

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 31<sup>st</sup> July, 2013

The House met at 9.00 a.m.

*[The Temporary Deputy Speaker  
(Hon. Cheboi) in the Chair]*

### PRAYERS

### QUORUM

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Members, it appears as if we do not have a quorum. I, therefore, order that the Quorum Bell be rung for 10 minutes.

*(The Quorum Bell was rung)*

We now have the requisite quorum. Please, take your seats so that we can proceed.

### MOTIONS

#### FINANCING OF TRAINING IN POLYTECHNICS AND INSTITUTES OF TECHNOLOGY

THAT, aware that a majority of the residents of Kenya are youth under the age of 30 years, whose numbers are being increased in the ranks of the unemployed every year after completion of primary and secondary school; further aware that the Government has invested a lot of money in them through free primary and secondary education; also noting that the revenue collected by this economy is in excess of Kshs.1trillion, and that the country has immense opportunities available to create employment for the said youth who will contribute to the realization of Vision 2030, this House urges the Government to consider spending 1 per cent of its revenues to finance training in applied sciences in village polytechnics and institutes of technology within the country through soft, repayable loans that will be channeled through the Constituencies Development Fund, similar to how the Higher Education Loans Board finances university education.

*(Hon. Njenga on 24.7.2013)*

*(Resumption of Debate interrupted on 24.7.2013)*

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Members, we are on the Motion by hon. Njenga. I am informed that hon. Nyikal had a balance of four minutes?

**Hon. (Dr.) Nyikal:** I concluded, hon. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Hon. Cheboi): Okay! I take it that hon. Members who have placed requests want to contribute to the Motion and I can see hon. Murungi. In the meantime, does hon. Washiali have an intervention?

**Hon. Washiali:** Thank you, hon. Temporary Deputy Speaker, Sir. In the event of lack of quorum, we usually ring the bell. I was requesting whether the bell could be extended to the Continental House so that hon. Members who are there are aware of the aspect of lack of quorum in the House. This is because many hon. Members have offices in Continental House. Will that be allowed by your---

**The Temporary Deputy Speaker** (Hon. Cheboi): Ordinarily, hon. Members should know that the business is in this House. Again, that is an administrative thing but let us proceed. It is a good observation but I think it is administrative.

**Hon. Murungi:** Hon. Temporary Deputy Speaker, Sir, I rise to support this Motion as moved by hon. Njenga noting that our youth who are leaving primary and secondary schools are just roaming in the rural areas taking illicit brews and other hard drugs because they are frustrated. Most of them who leave Class Eight or primary school level are unable to join secondary schools due to various problems like financial constraints. This Motion will go a notch higher to make sure that we open up our village polytechnics. It is unfortunate that in the constituency where I come from, certain polytechnics are using the old Land Rover, Series 9, to train those people. Noting that the vehicles we are buying today are computerized, we wonder whether when they leave the polytechnics they are able to do any meaningful work to get some pay.

Since polytechnics have been devolved to county governments, I hope that county governments will be able to allocate enough resources so that those polytechnics can be improved with new infrastructure and new equipment to cope with the current trend. So, my wish is to have a polytechnic in every ward in the constituency so that graduates from Class Eight and Form Four are able to join them. We have several courses offered there, for example, plumbing and others. Nowadays, plumbers are rare and yet we have people who can be trained in polytechnics. We need people who can also do carpentry, masonry and auto-welding engineering. Those would be the graduates who fail to go to other tertiary and national colleges. The Higher Education Loans Board (HELB) has done a commendable job, but still the funds they are giving to Form Four leavers who are joining universities are not enough.

Hon. Temporary Deputy Speaker, Sir, I would like to note that we have done much with the Constituencies Development Fund (CDF). For example, in my constituency we have now started allocating funds to the students in post-secondary institutions, like colleges and universities, but still this money is not enough. The hon. Member indicated that money to be given to those polytechnic students should be channeled through the CDF process. This is also commendable because hon. Members are able to know exactly the students who are not in those schools because we move around the constituency all the time and we know where those problems are.

With those brief comments, I support the Motion.

**Hon. Dido:** Thank you hon. Temporary Deputy Speaker, for giving me this opportunity. I wish to contribute to this very important Motion by hon. Njenga. The

power of the youth in a constituency is core to this nation. I think investing in the youth is the only way that this country can move forward. When we do not invest in the youth, the thinking of Vision 2030 will be just a pipe dream. I say that because when we say that the youth should be given soft loans, packages and others and yet you have not developed skills for them to utilize whatever funds that are available, then it is just wasting good money.

Hon. Temporary Deputy Speaker, we should have youth polytechnics or technical institutes at the constituency level. It is important for us to see the constituency as the pinning ground because at the constituency level, we know the numbers that graduate from Standard Eight and also from Form Four. But what this Motion seeks is financial training in applied sciences. Actually, we also need the teachers more than anything else and the infrastructure for us to undertake skills development in our youth.

Hon. Temporary Deputy Speaker, when we say that countries like Korea, Malaysia and others which began at the same level as our country in the 1950s have gone ahead, we need to realize that they have moved forward because they have invested in empowering the youth. They provide technical skills which are within villages and homes where people are able to come up with small gadgets which eventually form the industrial hub for those countries.

We said that we are devolving to the counties. But my question still remains, what is at the county and have we prepared the counties to undertake this particular task? Though we have the resources or the capacity to muster enough numbers to go round; we should not lose sight of development in this country. I think the constituency still remains the centre of development and focus because even in terms of pilferage, corruption and losses, they are actually going to be minimized.

Hon. Temporary Deputy Speaker, this Motion could be the fiftieth or the sixtieth one we have debated in this House in terms of how the youth of this country can be looked after. I think 0.1 per cent of the national revenue is too small, if we are going to say that we divide it among the 290 constituencies in this country. So, I beg to request further the Mover of the Motion, as it becomes a Bill, to see how that should be enhanced to 2 or 3 per cent. So that whatever goes into the constituency is actually enough to be able to come up with the necessary infrastructure.

With those remarks, I beg to support.

**Hon. Ochieng:** Thank you so much, hon. Temporary Deputy Speaker, for the opportunity to contribute. I wish to support this Motion because of what the Mover said.

The youth of this country is getting a raw deal. I always wonder what happens to the youth who do not step in high school and those who do not go to the university. For those who join university, we have the Higher Education Loans Board (HELB) which sponsors their studies. For those who join teacher colleges and Kenya medical colleges, we do *Harambee* for them. What happens to those who get grade “C-” and “D” who do not qualify to join middle level colleges? That is the issue. We are leaving a whole generation without a guided future. If you look at the numbers that go to the university every year, it is not even 20 per cent of those who sit the Kenya Certificate of Secondary Education Examinations (KCSE). The numbers that graduate from high school to either middle level colleges or university are not 20 per cent of those who sit KCSE examinations. Therefore, we are losing up to a million of youth to squalor every year, because they do not have means of getting any trade or joining any art.

Hon. Temporary Deputy Speaker, Sir, as we speak we have a big shortage of skills in this country. You will not get the kind of craftsmen that you need. We do not have enough masons because we do not put our money where we need to be putting it. The idea of elitism has caught up with this country where we think that the only way you can help a child or a youth is to take them to school and after that, that is the end of it. Not everyone must get an “A” or “B”. We must get a way of nurturing all our youth and generations. This is because we are having a country that believes that if you get an “E” or a “D plus” in Form Four that is the end of life for you. You must now look for some teacher to buy you a *boda boda* or a motor cycle. You become a motorcycle rider and that is what you do for the rest of your life, yet those are the people who are hard working and who can learn skills that help them to earn a living.

Hon. Temporary Deputy Speaker, Sir, if you go to Europe, the Spanish are known to be the best plumbers in Europe because they have put money in training people. What will happen now is that, some of the oldest trades or art, like sewing – if you go to a youth polytechnic in my constituency, you will find that there is only, maybe, one sewing machine and there are 10, 12 or 15 girls using that single machine to learn. With regard to wielding, we are wielding so many things in our constituencies and counties, but you find that instead of giving our youth this work, we have the same people doing it. The result of this is that our youth never get to learn the trade. That is why you see Chinese coming here in big numbers to do all sorts of work. In fact, some of them have been prisoners, but they are able to do things that our youth can do, for example, just driving a forklift. How would you import people to drive forklifts? What we are discussing is not a small issue. It is a very explosive issue because a big number of the youths in this country do not have any single trade and they cannot afford it. They cannot afford Kshs2,000. If you go to any constituency, you will find over 100 motorcycle riders and only about 10 of them have driving licences. They cannot raise either Kshs3,000 or Kshs2,000 to acquire licences.

Hon. Temporary Deputy Speaker, Sir, I hope the Mover of this Motion will convert it into a Bill because it is not a small issue. I agree with the previous speaker that we are giving a lot of lip service to the youth issues. We should look at what is happening in this country about procurement. We are being told that 30 per cent of all Government procurement tenders will go to the youth, but when you tender and you are putting bid bonds at Kshs500,000 or Kshs1 million, where will the youth raise Kshs500,000 to give you bid bonds? Some of those things that we talk about as Parliament, we must get a way and means of ensuring that they change the lives of the people for whom we make them.

I also wish to agree with the previous speaker, my good friend, hon. Rasso that, the 0.1 per cent is very small considering that in every constituency where the number of students that leave Form Four is 1000, only 200 will go to university or middle level colleges. So, 800 are eligible and should join youth polytechnics and learn a trade. So, we cannot be allocating 8 or 10 per cent to 200 and allocating 0.1 per cent of our Budget to a million. So, as we move forward with this Motion, I beg the Mover to convert it into a Bill and make it one, two or three per cent, so that it can have impact.

My heart goes out to the youth of this country and I hope that we can have something concrete and tangible for our youth to learn a trade. I support.

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Ochieng, and probably for the Members to know, your prayer was heard a little earlier. It was changed from 0.1

per cent to one per cent. It was indicated earlier that it had been changed. So, as the Members contribute, they should know that it is one per cent and not 0.1 per cent.

**Hon. Gichigi:** Hon. Temporary Deputy Speaker, Sir, I rise to support this Motion. I come from an area that has a huge population that is not able to support the cost of education past the primary school level. In fact, in Kipipiri, you find that the transition rate, even of going to secondary school is just about 49 per cent. This means that half the pupils who sit for primary school examination at Standard Eight do not go anywhere. We are working very hard on it, but the history is that there are very many youths out there who may be beyond going to secondary school and have nowhere else to go. We do not have many polytechnics there. We are trying to establish some and an attempt to open one in Wanjohi in Kipipiri this year failed basically because parents could not afford the necessary fees to start that new polytechnic.

This Motion is timely and should be supported. Looking at the bursary structure, it is given to secondary school students. It is also given to university students who also get the HELB, but nobody remembers those poor youths. An orphan is supported in secondary school, but when he leaves, he is not able to join a polytechnic or any other tertiary college because there is no money to fund him. Together with the Motion that we passed recently where the youths should also be given loans to start small businesses, the Uwezo Fund and the Youth Enterprise Development Fund, it is possible for those people to change the fortunes of this country, turn them around and start serious cottage industries.

In Kipipiri, whenever we try to come up with a new building, we have to go looking for artisans and masons from outside. This is basically because the polytechnics are not active. They are not functional because of lack of money. Secondly, we do not have people who are trained. So, I support this Motion. Looking at the Constitution, village polytechnics are under the county governments. My advice and position would be that we establish an outfit with a national outlook to fund this training. The money is going to trickle down to the constituencies. I support this Motion and wish to say that it is timely.

**Hon. ole Ntutu:** Thank you, hon. Temporary Deputy Speaker, Sir, for giving me this opportunity so that I can also give my views. First of all, I rise to support this Motion as proposed by hon. Njenga. The issue of the youth in this country has been left for a long time. Indeed, we need those polytechnics like yesterday.

Village polytechnics are very important to enhance skills for our people. In the entire Narok County, we only have two polytechnics which have nothing that you can be proud of. I am saying this because recently, we went round checking how we can help the youth. Many youths in this country are just staying at home and they are doing nothing. So, I support this Motion because it will go a long way with the youth fund that we are coming up with in helping the youth to get skills so that they can be competitive in this country.

When you look at what has been happening in Kenya over the years, we have been emphasizing on white collar jobs where everybody wants to work in an office as a lawyer or teacher. When you look at countries in the West, most of the people diversify those skills, so that people can do other things other than just working in the office. If we want to get where other countries are, we must come up with those polytechnics because it is an answer that will give our youth a better chance. I also support this Motion

because we must modernize those youth polytechnics. When you look at the polytechnics, without any funds, really, they will not give the services that are required or the skills that the young people need, so that they can be competitive in other fields.

I support this Motion also because a country like Kenya or any other country depends on the youth. If the youth are not going to be empowered, then this country will not have a future. They say future is for the young people. Unless we empower them, we cannot achieve the Vision 2030 that we have set for this country. I must say that the youth in this country are looking up to this Parliament because most of us came here on the issue of the youth. We promised them that we are going to change for good. I call upon the Members of this House to support this Motion. I agree with my colleagues that one per cent is little.

I congratulate you. We must start from somewhere and we know we have other priorities. You are in the Budget and Appropriations Committee just as I am and we have had a lot of strain on how to budget the county revenue. I totally agree with you that we must start from somewhere and then, over the years, we could increase the amount. I congratulate my friend, Njenga, for bringing this Motion. It is long overdue and I hope nobody will stand in its way.

**Hon. Chea:** Thank you, hon. Temporary Deputy Speaker. I wish to support this Motion and also thank hon. Njenga for bringing it. Issues concerning youth have been properly addressed now in the Constitution. Article 55 mandates the State to take affirmative measures to ensure that the youth access education and training. As such, this Motion seeks to actualize what our Constitution states. I have several reasons for supporting this Motion.

For so many years, the attitude of the citizens of this country has not been the best. It has always been considered that those who fail to make it to secondary school are failures. My position is that if proper funding is availed to the youth, it will take care of the wrong attitude that has been in existence for quite some time. Once this Motion is passed, I believe the attitude of most people in this country will change and everybody will be there to support the youth.

If this Motion is passed and implemented for that matter, we will be taking steps towards promoting the talents of our young men. I agree that not everybody in this world is an "A" material. There are those who have a passion for other things. There are those who can do carpentry or tailoring at their best. We also have good masons. Once the polytechnics are properly funded and things go on well, we will provide an opportunity for our youth to realize their talents.

Besides that, we are also looking at creating employment. Most of the courses that are offered in our village polytechnics take about two or three years. However, by the time a student is in his second year, he is able to do a few things. Now that we have control of CDF money and others, we should use this opportunity to give work to the youth in those polytechnics. It will not be right for us here to just shout and yet, the youth who have proven to be good in carpentry are not given an opportunity to make furniture for our schools. It is true that under CDF, many schools have been built but they lack chairs, desks and tables. We can as well give some work to the youth in the polytechnics so that they can also earn a living. If we do that, we will also be promoting them. We shall have created employment for them.

Everybody in a campaign platform will agitate for the youth. It is high time we rose to the occasion and supported the youth so that they realize their objectives.

With those few remarks, I beg to support.

**Hon. Nakara:** Thank you, hon. Temporary Deputy Speaker. I first want to thank hon. Francis Njenga for bringing this Motion on the Floor. My constituency is one of those that have been affected by that kind of problem. Many youth after completing Standard Eight or Form Four and do not get good grades stay back at home. At our place, there are very few sponsors or donors who can assist the youth to go to colleges and other places.

If we have in place those kinds of loans, they will enable our youth to join *Jua Kali*. We know that *Jua Kali* has contributed a lot to this country. It has created jobs for the youth. When we train our youth in areas of plumbing, mechanics, carpentry and so on, they will create jobs for themselves. The white collar jobs are very few in this country.

**Hon. Irea:** On a point of order, hon. Temporary Deputy Speaker. As we discuss this Motion, I would like to raise an issue under Standing Order No.32. I seek your guidance. I would like this House to discuss a matter of national importance, where the lecturers of public universities---

**The Temporary Deputy Speaker** (Hon. Cheboi): Order, hon. Member! I do not think it is an opportune time to do that. Probably, you will have to approach the Chair for guidance on that particular issue.

**Hon. Nakara:** Hon. Temporary Deputy Speaker, I was saying that if we train the young men in areas like carpentry, plumbing and mechanics, they will create jobs for themselves. Nowadays, we do not have white collar jobs and as a result, many youths are out there committing crimes because they are jobless.

Where I come from, 75 per cent of the youth after completing Standard Eight or Form Four revert to pastoralism and look after their livestock. That way, the free primary education will not have any impact. We need to help the youth to attain another level. In Turkana Central, there is a polytechnic that was built by Norwegian People's Aid. They put up a very good structure, but there is nothing inside. We have equipment for training and buildings, but we lack teachers and funding. I wish the Government would fund such institutions which are already built by donors. My suggestion is that, instead of making it a loan, we make it a grant. That is because we already have Uwezo Fund, which is another loan.

If we continue giving loans, we are going to overburden the youth. I would suggest that we amend this Motion so that we talk of a grant and not a loan so that we can help the youth to start life. That will lessen the burden of the youth. Some of the youth might not get loans for lack of assurance.

Finally, if we encourage that, we are going to have innovation. The things we have here are manufactured by primary or high school students in China and Korea. We will encourage innovations and discoveries. Our youth will be in a position to come up with machines that will be used here. So, we want to encourage our youth to join polytechnics so that they can come up with innovative ideas so that we can have new things in this nation.

Hon. Temporary Deputy Speaker, Sir, I support this Motion because it will reduce crime in our nation. In Turkana, we have cattle rustling and it occurs because people are

jobless. They have nothing to do. Now, for one to get something to eat or in order to get married, one has to go and get some cows from another tribe. However, when we create training opportunities and jobs, the youth will not go anywhere. They will be very active. They will not be idle and they will do some things for themselves.

So, hon. Temporary Deputy Speaker, Sir, I will ask the Mover of the Motion to very quickly turn this Motion into a Bill. Thank you.

**The Temporary Deputy Speaker** (Hon. Cheboi): Very well. Hon. Wangamati.

**Hon. Wangamati:** Thank you, hon. Temporary Deputy Speaker, Sir, for giving me this opportunity. I rise to support this Motion and also congratulate hon. Francis Njenga for bringing it at this time of need. I just want to agree with or support the sentiments which have been expressed by our fellow Members of Parliament that we need to train our youth on the work that is being done in our communities. Of course, we need artisans in our communities so that we can develop our areas. During our days, when I was a student, we used to have what we call rural training schools. I want to tell Members that I went through a rural training school. That was in 1957/1958.

*(Applause)*

I was trained as an artisan. I was even trained on making bridges in those days. Those schools were run by missionaries. So, Members of Parliament, what you are discussing is very important. You know very well that missionaries were running teacher training colleges also, when the Government in those days was not ready to take them over.

Hon. Temporary Deputy Speaker, Sir, I am trying to think that this Motion is reviving the best education we used to have in our days. This is because I got that education and even now I have my small contract where I build houses and roads from the time I left college. I am still doing this and I want to tell Members of Parliament that you now have the CDF. The CDF could be like missionaries in those days.

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Wangamati, 1957 is about 56 years ago. Are you sure about your mathematics? Anyway, proceed.

*(Laughter)*

**Hon. Wangamati:** Thank you, hon. Temporary Deputy Speaker, Sir. I want to tell you that in 1957, I had completed my primary school. I was now going to the rural training school. We used to call it Standard Eight. I did my Kenya Advanced Primary Education (KAPE). I did not get a chance to go to a teacher training college which was the best. I did not get a chance to go to Railways Training School which was the best. So, I left that school in 1959. I took two years there. In 1960, I was employed.

**Hon. Simba:** On a point of order, hon. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Arati, you have a point of order.

**Hon. Simba:** Thank you, hon. Temporary Deputy Speaker. I want to really know if hon. Wangamati is in order to give us this story whereas he knows very well that he would have even paved way for the young in his village. He should have retired.

**Hon. Members:** No.



**The Temporary Deputy Speaker** (Hon. Cheboi): That is totally out of order. Hon. Arati, I am not going to allow you to go in that direction. No! Order, hon. Arati now! Order! That is totally out of order and hon. Arati, I do not think we need to trivialize debate in this House. You know for sure that you are really treading on very dangerous grounds.

Proceed, hon. Wangamati. In fact, I think we should be thinking about what we said yesterday – respecting seniority.

**Hon. Members:** Yes.

*(Applause)*

**Hon. Wangamati:** Thank you, hon. Temporary Deputy Speaker. I also thank you Members of Parliament for giving me that honour. I even want to tell him that I went to Mawego Rural Training School. It is down there in South Nyanza in Kisii. In those days, we used to call it Kisii District. So, I am saying that CDF has done a lot in this country and Members of Parliament should be proud when we talk about CDF. I think this is the only way to reach---

**Hon. Member:** On a point of information, hon. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Hon. Cheboi): I think Members are beginning to really interrupt debate here. What information do you have and who requires that information? Does the Chairman need it? Well, he has said nothing but let me assume that the silence means consent. So, proceed and give him the information as briefly as possible.

**Hon. Member:** Hon. Temporary Deputy Speaker, thank you for the permission. I am provoked by hon. Simba. Kenya has come a long way to be where we are. There are those who have made contributions to achieve what we have today. For the record, hon. Wangamati has suffered for Kenya to achieve what we have today. He has lived outside the country and even inside the country hiding like an animal.

*(Laughter)*

**The Temporary Deputy Speaker** (Hon. Cheboi): Honourable, I do not know whether that is still information because I doubt if hon. Wangamati would require being informed that he actually suffered for this country.

**Hon. Member:** Hon. Temporary Deputy Speaker, I want to put it across for the record that for those who do not know Wangamati, he has made major contributions and we need to respect him and those others who have made such contributions for Simba to get a chance to be in this august House.

**The Temporary Deputy Speaker** (Hon. Cheboi): Order! Well, for respect, I agree with you but for information, I think that was not a point of information. I mean I do not know who you are informing but proceed hon. Wangamati.

**Hon. Wangamati:** Thank you, hon. Temporary Deputy Speaker. Thank you Members of this honourable House. I am happy to hear that. I just want to say that I support this Motion and CDF can be used to put up village polytechnics. I am sure if that is done, we are going to have well trained young people to take over rural development in our country.

Thank you, hon. Temporary Deputy Speaker.

*(Applause)*

**The Temporary Deputy Speaker** (Hon. Cheboi): Very well. Hon. Kisang.

**Hon. Kisang:** Thank you, hon. Temporary Deputy Speaker. I rise to support this Motion. This Motion is timely. I know the Jubilee Government's policy is to have, at least, one technical training institute in each county and one technology centre of excellence in each of the counties. For that to be achieved, I believe that the fund is going to assist the youth. We know that if you cannot transit from primary school to secondary school, it is because of lack of school fees. If we set aside the funds – the 1 per cent of our revenue – to assist the youth to acquire loans so that they may go to colleges and read, this will assist them to get skills. Some of us have also benefited from the HELB and we have been repaying those loans. The Higher Education Loans Board has gone a long way in assisting those who are joining universities. If that fund is set up, it will help our youth to get skills. If you go to constituencies, especially Marakwet West which I represent, we have built very many schools, health centres and dispensaries. But we travel all the way from Marakwet to Eldoret Town to get skilled labour to make fabricated windows and doors because we do not have welders. We also do not have plumbers. So, the fund will create employment for our youth in the constituencies because those skills will be acquired locally. That will ensure that the money that we use will circulate within the constituencies.

Hon. Temporary Deputy Speaker, Sir, secondly, the fund will help reduce insecurity. As one of the Members has said, when our youth complete Standard Eight after sitting the Kenya Certificate of Primary Education (KCPE) and are unable to proceed to secondary school, they idle around, get drunk and eventually involve themselves in crime. They steal because there is nothing else to do. However, they will be active if they join colleges and youth polytechnics. They will get some skills and do some work to generate money for themselves.

In order for us to achieve Vision 2030, we need to do something for the youth so that they can also contribute meaningfully to our Gross Domestic Product (GDP) by working on the ground. This fund will also help create employment for our youth. We know that 65 per cent of our population is below 35 years. Those who are between 14 years and 35 years are about 50 per cent. This is the group that would have left Standard Eight and there is nothing they do. In order for them to be busy doing some work, we need to set up the fund.

I urge the Mover of this Motion that as soon as we pass it - because I believe that all Members will support it - he moves to the next stage and makes it a Bill so that we get the 1 per cent of the revenue in the next financial year. This will enable us to go to our constituencies and assist our youth.

Hon. Temporary Deputy Speaker, Sir, with those few remarks, I beg to support this Motion.

**Hon. Nakuleu:** Thank you, hon. Temporary Deputy Speaker, Sir. First, I want to thank the Mover of this Motion which is very timely and important for this country. It is evident that the Government has spent a lot of money in developing human resource right from free primary school education through secondary school bursaries and scholarships.

Therefore, it is very important for the Government to make a follow up on all those investments. This will inform the need for the Government to make proper planning for future educational trends in this country.

Hon. Temporary Deputy Speaker, Sir, there is also need for the Government to strengthen the middle-level colleges because they act as incubators for technological growth for the entire country. Therefore, the habit of transforming middle-level colleges into universities should be brought to a halt. If the Government wants to put up a public university, it does not necessarily have to convert an existing middle-level college into one. The Government has ways of raising money and it should put up those institutions instead of converting the already existing colleges which have their own unique roles and duties in the society.

One of the reasons why I support this Motion is because most of the students who sat KCSE or about 90 per cent do not make it to universities. The Government must be worried about where the 90 per cent will go and not the 10 per cent who have already got admission into the universities because they are assured of their future. Therefore, there is need for the Government to make sure that there is a polytechnic in every constituency which it funds. The money should be channeled through CDF.

Hon. Temporary Deputy Speaker, Sir, I also want to challenge the proponents of the current devolution. Most of them think that devolution means taking money to the county. To me, that perception is very wrong. For devolution to be effective, that money must be taken to the constituency, ward and sub-location. Therefore, stuffing a lot of money with the county governor is in itself a disservice to this country. We must find a way of channeling this money to the grassroots. That is because most of those governors do not have financial managerial skills and their capacity to handle a lot of money is questionable. Therefore, the Mover of this Motion has thought very well. I support the idea of devolving that money to the constituencies.

With those few remarks, I beg to support this Motion.

**Hon. Keynan:** Thank you, hon. Temporary Deputy Speaker, Sir. I also want to take this opportunity to thank the Mover of this Motion. From the outset, I would like to say that we are not getting very well what a House or Parliament in a pure presidential system is supposed to do. This Motion is timely and it is very good but I want us to remove this aspect--- I think we have heard your guidance in the past that this House cannot keep on urging the Government. I want us to replace this with “this House resolves”. That is because when we say that we urge the Government, the question is: Who is the “Government? The Government is you because the National Assembly is--- Let us not confuse the issue of the Executive. We are part of the Government of the Republic of Kenya. Our work as a Legislature is to legislate, I want to plead with Members and those who help them draft some of those Motions that, please, let us remove this clause of “urging the Government” and replace it with “this House resolves”. That binds the Government.

*(Applause)*

In the past, the Executive used to scuttle any attempt by parliamentarians to come up with any meaningful legislation. It used to create bureaucracies even in the drafting of Motions. I think we are slowly giving in to the same old *modus operandi*.

If you look at Vision 2030 critically, you will find that there are three pillars and I want to zero in on the economic pillar.

Hon. Temporary Deputy Speaker, Sir, the economic pillar cannot function and we, as a nation--- Sometimes, outside there, we say that Kenya is a premier nation but what defines that premiership? It should be our education standards over the years. I want to thank hon. Wangamati because age and education are some of the things that--- Although, I know this issue has been concluded, I want to urge my good friend, hon. Simba, in future, because age is an institution, that it must be respected. It is a price! In fact, many of us are looking forward to reaching the age of hon. Wangamati and he is somebody we are really proud of. This should be appreciated.

I want us to critically analyze our education sector. All the years, there has been clamour to have degrees and university colleges all over at the expense of some of the technical institutions. One of the positive legacies of colonialisms is the establishment of village polytechnics in all our villages. Even where I come from, which is the most disadvantaged region, there was a polytechnic in the 1960s but, in between, it died. It is now in the last five years that we are trying to revive it. That is because we have looked at education purely from pecuniary gains like employment opportunities. We need to look at other benefits. As somebody has rightly pointed out, we need to look at the number of students who graduate from Standard Eight to secondary schools and then from secondary schools to universities. It may be less than 20 per cent. What do we do with the 80 per cent who are not lucky enough either because of school fees, do not meet the threshold or do not qualify to join secondary schools? That is the most dangerous group and for us to deal effectively with the issue of insecurity, we must find relevance for the Standard Eight school dropouts or those who do not get an opportunity to go to secondary schools. We must also create relevance for those who do not make it to the university after Form Four, which is a big chunk of our youth today.

Today in this country, we talk about unemployment and underemployment. Underemployment is so because there is scarcity of jobs, but when you look at the issue of unemployment, the governments that we have had over the years have contributed inadvertently to this scenario because technical and tertiary institutions have been completely neglected. I want to plead with the Mover of this Motion. This is a good thing but let him bring amendments to the Constituencies Development Fund Act and other statutes so that we domesticate this. Let us not urge the Government. Let us generate as many Bills as possible and wait for the President to either assent to them or refuse. We will have discharged our functions as a Legislature. So, the issue of urging should completely be done away with.

What do we do because these days there are many institutions that have been mushrooming without the requisite mandate of the Ministry of Education? There is a lacuna. We have so many institutions at the top and bottom but, in between, we have allowed crafty business individuals in the name of commercial colleges to take the place of technical institutions. Once we legislate this, some of those institutions will have no relevance and we will be empowering the youth who constitute a substantial number of the population of Kenya.

Hon. Temporary Deputy Speaker, Sir, I want to go back to the issue of insecurity. We have unemployed youth. They have no opportunity. Let me say that we have misplaced opportunities for them. This is a very dangerous issue and today, for us to

attract investments - foreign direct investments and local investments - this country must be secured both in perception and in reality. For us to achieve this, we must create relevance for the youth and one of the ways to do so is through enactment of the Bill through this procedure that is being suggested in this Motion. The sooner we domesticate this, the better. We will have a revolution like the one we have seen through CDF. Since you have been in Parliament, initially people were skeptical. Even the Executive did not want to imagine how the CDF was going to work, but I can tell you today representing a constituency that has been marginalized, the much the CDF has done over the last 10 years is more than the combined efforts of the colonial regime, the Kenyatta regime, the Moi regime, the Kibaki regime and the Kibaki/Raila regime. That is because for us, the CDF was the beginning of life. It was the beginning of development and if we elect this, I am sure we will have created another opportunity for the youth. It is because of this that today I stand firm as a proponent and true believer in devolution. I believe in devolution but I also believe in the existence of CDF at the grassroots, not as a component of devolved governments under the governor but as a component of devolved governments directly under the Legislature. This is one thing you must be ready to protect jealously because CDF has done great.

With this, I want to say that, please, help us to translate this into a Bill so that, as a Legislature, we will have discharged our function of legislating.

**The Temporary Deputy Speaker** (Hon. Cheboi): I heard hon. Otucho saying something on gender and so I now recognize hon. (Ms.) Chidzuga. Hon. Members, because we are getting to the tail end of this discussion, and I can see there is a lot of interest, probably we could contribute briefly so that others can get a chance.

**Hon. (Ms.) Chidzuga:** Mhe. Naibu Spika wa Muda, nachukua hii nafasi kumpongeza Mhe. Njenga kwa kuleta Hoja hii. Hoja hii imekuja kwa wakati unaofaa hasa tukiangalia kule mashinani kati ya vijana wetu. Kusema kweli, vijana wanastahili kutengewa pesa za kutosha katika Bajeti ya Kenya, kinyume na vile ilivyo leo kwa sababu kwanza, wao ni wengi na pili, mahitaji yao yamekuwa zaidi haswa kwa wale ambao wametoka shule kabla ya kumaliza elimu kwa sababu ya ukosefu wa pesa. Wameshindwa kuendeleza masomo yao. Kwa hivyo, nafikiri hizo pesa zikitengwa, zitasiadia. Nawaomba Waheshimiwa wenzangu kuwa kila wanapozungumza, wale ambao wanashikilia *constituencies*, hujitaja wao peke yao na wanatusahau sisi ambao *constituency* zetu ni lile jimbo. Tunaomba hizo pesa zipatikane lakini hata na sisi tupate huo mgao kwa sababu *Woman Representative*, hata na yeye ana vijana ambao wanamwalia na mipangilio. Tayari sisi Waheshimiwa 47 tunayo mipangilio ambayo nyinyi wenzetu wakati munatoa karo za shule, na sisi tunahakikisha kuwa watoto wetu wameweza kutekeleza elimu tofauti na pesa hizo. Kwa hivyo, hizo pesa zikitoka, zisiwe tu mikoni mwenu kwa *constituencies*. Mhakikishe kuwa sisi 47 pia tuko katika huo mgao. Hii ni kwa sababu nyumba bila mama haijakamilika na sisi tuko wawili; kwa *constituency* na kwa kaunti. Tuisimamisha hii nyumba kisawasawa.

Kwa hayo machache, naunga mkono.

**Hon. Eric Keter:** Hon. Temporary Deputy Speaker, Sir, I stand to support this Motion. First, the youth of this country are the major contributors of the vote of hon. Members. I am sure that all of us have come here through the assistance of the youth. I would like us to address this matter seriously because a good number of youth, particularly when they leave primary school or secondary school, there are so many

dropouts. So wherever you go to every village, you will see a large number of such youth. I remember when I go to my constituency, Belgut, for example and to a market like Sosiot, out of about 30 people who receive me there, 70 per cent are the youth.

Hon. Temporary Deputy Speaker, at times you are perplexed and you ask yourself what you are going to do with the youth. When you talk to them they tell you to assist them. Now, how can you assist the youth? This Motion will go a long way in promoting the youth and giving them skills. The youth are very innovative, the way I have seen them when I move around the constituency.

I recall that during the campaign time I visited at least two young people who were operating radio stations. I could not imagine how those school dropouts could come up with a radio station. Although it could not cover a large area, at least it covered three to four kilometres. I realized that those people could be assisted financially and trained first, because they had no funds for training. If they were assisted through institutions like the polytechnics, where they would learn science and technology, definitely we would boost their skills in various fields in which they have talent. This country would stand a better chance in future.

Hon. Temporary Deputy Speaker, Sir, actually, we have bombs in the waiting. If you leave youth without giving them training, the consequences will be very serious. They engage in anti-social behaviour. You will find that, perhaps, the Provincial Administration and other leaders saying that the youth of a given area have caused havoc in one way or another, but it is not the youth; it is us who are failing as a Government to institute measures to promote youth welfare. We should promote them by giving them more money.

Hon. Temporary Deputy Speaker, I know this Motion is going to be passed, from the mood of the House, but the question is whether it is going to be implemented. We should resolve that the youth be assisted or financed to train, so that they have more skills.

I am very happy with some of the counties. I come from a county where majority of the youth have skills in fields like carpentry, welding, name them. Honestly, I must say thanks to counties like Kisumu, where a majority of the youth are our contractors; this is because Kisumu invested more in polytechnics. If we visited all counties, we would find a county with only one polytechnic and if they are more than one, then they are two. That is true and we must ensure that we find ways of creating more polytechnics in our counties.

Therefore, I support this Motion. I am sure, if we are going to implement this Motion, we will get the benefits we are talking about. Otherwise, we should go to our constituencies, assess the problem we have with our youth and see what we can do with the youth.

**Hon. A.T. Anyanga:** Thank you very much, hon. Speaker. I rise to support this Motion by hon. Francis Kigo Njenga with regard to not just empowering our youth really, but to totally put devolution at the core of development in this country. We should ensure that all key educational institutions, particularly technical institutions, are well funded, equipped and equitably distributed in the country and at the constituency level.

Hon. Temporary Deputy Speaker, this Motion addresses a fundamental issue in the education sector – the issue of shifting the paradigm from the white collar kind of

jobs to self-employment and development of entrepreneurial skills. It is at this stage where we are really talking about decolonization of our education system.

Without belabouring the point, many hon. Members have talked about the low transition rates from primary schools to the university. I think where there is a huge wastage of our youth is at the tertiary education level, where many of the current institutions that offer tertiary education have been left in the hands of the private businesspeople who do not take into consideration market demand. They concentrate on short-term courses that do not really add value to our youth.

Hon. Temporary Deputy Speaker, it is interesting to find that, indeed, today you find that a lot of middle level colleges in this country offer diploma courses in a period not exceeding three months. I ask myself what kind of a diploma one can acquire in 100 days. They get out of college and go to the labour market, where they are not able to compete with a diploma holder from the Singapore Institute of Technology, who takes not less than two years to acquire a diploma in a given field or a graduate from China or South Korea.

Hon. Temporary Deputy Speaker, if you look at some of the key growth areas of this economy, as we go towards achieving Vision 2030, we know that sectors like construction, automobile industries and mobile telephony will continuously require people with modern skills who can provide the basic and medium level service support.

Hon. Temporary Deputy Speaker, if you look at the construction taking place in this country today, whether it is of road or housing, many of the artisans are actually foreigners. We see a lot of them on our roads, or in the real estate. Then the question to ask ourselves is where the Kenyan youth are, who are welders, masons, carpenters, fitters, electricians, painters, tile layers and so on. Therein lies the tragedy of our nation. We have a huge chunk of the youth who really do not have any technical skills that they can use for self-employment, yet at the same time we expect that through some kind of miracle we shall be able to create jobs for them. That is not going to be possible.

Hon. Temporary Deputy Speaker, regarding the establishment of those technical polytechnics at the constituency level, the key issue should be the relevance of the curriculum to be provided in those technical institutions. If I go to most current village polytechnics--- I would not be surprised if I went to Mawego Technical Institute, to which hon. Wangamati went, to find that the T940 Engine which he used is probably what the current students are using today, 50 years later, to study Automotive Engineering. How relevant is that kind of training to modern labour market, where technology has changed and things have shifted? Therefore, we require modern and relevant training to cater for the dynamics in the market. For me, it will be a question of not just investing in those technical colleges---

**The Temporary Deputy Speaker** (Hon. Cheboi): Hon. Anyanga, you should be winding up now. It is about time you concluded.

**Hon. A.T. Anyanga:** Much obliged hon. Temporary Deputy Speaker.

The key message here is that the relevance of those colleges must be in line with the requirements of the labour market. Therefore, as we train our youth, they must be relevant, not just in Kenya but within the region and globally.

**The Temporary Deputy Speaker** (Hon. Cheboi): It is now time for the Mover to reply. Yes, hon. Njenga.

**Hon. Njenga:** Hon. Temporary Deputy Speaker, I want to donate a minute each to the following hon. Members: hon. Aburi, Esther, Gladys, Nderitu and Kiptui.

**The Temporary Deputy Speaker** (Hon. Cheboi): Okay. Hon. Aburi.

**Hon. Aburi:** Ahsante sana Bw. Naibu Spika wa Muda. Ninaunga mkono Hoja hii. Ninakumbuka kwamba wakati wa Kibaki aliweka pesa nyingi sana katika Banki ya Equity ili zisaidie vijana. Si vijana wote walifaidika kutokana na zile pesa. Kwa mfano, katika jamii ya Wameru, wakati wa vita baada ya kura za mwaka wa 2007/2008, mabasi yalibeba vijana kutoka Eldoret wakamwagwa huko Meru katika mji wa Gakoromone. Waliletwa na basi zaidi ya tano. Asubuhi yake waliamukia kwenda kwa Banki ya Equity pale Makutano na tawi lingine karibu na Msikiti Mjini Meru. Kila mmoja wa wale vijana alipata Kshs50,000, ambazo walitumia kununua bidhaa za uchuuzi.

Bw. Naibu Spika wa Muda, vijana wetu ambao walikuwa wanafanya kazi ya uchuuzi kule Meru, wote waliondolewa. Wengine ambao walikuwa wanafanya kazi kama vinyozi pia waliondolewa wote. Kabila moja pekee ndilo lilifaidika kutokana na pesa za vijana. Kama pesa za vijana zitatolewa, ni lazima ziwafaidi vijana kutoka Kenya nzima lakini si kabila moja. Ninaunga mkono.

**Hon. (Ms.) Gathogo:** Asante sana kwa kunipatia nafasi hii ili nichangie Hoja hii. Vijana wanapotajwa, akina mama na sisi kama wazazi tunafurahi kuona kuwa hawatapotelea mitaani. Tunapowasomesha vijana wetu, mambo kama kunywa pombe, wizi na kukaa mitaani bila kazi yanaisha. Ningetaka kuunga mkono Hoja hii kwasababu tukiwasomesha vijana, watapata kazi ya kufanya. Kuna vijana ambao wanataka kusoma sana, lakini peza zinakosa. Kwa hivyo, ninaomba tuungane mkono kama Serikali ili tuwasaidie vijana wetu, na tuwatoe mitaani ili tupate madaktari na mawakili wa kesho.

Ninaunga mkono.

**Hon. Nderitu:** Thank you, hon. Temporary Deputy Speaker, Sir. Judging from the enthusiasm that Members have in this Motion, it shows that they have the youth in their hearts. The problem is that we have talked and talked; we had another Motion by hon. Njomo that talked about having industrial training, but it seems that we never go beyond that. Those who are a bit old like me, and did the CPE examination, and those who got the highest marks went to technical schools. We had secondary schools that offered very specialized courses. When they left Form Four, they were very well trained.

It has been said that we have since changed those institutions to technical training institutes, and now they are constituent colleges of universities. I work in the construction industry with masons, carpenters, plumbers, electricians and tillers; I can tell you that we have a problem. Today, getting a good plumber is a problem.

**The Temporary Deputy Speaker** (Hon. Cheboi): Your one minute is over. Hon. Njenga said that he was also donating another minute to hon. Gladys, but Gladys is not in the House. You might have been talking about Denittah.

**Hon. (Ms.) Ghati:** Thank you, hon. Temporary Deputy Speaker, Sir. I rise to support this Motion and really congratulate hon. Njenga. I believe this country has enough resources for everyone. I come from a county where I have to traverse six counties before I reach my Migori County. From Nairobi all the way to the Isebania border you see the face of unemployment, crime and despair in the youth.

I wish to support this Motion and say that we have many young people who do not make it to institutions of higher learning like universities. Having a fund that is specifically aimed at funding young people to start businesses after undergoing training



in youth polytechnics is very important. I would urge that even the county governments that we have now be compelled to make sure that in their employment, they should consider youths from the polytechnics and other local institutions of learning. This is a very timely Motion and I wish to support it, so that we can help our young people.

**Hon. (Ms.) Kiptui:** Thank you, hon. Temporary Deputy Speaker, Sir. I wish to thank hon. Njenga for moving the Motion. I also wish to support this Motion. When I was campaigning, I came face to face with the despair which our young people have fallen prey to. As a result of lack of employment, most of the youth have given up and have gone into abusing drugs and alcohol. I urge the Members of this House that as much as we talk of improving technical institutions and enabling the youth to access training, we need to give them hope. We need to engage with them. When we go to our constituencies, I pray that every one of us gets time to spend with the young people and tell them that there is hope ahead, so that they do not get discouraged and waste away their lives by abusing drugs and alcohol.

I support the idea that we need middle-level colleges. We also need to fund the youth, so that they can access college education.

I beg to support.

**The Temporary Deputy Speaker (Hon. Cheboi):** One minute is over. Proceed, hon. Njenga and you have only two-and-a-half minutes.

**Hon. Njenga:** Thank you, hon. Temporary Deputy Speaker, Sir. I wish to thank all the Members who have supported this Motion from across the divide. One of the requests that has been made is to put this into a Bill. I will start working on it from today. My consulting legal leader, hon. Namwamba, is already on the computer working on it. I am sure with this, the motionless energy of the youth is going to be kinetic. It will generate some heat.

**The Temporary Deputy Speaker (Hon. Cheboi):** Hon. Members, kindly do not leave the Chamber, otherwise we will lose quorum and, therefore, be unable to put the Question. I am asking the Members not to leave.

**Hon. Njenga:** Thank you, hon. Temporary Deputy Speaker, Sir. So, once that motionless energy generates heat, we will go the Korea, China and Taiwan way. We shall detonate the time bomb that is about to explode. On alcohol, we shall reduce the rate of its abuse to a tolerable level. On the crime rate, we shall be secure because it will be low. On wastage of economic resources, they will also be safeguarded. The youth will have hope. They will not have the time to join gangs for politicians' reasons and other people for whatever reasons, because they will be busy.

We shall devolve funds to the smallest unit, the constituency, and our young people will become a valuable asset to this nation and stop being people whom we see as disturbing the well-to-do. If we do this, we shall provide the labour that we need to be the engine. We shall be involved in building Somalia and other countries. In that way, the economic well-being of our people will be up to date, as is envisaged in the Vision 2030.

I beg to move the Motion.

**The Temporary Deputy Speaker (Hon. Cheboi):** Members, before I put the Question, there has been a trend where movers of Motions donate almost all their time, and then it becomes very difficult for them to wrap up. Future movers should consider just donating a few minutes and leaving themselves enough time to wrap up well.

*(Question put and agreed to)*

ENHANCEMENT OF COMPENSATION TO VICTIMS OF HUMAN-WILDLIFE CONFLICT

**Hon. Njuki:** Hon. Temporary Deputy Speaker, Sir, I beg to move the following Motion:-

THAT, aware that smallholder farmers living in the buffer zone around the Mount Kenya National Park and Forest Reserve have struggled for years with the elephants that regularly invade their land and destroy their crops, which is a costly affair for those smallholder farmers where livelihoods are often lost in a single night raid; concerned that hardly a day goes by without an incident occurring between farmers and the elephants in the area; noting that elephants from the park easily stray outside its perimeters and cause damage to crops, domestic animals and homes, and even injury and death; and further aware that the Kenya Wildlife Service' compensation mechanism is wanting and unsatisfactory, giving only Kshs. 200,000 for death and Kshs.50,000 for injury and nothing for crop or property damage, this House urges the Government to enhance claim for persons killed from the current Kshs.200,000 to Kshs.1,000,000 and for those injured from Kshs.50,000 to Kshs.200,000 and also consider compensating farmers for destroyed crops and property based on value.

Hon. Temporary Deputy Speaker, the Motion touches on two important sectors in our economy. Tourism is one of the highest foreign exchange earners in the economy of Kenya. It contributes a substantial percentage in the foreign exchange, actually over 50 per cent of what we usually earn from exports. What normally attracts tourists to our country is not really our white sand beaches; it is not the beautiful valleys and the mountains because all those can be found in other parts of the world; it is not the vegetation, say the forests, because those can also be found in other parts of the world, they usually come to Kenya because of the beautiful wildlife, especially the Big Five, that are found in Kenya in our national parks and private ranches.

As we speak, there is a very important tourist attraction that is taking place, and which is one of the Seven Wonders of the World, that is the wildebeest migration. We hold it dearly in our hearts as Kenyans because it is one of the rare spectacles in the world. It is mandatory that we protect this rich heritage that is constantly under threat from poachers – we have been seeing in the media how of late poachers have become aggressive.

The encroachment on wildlife sanctuaries, especially in Nairobi, is another thing. The Nairobi National Park is currently under threat because of conflict between the infrastructure that we are putting up around the park and the developing real estate that is encroaching in the park.

The aggrieved farmers and pastoralists who kill those animals when they stray into their farms, or prey on their livestock, also contribute to the loss of those animals.

Agriculture is not only a foreign exchange earner for this country, but it is also a God-given activity which most communities use to put food on the table; it also contributes to the welfare of the entire nation. We cannot afford to have a situation in this country where those two sectors, agriculture and tourism are in conflict. We have areas

that neighbour Mount Kenya, for example, Kiang'onde in Meru South, Kirege, Mutuaine Zones, Njuri and Gitogoto. Those areas might not make a lot of sense to most Members of Parliament, but they are places which intimately neighbour the forest. Without a fence, animals stray into people's farms and destroy crops.

In the last two months, elephants that strayed out destroyed 20 tonnes of various crops. This is a valuation that was done by the Department of Agriculture in Meru South District. Those crops were valued at over Kshs2 million. In retaliation, farmers killed three jumbos and two adult elephants in a duration of less than two months. Those are not isolated cases. Last week we saw a farmer in Nyeri who lost 10 head of sheep to a leopard. The farmer was not compensated. Last year, here in Kitengela Maasai morans clashed with lions that were killing people and animals. Those are a few of the cases; I believe such cases are repeated all over the country and some of them go unreported.

*[The Temporary Deputy Speaker  
(Hon. Cheboi) left the Chair]*

*[The Temporary Deputy Speaker  
(Hon. Kajwang') took the Chair]*

Compensation for injury or death caused by wildlife in Kenya is guided by the Wildlife Conservation and Management Act, particularly Section 62. This provides for compensation in case of death or injury only. Currently, the compensation awarded under this section of the law is a meager Kshs50,000 for injury and Kshs200,000 for loss of life. In 1989, the Wildlife Conservation (Amendment) Act, Cap.376, was amended vide Bill No.16 which, among other things, officially outlawed compensation for crops, livestock and other related man-made farm infrastructure. This situation has caused communities living close to forests, national parks, game reserves and game ranches to face untold suffering. In a country that values lives of its citizens, compensation that is offered for injuries and death are an insult to the very tenets of humanity that we seek to protect.

Hon. Temporary Deputy Speaker, in most instances human-wildlife conflict results in extensive damage to crops and livestock in addition to human injury and death; of course, the Kenya Wildlife Service (KWS) is aware of this. Since our people are fully aware that they would not be compensated for those damages, they resort to retaliatory killings of highly threatened and endangered species of our wildlife. This paints a very grim picture of our tourism sector because we kill the same animals that we expect to get foreign exchange from, not out of will but out of desperation to protect our livelihoods. We badly need our crops for food.

Hon. Temporary Deputy Speaker, Kenya faces the dilemma and the contradictions facing the wildlife conservation in modern day Africa. Our protected areas, which have breathtaking beauty, abundant and diverse wildlife bring in US\$50 to US\$60 million per year in terms of foreign exchange. This is a great boost to our already struggling economy. Human-wildlife conflict has led to loss of wildlife in retaliatory killings.

Hon. Temporary Deputy Speaker, Sir, the ecological data that was gathered by the Government itself shows that Kenya has lost up to 44 per cent of its wildlife over the last 17 years. The loss of domestic animals and crops greatly affects agriculture, which is at

the very core of our economy as a nation. For a Government that is struggling to ensure that its citizens are food self-sufficient, not compensating for farmers' crops and domestic animals loss is tantamount to preaching water and, of course, drinking wine which is contrary to our Christian teaching.

Hon. Temporary Deputy Speaker, this Motion seeks to instill discipline in the KWS with regard to response when they get distress calls by farmers who have encountered stray animals in their farms. In most cases, the response is normally very slow, or is normally delayed, if there is any response at all. One would be forgiven for arguing that this can largely be attributed to the fact that KWS rangers know that their organization will not suffer any loss in compensating for loss of crops and domestic animals. In case of human injury they know that their organization will pay very little money, if there will be any compensation at all. For this reason, this Motion does not seek to put monetary compensation as the only measure to curb human-wildlife conflict. Apart from increasing the compensation and including crops and domestic animals for compensation, this Motion also seeks to compel KWS to take the initiative for fencing the protected areas, and also carrying out community sensitization on human-wildlife coexistence. There should actually be peaceful coexistence between those two partners – wildlife and the people who live around the forest.

Hon. Temporary Deputy Speaker, those measures, however, do not water down compensation because the major problem does not lie within the formal protected areas, it lies on the land I would say is not protected area. The land that is normally owned and managed by Kenyans for agriculture and livestock production is where most of this conflict takes place.

Hon. Temporary Deputy Speaker, according to research findings by the Government of Kenya in 1995, majority of wildlife in Kenya is found outside protected areas, either on a permanent basis or on a temporary basis during the seasonal migration. The research puts the rates of loss outside protected areas at 55 per cent, while the loss inside the protected areas is only a meager 30 per cent. It means that most of the wildlife that is lost is normally outside the protected areas where the animals go to search for food, or when they are in migration, as is happening at the moment in the wildebeest migration.

Hon. Temporary Deputy Speaker, shifts and reversals in conservation policy have greatly reversed the gains we had made as a country in reducing human-wildlife conflict. By 1970s for land outside protected areas, there were incentives to land owners to maintain wildlife resources. Sport hunting, trapping for export and cropping of animals that had become excessive in the ranches was allowed. Of course, this improved tourism among other schemes that were used by organizations to compensate land owners for degradation by wildlife. This included compensation for loss of grazing land that was taken up by wildlife animals in place of domestic animals and, of course, there was compensation for life and property. In a policy reversal in 1977, most of those compensation schemes were abandoned as being either ineffective, or involved corrupt deals that made the Government actually withdraw them.

Hon. Temporary Deputy Speaker, this Motion is not aimed at diminishing the returns of the KWS; it is aimed at provoking KWS to improve the efficiency of retaining wildlife within the parks by improving patrol by the game rangers, and also by fencing off the parks. In return, farmers will reduce their hostility towards the stray animals and

focus on protecting the same, because they will know that in the event that their crops and livestock are affected, they will be compensated.

Hon. Temporary Deputy Speaker, I, therefore, urge this House to support this Motion, that the farmers should be compensated based on value of their crops. Compensation for injury should be increased from Kshs50,000 to Kshs200,000 and in case of death, compensation should be Kshs1 million.

With those few remarks, I beg to move this Motion and ask my brother, whom I believe has the same experience in his constituency, hon. Lemein, the Member of Parliament for Narok South, to second this Motion. I beg to move.

**The Temporary Deputy Speaker** (Hon. Kajwang’): Thank you so much. Member for Narok South, can you intervene? Just press the intervention button. Yes, Korei ole Lemein.

**Hon. ole Lemein:** Thank you very much, hon. Temporary Deputy Speaker. I rise to second this Motion. As it has been said clearly by the Mover of the Motion, tourism contributes a lot to the economic development of this country. In 2013, this sector brought in Kshs96 billion to the GDP. Therefore, it is very important for the people who are living near areas bordering wildlife to be looked after by the Government. The trend has been that in case of death the compensation by KWS has been Kshs200,000; it is even a problem for those people to get this money. A classical example is a very small area in my constituency, Oldonyo Rasha. From the year 2000 to last year, 12 persons lost their lives and the Government compensated each death at only Kshs200,000.

Hon. Temporary Deputy Speaker, Sir, you cannot compare Kshs200,000 with the injuries they suffered. Those people were each compensated Kshs50,000. I want to concur with Hon. Onesmus Njuki that most of those persons really do not care about wildlife because they are affected and the Government does not take the matter seriously. For better co-existence of people and wildlife in those areas, victims must be compensated well.

Hon. Temporary Deputy Speaker, Sir, I also urge this House to support this Motion, so that in case of death people are compensated Kshs1 million and Kshs200,000 in case of injuries. I believe that if persons in those areas are compensated well, and are taught the benefits of wildlife, poaching in those areas will reduce.

I thank Hon. Njuki for coming up with this Motion. It is a Motion which is dear to our hearts. I believe that any person who lives within those areas will give it a lot of support. People who live around the renowned Maasai Mara Game Reserve have been suffering. Those people have incurred many losses. There is a lot of wheat and maize farming in Narok South, but there has never been any compensation to those farmers. This Motion, therefore, urges the Government that in case of destruction of crops, farmers should be compensated based on the value of the property lost.

Hon. Temporary Deputy Speaker, Sir, I support this Motion.

*(Question proposed)*

**The Temporary Deputy Speaker** (Hon. Kajwang’): I am informed that there is a Member who is requesting to contribute. This is his maiden speech. Hon. David Karithi, where are you? I sympathize with your situation. I will give you the chance to speak

uninterrupted as you give your maiden speech after six months or so. It is four months. Just press your intervention button.

**The Member for Tigania West** (Hon. David Karithi): Thank you, hon. Temporary Deputy Speaker, Sir, for giving me this opportunity to deliver my first speech in this House.

Let me start by congratulating you and my fellow Members who were elected or nominated to this House. I also thank the people of Tigania West for demonstrating their confidence in me and electing me as their Member of Parliament.

Hon. Temporary Deputy Speaker, Sir, with your permission, I will now highlight a few important things about Tigania West Constituency, which I represent. As you may be aware, this constituency has many challenges, some of which are as a result of neglect by past regimes. It is discouraging that even the Jubilee Government has not made any substantive State appointment from Tigania West, which supported it overwhelmingly. Other challenges include poor infrastructure and lack of adequate water for agriculture and domestic use. There is also the issue of cattle rustling by neighbouring communities. We have squatters in my constituency who came into being as a result of Meru University. Those squatters were promised by previous governments that they would be compensated but they have not been compensated.

We also have the problem of title deeds. We have no title deeds in my constituency, yet land is a very important factor of production. Without this document, people cannot engage in any meaningful activities. I, therefore, appeal to the Government, through the relevant Ministries, to intervene quickly to end the suffering of innocent Kenyans, especially in Tigania West.

Hon. Temporary Deputy Speaker, Sir, I also urge the Government to compensate or see to it that the squatters in Njiru are compensated.

Let me also ventilate on a few things concerning the Truth, Justice and Reconciliation Commission (TJRC). The Government should ensure that the recommendations in this Report are implemented fairly. I also urge the Members of this House to see to it that the Report is not used as a weapon to punish innocent Kenyans by settling political scores without giving them a fair chance to be heard in courts of law. You are aware that if well handled, that Report can correct numerous injustices which were committed against Kenyans. If it is not handled with caution it can also cause injustice and instability in our country.

Hon. Temporary Deputy Speaker, Sir, there is also the issue of *Mau Mau* compensation. I commend the Kenya Government and the British Government for their role in this. I urge our Government to see to it that the money awarded reaches the torture victims, and that the beneficiaries reflect the face of Kenya, because we all fought for Independence.

Hon. Temporary Deputy Speaker, Sir, I would like to also touch on something concerning the Teachers Service Commission (TSC). We have nursery school teachers and I will propose an amendment to see to it that early childhood development teachers are also included in the TSC. I will also urge the Government to see to it that birth certificates are given at birth instead of waiting for young people to go looking for them at the district headquarters when they need them.

I also support my colleague, hon. Njuki because elephants have become a menace in my constituency. They are destroying crops and properties. They are even

killing people. In my constituency, there are many issues with KWS. Elephants are up and about in villages, and there are some which have been nicknamed. So, I would like to urge the KWS to take care and make sure that they do what is necessary to prevent them from interfering with the public.

I would also like to donate one of my minutes to hon. Shidiye, so that he can support---

**The Temporary Deputy Speaker** (Hon. Kajwang’): Order, hon. Karithi. Now I understand why this is your maiden speech.

*(Laughter)*

You do not donate your minutes; you have no minutes to donate when you are on your maiden speech. Are you through?

**The Member for Tigania West** (Hon. David Karithi): Yes, hon. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Hon. Kajwang’): Thank you, I hope now every hon. Member has contributed. We do not want to close the session without some hon. Members contributing. Let us go back to the discussion at hand. Where is hon. (Ms.) Chae? If you go for tea, please remove your card, so that the next hon. Member can participate in the debate. We will, therefore, have hon. (Ms.) Munene. I am sure you come from Mt. Kenya, and so you can contribute to this matter effectively.

**Hon. (Ms.) Munene:** Hon. Temporary Deputy Speaker, Sir, I rise to support this Motion because I come from Mt. Kenya, where we have so many animals. I would also like to thank hon. Njuki because so many people are suffering as a result of the animals. As a country we want our tourism to thrive. As you know, Mt. Kenya has so many animals and many people are killed while some are injured. I live next to the forest and I see animals going out and so many crops are spoilt, yet nobody compensates the owners. When people do not have food, we will have many problems; so, we want to urge the House to pass this Motion. The injured are given Kshs200,000 for treatment yet we know that medical care is very expensive. Although we are saying it is free, when you go to hospital to be treated or operated on, that money cannot be enough.

I ask this House to allocate more money to this. The KWS must understand that the life of a human being is very important. They must do something. When animals stray out of the national parks into people’s homes and farms, KWS officers do not respond quickly. Buffalos and cheetahs come out and attack our children as they go to school. So, we should pass this Motion. We should allocate more money for medical expenses. Medical care is very expensive, especially when a person is injured and is going to be operated on leg, a hand or any other body part. I support the Motion and urge the House to pass it. The people whose crops are destroyed by the animals should also be compensated.

In the past, I was a wheat farmer. One day, when I had gone to harvest, I found that elephants had been there the whole night and I did not get even a seed. I ask the Government to support this Motion and increase compensation, so that farmers can farm and get food for this country.

I support the Motion.

**Hon. Aden:** Hon. Temporary Deputy Speaker, Sir, I rise to support this very important Motion. I want to thank the hon. Member for bringing this Motion to the Floor of this House. Indeed, the destruction and harm caused by wildlife to the lives of many Kenyans and the damages caused to the farms is something that cuts across the country. In many instances, it brings human-wildlife conflict, causing very regrettable deaths of either people or animals which, as we know, are a source of income to our nation in the sense that they are an attraction to many tourists who come to our country.

I want to say that this problem is not only limited to the Mt. Kenya area. In my constituency, Balambala, I happen to border two important national parks, namely Kora National Park and Rahole National Reserve, to which---

*(Loud consultations)*

**The Temporary Deputy Speaker** (Hon. Kajwang’): Order, hon. Members! We have digital systems which work. Have trust in them!

**Hon. Aden:** Hon. Temporary Deputy Speaker, Sir, if my friend does not have his card, I can kindly accept information.

I was saying that my constituency borders two of the larger national parks, namely Kora National Park and Rahole National Game Reserve, from which I must say stray animals have often caused death and destruction to many of my people. There are, indeed, people to this very day living with very serious injuries caused by attacks by wild animals. I want to mention on the Floor of this House the name of one man, Osman Ahmed D.L.O, living in Balambala Constituency, whose life has been changed completely. He is now a disabled person, who is not able to fend for himself and his family, because he was attacked by elephants as he was walking to his farm.

Hon. Temporary Deputy Speaker, this person has never been compensated for the damages he suffered, yet he is now a person living under the care of his very poor family, and he is not able to carry out the activities of farming as he used to before. Not limited to that is the fact that elephants, indeed, destroyed his entire farm as well. We are talking about the life of an entire family being destroyed completely beyond repair and, to this day he has not been given any compensation. I know that he is not the only one; there are very many Kenyans who are suffering from similar injuries, permanent damage to their lives and their physical well-being and they have never been compensated by the Kenya Wildlife Service.

Hon. Temporary Deputy Speaker, the legally provided compensation of Kshs50,000 will never repair the life of those Kenyans. Kshs50,000 is nothing to a person whose injuries have caused him permanent disability. It is not adequate at all. Indeed, even the proposed amount of Kshs200,000 will not be enough to compensate the kind of damages that are suffered by our people.

I, therefore, say that, indeed, I support very much this particular Motion, and say that we must hold the Kenya Wildlife Service and those entrusted with the management of our game parks and reserves for the damages caused responsible. Our farmers must be paid adequate compensation for damage caused by wild animals.

The KWS, being the authority taking charge of the management of our game reserves, have also indeed, many times, particularly in my constituency caused suffering to my people. In the excuse of trying to say that they are protecting the parks, we have



people to this very day in my constituency who were taken away and detained by KWS, never to be seen again. I can mention the name of one man, Mr. Aden Diriye Sheikh Abdi, who was taken away early last year from his house, and to this very day nobody, not even his family, is in a position to say where he is. The Government has not been able to give us an adequate answer despite the same being sought from the KWS.

I will continue to say that no amount of excuses can be given by the KWS to justify gross violation of human rights and suffering of our people in the name of trying to protect wild animals. When they stray, wild animals actually cause a lot of harm and destruction to our people. I demand from the Floor of this House through the Chair, that we the people of Balambala and Danyere in particular, from where Aden Diriye Sheikh Abdi is still missing, must know what befell this citizen of Kenya. We must know what happened to this citizen who was taken away from his house in the very early hours of the morning of last year.

Hon. Temporary Deputy Speaker, we want to keep those animals; we do not want to harm them but when they stray out of their parks and come and cause harm and destruction to Maasai families living with their animals, and the Somali people grazing their cows out there, it is very sad. It might be very easy to say that this lion or hyena has only killed 20 animals. Those 20 animals are all this Kenyan citizen had for life.

I support this Motion and say in the strongest terms possible that the KWS must be held to account for the deaths and destruction caused by wild animals. They are the ones we have entrusted with the responsibility of taking care of those animals and ensuring that human-wildlife conflict is kept at the lowest level. I support this Motion and, indeed, I want to say that this House should go further and enact a Bill to increase the compensation amount from Kshs50,000 for permanent injuries and Kshs200,000 for death; we should increase those amounts as proposed by this Motion. We should go further and come up with a Bill on the Floor of this House.

Also, the people charged with the management of the KWS should take responsibility and answer the questions that have been asked on the Floor of this House about the two Kenyans mentioned. An adequate explanation must be given about the one who is still missing. His family, which has lived for over a year without him, wish to know whether he is alive or dead. The family lives in misery.

I beg to support this Motion and thank you very much.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Thank you so much. Hon. Chachu Ganya, do you have an intervention?

**Hon. Ganya:** Yes, hon. Temporary Deputy Speaker, Sir.

Thank you for this opportunity. I want to draw the attention of my colleagues, and the House to a Bill which has been published, called the Wildlife Conservation (Amendment) Bill, 2013. It might be here for First Reading today or tomorrow.

Hon. Temporary Deputy Speaker, I am a Member of the Committee on Environment and Natural Resources, and they have given a lead on this Bill. What we are debating has been fully catered for in this Bill. Part IV of the Bill is on establishment of Wildlife Endowment Fund and Compensation Scheme. There are policies in our Bill for compensating persons for all kinds of injuries, damage to their properties or their crops. The amounts for compensation are even more than what is proposed in this Motion.

Therefore, I am just telling my colleagues that once the Bill is brought to this House today or tomorrow, look at it; if you want it amended, there will be an opportunity.

It is a very good Bill in terms of looking at all the issues of conservation in this country. It is from people's perspective. The Bill has got a human face; it will really take care of Kenyans, and provide an opportunity for the House to amend it, as it wishes. It can even increase the penalties. There are all kinds of penalties.

So, I think we have an opportunity even with a Motion, we have a Bill which is there already. Yesterday, as a Committee, we met the Cabinet Secretary for Environment, Water and Mineral Resources and all his officers. They took us through the Bill. I think, as House, you will have an opportunity to amend the Bill, or to come to the Committee and make your presentation.

Thank you, hon. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Thank you, hon. Chachu Ganya. Hon. Members, I want to thank hon. Chachu Ganya for the intervention that he has given. You know Article 42, as read with Article 69--- If you apply your mind to them and what they provide, some of the issues that are raised in this Bill may as well be corrected by relying on the provisions of those articles. But this was an intervention, I want to hear a few ventilations from the hon. Members. This is a Motion before the House; what do you feel hon. Members? How should we go about it?

Let me hear one or two ventilations. Who will be the next one? Hon. James Opiyo Wandayi, you do not have to shout from your seat. Those digital gadgets work. When you press it, I am able to see it.

**Hon. Wandayi:** Hon. Temporary Deputy Speaker, Sir.

**The Temporary Deputy Speaker** (Hon. Kajwang'): Remember you are on a point of order. So, you only have few minutes to argue your point of order.

**Hon. Wandayi:** Hon. Temporary Deputy Speaker, Sir, I must thank hon. Chachu for the clarification even though I sit in the same committee with him. So, I am quite conversant with the issues at hand about the Wildlife Bill that has been published.

My view would be that even though the Wildlife Bill is just about to be tabled in the House any time from now, I would suggest that the Motion as moved by the Member be processed to its fullness, so that we can dispose of it. That Motion will not have any negative effect on the Bill as published. It can only enrich the discussions that will ensue once the Bill is tabled on the Floor of the House. If you allow me, I will then proceed and contribute to the Motion.

**The Temporary Deputy Speaker** (Hon. Kajwang'): You are completely out of order. Resume your seat, hon. Wandayi. We have understood the gist of your contribution. The issue, as I understand it, is that the issues raised by hon. Onesmus will be superfluous when the Bill comes for the debate and when it is finally debated. The question is: Why would we waste a lot of the National Assembly's time to go through all those processes and then come back to the Bill and the Members will ventilate the same issues? If the Mover is satisfied that the Bill carries everything that he is bringing in the Motion, because a Motion is really a statement, then we can decide otherwise. It is a resolution of the House but which urges the Government to do certain things but the Bill culminates into an Act of Parliament which becomes law and forces the Government to do exactly what is required. I am just entertaining a little discussion on this issue as we dispose of it.

**Hon. (Ms.) Chae:** Hon. Temporary Deputy Speaker, Sir, I actually wanted even to come up with an amendment, but since we have been told there is a Bill, which I have with me, I want to look at it and see what it is talking about.

The Motion has come at the right time, but since the Bill is there, we can wait to debate the Bill. My concern was in terms of compensation. Farmers should be compensated. They are poor.

**The Temporary Deputy Speaker** (Hon. Kajwang’): I want you to be relevant to the issue that we are now dealing with, which is how we dispose of the Motion which is before us in light of the intervention by hon. Chachu that there is a Bill that is coming before this House for debate. Debate just that point.

**Hon. (Ms.) Chae:** Hon. Temporary Deputy Speaker, Sir, as long as the Bill is there, it is better that we go to its contents.

**The Temporary Deputy Speaker** (Hon. Kajwang’): Members, you are all advised to proceed to the Clerk’s Table, so that we can have all the Bills which are before us. Those Bills are published and they are official records and any Kenyan can get them. You should have all the Bills which are coming before us, so that we have all this information together. But let us hear something from hon. Mbadi.

**Hon. Ng’ongo:** Hon. Temporary Deputy Speaker, Sir. I did not know that you also have a problem pronouncing my last name. It is actually Ng’ongo and you can get it better than the others, which means “big” for those who do not know.

I would like to thank hon. Chachu for raising that point of order. Truly, throughout the 10<sup>th</sup> Parliament, we called for the Wildlife Bill and I am happy to hear that it is just about to find its way to Parliament. I just want to say two things in support of this Motion. The first reason being that usually, Motions are just expressions of intent or an intention to do something. You can urge the Government and then the following day, the Government responds or a Committee of the House responds. So, there is no harm in passing this Motion knowing very well that there will be a Bill tomorrow. That notwithstanding, if you look at the wording of the Motion, it is a bit specific to Mount Kenya, even though the prayer finally would cover the entire country. I have no problem if this House could still go ahead and transact the Motion knowing very well that we will still have a Bill coming to this House.

Finally, usually, our rules are that before a matter is formally before the House, we do not treat it as a property of the House. The Bill can still be withdrawn by the Government and because it has not been officially brought here for the First Reading, we can be blind to the fact it is coming. We can mention that there is a Bill that is likely to find its way here, but it is not formally a property of the House. So, in my view, there is nothing wrong with processing hon. Onesmus Muthomi Njuki’s Motion and we wait for the Bill to come.

**The Temporary Deputy Speaker** (Hon. Kajwang’): Thank you, hon. Ng’ongo for your contribution, but referring to the Standing Orders, I want you to look at Standing Order No.85. Standing Order No.85(1) says:-

“(1) It shall be out of order to anticipate the debate of a Bill which has been published as such in the Gazette by discussion upon a substantive Motion or an amendment, or by raising the subject matter of the Bill upon a Motion for the adjournment of the House.

(3) In determining whether a debate is out of order on the grounds of anticipation, regard shall be to the probability of the matter anticipated being brought before the House within a reasonable time”.

This Bill has been published in the Gazette and so, it falls within sub-section 1. I am informed by hon. Chanzu, whose information is correct, that the issues that are being canvassed in the Motion will be the issues in that Bill. So, in terms of probability that the matter will be before the House, I see there is a lot of probability that this matter will be before the House. So, as I invite only two interventions with that direction from the Chair, how does Abdikadir want to intervene?

**Hon. Aden:** Hon. Temporary Deputy Speaker, Sir, first of all, I want to thank hon. Chachu for bringing this to our attention. I want to agree with the other Members who spoke before me, in particular hon. Mbadi, that is it very good that we have this Bill coming our way, but it is not yet properly before this House. For that reason, this debate should be allowed to continue, so that Members can discuss in depth the issues at hand.

**The Temporary Deputy Speaker** (Hon. Kajwang’): Are you able to direct yourself to the Standing Order which I have just read?

**Hon. Aden:** Indeed, hon. Temporary Deputy Speaker, Sir. I want to direct myself to the very Standing Order that you read. This Bill is not yet before this House. By the time this Motion was being done, nobody knew that this Bill was on its way or had already been gazetted. The Mover of this Motion was not aware and for that reason, I feel that it is very much in order that this debate continues.

**The Temporary Deputy Speaker** (Hon. Kajwang’): Hon. Abdikadir, I want Members to help themselves by understanding the Standing Orders and how we proceed. This matter is properly before the Departmental Committee. That is how it reached the level of the Bill and that is how it was published. So, it is properly before the House, but that notwithstanding, the Standing Order does not talk about before the House. It says a Bill which has been published as such in the Gazette. This Bill has been published as such in the Gazette.

So, we do not want to make decisions from the Chair. I want you to be persuaded so that we get directions properly.

**Hon. Barua:** Hon. Temporary Deputy Speaker, I am a member of the Departmental Committee on Environment and Natural Resources. I want to support the intervention by hon. Chachu Ganya. This Bill is specific on the amount that ought to be paid when it comes to death resulting from wildlife. It proposes to raise the compensation to up to Kshs1 million. This is what has been requested in the Motion. The Bill that has been published also provides for compensation when it comes to damage of crops by wildlife.

This Motion is timely. My feeling is that what we are going to discuss in this House will be repeated when we shall be discussing the Bill. I support hon. Chachu on that issue.

**Hon. (Eng.) Gumbo:** Hon. Temporary Deputy Speaker, I just wanted to seek clarification. In my view, the Bill has not been read the First Time and so it cannot be a property of the House. Even to talk about the Bill is really to anticipate debate. It is in that respect that I suggest that you allow the Motion to continue. This is because the Bill is not properly before us. What is being said now, as far as the House is concerned, is hearsay. Looking at Standing Order No.85 it prohibits anticipating debate of a Bill. So,

even to refer to the Bill is out of order, but discussing the Motion is not out of order, in my humble view.

**The Temporary Deputy Speaker** (Hon. Kajwang’): Well, unless we appreciate the English differently, my Standing Orders state clearly that it will be out of order to anticipate debate of a Bill. That Bill is the Wildlife Management and Compensation Bill, 2013 and it has been published in the Gazette. So, my understanding of a clear reading of that Standing Order squarely fits into what the Standing Order anticipates. We do not want to take too long on this matter, hon. Chachu. Are you the Chairman of this Committee?

**Hon. Ganya:** Hon. Temporary Deputy Speaker, I am not the Chairman; I am a member of the Committee. My intention of informing hon. Members about the Bill was not to stop the debate on this Motion at all. I was just telling my colleagues that there is a Bill which has been published and it is not yet properly before the House because it is only after the First Reading that it is then committed to the relevant Departmental Committee.

**The Temporary Deputy Speaker** (Hon. Kajwang’): We understand you. Today gives us an opportunity to understand that Standing Order and appreciate it. There is nothing about First Reading. I do not see any First Reading in this Standing Order. What I see is a Bill which has been published in the Gazette.

**Hon. Mohamed Abdi:** Hon. Temporary Deputy Speaker, we really have to go by the ruling you are going to make. I anticipate that you have already made up your mind that this Bill is properly before this House. I want to ask my colleague who has come up with this Motion that we conserve our energy and time so that we contribute to this Bill. If it does not fit what we are asking for, then we amend it to provide us with what is good and will help this nation.

I do not see any reason as to why anybody would want to remove this Bill from the list of Bills which have been proposed. It has gone through the proper channels. It has been published. It is ready and mature to be brought before this House. This House has other business to do as is indicated in the Order Paper. We could continue to do that business as we conserve our energy and time for this Bill to come.

**Hon. (Ms.) Ng’etich:** Thank you, hon. Temporary Deputy Speaker. I also rise on a point of order. We have been aware that the Bill is coming. We know that the Bill will become law. It is more committing than passing this Motion. We have been informed that the compensation aspect has been captured better in the Bill than in this Motion. I want to urge hon. Members that we preserve our comments until that time. The Standing Orders are very clear that we are out of order to anticipate debate on that forthcoming Bill.

However, if that is not possible, I would propose that we discuss this Motion and not put the Question at the end of it. We could stop and wait for the Bill to come.

**Hon. Koech:** Thank you, hon. Temporary Deputy Speaker. First, I wonder whether those digital things work. I was a bit surprised when you declared *mheshimiwa* Gumbo to be my senior and yet I know that I am supposed to be his senior. I was already on queue. Nonetheless, this Motion, in my view, is rightly before the House. The published Bill is not before the House. I think we should process this Motion by hon. Njuki to its logical conclusion. The other one will hopefully find us on the way. This is because like hon. Mbadi said we are not even sure whether the published Bill will

eventually find its way in the House. If that happens, I think it is only fair that we continue with debate on the Motion before the House.

Hon. Temporary Deputy Speaker, I do not know if you will now allow me to make my contribution because I have a passion----

**The Temporary Deputy Speaker** (Hon. Kajwang’): No! We want to get this out of the way. Hon. Lati Lelelit!

**Hon. Lati:** Hon. Temporary Deputy Speaker, when the Mover of this Motion and the Secunder left this House, they left me on guard. They told me to take care of this Motion until they come back. You are now putting me in a very awkward situation. I cannot reach them on phone and if they come back and find out that their Motion has been thrown away, I will be the one to answer.

The other thing is that Mr. Chachu has been in this House long enough. He is a good friend of mine. Why did he not raise this issue before this Motion was moved? It is unfair for some of us to sit here and press our machines waiting to speak - this is a matter that is dear to us – only to be told that all the work we are doing here is nothing. I understand that the Standing Orders are on our side. We need to debate this Motion. Again, there is no way this Motion is exactly the same as the Bill hon. Chachu and group are talking about.

We are 349 of us here and there is no Motion we have ever ventilated all of us---

**The Temporary Deputy Speaker** (Hon. Kajwang’): Thank you very much. Resume your seat. We are taking too much on this issue. This is the way we will go and this will be the ruling of the Chair: I cannot see the Mover of the Motion and this being a Motion of a Member which cannot be disposed of unless it is withdrawn or debated, I hereby order that debate will continue notwithstanding the fact that you will repeat yourself when the Bill comes before the House. It is your time and you are Members of the National Assembly. Let us go back to the request list. I think that disposes the interventions. Alfred Kiptoo Keter, you can have the Floor.

**Hon. Alfred Keter:** Thank you, hon. Temporary Deputy Speaker, Sir. I want to congratulate the Member who has moved this Motion and the Secunder. I think it is important that we change the mindset of the colonial Government where wildlife was more important than humans. I remember about two years ago, we lost lives in Kajiado and the Government was more focused on where the lions were and not on how to compensate the lives lost.

Hon. Temporary Deputy Speaker, Sir, one or two weeks ago, a farmer in Central Province lost sheep. The Kshs50,000 that is meant to be compensation is way less than the value of the property. Equally on that note, when you see the intentions of the interventions, I think it is also important that we focus on bringing more Bills to this House. In as much as it is good to have Motions but they just urge the Government. Bills will become Acts of Parliament and they will be implemented. I want to urge all Members of Parliament to support this Motion. In as much as wildlife is important in this country, the property of Kenyans is more important than wildlife.

Thank you so much.

**The Temporary Deputy Speaker** (Hon. Kajwang’): There is a Member called Alice who had an amendment. She is not here? Members, we need to be more serious about how we transact business in this House. I am getting concerned because you have

approached me because of your amendment and you are now not here to prosecute your amendment. Okay. We will go on with the debate. Lelelit Lati.

**Hon. Lati:** Thank you. I appreciate that. I have been sitting here for a long time. I wanted to speak and I was a little worried when you said that the debate will not go on anymore.

For those of us who come from the rural parts of our country where there is abundant wildlife, this is a very important Motion and I want to add my voice in its support. It is a well documented fact that 75 per cent of our wildlife live outside national parks. I grew up herding my father's cows and also elephants by extension and all those animals and it is very hard to imagine how many instances of human-wildlife conflict occur in places like Samburu.

Just last month, there was a swoop by the Provincial Administration on illicit brew in a small town in Samburu. So, people took the illicit brew to the bushes around town and at night hyenas came and drank it. They got drunk and you can imagine what happened to the people around that area the following morning. There is a lot of human-wildlife conflict where I come from and I think what is being asked for in this Motion is very modest. I think this Motion should enrich the Bill that has been brought by hon. Chachu, on the need to compensate our people.

Hon. Temporary Deputy Speaker, Sir, even with compensation in mind, I think we must know that wildlife is an important asset of our country. We have benefitted from wildlife in so many ways as far as tourism is concerned. In fact, the only thing that has benefitted people in places like Samburu and Narok is wildlife. So, we want to help protect this wildlife. We want to make sure that human-wildlife conflict is contained by taking care of those that are injured and killed by wildlife. It is a very modest thing and I think we should support this Motion.

Having said that, hon. Temporary Deputy Speaker, Sir, I had a very bad afternoon yesterday because a Member of this House rose on a very serious matter, something that I think should be taken very seriously, but apparently it was not done in a fair way. You know, for the last few months we have been in this Parliament. When I was elected by my people, they were very excited. They were expecting that when I get to Nairobi I will have a very nice office and they will come to the office and I will also have a very nice car to drive them around. There are no very nice cars where I come from.

Hon. Temporary Deputy Speaker, it is now almost four months. The Speaker worried me yesterday when he took this issue casually. You know, for the last few months, they have been asking where my office is. For the last few months, I have been telling them that Parliament has not given us offices. Then that story ran dry. I started another story. I started telling them - I think this should be on record - that my Personal Assistant (PA) has been leaving with my car keys and such like stories. They come from Maralal and they want to see my office. They are excited but now I do not know what to tell them. It is very embarrassing for a Member of Parliament not to have an office. It is very embarrassing for a Member of Parliament not to have a nice car. So, I have been using my old car which I used for campaigns and you know what campaigns did to us. All the money went to those campaigns. I want to put this on record that the Speaker yesterday took this issue very casually and it is not casual. We are Members of Parliament and we want something to be done about those things and it is serious.

Thank you. I support the Motion.

**The Temporary Deputy Speaker** (Hon. Kajwang’): All right. Stephen Wachira Karani.

**Hon. Karani:** Thank you, hon. Temporary Deputy Speaker. I rise to support this Motion and before I do that, I want to mention two things. First, I think the Mover needs to rectify a few things because he is talking of elephants. I think we should be dealing with a broad spectrum of wildlife and not elephants alone because our farmers are having problems not only with elephants. Like where I come from in Laikipia West Constituency, I border many ranches owned by the white people and we have a lot of wildlife there. So, we get a lot of problems from animals coming from those ranches to feed on our people’s crops.

Secondly, I want to mention that it is not only the Mount Kenya National Park and Forest Reserve where elephants stay. We also have elephants in the Aberdares, Tsavo and other places. So, I think that one needs to be widened.

The other thing I want to say is that three people were killed in my constituency. Two people were killed by elephants and one by a lion. In fact, it is unfair when you compensate the family of a person who has been killed by wildlife with Kshs200,000. Even the dowry we paid for some of us who are married was more than Kshs200,000. Now, we are compensating a life lost for only Kshs200,000. So, I want to commend hon. Njuki for coming up with this Motion.

Hon. Temporary Deputy Speaker, Sir, sometimes in this House, we passed a Motion on anti-poaching. We increased penalties and fines on the people who are caught poaching to Kshs10 million. We also increased the jail term to 15 years. Our people, like where I come from, are in problems. The wild animals come from the ranches, invade *shambas*, kill your people and there is nothing you can do. You try to go to KWS personnel or the Provincial Administration but nothing happens. There is nothing you can do. There was a case in Kajiado and the hon. Member from that area has correctly indicted that lions invaded their area, killed their sheep and goats and when the morans decided to kill the lions, they were arrested by the Government. You know the consequences. So, we are having many problems with wild animals.

Hon. Temporary Deputy Speaker, Sir, this is a timely Motion and is very good. I want to commend the Judiciary in our country. That is because there are some people who went to court recently. Those people were mistreated by the former regimes. For example, hon. Imanyara was awarded Kshs15 million. It is sad that a court can award Kshs15 million as compensation to somebody who was tortured while the family of a person who has been killed by wildlife is compensated Kshs200,000.

Thank you very much. I support the Motion.

**Hon. Koech:** On a point of order, hon. Temporary Deputy Speaker, Sir. Thank you for giving me this opportunity. I take this opportunity to thank the Mover of this Motion.

**The Temporary Deputy Speaker** (Hon. Kajwang’): You have stood on a point of order. Can I hear what is out of order?

**Hon. Koech:** Hon. Temporary Deputy Speaker, Sir, my intervention is that I want to propose some amendments to the Motion. The Motion should be amended---

**The Temporary Deputy Speaker** (Hon. Kajwang’): Order! I have received your intended amendment but we do not have quorum to transact an amendment. So, you can talk to the Majority Leader or the Minority Leader. You can also see whether you can



whip a few Members to enter into the Chamber because I am not in a position to put that Question. We will proceed with the debate.

**Hon. (Dr.) Nyikal:** Thank you, hon. Temporary Deputy Speaker, Sir, for giving me this opportunity. I have been waiting the whole morning and I was very worried that you were going to curtail our discussion. Although we have a Bill coming, I think this is an extremely important debate. There is a monumental or grand conflict between wildlife and people. We have agriculture which is the mainstay of our economy. We also have wildlife that is mainstay of our tourism and at the same time we have a growing population and there is dwindling of arable land per capita. So, we are happy that a Bill may be coming to Parliament but we have to look at the impact of this on agriculture. Agriculture is our main foreign exchange earner. Agriculture is the main subsistence for our people, particularly people living in the rural areas. The largest population is subsisting on agriculture. In my view, agriculture is going to lead the industrialization of this country through value addition. It is going to be a big potential for the employment of the youth and it will be a big potential for turning around most of our people from subsistence farming to serious economic or cash crop farming. The youth fund has come and this is an area we can apply it. Therefore, this conflict has to be addressed seriously and I thank the Mover of this Motion for what he has done.

Hon. Temporary Deputy Speaker, Sir, as one hon. Member has indicated, the Motion needs to be wider and probably the Bill will do that. It is not only lions. It is not only elephants because in the last discussions, that is what we heard. Around the lake, there is a similar menace and I think you are aware of this. There are crocodiles and this is a big conflict between fishermen and people who live around the lake, their livestock and the crocodiles.

*(Hon. Ng'ongo nodded)*

I can see hon. Ng'ongo is appreciating this. In my constituency, in one beach alone -we have 15 beaches - in the last two years, we have had three deaths; people who were attacked and killed by crocodiles and they have not been compensated. So, there is a much bigger issue that we are dealing with. Around the lake, right now we are just having nascent horticultural practices coming in and I think hon. Temporary Deputy Speaker, Sir, you are in a position to know the effect of hippopotamus on this. So again, we need to look at this in a much broader way. As has been indicated, I have always wondered how issues, and within the Judiciary itself, are handled. For a death, there will be a compensation of say, Kshs2 million. For libel, somebody will be compensated Kshs20 million. I do not know whether the death of some people's names is more important than the death of human beings. Therefore, the compensation mechanisms as they are now, I think all round need to be looked at. I am happy to note that, perhaps, in the Bill - maybe I should not say that very much because I am anticipating - we need a much larger compensation where life has been lost. In my view, I would urge the Mover and perhaps we will do that in the Bill, that only in cases where a person has been attacked or killed while crossing into a protected area should we allow this minimal compensation. In cases where a person was attacked outside the protected areas and killed, I think we should look at larger compensation, more or less, like what the court gives. That is extremely important, in my mind.

Another one is the process of looking for compensation. In many cases people are not even aware of how to look for compensation. There are delays, it is difficult and expensive. When somebody dies, they want a postmortem report and there is need to confirm that, that person actually died from animal attack.

Hon. Temporary Deputy Speaker, Sir, two weeks ago, I heard of a case where somebody was killed by a crocodile and the leg was the only part of the body that was found. So, the leg was taken to the mortuary for postmortem. I wondered what kind of postmortem was to be done and how they were able to confirm that, that was a leg of somebody who was killed by a crocodile. So, people were stuck while somebody had died.

This is an extremely important Motion and we may not get time to deliberate it extensively when the Bill comes. Let us use this opportunity to deliberate on it. The delay is huge - three to four years without compensation. Even people with disability have spent their money in hospitals with no compensation. Even the handling of people who are seeking compensation, like the case I am talking about, somebody was being told that crocodiles live in water. So, if you go to the water, you have attacked the crocodile in its environment. We, the people from the lakeside, in a way, live in the water. That is where we get out mainstay which is fish.

So, those casual remarks from KWS officials are also discouraged. I think we must start to respect human beings. We agree that animals for their tourism value give us a lot but when death or injury has occurred, I would expect KWS officials to be actually more sympathetic and understanding. In fact, they should process the compensation. It should not be left to the victim to process the compensation because many cannot do that. Eventually, when the compensation is done, in many cases, particularly those with injuries, it is much smaller than what has been spent looking for the compensation itself.

Hon. Temporary Deputy Speaker, I beg to support this Motion and thank you very much for the opportunity.

**Hon. Mwadime:** Shukrani Mhe. Naibu Spika wa Muda. Nilikuwa nadhani sitapata muda wa kuongea kwa sababu nimengoja sana.

Nasimama kuunga mkono Hoja hii. Kwa kweli, sheria ilikumbuka wanyama pori ikasahau binadamu. Wanyama pori wamekuwa kero kubwa sana katika Eneo la Uwakilishi Bungeni la Mwatate na vile vile Jimbo la Kaunti ya Taita Taveta. Wiki mbili zilizopita, simba walikula mbuzi zaidi ya kumi na ng'ombe zaidi ya tano, mali ya mkaaji wa eneo la Mwatate. Ni nadra sana mvua kunyesha katika maeneo hayo. Wakaaji wa hayo maeneo wanawategemea tu hao wanyama wa kufuga. Msimu huu uliopita, mvua ilinyesha vizuri na watu wakapanda mimea yao sawa sawa. Lakini baada ya muda mfupi, ndovu waliharibu hiyo mimea yote. Hata sijui tutafanya nini. Maanake nikiangalia huku, mshahara umempunguzwa kidogo na Serem na hatuna hata kiwanda kimoja kule.

Kwa jumla, wanyama wa pori wameumiza watu wengi. Mzee mmoja aliumizwa na ndovu. Ako na watoto shuleni lakini hawezi kufanya shughuli yoyote kwa sababu amelemaa. Akienda kutafuta fidia kutoka KWS, hakuna kitu ambacho kinapatikana. Hoja hii ni nzuri sana na ningeomba tuangalia Mswada ambao utaletwa hapa Bungeni ili tuweze kutatua shida ya wanyama wa pori na binadamu. Tunafaa kuangalia vile binadamu wanavyoweza kufaidika wakati wameumizwa au mimea yao imeharibiwa na wanyama wa pori. Hawa wanyama wameishi na binadamu kwa muda mrefu na sio kuwa wana akili kuliko binadamu. Ninavyoongea sasa, wakaazi wa eneo Bunge langu

wanauliza watafanya nini kama watu wa KWS hawasikii na watatumia njia gani kuwamaliza wanyama. Kama unavyofahamu, njia ni nyingi.

Ingawaje tunafahamu kuwa wanyama pori wana faida kwa upande wa utalii, hawa watu ambao wanakaa na wanyama pori katika eneo hilo, hawafaidiki kwa njia yoyote kutokana na utalii. Kwa jumla, kuna matatizo mengi kati ya wanyama pori na binadamu. Naunga mkono Hoja hii ya mhe. Njuki kwa sababu kama vile wanyama pori wanavyowasumbua kule Mlima Kenya, kule Tsavo hi hivyo hivyo.

Vile vile, naunga mkono mhe. Nyikal ambaye ameongea muda mfupi uliopita. Ni lazima tuangalia fidia kwa watu wanapoumizwa na wanyama wa pori. Vile vile, tuangalie fidia watu wanapoathiriwa. Wasipatiwe pesa kidogo. Mhe. Njuki ametaja Kshs1 milioni lakini nadhani kuwa katika Mswada utakapoletwa Bungeni, tutaangalia vizuri na tuchangie zaidi. Nikisikia watu wakiongea kuhusu jambo hili, ninawashwa. Nahisi kama fimbo inanichapa na kuna maumivu kwa sababu wanyama wa pori wametusumbua sana. Nitangojea Mswada uletwe hapa Bungeni ili nichangie zaidi.

Naunga mkono Hoja hii.

**The Temporary Deputy Speaker** (Hon. Kajwang’): Thank you, hon. Mwadime. I do not know if hon. Mbadi got the Kiswahili vocabulary.

*(Laughter)*

**Hon. Mohamed Abdi:** Thank you, hon. Temporary Deputy Speaker for giving me this opportunity. I want to thank the Mover of this Motion and, at the same time, the Mover of the anticipated Bill. As a nation we value wildlife so much because it earns us foreign exchange. It is, however, high time we struck a balance between human beings and wildlife. The animals should not only be conserved for tourism but also for our generations to come. It is only that way that our offspring will see lions and elephants. The current human-wildlife conflict is going to wipe out the wildlife and yet, that is not the route we want to go. On the Bill that is anticipated, the originators of it should be careful to appreciate animals---

*(Hon. Mwadime crossed the Floor without going to the Bar)*

**The Temporary Deputy Speaker** (Hon. Kajwang’): Order, hon. Mwadime! Could you, please, go to the Bar and do what you must do before you talk to the gracious lady?

**Hon. Mohamed Abdi:** Hon. Temporary Deputy Speaker, this Motion addresses more issues that concern Mount Kenya, but the issues that have been so far raised affect the whole country. The Bill will be in a position to reflect this matter broadly.

In my constituency, we have a national park that was gazetted in 1989, but its development has taken a while; reason being conflict in the area and so on. One other reason that has seen the under-development of that national park is the human-wildlife conflict. The issue of compensation for life lost, animals mauled and crops damaged is a big issue. People are normally arrested for trespassing into the parks. With the coming of this Bill, we are happy as a county that this will be put to rest and the pace at which we will develop the park will be accelerated. We want to develop the national parks at Malkamari and Banisa.

I went through the current Act and I realized that it has a lot of shortcomings. I want to urge the originators of the Bill to come up with something meaningful. We need to redefine “dangerous animals”. If the Act defines them as wild animals, I believe infringement upon their habitat will attract a penalty. I would suggest that all those animals should be classified as dangerous. That is because all wild animals starting from the elephant to the snakes are dangerous. The authorities should not use that classification to avoid payment of compensation. In that Act, it is only the elephant and lion that are classified as dangerous animals.

In my constituency what is causing havoc to livestock farmers is the hyena. There is no compensation for animals that are being killed by those hyenas. They kill them in their hundreds every day.

Hon. Temporary Deputy Speaker, in the compensation that is being floated in this Motion and the Bill that is coming, somebody alluded to the fact that Kshs1 million is supposed to be the amount of compensation for lives that are lost. I want to say that, that is very small and minimal. The previous speaker has stated that libel and torture cases have been compensated in millions and yet we want to compensate loss of a life for Kshs1 million. I think that should not be the way to go.

When I read through the Act, it lives in the past because the district committees that are supposed to look at the compensation talk about District Commissioners and County Council Chairmen. I want to ask the Mover of the Bill to be very thorough so that the Act is brought in tandem with the present Constitution.

With those few remarks, I want to say that I support this Motion. Thank you.

**The Temporary Deputy Speaker** (Hon. Kajwang<sup>3</sup>): Hon. Gimose, could you please take just a few minutes since most of your minutes will be in the afternoon? Could you take say four minutes?

**Hon. Gimose:** Thank you, hon. Temporary Deputy Speaker, Sir. I want to support this Motion. Human-wildlife conflict in this country is as old as creation. The conflict has been continuous, persistent and measures should be taken to ward off human-wildlife conflict. This is not only the preserve of Mount Kenya or areas in which the animals roam like Narok and so on. In my constituency, we have a serious issue of monkeys and baboons which equally cause unnecessary conflict and, in fact, are a nuisance to my people.

So, this is an issue that should be taken seriously. It is an issue that the Government must urgently attend to. They should put in place measures to stem the conflict and this is by way of increasing and enhancing penalties. I want to support this Motion by saying that human beings should not be subjugated to touristic tendencies where wildlife should be put ahead of the lives of members of the public.

Hon. Temporary Deputy Speaker, Sir, we remember in history the issues of the man eaters of Tsavo. If I remember very well at that time, the Asians that were consumed when they were constructing the railway line were paid much more compensation than what is being paid to Kenyans who are affected by wildlife or whose crops are destroyed by wild animals. I want to say that in passing this Motion, inflation should be taken into account as far as compensation is concerned. In future, the new Wildlife Conservation Act should take into account issues of inflation. That is because the money that is paid to Kenyans who are affected is not paid on time. It takes quite a long period for payments to be effected and that is not good.

Hon. Temporary Deputy Speaker, Sir, so, I would like to support this Motion by saying that human-wildlife conflict should be a thing of the past in this country. Thank you and I support.

### **ADJOURNMENT**

**The Temporary Deputy Speaker** (Hon. Kajwang'): Thank you, hon. Members. The time is up for the morning session. We have to interrupt debate. The House stands adjourned until today, afternoon at 2.30 p.m.

The House rose at 12.30 p.m.