

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 17th July, 1996

The House met at 9.00 a.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

ORAL ANSWERS TO QUESTIONS

Mr. Mbui: Mr. Deputy Speaker, Sir, before I ask this Question, I have not yet received a written reply. I wish to draw the attention of the Chair to the fact that the House does not have a quorum.

Mr. Deputy Speaker: So, you do not want to ask your Question? For your information, Business of the House has not yet started, even if there are two Members, you ask the Question.

Question No.659

RECOMMENDATIONS ON MWEA LAND DISPUTE

Mr. Mbui asked the Minister of State, Office of the President, when the Chesoni Commission recommendations on the Mwea land dispute between Kirinyaga and Mbeere districts will be made public.

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

The recommendations of the Chesoni Inquiry in the Mwea Land Dispute are being studied with a view to translating them into policy for implementation. The recommendations will not be made public until they have been formulated into practical policy.

Mr. Mbui: Mr. Deputy Speaker, Sir, we have had a lot of commissions set by the President, and this last one was one man's commission. So, it did not require a group of people to come and sit and then make the recommendations. It has taken all that long because one man ought to have given the recommendations. Could the Minister tell us what is actually delaying the pronouncement of these recommendations because, the recommendations were made by the one-man-commission?

Mr. Manga: Mr. Deputy Speaker, Sir, it took three months for the Commission to come out with a report and the report is being studied and formulated. So, the outcome will be pronounced very soon.

Mr. Mutahi: Mr. Deputy Speaker, Sir, we have had so many commissions set by the Office of the President or the President himself, and they are spending a lot of taxpayers' money yet we are not getting the results of these commissions. What is the Office of the President intending to do to have--- Recently we had the Omamo Commission on Local Authorities, we have not heard anything about it. What is the Office of the President doing to have these commission's recommendations made public? Also, I do not think---

Mr. Deputy Speaker: One question at a time!

Mr. Manga: Mr. Deputy Speaker, I have already said that the recommendations will be given out very soon.

Mr. Mbui: Mr. Deputy Speaker, Sir, the work of this Commission was to identify the owner of Mwea. It was as simple as that, because it is already known who the owners are. There is no equation that is required to give that answer. Could he tell us who the owner of Mwea is?

Mr. Manga: Mr. Deputy Speaker, Sir, I have already said that the Commission has completed its work, it has put up the recommendations and the recommendations are being reviewed and put into a policy paper and then it will be given out.

Mr. Mwaura: On a point of order, Mr. Deputy Speaker, Sir. Could the Minister tell the House how Chesoni---

Mr. Deputy Speaker: Order! Order! That is not a point of order! Next Question!

Question No.406

SOCIAL DIMENSIONS PROJECTS IN WEST POKOT

Mr. Deputy Speaker: Mr. Rotino, not here! We pass the Question for the moment! Next Question!

Question No.203

DISAPPEARANCE OF VEHICLES AT THE PORT

Dr. Kituyi asked the Minister for Finance:-

- (a) how did over 700 vehicles due for public auction by Customs Department mysteriously disappeared from the Port of Mombasa in 1994; and,
- (b) what action he has taken to ensure that those behind the scandal are brought to book.

Mr. Deputy Speaker: Anybody from the Ministry of Finance! Nobody! We pass the Question for the moment!

Question No.289

APPOINTMENT OF DEPARTMENT HEADS

Mr. Munyasia asked the Minister for Education:-

- (a) whether he is aware that according to the Curriculum Based Establishment (CBE), Sirisia Secondary School qualifies to have five heads of department; and,
- (b) how many such heads of department have been appointed.

Mr. Deputy Speaker: Anybody from the Ministry of Education! What is wrong? We pass that Question for the moment! Next Question!

Question No.575

SACKING OF PRIMARY SCHOOLS CASUALS

Mr. Deputy Speaker: The MP is not here, we pass that Question for the moment!

Question No.608

AWARDING OF SECONDARY SCHOOLS BURSARIES

Mr. Kofa asked the Minister for Education the criteria for awarding secondary school bursaries in Tana River District.

Mr. Deputy Speaker: Ministry not here! Order, Dr. Wameyo! Are you answering the Question?

Mr. Obwocha: On a point of order, Mr. Deputy Speaker, Sir. When you called for the Question, we should have waited to see whether there is anybody from the Ministry of Education. Now, you are calling the Ministry of Local Government.

Mr. Deputy Speaker: There was nobody from the Ministry of Education. I said, Ministry of Education not here! So, I moved to the Ministry of Local Government.

The Assistant Minister, Office of the President (Mr. Sunkuli): On a point of order, Mr. Deputy Speaker, Sir. I want to bring to the attention of the Chair, that the Minister for Local Government was around, but the Question had not been asked.

Mr. Deputy Speaker: Order! Order! Question No.632!

Question No.632

PIPED WATER FOR KARURI TOWN

Mr. Deputy Speaker: Mr. Icharia, not here! We pass the Question for the moment! Next Question!

Question No.364

COMPLETION OF MAKOBE WATER PROJECT

Mr. Deputy Speaker: Questioner not here! We pass that Question for the moment! Next Question!

Question No.323

REPAIRS TO KENDU BAY PIER

Dr. Otieno-Kopiyo, on behalf of **Mrs. Asiyu**, asked the Minister for Transport and Communications:-

(a) whether he is aware that the Kendu Bay Pier which broke down due to lack of maintenance by the Kenya Railways is in a very dangerous state of affairs; and,

(b) if the Ministry could carry out repair as soon as possible or hand over the pier to the Kendu Bay Urban Council to repair and charge all boats using it.

Mr. Deputy Speaker: Well, I have never seen such a morning!

Dr. Lwali-Oyondi: On a point of order, Mr. Deputy Speaker, Sir. Do you not think that there is a go slow on the part of the Government since the beginning of this Sitting?

Mr. Deputy Speaker: I hope not. If the facts are to justify that conclusion, I think there must [**Mr. Deputy Speaker**]

also be something similar on the part of Back Benches on both sides of the House. This is because we skip about half the Questions because hon. Members who have asked them are not in the House, and also because about half of the Ministers are not here. I will give all the Questions a second chance.

Prof. Mzee: On a point of order, Mr. Deputy Speaker, Sir. Do you not think that what you are doing is contrary to what happens? When an hon. Member of the Opposition is not in, the Chair drops his Question with a smile. But if the Ministers are not around, nothing happens to them. They should be named. I would like to move a Motion that they be named because they are absent today.

Mr. Deputy Speaker: Order! Prof. Mzee, the Speaker always smiles. He does not do that just when Questions are dropped. Let us have Mr. Rotino's Question for the second time.

Question No. 406

SOCIAL DIMENSIONS PROJECTS IN WEST POKOT

Mr. Deputy Speaker: Mr. Rotino is still not here? His Question is dropped.

(Question dropped)

Question No. 203

DISAPPEARANCE OF VEHICLES AT PORT

Dr. Kituyi asked the Minister for Finance:-

(a) how did over 700 vehicles due for public auction by the Customs Department mysteriously disappeared from the Port of Mombasa in 1994; and,

(b) what action he has taken to ensure that those behind the scandal are brought to book.

Mr. Deputy Speaker: There is still nobody here from the Ministry of Finance? This Question is deferred.

(Question deferred)

Mr. Munyasia's Question for the second time.

Question No. 289

APPOINTMENT OF DEPARTMENTAL HEADS

Mr. Munyasia asked the Minister for Education:-

- (a) whether he is aware that according to the Curriculum Based Establishment(CBE), Sirisia Secondary School in Bungoma District qualifies to have five heads of department; and,
- (b) how many such heads have been appointed.

The Assistant Minister for Education (Mr. Komora): Mr. Deputy Speaker, Sir, I apologise for my short delay in coming here. I was actually collecting answers to Questions. Mr. Deputy Speaker, Sir, I beg to reply.

(a) I am aware that Sirisia Secondary school in Bungoma District is qualified to have five heads of department because of its three-stream size. So far, the Teachers Service Commission has appointed three heads of department and another two will be posted as soon as possible.

Mr. Munyasia: Mr. Deputy Speaker, Sir, arising from that reply, these appointments were supposed to have been made in accordance with the Scheme of Service for Graduate Teachers which came into operation in, I think, 1989. When I put in a similar Question in 1994, there was only one head of department appointed for this school. This is a very slow administration of that particular scheme! When does the Assistant Minister intend to fill the remaining two positions for heads of department for this school?

Mr. Komora: Mr. Deputy Speaker, Sir, these departmental heads positions are--- We will appoint the departmental heads as soon as suitable candidates are available.

Mr. Munyasia: Mr. Deputy Speaker, Sir, one of the positions is for the head of the humanities department. We are told that this country has an over supply of teachers in the humanities departments. Is the Assistant Minister telling the House that he cannot find a head of humanities department for this school? What is the reason for not appointing such a head?

Mr. Komora: Mr. Deputy Speaker, Sir, I think I have already replied to that question. When a suitable candidate is available, he will be posted.

Mr. Deputy Speaker: Mr. J.D. Lotodo's Question for the second time.

Mr. J.D. Lotodo: Mr. Deputy Speaker, Sir, first of all, I would like to apologise for coming late.

Question No. 575

SACKING OF PRIMARY SCHOOL CASUALS

Mr. J.D. Lotodo asked the Minister for Education:-

- (a) whether he is aware that subordinate staff and casuals previously working with primary schools in the arid and semi-arid land (ASAL) areas of Kenya, especially in Baringo District, have been laid off without notice after working without salary for at least nine months;
- (b) if the answer to (a) above is in the affirmative, when the Ministry is going to pay them their outstanding dues; and
- (c) what plans the Ministry has to reinstate these people given the importance of their duties, especially in the ASAL areas of Kenya.

The Assistant Minister for Education (Mr. Komora): Mr. Deputy speaker, Sir, I beg to reply.

(a) I am ware that casual employees previously working with primary schools in Baringo District have been laid off without notice after working without salary for nine months. No other district was involved in this problem, which arose only in Baringo District as a result of irregular employment of the said casual staff.

(b) My Ministry has given the District Education Officer (DEO), Baringo District, Kshs2.4 million to pay the salaries of 220 workers for five months. The remaining balance of Kshs1.6 million will be paid during this financial year.

(c) My Ministry has no plans to reinstate these people in employment. Currently My Ministry maintains enough staff to serve boarding primary schools in ASAL areas, including those in Baringo District.

Mr. J.D. Lotodo: Mr. Deputy Speaker, Sir, while appreciating the answer given by the Assistant Minister, and given the fact that the Ministry of Education is a very important one in this country, and also considering the fact that nomadic areas in this country lagged behind in education during colonial times, and that it is high time they concentrated on education and caught up with other areas, could the Assistant Minister consider employing, at least, a few casuals in the important cadres like watchmen and cooks? The kids are too young to cook for themselves.

Mr. Komora: Mr. Deputy Speaker, Sir, we will employ those required. I thank the hon. Member very much.

Mr. Kofa: Mr. Deputy Speaker, Sir, the Assistant Minister used the words "dubiously employed". Could he explain these words?

Mr. Deputy Speaker: Mr. Komora, did you say that these people were dubiously employed?

Mr. Komora: Mr. Deputy Speaker, Sir, they were irregularly employed and we have sacked them. We will employ the right people in accordance with the needs of each school and district.

Dr. Lwali-Oyondi: Mr. Deputy Speaker, Sir, this is not the first time the Government has massively sacked people in Baringo District. The first time it sacked untrained teachers and it never compensated them, even though they had been properly employed. This time it has sacked casuals *en masse*. Could the Assistant Minister tell this House whether the person who employed these people irregularly has also been sacked?

Mr. Komora: Mr. Deputy Speaker, Sir, those who do not follow regulations are disciplined.

Question No. 608

AWARDING OF SECONDARY SCHOOL BURSARIES

Mr. Kofa asked the Minister for Education what the criteria for awarding secondary schools bursaries in Tana River District is.

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

As far as my Ministry is concerned, the criteria for awarding school bursaries is the same in all districts, including Tana River. The Bursary Fund was initiated to assist bright students from poor families to pursue their secondary school education. Consequently, the criteria for awarding these bursaries is the same in all areas.

Mr. Kofa: Mr. Deputy Speaker, Sir, there are known cases of pupils who are academic dwarfs, but because they come from homes that wield power in the country, they get these bursaries. In other words, if they do not get the bursaries, the Provincial Administration officials would jeopardise their jobs. Could the Assistant Minister confirm or deny this fact?

Mr. Komora: Mr. Deputy Speaker, Sir, this hon. Member and all other hon. Members are members of boards of governors which distribute these funds. He should attend boards of governors meetings, identify specific irregular cases and draw my attention to them.

Mr. Kofa: Mr. Deputy Speaker, Sir, I do understand that provincial education offices distribute these bursaries per the number of schools in a district, instead of the distribution of the bursaries being undertaken by the DEOs who, probably, know more about the pupils as opposed to the provincial education officers. Is this true?

Mr. Komora: Mr. Deputy Speaker, Sir, I have personally answered this Question in this [Mr. Komora]

House. Funds are sent to District Education Boards which distribute them to secondary schools according to the number of Government secondary school streams where Board of Governors do the allocation for students. The secretary of the board is the headmaster of each school and if a particular member has any particular complaint with a particular student, he should refer the matter to the school.

Mr. Deputy Speaker: Mr. Icharia's Question for the second time.

Mr. Icharia: Mr. Deputy Speaker, Sir, I am sorry for coming late.

Question No. 632

PIPED WATER FOR KARURI TOWN

Mr. Icharia asked the Minister for Local Government:-

(a) if he is aware that Karuri Town in Kiambaa Constituency, a township with a large

population, does not have a reliable supply of piped water; and,
(b) what plans does the Ministry have to supply the residents with clean piped water.

The Assistant Minister for Local Government (Dr. Wameyo): Mr. Deputy Speaker, Sir, I beg to reply.

I am aware that the portfolio for water does not fall under the Ministry of Local Government, and I plead with hon. Member, we have passed this Question to the Ministry of Land Reclamation, Regional and Water Development where the answer will come from.

Mr. Icharia: Mr. Deputy Speaker, Sir, can I get the assurance that this Question will be answered? What is the best way of handling the matter?

Mr. Deputy Speaker: The best way of dealing with this matter is to defer the Question to the earliest possible time. But I think where Ministries feel Questions have not been properly addressed to them, it also behoves them to alert the Clerk's Office early enough, and not to wait until the Question is on the Order Paper and then tell us that it is not their Question.

(Question deferred)

Mr. Deputy Speaker: Next Question, Rev. Ommani.

Question No.364

COMPLETION OF MAKOBE WATER PROJECT

Mr. Deputy Speaker: Is hon. Rev. Ommani not here? The Question is dropped.

(Question dropped)

Mr. Deputy Speaker: Mrs. Asiy'o's Question, for the second time.

Question No.323

REPAIRS TO KENDU BAY PIER

Mrs. Asiy'o asked the Minister for Transport and Communications:-

(a) if he is aware that Kendu Bay Pier which broke down due to lack of maintenance by the Kenya Railways is in a very dangerous state of affairs; and,

(b) if he could either carry out repair as soon as possible or hand over the pier to the Kendu Bay Urban Council to repair and charge all boats using it.

Mr. Deputy Speaker: Is there anybody from the Ministry of Transport and Communications? Nobody. So, the Question is deferred.

(Question deferred)

Mr. Deputy Speaker: By a special dispensation by the Speaker regarding the Question which initially had been deferred, Question No.203, Dr. Kituyi, you may ask your Question, I understand the Minister is here!

Question No.203

DISAPPEARANCE OF VEHICLES AT PORT

Dr. Kituyi asked the Minister for Finance:-

(a) how did over 700 vehicles due for public auction by Customs Department mysteriously disappear from the Port of Mombasa in 1994; and,

(b) what action he has taken to ensure that those behind the scandal are brought to book.

The Assistant Minister for Finance (Mr. Koech): Mr. Deputy Speaker, I apologize for being late.

Mr. Deputy Speaker: You should apologise profusely because this is the third time you are asked this Question.

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

(a) The matter is in court, therefore, *sub judice*.

(b) The officers suspected to be behind the scandal have been charged in court, but the case has not been finalised.

Dr. Kituyi: Mr. Deputy Speaker, Sir, this Assistant Minister is deliberately misleading this House. The case where people have been charged in court over disappearance of cars refers to the matter of 1995. I am raising the first case where 700 vehicles mysteriously disappeared, taken out of the Port by people including Mr. Gedion Moi, and nobody has ever been charged over that matter. Can you now give an answer about the first case of disappearance? Do not hide behind the case of 1995. I am asking about 1994.

Mr. Koech: Mr. Deputy Speaker, Sir, I take some exceptions by hon. Dr. Kituyi that I am giving the wrong answer. The answer I have given is correct, the case is in court. The information I have about this particular case is that the matter is in court---

An Hon. Member: On a point of order, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Order! Order! Hon. Assistant Minister, I think it will be very useful if you will tell the House if the case is in court, what case number, and in which court.

Mr. Koech: Mr. Deputy Speaker, Sir, I promise to bring to the House the case number.

Dr. Kituyi: Mr. Deputy Speaker, Sir, I still insist that the Assistant Minister has been misled by his officers who thought I was talking about the case that is in court concerning cars which disappeared in 1995. But I am bringing to his attention that there was an earlier matter of cars which disappeared mysteriously where, in fact, some hon. Members of Parliament had gone down to Mombasa to buy cars declared for auction and there has not been any case brought to court. Can the Assistant Minister instead of bringing a case number, go back and find an appropriate reply to the Question?

Mr. Deputy Speaker: Mr. Minister, I think the hon. Questioner has made himself very clear. It is just possible perhaps there is some confusion in the part of your staff about which cases he is referring to. Will you undertake to go and do research and come back to the House, earliest, Tuesday, next week? So, the Question remains deferred. If, of course, you think it is the same case, you can come back this afternoon, if there is, in fact, a separate charge for 1994 incident, you come back this afternoon and say this is the case number, different from the case 1995 and so on.

Mr. Koech: Mr. Deputy Speaker, Sir, I promise to give an undertaking that I will bring the case number or any other information which may be relevant to the Question.

Mr. Deputy Speaker: So, the Question is deferred.

(Question deferred)

Mr. Deputy Speaker: Questions by Private Notice.

QUESTIONS BY PRIVATE NOTICE

THUGGERY MENACE IN MUKURWEINI

Mr. Mutahi: Mr. Deputy Speaker, Sir, I beg to ask the Minister of State, Office of the President, the following Question by Private Notice.

(a) Is the Minister aware of terrible thuggery attacks in almost all trading centres in Mukurweini Division since April this year?

(b) Is he further aware of the two attacks in April at Tambaya/Kimondo trading centres where seven shops were broken into and owners seriously wounded and a Church Priest had his left leg broken and that several people were attacked at Muthuthini Shopping Centre on 9th June, 1996; Nduma Trading Centre on 16th June, 1996; Kiawamururu Trading Centre on 31st June, 1996; and Ichamara, Thangathi on 3rd July, 1996 where Mr. Gathua Gicheru, a watchman at Ichamara Trading Centre was killed and Mr. and Mrs. James Mwati hospitalised at Tumutumumu Hospital?

(c) What is the Minister doing about security in this area and what efforts is he putting to arrest these criminals?

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

(a) Yes, I am aware of isolated cases of robberies in Mukurweini division. However, police have undertaken

appropriate action and, as such, the situation is under control.

(a) I am aware of the incidents.

(c) The police have intensified patrols in their areas while active investigation is taking place in order to enable us to arrest the criminals involved.

Mr. Mutahi: Mr. Deputy Speaker, Sir, can the Assistant Minister tell this House because this is an old case, it started in April this year. Can he tell us how many people have been arrested for these robberies? He is talking of police patrols having been intensified. If you go to police station today to report a case, you must first fuel the vehicle so that the police can attend to your case. The Assistant Minister is saying that there are patrols. Which patrols and which vehicles are they using? Where are they getting the fuel from?

Mr. Sunkuli: Mr. Deputy Speaker, Sir, I will investigate the matter that the hon. Member is [Mr. Sunkuli]

addressing, that is, whether the citizens are being asked to fuel police vehicles. But the hon. Member has also asked how many people have been arrested. In four of those cases, the case of the 15th of March, 1996 where one, Miss Josephine Wangui Maina of Kimondo Trading Centre reported that her shop had been broken into, one suspect, namely Kamau Kanyi was arrested and charged in Mukurueini and the case is now pending before court.

The second case is of the 29th of May, 1996, where Lucas Maina Mutahi reported that a gang of about seven men robbed him; no arrest has been made on that particular matter. The matter is pending under investigation. Actually, it is only in one particular case that we have made an arrest, the rest of the matters are pending under investigation.

Mr. Deputy Speaker: Mr. Muhika Mutahi!

(Both Mr. Mutahi and J.N. Mungai stood up)

Does Mutahi sound like Mungai?

Mr. Mutahi: Mr. Deputy Speaker, Sir, on part (b) of the Question, the Assistant Minister agreed that a watchman by the name Gathua Gicheru was killed. If this was a case of "big men" and "rich people" like the case of Rasta, Wacucu and Wanugu, where money was offered by the Commissioner of Police, that would have been done. Since this case is very serious in Mukureini and thuggery is still continuing, what action is the Government intending to take to arrest these people? Is it going to offer some cash reward also so that these people can be arrested or what is the Government intending to do? You offer some money and these people will be arrested.

Mr. Sunkuli: Mr. Deputy Speaker, Sir, we are going to use all means available in order to arrest the people who committed the offence. In the other matters, it was quite appropriate for offenders who have roved around his country and committed such grievous offenses against such a large number of people. We will continue using methods as, and when they are appropriate.

Mr. J.N. Mungai: Thank you, Mr. Deputy Speaker, Sir. It is true that cases of thuggery have become very rampant all over the country. It is also becoming suspicious that the police could be having a syndicate within themselves of making money through such thuggeries because whenever they happen, there are hardly any arrests. We have seen and witnessed such cases in bank robberies all over the country, where a lot of money has been stolen and nobody has been arrested. Can the Assistant Minister tell this House whether they are doing anything to investigate in order to find out if these policemen are involved in making money through such thuggeries?

Mr. Sunkuli: Mr. Deputy Speaker, Sir, I do not even find a basis at all for blaming the police. The hon. Member is asking a question out of mere suspicion or mere imagination. The truth is that thuggery has been handled very effectively by the police, especially in the City of Nairobi, Mombasa and Nakuru. I do not agree with the hon. Member that, currently, thuggery is on the increase. He should, in fact, stand up and congratulate the police for the good work that they have done, so far.

Mr. Mwaura: Thank you, Mr. Deputy Speaker, Sir. Would the Assistant Minister agree with me that most of these thuggery and crimes are very rampant because of unemployment of the youth in the country? What is the Government doing to ensure that these youth are employed in order to reduce the crime that we now see in the country?

Mr. Sunkuli: Mr. Deputy Speaker, Sir, it is a big question that can be asked to any government around the world. Definitely, it is a global question as to what we shall do with our young people, now that the market for employment is diminishing. It is the reason why we are all here, for the welfare of our society. Let us not

ask what the Government can do for us, let us ask what together we can do to get rid of unemployment.

MURDER OF MR. GEORGE THUO

Mr. Mwaura: Mr. Deputy Speaker, Sir, I beg to ask the Minister of State, Office of the President the following Question by Private Notice:-

(a) Is the Minister aware of the murder of Mr. George Karanja Thuo which was committed on 25th December, 1995 in Gathembe Sub-location of Muthithi Location?

(b) Could the Minister tell this House why a Mr. David Kimotho, who is alleged to have killed Mr. Thuo and was arrested, was released on 12th June, 1996 without charges made against him?

(c) Could the Minister tell the House what has happened to the exhibits which supposedly were used to commit the murder and were found at Mr. Kimotho's place?

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

(a) I am aware of the incident.

(b) After investigation, it was decided that there was no sufficient evidence to enable the suspect to stand trial. It was, therefore, ruled that a public inquest be held to determine the circumstances surrounding the death.

(c) The exhibits are being held at Maragua police station.

Mr. Mwaura: Mr. Deputy Speaker, Sir, the Assistant Minister is misleading the House by saying that there was no evidence after the investigation. Can the Assistant Minister deny or confirm that a public inquest is only introduced when there is no evidence or no exhibits that lead to these circumstances of the death? In this case, a Mr. David Kamotho, had been held by the police in December, 1995, when the murder happened. Why is the matter of a public inquest being introduced? Can the Assistant Minister tell the House why?

Mr. Sunkuli: Mr. Deputy Speaker, Sir, in every criminal case in court, it is a requirement of the law that the case be proved beyond any reasonable doubt. If it comes to the knowledge of the police after investigation, that they will not be able to prove this case beyond reasonable doubt, and that a suspect is not immediately identifiable, this matter is then placed before a Magistrate, who will listen to all the evidence surrounding the circumstances of the death and upon that evidence, the Magistrate will make a ruling whether or not, there is somebody who can be charged with the offence. The matter has not been closed; it is still undergoing legal investigation.

Mr. Murungi: Mr. Deputy Speaker, Sir, I think the process of inquest is being misused in this case. Recently, when hon. Ndubai's wife died at the Aga Khan Hospital, Dr. Patel was brought to court within two days. In this case, the suspect, Mr. David Kamotho, who I understand is no relative of the Minister, is alleged to have committed this offence six months ago. The suspect is known and the exhibits have been recovered. In this country, we only hold inquests when a person dies in mysterious circumstances, when the case of death is not known and when the circumstances surrounding the death are also not clear. Can the Assistant Minister explain to the House, why six months down the line, they are still talking of an inquest when this person should have been brought to court way back in December, 1995?

Mr. Sunkuli: Mr. Deputy Speaker, Sir, I hope hon. Murungi, who is a lawyer by profession, is not asking just for the amendment of the Constitution as well as the amendment of our Penal Laws. He should, in fact, recognise that when we say---

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

Mr. Sunkuli: Mr. Deputy Speaker, Sir, I thought I had the Floor.

Mr. Deputy Speaker: Yes, you have the Floor.

Mr. Sunkuli: Mr. Deputy Speaker, Sir, the hon. Murungi knows, that the learned Magistrate, who is listening to the inquest, should be able to say whether or not Mr. Kamotho is liable for prosecution. Why should the hon. Member be afraid of the process of court? It is a process of investigation under our system, we have not closed the case, we have, in fact, put it to further scrutiny by a Magistrate.

Mr. Mwaura: The Assistant Minister is misleading this House because in his answer to (c), he agreed that the exhibits are at Sabasaba Police Station. Can the Assistant Minister tell this House where these exhibits were found, because according to my understanding, these exhibits were found in the toilets of Mr. David Kimotho and I do not see how Mr. Kimotho cannot be the real Killer of the man.

Mr. Sunkuli: It would appear to me that the hon. Member, in fact, has some evidence leading to the death of the deceased. This is the type of evidence that the learned magistrate in Maragwa will require, in order to determine whether or not Mr. Kimotho is liable for prosecution. It is not for me to bring the evidence of

matters that ought to be properly in court. Let the hon. Member take the matters before a court and the magistrate will determine whether or not this person is capable of being taken to court.

Mr. Mwaaura: Can the Assistant Minister tell the House when the inquest will be held?

Mr. Sunkuli: I do not think that I have a report to that effect but I think the inquest is before the magistrates court. But I do not have the hearing date.

Mr. Deputy Speaker: When will you give us the exact date, the particulars of the inquest number and the court?

Mr. Sunkuli: Tomorrow in the afternoon, Mr. Deputy Speaker, Sir.

Mr. Mutahi: Mr. Deputy Speaker, Sir, I do not know whether it is in my Order Paper that there is the wrong spelling or the pronunciation of both the questioner and the Assistant Minister. They are talking of Mr. Kamotho and in my Order Paper it is reads Mr. Kimotho.

Mr. Sunkuli: I thank the hon. Member for Mukurueini for bringing that to my attention. It was not actually Mr. Kamotho, but Mr. Kimotho. I thought it was Kaimotho.

Mr. Deputy Speaker: Do you give an undertaking that you will bring that to the House tomorrow in the afternoon, Mr. Sunkuli?

Mr. Sunkuli: Yes, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Mr. Sunkuli, I think we can end on this note that you are coming back to the House tomorrow in the afternoon with the details; the case number, inquest number and the court. With that, we come to the end of Question Time.

MINISTERIAL STATEMENT

PARTICIPATION OF ATHLETES IN OLYMPIC GAMES

The Minister for Culture and Social Services (Mrs. Mwendwa): Thank you, Mr. Deputy Speaker, Sir. I would like to make a Ministerial Statement on: The circumstances that brought about the threats to ban certain athletes from participating at the Atlanta Olympic Games, and what brought about the need to change certain officials of the Kenyan delegation to the said games.

Mr. Deputy Speaker, Sir, the 1996 Atlanta Olympic Games, in the United States will take place between 19th July and 4th August 1996. Kenya will be represented in five disciplines that is: Athletics, Boxing, Weight Lifting, Shooting and Archery. The final selection of the athletes to represent the country in those events took place on 29th June, 1996 at Moi International Sports Centre Kasarani. A total of 56 athletes and 38 officials were selected to comprise Kenya's delegation to the Games. The Kenya team was scheduled to leave for Mississippi on 3rd July, 1996 for acclimatization and further training. However, a group of 30 athletes who were part of the team sneaked out of the country earlier than the said date, to take part in *Grand Prix* meetings without the necessary authorization of the team's management committee.

Consequently, the *Chief de Mission* of the Kenyan team, Mr. Kipchoge Keino gave a deadline of July 8th, 1996 by which date, all the athletes who had irregularly left the country should report to the training camp in Mississippi.

As per the International Athletics Federation Competition regulations governing those games, the deadline to enter the athletes for their respective events was 16th July, 1996 while the final date for accreditation was 5th July, 1996. I wish to assure the hon. Members that all the Kenyan athletes and officials going to those games have obtained the necessary accreditation. In addition, all the athletes have been entered for their respective events. The information therefore, that the Kenyan athletes face imminent ban in the events--- Mr. Deputy Speaker Sir, you will excuse me, I cannot see because I do not have my glasses. May I get my glasses Sir?

Mr. Deputy Speaker: Where are they?

The Minister for Culture and Social Services (Mrs. Mwendwa): They are just in here.

(Mrs. Mwendwa goes to get her eye glasses)

The Minister for Culture and Social Services (Mrs. Mwendwa): For that reason, I would like to request that we should be allowed to have our handbags with us.

The information, therefore, that the Kenyan athletes face imminent ban is erroneous, misleading and invalid because as there is no official communication either from the *Chief de Mission* or the Kenyan Government

as reported by a section of the Press.

During the departure of the team on 3rd July, 1996, there arose some misunderstanding between the *Chief de Mission* and two of his officials over the release of the athletes who had left for Europe. These officers were Messrs David Okeyo and Ernest Keitany - General Team Manager and Assistant Athletes Team Manager respectively. The *Chief de Mission* on suspicion that the two officials had connived with foreign agents to smuggle the athletes in question out of the country, decided to leave the two behind while he, and the rest of the team travelled to Mississippi. Subsequently, the Olympics Games Steering Committee in a consultative meeting the following day, decided that the two officials should stay at home as it was apparent that there was already bad blood between the two officials and the *Chief de Mission*. The Steering Committee therefore, decided to replace the two officials as a measure to enhance the management of the team and eliminate any suspicion and ill-feelings which might affect the morale of the national team.

I would like to assure this House and the country at large that the team selected for the 1996 Olympic Games is so far, the best ever. The logistics of the team's participation at the Games are all in place. There should, therefore, be no cause for alarm.

Mr. Obwocha: On a point of order, Mr. Deputy Speaker, Sir. I am the one who raised this point of order.

Mr. Deputy Speaker: I am sure I recognise you.

Mr. Obwocha: Thank you so much, Mr. Deputy Speaker, Sir. I am happy with the assurance from the Minister. She is really able and she is now almost equivalent to a man.

(Laughter)

Mr. Deputy Speaker, Sir, the only thing---

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

Mr. Deputy Speaker: Order! Order!

Mrs. Asiyu: I have been recognised by Mr. Deputy Speaker, hon. Kamuyu.

Mr. Deputy Speaker: I have recognised the Gracious Lady.

Mrs. Asiyu: Thank you, Mr. Deputy Speaker, Sir. The hon. Obwocha in his point of [Mrs. Asiyu] order tried to convince this House that Mhe. Mwendwa is a lesser Minister than the men Ministers who are here, while we know that she has done a lot better than most of these men.

(Applause)

Can he withdraw and apologise for having said that?

Mr. Deputy Speaker: Order! Order! I appreciate very sympathetically the sentiments expressed by Mrs. Asiyu, and I think the hon. Obwocha, before you continue, you have to withdraw that remark.

Mr. Obwocha: Mr. Deputy Speaker, Sir, I was saying that she is better. I withdraw.

Mr. Deputy Speaker: Order! Order! Just simply withdraw the statement that she is now almost equal to a man.

Mr. Obwocha: Mr. Deputy Speaker, Sir, I sincerely apologise and maintain that she is better than her predecessors. I wish only to ask the Minister, and she is smiling, to order the election of Kenya Amateur Athletics Association (KAAA) which is long overdue, after the Olympic Games in Atlanta, Georgia. Thank you.

Mr. Kamuyu: On a point of order, Mr. Deputy Speaker, Sir. You will recall that in the last Session when I asked Question Number 080 about Service Charge for Nairobi City Council, an amount of Kshs 812 million was apparently debited into a dubious account, general fund account, which sounded to me like a suspense account. Hon. Dr. Wameyo did promise, repeatedly, to bring an answer to this question that was deferred. I was wondering, through you, whether he was ready now to answer this question finally after nine weeks.

An. hon. Member: Mr. Deputy Speaker, Sir, he is here.

Mr. Deputy Speaker: Mrs Asiyu are you Dr. Wameyo?

(Laughter)

I beg your pardon, Dr. Wameyo. Order! Order!

The Assistant Minister for Local Government (Dr. Wameyo): Thank you, Mr. Deputy Speaker, Sir. May I take this opportunity to apologise to the hon. Kamuyu.

Mr. Deputy Speaker: Order! Order! I was consulting with the Clerk-at-the-Table and that is why I got somehow confused. But I understood from hon. Kamuyu that in response to some query he raised long time ago, you were to stand on a point of order. Just for the avoidance of doubt I am allowing this matter purely as a Ministerial response to an earlier query by the Assistant Minister, and, therefore, I hope hon. Members understand that questions of the last Session really would have lapsed unless you ask them afresh. They cannot be raised now. Hon. Kamuyu, you should not address this as a question you are asking because you are not asking a question.

The Assistant Minister for Local Government (Dr. Wameyo): Mr. Deputy Speaker, Sir, as I was saying I apologise to the hon. Kamuyu because it has taken very long to get an answer to the supplementary question he raised about how Kshs 812 million was spent as a result of the Question he raised at that time. The answer I have is as follows: Out of that Kshs 812 million, Kshs 809 million was spent on paying salaries and wages for council staff.

Mr. Deputy Speaker: Order! Order! Dr. Wameyo, I think it is important that we follow our rules and be seen to follow our rules. You had the information and this is what hon. Kamuyu indicated to me. You had documents which you would want now to may be table before the House, but you seem to be responding as if you are answering a question. This would be tantamount to bringing back the Question of the last Session. Do you have the documents to lay on the Table of the House?

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

Mr. Deputy Speaker: Order! Do you have the documents to lay on the Table of the House?

The Assistant Minister for Local Government (Dr. Wameyo): Mr. Deputy Speaker, Sir, I have it here.

Mr. Deputy Speaker: Do you have documents to lay on the Table of the House?

The Assistant Minister for Local Government (Dr. Wameyo): I have put it here, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Okay. Then you can summarise the answer and then lay the document on the Table.

The Assistant Minister for Local Government (Dr. Wameyo): Kshs809 million was used to pay salaries and wages to the council staff who at that time numbered 18,000 and here is the document.

(Dr. Wameyo laid the document on the Table)

Mr. Deputy Speaker: Have you got the document, hon. Kamuyu?

Mr. Kamuyu: No, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker: Have you got a copy of the document?

Mr. Kamuyu: Mr. Deputy Speaker, Sir, I have seen it, but it is better in my head in form a paper than on the Table. Service Charge funds in Nairobi City Council have virtually 95 per cent of them been used to pay salaries and wages. People wonder that the Assistant Minister took over nine weeks to answer this question. Can he comment on the fact that this money had been misappropriated and misused because it went to the wrong account of paying salaries and wages because Service Charge funds are not meant for paying salaries and wages? That is why I was following this matter. What is he going to do to correct the situation because the money had been misappropriated? That is the point. What is the Assistant Minister's comment on this matter?

The Assistant Minister for Local Government (Dr. Wameyo): Mr. Deputy Speaker, Sir, I am not aware that the money was misappropriated, but the Nairobi City Council has permission from the Minister for Local Government to use 50 per cent of that Service Charge to pay salaries, electricity, water, telephones and repairs of motor vehicles.

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

Mr. Deputy Speaker: Next Order! Order! Order!

Dr. Lwali-Oyondi: On a point of order, Mr. Deputy Speaker, Sir. I would like the Minister of State, Office of the President, to give a Ministerial Statement on the demise of the Kenya National Assurance Company (KNAC) which has been liquidated. I would like him to tell us the circumstances that led to the demise of this particular Corporation, and also what is going to happen to the employees; whether they are going to be immediately given their dues instead of being left just as they are.

The Assistant Minister, Office of the President (Mr. Manga): Mr. Deputy Speaker, Sir, the Kenya National Assurance falls under the Treasury but with the understanding that we have a collective responsibility, I promise to bring a Ministerial Statement next week regarding this issue. Thank you.

POINT OF ORDER

DISRUPTION OF AN OPPOSITION MEETING

Dr. Kituyi: On a point of order, Mr. Deputy Speaker, Sir. I arise to seek a Ministerial Statement from the Minister in charge of Provincial Administration regarding the debacle at Wang'uru's Kibaki Stadium in Mwea on the 14th of July this year. As you know very well, the 14th of July is an internationally acclaimed day for celebration of democracy and freedom and the day of the Storming of the Bastille and while as expected, as a nation, we treat this day with respect. I am requesting specifically, why a District Officer, one Mohammed Noor, stopped a meeting while I was addressing the people as if it was an issue, being addressed as a political matter by KANU officials? Could the Minister in charge tell this House why, in the first instance, the Provincial Administration disrupted a licensed rally and secondly why little children were beaten up?

Mr. Deputy Speaker: Order! Hon. Kituyi, I think, it is important that Members reciprocate courtesies from the Chair and, I think, you are not doing quite that. You wanted to raise a point of order and you know how late you came to me on that issue and, I did indicate to you that if there is enough time, I will allow you to raise it. You raised the point of order and now you are proceeding to make a speech and in fact to ask questions on top of that point of order. I think, if you want to ask a question, then the matter will be taken up as a Private Members Question which you can put in and it will be here next week. So, I think you have already asked for a Ministerial Statement for the Minister to respond to now or next week but please, do not try to turn an opportunity which you have been offered by the Chair into something a little more. Let us be courteous to each other.

Dr. Kituyi: On a point of order, Mr. Deputy Speaker, Sir. The right to ask for a Ministerial Statement is not a favour done---

Mr. Deputy Speaker: Order! Order! You have a right to ask for a Ministerial Statement and that is why it is provided for in the Standing Orders and we follow certain procedure laid down in the Standing Order as laid down in the conventions of the House. It is the practice of all similar Parliaments, and of this Parliament it is the tradition that at least, in advance, you alert the Chair. After all, we have to proceed with business on the basis of some time. I have given you the Floor in any case and I have given you the opportunity to ask for a Ministerial Statement but I am telling you that you are going beyond asking for a Ministerial Statement by making a speech and it is the right and the responsibility of the Chair to tell you "No, your right ends with asking for the statement." This is not the context for a debate on this subject. If you want to have a debate on the subject there are many opportunities, maybe, even today, you will have the opportunity. Fine. Mr. Minister proceed.

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

Mr. Deputy Speaker: Your points of order are disallowed. The Assistant Minister is on the Floor.

Bishop Njeru: Mr. Speaker, Sir, if his point is allowed, he was supposed to raise it because you had given him a chance and, therefore, you have told him what he should do. Let him continue because---

Mr. Deputy Speaker: Order! Order Bishop! You do not argue with the Chair! I have made my position very clear. This is a very simple matter. Order! Bishop

(Bishop Njeru continued talking)

Mr. Deputy Speaker: Bishop Njeru, I am ordering you to leave the Chamber now! Bishop Njeru, please leave the Chamber for the remainder of the day! You do not have any *locus standi* to address the House or the Chair any more!

(Bishop Njeru withdrew from the Chamber)

Mr. Deputy Speaker: Order! Mr. Assistant Minister, will you finish before we move on to another issue.

The Assistant Minister, Office of the President (Mr. Manga): Mr. Deputy Speaker, Sir, the request is so mixed with questions and all that. I would like the hon. Member to repeat his question so that I can answer it properly.

Dr. Kituyi: Mr. Deputy Speaker, Sir, I hope that I am not raising a debate. I was requesting that on a serious matter like the breaking up of a licensed rally and the beating up of children without any provocation, that the Minister in charge of Provincial Administration comes to this House to say why this was done? Thank you and that is all.

The Assistant Minister, Office of the President (Mr. Manga): Mr. Deputy Speaker, we promise to bring the Ministerial Statement next week.

Mr. Deputy Speaker: When next week?

The Assistant Minister, Office of the President, (Mr. Manga): On Tuesday, next week.

Mr. Deputy Speaker: Thank you. Hon. Shikuku, the subject on which you wanted to raise a point of order at ten O'clock has actually been raised by your brother the hon. Lwali-Oyondi. It was raised by the Member for Nakuru Town, who also happens to be hon. Shikuku's brother and friend. Next Order!

MOTION

TOURIST EARNINGS IN PASTORALIST DISTRICTS

Dr. Wako: Mr. Deputy Speaker, Sir, I beg to move the following Motion:-

THAT, in view of the fact that national parks and game reserves which are the main tourist attractions in this country are situated in pastoral lands which were mainly trust lands, and considering that the pastoralists were not compensated for these lands, and knowing that the tourist industry is the largest foreign exchange earner for this country and that the pastoralists happen to be major conservationists but least developed, this House urges the Government to assign 25 % of its total foreign exchange earnings to the pastoralists districts that neighbour the game parks and reserves.

Mr. Deputy Speaker, Sir, tourism has actually earned a lot of money for this country. Tourism is actually brought about by the fact that we have wildlife. Studies have shown that 75 per cent of the tourist industry comes from wildlife related activities which last year earned the country about Kshs 28 billion and, yet the people who bear the brunt of the wildlife get nothing out of these earnings. The tourist industry can actually be improved so that this country earns more foreign exchange. One particular problem facing the tourist industry is the poor road infrastructure. For example, the road from Isiolo to Archer's Post, which is the road that leads to Samburu and Shaba Game reserves and Buffalo Springs which is a well known tourist resort is in a pathetic situation. Maua-Mulika Road which also leads to Mulika and Leopard National Park is also in a pathetic situation such that today a quarter of the tourists who used to visit Meru-Mulika Lodge do not go there any more because of the lack of roads.

On the security issue, the security within the national park and its echelons can easily be improved by educating the people thus benefitting them to ensure that they do not actually rob the tourists in order for them to earn a living which has been a problem in the past.

Mr. Deputy Speaker, Sir, this is African nature, most Africans believe that all white men have money and when they pass by, these people who are actually having problems, just decide to attack them. But if the pastoralists, the people who are neighbouring these Parks can earn a living from tourism, most likely this will improve the security of the National Park as well. The improvement of game warders, terms and conditions of improvement of the equipment used by the warders, the employment of enough pastoral people from the region who benefit from this employment will also improve the security in this particular role.

Also there is a lot of room for Kenyans to improve the tourist industry to earn this country foreign exchange. Now that we have the East African Co-operation and the East African countries are coming together, the competition will be high. Kenya has enjoyed a lot of benefits from tourists because there rest of the East African countries especially Tanzania, has been closed. But now with the opening up of the East African boundaries, there will be a lot of competition from both Uganda and Tanzania. Unless we make sure that we are going to open up new routes and introduce a cultural ecology sort of tourism we will be run down this particular foreign exchange earner. Additionally, it is not just a question of sensitising the people who own the land but the pastoral people who actually carry the burden of tourism have to get some benefits out of tourists earnings.

Mr. Deputy Speaker, Sir, there are 13 pastoral districts which actually harbours 75 per cent of the animals in this country. For example, Kajiado District alone hosts about 175,000 wild animals, Narok District hosts about 529,000 wild animals, Garissa District hosts 65,000 wild animals, Marsabit District host about 95,000 animals, Isiolo District hosts 65,000 wild animals, Samburu District hosts about 40,000 wild animals. The numbers of these animals are too high. I could have mentioned all the 13 districts, but for the hon. Member's record, Tana River has 62,000 wild animals. Wajir hosts 63,000 and Turkana 45,000. What I am trying to say is that these wild animals cause serious problem to the people who are harbouring them. The number of deaths which are caused in this particular zone has increased and the poachers have been reduced. In 1990, alone

about 27 people were killed by wild animals. In 1993, the number had increased up to 70 cases; in 1996, we assume that we have more had more than 150 deaths caused by wild animals alone. The people who are harbouring these animals are losing because the compensation we are getting is only but peanuts, Kshs30,000 which unfortunately goes down the drain. In our current economic situation, Kshs30,000 is nothing. If compared to the same person killed in a road accident in this town, he would be worth Kshs1 million or more.

Mr. Deputy Speaker, Sir, pastoralists are killed by wild animals every day. Animals are destroying their crops. Many acres of crops have been destroyed by wildlife.

Apart from the destruction of crops there is transmission of disease from the wild animals to the pastoralist's cattle, which is a big hazard. These days animals are very expensive. A bull in Northern Kenya will cost about Kshs30,000. If you lose a bull because of the transmission of disease from the wildlife and you are not compensated, it is a great loss.

On the loss of grazing land, I would like the Ministry to know and to note that the fact that when National Parks were created by the Government, these were not empty pieces of land. That land belonged to the people and they were forced out. When Amboseli National Park was created, the Masai were moved out to ensure that space was created for the animals. So, the loss of grazing land to the pastoralists is also a big problem. As I am talking now there is a drought in Isiolo and in Wajir. Wild animals are given better protection than livestock. It should be the other way round. It is the pastoralists who created a good environment for the animals; they have been staying with them. But you will find that in other parts of Kenya where land has been cultivated, the animals have vanished; they have been removed virtually. They have been killed to create room for agriculture. However, the pastoralists have actually co-existed with animals which has enabled wildlife to flourish and they should be compensated for all the ills caused by wildlife.

During the colonial era, the Colonial Government created a situation or an attitude where pastoralists and their animals were not disturbed. The only good thing which they have done is that they have built dams, and have dug boreholes and made us remain that way.

During the late Mzee Kenyatta's era, I think we got a little education. We got a little improvement but the policy of the country was fully geared towards agriculture and its development. That is why today we have Coffee Board of Kenya, Pyrethrum Board of Kenya, Kenya Tea Development Authority, to ensure that these agricultural crops are actually looked after very well.

And, during Moi era, at least, pastoralists cannot complain. They have been accommodated a little into the mainstream of the Government, but the bigger problem is that the policy of the Government has not actually favoured nor has it improved the lives of the pastoralists even today.

Dr. Otieno-Kopiyo: On a point of order, Mr. Deputy Speaker, Sir. The hon. Member on the Floor is misleading the House that pastoralists have not been adequately accommodated when actually a pastoralist is the President of the country! How much can the country give the pastoralists?

Dr. Wako: I would rather ignore what hon. Dr. Otieno-Kopiyo has said. We are saying that pastoralists are contributing to the foreign exchange earnings from tourism for this country and in that way, contributing to the economy of this country. The pastoralists have been left behind for quite a long while. They are the least educated and their areas least developed. There are no roads leave alone tarmac roads. Education is unheard of to such an extent that, anybody from a pastoral area however educated he might be, if he is appointed to serve wananchi the impression people get is that such a person cannot serve them well. So, we are saying that this is the time that our efforts in the contribution to the economy of this country should be recognised so that it is ensured that we get at least 25 per cent from the tourist earning so as to develop pastoral lands.

These districts which had been left behind by the colonialists and during the Kenyatta era should be recognised to ensure that we have a fair competition not forgetting the fact that most of the pastoralists voted for this Government. That is why we are asking the Government to just give us 25 per cent from the tourist earnings to ensure that, pastoralists who occupy 75 per cent of the land mass of this country, get to the mainstream of this Government and get involved in development projects.

Dr. Lwali-Oyondi: On a point of order, Mr. Deputy Speaker, Sir. Is it really in order for the speaker on the Floor to say that they should be favoured just because they voted for the Government?

Dr. Wako: Dr. Lwali-Oyondi, I am not saying that we should be favoured, but that it is high time it was realized that the pastoralists are contributors to the economy of this country. We should get a share of what we are doing for this country because for a long time, pastoralists have been forgotten, and for a long time, they have lagged behind. What we are having in this country is a situation where the haves have more and the have nots have to go without. It is high time that pastoralists who are contributing to the foreign earnings from tourism are compensated for what they are doing to enable them to contribute to the economy of this country.

With those few remarks, I beg to move.

Mr. Shidiye: Thank you, Mr. Deputy Speaker, Sir. First, I would like to thank the hon. Mover for moving this Motion which he ably did.

The Motion is very clear. Tourism is number one foreign exchange earner for this country. Indeed, it is the goose that lays the golden eggs. Quite often, this industry has earned so many Kenyans job opportunities. It has earned this country about Kshs28 billion and what we are really asking for is just 25 per cent of this amount. Tourism in this country has been a major foreign exchange earner in the sense that, tourists visit pastoral areas. About 75 per cent of the areas tourists go to fall under pastoral land. This is the area where national parks and game reserves are located. In these areas, the people who live there are custodians of a fragile environment and the wildlife found there. We have been co-existing with this wildlife for a long time, and most often, you will find that this wildlife compete for pasture and water with our domestic animals.

The 25 per cent that we are asking for from the Government is quite insignificant. Right now people cannot graze their animals in those areas precisely because those are gazetted areas and are tourist attraction areas.

We are forbidden to graze in those areas as if tourists are more important than the local people! It is really sad. For example, people cannot graze in Ndongola Game Reserve and the Meru National Park, and if they do so, they are arrested and charged in a court of law yet animals are dying *en masse*. Worse still, what are we achieving from giving our land for this tourist attraction? In fact, this is a raw deal. Marauding lions, crocodiles and so on have taken away lives of our people, and what we get is peanuts. A compensation of Kshs30,000 is not enough. This amount of money, as little as it is, we are not assured of getting it. A lot of Questions are brought here concerning this money but nothing is done. When somebody is eaten up by a lion, there is are so much bureaucracy that one has to follow before he gets that money. In fact, he will spend more money than what he will get at the end. The other day, the House passed that it will be giving Kshs 200,000, but up to now nobody has been given that amount of money. It is high time that we earned more money from this tourism because we are custodians of this wildlife and the environment which brings tourists into this country.

We have heard about the Elola Gazelle. This is only found in Kenya. There are about 350,000 herds of Elola Gazelle in North-Eastern Province; Garissa District. These gazelles are found in Arawale Game Reserve. Recently, the Kenya Wildlife Society wanted to relocate these animals from Garissa to other parts of the country. We do not know why they are doing that. They are interfering with the eco-system of the place, and we are not even sure these gazelles will survive in Tsavo National Park. God has kept them there.

Mr. Deputy Speaker, Sir, this is what we are asking for. What compensation are we getting from this? We are custodians of these animals. Are we getting anything from this? Our recommendations are as follows:

(a) When there are employment opportunities in Kenya Wildlife Services (KWS), our people should be given first priority.

An hon. Member: They should be given 90 per cent of these opportunities!

Mr. Shidiye: They should be given 70 per cent. If you go to KWS today, you will find very few nomads like Masaais, Turkanas and Samburus. You will only find Kikuyus from Central Province. I do not want to be a tribalist, but the majority are from Central Province. However qualified you are with your papers, and you come from other areas, you will not be employed. Funny enough, these people have no wildlife. They have only coffee. I do not know whether coffee can be a tourist attraction.

Mr. J.N. Mungai: On a point of order, Mr. Deputy Speaker, Sir. Although hon. Shidiye is quite a friend of mine, I think he is trying to mislead this House and the country by saying that Kikuyus are more in employment in the tourist industry. It may be true, but is he in order to say that they should not be employed there, while we know that the population of Kikuyus in this country is higher than that of the pastoralists? Therefore, finding them more in those industries is nothing wrong. They are Kenyans also.

Mr. Shidiye: Mr. Deputy Speaker, Sir, I do sympathise with the hon. Member. He does not know what an elephant looks like. This is because he comes from Molo and he has never seen one. That is beside the point.

Mr. Deputy Speaker, Sir, what we are asking for is just fair-play. We are not asking for a great deal more. We are asking for fair-play whereby our people are allowed to graze in those areas and get employed in the tourism sector. Today, if you apply to KWS with your CV, who sits there during the interviews? The human resource manager and the personnel manager are people from other places who have no stake in this industry, and yet, they are employed in that industry. That is what we are basically complaining about. We are not complaining about other Kenyans getting employed. We are only asking for our fair share.

Secondly, we are asking the Ministry concerned and KWS to put a patrol base in the area, so that the marauding wildlife can be tamed. Most of the time, people report a man-eating animal like a lion and nothing is done by KWS. But if you touch one animal, maybe a gazelle, KWS responds promptly and you will be arrested. We cannot graze near Kola and Arwale Game Reserve and specifically Garissa because there is a serious drought.

Recently, the people in Garissa were threatening that they will graze there come rain or sunshine and they would not care what the Government will do. They do not want to take the law into their hands. We want the Government to allow these people to graze in those areas. That is what we are asking for.

The other point is that we should have community service like the KWS, whereby those areas which conserve and are custodians of the wildlife should be given boreholes and have their dams de-silted so that these people can feel appreciated for whatever they are doing for the wildlife services for this country.

The other grey area which needs to be addressed is the infrastructure. Despite the fact that 75 per cent of game parks and reserves are located in that area, the roads are literally impassable. Those roads are so bad that one asks himself or the heaven if the area is part of Kenya or in another continent. We want motorable roads. We want murrum roads because we are not really interested in tarmac roads because of maintenance. We are really asking for murrum roads where somebody can move from one point to another, especially during the wet season. By doing this, we can ease the mobility of the people.

The other point concerns tourist game parks and reserves in this area. There are game reserves or parks in Marsabit, Isiolo, Garissa and Wajir. That is a virgin circuit and if security is restored in that area, it would become the bread basket for this country. It would earn more revenue from tourism. South Africa today, after throwing away the shackles of apartheid, is be a major tourist attraction. In Kenya, we are still using the traditional system where tourists come and are shown some few game parks and reserves and that is all. We have to change and open new areas and opportunities such that we have an eco-system tourism and when tourists come, they are shown different places. People are tired of sandy beaches and game reserves. A new circuit should be opened in Turkana and Marsabit. These are the areas that will bring us more money. These are the areas that we need to look at. That is the most important thing. Once a tourist comes here, he is taken to Tsavo and Amboseli only. That is not the new trend now. We should open up these other areas in order to get more revenue and give the tourists more opportunities to choose from. At the end of the day, we will be competing more.

Lastly, we want the Government to help KWS.

With those few remarks, I beg to second.

(Question proposed)

Mr. Farah: Mr. Deputy Speaker, Sir, you can see that even when I catch the Deputy Speaker's eye, somebody thinks that a pastoralist should be so marginalised and should not have an opportunity to contribute. I am supposed to be marginalised even in the House.

We have a very serious situation in this country now. Although this in itself has been the tradition in the last 150 to 200 years around the globe, there seems to be a consistent effort by various Governments all over the world, to try and do away with nomadic pastoralists.

Throughout history, if you take a look at the Tuaregs, Gypsies, Tartans, Mongols, Red Indians, you will find that the agrarian sedentary people have tended to try and push pastoralists to the periphery and if possible, push them to extinction.

We are glad that we are now in the 21st Century, and we have not been put to extinction, although we are close to that. About 150 to 200 years ago, in excess of 35 per cent of the current land expanse of Kenya, was occupied by the Masaais alone. But today, when you look at how much the Masaais have been squeezed since the colonialists came into this country, you will realise that there has been a consistent process to marginalise them. Now, they have been marginalised to an extent where they are less than one per cent of the population. They have been marginalised in terms of economic mainstay, education and any parameters, factors or pointers to development and they are almost dead. The same situation applies to the other people. Today, with an exception of Baringo, which thank God, because I do not want to say Baringo should have not developed, it has developed but every other nomadic district should have developed at the same pace as Baringo. With an exception of that, the rest of the nomadic community in the country constitutes 20 per cent of the population of this country. But, less than 1 per cent in the Civil Service, less than 1 per cent in the public universities and less than 1 per cent---

Mr. Munyasia: On a point of order, Mr. Deputy Speaker, Sir. The hon. Member has made an allegation that the pastoralists make 20 per cent of the population of Kenya. To the best of my knowledge they form about 4 per cent. Could he give us the source of his information that they form 20 per cent of the population of Kenya?

Mr. Farah: Mr. Deputy Speaker, Sir, unfortunately, I have seen in this House a Member of Parliament, well educated, a professional who was wondering whether I was a refugee when I came to this Parliament. The hon. Member does not even know which districts in this country constitute the so-called pastoralist districts. The

hon. Mover said, that we have 13 such districts. Go back to the statistics right now and with also the fact that, over 75 per cent of the nomads were not enumerated last time. They still constitute 20 per cent of the population.

When you have that kind of differential development in the country you create a situation whereby we feel robbed, and when you feel robbed, then you have to fight for your rights. When you fight for your rights, you get barbaric and when you become barbaric, there is loss of life. That is why some of you might think hon. ole Ntimama for example, is a war monger. He is fighting for the rights of his people and there will be many, many of us who might opt to eventually take that course of action because we are not going to sit back and watch our people becoming an extinct race. This is the same way the Asdeks, the Tartars and the Americans, so-called custodians of the international human rights and constitution, and the so-called freedom champions. What they have done to the Red Indians is not going to happen to us. We will not allow it.

Mr. Deputy Speaker, Sir, the people who rightly should be in the Opposition in the Government today, are the pastoralists. I do not see what a pastoralist is doing on the Government side when this Government does not do anything for him. Whereas at the time of Independence---

The Assistant Minister for Education (Mr. Komora): On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Member of Parliament for Lagdera in order to assume that when he is supporting a Motion from our side, we should go to his side instead of him coming to our side?

Mr. Farah: That is not a point of order

Mr. Deputy Speaker, Sir, he is a Pokomo, he comes from a pastoral area, he comes from Tana River, let him tell us how many boys he has in the Faculty of Medicine in the University of Nairobi today. And for God's sake, do not waste my time, you are a traitor to your people if you do not understand those facts. There has been a consistent marginalization of pastoralists from the time of Independence to date. Jaramogi Oginga Odinga took hundreds of students to go and study in Eastern Europe and they are our professors and professionals. The late Tom Mboya and Kenyatta did the same. Tell me when there was any Government policy to try and promote and empower the pastoralists to date even when we have a pastoralist as the President of this country! We have a Motion which we passed in this House here of setting quotas for marginalised areas and I am told its the Joint Admissions Board that does that. I wonder who is running this Government. If it is Kamotho running this Government or somebody else, certainly he is running it for the interests of his own community; well done for him. But, we should be in the Opposition like I have just told you. Kamotho is right to be on that side, but you are wrong to be on that side.

Mr. Deputy Speaker, Sir, all this period, there has been a consistent effort even to rob us of our wildlife. The Gravy Zebra; thousands of Gravy Zebras were taken from North-Eastern Province or Northern Kenya at the time of Independence. The African Ostrich, the Hirola, which is called the Hunter's herterbeest, it is actually a kind of species that is only found in Kenya and it is only found in North-Eastern Province and in the South of Garissa District where hon. Arte comes from. Instead of KWS creating a system which is going to be friendly to the nomads and empower nomads inside there for them to co-exist with that species and have economic gain for the society there, they want to spent US\$5 million and translocate all of them to somewhere else. Where they have translocated the pastoralists who were living there - the Maasais--- But now they are translocating it for everybody else except the pastoralists.

Mr. Deputy Speaker, Sir, we have a serious situation because as we know, historically, pastoralists are the custodians of the eco-system. They do not take off the top soil, they have co-existed with wildlife. Even the lions people complaining about, that they are feeding on our own domestic livestock, used to feed on that wildlife and only on very rare occasions do they kill and feed on our domestic livestock. But because they have been translocated, they have been abandoned, they have taken the people out of that place, we have been pushed to the periphery; into the areas where we cannot exist with our own livestock. The common pastoralist nomad has taken an attitude of hate towards that wildlife. That is why the majority of poachers come from the pastoral communities. The Government should restore the age-old and the historical co-existence between the pastoralists and wildlife. Because, we even never used to hunt wildlife, it used to be a taboo in our own societies to hunt wildlife. If you went hunting wildlife, you became a Dorobo. We all know that, the Maasais, Somalis, Boranas and the Garbra have that belief, but now we are hunting and killing them both for the trophies and for everything else because we have been pushed out of our lands which have been set aside for them. We do not gain anything out of it, we do not gain anything out of the Tourist Industry itself and the same goes to the Coast Province. Those who are custodians of the marine parks and the nice beach eco-system and the rest, how much do they gain out of it? Nothing! So, when you push even the most docile and timid like the Coastal people have been--- When they picked up people like the IPK followers, everybody was wondering how overnight, such timid, peaceful people could turn out to be what they became; like animals. The same could happened to all the pastoralists in the country. The Government does not even have a development plan for pastoralists 33 years after

Independence. We do not. We have it for all the other sectors of our own economy here. For dairy, maize and pyrethrum but nothing for the development of the pastoral communities. Even as it is now, we do not have a development board for beef livestock.

I support the Motion.

Mr. ole Tuya: Thank you, very much, Mr. Deputy Speaker, Sir. I personally support this Motion, and I think pastoralists are suffering so much.

An hon. Member: From what!

Mr. ole Tuya: I will tell you, and they have set aside some of their land for the wild animals and have become the sufferers. Because, they cannot get any crops because of the destruction by wild animals. When their crops are destroyed they do not get any compensation. They will either keep on watching their crops being destroyed by the animals or run away and hide. Some of these wild animals are given good places where good salt licks are. They come out of the National Parks or Game Reserves to destroy the little salt licks the pastoralists have outside. They destroy water sources wherever there are small springs outside these parks. They kill our domestic animals. They kill the domestic animals and human beings every day, but there is no compensation. Some of us are talking about Kshs30,000 compensation when a human being is killed by wild animals, but these days we do not get this money. Where is that money? We are not being paid it, even though it is a very small amount of money.

Mr. Deputy Speaker, Sir, these wild animals come out of national parks or game reserves and feed on grass in group ranches land. After, that they go back to national parks or game reserves where domestic animals are not allowed to go and graze. Wild animals are increasing in group ranches around the national parks. People are unable to move about in their group ranches for fear of being killed by wildlife and yet, there are no vehicles to transport people around. The wild animals are becoming more than goats and sheep in the group ranches. The Ministry has to think of a way of reducing the number of these wild animals. They can use them for meat and other purposes. The Ministry should pay the Maasai some money, because they do not eat meat from wild animals.

The wild animals also infect domestic animals with many diseases and yet, since 1991 to date, no compensation has been paid for loss caused by wild animals. I am glad the two Assistant Ministers for Tourism and Wildlife are here. They understand much about what I am talking about. Hon. Sing'aru comes from Kajiado District, where Amboseli National Park is located. Hon. Kisiero is from Mount Elgon. So, I hope we are going to get good answers because these Assistant Ministers represent people who are affected by the activities of wildlife.

On 4.9.95 the Ministry released a cheque to Narok District for compensation to families whose relatives have been killed by wild animals, but up to now, that compensation has not been paid. The Ministry pays only Kshs30,000 for loss of life. When you lose a limb like a leg, an eye or an arm you get compensation of less than Kshs15,000. As I have said, the money released has not been paid up to now and I hope we will hear today where it is. Therefore, you can see that we are not getting even the little that we are supposed to get from the Ministry. Where is this money?

Pastoralists should be employed as managers, deputy managers and labourers to run lodges in their areas.

They should be given an opportunity to work in national parks or game reserves as senior wardens and in other positions. They should also be trained on the job. Now we have employees in the national parks who run away from wild animals. Some cannot differentiate a wildebeest from a buffalo. They even see a dog and say it is a lion. We want our people to be fully employed so as to benefit from economic activities in their own areas. Some of the roads in the wildlife areas are very poor and yet, we earn a lot of money from wild animals. We want development and so, our roads should be well maintained. We also want money earned from wildlife to be used to provide education for our people.

Mr. Deputy Speaker, Sir, we want to be protected from these wild animals. Some years back, wild animals used to "respect" human beings, especially the Maasai. These days they do not do so because they have known that they are more valued than human beings. If the Ministry is failing in defending us and compensating us accordingly for loss caused by wildlife, then we have to face these animals. We do not fear the animals. Some years back, wild animals never used to kill us the way they are doing now. This was because they "knew" we could fight them. However, now that they have realised that nothing can be done to them, they are killing us.

Mr. Deputy Speaker, Sir, when we cry that these wild animals are destroying everything in our group ranches, the Ministry only brings some small aircraft to just chase them away back into the national park or game reserve. But the wild animals have known that they will only be chased away from group ranches. If a wild animal is hungry and somebody is shouting to it but it knows that it will not be punished, it will not go away: It will remain where it is and do whatever it wants. So, we should defend ourselves if the Ministry or the Kenya

Wildlife Service(KWS) does not come out to defend us. In fact, wild animals should respect us. For them to respect us we must face them: We should kill them when they kill us. When they destroy our crops or kill our domestic animals, we should be able to protect our crops and domestic animals, by killing the wild animals. We should continue doing this until there is respect between a wild animal and a human being. Some people who cannot differentiate between a domestic animal and a wild animal will only keep on drinking beer in Nairobi and other places, and will not think of killing a wild animal which has killed a human being! We cannot keep on watching such a situation. Even if we are compensated with money, what is money compared to a human being? If I get millions of shillings after my brother or son is killed, what is the use of that money to me?

A time has come when we should get 50 or 75 per cent of the money earned from wildlife. We have agreed to live with these wild animals. They drink our water and do whatever else they want, and yet we cannot get the part of income from them that we are supposed to get.

With those few remarks, I support.

Dr. Otieno-Kopiyo: Thank you, Mr. Deputy Speaker, Sir, for giving me the opportunity to contribute to the Motion before the House. First of all, while I appreciate the charged sentiments of the hon. Members who have spoken, I find the Motion slightly vague. This is because while it calls upon the Government to assign 25 per cent of total foreign exchange earnings to pastoralist districts that neighbour national parks and game reserves, it does not say whether this percentage should be in terms of profits made or money accruing from taxation. It would be very difficult, therefore, to actually pin down the Government when it comes to implementation.

The second point that I want to raise here is about the amusing arrangement. Supposing we said that all the people who produce tea would take 25 per cent of the tea earnings, and those who produce fish would take 25 per cent of all the fish earnings and those who produce coffee would take 25 per cent of all the coffee earnings and so on. Then we can say those who produce the most income tax would take 25 per cent of the income tax, and then we would say those who buy the most will take 25 per cent of all that earnings. So, I am urging the Government to create what we should be bold enough to say so "Economic Majimbo." I support Economic Majimbo.

(Applause)

It is time, Mr. Deputy Speaker, Sir, all the local authorities in this country are grouped. They cannot pay their workers, mayors, councillors and so on. In Homa Bay, 14 councillors were arrested because they had not paid rent for one and half years. What about if we were talking globally to change the law in such a way that a substantial portion of all taxation is taken back to the local authorities to help them run their services and control their areas, including repair of roads, water system, clinics and so on? Why should these councillors, for example, come to the Treasury to ask for money for murraming roads? Can that not be done at the local authority level? The only way

to do it is to realign the tax system so that 40 per cent of all taxation goes to the local authority and 60 per cent goes to the Central Government. In that way, we would be talking about an arrangement that is viable and implementable. The problem in this country and even with the Opposition is that there is too much power controlled from the centre. So, every councillor in my location wants to become a Member of Parliament, every hon. Member of Parliament then wants to become a Minister and every Minister in this Government wants to become the President. That is the problem! The source of this problem is the assignment of taxation because councillors at the local level have nothing to control. So, everybody wants to go-up-up where things are decided. Now, if you want to create harmony and peace take part of taxation that is collected by the Central Government down to the people, so that we give those people on the ground some actual ability to make decisions on matters that affect their daily life.

Mr. Deputy Speaker, Sir, I find that many of pastoralists communities in Kenya have truly been ignored and punished. I agree that the Maasai, for example, have been turned into watchmen by the Government policy. All their land has been take away and given to animals, so they have no place to graze. This has undermined their economic ability. The source of their livelihood has been taken away from them and they have been turned into destitutes or refugees in Nairobi. All watchmen in Nairobi are Samburu and Maasai, yet these were proud people who were earning their living. Can the Government not see that there is something wrong with this kind of policy? I do not agree that we should take 25 per cent only of this money from the Ministry of Tourism and Wildlife to give to pastoralist, but give them 40 per cent of all taxes.

(Applause)

Dr. Lwali-Oyondi: On a point of order, Mr. Deputy Speaker, Sir. Is the hon. Member who is speaking in order to say that Maasais are watchmen just because their land has been taken away while Luhyas are the majority of watchmen here and their land has not been taken away? Is he really in order to mislead the House?

Dr. Otieno-Kopiyo: Mr. Deputy Speaker, Sir, as a point of argument, I could accept that even Luhyas are watchmen. But Luhyas are watchmen by choice, Maasais are watchmen by force of economic circumstances. Luhyas have good land, rainfall and so on, if they want to be watchmen, that is their own business and I would not quarrel with that.

Now, the other point which I want to make is that this Motion goes to the very heart of the question of constitutional reform. If you have laws that give too much power to only a few people or institutions, it creates conditions for inequity of distribution of the 'national cake.' In that respect, therefore, we should look seriously into the question of constitutional reforms as it affects the economic arrangements in the country.

When Jomo Kenyatta was the President of this country, all roads in Central Province were tarmacked. Now, that Jomo Kenyatta is no longer the President, all those roads have potholes. Only roads in Baringo, Keiyo, Marakwet and Koibatek are being tarmacked. When President Moi goes, all those roads will have potholes, and then when hon. Raila will become President, all the roads in Bondo will be tarmacked. So, this kind of arrangement is not viable on a long-term basis, and that is why there is a fight among politicians that it is our turn to 'eat.' It is "our turn to eat" because the economic arrangement as provided for in the Constitution is not equitable. So, people fight to get to the top so that they can make their brothers-in-law or cousins or nephews, the Permanent Secretary for the Ministry of Finance, for example.

This inequitable arrangement should be looked into, and the only way to do that is for us to reform the Constitution so that it provides for equity. So long as we do not do that, hon. Farah and another hon. Member has just spoken, we are creating ample condition for anarchy and chaos in future because the fight for the national cake will be intensified as the population of the country increases. Definitely, as days turn into nights, we will see anarchy if the national economy is not realigned in keeping with aspirations of majority of Kenyans.

We will not allow a situation where we produce taxes, we give to the Central Government, then it decides to give to people it favours while other people suffer yet the contribution to the national economy is all equal. We have never asked anybody to refuse paying taxes, yet when we ask for services, we are told to wait for money to become available. What is meanwhile happening to our taxes?

So, I am not seeking for an amendment of the Motion, but I hope that the Mover of the Motion will consider my views in the context in which I have put them, but I am not opposed to the idea of 25 per cent. I want more money for them, but I do not think that we should take only money from tourism to them. We should take all money across the board to all districts so that there is a semblance of equity and maintenance of peace in this country. With those few remarks, I beg to support.

Mr. Falana: Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to contribute to this very important Motion.

A similar Motion and almost with exact wording was moved on 26th April, 1994 by hon. Mcharo, and it was unanimously passed by this House. But no implementation! So, in actual fact, what we are doing is just to remind the Ministry of Tourism and Wildlife to implement what had been passed on 26th April, 1994.

I am not preempting anything, but I know there is a move in the Front Bench to amend this Motion. We are not going to accept any amendment. If this Motion is to be passed it has to be passed the way it is. There is some "allergy" to Private Member's Motions. The Front Bench always feels that it has to put in its own wording to suit them and, therefore, change the whole meaning of the Motion. This time we are standing firm to see that this Motion is passed the way it is without any amendment.

(Applause)

Mr. Deputy Speaker, Sir, in the creation of national parks and game reserves, the Government never sought the consent of the people on the ground when they established the borders. So, it was just a matter of the system coming in, setting up parks and games reserves that suit them and ignoring the interests and welfare of people around them. This is very unfair from the word "go."

Initially, before parks and borders were set, the public used to have access into those zones as that is where they were born and brought up and herded their livestock. It would have even been fair for the wildlife people, if they had not taken the resources badly needed by the livestock, and by that I mean water, mainly. A place like ours---you come from the same area and you will bear me out on that. They curved national parks with all the meagre water resources inside and our livestock were left in the cold outside, with no water at all. During the drought stricken periods, like now, we have a lot of problems trying to get our cattle, camels and goats into

that restricted zone. Every day, our livestock owners are harassed by the Kenya Wildlife Services (KWS) *askaris*. They are quarantined, held up, fined and we are put to a lot of torture when it comes to this wildlife and human conflicts.

Having said that, there was a Commission---would I say a Commission or Committee? In 1994, there was a five person, independent review group, set up by KWS. This group went into interviewing the pastoralists in areas which border the KWS or National Parks and Reserves, and they came up with some very interesting findings. Among the findings, they realised that only four per cent of the wildlife live within the borders of the national parks and reserves, while 96 per cent of this wildlife, live outside. As a result, they cause a lot of destruction to the human neighbours. A very interesting fact was when they interviewed people about the relationship with wildlife, 95 per cent of Kenyans, generally, felt that wildlife is a national asset, but surprisingly, just contrary to that, 95 per cent of the pastoralists, felt that wildlife is a menace, and should, therefore, be eliminated. Those of us who represent the pastoralists, where this destruction is rampant are also of the same view. People want it eliminated because they do not see how they benefit from the wildlife. There is no inducement from the wildlife people and there is nothing forthcoming from the Ministry to make these people appreciate and console them when they suffer destruction of life and property. After all, if the system feels that wildlife is better than human beings, well people can resort back to the old generations. In our culture, a man is treated as a man, although the tradition is now gone and through the good relations, we are telling our people that a man feels he is a man, if he has gone out on a hunting mission and killed an elephant, a buffalo and a lion. That is when you are recognised as a brave man and a warrior.

(Applause)

This is our culture. If these people do not come forward to keep us away from going back to the culture, well, we may think of going back to our culture in order to have peace with those beasts if the owners of these beasts do not look into our interests.

Mr. Deputy Speaker, Sir, having said that, the late "Ahmed" the elephant, the only animal that had a Presidential decree is from Marsabit. When Ahmed was alive, he used to cause a lot of destruction to farms in Marsabit. Marsabit is a unique farming area. We had no compensation and nothing on that line. To add insult to injury, when it died, these fellows followed it up and took even the carcass, which is now in the National Museum. We did not get anything out of "Ahmed" when he was alive and even in his death, they felt its skin and carcass would have to earn money for some other people. Through this Motion and the Chair, I am even appealing that the body of "Ahmed" in the National Museum, be taken back to Marsabit where it belongs.

(Applause)

Let it at least get some earnings there. There is no reason why they should not do that when they did the same for "Omweri", the Luo python.

An hon. Member: Yes!

Mr. Falana: Mr. Deputy Speaker, Sir, the python was brought here for treatment, the Luos complained and it was taken back to Nyanza. Although "Omweri" died, the request of the Luos in Nyanza Province was honoured by the Government, they listened and it was taken back. We are asking the Government, in the same line, on the same path and consideration, to take back "Ahmed" to Marsabit.

Mr. Deputy Speaker Sir, with those few comments, I beg to support the Motion as it is with no amendments.

Mr. J.N. Mungai: Thank you, very much, Mr. Deputy speaker, Sir, for giving me a chance to deliberate on this very important Motion concerning our brothers. I quite agree that at one time, their homelands were known as "the closed districts." I am sure that they were called so, because they were thought to be very unresourceful. It is very possible that during that time, the tourist industry had not been developed to the status in which it has been developed today. Because nothing was coming from there and its population was very small, they were thought to be a people who should not be considered much. But today, the area has become very resourceful as we all know. The tourism industry has brought a lot of life there and the Government needs to cast its mind there and see what benefits it can give to the residents of those areas.

The amount of money that these people are asking for is not too much. If you look at the amount of money being earned by the tourism industry, it is so much that what these people are asking for is just peanuts. This money comes about because tourists come to this country mainly to see our animals and if those animals were not there, this money would never be there. Since this money is now there, what is it doing to develop the people

there, including their animals?

Mr. Deputy Speaker, Sir, I would like to support hon. Farah when he talked about the pastoralists staying in KANU today, when their rights have been so much violated. Time has come, when we should all think of what we want for this country. What we want for this country is the fact that every person's rights must be considered and must be a priority of this Government. These pastoralists are missing that consideration because today in Kenya, there is no respect of rights by this Government. It is time the pastoralists joined the Opposition to fight for reforms, otherwise, they will be making themselves the victims of violations of their rights. Time has come for every citizen, wherever he is, to be considered as very important, whether his area is earning anything or not. The pastoralists area must not just be developed because they have the wild animals which are earning a lot of money in terms of tourism. The areas must be developed because the pastoralists are citizens of this country. It does not matter whether the area will be developed with money from coffee, Lake Basin Development Authority or anywhere, but it must be developed. This is why we are saying that pastoralists must join the rest of the country to fight for their rights as citizens. We have seen that the pastoralists are not treated the way they should be treated. Every now and then, we have seen Questions in this House demanding that they be compensated because their properties have been destroyed by the wild animals in those areas.

Mr. Deputy Speaker, Sir, since people have been killed by wild animals in those areas, what we are asking is: If these people have made peace with the wild animals, what is the Government doing on behalf of the animals to make the people have peace in those areas? Time has come for the Government to fence the game reserves in those areas and leave the pastoralists with sufficient land to graze their animals. The Government should use these funds to provide the necessary infrastructure; if that is done, the people will not be disturbed by the animals, nor would they disturb the wildlife. This is all that we need.

We must also fight to ensure that the pastoralists are given proper civic education. I am sure that their leaders have not given them civic education, so that they can understand their rights. The leaders in this House who come from the pastoral areas have submitted too much to KANU. They have told their people that they can only survive through handouts. The handouts given by the KANU Government is what is making the pastoralists suffer today. They should stand and say: "Whether you want it or not, we the pastoralists, will not give KANU our votes because you will give us food when there is famine. They should give us what we want as an exchange for our votes". The leaders in this House who come from the pastoralist areas should teach their people that if they are not getting services which is their right, they must tell the Government: "We are not going to vote you in because your policies are not favouring us."

It is so important that the pastoralists understand that the movements that they have been making from one place to another, has been denying their children the right and access to education. The Government through some funds, should think on how to bring the pastoralists together to enable their children to go to school, so that their children can get employment in the future, not just in the tourism industry but they can get employment in other industries in this country. They can become fishermen, farmers or engineers. But when you listen to the sentiments of the leaders in this House from pastoralist areas, they are sentiments expressed by a people who are tribal oriented. They should focus their minds more broadly than just asking for employment within the tourist industry, because they house the animals. They should be fighting for infrastructure that may provide some wider opportunities to the people they represent, more than what they are asking for here. That is why we are calling upon them to come to this side of the House, so that we can assist each other in the reforming of the Constitution. That will ensure that no Government shall turn against a community because they were not given votes. No tribe should even throw a stone at another tribe, because they differ politically.

It is so important that when we are addressing issues such as this one, we should think about the time that has elapsed and these people continue to be denied development in their areas. The colonial Government never developed these areas, the Kenyatta Government, probably, did very little. Today, the KANU Government has totally neglected these people. For 18 years, Moi's Government has been in existence but what has it done to the people. When you go to Baringo District, you will see so many areas without water and yet, it is a dry area. We expected that the people of Baringo District would be doing irrigation today in order to produce food. But nothing is being done in that district. We do not talk about the Government because we have hatred for certain communities, or hatred for the person leading the Government. We are saying that we must carry out reforms for the benefit of the people of this country.

Thank you, Mr. Deputy Speaker, Sir.

The Assistant Minister for Tourism and Industry (Mr. Kisiero): Thank you, Mr. Deputy Speaker, Sir, for giving me this opportunity to contribute on this Motion.

The Government does sympathise greatly with the sentiments expressed by the mover of the Motion and those who have supported the same feelings. We do also recognise the fact that there is a very serious conflict

between wildlife and human life. At the same time, we do appreciate the fact that tourism is the greatest foreign exchange earner for this country at the moment. We also do recognise the fact that we have to preserve wildlife for the future generations that will come after us. Nevertheless, there are a few things that will necessitate that I propose a small amendment because there are certain technical issues and legal matters that will not allow us to leave the Motion the way it is without bringing in conflicts. This is why I would propose an amendment for consideration, then, I will explain why I am requesting for that amendment. I request that the Motion be amended as follows: By deleting the words "and game reserves" in the first line and by deleting all the words after the words "Government to" in line six, and insert in place thereof the words: "Increase the level of funding of the projects for the benefit of the said communities.

I have made that request for various reasons. First of all, I wish to make certain clarifications. I wish to clarify that not all national parks in this country are located in the pastoral areas. There are some that are located outside the pastoral areas. Out of a total of 27 national parks that we have and 31 game reserves and two gazetted sanctuaries in the country - these establishments are spread out in various parts of this country and the following are outside pastoral areas. These are: Mt. Kenya National Park, Abarderes National Park, Mt. Elgon National Park, Lake Nakuru National Park, Kakamega Forest National Park, Oldonyo Sabuk National Park, Ruma National Park, Ndere Islands National Park, Meru National Park, Shimba Hills National Reserve, Marsabit National Reserve and Marine parks in Malindi, Watamu and Mombasa.

Those national game reserves are not really located in the pastoralists areas. Secondly, I wish also to correct an impression---

Dr. Wako: On a point of order, Mr. Deputy Speaker, Sir. It think the Assistant Minister is deliberately misleading this House by including Meru National Park which is in the pastoral areas.

Mr. Deputy Speaker: But it is not in the proposed amendments here.

Dr. Wako: Yes, but what he is trying to say is that most of the national parks and game reserves, like Marsabit National Reserve, are not in the pastoral areas. Meru National Park is part of the Tharaka peoples' land which has been taken away and it is pastoral land. Marsabit National Reserve is also from a pastoral area, so there is no argument.

Mr. Deputy Speaker: Order! Order! You can bring in that issue when you are replying.

The Assistant Minister for Tourism and Wildlife (Mr. Kisiero): Mr. Deputy Speaker, Sir, I wanted to add that the national parks and national reserves are not necessarily situated in trust-lands. The fact is that all national parks in this country are established from Government land, and national reserves are generally established on trust-lands at the request of and following resolutions to that effect, by the local authorities concerned. The national game parks and reserves actually belong to the local communities in the various local authorities and, therefore, they do not fall under the Government. We know that national parks generally are developed and looked after by the Kenya Wildlife Service (KWS). The national reserves as I have already mentioned fall under the direct jurisdiction of particular local authorities which hold **[The Assistant Minister for Tourism and Wildlife]**

the trust-lands on behalf of the communities and residents in their areas of jurisdiction.

Mr. Deputy Speaker, Sir, the income that is generated from these national reserves is utilised by these local authorities, for the benefit of the local communities as I said earlier, for whom they hold the land in trust. Some county councils such as Narok and Transmara manage the national reserves directly. Maasai Mara National Reserve is managed that way. That way they directly collect and use tourist revenue from visitors to these reserves. Other councils, however, invite the KWS to assist in professionally managing these national reserves jointly with them under a memoranda of understanding. Under these arrangements, the councils benefit by getting a certain percentage of the revenue generated. Examples of the national reserves currently being managed jointly under this scheme, include Kilimoni National Reserve in Laikipia District, Limoi National Reserve in Elgeyo-Marakwet District and Mwea National Reserve in Mbeere District.

The Government has used a lot of resources to develop these national parks and none of them has, earned revenue enough to cover the cost that has and is still, being incurred, in developing them. As earlier pointed out, these reserves are essentially created and managed for the direct benefit of the people resident in their areas of jurisdiction. The issue of compensation does not arise and this is why I requested that we leave out the words "and game reserves" because they are well taken care of. They are under the local councils.

Mr. Deputy Speaker, Sir, the national parks and reserves are a heritage to which the Government is committed in preserving and developing for the benefit of the citizens of this country, and their posterity. I, therefore, do not think that it is fair for anybody to imagine that the natural resources and wildlife in these areas should be considered as being owned by a certain group, be it tribal, regional or any other sectional considerations.

We do agree that the people living adjacent to the national parks and reserves have been instrumental in conserving our wildlife. The Government in recognition of this fact, has initiated an on-going wildlife benefit programme under the KWS which involves direct funding of these projects initiated by these communities, and this is why I have requested that we include the words that "we increase the level of funding of the projects that would benefit those communities".

Mr. Deputy Speaker, Sir, the projects concerned are schools. We are helping to assist in the construction of schools, hospitals, dams and bridges in some areas. We also give educational bursaries, water projects and many community based projects in these areas. This is already happening in many of these areas.

Mr. Farah: On a point order, Mr. Deputy Speaker, Sir. Can the Assistant Minister move the amendment so that we can debate it and then reject or accept it? He is taking all the time.

The Assistant Minister for Tourism and Wildlife (Mr. Kisiero): Mr. Deputy Speaker, Sir, I was giving reasons why I have moved the amendment. On the question of 25 per cent revenue-sharing, this question was considered in detail by an independent five-person review committee which was established in 1994 by the KWS Board of Trustees. It was found unsuitable in financial terms as well as difficulties to implement vis-a-vis the various wildlife stockholders in this country. Consequently, a more rational revenue benefit sharing policy was recommended in place. The recommendations of the five-person review committee were adopted by the KWS and put to the Government to constitute a basis for review of Kenya's Wildlife Policy, a process which is currently on-going.

Mr. Deputy Speaker, Sir, as I said earlier, we do sympathise with the sentiments and aspirations of our friends from the pastoral areas, and as I also mentioned, it may not be easy for us to pass the Motion as it is, without bringing conflict in the issues that I have tried to explain.

With those few remarks, I beg to move the amendment.

The Assistant Minister for Education (Mr. Komora): Mr. Deputy Speaker, Sir, I stand to second the amendment because I would like to support a Motion that can be implemented. In 1994, this House passed a similar Motion which has not been implemented and which the Minister for Tourism and Wildlife has now enlightened this House that, it is unable to implement that Motion and that it would be equally unable to implement this particular Motion. In the first place, we need to specify what we talk about the so-called revenue gained from both national parks and game reserves. What amount is involved, who is receiving that amount and who is controlling that amount. We want to know who is responsible for dividing that amount. When we analyze these issues, we will find that the Government is finding it impossible to identify the quantity or the amount of money involved in relation to the actual foreign exchange incomes because, the totality of the foreign exchange income may not be coming through the Government.

Mr. Deputy Speaker, Sir, I originate from a similar area as the Mover of the Motion, and he has got 100 per cent of my support in line with what he actually wants to happen to his people. When God created this world, he made it clear that man is supreme to everything else; that is God first and man second. I would like to refer the hon. Members to the Book of Genesis where God made it very clear as to who is above who and who is supreme and who must receive priority in terms of existence. Therefore, man must be supreme to animals. Man has been given authority by God to control everything that God has created under the directive of God. Of course, in the same vein, God has given man authority to make sure that he conserves what God has created. Therefore, the Book of Genesis should be a proper policy guideline to the Minister for Tourism and Wildlife to guarantee and make sure that mankind in Kenya is supreme to animals. Whenever we are making laws in relation to human beings and animals, human beings must have the first priority. Today, what is wrong is that man in some respects, has been made subject to animals and this is what must be corrected. If this policy is corrected so that man believes and knows that he is supreme and above the animals, then he can agree to exist and support the animals. Today, wildlife in some places has been decimated because man has been made to believe that he is inferior to animals. If we want to be serious, therefore, we should direct our efforts in improving the relationship between man and animals by making the situation more attractive. We want to get more revenue from these animals and revenue to be directed to the people where there is more suffering. Therefore, in the example that the hon. Falana gave concerning the late Ahmed, the elephant, the late Ahmed should never have been embalmed and put in a museum in Nairobi. He should have been in a museum where he originally came from so that those interested in viewing Ahmed, should go to those museums and view it from there. More projects which will attract visitors to go to the rural areas should be given more funding by the Government, or by the Minister for Tourism and Wildlife, so that more tourists will visit those areas.

Mr. Deputy Speaker, Sir, the majority of pastoralists in this country, and, I have got a lot of them, do not live in national parks but live in areas where the totality of their land is occupied by animals and nobody can control those animals because they have to co-exist. I am speaking for Tana River where the whole river is like a

game reserve infested heavily by crocodiles and hippos and there is no boundary. Man in Tana River must live by using the water which is infested by these animals. What projects are there in Tana River to persuade the local inhabitants to co-exist with crocodiles and elephants? We want these projects because people should be able to get benefits from these animals, but there is no law providing for these benefits. People along Tana River are not controlled by game reserves, neither are they controlled by national park laws. Where do you put them? What we want is to get the Government to actually support projects and provide water to the people who must use the river water; provide educational facilities to those rural areas where they have been "handicapped" by animals. What is the value of a cow or a bull today? If it is more than Kshs 30,000 then why should a man be paid the same sum as compensation for being killed by the animals? Why should animals cost more than man? These are our issues and in the view of the fact that the Minister for Tourism and Wildlife is not able to handle all the foreign exchange, because he is not receiving all the foreign exchange from animals and, also, in view of the fact that not all people have been affected by this scourge of animals living in the national parks or game reserves, we need to support more projects funded for these areas. Funding for educational, health, water projects and agricultural projects for the survival of mankind.

In the light of this, I support the amended Motion with a view to pressing the Government to fund more projects in these areas for the benefit of our people. Thank you Mr. Deputy Speaker, Sir.

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

(Debate on the original Motion resumed)

Mr. Deputy Speaker: The amendment has been defeated so we go back to the original Motion. Hon. Mulusya, proceed.

Mr. Mulusya: Mr. Deputy Speaker, Sir, I thank you for that spirit which has been shown by the two sides of the House in defeating that amendment. If this Government was there when this Motion was passed in 1994, and it did not implement it, it comes back here in bad faith to make an amendment to a Motion which, it should have, for a start, implemented. What we are seeing is a situation where some communities are being made communal beggars. When you centralise the collection of resources of this country into one common pot, where the small individual communities which contribute to that pot have no long arms to reach that pot and get their share, then it is very bad. That is why now the Government is treating the pastoralists as though they do not exist; as though they do not belong to this country.

Mr. Deputy Speaker, Sir, the money which has been received from tourists since Independence is enough to have provided development to places like the North Eastern Province, the Coast Province, parts of Eastern Province and, parts of Rift Valley which have wildlife sanctuaries. These areas should have been provided with adequate water resources. They should have been provided with motorable [Mr. Mulusya] roads all the time. All such areas should have electricity and telephone services. There is no reason why in 1996, the people in such regions should be told to contribute harambee to build their own schools. They have no secondary schools, primary schools and no hospitals. The Government is collecting so much money from the tourists, but when it comes to distribution of that money, these communities are totally ignored. They are only recognised when there is an election coming. You can only talk about the Somali, or Turkana when there is General Election coming, otherwise, in between, after they have voted for Moi and for Kenyatta, they are forgotten. Are we going to turn some communities into voting tools for the privileged few, like it is happening in Ukambani? We are not getting new facilities. We are debating the Budget and there is no money going there. Water is supposed to be supplied to the people of Masinga, but they are not supposed to talk about it. When Col. Kiluta talks about it, he is threatened. He is told that he will lose his ministerial post. A community which does not benefit from its own sweat, is a disadvantaged community.

Mr. Deputy Speaker, Sir, on KWS, when you go to these pastoral areas, they are spending a lot of money on research. When you try to find out who is doing that research, you find that it is not local people from the community. When there are some jobs to be done, the local people are not given even the small jobs of labourers. They do not benefit. Just look at the establishment of KWS itself. Now they are sacking all the local Kenyans and replacing them with Wazungus who are been paid huge sums of money. The Director himself gets Kshs1.2 million a month. A Mzungu who is a Financial Controller, is getting Kshs900,000.

The Assistant Minister for Agriculture, Livestock Development and Marketing (Dr. Misoi): On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the hon. Member to mislead this House that one

expatriate earns Kshs1.2 billion in a month?

Mr. Mulusya: Mr. Deputy Speaker, Sir, I said Kshs1.2 million a month. He has access, even to the pay-slip of the Director of Kenya Wildlife Services and he will tell us whether I am wrong or not. What we are saying---

An hon. Member: On a point of order, Mr. Deputy Speaker, Sir. Could the hon. Member prove what he is telling the House and table the salary of the Director of Kenya Wildlife Services?

Mr. Mulusya: These are official records. What we are saying is that when a community has resources which benefit the Government, that community should benefit. We cannot talk about that type of equilibrium where those who have will keep on getting more from those who do not have. If you go to the beach hotels in Mombasa or elsewhere, you will find that, those people who work in those beach Hotels are people from other areas and not people from the local communities.

Mr. Speaker: It is now time for the Mover to reply.

Dr. Wako: Mr. Deputy Speaker, Sir, I would like to give five minutes to hon. Mcharo who had actually moved the 1994 Motion and then, I will have five minutes to reply.

[Mr. Deputy Speaker left the Chair]

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

Mr. Mcharo: Thank you very much Mr. Temporary Deputy Speaker, Sir. I thank my friend for surrendering five minutes to me. As has been rightly stated, this Motion was passed in 1994 without amendment although the Minister attempted, like he has done today, to push an amendment and we rejected that amendment because the Motion is for the benefit of the communities particularly those who are suffering all the time, because of destruction caused by wildlife. We know that wildlife is creating a lot of wealth for this country. It is time that the KWS woke up and took life a little bit more seriously than before. In Taita Taveta 62 per cent of the land is National Park but the people do not get anything from the National Park. When we are told that projects are going to be funded by Kenya Wildlife Services, we do not agree. For example, at the beginning of this year, we were told that only Kshs1 million will be given to support bursary fund scheme in Taita Taveta District. Up to now not even a single cent has been sent. We have been promised that a lot more projects would be funded by the Kenya Wildlife Services. We have not seen anything of that kind. We want the local communities to be trusted and this 25 per cent to be given directly. If the Government and the Ministry of Tourism and Wildlife wants to implement this Motion, they can implement it. There is no problem whatsoever. The problem is lack of commitment to decentralise some of the essential services to the local communities which means that money accruing from KWS or from tourism should be decentralised to the local communities, so that we can think of the most urgent projects which we can implement. We do not have to wait all the time for the Ministry of Tourism and Wildlife or the Kenya Wildlife Services to define which projects they are going to implement for the people. It is we, the local people at the local level who should be given the money and utilise that money as best as we can. We should be trusted. That is the way it should be.

Mr. Temporary Deputy Speaker, Sir, the conflict between wildlife and man is very severe, particularly in the large National Parks. In Taita Taveta, we are getting a completely raw deal. Wildlife is getting a lot of protection at the expense of the local community. The law which was passed some years ago and which abolished compensation for crops destroyed should be repealed because it is not benefitting the local people in any way whatsoever. That law was passed and we are now asking for it to be repealed, so that when crops are destroyed people are compensated. A compensation of Kshs30,000 is an abuse to the local people.

Mr. Temporary Deputy Speaker, Sir, I am informed that it will cost Kshs1 million to translocate one elephant from Mwea Game Reserve to Tsavo Game Reserve. If 25 elephants are moved from the Mwea Game Reserve to the Tsavo National Park, that will cost Kshs25 million. Why do you not give that money to the local community to carry out their projects? We feel that somebody somewhere is benefitting immensely from the Kenya Wildlife Services and we are not informed as to what is happening. This is why I am very happy that this amendment has been rejected, and if another Motion like this one comes in here, it should be supported by the Government side.

With those few remarks, I beg to support.

Dr. Wako: Thank you very much, Mr. Temporary Deputy Speaker. First, I would like to thank all the hon. Members who have supported this Motion. It is through their support that the amendment has been defeated.

In actual fact, what the Government is trying to do is to abdicate its responsibility of reducing the conflict between the animals and human beings. What the Minister has said, that the funding of the benefits will be increased, has been a song for a long time. It was started by Mr. Leakey. We thank Dr. Western for actually having done much in most of the pastoral areas. He has, in fact, initiated some projects there. What we want the Government to do is to ensure that 25 per cent of its total foreign exchange earnings are given to the pastoralists districts.

The recommendation of the review committee, if I may quote, stated that the issue of compensating the local land owners must be resolved as soon as possible, and that they be the preliminary beneficiaries. This can be done through revenue sharing from tourism, wildlife utilization, sport hunting and so on, and only then can wildlife be turned from a liability to an asset. What we are asking in this Motion is for the Government to turn our wildlife from being a liability to us to being an asset.

We are also trying to get across the problem of translocation of wildlife. If it takes Kshs 1 million to translocate one elephant from Mwea to Tsavo, why can that amount of money not be given to the people of Mwea so that they can actually benefit from it? The second translocation of wildlife is in Fafi, Garissa District, where the only species of elephant is being translocated to Masai Mara, which I feel is actually denying the people of Fafi the right to have the tourist industry in that place.

On the same note, there is also translocation of the reticulated giraffe from Samburu, Isiolo Buffalo Spring to Laikipia. They are actually given to individual farmers to kill them and sell the meat. The policies of Kenya Wildlife Services have been very unfair. I think it is high time that the Government actually changed and implemented the new policies of bottom up, where the local people's recommendations through the review groups are implemented to ensure that conflicts between the pastoralists, the wildlife and the agriculturalists is a thing of the past. Without that, people might resort to killing the wildlife and this will be a loss to the tourism industry which is actually the number one foreign exchange earner for the country. So, if we eliminate all the wildlife then we will lose our tourism industry.

Animals are dying due to drought because they are restricted from grazing in the game reserves. The Government should solve this problem so as to ease the conflict between the people and the wildlife.

With that, I beg to move.

(Question put and agreed to)

APPOINTMENT OF PARLIAMENTARY
SELECT COMMITTEE

Dr. Otieno-Kopiyo: Mr. Temporary Deputy Speaker, Sir, I beg to move the following Motion:-
THAT, in view of the high rate of deaths occasioned on Kenyan roads through motor accidents, this House resolves to appoint a Parliamentary Select Committee to inquire into ways and means of reducing the death toll on our roads.

*(Hon. Orenge consulted with the
Press in the Press Gallery)*

Mr. Falana: On a point of order, Mr. Temporary Deputy Speaker, Sir. I wonder what hon. Orenge is doing up there? He is not in the Chamber. Is that in order?

Dr. Otieno-Kopiyo: Mr. Temporary Deputy Speaker, Sir, while you consider your ruling, I continue saying what I was saying.

I will also propose that the following Members be members of that Committee:-

Hon. Dr. Otieno-Kopiyo, hon. Saul Busolo, hon. Henry Obwocha, hon. Kiraitu Murungi, hon. Boy Juma Boy, hon. Moses Wetangula, hon. Henry Koskey, hon. Catherine Nyamato, hon. John Mwaura, hon. Mwangi Githiomi, hon. J.J. Fallana, hon. Samuel Moiben, hon. Douglas Mbela, hon. Mrs. Phoebe Asiyo and hon. Philip Rotino.

Mr. Temporary Deputy Speaker, Sir, the aims of this Motion are, in essence, to be able to collect together all the various causes of motor accidents and then---

Mr. Shikuku: On a point of order, Mr. Temporary Deputy Speaker, Sir. The notice of the Motion, and I am sorry to interfere with the hon. Member---

The Temporary Deputy Speaker (Mr. Ndotto): Order, hon. Shikuku! Who has allowed you to speak?

Mr. Shikuku: Pardon?

The Temporary Deputy Speaker (Mr. Ndotto): Who has allowed you to speak?

Mr. Shikuku: I thought you told me.

The Temporary Deputy Speaker (Mr. Ndotto): No, I did not.

Mr. Shikuku: I stood on a point of order!

The Temporary Deputy Speaker (Mr. Ndotto): No! I did not even hear you say your point of order! Carry on, Dr. Otieno-Kopiyo.

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

The Temporary Deputy Speaker (Mr. Ndotto): Yes, now you are in order.

Mr. Shikuku: It is a question of procedure. The Motion as it stands does not have the names he is reading to us. Therefore, is he more-or-less giving an amendment? Somebody has to move the amendment or otherwise, the Motion should be debated as it is. The names have to be included procedurally.

Dr. Otieno-Kopiyo: Mr. Temporary Deputy Speaker, Sir, my interpretation of that procedure was that I have given notice of my Motion, and this was a continuation, and I am giving the details of the same Motion. Not everything that I am going to say is contained in the notice. In that context, therefore, I will proceed to give you the principle aims of this Motion.

Everyone agrees that the carnage on our roads should be curbed. We must, therefore, improve the traffic laws.

The Temporary Deputy Speaker (Mr. Ndotto): Order! Order, Dr. Otieno-Kopiyo.

Dr. Otieno-Kopiyo: My God!

The Temporary Deputy Speaker (Mr. Ndotto): I think, first of all, you did not move your Motion. You went straight into discussing your Motion before you moved it. I would like you to first move the Motion, and then you can discuss it.

Dr. Otieno-Kopiyo: Mr. Temporary Deputy Speaker, Sir, I do not want to challenge you, but here, you or your informers are wrong. I actually read the text of my Motion.

The Temporary Deputy Speaker (Mr. Ndotto): Did you actually read the text of your Motion?

Dr. Otieno-Kopiyo: Yes, I read it. That is what I started with. This is my sixth Motion since I came to this Parliament. So, I am very well versed with this subject.

The Temporary Deputy Speaker (Mr. Ndotto): Very well, proceed.

Dr. Otieno-Kopiyo: Thank you very much for informing me.

The second point that I would like to make, and this is a very important issue that touches on the lives of many Kenyans, I would like to request hon. Shikuku, that as much as I am concerned about the procedure, I am also concerned about the many people who are losing their lives everyday on our roads. This Parliament must find a mechanism for stopping this, or at least, reducing road carnage to acceptable levels.

Mr. Shikuku: On a point of order, Mr. Temporary Deputy Speaker, Sir. I just do not know where I come in, but I was just trying to follow the procedure. My hon. friend is referring to hon. Shikuku about the carnage. I am very much concerned, but the procedures in this House must be upheld. You cannot take shortcuts. I still insist, taking into the account that the Motion moved here way back during J.M. Kariuki's issue, was moved plus the names. If these names are not in this Motion, probably somebody would move at an appropriate time to include these names. This is because if he moves the way he is doing, which is not on the Order Paper, how will somebody debate? Somebody may not like hon. Shikuku or himself to be on that committee. He can do that during the debate, but he cannot do that now, because it is not in the Motion.

The Temporary Deputy Speaker (Mr. Ndotto): Order! Dr. Otieno-Kopiyo, I think hon. Shikuku is right. Your Motion as it is, cannot be amended unless you are going to give an amendment. Therefore, we are going to debate your Motion as it is.

Dr. Otieno-Kopiyo: Mr. Temporary Deputy Speaker, Sir, this is an interesting interpretation of these regulations. This is because I am going to speak for 20 minutes. I have specific proposals in mind that I want to form part of my Motion. I do not know if that makes sense, but if you rule that I should do something else, I will do it and I will leave to my Seconder to provide those names.

Mr. Temporary Deputy Speaker, Sir, I want to propose that we should consider improvement of our road designs. The third aim would be the improvisation for raising capital to finance better road networks in the country. The fourth one should be stricter inspection systems where all motor vehicles on our roads should be subjected to annual road worthiness tests. This is because some people bought vehicles 20 years ago and all they do is to change tyres and buy new tubes and put fuel everyday. They do not even service them. Some of them have tyres that are not road worthy. The fifth one is that all drivers should be subjected to driving tests every five years. I obtained my driving licence in 1973. Nobody has ever asked me if I still know how to drive. There

must be a lot of people in this country who obtained their licences long time ago. I know people, some of whom are my own friends, who buy a vehicle first, and then go to Automobile Association (AA) driving school to learn how to drive. So, he is in a hurry to just move his vehicle. We must be able to subject all the drivers to tests every five years.

The sixth aim should be the creation of a Public Transport Authority. There are too many institutions in this country that are concerned with regulations of road systems. That should be harmonised so that we can have one body that answers to this cause.

The seventh one will be to establish a transport service institute simply because Kiganjo Police Training College has failed totally to train policemen that can enforce traffic rules.

At this point, it would be important to analyze some of the root causes of accidents on our roads.

The first one is social. A lot of people, including some hon. Members of Parliament drink a lot of alcohol before they get behind the wheels of their vehicles. It is a social cause, and it is an expensive social cause.

This is because once you have a little to drink, and you have your wife or your girlfriend nearby, some drivers tend to get amorous. So, if you are touching other things and also touching the steering wheel, you are likely to lose control of one of those two. In most cases, you lose control of the car.

Mr. Nthenge: You are right!

Dr. Otieno-Kopiyo: The second cause is economic: The poor management of road network investments. In other words, if the roads are designed to have six inches of bitumen, some people in the departments concerned take a little money home (TKK) and they accept a design of two inches. So, four inches are lost into those people's pockets. You have seen how rich some engineers in some departments and inspectorates are.

The other thing is the type of roads. If you go to some roads which are tarmacked, they are so narrow that if your vehicle breaks down there, you are forced to park right on the road. In a lot of incidences, a lorry or a trailer is parked on the road. At night when it is raining, somebody comes from behind and rams into these stationary vehicles on the roads. So, the types of roads that are designed for Kenya must be altered. I think we are still coping with the colonial road design systems that were suitable when vehicles were very few.

Mr. Temporary Deputy Speaker, Sir, I have spoken about the question of vehicles and their poor conditions. A lot of vehicles do not even have breaks. The owners, particularly women drivers, do not even bother to check. So long as the vehicle is moving, they just keep driving on until it stops. When it stops, they only check whether there is fuel or not. The other point that we should put in mind is the question of bad drivers.

The sixth point is poor, under-paid policemen. This is one of the greatest menaces on our roads.

The seventh one is the mismanagement of licensing department, which should be abolished so that a new system is created, where those who man the driving licensing department are experts in the road transport system, and who understand who should handle a vehicle and who should not.

The eighth one is lack of sufficient deterrent measures. If you look at the statistical abstracts in respect of the number of people who have been prosecuted as a result of causing road accidents, you will find that they are very few. You will notice that since 1968, the figures are no-longer available. It is possible that people are still being prosecuted, but those statistics are not available. Of all those people who have been prosecuted since 1985, the statistics are not available for those who have been convicted. So, it also seems to me that the court system is far too lax with regard to meting out punishment to traffic offenders. This encourages traffic offenders to do whatever they like on the road.

Mr. Temporary Deputy Speaker, Sir, up to 1994, the figures I have indicate that there was a total of 22,960 persons involved in road accidents in Kenya. Alternatively, there are between seven and 10 people dying on our roads everyday. Since Independence the total figure is close to 50,000 people. Road carnage is the number one killer followed by AIDS and then malaria right now. These are shocking figures. It should then galvanise us to consider what kind of a country we want to bequeath on the future generations.

Mr. Temporary Deputy Speaker, Sir, Kenya has 27 million people, according to the World Population Report. Now, by the year 2015, this figure will rise to 50 million and by the year 2050, the figure will be close to 98 million. With this kind of improvement and with the experience we have here in Nairobi, if nothing is done about improvement of designs about the management of the traffic network, we are going to end up in chaos. The main culprit here is the Government. The Government must use every cent that is given to it for the improvement and construction of roads for that purpose. I keep telling my constituents that witchdoctors have vanished from Luo land. Murderers of people like Dr. Ouko have also not been found, but there are other murderers who we have here. Those who take money which is meant for construction of roads or repair of roads and use it for other purposes; we should list them among murderous. They are the main killers of our people.

Those who allow potholes to continue increasing on our roads should be as guilty as any other murderer.

Mr. Temporary Deputy Speaker, Sir, the Motion reflects a sad reality about the decline of what used to be a very well integrated road network in East Africa. Today, our roads are increasingly congested, increasing fare levels have made it impossible for people to travel, yet the main encouragement from this Government is to create a situation where the mass transit system is based on minibus; matatus. In the long run, matatus cannot provide the solution to the needs of a growing population in terms of transport because for every matatu you need a driver, another engine, a tout and all other systems and yet you carry only 15 people, seated. But, because of the high interest rates in the banks and so on, matatu owners must encourage the drivers and the touts to pack those vehicles to capacity so that they can recover the money that they have invested quickly. But, because the roads are full of potholes, the shock absorbers wear out in a few days, so then, they have to keep packing those vehicles with passengers so that they recover some of the money they have lost in wear and tear of other parts of their vehicles. Unfortunately, we can only expect this position to get worse. For that reason, we need to form a committee of this House to be able to investigate all causes and make appropriate recommendations on what the Government should undertake in terms of traffic law reform.

Mr. Temporary Deputy Speaker, Sir, it can be argued that the Ministry of Transport and Communications and the Department of Police already know the causes. Yes, everybody has some idea of what is wrong. But these ideas are not collected together and utilised in such a manner that we can propose several sets of solutions for the benefit of the whole country. Arresting this situation means that we will be salvaging this country's economy which is being devastated by loss of lives. Many people have lost husbands, sisters, brothers and other beloved ones. We cannot trust the Government to handle this situation alone, because it has not been able to handle it before. So, now we are saying that we should give Parliament a chance to form a committee that will sit for a few months, collect evidence from the public, suggestions from experts and come back to this House, which will make recommendations to the Minister concerned to enable him take appropriate action in this direction.

Unless this is done urgently the increase in traffic accidents is going to be inevitable. You have seen what has happened on the road towards Machakos: The Nairobi/Mombasa Road is completely broken. It is in very bad shape. In fact, if I were responsible, I would ban that road from use by the public. But the same thing is happening westwards. After Limuru the road is already in very bad shape. I think the Government is waiting until it is completely impassable before somebody can say something about it. Yet, instead of us putting money into road repair, redesigning our roads and creating a system that can cater for the future, we are spending it on irrelevant things like buying presidential jets. Of course, we in the Opposition are quite happy to have that jet. When we come to power hon. Wamalwa will use it, but I think we will recommend to him that it be sold and we use the money to repair our roads. I hope he will oblige us when he becomes the President.

*(Hon. Otieno-Kopiyo turned
to Hon. Wamalwa)*

Your excellency, I think you are listening to me.

The other thing that this Motion will do is that it will create conditions for reflection by the people who have been elected by the public to cater for their welfare. If Parliament fails to provide solutions to issues which are of national concern, then it becomes irrelevant. But Parliamentarians themselves are also an endangered species in this respect. Every day when you go onto the road, you are not sure that you will be able to come out of it alive.

Lastly, I would like to point out that the Government must find money from some place to put into the road network, improve and expand it. We need a dual carriage way from Mombasa all the way to Eldoret and Malaba, and from Nakuru to Kisumu. We need another one from the south all the way to the north. There is no country which can champion industrialisation when it does not have an efficient transport system for goods and people. There is no economy in the world which can develop without an efficient railways network. The [Dr. Otieno-Kopiyo]

disasters that we have seen at Mtongwe and Ngai Ndethya in Ukambani indicate that sufficient investment has not been put into railway network and other systems. Those accidents remind us of the question of irresponsibility on the part of the Government. We can help fight this irresponsibility by making suggestions. I hope that the committee I have proposed will be formed by this House, and that it will come up quickly with recommendations that will help to pursue the cause of safer road systems.

Mr. Temporary Deputy Speaker, Sir, I also think that those who are concerned with the welfare of other people, wherever they are, and in whatever position they are, they should consider the fact of finding money so as to be able to cater for our needs in this

respect.

With those few words I beg to move.

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Ndotto): Hon. Members, I am afraid there is no time to second the Motion. That will be done next week.

It is now time to interrupt the business of the House. The House is, therefore, adjourned until this afternoon at 2.30 pm.

The House rose at 12.30 pm.