matter. This concerns the killing of 12 people in Tot, Marakwet District. These people included seven children and three women who had gone to Tot Health Centre for polio vaccinations. There were over 1,000 raiders, who raided Tot Health Centre, surrounded the GSU camp, immobilised all the GSU officers and then went on rampage, killing these people



and driving away over 1,000 cattle. Could the Minister give a statement regarding what measures the Government is taking to bring the culprits to book and to recover the 1,000 head of cattle? Secondly, what measures is the Government putting in place to prevent this ever recurring cattle rustling and indiscriminate killing of people in Marakwet District and the surrounding districts? Also, what measures is the Government putting in place to stop the illegal mushrooming of arms all over the country and not just in towns and in Northern Kenya? It is quite urgent and imperative that we get a comprehensive statement because when people now start killing even children, who go for polio vaccinations and women, then where is our nation heading to?

Thank you, Mr. Deputy Speaker, Sir.

*[Mr. Deputy Speaker left the Chair]*

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

**The Temporary Deputy Speaker** (Mr. Musila): Order! Mr. Sambu, I think that is enough. You have been heard.

**The Minister of State, Office of the President** (Maj. Madoka): Mr. Temporary Deputy Speaker, Sir, indeed, the incident at Tot was very regrettable, and certainly I will issue a detailed Ministerial Statement to explain as to what happened and what measures or steps have been taken.

**Mr. Sambu:** When?

**Maj. Rtd. Madoka:** Next week on Thursday.

**The Temporary Deputy Speaker** (Mr. Musila): Very well. Next Order!

#### MOTIONS

##### DEVELOPMENT OF OL KALOU DISTRICT HEADQUARTERS

THAT, noting that Nyandarua District has its headquarters located in Nyahururu Town which is in Laikipia District; noting further that Ol Kalou Town was designated by the Government over five years ago, to be the future headquarters of Nyandarua District, this House resolves that the development of Ol Kalou District headquarters be included in the Development Budget for the Financial Year 2000/2001.

*(Eng. Muriuki on 13.10.99)*

*(Resumption of Debate interrupted on 13.10.99)*

**The Temporary Deputy Speaker** (Mr. Musila): Hon. Waithaka Mwangi was on the Floor. He is not there. Is there any other Member who wishes to contribute to this Motion?

**Mr. Ndilinge:** Mr. Temporary Deputy Speaker, Sir, I wish to contribute on this Motion.

**The Temporary Deputy Speaker** (Mr. Musila): You can go on, Mr. Ndilinge.

**Mr. Ndilinge:** Bw. Naibu Spika wa Muda, asante sana kwa kunimpa nafasi hii nami niseme machache kuhusu Hoja hii. Tuna hakika kwamba mtu anapokaa pahali ambapo si kwake, hata maisha yake hayafanani na maisha ya kisasa. Kusema hivyo, ni kumaanisha kwamba wengi huenda ikawa walichukua vitambulisho vyao na majina hapo Nyahururu na ukweli ni kwamba kwao ni Ol Kalou. Inamaanisha chochote kile kitaweza kuja kulingana na kwao kinawezapotea. Si Nyandarua pekee yake bali kuna pahali kwingine katika nchi hii ambapo makao makuu ya wilaya, tarafa au kata yako sehemu tofauti na wenye kutawala wanakaa sehemu tofauti. Ningeomba wakati Serikali itakuwa ikifikiria mambo ya kurudisha makao makuu ya Nyandarua kule Ol Kalou, pia ifanye uchunguzi katika sehemu nyingine ili kuona kama kuna jambo kama hili.

Bw. Naibu Spika wa Muda, kuna sehemu nyingi ambazo zimeanzishwa kama tarafa au wilaya mpya na hazina nyumba za maofisa tawala. Kwa hivyo, ningeomba wakati Serikali inapofikiria kurudisha mkuu wa wilaya ya Nyandarua Ol Kalou kutoka Nyahururu, ijue kwamba hapo zamani, wakuu wa wilaya hawakuwa wakikaa katika nyumba za ghorofa; bali walikuwa wakikaa katika mahema. Kwa hivyo, sioni ni kwa nini waongojee mpaka siku ile watajenga mji mkuu wa Ol Kalou ndipo wapeleke mkuu wa wilaya huko, kutoka Nyahururu. Watu wa Ol Kalou wanahitaji sana mkuu wa wilaya awe pale karibu nao. Tuna hakika hawa watu wanasikia yale yanayozungumzwa

katika Bunge hili. Lakini kitu cha kwanza ni kwamba mwenye kuleta Hoja hii anaomba pesa za kujenga makao makuu ya wilaya. Kwa hakika, sidhani kama pesa hizo ziko katika Bajeti ya mwaka huu na mwaka ujao. Kwa hivyo, ikiwa watu watapata mkuu wa wilaya kule Ol Kalou siku ile pesa zitapatikana, kusema ukweli sijui kama ni mwaka huu au mwaka ujao. Hivyo basi, ndipo nasisitiza kusema kwamba huyu mkuu wa wilaya anghamishwa aende Ol Kalou na ajengewe hema hapo na aanze kuhudumia watu kama vile wakuu wa wilaya wa siku zilizopita walikuwa wakifanya katika mikoa za Kaskazini Mashariki, Mashariki na sehemu nyingine kavu. Hii ni kwa sababu raha imezidishwa kwa wakuu wa wilaya na wakuu wa tarafa, na ndio imewafanya wasahau kufanya kazi yao itakikanavyo.

Bw. Naibu Spika wa Muda, ningependa kuwasihi wakuu wa wilaya, tarafa na machifu kwamba, pesa za kujenga makao makuu ya Wilaya ya Ol Kalou zikipatikana, pia pesa nyingine za kuwafanyia semina wafanyakazi wa Serikali zitengwe kuwafahamisha kwamba tulitoka katika mfumo wa chama kimoja na tukaingia katika mfumo wa vyama vingi. Sitaki kupotosha; lakini kuna wengine ambao bado hawajajua kwamba tuko katika mfumo wa vyama vingi kwa sababu kuna wakati mwingine ambapo wanatumia sheria ambazo hazifai kutumika.

Kwa mfano, juzi tulipokuwa tukihudhuria sherehe za siku Kuu ya Kenyatta, ambayo ni siku ya kujivunia kwa mashujaa waliopigania Uhuru na wanasiasa wa nchi hii kama Ndilinge--- Hii ni kwa sababu mimi si chama cha kisiasa lakini ni mwanasiasa. Sikupigania Uhuru lakini ninajivunia wale waliopigania Uhuru kwa sababu walikuwa wanasiasa kama mimi.

Bw. Naibu Spika wa Muda, Mzee Kenyatta alikuwa mwanasiasa shupavu sana. Ninaposherehekea Siku Kuu ya Kenyatta, ninajivunia siku hiyo sana.

Ilikuwa si jambo la kawaida nilipokuwa ninahudhuria sherehe za Siku Kuu ya Kenyatta mwaka huu kule Kasikeu ambapo mkuu wa tarafa aliamka na akaniambia kwamba, kamwe sistahili kuendelea na kuzungumza. Katika sehemu zile, yafaa wakuu wa Wilaya na tarafa wapelekwa katika semina ili wajue kwamba IPPG ilipojadili kuhusu Katiba, kuna sheria zilizobuniwa za kuzingatiwa na wale wanaotawala.

Kwa hayo machache, ninasema kwamba, Ol Kalou ifanywe makao makuu ya Wilaya ya Nyandarua.

**The Temporary Deputy Speaker** (Mr. Musila): Your time is up, Mr. Ndilinge! We have to terminate this debate and, therefore, I call upon hon. Eng. Muriuki to respond.

**Eng. Muriuki:** Thank you, Mr. Temporary Deputy Speaker, Sir. I can see that a few others who would have wished to contribute to this Motion.

All that the people of Nyandarua are asking for is the location of the district Headquarters inside Nyandarua District. As we are discussing this Motion at the moment, the DC, Nyandarua District, resides in a town called Nyahururu which, in fact, is in the Rift Valley Province, not even in Central Province. All along, and as far as the people of Nyandarua have known, this Town called Nyahururu has been in Nyandarua District. Therefore, the current development in Nyahururu Town has been done by the people of Nyandarua District. Now that there has been a Government decision to move the district headquarters to Ol Kalou, we are requesting that, because a lot of money has been spent by the people of Nyandarua to develop Nyahururu Town, we would like the Government to take up its responsibility and build the district headquarters in Ol Kalou Town.

Mr. Temporary Deputy Speaker, Sir, when the decision to move the headquarters from Nyahururu to Ol Kalou was arrived at, the people of Nyandarua District were not consulted and as a result, there was a little bit of resistance at the beginning, in the early 1990s. But as of now, we the people of Nyandarua District, starting with the leaders, have fully accepted the district headquarters to be built in Ol Kalou Town.

Mr. Temporary Deputy Speaker, Sir, I would like to thank hon. Members who have supported this Motion in their contribution. A few issues were also raised especially the haphazard creation of districts here and there without appropriate arrangement by the Government to build appropriate headquarters for those districts. There has also been a Government policy on the District Focus for Rural Development. As one hon. Member rightly pointed out, for a household to operate properly, the head of that household should live within that household. The head of a district is the District Commissioner and, therefore, for proper running of the district, the district Commissioner should live within the District.

I would also like to take this opportunity to thank the Official Government Responder; the Minister of State, Office of the President for supporting the Motion. I hope that he will take up whatever is needed to ensure that appropriate provisions are made in the Budget for the next Financial Year, so that, at least, the DC, who is currently a squatter in another district, resides in Ol Kalou which is our own district.

Mr. Temporary Deputy Speaker, Sir, it is also worth pointing out, at this point that, even during the national days, like we celebrated Kenyatta Day recently; the District Commissioner together with all Government officials have to come all the way from Rift Valley Province to Central Province in order to celebrate national days and then go back. I hope that the Government will take appropriate steps to resolve these anomalies.

After the DC has been moved to Ol Kalou; which I believe will be done early in the next financial year, it is also worth pointing out that, we will not have head of the police residing inside the district. At the moment, the OCPD

for Nyandarua District resides inside a police station in Laikipia District, which is under the command of an OCS who is also under the command of an OCPD in Nanyuki. I hope the second step, after the DC has been moved into the District will be to establish a proper police district headquarters in Ol Kalou District and we have the premises for the OCPD.

Mr. Temporary Deputy Speaker, Sir, ours is an agricultural district and we do require a lands office there. A lands office does not require a lot infrastructure to be moved from Nyahururu to Ol Kalou. We hope that immediately after the DC has been moved, we would also like to have the lands office established in Ol Kalou. What we are asking for is the development of Ol Kalou to be adopted as a Government policy, which will mean that, after those few critical departments have been moved to Ol Kalou, the Government will then take appropriate measures, and include in the forward Budget, other provisions for infrastructure. For example, Ol Kalou Town has no water and I recently tabled the findings of a study done by the then Ministry of Water and the leaders in Nyandarua District. A study had been carried out for appropriate water supply systems for Ol Kalou Town. I would request that, besides the Office of the President taking appropriate steps to provide the office of the DC, it should also include various other Government departments, starting with the Ministry of Environment and Natural Resources which will bring appropriate water projects to Ol Kalou District.

Mr. Temporary Deputy Speaker, Sir, most of the water used by the people of Nairobi comes from Sasumua Dam in Nyandarua and most of the water going to Nakuru District also comes from Nyandarua District from River Malewa near Ol Kalou Town.

Besides the provision of water to Nairobi City and Nakuru District from Nyandarua, Ol Kalou itself has no water supply. We still rely on water being carried by cart-pulling donkeys and other crude systems of bringing water to hotels and other places. As soon as the water is put in place, I am also requesting that the Ministry of Local Government takes up the issue of the sewerage systems. The Ministry of Local Government has sewerage systems in all towns and municipalities and we are requesting that, as a Government policy, in the next Budget, sewerage systems be put under appropriate programmes for the sewerage scheme for Ol Kalou Township.

The town is also centrally located for the dairy industry and we would request the Ministry of Agriculture and Rural Development to help the people in the area to establish milk coolers. At the moment, the Government is very keen to construct roads in tea growing areas called "tea roads" and "coffee roads" in coffee and tea growing areas. We also request the Government to construct "milk roads" in the area leading to Ol Kalou District Headquarters.

The area is also well known for horticulture and we are requesting the Government to establish a wholesale market for cabbages, potatoes and other products, as it has done in other major towns. This will facilitate appropriate distribution of agricultural products to other parts of the country which are lacking sufficient food.

Last but not least, in my constituency, Ol Kalou in Nyandarua District, is the only place with a permanent lake in Central Province which is called Lake Ol Bolosat. We would request the Government to construct "tourist roads" to access Lake Ol Bolosat because it is very famous for duck shooting. Besides making, milk, potato, tea and coffee roads the Government should---

### QUORUM

**Mr. Wafula:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I want to draw your attention to the provisions of the Standing Orders concerning quorum in the House. It appears that we have no a quorum in the House.

**The Temporary Deputy Speaker** (Mr. Musila): Yes, there is no a quorum. Ring the Division Bell!

*(The Division Bell was rung)*

**The Temporary Deputy Speaker** (Mr. Musila): Order! Order! Hon. Members, now we have a quorum. Proceed, Eng. Muriuki.

**Eng. Muriuki:** Thank you, Mr. Temporary Deputy Speaker, Sir. Before I was interrupted, I was saying that Lake Ol Bolosat is the only permanent water lake in Central Province and it is famous for ducks shooting. I am also requesting the Government, as a general policy of promoting tourism, to include promotion of tourist roads to reach Lake Ol Bolosat.

Mr. Temporary Deputy Speaker, Sir, also one of the Members in contributing, rightly pointed out that now we have the Local Authorities Transfer Fund from where the local authorities will be able to benefit from the money collected by the Central Government, we are requesting that Nyandarua County Council whose County Hall is currently located in Nyahururu Town, which again is in Laikipia District, be allocated some money from the Local Authorities Transfer Fund to enable them put up a county hall in Ol Kalou Town where we can have the leaders meetings and other meetings for important national days.

With those few remarks, I beg to move.

*(Question put and agreed to)*

**The Temporary Deputy Speaker** (Mr. Musila): Next Order?

AMENDMENT TO WILDLIFE CONSERVATION  
AND MANAGEMENT ACT

**Mr. Kiunjuri:** Mr. Temporary Deputy Speaker, Sir, I beg to move the following Motion:- THAT, while appreciating Government efforts in promoting tourism, which is a major foreign exchange earner in the country, realising that most of our forest and national parks are located within the proximity of our farms, and further taking into account the provisions of the Wildlife (Conservation and Management) (Amendment) Act 1989, that provide, *inter alia*, that the Government is not liable to paying compensation for property/crops destroyed by wildlife; this House urges the Government to introduce amendments to the Act in order to:

- (i) raise compensation of any human death caused by wild animals from Kshs30,000 to Kshs3 million; and,
- (ii) compensate persons whose crops or property are damaged or destroyed by wild animals.

Mr. Temporary Deputy Speaker, Sir, this Motion is very important to all Kenyans. I would like to remind this House what the original Wildlife Conversation and Management Act states in section 62(1), which was repealed in 1989; that crops and other property damaged or destroyed by wildlife should be compensated. According to the story of creation in the Bible, God gave human beings the command over all other creatures; living or dead. However, this Act has taken away that power from human beings.

The Government should take care of its citizens. First of all, the Government should protect its citizens from external or internal enemies. That includes even protecting them from wildlife. This Act has completely disabled human beings, because they cannot defend themselves. If you look at sections 30 and 31 of this Act, you see that it allowed citizens to defend themselves against wildlife. Section 30 of this Act states that, in case a person is attacked by wildlife, he should defend himself. Section 31 says in case of any crop destroyed or damaged, citizens are allowed to defend themselves.

Mr. Temporary Deputy Speaker, Sir, I would like to talk about an incident which happened last year in Laikipia District. The people of Njogu-ini Village in Laikipia East Constituency decided to kill an elephant which was destroying their crops. To our surprise, a contingent of over 50 anti-stock theft officers set on those people. They ruthlessly and mercilessly overran the whole village. They did not even mind about pregnant mothers, infants and old people. That is how the Government defends wildlife against human beings in Laipikia District.

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

*[Mr. Deputy Speaker resumed the Chair]*

Mr. Deputy Speaker, Sir, if you look at the suffering experienced by people living around game parks and forests, especially around Mt. Kenya, you can really sympathise with them. They undergo unbearable suffering. Their work is to plant crops and the following day, animals destroy all their crops. The squirrels eat maize seeds before they even germinate. They few seeds that germinate are destroyed by elephants and other animals. Since we cannot live without food, our people have to suffer all these damages. Every day, in the newspapers, there are cases of marauding wildlife. For example, on 17th September, 1999, the people of Salama Village set on jumbos or elephants and drove them away. These people were not ordinary game rangers, but they tried to defend themselves against those elephants. Instead of the Government setting up a mechanism to defend the ordinary wananchi, it removed all the rangers. Today, we do not have any rangers who are supposed to defend wananchi. We cannot understand the principle that this Government agrees to compensate an injury caused by wild animals, but it refuses to compensate property and crops destroyed by wildlife. There is no criteria in law or logic, to refuse to compensate for crops and other property destroyed by animals. This law is not understandable. If the Government can compensate for injuries or loss of life, then it is doing contrary to crops and other property.

Mr. Deputy Speaker, Sir, the compensation scheme was set up in 1960. At that time, the exchange rate for a dollar was only Kshs5 to a dollar. Today, because of inflation rate, it is Kshs74 to a dollar. Even if you use simple

logic and multiply that rate with today's rate of exchange, you will get more than Kshs3 million. I am only urging this Government to compensate us with only Kshs3 million. If we had a professor of mathematics in this House, he would tell you that, this amount of money would not be enough because the cost of burial in this country is very high. For example, to transport a corpse from Nanyuki to Kisumu, it would cost over Kshs50,000. The hospital bill is also very high. Some times, people who are wounded by animals stay for more than one week or months in hospital before they die or discharged. So, the loss is too great for our people. The trauma that the families undergo throughout, cannot be compensated. Therefore, we urge this Government to raise this amount from Kshs30,000 to Kshs3 million. That way, the Government will ensure that, there are well disciplined officers who will take care of wildlife. They should see to it that, wildlife do not interfere with human life. If we raise this amount, the Government will feel the pinch of paying it and be more responsive to human life. This is because the mechanism used by Government to protect wildlife against human beings is very offensive. This Government takes people for granted because they have failed to fence forests, game parks or even make any move to prevent wildlife from attacking human beings. If it is done, it is corruptly done. To reduce all these, we should urge this Government to give us Kshs3 million as compensation for any damage caused by wildlife.

Mr. Deputy Speaker, Sir, regarding our crops destroyed by animals, it is a pity that in Laikipia East Constituency, nobody will harvest any crops at all. We always plant, but every time, our crops are destroyed by animals. In Laikipia District, there are well-trained agricultural officers. We have also KWS officers who can assess the damage caused by wildlife and advise the Government on how to compensate the victims at the current commercial market rates. We should compensate our farmers in order to boost their morale.

Mr. Deputy Speaker, Sir, the Government might argue that there is no money to compensate farmers. But we are using money each day, on matters that are quite irrelevant. For example, the Government pays dearly, any hon. Member, who defects to the ruling party. We also spend much more money to conduct a by-election. I am surprised even the President the other day, said there 15 hon. Members who are about to defect to KANU. This money used to buy defectors and in by-elections, is enough to compensate our farmers or other people injured or killed by wild animals. For example, we will experience a havoc in Laikipia West Constituency when the hon. Member will defect. We will have a by-election where we shall spend much money and yet, our people are dying. Why should we spend this money in buying defectors?

**Mr. Mwenje:** On a point of order, Mr. Deputy Speaker, Sir. With due respect to the hon. Member, he has talked of a very serious matter that 15 hon. Members will defect and one MP from Laikipia will be paid some money. Could he substantiate his allegations?

**Mr. Kiunjuri:** Mr. Deputy Speaker, Sir, I am surprised that the hon. Member is behind the news, when the President himself said that 15 hon. Members of Parliament are about to cross over to KANU. Hon. Mbitiru is planning to defect. This is a well known fact. However, that was not the subject of the matter.

**The Assistant Minister, Office of the President (Mr. Samoei):** On a point of order, Mr. Deputy Speaker, Sir. I do not know whether the hon. Member is in order to bring in falsehoods and allegations by newspapers, which have been known to report falsehoods on what the President says. Is he in order to introduce falsehoods and propaganda in the House?

**Mr. Kiunjuri:** Mr. Deputy Speaker, Sir, if what is said by the President openly outside Harambee House and reported in radios and televisions is false, then the Assistant Minister is contradicting the President. I do not think it is fair, because he is risking his job.

**Mr. Deputy Speaker:** Order! Hon. Kiunjuri, you cannot use newspaper reports as your source of information in the House. Secondly, if you want to talk about hon. Members in this House, against whom you allege their intentions to defect, then, in fact, you are now grossly out of order. You should restrict your contribution to animals and leave human beings alone.

**Mr. Kiunjuri:** Mr. Deputy Speaker, Sir, actually, we are also animals, but social animals. However, as I said, money should be put to its rightful use. We should also try to enhance industries that can promote the tourism sector that brings money to our country. This money should be used to compensate for the loss of human beings.

Mr. Deputy Speaker, Sir, the Ministry of Tourism, Trade and Industry which is intermarried with the Kenya Wildlife Service can offer us solutions, whereby, money collected through this sector can be successfully used to compensate wananchi who are being abused by wild animals. However, this industry has been abused, and it cannot move forward. There are a lot of hindrances. For example, the bad infrastructure which has been caused by corruption; ethnic cleansing, like it happened in Mombasa in the name of tribal clashes; the killing of Julie Ward and the rest, hinder tourists visiting this country. Instead, the Ministry of Tourism has been given to a Minister who is connected in all these evils. This is a Minister who is alleged to have been involved in tribal clashes in Mombasa, corruption and the killing of Julie Ward.

**Mr. Kihara:** On a point of order, Mr. Deputy Speaker, Sir. The hon. Member on the Floor has made some

serious allegations against a Minister. Could he substantiate the allegation?

**Mr. Kiunjuri:** Mr. Deputy Speaker, Sir, it is well known that Mr. Biwott is connected to all these vices. I did not write newspaper reports that implicated him. Every fool knows about it.

**Mr. Deputy Speaker:** Order! You have been asked to substantiate that allegation. Do not tell us about the newspapers. Could you substantiate?

**Mr. Kiunjuri:** Mr. Deputy Speaker, Sir, I can substantiate, but because I named a Cabinet Minister, I wish to withdraw that statement in the interest of my Motion.

**Mr. Deputy Speaker:** Order! Hon. Kiunjuri, you may be carried away by your oratory about tourism and wildlife, but you ought to be aware that if you are mentioning a name of an hon. Member, either a Minister or a Backbencher in a defamatory or the derogatory manner, you must be prepared to substantiate, or provide proof on the spot. So, could you stand up, withdraw and apologise before you utter one more word in furtherance of your Motion?

**Mr. Kiunjuri:** Mr. Deputy Speaker, Sir, I wish to withdraw and apologise. However, the truth shall prevail.

Now that time is against me, I would like to tell hon. Members that this nation will judge them according to their contributions to this Motion. In my own view, this legislation, which was enacted in 1989, was one of the worst legislations ever passed in this House. The legislation was inhuman. It did not have any respect for human dignity.

Mr. Deputy Speaker, Sir, finally, I would like to say that the life of a human being cannot be likened to a dog's life. I would like to urge this House to support this Motion and call upon hon. Mwakiringo to second it.

Thank you.

**Mr. Mwakiringo:** Thank you, Mr. Deputy Speaker, Sir, for giving me the opportunity to second this Motion. Going through the Wildlife Conservation and Management Act, there are a lot of sections which do not favour the people living around national parks.

Mr. Deputy Speaker, Sir, the Act stipulates that any person found guilty of killing an animal in a national park, or found with a trophy, is supposed to be fined Kshs40,000, imprisoned for ten years or both, while, when there is loss of human life caused by wild animals, the compensation is only Kshs30,000. In seconding this Motion, I would like to support that the figure be raised to Kshs3 million. That aside, I think human life is more important than the Kshs3 million we are requesting the Government as compensation. The Act did not consider the benefits of the people living around the national parks. For example, 62 per cent of Taita-Taveta District is covered by a national park. If you consider what the people of that area have benefitted from the national park, it is very minimal. In fact, I would consider it nothing completely.

Mr. Deputy Speaker, Sir, I become very bitter when my people are forced by the game wardens to eat the raw meat of a buffalo killed two years ago as punishment, yet those animals are the ones which strayed into people's farms and destroyed crops. When this incident was reported, it took the game wardens one week to assess the damage. But when one animal was killed, they arrived there in less than four hours. Now, we fail to understand which is more important; human life or animal life.

Mr. Deputy Speaker, Sir, according to the Act, the compensation committee consists of the District Commissioner, the District Officer, the OCPD, the District Medical Officer and the Member of Parliament of that area, appointed by the Minister. For the years I have known Voi Constituency and Taita-Taveta District as a whole, none of them has ever been called to arbitrate and agree on the compensation of those who have been killed by wild animals or whose crops have been destroyed.

In seconding this Motion, I would urge that crops destroyed by wild animals should be compensated for at commercial market prices prevailing at the time. The Kenya Wildlife Service (KWS) game wardens and officials of the Ministry take too long to come and assess the damage caused by wild animals on the farms. By not coming on time, they can distort the evidence. When they come after one week or so, they say: "No, these were not buffaloes! These were cows sent to destroy the crops. We cannot compensate." Yet, when they were called on time to come and assess the damage, they never turned up. Immediate action should be taken, once the matter is reported to the KWS officials. When the KWS, which acts as the agent for the Ministry on national parks, assesses the damage and finds that it is true the animals have killed or damaged the crops, it does not pay hospital bills for the victims. They only provide vehicles to transport dead bodies. When it comes to compensation, a lot is required. At the end of the day, the common person feels frustrated and yet, it was evident that the person was killed by wild animals. The Ministry has no policy to teach the people about the process of compensation when such damages occur. The Government must give a policy guideline on how people should lodge their claims on time, so that action can be taken fast. This should be done fast on humanitarian grounds.

Mr. Deputy Speaker, Sir, Section 62 is on compensation and injury. In my constituency, there are a lot of people who have been injured by wild animals. When you report such cases, the KWS does not take any action. We have ranches which have been incapacitated by wild animals. They cannot meet their loan obligations to the Agricultural Finance Corporation (AFC). But when you lodge such claims, nothing is forthcoming. We are so bitter

because most of our ranches are auctioned due to non-servicing of the AFC loans. This is because of the wildlife. This figure should be raised. The compensation is normally paid through the Ministry of Tourism, Trade and Industry, from the budget approved by Parliament. I have gone through the books since I came to Parliament, and the Ministry has never asked for any money to compensate those who have been killed by wild animals, or crops whose are destroyed by wild animals. It is absurd! I hope that trend will stop so that money for compensation is provided for in the annual budget of the Ministry, which is approved by this House.

I would like to say that our Government is very rich in one way or another. It is only that we mismanage our own financial obligations. If we can have a lot of money to run by-elections and corrupt practices, we should have money to compensate people who have been killed by wild animals. We should have money to compensate those whose crops have been destroyed by wild animals. At the same time, I would like the KWS to let the people living around the national parks in Taita-Taveta District and Voi Constituency, especially in the Tsavo East and Tsavo West National Parks, to graze their animals there during the drought periods. The KWS animals also cross to our land to drink water. I would urge the Ministry to consider that on humanitarian grounds. When our animals cross to the national parks, the KWS officials should not use helicopters to scare off the animals. That causes injuries to the animals because they run helter-skelter. The people around Maungu, Mwatate and surrounding areas should be allowed to graze their animals in national parks. The Ministry should consider giving the people of the area tapped water, ponds or boreholes. But this is not done because the officers posted in the area are not committed. They tell the people they will do this and that, but nothing is done. We have approved quite a number of projects and submitted proposals to the KWS, through the officers in the area, but none of them has ever been implemented. Those people must be committed to assist the people living around the national parks. That way, the people will appreciate that they are benefitting from what is there. The people around the area should be better tourists by being incorporated in the management and preservation of our own wildlife.

I have told my people in my constituency that if their crops are destroyed by wild animals and the KWS officials do not come in good time, they should use six-foot pieces of wood, nail them with six-inch poisoned nails, and put them on the path where the wild animals pass. Once they step on those six-foot pieces of wood, they will die elsewhere. We do not benefit from them! There is no harm in killing them! So, I have told my people to do that. They have done it and two wild animals have since died. I am very happy. But I do not want to encourage that because of the laxity of the Government, which does not take care of the people living around the national parks.

With those few remarks, I beg to second.

*(Question proposed)*

**Mr. Khamasi:** Mr. Deputy Speaker, Sir, thank you very much for giving me this opportunity to contribute to this Motion.

I think it is the duty of the Government to protect the lives of its people, as well as their property. The Government has got the duty of care. If a Government does not comply with that principle, then there is something seriously wrong with it. The attitude of the Government, particularly in relation to this law, is what I would call "very ungodly!"

Mr. Deputy Speaker, Sir, the level of compensation which is stated in this Act is an abuse to human life. When we talk about Kshs30,000 as a compensation for human life in the present age, I think we are really belittling what God meant for human life.

Mr. Deputy Speaker, Sir, I believe that it is very unfair for hon. Members of Parliament to come up with a Motion to amend a law like this one. This amendment should have been initiated by the Government. If the Government cares, it should have come to this House to amend this law, which is very unjust. If this Government was caring, it should not have figures in the statutes whereby a citizen of this country is fined Kshs40,000 for killing an antelope, and yet, when the same human being is killed by a buffalo, the only amount of money that this Government can give as compensation is Kshs30,000. It is ridiculous! We need to see a much more caring Government, which can come to this House and amend laws that are unjust and completely outdated.

Mr. Deputy Speaker, Sir, Shinyalu Constituency, which I represent, borders the Kakamega Forest, and a big section of it is managed by the Kenya Wildlife Service (KWS). KWS is not known in that area for anything else other than brutality. All they do is to hunt for people and, brutalise them, and that is why we are saying that this is a bad law which has got some far-reaching effects. If such a law is read by people visiting this country, particularly the tourists, and they see the figures we are talking about as compensation, it will have very negative effects. How do you expect to get tourists to visit our national parks and, game parks, and all they would get as compensation if they are killed by an elephant is Kshs30,000? Surely, are we being serious? We are not! We are not concerned with what is going on with our people living around the forests. Elephants, monkeys and many other wild animals are destroying their crops and

nothing is happening. Even if this is reported to the authorities that are concerned with managing this department, nobody comes to their rescue. The only time we see these people is when a small monkey has been killed, and they will come in big lorries, and well armed to scare away and brutalise the citizens of this country. It is ironical that when the crops of these people are destroyed by wild animals, nothing happens.

Mr. Deputy Speaker, Sir, I want to inform the Minister in charge of this department that I have told the people of Shinyalu that this is a bad law, and a bad law should not be obeyed, but should be disobeyed instead. Unless the Government takes very seriously what we are saying, I am going to tell my people to shoot and kill these animals which stray into their farms. We are going to shoot and kill them because the Government is doing nothing about the destruction of the properties of the citizens of this country. What I will do for the people of Shinyalu is to organise a Harambee for them to buy poisoned arrows from Ukambani, in order to shoot those animals. We will not shoot to scare them away but to kill them, so that the Government can come to its senses and understand that human life is more sacred than the life of a small monkey in the forest.

Mr. Deputy Speaker, Sir, we want this Government to be serious. It is not serious at all. What we are seeing is the destruction of human life and properties by wildlife, and yet there is very little being done in terms of compensation. Even where compensation has been approved, it takes several years for that compensation to come by. Is this happening because this Government has got no regard for human life, or is it because it does not care about the property of its citizens? I think we need to wake up. With a change of heart in this Government, I hope they will wake up and address this issue more seriously.

With those remarks, I beg to support.

**The Assistant Minister, Office of the Vice-President and Ministry of Home Affairs, Culture and Sports** (Mr. Choge): Thank you very much, Mr. Deputy Speaker, Sir, for giving me this opportunity to air my views on this Motion.

I would like to advise hon. Khamasi to hold on before he tells his people to shoot down the wild animals. He should know that he will not get what he wants out of dead wild animals because they will not bring the crops or the human beings back to life.

Mr. Deputy Speaker, Sir, I did state in this House about 25 years ago that the Maasai, the Kamba, the Samburu, the Tugens, the Turkana, the Pokot or even people at the Coast should have an area allocated for wildlife instead of mixing human beings with wild animals; like the Maasais living with lions and leopards or gorillas. These people will go on killing the animals as the days go by, and eventually, there will be no wild animals left in this country. If this happens, our tourism industry will suffer a great deal. The hon. Members should also realise that there is no monetary value attached to human life. Even if hon. Members are asking for Kshs3 million, that will not be equivalent to the life of the man who has been killed by a wild animal. This is a mere compensation for the relatives of the deceased person to feel happy and console themselves. So, while we are considering this as a Government, the hon. Members should know that even if we were to pay Kshs20 million or Kshs30 million as a compensation, it will not bring back the dead person to life.

Mr. Deputy Speaker, Sir, these animals in the game reserves, and even in our rural areas, are causing a lot of harm. I have been a victim because these wild animals destroyed my crops. This forces many people to employ watchmen to look after those crops, both during the day and night. This becomes a big problem in the communities where we come from. Shooting these wild animals will not be an answer to this problem. The Government should erect an electric fence around the game parks and game reserves to keep the wild animals away from invading people's farms.

Mr. Deputy Speaker, Sir, in some areas, people spend sleepless nights guarding their crops against destruction by wildlife only to harvest a bag, or half a bag, because wild animals have "harvested" the bulk of the crop. I think this is a bother. However, we, in the Government, cannot state a specific amount of money to be paid to somebody for the loss incurred due to wildlife attacks. Life is too sacred to be compared with any amount of money. Nobody can offer his child for sale for any amount of money, so that he can become rich.

With those few remarks, I beg to support.

**Mr. Kihara:** Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to contribute to this Motion, which is of great interest to my constituency. The constituency hosts several wildlife facilities. Part of Lake Nakuru National Park, the Hells Gate National Park, Mount Longonot National Park and part of Mau Forest are in Naivasha Constituency. Also, Lakes Nakuru, Elementaita and Naivasha are found in the constituency. That being the case, we have a lot of wildlife in these national parks and lakes. I know that, that area is on the way to your home area. You must have seen the large number of zebras that roam the plains of Rift Valley Province, in Naivasha area. I ought to have known that people are not compensated for crops destroyed by wild animals; I am reading this for the first time in this Motion. Crops get destroyed constantly by zebras, which roam everywhere freely.

My constituents are right now faced with a very serious famine. The zebra menace is one of the contributing



factors to the famine that is being experienced in the area. As soon as you plant your crops, the zebras destroy them, including the napier grass that is planted for domestic animals. The other menace being experienced by residents of the area is from hippopotamuses from Lake Naivasha. Those hippopotamuses are known to have killed and maimed people. In fact, during the recently concluded National Census exercise, one of the enumerators in the area was seriously injured by a hippopotamus. Of course, the victim was not compensated.

As another hon. Member said, we are ashamed that we are talking about Kshs30,000 as compensation for someone who is killed by a wild animal. Of course, I agree with hon. Choge that there is no price for life. However, we are not saying that we are buying life; we are saying that the victim of a killer wild animal could be the bread winner of a family. If that happens to be the case, the money being sought by this Motion will help the family of the victim; it will compensate the family for the loss of its bread winner. The current Kshs30,000 compensation for loss of life is an insult. Even the Kshs3 million being sought by this Motion is not enough; we need to enhance this figure. For now, I will go by the hon. Mover's suggestion of Kshs3 million compensation for people who lose their lives to wild animals.

Mr. Deputy Speaker, Sir, tourism is very important in this country. In this regard, wildlife is a very big attraction to tourists. However, I am sorry to say that we are destroying the industry with our own hands. Lake Naivasha is a big tourist attraction. It has the biggest bird life in the world - over 4,000 bird species, but is threatened by land grabbing. There is the so-called the riparian land. This is the land which fronts the lake, and on which the lake's diverse wildlife breeds. That land is being grabbed and sub-divided by officers from the Ministry of Lands and Settlement. So far, the Ministry's officers have grabbed Kihoto Farmers Company Limited, which stands on the lake's front, thus threatening the ecosystem of that lake generally.

Mr. Deputy Speaker, Sir, as we look after wildlife, we must also look after human interests. The Ogiek community also happen to border my constituency. The forest in which members of this community and wildlife live is also being grabbed. Those people are being displaced by people from other parts of the Rift Valley Province. The Ogiek are the Ndorobos who have lived all their lives in the forest, during which time they have taken care of both fauna and flora of Mau Forest. The Ogiek people have nobody to speak for them. As the Nakuru District Democratic Party of Kenya (DP) Chairman, I feel duty-bound to speak for them. The community is threatened with extinction. The community's only way of life is threatened by land grabbing, and I do not know where it will go to.

As the previous hon. Member who was on the Floor has said, it is a pity that suggestions for amendment of a law like this one have to come from Members of Parliament. This Government should have the interests of its citizens at heart. The current Kshs30,000 compensation for loss of life occasioned by wild animals, and the no-compensation for crops destroyed by wild animals policy is not fair at all. So, we should come up with an appropriate law, to enable adequate compensation for lives lost following wild animal attacks, injuries caused on people, and crops destroyed by wild animals.

Mr. Deputy Speaker, Sir, because of the population explosion of zebras in Naivasha, people are now eating zebra meat in Nairobi. The animals get killed and, skinned, and their carcasses transported for sale in Nairobi as steak. I understand that zebra meat is very delicious. So, unless something is done to crop zebras and hippopotamuses in Naivasha, I will tell my constituents to also take the law into their own hands; I will tell my people to try and eliminate those wild animals. The national parks I have said are in my constituency do not benefit my constituents at all. The revenue accruing from those national parks is not used to help us. For instance, Narok County Council, which is said to be the richest local authority in the country, gets its revenue from the Maasai Mara National Park. I would like to inform this House that none of the revenue accrued from these wild animals is benefiting us. Under the circumstances, we feel, like the previous hon. Member has said, like getting rid of these animals, so that if we cannot benefit from the revenue generated from them, or whatever is accrued from their production, at least, we can benefit from our crops.

I support the Motion that compensation for lives lost be enhanced to Kshs3 million. I think that a figure should be worked out to compensate for injuries. I would also propose that compensation should be worked out for crops destroyed by wildlife. Where wildlife has multiplied beyond control, for example, the zebras in my area, cropping should be done by the KWS, or the people should be allowed to kill them, get the skin, and sell the meat, and the revenue to accrue to the area for some development.

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

**Mr. Mboko:** Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to support this Motion. This is a very important Motion to this country because you know that tourism is a major revenue earner for this country. I would like to urge the Government to be very careful when replying to this Motion because the representatives of the donor community around will wait to see whether the Government is serious in protecting its citizens when they are attacked by wildlife. My constituency is surrounded by game parks such as Tsavo West, Tsavo East and others. We are living in a dangerous zone. Wildlife has been maiming and killing my people in Kibwezi. Recently, after the *El Nino*-induced rains, crocodiles came all the way from Athi River up to the interior. You know the havoc the crocodiles can cause. Already two people in Kibwezi Constituency have lost their lives after being

attacked by crocodiles. Recently, a man was again seriously injured by a crocodile and it is surprising to note that when these people have suffered all this, the KWS or the Government does not even think of compensating them. It is very painful to note that when an elephant dies in the national park, you will find the KWS officers raiding villages looking for the people who might have killed the animal as if animals live forever! There was a very serious incident last year, whereby the KWS personnel from Komboyo Station raided a village called Netava in my constituency, maimed and tortured some people. In fact, some of the victims are still hospitalised in various hospitals for injuries they suffered after they were attacked by the KWS officers.

When there is a problem and you call the KWS personnel, they do not come, but when they hear that an animal has died somewhere in the park, they invade the area like marauding animals to the surprise of unsuspecting villagers. We have talked about compensation for human life and crops, but there is another element which we have left out, and this is compensation for livestock killed by these animals. This is because lions from Tsavo National Park have often invaded my constituency and killed our livestock, and nobody compensates us. It is painful to note that a cow and a goat worth over Kshs40,000 and Kshs5,000 respectively are killed and nothing happens. It is also painful to note that when a donkey is killed and you report the matter to the KWS officials, nothing happens, but if you happen to kill one of the wild animals, you will face the consequences.

Mr. Deputy Speaker, Sir, I am sure that these bad laws were initiated by a former Director of the KWS, who is somewhere operating from a posh office in the Government. Previously, before he came to the KWS, people used to be compensated for crop, livestock and human life losses. But when this Mzungu came to KWS, because Wazungus do not farm or live near animals, as their work is only to go and view the game, he brought new laws which were, and are, an obstacle to local Kenyans.

Mr. Deputy Speaker, Sir, it is high time the Government supported the Motion, because if it supports it, it would make people feel more secure in their own villages and for their livestock. They would not feel threatened. This year alone, four people from my constituency have been killed by elephants, and there was no compensation for them. Their children have dropped out of school. Their families cannot pay their school fees because those who were killed were their sole breadwinners, yet, it would take another two years for this mere Kshs30,000 paid out as compensation to be released to the deceased's family. How do you think the bereaved family would cope without such compensation being paid out to them in good time? It is high time the Government considered changing all those bad laws and bring them in conformity with the current living trends.

Mr. Deputy Speaker, Sir, the Minister who is seated across there is a very big victim. The moment he reaches Kibwezi, baboons and monkeys are all over on the road, unless he has stopped using that road. And those baboons are a terror to our crops. The famine situation that you hear of in Ukambani, especially in Kibwezi, has partly been caused by those animals. We are hard-working people, but when animals come over to our farms, they destroy everything. Last season alone, I lost five acres of maize. The animals came over and destroyed everything. When you report this matter to Komboyo Station, the officers there are seen taking duty-free whisky. They do not care; they have got big Land Cruisers for enjoyment purposes.

Mr. Deputy Speaker, Sir, it is high time the Government seriously put that matter into consideration. Payment of school fees for the affected families' children, while the compensation money is being worked out, should also be considered by the KWS. The education of those children should not be disrupted. The Government should set up a special fund to pay school fees for those children. We would urge the Government to provide hospital services for the people who have been injured by wildlife, because most of them are permanently maimed forever. They become handicapped and cease to work again. Therefore, if we are thinking of ways of compensating for the lost lives, we must also consider compensating for permanent injuries sustained by victims of wildlife.

Mr. Deputy Speaker, Sir, we may be talking about the danger posed by the big animals, but there are also snakes which form part of the wildlife. If people die of snake bites, the Government should also consider compensating them because a wild animal is just like any other, unless KWS wants to retrieve all the animals and take them to their rightful place. If that is done then we will have no problem with the Government because such interaction between the human population and the animals will not occur. But as long we have interaction between the human population and animals, every danger posed to human life by those animals should be considered.

There are also birds in areas adjacent to wildlife sanctuaries. There are times when we have a flock of birds destroying finger-millet, sorghum, and other crops. The crops destroyed should also be considered for compensation. They must be paid for immediately. My people in Kibwezi who lost their crops cannot get enough relief food. They receive about two kilograms of maize per month, and yet they would have harvested about 20 bags of maize. I, therefore, tell the Minister here that he should also know that his people are suffering like the others. Thank you.

**The Minister of State, Office of the President (Maj. Madoka):** Mr. Deputy Speaker, Sir, I wish to respond on behalf of the Government. In doing so, I would like to say that the spirit of the Motion is good. Many hon. Members have referred to Taita-Taveta District, two-thirds of which is a National Park. Many times, my heart bleeds with pain

when I find that most of our farmers have cultivated two or three acres of maize and then, all of a sudden, in one night, all the crops are eaten by wildlife.

We appreciate that we have a problem, and I would like to plead with the hon. Members to understand that the Government is doing its best. It is not true that the Government is not caring. The Government is, certainly, caring. Hon. Members have said that the Government does not care because of the Kshs30,000 which it uses to pay as compensation to people who have lost their crops. The Kshs30,000 which was being paid as a compensation was scrapped by this very House because it felt that there was a lot of abuse of it. The system that was in place in determining how this compensation should be paid was very corrupt. Therefore, hon. Members, at that time, felt that the best thing was to scrap the payment.

I have been trying to persuade the Mover of this Motion to try and amend the Motion so that we try and reinstate in the Act the compensation for loss of human life and property. The Act can be amended properly, so that we set up mechanisms on how the compensation should actually be made. At the moment, the Motion is very general and we will still get into trouble when we come to deciding on the mechanisms to be used in paying the compensation.

Mr. Deputy Speaker, Sir, people have to appreciate that today, the increase in the human-wildlife conflict can be traced to the changes in the land use. One of the speakers referred to Laikipia District, which was originally being used for beef cattle rearing only. Now, the land is being sub-divided to give room for small-scale holdings. People moving into these savanna areas started growing maize, beans and vegetables. It is important to note that cattle rearing is compatible with wildlife management, while crop farming is not. The Government is encouraging integration in the planning for the range lands, where both people and animals reside, in an attempt to maximise benefits from the available resources, while at the same time, addressing the conflict. The Government is also encouraging communities and other land owners to initiate wildlife-related enterprises for eco-tourism that will earn them income, as opposed to growing crops where farming is not economically viable. In view of the fact that wildlife habitats are gradually diminishing on community land, and where animals pose a threat to human life and property, the following measures are being taken and have been undertaken by the Government in an effort to try and reduce the destruction done by wildlife on crops, and also in eliminating life.

First, the Government has captured and translocated animals from heavily settled areas to the national parks. Secondly, they have shot animals to kill, where it has been found necessary, particularly in places where they have killed human beings and destroyed property and crops. Thirdly, the KWS has gone out of its way to ensure that they drive animals away from these particular settlement areas, where it has been noted that these animals are moving into. The Government has gone to great expense in buying helicopters and providing the necessary transport, to make sure that once the movement of these wild animals is reported, they move them back into the national parks.

To ensure that information regarding the movement of wildlife is reported quickly to the authorities, we have gone out of our way to improve on the communication network. This has been very effective. The Government has also gone out of its way to ensure that they fence the national parks from the major settlement areas. So, far we have fenced over 900 kilometres to protect the farming communities. It is projected that within the next year we should be able to fence over 2,500 kilometres of the game parks from the settlement areas to reduce the existing human-animal conflicts. The Government is currently looking for donors who would assist us in raising funds to do this projected exercise.

We are also encouraging individual farmers to safeguard their property through construction of trenches and lion-proof their bomas. Designs of these devices are provided free of charge to the interested parties. As I have said, the Government is concerned. Members have said, and rightly so, that human life is priceless. It does not matter what figure we quote, we cannot compensate human life adequately. We have also to be realistic, that it is very difficult at any time to really budget for such an eventuality. Therefore, it is expensive. As far as the compensation for crops and property is concerned we are in the process of reviewing and studying the law. It will be brought forward to introduce a Government insurance policy as regards compensating the people who may suffer crop loss or other property. Once this is done, it will be brought to this House and Members will be told exactly how we intend to do this.

Mr. Deputy Speaker, Sir, I beg to move that the Motion be amended as follows:-

By deleting the figure Kshs3 million in part (i), and inserting in its place the figure Kshs1 million.

The Mover of this Motion did agree with me that Kshs3 million is a very large figure. He, in fact, instructed me to reduce the figure from Kshs3 million to Kshs1 million. I am saying that with a light touch. We discussed and agreed, and he appreciates how difficult it is. He said that if I moved a slight amendment to say that the compensation be increased from Kshs30,000 to Kshs1 million, he would agree to the amendment.

Mr. Deputy Speaker, Sir, in concluding my contribution, I would like to make that slight amendment of this first recommendation. That is the Government opinion of this Motion.

**The Assistant Minister for Finance and Planning (Mr. Lomada):** Mr. Deputy Speaker, Sir, I would like to also concur with what the Minister has said here, that his Ministry is going raise compensation from Kshs30,000 to

Kshs1 million. I think that is not too bad, considering what used to be the case before. It was only Kshs30,000, and once it is raised to Kshs1 million, I think that is a big step forward by the Minister. So, I would like to thank the Minister for taking that initiative.

Mr. Deputy Speaker, Sir, this Motion is actually very important and I support it; that, the Government should consider looking into this problem. It has been a problem which affects every part of this country. We have heard here, every time, many Members complaining about people being victims of maiming by our wildlife. So, it is high time this particular issue was considered. We know that wildlife is a big earner of foreign exchange for our economy, and everybody really appreciates what is going on. I thank the Ministry for taking that step, thus ensuring its elevation. It was going down, but the steps the Ministry took have brought it back to its actual role. So, I would like to say that it is good for the Ministry to consider compensating handsomely, the victims of maiming by wildlife. For example, in my constituency, we have experienced such problems several times. We have buffaloes and elephants which have always injured our people. I am so happy that now this amount has been raised to that extent, our people will benefit. Therefore, I think whatever decision the House has taken, following the Minister's recommendation, is actually very important and welcome.

Mr. Deputy Speaker, Sir, I therefore second the amendment made by the Minister.  
Thank you, very much.

*(Question of the first part of the amendment, that  
the words to be left out be left out, proposed)*

**Mr. Mwenda:** Mr. Deputy Speaker, Sir, I wish to oppose the proposed amendment because of the following reasons: When we talk about compensation of human life, we are not talking about such compensation because we intend to bring back to life that person who has died. We must take two things into consideration: One, when a person dies, the estate of that person suffers. Secondly, the dependants of the deceased person lose financial support, comfort and everything else they were getting from the deceased.

When we talk about Kshs1 million, we have in mind children who are orphaned and who will need education, medical attention, clothing and food. So, a sum of Kshs3 million is quite reasonable and sensible, given the devaluation of the Kenya shilling. So, it is not right to say that, an increase from Kshs30,000 to Kshs1 million is a great improvement.

Mr. Temporary Deputy Speaker, Sir, it is not a great improvement and, therefore, I oppose that amendment.

**The Minister for Roads and Public Works** (Eng. Kiptoon): Mr. Deputy Speaker, Sir, I stand to support the amendment. I think the spirit of the Motion is quite clear. If we do not amend this figure, and if we start with the original figure of Kshs3 million, it will mean that it will be very difficult for the Government to compensate all the people who will be affected. It can even be raised up to Kshs10 million, but if we compensate one person per year and leave the majority of the people uncompensated because of the difficulty of meeting the requirement, I think it will be unfair to our people. So, my view is that, if we raise the figure from Kshs30,000 to Kshs1 million, it would be adequate because that would give it an increase of about 30 times or more. If we allow the figure to go beyond that amount, it will be very difficult for the compensating bodies to evaluate and actually satisfy those who will be affected by this compensation. So, I would plead with hon. Members that, since the Motion is already reasonably accepted by the House, and we are going to pass it, it would only be reasonable and practicable to ensure that, whatever we pass is going to be adhered to. Otherwise, if we pass the figure of Kshs3 million, it will be okay as far as you are concerned, but it will be very difficult for the compensating body the Kenya Wildlife Service - to be able to part with that particular figure.

Mr. Deputy Speaker, Sir, therefore, I do plead with hon. Members that---

**An hon. Member:** Tumekubali, for the sake of it!

**The Minister for Roads and Public Works** (Eng. Kiptoon): Mr. Deputy Speaker, Sir, I hear hon. Members saying: "Tumekubali." So, if Kshs1 million has been accepted--- But I am told that hon. Members are just saying "for the sake of it". So, I do not want to be taken for a ride. I, therefore, would wish---

**An hon. Member:** Proceed!

**The Minister for Roads and Public Works** (Eng. Kiptoon) Mr. Deputy Speaker, Sir, mine is to plead with hon. Members to agree that we reduce the figure to Kshs1 million for us to support it. As it were, the Motion itself is very much in order. We are going to support the Motion, and mine is to request hon. Members to---

**An hon. Member:** There is no time for that!

**The Minister for Roads and Public Works** (Eng. Kiptoon): No, there is time for us to do that. So, do not worry about time. I do support the Motion with the amendments. The amended Motion is acceptable to all of us, and I think all hon. Members will be able to support it.

**ADJOURNMENT**

**Mr. Deputy Speaker:** Order! Hon. Members, it is now time for the interruption of business. Therefore, the House stands adjourned until this afternoon, at 2.30 p.m.

The House rose at 12.30 p.m.