

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 14th April, 2004

The House met at 9.00 a.m.

[Mr. Deputy Speaker in the Chair]

PRAYERS

NOTICES OF MOTION

Mr. M.A. Mahamud: Mr. Deputy Speaker, Sir, I beg to give notice of the following Motions.

ESTABLISHMENT OF AUTHORITIES ON LIVESTOCK MARKETING

THAT, in view of the socio-economic importance of the livestock industry to a large segment of the Kenyan population, and taking note of the fact that livestock keeping is a key economic activity of many Kenyans; aware that the development of the livestock industry has not been backed by legislation similar to that of other sub-sectors in the larger agricultural sector, this House calls upon the Government to establish three statutory bodies, namely Kenya Livestock Research Institute (KELRI), Kenya Livestock Development Authority (KELDA) and Kenya Livestock Marketing Board (KELMAB), which will deal with research, development and marketing of livestock and livestock products respectively.

EQUIPPING OF PUBLIC HEALTH FACILITIES

THAT, while

appreciating the Government's commitment to the provision of quality health services to Kenyans; aware that most public health facilities in this country lack the necessary facilities to enable them provide adequate services; this House calls upon the Government to fully equip all public health facilities by providing adequate personnel, drugs, vehicles, funds and other necessary materials in order to enable health facilities provide the required services.

ORAL ANSWERS TO QUESTIONS

Mr. Were: Mr. Deputy Speaker, Sir, although I do not have a written answer I will ask my Question.

Question No.012

REVIEW OF SUGAR PRODUCER PRICES

Mr. Were asked the Minister for Agriculture:-

- (a) how much money the sugar companies are paying to farmers for each tonne of cane delivered to the factories;
- (b) whether he is satisfied that the price being paid is adequate and of economic value to the farmers; and,
- (c) what steps he has taken to ensure that the prices are increased to enable the farmers benefit from growing cane.

The Minister for Agriculture (Mr. Kirwa): Mr. Deputy Speaker, Sir, I beg to reply.

(a) The price per tonne of cane of sugar varies depending on the company. For Mumias, it is Kshs1,800 per tonne; Nzoia - Kshs1,800 per tonne; West Kenya - Kshs1,767 per tonne; South Nyanza Sugar Company Kshs1,800 per tonne; Muhoroni which is under receivership - Kshs1,750 per tonne and Chemelil - Kshs1,750 per tonne.

(b) Given the prevailing high cost of production, I am, indeed, not satisfied that the farmers are earning enough for their sugar cane that they deliver to the factories.

(c) The sugar industry is undergoing financial and administrative restructuring with a view to reducing costs of production and, therefore, enhance the farmers' earnings at the end of the day.

Mr. Were: Mr. Deputy Speaker, Sir, you will realise that, when the NARC Government took over power at the beginning of last year, the price of cane per tonne was Kshs2,015, but was subsequently reduced to what the Minister has read out. We realise that the costs have increased due to VAT charged on the sugar cane, the Sugar Development Levy (SDL) and other taxes. What is the Minister doing to ensure that VAT is reduced or eliminated from the cost of sugar per tonne?

Mr. Kirwa: Mr. Deputy Speaker, Sir, that is a very good question. We have been looking at all these factors, including the issue of VAT and other taxes on sugar. I have discussed this issue with the Minister for Finance and, through a letter, I have made presentations to him and I await his response through the next Budget.

Mr. Bifwoli: Mr. Deputy Speaker, Sir, you have heard the Minister say that a tonne of sugar-cane in Nzoia Sugar Company (NSC) costs Kshs1,800. The other day, the Minister promised NSC Kshs300 million. When will NSC be given that money?

Mr. Deputy Speaker: Mr. Bifwoli, you are asking the Minister the question right over his head!

(Laughter)

Mr. Kirwa: Mr. Deputy Speaker, Sir, indeed, I promised not only to give NSC about Kshs300 million, but also to give SONY Sugar Company about Kshs270 million. That is a promise I made with clear parameters. One of the parameters is that they must supply information, so that we can pay the actual farmers instead of ghost farmers. I waited for that information and only got it last week. I would like to assure this House that a cheque will be drawn this morning for Nzoia Sugar Company farmers.

Mr. Mwandawiro: Bw. Naibu Spika, Swali hili ni muhimu sana. Mimi nimepata fursa ya kutembea sehemu ya Matungu na kuzungumza na wakulima wa miwa. Jambo ningelitaka kuuliza Waziri ni hili: Tangu wakulima waanze kupanda miwa, na wamefanya hivyo kwa muda mrefu sana, je ukulima wa miwa umesaidia kuondoa umaskini au umezidisha umaskini na njaa katika sehemu hiyo?

Mr. Kirwa: Mr. Deputy Speaker, Sir, that is a question that requires a detailed study. But I would like to say the following: The intention of the Government at that time, and even today, is to ensure that poverty is reduced as much as possible, by sugar-cane farmers. The main problem that

has been bedeviling the industry has been mismanagement, corruption and outright price shifting; a situation that we have reversed for the last one year. We do hope that, with the changes that we witnessed in Mumias Sugar Company (MSC), NSC, SONY and Chemelil Sugar Company (CSC), farmers will earn a little more than they were earning previously.

Mr. Shitanda: Mr. Deputy Speaker, Sir, considering that the sugar industry faces many problems due to the pitfalls in the Sugar Act, could the Minister tell this House when he will bring before this House a Sugar (Amendment) Bill to address those problems?

Mr. Kirwa: Mr. Deputy Speaker, Sir, Mr. Shitanda is an old Member of this House. He knows the procedure to be followed. However, let me say the following: In the month of May, when we go for the short recess, I undertake to organise a workshop between ourselves in the Ministry, hon. Members of Parliament from sugar producing areas and Members of the Departmental Committee on Agriculture, Lands and Natural Resources, so as to look at each and every clause in the Sugar Act (2001), with the aim of making appropriate amendments. I am saying this because, in the past, some of the amendments that were brought before the House were done in a hurry. Some of the pitfalls that we go through today were as a result of hurried amendments. I want us to go through the whole Act soberly, and make the appropriate amendments that I will present before this House for deliberations.

Dr. Khalwale: Mr. Deputy Speaker, Sir, one obvious step that the Ministry can take in order to improve the price of sugar is co-production. What bold steps is the Minister taking to allow our sugar companies to contribute power to the national grid?

Mr. Kirwa: Mr. Deputy Speaker, Sir, in conjunction with the Ministry of Energy, we have already enlisted the services of various private companies to look into the possibility of co-generation. It will involve a lot of capital outlay; a situation that can be done in partnership with some of the donors. That is something that is likely to start in the next couple of years, to ensure that there is co-generation of power to reduce the cost of production.

Mr. Twaha: Mr. Deputy Speaker, Sir, I wonder whether the Minister is aware that sugar-cane takes nine months to mature in Coast Province, and 18 months to mature in Western Province. That may be one of the reasons why our sugar is too expensive. There is too much concentration in Western Province. What steps is the Ministry taking to attract investments into the sugar sector in the Coast Province, which will be far more viable because the crop can be harvested twice?

Mr. Kirwa: Mr. Deputy Speaker, Sir, I do not rule out the possibility of the Government continuing with the sugar industry in Western and Nyanza provinces because it supports six million Kenyans. That is a situation that the Government cannot just allow to go to waste. However, during the recent Investments Conference that was held at the Kenyatta International Conference Centre (KICC), we had a lot of discussions with people who were willing to invest in the Coast Province. We are sure that, once some of their proposals are put into concrete terms, we will be able to invest in the Coast Province.

Prof. Oniang'o: Mr. Deputy Speaker, Sir, I have great respect for the Minister and he knows it. I think he is aware that I got leave from this House to amend the Sugar Act. That is something I am working on, and I can also work with his people. I will present the amendments here, so that everybody is happy. However, the Minister knows that sugar-cane farmers are some of the poorest people in this country and yet, they have the most productive land. Could he tell us why the Government cannot make sugar-cane a strategic crop, so that farmers can actually benefit appropriately from the land that they have given up to produce sugar? Could he tell us whether, in fact, the intent is for the sugar-cane farmers to stop growing sugar-cane, so that importers can take over?

Mr. Kirwa: Mr. Deputy Speaker, Sir, far from it! From what has been going on for the last couple of months, anybody can attest that I am with the farmers of this country. A more pertinent issue is the question of: "What are we doing to ensure that farmers get the best out of what they

doing?" We have made certain changes, one of which is the reduction of the money borrowed from the Kenya Sugar Levy (KSL), from 10 per cent to 5 per cent. We have also written off Kshs4.7 billion pertaining to the money that was borrowed from the Kenya Sugar Fund (KSF). That is the Ministry's money because that levy is under my authority. It is not even under the authority of any other Minister. So, we have already done that. Finally, what we are doing today is to ensure that some of the debts, amounting to almost Kshs16 billion, including external debts, are being processed by the Ministry of Finance, so as to ensure that we remove the burden from the farmers. That is what has been making the cost of production higher in Kenya than in the region.

Mr. Deputy Speaker: I have given more time to this Question because of the importance of sugar to this country. I will now give the last chance to Mr. Were.

Mr. Obwocha: On a point of order, Mr. Deputy Speaker, Sir. The Minister has pointed out that he has some money which he has used to write off debts owed by sugar-cane farmers. Could he tell us the source of that money?

Mr. Deputy Speaker: Mr. Obwocha, that is a good question, but it is not a point of order.

Mr. Obwocha: Mr. Deputy Speaker, Sir, Kenyans would like to know because Kshs4.7 billion is a lot of money.

Mr. Deputy Speaker: Order, Mr. Obwocha! You know the rules of this House. Mr. Were!

Mr. Were: Mr. Deputy Speaker, Sir, the Minister has said that mismanagement and the high cost of production in the sugar factories has caused sugar prices to be high. We know that most of the sugar factories belong to the Government. The high cost of production is brought about by the high cost of farm inputs like fertilizer, transport, spares and so on. What is the Ministry doing to ensure that the cost of those farm inputs is reduced, so that the sugar-cane farmers can benefit?

Mr. Kirwa: Mr. Deputy Speaker, Sir, as I said at the beginning, we have taken all the necessary steps and ensured that the cost of spares is reduced. In some of the sugar companies, they have reduced the cost of spares by close to 40 per cent. The cost of other services has also gone down. Those benefits have, however, not been transferred to the farmer. We are planning on how best to transfer those benefits to the farmers.

Mr. Deputy Speaker: Next Question, Mr. Y. Haji!

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

Mr. Deputy Speaker: Mr. Angwenyi, which Standing Order has the Minister contravened?

Mr. Angwenyi: Mr. Deputy Speaker, Sir, I want to raise an important point of order.

Mr. Deputy Speaker: No!

Mr. Angwenyi: Mr. Deputy Speaker, Sir, I want to raise a constitutional issue.

Mr. Deputy Speaker: What is it?

Mr. Angwenyi: Mr. Deputy Speaker, Sir, is the Minister in order to mislead this House that he can contravene the Constitution of Kenya and write off debts amounting to Kshs4.7 billion owed by sugar-cane farmers, without bringing a Sessional Paper on the matter to Parliament for approval?

(Applause)

Mr. Kirwa: Mr. Deputy Speaker, Sir, I said that the Kshs4.7 billion is owing to penalties and interest on arrears. The Sugar Act, 2001, gives me the power to take that particular decision.

Mr. Speaker: Next Question, Mr. Y. Haji!

Question No.007

EQUIPPING OF IJARA DISPENSARY

Mr. Y. Haji asked the Minister for Health:-

(a) whether she is aware that the Japanese Government assisted in the construction

of a new dispensary at Ijara; and,

(b) what plans she has to equip the dispensary and have it opened to the public.

The Assistant Minister for Health (Mr. Konchela): Mr. Deputy Speaker, Sir, I wish to request that the Question be deferred until tomorrow. I am not satisfied with the answer I have. I would like to give a satisfactory reply to the Question.

Mr. Deputy Speaker: Mr. Y. Haji, is that okay with you?

Mr. Y. Haji: Mr. Deputy Speaker, Sir, I have no objection. I hope that he will bring a pleasant answer.

Mr. Deputy Speaker: Very well. The Question is deferred to tomorrow afternoon.

(Question deferred)

Question No.010

MEASURES TO REPAIR SUNEKA AIRSTRIP

Mr. Deputy Speaker: Mr. Angwenyi's Question has been re-directed to the Office of the President. The Minister for Transport and Communications has informed us that Suneka Airstrip does not fall under his docket. So, the Question is re-directed to the Office of the President, and I hope that it can be answered on Tuesday next week.

Mr. Angwenyi: Thank you, Mr. Deputy Speaker, Sir.

(Question deferred)

Mr. Deputy Speaker: I do not have any requests from hon. Members wishing to seek Ministerial Statements. If there are no Ministerial Statements to be issued by Ministers, we will proceed to the next Order.

*(Mr. G.G. Kariuki proceeded
to the Dispatch Box)*

Mr. G.G. Kariuki, what are you trying to do? Oh, he is very short. He cannot reach the overhead microphones. So, he will address the House from the Dispatch Box.

MOTIONS

INTRODUCTION OF WILDLIFE CONSERVATION AND MANAGEMENT (AMENDMENT) BILL

Mr. G.G. Kariuki: Mr. Deputy Speaker, Sir, I beg to move the following Motion:-
THAT, in view of the public dissatisfaction with the Wildlife Conservation and Management Act as amended in 1998; this House do grant leave to introduce a Bill for an Act of Parliament entitled "The Wildlife Conservation and Management (Amendment) Bill" to address defects impeding the implementation of a just and reasonable wildlife and conservation policy and provide for full compensation for life and property destroyed by wildlife.

Dr. Khalwale: On a point of order, Mr. Deputy Speaker, Sir. Is it in order for the hon. Member on the Floor, who is a known Member of the Back Bench, to address the House from the Dispatch Box, which is reserved for Members of the Front Bench?

Mr. Deputy Speaker: The Chair gave special dispensation and allowed him to do so. However, that is not supposed to be taken as a routine.

Proceed, Mr. G.G. Kariuki!

Mr. G.G. Kariuki: Thank you, Mr. Deputy Speaker, Sir, for defending me.

Mr. Deputy Speaker, Sir, the matter before us is very clear. The purpose of this Motion is to urge the House to grant leave, so that we can introduce amendments to several sections of the existing Act to address the impending defects, so that implementation of a just and reasonable wildlife conservation policy can be effected. We are also seeking to provide full compensation for life and property destroyed by wildlife. The current Act does not have any provision for compensation for loss of property or life caused by wildlife.

Under the existing law, if a person is killed by wildlife, he is paid only Kshs30,000. In an independent country, that is very unfair. That provision came about in 1976, which was only 13 years after Independence. That law was amended in 1989 and 1999, but the provision for compensation for loss of life as a result of wildlife menace was not reviewed. Also, the law is silent on the issue of compensation for property destroyed by wildlife. So, by implication, wild animals have a right to destroy and kill domestic animals without any compensation. That has caused a lot of problems to people in this country, because most Kenyans depend on agriculture. Currently, there are so many problems. The people have expressed their disappointment, but the Government has not responded to the public outcry.

(Mr. Deputy Speaker left the Chair)
[The Temporary Deputy Speaker
(Mr. Poghisio) took the Chair]

Mr. Temporary Deputy Speaker, Sir, in the same Act, we need to harmonise the operations of all the departments and persons involved in wildlife management and conservation. For instance, we have national game reserves and national parks, which are managed by the Kenya Wildlife Service (KWS) and private conservators. The activities of these groups are not harmonised in the existing law. So, our intention is to bring that harmony within a new law that we intend to enact once leave is granted by this august House.

It is important to note that about 90 per cent of this country's wild animals roam about on people's property. They do not live in national parks. They mostly live on private property but the owners are not compensated for any loss of property caused by wildlife. There are some people in this country with big tracts of land, and they feel obligated to conserve animals. These people need to be included somewhere in our laws, so that the protection and maintenance of animals in their own land or within their own property can also be considered as something for the national interest.

Mr. Wamwere: On a point of order, Mr. Temporary Deputy Speaker, Sir. I am sorry that I have to interrupt the hon. Member, but I was just wondering why he is moving the Motion from the Front Bench.

Hon. Members: You are late!

Mr. G.G. Kariuki: Mr. Temporary Deputy Speaker, Sir, I hope Mr. Wamwere would have liked me to stand where I am, but now that he feels a bit disgusted with my being here, he should actually have been here early morning so that he could follow what the House was doing.

Mr. Temporary Deputy Speaker, Sir, the 90 per cent of wildlife which lives on people's land needs to be taken very seriously, because without people accepting those animals on their land, then the animals in this country would be in a very dangerous situation. The Act is also silent when communities have been denied the right to participate in whatever is being one by the Government. In this case, I am proposing, if given permission, to have the Kenya Wildlife Service (KWS) decentralised so that people in every district will have a right to think and consider the best way possible to manage the wildlife. I think that is important because, unless people are involved in

the management and rearing of the animals, they will never accept to live with them, since they do not benefit from them.

Mr. Temporary Deputy Speaker, Sir, the law which is there was based on the philosophical perception of many years ago in Britain, where animals were considered as nobody's property. As such, they were allowed to roam around the whole country or the whole world without any interference. Now life is changing, where you have agricultural activities increasing, and land becoming smaller day by day. Therefore, the conflict between the animals and the agriculturalists needs to be taken very seriously.

Mr. Temporary Deputy Speaker, Sir, Section 31 of the current Act gives the owners of the properties rights to kill those animals when they enter their private properties. That is not the solution, because if everybody has a right to kill those animals when they trespass into their own property, then the animals will not last long. Kenyans need to be congratulated because, even when their property has been destroyed, they still live with those animals. The Government, or this Parliament, should come in and say: "Wait a minute, we need to harmonise the lives between the two axes; the animals and the human beings". Because the law to kill is not a solution. The law to provide compensation as a deterrent measure would be the best way forward.

Mr. Temporary Deputy Speaker, Sir, communities or private conservators must be permitted by the Government, or an Act of Parliament, to kill animals for crop hunting or spot hunting. Unless that is done, those who keep animals on their farms could exterminate or kill them with impunity. So, the local people need to know when this action is being taken. They should be in a position to authorise and to allow those people to be given permission to do that.

Mr. Temporary Deputy Speaker, Sir, the KWS which was supposed to be managed by a trustee board is neither here nor there. They have intimidated people of this country into believing that animals belong to them. They belong to them and that they can never pay for anything they destroy. It is also a kind of colonial entity where people have no right to discuss or participate in deliberation of the management of wildlife. Therefore, KWS needs to be decentralised or devolved so that people in the districts have every opportunity to understand what is going on around them.

Mr. Temporary Deputy Speaker, Sir, out of desperation, about nine wildlife fora have been formed in almost every district. When you participate in these fora, which I had the pleasure to attend, they would say nothing but express desperation that they do not know what the Government wants and do not understand the way forward about wildlife in this country, where we are always talking about tourism. You cannot have your own cake and eat it. You want animals, but you do not want to be responsible for them. Kenyans must decide whether they need to have those animals for their future generations or they just want to get rid of them. A decision has to be taken. We understand, and it is quite clear in our minds that wildlife is our natural resource. It is a very important resource for us.

*(The Vice-President and Minister for
Home Affairs was applauded
as he entered the Chamber)*

Wildlife is a very important natural resource for us, and therefore, we should go out of our way to protect that important and God-given resource, so that we can continue to have the animals, but with proper management.

Mr. Temporary Deputy Speaker, Sir, income from the tourism sector is said to be about Kshs20 million. Some estimate it at Kshs40 million, but those figures are not available. Now, those animals in Kajiado and Narok have killed domestic animals; cattle and so forth, which are worth about Kshs1 billion. Those people have never been compensated. In Laikipia, about Kshs700 million has been lost because of this menace, and in Laikipia we have about 320 elephants roaming around, and we believe something needs to be done so that we can do away with some of them.

Mr. Temporary Deputy Speaker, Sir, as I said earlier, it is not clear in this House or the Government, how much money we get from the tourism industry. It is something that is just talked about, and there is no clear evidence of what exactly takes place. The amount of money that we get from tourism may be less than the amount of money that we waste through destruction of properties and domestic animals. Available information indicates that districts like Kajiado, Narok and many others have lost fortunes through wildlife problems, and the Government does not take action to compensate the people for whatever they have lost.

(Loud consultations)

The Temporary Deputy Speaker (Mr. Poghisio): Order, hon. Members!

Mr. G.G. Kariuki: Mr. Temporary Deputy Speaker, Sir---

The Temporary Deputy Speaker (Mr. Poghisio): Order, Mr. G.G. Kariuki! Consultations are becoming very loud!

Mr. G.G. Kariuki: Mr. Temporary Deputy Speaker, Sir, the other intention of bringing this matter forward is to seek authority to bring a Bill which, for the information of the House, I have done what is required and the amendment of that Act has already been proposed. It is in draft form and, as soon as this Parliament allows us to do the needful, we shall introduce that law.

Mr. Temporary Deputy Speaker, Sir, we need to harmonise private game conservation, national parks, game reserves and private agriculture, so that, that menace could be controlled. To save our wildlife, we need to have a situation where private conservators will be required to fence their land to keep the animals inside. That way, they can allow hunting and other activities that generate income in wildlife. A good example of the problem was seen at Kitengela. The other day, the Maasai took arms and killed the animals. That is because the current law allows them to do that, and they did it. That was done out of frustration. If there was any consideration for their property and the animals that were eaten by hyenas and lions, that matter would not have risen to the magnitude that it rose.

Mr. Temporary Deputy Speaker, Sir, we need this matter to be considered very seriously and urgently. The Government must understand that Kenyans will not agree to see their property being destroyed by wildlife, without compensation. We have included the issue of compensation in the amendments. Those who conserve animals must know that they have a responsibility once their animals destroy other peoples' property. We have suggested a compensation figure of Kshs10 million for any life lost. We have also suggested that crops destroyed by animals would be paid at market price. In other words, if a bag of maize is destroyed by an animal and the price is Kshs1,400, that amount should be paid by those who are responsible for those animals.

With those few remarks, I beg to move and request Mr. Lesrima to second this Motion.

Dr. Khalwale: On a point of order, Mr. Temporary Deputy Speaker, Sir. I am very sorry to raise the matter of dressing, because it has been addressed in this House adequately. But I am just wondering whether an hon. Member who is a lady is in order to put on a trouser and come here, knowing that a trouser is not something that is recognised for ladies in Africa.

An hon. Member: No! She has every right!

The Temporary Deputy Speaker (Mr. Poghisio): I have no idea of whom you are talking about. Mr. Lesrima!

Mr. Lesrima: Thank you, Mr. Temporary Deputy Speaker, Sir. I stand to second this Motion.

(Loud consultations)

The Temporary Deputy Speaker (Mr. Poghisio): Order, hon. Members! You are not specific. I do not know who you are talking about!

Mr. Lesrima: Mr. Temporary Deputy Speaker, Sir, I stand to second this Motion. The move by Mr. G. G. Kariuki, the Member of Parliament for Laikipia West--- Our constituencies border one another and, therefore, we are very familiar with the problem. This is a very important subject because wildlife is a very good opportunity for the economy of this country, but it is also a very big problem for this country.

(Loud consultations)

The Temporary Deputy Speaker (Mr. Poghisio): Order, hon. Members! I think consultations are again becoming very loud. Consult in very low tones, so that we can hear the hon. Member on the Floor. Now, concerning Dr. Khalwale's point of order, it is good to raise a point of order on an issue that you are very sure that somebody has contravened our Standing Orders. It is always good to do that, so that we do not just rise on frivolous points of order. In that particular one, he did not even mention who it was. You just said "a lady" and yet, we have several of them here. Issues need to be raised in an appropriate manner. I did not see anyone walk in and I do not want to start inspecting who is dressed which way. I just wanted to raise those two issues. Consult in low tones and also, if you have to raise a point of order, do so if you know exactly that somebody has contravened our Standing Orders.

Mr. Lesrima: Mr. Temporary Deputy Speaker, Sir, I believe that this a good opportunity for the Government. But for the majority of Kenyans, wildlife is not an opportunity. It is a problem! It is a menace! I am aware that the Government is organising a stakeholders meeting to discuss wildlife issues, possibly in preparation for the amendment of the Act. We look forward to working together with the Minister for Environment, Natural Resources and Wildlife to achieve that objective.

Mr. Temporary Deputy Speaker, Sir, the Wildlife Act requires some amendments. The structure of the Act and the organisation of Kenya Wildlife Service (KWS) is such that, it is unrepresentative. Previously, although the Act mentioned that it is the Minister who should appoint the Director and the Chairman of KWS, we have noticed that, in the past, the President would personally sign the letter of appointment of the Director of KWS. That is where the problem is. The law says one thing and the Minister does something different. We look forward to a time in this country when laws which are passed are respected to the letter. The Act, in certain sections, talks about trustees and yet, in others, withdraws the powers of the trustees. Even in the Board of KWS, representation from wildlife areas should be recognised. The wildlife fora should also be represented. We have about 12 wildlife fora in this country. They were established by the people. It is about time that the exclusive economic zones like the marine resources, which are being exploited by foreigners, were recognised and represented in the KWS, the county councils and also the various professionals.

Mr. Temporary Deputy Speaker, Sir, even the definition of "a dangerous animal" is lacking. A hyena, for example, is not defined as a dangerous animal, yet those of us who have encountered hyenas know the kind of damage that a hyena can cause both to livestock and human beings.

The Act needs to recognise that wildlife can be treated as very good business. This is what other countries do. It is very good business in South Africa and Zimbabwe. There is an opportunity for investment totalling US\$60 billion in that sector in Zimbabwe because export of wildlife is also allowed, sport hunting is also allowed. For a professional hunter, getting a lion or an elephant, the fee is about Kshs3.3 million, yet in this country, we have not taken those opportunities.

Mr. Temporary Deputy Speaker, Sir, there is a Legal Notice which was passed in 1977 to ban wildlife hunting. I think it is about time that Legal Notice was also reviewed. We know what kind of problems we were going through in Kenya in 1977. I think there has been much more discipline in this country and our people can now be controlled from poaching.

Tourism depends on the availability of wildlife. In this country, there is a lot of talk about

promotion of tourism outside the country, without recognising the need to develop the local infrastructure. We need to recognise the fact that tourists come mainly to see wildlife. About 80 per cent of tourists come to Kenya to see wildlife. A small percentage come to see the local people.

Mr. Temporary Deputy Speaker, Sir, on the question of cropping, we notice there is selective application of the law. We are aware of restaurants which serve wild game meat. We do not know how they get their licences when the rest of wananchi are not allowed cropping. There are areas of this country where, when cropping was allowed, wananchi could get revenue to assist them in paying school fees and meet other needs.

On the question of compensation, I think it is ridiculous to continue paying Kshs30,000. It is the worst form of betrayal ever manufactured since the time of Judas Iscariot. A Kenyan's family is paid 30 pieces of silver for losing their loved ones. It is well documented countrywide that the amount of destruction by wildlife in terms of crops and livestock and human beings is great, and yet, the compensation law is vague.

Mr. Temporary Deputy Speaker, Sir, just like the insurance cover for road accidents, we are aware that insurance companies take care of that. It is about time that as we reviewed this law, and put in place opportunities for insurance so that the Government, through insurance, can compensate Kenyans adequately. After all, we, as hon. Members, have an insurance policy of Kshs10 million. Why should we continue to pay others Kshs30,000? We are aware of the colossal amounts of money involved if we were to increase the compensation, because the destruction is massive. I believe that is the reason why the Government is unable to accommodate this in its Budget. But I believe that through insurance--- The land owners, for example, could take insurance. They are the ones who own the animals. They should insure them. If it is the county councils who claims ownership, they should insure them. If a national park, under the Kenya Wildlife Service claims ownership of the animals, they should equally insure them so that adequate compensation is taken care of.

Mr. Temporary Deputy Speaker, Sir, there is fear that the population of wildlife will decrease if it is exported or consumed locally. I think that is a wrong belief, because, as you know, we have always consumed livestock. In fact, where I come from, we have done it for 3,000 years, and the cow has never become extinct. So, what is this fear that wildlife will become extinct? We are aware of the massive destruction by poachers in the 1970s when the population of elephants was 170,000. The population was reduced to 15,000 and it has now gone up to 28,000. We are aware of the policy of the Government to increase that population to 50,000 elephants in the country. That may not be tenable because, currently, we are aware of the amount of destruction elephants are causing.

In Laikipia District, where hon. G.G. Kariuki comes from, the elephant is no longer grazing in the farms. It is now opening up maize stores in schools. We are aware of the damage caused by elephants at the coast. *Matatus* run over them around Voi. These are unusual happenings. What will happen next?

With those remarks, I beg to second.

(Question proposed)

Mr. Mwenje: Thank you, Mr. Temporary Deputy Speaker, Sir. This is a very important Motion and I want to congratulate the hon. G.G. Kariuki for thinking of bringing it to Parliament particularly at this time because there have been numerous complaints about compensation and how people have been attacked by wildlife, yet they get compensation of only Kshs30,000. That amount is a mockery. You cannot compensate somebody's life with only Kshs30,000.

Mr. Temporary Deputy Speaker, Sir, man was allowed to lord it over animals, trees and everything. However, the situation we have created in Kenya is such that it is the animals that lord it over us. This is because if the animals attack you, nobody compensates you but when you kill them,

you are taken to court and you are either jailed or fined. Truly, who is lording it over the other? We have even broken the rules of God, leave alone the rules of man. We are supposed to lord it over the animals and all the creatures that are in this world. It is for that reason that I agree with Mr. G.G. Kariuki that if an animal attacks somebody or destroys their crops, one should be entitled to full compensation of what one has lost. Whether it is life, even though life will never be fully compensated, it should be adequately compensated. I support this Motion in total and I hope that, by the time we allow the Bill to come, the Mover of the Bill, Mr. G.G. Kariuki, will have looked at it, maybe together with a committee and, in consultation, find out what is the rightful compensation that somebody should be given if life or crops are destroyed.

We have to nurture these animals and agree that we need them for various reasons. We need the tourists to come here. I have even imagined that we need to increase their number to a level where we can export them to other countries. At times we have so many elephants and I wonder why we do not export them. We should be making use of them rather than the animals remaining here to destroy us. If we have too many elephants, we should export them to countries that are willing to buy them and make money. But what do we do? We leave them to loiter along our roads. As you are driving, you find them along our roads crossing and posing danger to people instead of either exploiting them through exportation and earning foreign currency for our country. We have just left them like that, but we should nurture them and let them multiply so that we can make use of them. We should not only be exporting coffee or tea, but also animals from this country. The environment is conducive and I think that is what we should be doing; to see that we raise money from these animals. In my constituency, and people may think that in Nairobi we do not have animals, where the main sewage of this City drains, in Ruai; Embakasi, we have more than 600 hippos. Every evening they come out, destroy crops and attack people. They have killed more than four people in the recent past and we have also eaten three of them. When they come out, we kill them because the Kenya Wildlife Service (KWS) does not take care of them. What are we supposed to do? We kill them and eat them and, incidentally, they are very sweet. I want to invite the KWS to come and remove those animals because they are too many. We do not need them and if that is not the case, I am going to ask my people to continue eating as many as they can. This is because they become destructive, kill my people and destroy their crops. I want to appeal to the KWS to come and remove those hippos which are in the sewage in Ruai.

The Minister for Roads, Public Works and Housing (Mr. Raila): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is Mr. Mwenje in order in admitting openly to the House that he is encouraging his people to do what we call "poaching"?

Mr. Mwenje: Mr. Temporary Deputy Speaker, Sir, it is not poaching. When you defend yourself from those animals, the only way is to kill them. When you kill them you do not waste them but eat them because it is the only way you can deal with them. We should be congratulated!

When you drive along the roads and you hit an animal and take it home to eat, you are taken to court for having killed it. The laws should be amended so that if you hit an animal on the road, you should not leave it but take it and eat it instead of wasting it. Otherwise, you are taken to court for something which I feel is unreasonable. It is important that we do this.

The Minister for Roads, Public Works and Housing is here and I am glad that he has reminded me that he is around. The roads in the parks are impassable now and that is why tourists are finding it difficult to tour our national parks. The Minister is also in charge of the roads in the national parks. Could he now visit some of these national parks and see the roads for himself? He has already appointed the KWS as an agent but could he now go and see that the roads are not done? Where does that money go which is supposed to be given to the KWS for roads?

The other day I passed through many of them and I tell you they are now impassable. You do not even need a Range Rover, you need a tractor. Maybe because his symbol was a tractor he is able to travel on those roads. The truth is that you cannot even travel in a Range Rover on those roads. Something must be done about those roads.

The other day I visited the Nairobi National Park and, if you go to the animal orphanage, there are no animals except monkeys. Where have the animals gone? I went there and I am not talking of hearsay. I did not see animals except one lion and a few monkeys. Somebody should tell us who has taken these animals. Have they also been eaten? I think we are not conserving our wildlife as we are supposed to. Tourists come here, visit the Nairobi National Park and do not see any animals. How do we expect them to come back tomorrow? We need to conserve these animals. Those are the areas they should be in rather than letting them loiter everywhere destroying other people's crops, lives and property. The lions that are eating Maasai cattle should be arrested and put in those cages. This situation has been left too loose and I am glad Mr. G.G. Kariuki has now come up with this Motion so that we can say the true position on the ground. The only thing the KWS is bothered about is to make sure that nobody is compensated. People are not paid for their lives when they are killed by these animals and are also not paid when their crops are destroyed yet the KWS keeps on collecting a lot of money. It is time we moved that if a life is destroyed, I do not know what kind of figure, should be paid well over Kshs5 million while property destroyed should also be adequately paid for. This should be allowed.

We have so many animals and at the moment some of the hotels that supply game meat, like the Safari Park Hotel, have been banned from selling even crocodile meat. Let our people be allowed, because the tourists come here to enjoy game meat and we earn foreign currency from it. If you go to Safari Park Hotel today, they are selling very little game meat because they have been banned from selling particular game meat. Where we have many animals, let us allow some hotels to sell game meat because it attracts tourists who come here purposely to see, eat and taste these animals. What we should do is to nurture and make them increase in number so that we are able to attract more tourists and earn foreign currency.

Mr. Temporary Deputy Speaker, Sir, we are blessed to be in a country where animals are able to stay comfortably. We have large tracts of land, but we should not also allow this land to be taken by some people. It is unfortunate that some of this land is now falling into the hands of some of these people. It is time KWS thought of adequate compensation. I hope that when the Bill comes, it will adequately consider compensation that should be allowed for our people; those who are harmed by animals.

With those few remarks, I beg to support.

Mr. Mwandawiro: Asante sana Bw. Naibu Spika wa Muda kwa kunipa nafasi hii. Kwanza, ningependa kumpa hongera Bw. G.G. Kariuki kwa kuwasilisha Hoja hii. Kama Mbunge ninayewakilisha eneo la Bunge la Wundanyi ambamo hifadhi ya wanyama wa pori ya Tsavo imo, naomba kusisitiza umuhimu wa Hoja hii. Hoja hii inastahili kuungwa mkono. Kwanza, inatokana na utashi wenyewe halisi. Maswali mengi kuhusu madhara yanayofanywa na wanyama wa pori, hasa ndovu, dhidi ya wakulima, yameulizwa hapa Bungeni mara kwa mara. Kila wakati tunapozuru maeneo yetu ya uwakilishi Bungeni, wananchi wanatulaumu kwa kutowakilisha shida zao Bungeni huku ndovu wakiwauwa na kuzuia wanafunzi kwenda shuleni kusoma. Pia, wanaharibu mimea na kusababisha madhara mengine makubwa.

Bw. Naibu Spika wa Muda, Hoja hii inatokana na utashi wenyewe wa wananchi ambao wanaishi karibu na mbuga za wanyama wa pori. Vile, vile, kuna umuhimu wa kubadilisha ama kuunda sheria mpya juu ya uhifadhi wa wanyama wa pori haraka iwezekanavyo.

Mr. Twaha: On a point of order, Mr. Temporary Deputy Speaker, Sir. This Motion was brought up before this House in the Eighth Parliament by Mr. Kiunjuri and it was passed. The Mover of the Motion, the Seconder, and the hon. Member on the Floor were not there. I wonder if we are not wasting the House's time because this matter has already been dealt with. The Ministry should bring the Bill to this House.

The Temporary Deputy Speaker (Mr. Poghisio): So, what is your point of order?

Mr. Twaha: My point of order is that we are wasting the time of this House when this matter was passed in the last Parliament. The House resolved to urge the Ministry to bring the Bill,

but they have not brought it. This Motion was brought by Mr. Kiunjuri.

The Temporary Deputy Speaker (Mr. Poghisio): Order, Mr. Twaha!

Proceed, Mr. Mwandawiro!

Mr. Mwandawiro: Bw. Naibu Spika wa Muda, mwisho wa juma liliopita, nilitembelea eneo langu la uwakilishi Bungeni na wananchi huko Taveta wenyewe wanasisitiza kwamba kuna umuhimu wa kuunda sheria mpya kuwalinda kutokana na madhara ya wanyama wa pori. Wananchi wanaendelea kulalamika kwamba licha ya kwamba idadi ya ndovu iliyokuwa hapo awali ilikuwa inaleta madhara makubwa kwa ukulima, Serikali inazidi kuongeza ndovu wengine. Kuongeza ndovu wengine ni kuongeza njaa na dhiki kwa wananchi wa Taita Taveta. Wananchi wanaokaa karibu na mbuga za wanyama wa pori wanasisitiza kwamba fidia inayolipwa kutokana na madhara yanayosababishwa na ndovu ni duni. Fidia hii imetokana na sera zinazowajali wanyama wa pori zaidi kuliko binadamu wenyewe. Sera hizi zilitokana na wakoloni. Sisi kama Waafrika, baada ya kupata Uhuru, ni muhimu tubadilishe sera zetu za uhifadhi wa wanyama wa pori na mazingira ili zimulike ubinadamu zaidi kuliko wanyama wa pori. Mswada huo utakapoletwa, tunatarajia kuwa njia mpya ya uhifadhi itakuwa ni njia ambayo itawashirikisha wananchi katika kuhifadhi wanyama wa pori na kuwafaidi kutoka kwa wanyama pori.

Bw. Naibu Spika wa Muda, wananchi wa Taita Taveta, kama wale wengine wa kutoka sehemu zingine nchini ambao wanapakana na wanyama pori, wanasisitiza kwamba hifadhi hizi za wanyama wa pori huletea nchi hii pesa nyingi za kigeni kutokana na utalii, lakini wao wenyewe hawafaidiki kutokana na pesa hizo. Watu wengi wanafikiri kwamba Wakenya wote ambao wanaishi karibu na hifadhi za wanyama wa pori wamewaona ndovu, simba, swara, pundamilia au viboko. Idadi kubwa ya Wakenya hawajawaona wanyama wa pori. Wanawaona katika runinga kama wale wageni kutoka ulaya. Sera za kuhifadhi wanyama wa pori zimewatenga wananchi wetu wa Kenya kutokana na wanyama wa pori ambao wanaishi nao.

Ningependa kupendekeza kwamba wakati Serikali itapowakilisha Mswada huo hapa Bungeni, ihakikishe kwamba wanaoathiriwa na wanyama wa pori wanalipwa fidia ya juu. Kwa mfano, mtu akiuwawa na wanyama wa pori, anastahili kulipwa fidia ya Kshs10 milioni kama njia ya kutambua thamani yake. Kwa kutoa fidia ya Kshs30,000 kwa binadamu ambaye ameuwawa na mnyama, hali hiyo inafanya shirika la kusimamia wanyama wa pori (KWS) kutozingatia usalama wa wananchi. Hii ndio sababu hawawezi kuingia katika maeneo ya binadamu. Kwa hivyo, fidia lazima iwe kubwa ili ilazimishe Serikali ijali maisha ya binadamu. Hivi sasa, Serikali inajali maisha ya wanyama wa pori kuliko binadamu.

Bw. Naibu Spika wa Muda, watalii kutoka nchi za nje, hasa Wazungu wanajua wanyama wa pori kuliko vile sisi, Wakenya. Ninamuunga mkono Bw. Mwenje aliposema kwamba wakati mwingine akitembelea Hifadhi ya Wanyama wa Pori ya Nairobi hawawaoni wanyama wa pori. Wakati mwingine wanyama hawa hupewa chumvi na kushawishiwa kuingia katika mashamba ya watu binafsi ili baadaye waweze kuuzwa kama kitoweo katika hoteli mbali mbali, kwa mfano Safari Park. Tumewaruhusu watalii wa kigeni kujua mengi kuhusu wanyama wetu wa pori na rasilmali tulio nayo kuliko wananchi wetu wenyewe. Tusipokuwa na sera ambazo zinawahusisha wananchi katika kuihifadhi na kufaidi kutoka kwa wanyama wa pori, uwindaji haramu utaongezeka. Wananchi hawatavumilia kuuwawa na kuona wanyama hawa wakiwafaidi watu wengine. Ni lazima pia wananchi wafaidike kutoka wa wanyama wa pori kwa sababu wamekuwa wakiishi nao. Walikuwa wakiwinda swara na vile vile kuwahifadhi. Kuwaambia kuwa ni watalii tu ndio wanastahili kula wanyama hawa katika mikahawa mikubwa kama vile Safari Park na pahali pengine na wale ambao wanaishi nao tusile, ninafikiri hizo si sera sahihi. Sera sahihi ni zile ambazo zitahakikisha kwamba sisi wenyewe tutafaidika kutokana na rasilmali zinazotokana na wanyama wa pori na kula nyama yao kama vile watalii kutoka nchi za kigeni wanavyokula nyama hii. Wananchi wanaoishi karibu na hifadhi za wanyama wa pori, haswa wale wanaoishi Taita Taveta, ambapo hifadhi ya wanyama wa pori ya Tsavo ipo, wanataka kufaidika kutoka kwa wanyama pori hao. Wanataka sehemu fulani ya mapato yanayopatikana kutokana na wanyama wa pori itumike kuleta

maendeleo hapo, kama vile kujenga shule au barabara ama kuleta maji. Wananchi ni lazima wafaidike moja kwa moja ili waone umuhimu wa kuendelea kuwahifadhi.

Bw. Naibu Spika wa Muda, kwa hayo machache, naomba kuunga mkono Hoja hii.

The Temporary Deputy Speaker (Mr. Poghisio): Yes, Mr. Wario!

Mr. Wario: Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity---

(Loud consultations)

The Temporary Deputy Speaker (Mr. Poghisio): Order, hon. Members! Mr. Wario is introducing an amendment to the Motion.

Proceed, Mr. Wario!

Mr. Wario: Mr. Temporary Deputy Speaker, Sir, I beg to move that the Motion be amended by deleting the foolstop at the end and adding the following words:-

"as well as, appropriate compensation for the local population whose land was declared to be National Parks and Game Reserves."

Mr. Temporary Deputy Speaker, Sir, the amended Motion should read:-

"THAT, in view of the public dissatisfaction with the Wildlife (Conservation and Management Act)---

The Temporary Deputy Speaker (Mr. Poghisio): Mr. Wario, just read out your amendments.

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

By deleting the "full stop" at the end and adding the following words; "as well as appropriate compensation for the local population whose lands were declared to be national parks and game reserves."

I am moving this amendment because the colonialists have gone but unfortunately they are still with us in the livestock sector. We have four national parks in Tana River District. The leading is Galana Game Ranch which is made up of 1 per cent of Kenya's land mass. This land was taken without the consent of the people of Tana River District. We have Tsavo East and Kora National Parks. We also have Mchelelo Game Reserve in this district. Although this was grazing land, the Government established these national parks without consulting the people of Tana River District hence bringing a conflict between the farming and the pastoral communities. We experience this conflict simply because our grazing land was taken away by the Government and allocated to the Kenya Wildlife Service (KWS). Right now, people have settled along the river and there is a conflict between the farming and the pastoral communities. I have moved this amendment simply because I want the Government to consult and compensate the local people whenever it wants to declare a place a national park. The people will appreciate if the Government does this because they will benefit from the national park, and it will not cause problem to them, as it is doing to us today. There will be no human-wildlife conflict in this country if a specific amount of money is set aside from the amount collected from the tourism industry to support the communities living around our national parks.

The Chair recently heard what happened in Kitengela. A farmer reared livestock and all of a sudden, a lion went there and killed his animals. This farmer was not compensated. If the KWS could be fair and tell Kenyans the amount of money it spends to buy one rhino--- Today, it is as if a rhino is more valued than human life. So, I have moved this amendment to this Motion simply to minimise human-wildlife conflict in this country.

Mr. Temporary Deputy Speaker, Sir, I beg to move.

The Temporary Deputy Speaker (Mr. Poghisio): Who is seconding you?

Dr. Godana: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this Motion by way of seconding it.

At the outset, I want to thank and congratulate Mr. G.G. Kariuki for finding the wherewithal to bring this very timely Motion. The wildlife heritage in this country is a very invaluable resource which the present generation holds in trust for future generations. Indeed, one could say that the present generation of Kenyans holds wildlife for future generations of humanity as a whole.

Be that as it may, it is clear that a lot has gone wrong with the system of wildlife conservation and management that we have put in place. It is clear today that 80 per cent of wildlife resources, national parks and game reserves are actually found within the so-called "semi-arid areas" which are occupied by pastoralists. The human-wildlife conflict has become more acute as a result of population increase. It is really a sad testimony that in every case where you have world renowned national parks, for example, Maasai Mara; Tsavo, in Tana River District; Marsabit and Samburu in Isiolo, despite the enormous resources that some of these parks bring to this nation, the communities which gave up those pieces of land and lost their use have been left in pathetic economic conditions.

(Applause)

It is really a sad tale that the resources which have been used to sustain the economy of this country over the last 40 years have left the people who have conserved them through their cultural practices which protected wildlife--- For example, the Maasai used not to eat game meat, and yet they did not benefit an iota out of wildlife conservation. I think it will be good, as we review the law, to take into account "appropriate compensation", if I may use the words that the hon. Member has used in his amendment.

Mr. Temporary Deputy Speaker, Sir, a few years ago in South Africa, the people who were removed from Krugerland National Park to create that world famous park went to the Supreme Court of South Africa to challenge the legality of the creation of that park on the ground that, that was their ancestral land and they were not compensated. Believe me, they actually won the case. The court ruled that taking away their ancestral land without any form of compensation constituted a violation of their basic human rights and the State was bound to compensate them.

(Applause)

"Appropriate compensation" could come in the form of special funds being established now by the Government as something akin to what we give to local authorities in lieu of rates. You can say in lieu of a cess or use of those resources. Those particular areas will have special funds for development, education and health.

As it is now, the current policy has already created hostility among pastoralists and wildlife. People have begun to say in many areas that if they conserve them at their cost and without any benefits accruing to them, then they should do everything to eliminate wildlife from the parks. Already, there are some parks, particularly in Northern Kenya where animal populations have really declined. Sibiloi National Park in my constituency on the eastern shore of Lake Turkana was teeming with wildlife when it was established in the 1960s. This is the cradle of mankind where Dr. Leakey dug up the Kenyapithecus. I do not know the names given to his findings and their museums. The last rhino was killed in 1985 while the last giraffe died around 1986. The park was teeming with oryx, but now, very few are remaining. The former British High Commissioner went there once for a week and told me that he found one lonely oryx. The reason for this is that the communities have decided that they had better empty the land and there will be no competition between them and wildlife. That is why I think this Motion is urgent and we have to think afresh about how to deal with this menace. There is clear evidence that where communities do see the

benefits accruing from wildlife as is the case in Doldol in Mr. Kiunjuri's home constituency; with the Mukogodo people - hon. Kaparo's people--- It is amazing how wildlife is now taking refuge because of the community lodges out of which communities have benefited directly by way of employment. In fact, they have taken the responsibility to conserve wildlife. Wildlife from Samburu National Park and other areas of Laikipia has now taken refuge there because the local communities have begun to realise they are valuable to them, if not more valuable than their cattle. Wild animals have sought refuge there. That shows that, indeed, there is a lot to be said in a new philosophy or approach to wildlife conservation to make the people who live round national parks benefit directly from wildlife conservation. If this is done, these people will feel that they have a responsibility to protect and conserve wildlife. As I have said, where people feel that wildlife is a burden to their livelihood in terms of competition for use of resources, before long, the wildlife will disappear. This is because people begin to resort to most crude methods of dealing with land use competition namely, eliminating the competitor.

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

*(Question, that the words to
be added be added, proposed)*

The Minister for Roads, Public Works and Housing (Mr. Raila): Thank you, Mr. Temporary Deputy Speaker, Sir. I rise to oppose the amendment, but I would then want to reserve my right to speak on the substantive Motion, once the amendment has been defeated. I am surprised that the hon. Member who has just spoken - a very old Member of this House - cannot see the contradiction in what he is moving. This Motion is basically seeking leave of the House to introduce a Bill. Once the Bill has been introduced, the Member who is going to be given leave to bring the Bill is at liberty to include all the issues which are being asked for in this amendment.

Secondly, the hon. Member knows very well that land compensation is catered for in a completely different Act. That, the compensation for land that has been compulsorily acquired for public use is provided for under the Lands Act.

Dr. Godana: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is the hon. Member in order to mislead the House and the country at large? All lands that were set aside as national parks or game reserves were not subject to land acquisition procedures.

The Minister for Roads, Public Works and Housing (Mr. Raila): Mr. Temporary Deputy Speaker, Sir, to our knowledge, they were acquired from trust land and they are included under the Land Acquisition Act. But what I was trying to say more substantively is that there is nothing to stop the hon. Member who is going to bring the Bill here from including all these amendments in the Bill itself.

(Applause)

Therefore, there is no need to amend this Motion. This Motion is basically seeking leave to bring a Bill. When the Bill is brought here and does not include that, the hon. Member will be at liberty to introduce amendments at that stage. Therefore, I would like to oppose the amendment.

*(Several hon. Members stood up
in their places)*

The Temporary Deputy Speaker (Mr. Poghisio): Order, hon. Members! I think we should just dispose of this amendment straightaway. Basically, because this is a Private Members Day, the time is limited. So, we better deal with this amendment, so that we can get back to the Motion or

move on.

*(Question, that the words to be added
be added, put and negatived)*

(Debate on the original Motion resumed)

Order, hon. Members! I hope you now know that we are going back to the original Motion as it appears on the Order Paper.

The Assistant Minister for Energy (Mr. Kiunjuri): Thank you, Mr. Temporary Deputy Speaker, Sir. I am on record for having registered a similar Motion and it was voted for overwhelmingly. The reason why we did that is because the same House, in 1989, passed amendments to delete what we are demanding today in this Motion. I am of the opinion that we pass this Motion, so that the Government can now be able to negotiate with the Member. That is because Governments will always exist. The Government promised Kenyans that it will amend this Act, so that we can remove all the defects in it. There are many defects! But the most discouraging thing is that, having known the pains that our people are suffering each and every day, we have not taken any action.

Mr. Temporary Deputy Speaker, Sir, the reason why I moved that Motion was because Laikipia had become - and still is - a comfort zone for animals. Animals have migrated from all over Kenya to Laikipia. Our people have been suffering. That situation has remained the same. Governments have changed and people are still suffering. But, I would like to commend the Government because it is taking some action. But nobody has been compensated for the losses that we are encountering.

Mr. Temporary Deputy Speaker, Sir, human-wildlife conflict has always been there. But it has increased because we have encroached on the areas where the animals live. At the same time, when you count the losses, and take into account the Government's policy on poverty eradication, there is an urgent need to tackle this Bill.

Mr. Temporary Deputy Speaker, Sir, when animals visit your farm, especially buffalos and elephants, what you encounter is poverty. That is because you lose all your harvest. That means you had bought seeds, went ahead to plant, used fertilizers and equipment and then at long last--- Elephants are very timely. They only come when the harvest is due. I do not know how they detect that, but that is what we have been experiencing. That means that, as much as we want to eradicate poverty, those animals subject us to poverty. Since this Government is reasonable, I believe the Minister will not be opposing this Motion. In fact, he should be able to strengthen this Act and speed up this process.

Mr. Temporary Deputy Speaker, Sir, the six-million-dollar-question is: Who is benefiting from wildlife in this country? I would say that with a lot of authority. The Government's national parks and game reserves have no animals. It is not that anybody has eliminated them. But what has happened is that our local ranchers have used their farms to build cottages and turned them into tourist sites. What are they doing? They have already built dams in their own farms and put salt there. That means that in the actual process of animal migration, which has been there from time immemorial, those animals are now going to those ranches. When they arrive there, they get salted dams. That confuses their migration and they settle in those areas. That is why if you go to Amboseli National Park or Samburu National Park today, there are no animals. They have migrated to where the ranchers are. In Nanyuki today, animals are permanently there throughout the year. It has become a comfort zone. They can get whatever they want. They can get all the food they require

there. At the same time, there is inducement. The Ministry should fence those game parks immediately and stop any inducement. If the Government is not going to stop that, the ranchers will do the same in our national parks and game reserves.

Mr. Temporary Deputy Speaker, Sir, the ranches benefit from tourism because their lodges are full every time of the year. They do not declare their income to the Government. Game meat is being sold each and everyday. Who sells game meat? It is the owners of those ranches! At the same time, they are cropping animals and even selling live ones. We are already exporting animals to other countries. Who is benefitting? The ranchers! At the same time, they are not taking care of our people who are working in those ranches. Payments remain poor. Wages are very low even today. Our people cannot enjoy the full amount of the resources. The people surrounding those areas have no capacity to do so. Even if you allowed them to go ahead and practice hunting, where would they sell this game meat? If went to Safari Park Hotel with that game meat they will ask you for licences. We do not have those licences. We are unable to sell the live animals. So, it is high time we in the Government took actual measures. We should make sure that those ranchers concentrated their animals in their own ranches. If you told them to fence their ranches, they will tell you that it is not their responsibility and that, in fact, it is the responsibility of the Government. So, the responsibility should be accorded to the Government to allow the local community to benefit equally in what these ranchers are really getting out of tourism activities.

Mr. Temporary Deputy Speaker, Sir, we will to avoid the question of human-wildlife conflict if the Government takes measures seriously to fence off those game reserves and the forests. We should be able to fence them off. Also the ranchers should do cost-sharing in fencing the land with the local communities and I am happy the ranchers from Laikipia have now agreed on that. If that could have happened earlier, we would not be having this acute problem persisting. However, now that the Government is not on their side, they can now be able to negotiate and we are fencing the land together but this could have happened earlier. Those who are benefiting directly should be forced to do so and I wish the Minister could take action. Whoever is benefiting out of wildlife resources should fence off their land. It is very clear. The law is very clear that if you are keeping any object that can be harmful to your neighbour, then you are liable. These people are keeping dangerous objects. Those animals are dangerous to us and they should be responsible. I believe that if hon. Wetangula gets the chance, he will quote the law clearly, but that should be the solution.

Mr. Temporary Deputy Speaker, Sir, the second measure is that we should increase the budget for the Ministry because as we stand now, the Ministry cannot recruit game rangers. They have a limited number of them. Last year, when I approached them they said that they had only a budget for 200 game rangers. In fact, they should be considered equally as the police force because they are combating crime against humanity by wild animals. There is no difference. The number of people being killed in the streets by thugs is equally the same with the lives which are being lost through attacks by wild animals. If an elephant ends the life of a human being it is equally the same as that taken by any criminal on the street. So, what we are saying is that the game ranging department should be reinforced completely. Let us have a proper budget. Let us have annual recruitment for the rangers.

At the same time, the Minister must take into consideration the fact that the recruitment of honorary rangers is persisting. If you look at the previous years during the recruitment of honorary rangers, the same Ministry went ahead and recruited the same ranchers who have game reserves and who protect the animals. They are also the same ones who have been issued with hunting licences. Will he ever be there ready to come and rescue the farmers? What we should do is to recruit those honorary rangers from the community that is suffering but the Government cannot do it. You are giving the same gun to the same people who have been licensed to hunt. Some of them have twenty

guns and then you tell them to come and protect these farmers. They will never listen to you. The only way out is for us to enforce that.

Mr. Temporary Deputy Speaker, Sir, the second measure is that we should take recognition of those people who are really suffering in those affected areas. If it is Laikipia and other areas, let the recruitment come from those areas since they are the people who understand the way these animals make us suffer.

Mr. Temporary Deputy Speaker, Sir, otherwise, I support this Motion but when the time comes for the Minister to reply, we would like him to be categorical. I would also have to get the Minister talk with the hon. Member G.G. Kariuki to see who is able to implement it first because the Member should not undergo the cost of printing this Bill all this time with no assistance when the Government can take action.

In the case of compensation, the Motion was very clear. We reviewed the compensation fee from Kshs30,000 to Kshs1 million. The Government of the day agreed on that. We should be able to address that when the Bill comes before the House but the most important of it is the compensation for crops lost and property because each and every day you lose a season and that is gone. If a farmer went to a micro-finance bank and borrowed Kshs10,000 and then his entire crop is destroyed by wild animals then you have subjected him to permanent poverty. That should be addressed on an emergency basis and that is the only way this Government will boast of poverty eradication and to have fulfilled its obligation to take care of the lives of its citizens.

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

Mr. Munya: Mr. Temporary Deputy Speaker, Sir, thank you for allowing me to contribute to this Motion. I have been struggling even to get a chance to contribute to the Presidential Speech without managing to catch the eye of the Speaker.

This is an important Motion. The time has come for the human and animal conflict to be resolved once and for all so that our people can stop suffering. The time has come for us to be able to comprehensively define what conservation is all about.

Mr. Temporary Deputy Speaker, Sir, we have a lot of contradictions in the policies carried out by the Ministry of Environment and Natural Resources. We have a separate department that deals with forests and a separate department dealing with wildlife conservation and yet you will not find any single forest in this country which does not have animals. Big budgets are set aside for forests but what you realise is that most of the money is lost because most of the staff that are employed in the forest department are loggers. They are the ones who deplete the forests. The best policy is to merge the forest department with the wildlife conservation department so that the Kenya Wildlife Service (KWS) can be in charge of forests. They are known to be efficient. They are known to manage resources properly so that the animals that are in those forests can also be increased and then we will deal with this problem of logging and depletion of forests once and for all.

Mr. Temporary Deputy Speaker, Sir, when the foresters were suspended, logging went down. Immediately they were reinstated and posted there, forests are now being depleted again. The Mau Forest which is home to many species of wildlife is being depleted because land is being given away to well-connected individuals. So, the concept of conservation must be expanded to include---

Mr. Cheboi: On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the hon. Member to mislead this House that Mau Forest is being dished out to well-connected individuals when, for sure, we know that it is being allocated to the original owners who are the Ogiek community? I think he is out of order.

Mr. Munya: Mr. Temporary Deputy Speaker, Sir, I would like to continue with my contribution. I was saying that the issue of conservation must be expanded to include not only

animals but also all the biological species, endangered plant species that are in our forests and all the medicinal biological species that are already being carried away by researchers and pharmaceutical companies. It also has to include our historical and pre-historical assets that are also being carried away by archaeologists and palaeontologists. All these are valuable assets that can earn the country a lot of money but there is no legal framework to protect them.

Mr. Temporary Deputy Speaker, Sir, I do not understand why hunting licences are only given to a select elite few. We are told that hunting is a game. Our people also used to involve themselves in hunting as a game but that hunting has now been restricted to white elite people who are the only ones who are enjoying our resources. We also want our local people who had the traditional hunting rights to be restored those rights so that they can also be able to enjoy hunting as a game and also hunting for food as they used to do in the past, of course, without compromising the safety of the endangered species in our forests. If you visit my constituency, especially in the northern grazing zone where many of my people have settled for farming, you will realise that wild animals are a nuisance because they come to the *shambas* every season. They destroy the crops, thus, subjecting people to a lot of suffering. Every time farmers call upon me to go talk to the game rangers in Meru North District. However, no action is taken. So, that is part of the problem. There are officers who take human life and property for granted. They give the security of animals a lot of importance more than the security of human beings and their property. It is important that this issue be addressed so that our people can co-exist with the wild animals the way they used to.

Mr. Temporary Deputy Speaker, Sir, one of the issues the Government may consider introducing, because once we amend the Act, and full compensation is restored, a lot of money will be required to compensate both property and life that is lost during the human and wildlife conflicts. An innovative scheme the Government can come up with is an insurance scheme. The risk involved in this conflict is actually insurable. It is just like any other risk, for example, the risks in the motor vehicle industry. The Government should set aside a sum of money that can be paid to a reputable insurance firm. The insurance firm would then be paying out compensation to victims of human and wildlife conflicts. This has been done in other countries and it would save the Government a lot of money. You can imagine the Government including in the Budget every year a sum of money for compensating people hurt and killed by wild animals. If the Government pays annual premium to a reputable insurance firm, which service must be advertised so that the best company is selected, then, we shall have found a solution to this problem of wild animals destroying property and killing our people.

Mr. Temporary Deputy Speaker, Sir, I associate myself strongly with the sentiments expressed by my colleague, Mr. Kiunjuri. It appears as if our wildlife is slowly being taken away by private investors. These people who call themselves ranchers take advantage of the situation in our game parks thereby minting millions of shillings. What do they pay to the Government? They only pay for annual licences and then they exploit our environment by attracting the wild animals out of the game parks. Tourists now do not visit the game parks. They instead visit villas belonging to the ranchers. They are treated as private visitors and, therefore, they do not pay anything to the Government. We have to look into this issue and make sure that the private ranchers who have a lot of wildlife in their ranches pay enough money. Such money should be used to take care of the communities around the game parks. Some of the money could also be used by the Government to protect the wildlife. We have to pass this legislation so that the ranchers are forced to fence their ranches. They should put electric fences around their ranches to protect people from the wild animals which stray into farms destroying crops and killing people who live around the game parks.

Mr. Temporary Deputy Speaker, Sir, in Meru North, we have a big National Park called Meru National Park. It has been neglected over the years and yet it is a very important National

Park. The biggest problem in this park is that it was hit with a lot of banditry in the past. The roads leading to Meru National Park are also not passable. The park has virtually collapsed and yet it could raise a lot of money for the Government. The hotels in the park are no longer operating. We are calling upon the Government to rehabilitate the Meru National Park so that the people of Meru North can also get employment. They will also be able to travel nearby instead of paying a lot of money to travel long distances to see wildlife. Meru National Park is important because it is home to very important species including the White Rhino which is a rare species which was brought from South Africa. The park is now dead and it is unfortunate that the Government has not taken any action.

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

The Temporary Deputy Speaker (Mr. Phogisio): Order, Members! It is now time to call upon the official Government responder.

The Assistant Minister for Environment, Natural Resources and Wildlife (Prof. Maathai): Mr. Temporary Deputy Speaker, Sir, I would like to give three minutes each to the following Assistant Ministers: Mr. Miriti, Mr. Wetangula, Mr. Konchellah and hon. Capt. Nakitare.

*(Capt. Nakitare and Mr. Konchellah
stood up in their places)*

The Temporary Deputy Speaker (Mr. Phogisio): Order, Members. How can we have two people on the Floor at the same time. In what order are they supposed to contribute?

The Assistant Minister for Environment, Natural Resources and Wildlife (Prof. Maathai): Mr. Temporary Deputy Speaker, Sir, it will be Mr. Konchellah first.

The Assistant Minister for Health (Mr. Konchellah): Mr. Temporary Deputy Speaker, Sir, I know that time is very short and I have a lot to say.

The Maasai Mara game reserve is in my constituency. The people of Trans Mara have problems because of the interference by wildlife which has destroyed crops and killed people. As I talk today, there are many families whose children are not in school because the parents were killed by wild animals. The issue of compensation is, thus, something we support fully because it will help people to carry on with their lives. The compensation should not be small. I believe, as the mover of this Motion suggested, Kshs10 million would be a reasonable figure.

Mr. Temporary Deputy Speaker, Sir, with regard to the issue of natural resources, particularly the forests, not all animals live in the plains. Most of them live in the forests. Mau Forest is the water shed area for the people of Trans Mara and yet it has been deforested. This is a very serious problem and we need to address the issue of afforestation. This will ensure the survival of wild animals.

With regard to income from tourism, this country has been cheated for a long time. It is high time a Bill was passed in this House to address this issue. A lot of foreigners pay a lot of money to come to our parks. Much of that money is paid overseas and it does not reach our country. We should create a law that will ensure that all tourists who come to our country pay the money directly before they actually visit the country. The situation is that tourists pay money, but it does not reach our country. Tour operators and Hotel owners are actually cheating the Government of Kenya.

Mr. Temporary Deputy Speaker, Sir, concerning compensation, the people of Trans Mara are experiencing a lot of problems because there are more than 1,000 elephants which live with the people. The elephants are killing people. We are unable to kill the animals because of the existing laws. Look at the case where lions were killing animals belonging to people in Kitengela. The Maasai in Kitengela decided to kill the lions because they were killing their cattle. We have actually

interfered with nature. The immigration pattern of wild animals from Amboseli National Park to Maasai Mara Game Reserve has been hampered because of extensive fencing of land in the game reserve.

The Temporary Deputy Speaker (Mr. Phogisio): Your time is up, Mr. Konchellah!

The Assistant Minister for Foreign Affairs (Mr. Wetangula): Thank you, Mr. Temporary Deputy Speaker, Sir.

I want to congratulate hon. G.G. Kariuki for bringing this Motion to this House and thank Prof. Maathai for giving me three minutes to contribute on this Motion.

Mr. Temporary Deputy Speaker, Sir, it is time this country had a very comprehensive policy on the management of wildlife. This will include compensation for the destruction of property, loss of life and maiming of Kenyans and any other people who may come across animals. At one time in the previous years, the former regime had virtually handed over the national parks of this country to a man called Dr. Leakey, who used to run them like private property. We need to have a very clear policy whereby those who run private ranches are accountable to the Government in terms of revenue. We must find ways of stopping people from trapping animals, which are a national resource into private ranches and then slaughtering them to sell meat. Sometimes they even export this meat without the Government's knowledge.

Equally, Mr. Temporary Deputy Speaker, Sir, there must be a policy that must be enshrined in the Bill that we are giving leave to bring into this House to find a way of compensating communities that have been custodians of wildlife. We have in mind the Maasai people from Northern Kenya; the people from Tana River District; people from Shimba Hills and so on. Thirdly, the Bill should also take into account the distribution of resources. The people who live around the national parks should be given special budgetary allowance to improve their lives because the income from tourism comes from the animals that they have been protecting.

Finally, Mr. Temporary Deputy Speaker, Sir, I want to urge the Minister, that once we pass this Motion, to take over the Bill from the hon. Member who has moved it so that they can undertake the cost of mastering the Bill.

Thank you, Mr. Temporary Deputy Speaker, Sir.

The Temporary Deputy Speaker (Mr. Poghisio): Proceed Mr. Miriti, you have three minutes!

The Assistant Minister for Trade and Industry (Mr. Miriti): Thank you, Mr. Temporary Deputy Speaker, Sir. First, let me thank hon. G.G. Kariuki for bringing this very important Motion to Parliament. I also want to thank Prof. Maathai for giving me these three minutes to contribute to the Motion.

Mr. Temporary Deputy Speaker, Sir, the people who live near game reserves, national parks and forests share similar problems. I grew up in an environment which is near the Mt. Kenya Game Reserve, and I experienced many problems, which I want to share with my colleagues. Farmers who have farms near forests have so many problems. They go through psychological stress as they have to defend their farms. Some spend sleepless nights because they have to protect their farms while others are sleeping. We have seen the establishment of the Kenya Wildlife Service (KWS) Rangers department during this period when the NARC Government has been in office. We have also seen the recruitment of forest guards to protect the forests, but we have not seen any force being established to protect the farmers. I call upon the Ministry to recruit farm rangers whose work will be to protect farms in the same way forests are protected by forest guards and animals by rangers.

Mr. Temporary Deputy Speaker, Sir, the beneficiaries of most of the wildlife resources are foreigners or investors. We would like the county councils or the councils which are in charge of such parts to start benefitting. We have seen and heard of investors who are exporting animals. For

example, we have discovered that we can eat animal meat at the Carnivore Restaurant. We, therefore, call on the Ministry concerned to look into the possibilities of Kenyans exporting this meat or consuming it in our homes so that we can take advantage of these animal products.

Mr. Temporary Deputy Speaker, Sir, there are forest boundaries which were created by the former Government which are still in dispute. For example, we lost a stretch of ten kilometres in Meru South through the gazetement of land which belonged to us. As we have said before, we would like to be compensated for the land which has been acquired from us.

Mr. Temporary Deputy Speaker, Sir, I beg to support.

The Temporary Deputy Speaker (Mr. Poghisi): Proceed, Capt. Nakitare!

Capt. Nakitare: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this chance to contribute to the Motion that has been moved by my colleague, hon. G.G. Kariuki.

This is a very scientific area where we have to look at both sides. It is scientific in terms of occupancy and ownership. Who came first? Is it the wildlife or human beings? These are the two things that we have to look at. Whereas wildlife does not own land, it has been roaming freely in the country. Mismanagement by the Ministries and Government departments have brought up these problems that we are now experiencing. The previous Government should have seen these problems before they allowed people to go and destroy forests, driving out wildlife into the lowlands. This forced the wildlife to move into people-inhabited areas and destroyed crops and human beings in return. We are talking about elephants and lions. Why can we not talk about crocodiles and sharks? These are also part of wildlife. Does the Government own them? Yes, it does. So, what compensation are we looking for and who is going to pay that compensation when a crocodile destroys human life? So, when we look at the issue of wildlife management, we know that there are systems whereby communities are now being trained to share the resources with wildlife. We have a bio-diversity conservation programme that is going on to educate communities which are neighbouring the national parks.

We feel that there are Departments which have conflicting interests. We would like the KWS to take the overall charge of natural resources. We would not like to see the Forest Department consuming one side of the Budget and the KWS being given very little. In this case, if we leave the management of wildlife under the KWS, we can conserve the natural resources such as the forests, water resources and the wetlands. We are not looking at the destruction of wildlife only because we are also looking after the Kenyan heritage. If we destroy all the animals, we will have no heritage here! We are also looking at the salient income that Kenya is generating through tourism. Tourists do not come here to walk in the streets; they come here to look at the animals. What is our heritage? Are we going back to the age of dinosaurs? The age of dinosaurs is gone. We have to conserve and respect the wildlife that we have. The private ranchers are here to assist us in conserving and managing our wildlife, and I think they should not be blamed.

Thank you, Mr. Temporary Deputy Speaker, Sir.

The Assistant Minister for Environment, Natural Resources and Wildlife (Prof. Maathai): Thank you very much, Mr. Temporary Deputy Speaker, Sir.

I also want to thank hon. G.G. Kariuki on behalf of the Ministry for bringing this Motion, not that enough is not being done, but mostly to emphasise the need to bring in or develop a Bill that will capture the concerns that are definitely now very prevalent everywhere in the country. The concerns that have been expressed by the hon. Members this morning capture the concerns that we encounter everywhere we go in the country. These are the concerns that we should have to ensure that human-wildlife conflicts are reduced. We all know that just about a hundred years ago, this conflict was non-existent because the population was less than the vegetation was very expansive because we did not have commercial agriculture and we had not yet introduced commercial

plantations in our forested mountains and rangelands. Therefore, animals that occupy rangelands had plenty of space.

Mr. Temporary Deputy Speaker, Sir, at the moment, due to population growth, we have encroached into forests and grass lands. We have even occupied corridors such as the corridor between the Nairobi National Park and the outer Tsavo area. We know very well the conflict that recently hit the Nairobi National Park between lions and the Maasai over their livestock. These are concerns that we are all aware of. In this House, many questions have been raised trying to ask our Ministry to respond to various menace that is brought about by wildlife. This is something that we are all aware of. The Ministry is already working on a Wildlife Bill in order to up date the Act that has been there for a long time, which is now outdated. So, the Ministry will be very happy to work with Mr. G.G. Kariuki to combine efforts and bring a Bill to this House that will satisfy hon. Members and address the many issues that they have raised.

In the meantime, I want to appeal to our people to understand that we cannot live without wildlife. The word "wildlife" includes not only the animals, but also the trees, the birds, insects, worms and even some things that are under the soil and others in the air, which we see and others we do not see. So, it is a very wide all-encompassing concept of wildlife, which to a certain extent our own lives depend on. When we say that we want to conserve our wildlife, that means that we want to ensure that all forms of wildlife are preserved and not just the "Big Five" that tourists come to see, but many others that make it possible for us and the Big Five to survive. I want to appeal to our people, especially our managers, to be accountable and responsible and re-invest some of the income that is earned from these national parks and game reserves back into the wildlife conservation to ensure that our people see the benefits of wildlife conservation.

Mr. Temporary Deputy Speaker, Sir, what hon. Members have expressed here is very true. Our people must see the benefits of wildlife or they will kill or destroy them or leave them to the few foreigners who know their value and who encourage them to go to their ranches and exploit that wonderful natural resource that should surely be benefiting our people. This is an era for accountability, better and responsible management and there can be no better way of expressing this in our Ministry than in ensuring that our people benefit from wildlife, so that they can value them. I know that many times our people do not value wildlife conservation because they do not see the benefits that come out of it. Let us invest the money earned from tourism in our communities to ensure that our people benefit.

With those few remarks, I support this Motion.

The Temporary Deputy Speaker (Mr. Poghisio): I now call upon the Mover to reply.

Mr. G.G. Kariuki: Mr. Temporary Deputy Speaker, Sir, with your permission, I would like to give Mr. Khamasi and Mr. M. Kariuki two minutes each, and three minutes to Mr. Sasura.

Mr. Khamasi: Thank you, Mr. Temporary Deputy Speaker, Sir. First of all, I want to thank Mr. G.G. Kariuki for bringing this Motion to the House. I want to challenge the Ministry, which is new and has a vibrant Minister and Assistant Minister, that in future, we do not want to be bringing Motions to seek leave of the House to bring Bills or amendments to Acts. We want Ministers to take the initiative.

Secondly, there is nothing existing about the people who live around these world renowned national parks and game reserves. There is only poverty because people who own whatever is in these areas are foreigners. It is not the Maasais or the Samburus who own those camps and lodges. It is none of the indigenous people. Illiteracy among the people who live around game parks and national reserves is very high. These people have been turned into tourist attractions. If you go to Europe and ask one of them who is coming to Africa what he is coming to see, he will tell you he wants to see the "Big Five". He will tell you he wants to see the lion, the elephant and also the

Maasai. Definitely, these people have been turned into tourist attractions. This is a shame.

I want to suggest that in the proposed Bill, at least, 30 per cent of the investment in the camps and other tourist attraction areas must be vested in people who live around those game reserves and national parks. If individuals in those areas cannot be able to do it, then they must be encouraged to form co-operative societies, so that they can be able to own about 30 per cent of the investments.

Mr. Temporary Deputy Speaker, Sir, the Government must take this seriously because many Motions on this issue have come up. Mr. Kiunjuri's Motion was passed, but it was not implemented. I am sure if Mr. G.G. Kariuki will not follow up this Motion closely, this Government is likely to follow the footsteps of the previous Government and shelve this Motion somewhere in a cabinet. That will be its end. I would like this Government to take initiative and ensure that a Bill is brought to the House as soon as possible.

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

Mr. M. Kariuki: Thank you, Mr. Temporary Deputy Speaker, Sir. I wish to support the Motion and say that it is long overdue.

We need to redefine the theory and philosophy of wildlife. We need to appreciate that in doing so, the survival of man must be at the centre of the Act that we are proposing to amend. In that respect, therefore, it is important to appreciate that man came after environment had already been set in place. That is the theory of creation. The animals, the trees, the fruits and the water were there, and man was the last person to be created because God wanted to put man in an environment that is clean and healthy. Therefore, in this regard, we have to look at the theory of wildlife from that perspective, that man should be at the centre of it all.

Mr. Temporary Deputy Speaker, Sir, the Ministry has failed Kenyans. The Act, as is drawn today, provides that the Minister must in the Budget of every year provide for a fund for compensation. Last year, no funds came from this Ministry. The Act also provides that hon. Members have to be members of the compensation committee in areas where the game parks are. This has not been done. I come from a wildlife area. There is a national park in my constituency and I have not been gazetted. I think the Ministry needs to do certain things even as we await to amend the Act. The Municipal Council of Nakuru is owed by the Kenya Wildlife Services (KWS) Kshs540 million for rates that have accumulated over the years. The Ministry has not facilitated the payment of this particular amount of money, which should have saved the council in terms of putting things in place.

Finally, we need to approach the management of wildlife in terms of a partnership between the local people and the KWS. It is the local people who preserve that particular environment. It is the local people who take care of wildlife in that regard. Nakuru National Park has the highest number of visitors, but we have not benefitted even Kshs1 from the KWS. We need to resolve the dichotomy between national parks and game reserves. Those who live around the game reserves get 40 per cent of the gate fees, while those who live around the national parks get nothing. I hope that in the proposed amendment to this Act, this issue will be addressed, so that those who live around national parks will also benefit.

With those few remarks, I beg to support.

Mr. Sasura: Mr. Temporary Deputy Speaker, Sir, thank you for the two minutes that you have given me to contribute to this important Motion.

This Motion has come at an appropriate time, when the concerned Ministry is headed by a medical doctor, who is also an authority on conservation. The conflict in Kenya today between human beings and wildlife can only be managed by good policies. The Motion should have been brought here a long time ago because it is long overdue.

We support and appreciate the sentiments by hon. G.G. Kariuki. The immediate contention is how the land was acquired. That was why an amendment was earlier proposed. The people living around national parks have been given a raw deal by the Government. I think that they should not be compensated by being given more land. They should be compensated in a different way, just the same way the Government is compensating city and municipal councils for loss of rates. Councils are the custodians of land on behalf of people. That is what we expect will happen.

Mr. Temporary Deputy Speaker Sir, I am pleading with the Mr. G. G. Kariuki to make sure that there are enough safety nets in the Bill that he will bring to this House. The reason why compensation is not being given today is because of misuse. People were demanding compensation for property that had not been destroyed. That was why it was difficult for the Government to compensate for loss of property. Therefore, the hon. Member should put in his Bill a safety net to discourage acts of corruption. The Bill should also address the issue of ploughing back resources from the game parks to the communities surrounding them. For instance, the roads in our national parks are in a poor state. We cannot use the Constituency Development Funds to develop roads in the national parks, since the national parks earn a lot of money. The Bill should address the issue of ploughing back resources in order to put up schools, roads, and even dispensaries for the communities surrounding the national parks and the game reserves.

Finally, we should not equate compensation for loss of life to any figure. Compensation should be paid according to the laws of this country. For instance, if someone dies today, a court of law should determine what the full compensation for loss of life should be. It would be unfair to ask for a specific figure like Kshs1 million or Kshs500,000 for every life lost. It is up to the courts to do that. The Bill should specify what full compensation would be for loss of life and property. We trust that the Government will give Mr. G. G. Kariuki support to bring the proposed Bill to this House soon, because this issue is urgent.

With those few remarks, I beg to support.

Mr. G. G. Kariuki: Mr. Temporary Deputy Speaker, Sir, I would like to thank all the hon. Members who have participated in this debate. I would also like to thank the Assistant Minister for Environment, Natural Resources and Wildlife for being very candid. She noted that there was a problem in the Ministry, which needs to be addressed. That is what we are intending to do through this Motion. I would like to assure all the hon. Members that the proposed amendments will not be hijacked because they have already been delivered to the office of the Clerk of the National Assembly. By next week, hon. Members who are interested in the proposed dispensation will form a committee, which will facilitate giving of views before the Bill is drafted.

I would like to thank the hon. Member who wanted to amend the Motion because he had a genuine reason for that. He felt that the people who contributed to the well-being of wildlife were not well compensated during the colonial days.

With those few remarks, I beg to move.

(Question put and agreed to)

CONVERSION OF NSSF INTO
STATE PENSION FUND

Mr. Oloo-Aringo: Mr. Temporary Deputy Speaker, Sir, I beg to move the following Motion:-

THAT, in view of the fact that many Kenyans who are over 60 years old are unable to work due to unavailability of employment, old age, or sickness, this House do

grant leave to introduce a Bill for an Act of Parliament to amend the National Social Security Fund (NSSF) Act, Cap.258, Laws of Kenya, in order to convert the Fund, into a State Pension Fund where every working Kenyan shall contribute a percentage of his or her earnings.

This is a legislative Motion, which is distinct from a petitionary Motion. In a petitionary Motion, we ask the Government to take action. In a legislative Motion, we have an avenue to initiate legislation and bring into the House Bills which can be enacted into law. I am pleased that more hon. Members are bringing more legislative Motions seeking leave to introduce a Bill which can be enacted into law. This is an important development which requires the support of the National Assembly. The Parliamentary Service Commission (PSC), as an example, will set up in the parliamentary service a legislative services department which will, among other things, assist hon. Members with preparing proposed legislation for introduction to this House. In the same way we are going to set up a Budget Office as a technical secretariat to assist hon. Members, we shall also set up a legal services department to assist hon. Members to bring amendments to Acts and Bills to this House, so that we can attack the bad laws that are in our statute books.

*(The Temporary Deputy Speaker
(Mr. Poghio) left the Chair)*

*(The Temporary Deputy Speaker
(Mr. Khamasi) took the Chair)*

This is, therefore, a legislative Motion, meant to, mainly, amend the NSSF Act and convert it into a State Pension Fund.

This particular Bill will overhaul the philosophy, the policies and the structure of social security in our country. We are very lucky because recently, at the Bomas of Kenya, we re-wrote our Bill of Rights in the Constitution. In doing that, we included not just political rights, but also economic and social rights. Among the social rights which we have included in the Draft Constitution is social security. Article 60 of the Draft Constitution now reads as follows:-

"Every person has the right to social security."

Part II, Article 2 reads as follows:-

"The State shall provide appropriate social security to persons who are unable to support themselves or their dependants."

This means that social security is now a human right, just as education is a right. We have a right to have proper health services and shelter. In our new Constitution, social security will become a human right. Therefore, this Motion actually seeks to implement the provisions of this section of the new Constitution when it will be adopted as the national Constitution of Kenya.

Mr. Temporary Deputy Speaker, Sir, in this Draft Constitution, we have recognised the role of senior citizens in our society. Article 38(1) states:-

"(i) All the members of society are entitled to continue to enjoy all the rights and freedoms set out in the Bill of Rights.

(ii) The State shall take legislative and policy measures to ensure the rights of the older person to

- (a) participate fully in the affairs of society,
- (b) pursue their personal development,
- (c) be free from all forms of discrimination and abuse,

- (d) live in dignity and respect,
- (e) retain their social economic and political autonomy, and
- (f) receive reasonable care and assistance for their family by the State.

Article 3 of the Draft Constitution states as follows:-

"Parliament shall enact legislation to establish a council to define and advise on policies and programmes for the care and protection of older members of society."

Therefore, we are entitled, under the Draft Constitution, to demand that attention be paid to senior citizens, and that social security be a pillar of our national policy. If you look at the history of the National Social Security Act, you will see that it was first enacted into in this House in 1965. At that time it was enacted as a provident fund. A provident fund is where the contributor's contribution and the contribution of the employer, plus the interest, are paid to the retiree in a lump sum.

The amount that is deducted from the contributor and paid by the employer under the present law is normally 5 per cent. Together with the interest, this is paid to the beneficiary at a total of about Kshs60,000 at the end of their working life. You will agree with me that Kshs60,000 is a very small amount of money. It is totally inadequate. Invariably, the retirees degenerate, fall into poverty and die in destitution.

As a country, we cannot afford to have people, who have served our society and retired honourably, retire into poverty and destitution. Therefore, the purpose of this particular legislative Motion is to bring the proposed Bill to this House to enable us to address this change in philosophy and policies. We also demand that the benefits that will be given to the retirees and other people who will have contributed to the proposed scheme should make their lives meaningful.

This should have been done a long time ago, but previous Governments did not pay attention to the problems of those who were affected by this National Social Security Fund. It is up to this Parliament to initiate the necessary changes by accepting this legislative Motion, so that we can bring to this House a Bill for amendments. In this particular endeavour, we have received maximum co-operation from the Board of Trustees of the National Social Security Fund. They have organised seminars for Members of Parliament and other stakeholders in the country. These have enlightened hon. Members of Parliament on the need for changes to this particular Act. Therefore, this is a joint exercise between Parliament, the Government as well as all the stakeholders. That is as it should be. We only come to this House when the Government has failed to bring in the necessary changes. The initiative, therefore, by hon. Members, is not to undermine the Government. It is to support it.

I recall that I once served as the Minister for Education, Science and Technology. In fact, I proposed to bring an amendment to the Education Act. But let me tell you that, even though we had a draft amendment Bill to amend the Education Act, it has not come to this Parliament up to this day. This fear is genuine! If we do not put pressure on the Government and the Ministers, they will sit on their laurels and will not perform. Then, we shall also have failed in our duty to push the Ministers to perform. So, it is not accusing the Ministers. It is asking them to take their responsibilities seriously; to read the mood of the time and instead of political bickering--- Once you are a Minister, you are expected to be a statesman; to lead us into changes in policy and legislation. That is why the first nationalists like the late Tom Mboya, the late Jaramogi Oginga Odinga and the late Ronald Ngala were great leaders. They brought policies which served the country as a whole, instead of the present pettiness and bickering which is going on in the country. We are wasting a lot of time while policies in our Ministries are not being attended to.

Mr. Temporary Deputy Speaker, Sir, what are the changes that we are anticipating? We are going to increase the amount which will be paid. But even more importantly, we will make the National Social Security Fund (NSSF) a compulsory national pensions fund. What that means is

that every Kenyan who is employed will be compelled to contribute to that huge national resource, which will be a reservoir. It is when you have a huge reservoir like that, that you can address the social welfare problems of our people. It is through pension funds that we can be able to galvanise the total savings of our people and make the money available for use in the development of our country. For example, in Malaysia, they have rejected the World Bank loans because their total savings from their NSSF is ten times bigger than what the World Bank can give them. If we force everybody to be a member of the NSSF, we do not need to go to the World Bank and other donors for money, because we shall have our own savings. I can mention Malaysia and Thailand. They do not need the World Bank. They rely on their own savings.

Mr. Temporary Deputy Speaker, Sir, at the moment, the NSSF membership is 750,000. We have also limited the amount they can pay. If, on the other hand, we open the membership to those who are employed in the public service alone, that is the civil servants and the teachers who are not covered, the total membership number will be over four million members. If, on the other hand, we enhance their benefits, that money will be adequate. It will be bigger than what we are trying to borrow from the World Bank to solve our problems. Our independence will only come when we try to find ways and means of being self-sufficient.

Mr. Temporary Deputy Speaker, Sir, in that scheme, therefore, everybody will become a member, from the President to the sweeper in the streets, to the assistant chief in the village. That is because many civil servants are not members of the NSSF. If you bring in that membership, and that of teachers who are employed by the Teachers Service Commission (TSC), as well as other public servants like the *jua kali* artisans and workers in the informal sector, we will have a huge and formidable saving which can get this country out of poverty. Therefore, the Bill will be inclusive and make social security savings compulsory for everybody. If we do so, we will have taken this country a step further into self-reliance and do away with the dependence that we are going through.

Mr. Temporary Deputy Speaker, Sir, we are not alone in this effort. We started with Tanzania in 1965. Tanzania enacted the National Social Security Fund (NSSF) in 1964, but they converted it into a pension fund. As a pension fund, it has a huge reservoir of funds, which it has invested prudently in order to realise its objectives. I visited Ghana and saw that her social security fund owns every tall building in the City of Accra and every major investment in the that country. That is where we should be. We can be there if we discipline ourselves. What did we turn our NSSF into? Our NSSF was destroyed by looters through the purchase of useless land or quarries, so that the person who contributed to the Fund did not benefit. It is our duty, as Parliament, to listen to the cries of our people and address this problem positively by bringing the necessary legislation into this House. We are not the first country to do so. Our neighbour, Tanzania, made such a move, and they now have a very successful social security fund. It has been centralised throughout Tanzania and is able to address the plight of the destitute elders in that country. It is also able to support the economic development of that country.

I have given the examples of the Social Security and National Insurance Trust of Ghana, which has also done a wonderful job. We also have the National Pension Scheme of Zambia, which has done much more than us. We should now address this problem. If the Ministers are not moving fast, we, as Parliament, must push them to do so. It is for that reason that I am supporting the need to facilitate hon. Members to bring to Bills into this House which can be enacted into law, so that we can remove the bad laws and set up correct policies, which will guide our people in the present time as well as in the near future.

Mr. Temporary Deputy Speaker, Sir, what does a new structure of pension or social security in this country entail? First and foremost, the NSSF or whatever name we will call it, will be the first pillar. Membership to it will be compulsory for all Kenyans and we will have a huge reservoir

of funds for development. Through it, we can pay for the welfare of our destitutes in the country. Secondly, there will always be need for compulsory schemes within each employment. For instance, Members of Parliament have a pension scheme. You will still be a member of the NSSF, but you will also be benefiting from the Parliamentary Pension Scheme. It does not stop you from benefiting from your co-operative arrangement, so that you have three pillars.

As you grow older and get out of employment, you can actually benefit. That is the way to address poverty. We cannot address poverty until we exercise our thinking to find out where we went wrong. We have to find out why we have destitutes on our doorsteps, in our villages and in the slums of the cities. We are seeing people who are extremely poor and who do not have a meal in a day, and yet some of them have done a sterling job for this country. Is this the reward we are giving them? I am suggesting "no". The welfare of our people is our responsibility at all stages of their development. Even the welfare of the senior citizens in our country is equally our responsibility. I am, therefore, asking hon. Members to rise to the occasion.

Mr. Temporary Deputy Speaker, Sir, I also ask the Minister to support us in this endeavour. We have taken this initiative because the Ministry has not come up with the Bill. Therefore, they should not be jealous that we have done so. They should support us because the Bill will eventually become law. If it is a good law, it will affect everybody and the Minister will administer it on behalf of Parliament. Our role is complementary. If we look at things that way, there should be no confrontation between Parliament and the Government. In fact, that is why I am suggesting that there should be more dialogue in order to find solutions to the problems of our people. This Parliament has a key role to play in reversing the trend of rhetoric and idle talk, or the building of the so-called "political hegemony". Instead of building the country, we are building an ethnic hegemony. This is the only way to get out of that; by constructively accepting the problems of our people.

Mr. Temporary Deputy Speaker, Sir, social security, as I said in the beginning, is a human need and a human right, and it is provided for in the new Constitution. The Government should provide assistance. In fact, we are suggesting that when this pool is sufficiently large, bringing together over five million contributors at an enhanced payment, we can actually address the problem of those *wazees*, many of whom are dying of starvation. Only recently, we discovered that a few people died in Baringo because of starvation. This was right in Kenya, and precisely, in Baringo. Is this situation different in our constituencies where there are many families who do not have an income and more so, where the grandparents have become the parents because of HIV/AIDS? We have large number of orphans, and many of these children are now living with the mothers and fathers, and the grandfathers of the husband and the wife. They are in utter poverty because they have no income. We must start by addressing the problem and the plight of these particular elders whose children have died, perhaps due to HIV/AIDS and who are now looking after large numbers of orphans. That to me, would be a serious matter of social discourse, and which will take us a step further. We can only achieve this by bringing the necessary enactment into law, to be administered by the Government, to remove the poverty of the majority of our people.

Mr. Temporary Deputy Speaker, Sir, we have a large number. The largest employment area today is the informal sector. What happens to them when they retire at 60 years? They have nothing to fall back on. In this arrangement in this Bill, there will be provision for people who are in paid employment and for people who are self-employed, so that they too can pay for their retirement when they are still working. It can be done. We were in Ghana the other day with the Chairman of the Departmental Committee on Health, Housing, Labour and Social Welfare, and we were able to see what, in fact, can be done by a country that is determined to address all sections of its society.

The informal sector will remain the largest employer in our country. What about when they

are 60 years of age? How will they look after themselves? Are they not citizens? When they are destitute, is it not our responsibility? It is not the responsibility of the World Bank because they are going to come and are going to try to talk to hon. Members, that we should avoid that type of welfare, when, indeed, I went to school in Canada and the social security of Canada is probably the best in the world. Even as a student, I was a member of the social security scheme. I was compelled to be a member because it guaranteed my medical cover and also being able to pay my taxes and so forth, so that at end of the retirement, anybody who has worked in Canada and in all those countries we know, who now tell us that we should not look after the welfare of our people. They have social welfare schemes for the elderly. They pay for the unemployed. When you fall out of employment, your society has a responsibility to ensure that during those days when you are out of employment, you are looked after. Equally important is the fact that we should encourage our women to have children. Therefore, there should be a payment for maternity from that Fund and not from the employer.

With those few remarks, I beg to move and request Dr. Galgallo to second the Motion.

Dr. Galgallo: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to second this important Motion. Unfortunately, when you have to second an eloquent speaker like Mr. Aringo, who always says it all, it becomes a big disadvantage. But let me try to chip in a few points without repeating what he has already said.

Mr. Temporary Deputy Speaker, Sir, when one talks about retirement, it is difficult to avoid talking about work first. That is because one has to work before he retires. In this country, workers have suffered a lot of exploitation. That exploitation follows them into retirement. Our workers suffer poor pay. They have poor housing arrangement. Many of our workers in the lower cadres have their services terminated unfairly by rich men. We know that there are people who try to circumvent the law which requires that if somebody works for three consecutive months, he or she is required to be employed on permanent employment. We know that people circumvent that by sacking workers after every three months to beat the law. That is all corruption and it is the exploitation of our workers. The tragedy is that they suffer that long and when they reach retirement age, they have nothing to retire to. The factors that I have mentioned earlier, which could have helped them build up a good retirement base after work, actually work against them and they retire to nothing.

Mr. Temporary Deputy Speaker, Sir, as a country, we have not helped our workers and retirees - our old people. What we have now; the National Social Security Fund (NSSF), as my colleague said, is a provident fund which is totally useless. It does not help our people in any way. The lump sum that they get is so little that it is irrelevant. It does not help them. They get Kshs50,000, Kshs60,000 and some even get Kshs20,000 and Kshs30,000! Such kind of retirement package is useless and cannot help anybody.

What is more, under our present arrangement, even to get that Kshs20,000, Kshs30,000 and Kshs40,000 takes our old men years because of the bureaucracy involved in the management of that Fund. As hon. Members, we have all at one time taken up issues of delayed payments with the NSSF. Even after the intervention of Members of Parliament, it takes months, if not years.

Mr. Temporary Deputy Speaker, Sir, our people, through the current arrangement of the NSSF, have a raw deal. What other countries have done, as has already been cited--- Countries like Tanzania and Ghana have transformed that Fund--- Initially, they also had a similar arrangement like ours. They transformed their Funds into proper pension schemes and it has worked! We have travelled there and seen it. It has worked very well. The message that we got from those countries that have gone that way is that it can be done! It is possible, but it needs the collective goodwill of all the stakeholders including the Government, the employers, employees, trade unions and even the

media, so as to help sensitise the general public.

Mr. Temporary Deputy Speaker, Sir, Ghana went through it this way. They first went into a massive public education and sensitisation programme and they got all the stakeholders on board. Then, there was consultation; give and take. The employers and the employees have a stake in it, and so it was give and take. It was a question of what portion should the employer pay and what portion of his salary should the employee pay. Through that consultation and proper consensus building, everybody went on board and today, as I speak, the achievements of Ghana, and to a lesser extent, Tanzania, are being talked about throughout the world. In fact, people come from all over the world to see what Ghana has done.

Mr. Temporary Deputy Speaker, Sir, in Ghana, the employer, for example, contributes 12.5 per cent and the employee contributes 5 per cent. So, each month, the worker would be saving for his retirement, 17.5 per cent of his salary. The highest paid pensioner in Ghana now gets US\$2,500 per month, and he is a retiree. That is a comfortable person. That is where we want to take our people.

What they have also done is that for those who earn very little; those whose pay package is very small, the employer is required to top up so as to bring it to a certain minimum which has been installed in law and it is accepted by all. So, the message is simple. It is possible. The time has come and we must all move together. The biggest stakeholder is the Government. As Members of the Social Welfare Committee, we have been talking to the Government and we see a lot of commitment on its part. I believe the Assistant Minister for Labour and Human Resource Management is here and he can bear testimony to that. Since the biggest stakeholder is the Government, we want the Government, now that we have initiated this, to step in and lead us through it.

As hon. Oloo-Aringo has said, we are not at loggerheads with the Government. We want to work with the Government, but the Government also has to move. We know the Government bureaucracy does not allow for speed, and that is why we are here to apply pressure so that the Government moves.

Mr. Temporary Deputy Speaker, Sir, the issue of the informal sector will be a problem once this gets into motion because they are people who are self-employed and are not on regular emoluments. So, how do you calculate what they are supposed to pay into the scheme? It is difficult. What other people have done is to ask them to pay in--- For example, if you are a coffee farmer and the money you get is during harvest time, which they call coffee boom or bonus, that time, they would be allowed to pay in for all the months that they were not able to pay. It would be an understood working arrangement. But it is going to be a bit difficult and it will take a lot of goodwill and patience.

So, I just want to urge all the Members to support this Motion. It is good for us, our country and, above all, with commitment, it can be done.

With those few remarks, I beg to second.

(Question proposed)

Mr. Wamwere: Ahsante, Bw. Naibu Spika wa Muda. Naomba kuunga mkono Hoja hii ya kuleta Hazina ya Kitaifa ya posho ya wazee.

Nadhani mengi yameshasemwa na langu litakuwa ni kuongezea machache tu, hasa kugusia yale mambo ambayo yanaweza yakazuia hii Hazina ya Kitaifa kufanya kazi barabara. Naamini kikwazo cha kwanza ambacho tunatakiwa kukiondoa ili hii Hazina ifanye kazi kama tutakavyo ni taratibu ya kuajiri watu kazi ya kibarua. Ni wazi ya kwamba kazi ya kibarua hailipiwi marupupu

ambayo yanaweza yakamsaidia mfanyakazi uzeeni mwake. Hii taratibu ya kazi imeenea sana katika mikahawa mikubwa, mashamba makubwa ya makonge, mashamba ya kahawa na hata ya majani chai. Ninasikitika kusema ya kwamba taratibu hii ya kuwaajiri watu kazi ya kibarua kwa miaka mingi pia inaendelea hata hapa Bungeni. Ninasema ya kwamba hii ni aibu kubwa kwamba Bunge ambalo linafaa kutolea nchi nzima mfano wa namna ya kuwapatia wafanyakazi haki zao ndilo linaloongoza katika kuajiri watu hii kazi ya kibarua kwa miaka mingi. Juzi nilizungumza na mfanyakazi mmoja hapa ambaye aliniambia kuwa amefanya kazi miaka minane na hajapewa kazi ya kudumu. Hii taratibu inatakiwa kufutuliwa mbali, na huko kuifutulia mbali kuanzie hapa Bungeni.

Kuna tabia nyingine ambayo ni mbaya hata kuliko kuwaajiri wafanyakazi kazi ya kibarua. Huu ni mtindo ambao tena unaendelea katika mikahawa mikubwa na hata Bungeni. Watu wanaulizwa kufanya kazi bila malipo yoyote wakisubiri kupata kazi ya kudumu. Ni makosa kwa mtu kufanya kazi mwaka mzima bila ya malipo ati kwa sababu anangojea siku moja atajiriwa kazi. Huu ni utumwa! Utumwa wa aina hii hauwezi kuwa msingi wa Hazina ya kusaidia wazee tunaongea juu yake. Ni lazima Wizara ya Leba ihakikishe, na izunguke kila mahali kuhakikisha ya kwamba mtindo huu haupo.

The Assistant Minister For Labour and Human Resource Development (Mr. Odoyo): On a point of order, Mr. Temporary Deputy Speaker, Sir. Is it in order for the "hon. Minister"---

The Temporary Deputy Speaker (Mr. Khamasi): There is no Minister on the Floor, Mr. Odoyo!

The Assistant Minister for Labour and Human Resource Development (Mr. Odoyo): Mr. Temporary Deputy Speaker, Sir, may I apologise for elevating my brother to a post that he may not be---

The Temporary Deputy Speaker (Mr. Khamasi): Could you, please, raise your point of order?

The Assistant Minister for Labour and Human Resource Development (Mr. Odoyo): Mr. Temporary Deputy Speaker, Sir, is it in order for the hon. Member to imply that there are people in this country who work for over one year without being paid? Could he specify any one company that does so, and I can assure him that the Ministry of Labour and Human Resource Development will take action?

Mr. Wamwere: Bw. Naibu Spika wa Muda, kuna pahali pengi ambapo siku hizi watu wanaajiriwa bila kulipwa chochote. Wao hupewa ahadi kwamba wataajiriwa siku za baadaye. Kwa mfano, katika Mkoa wa Pwani kuna mikahawa katika ufuo wa bahari. Siku moja nilitembea huko na nikawahoji wafanyakazi mbali mbali. Wengine waliniambia kuwa walikuwa wakifanya kazi bila mishahara huku walingojewa kuajiriwa. Ningemwomba Mheshimiwa Waziri afanye utafiti wake na atagundua ukweli wa mambo haya.

Bw. Naibu Spika wa Muda, jambo lingine ambalo linatakiwa kuzingatiwa ili kuhakikisha ya kwamba hii hazina inawafaidi Wakenya wote ni kuhakikisha kuwa wale ambao wanalemaa kazini pia wanafaidika. Kuna Wakenya wengi ambao wanalemaa kazini, aidha kwa ugonjwa au kwa kupata ajali, wakiwa na umri mdogo. Kwa sababu ya ulemavu wao, hupata shida nyingi sana uzeeni. Hawawezi kujisaidia au kufanya kazi wao wenyewe, ilhali hakuna hazina kama hii ambayo inaweza kuwasaidia. Shaaban Robert aliandika katika kitabu cha Kusadikika kwamba "Ng'ombe akiumia malishoni, hujikokota zizini kusaidiwa." Kama ng'ombe anaweza kujikokota zizini kusaidiwa, mfanyakazi pia anapoumia kazini akifika zizini ni lazima asaidiwe. Hazina hii itasaidia kufanya hiyo kazi.

Bw. Naibu Spika wa Muda, jambo lingine ambalo linapaswa kuzingatiwa ili hazina hii iwe ya maana ni kuinua kiwango cha chini cha mshahara. Kiwango cha chini cha mshahara katika nchi hii ni kidogo; Kshs80 ni mshahara wa kiutumwa! Ni aibu kubwa kuona Serikali ikitoa mfano mbaya

kwa kuweka kiwango hiki cha chini cha mshahara. Hata wale waajiri ambao wangetaka kudhulumu wafanyikazi wameshindwa kutumia hicho kiwango kwa sababu ni cha chini mno. Ninatoa changamoto kwa Waziri wa Leba ainue kiwango hiki cha chini cha mshahara hadi angalau Kshs200. Malipo ya Kshs80 ni aibu kubwa. Hakuna mtu ambaye anaweza kuishi kwa mapato madogo kama hayo.

Bw. Naibu Spika wa Muda, pia ningetaka kugusia jambo la aibu ambalo linaendelea kutendeka katika nchi hii. Haki ya kufanya kazi inauzwa. Kama unatafuta kazi leo, unapokwenda kwa mwajiri, atakudai utoe hati ya kuwa na tabia njema, yaani, Certificate of Good Conduct. Kama huna hati hiyo, huwezi kuajiriwa kazi. Ili kuipata hati hii unatakiwa kwenda kwa Idara ya Kupambana na Jinai, yaani, Criminal Investigation Department (CID) na kulipa Kshs1000. Hili ni jambo ambalo limewazuia watu wengi sana kufanya kazi nchini. Ninapongea hapa, nina mfano wa kijana mmoja anayeitwa Bw. Kigochi; kwa miezi miwili amekuwa akitafuta hati hiyo ya kuwa na tabia njema lakini amenyimwa na polisi. Ninataka kusema ya kwamba kuwadau watu ambao wanatafuta kazi watoe hati ya kuwa na tabia njema ni dhuluma ambayo tumerithi kutoka enzi ya Serikali ya KANU. Hizi ni dhuluma ambazo ni lazima zifutiliwe mbali. Polisi ni lazima waache kuwasumbua watu kwa sababu mbali mbali. Kwa mfano, ikiwa wakati mmoja ulitumikia kifungo cha jela na umeachiliwa huru, unaambiwa ni lazima uwe na hati hii. Ninapendekeza kwamba hata walioshtakiwa na polisi wana haki ya kufanya kazi. Hata wale ambao walifungwa na kuachiliwa baada ya kutumikia vifungo vyao, wana haki ya kufanya kazi pasipo ya kuuziwa haki hiyo kwa Kshs1000. Hiyo ni aibu ambayo inafaa Waziri wa Wafanyikazi aiondoe mara moja. Hakuna kazi nyingine anafanya kama hawezi kutatua jambo hili.

Bw. Naibu Spika wa Muda, jambo lingine ambalo linastahili kuangaliwa ni lile la umri wa kustaafu. Nina imani kwamba watu wengi ambao wamefikisha umri wa miaka 55 wana uwezo wa kufanya kazi. Ningependa tuige mfano wa nchi za Ulaya ambapo watu wanafanya kazi hata baada ya kufikisha miaka 65, na kwingineko hata miaka 70. Mtu anapostaafu baada ya kufikisha miaka 55, bado yuko na nguvu ya kufanya kazi. Na ikiwa hana akiba ya kuanzisha biashara, anakufa haraka. Hii ni kwa sababu anaregarega vijijini na mwishowe kunywa pombe ambazo zinaua watu haraka. Kwa hivyo, ninapendekeza watu waongezewe miaka ya kufanya kazi hadi 65 ndio wastaafu.

Kwa hayo machache, ninaunga mkono Hoja hii.

Mr. Kimathi: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me a chance to contribute to this Motion.

First of all, I want to express my dissatisfaction with the hon. Member who has contributed to this Motion last. The hon. Member wants the Government to take a role of a dictator, because employers cannot be dictated or forced. It is a question of a willing employer and willing worker. In that context, we do not have employment in Kenya. We should not harass someone if he or she is ready to employ you even for a week, two weeks or a month. We want to encourage both local and foreign investors to invest in our country. We should not dictate to the employers what they should do because if we do that, we shall not create an atmosphere of "give and take".

Mr. Temporary Deputy Speaker, Sir, another thing which disturbs me is that we cannot practise communism or populist politics by criticising the NARC Government. A government is a government. Therefore the NARC Government is a Government which was elected by Kenyans. The KANU Government, which ruled this country for 24 years, was a Government. Before KANU came to power, we had the colonial government. A government is a government regardless of what party has formed it. Even when FORD P, although it is the smallest party, will form the Government, it will be a Government.

(Applause)

So, we cannot say the KANU or NARC Government. After all, it is a shame for the hon. Member to keep on talking about KANU. I worked closely with former President Moi and he did not give me anything. But he gave Mr. Wamwere a car and allocated him a piece of land. Former President Moi bought the hon. Member a car as if he was a disabled person. He was also allocated a piece of land. I want Mr. Wamwere to deny this because the former President is still alive.

Mr. Wamwere: Hoja ya nidhamu, Bw. Naibu Spika wa Muda.

The Temporary Deputy Speaker (Mr. Khamasi): Order! Mr. Kimathi, when somebody rises on a point of order and catches my eye, you sit down.

What is your point of order, Mr. Wamwere?

Mr. Wamwere: Bw. Naibu Spika wa Muda, ningependa Mheshimiwa anayeongea atoe ushahidi kwamba Rais mstaafu Moi alinipatia gari na shamba. Hiyo ni kashfa anatoa juu yangu hapa---

The Temporary Deputy Speaker (Mr. Khamasi): Mr. Wamwere, you have made your point. You are right. Mr. Kimathi, you have to substantiate the statement you have made.

Mr. Kimathi: Mr. Temporary Deputy Speaker, Sir, I will bring the car registration number and the other details---

The Temporary Deputy Speaker (Mr. Khamasi): Order! Surely, we must be serious. When you come here and rise on the Floor of this House---

Mr. Kimathi: Mr. Temporary Deputy Speaker, Sir, I have the registration number of the car the former President gave Mr. Wamwere.

The Temporary Deputy Speaker (Mr. Khamasi): Order! Mr. Kimathi, when I am on my feet, you must sit down! You should not stand when I am on my feet. When you come here and, rise on the Floor of this House and make a statement, you do not begin saying that you will go and bring some information. You must have all the facts here. So, you either substantiate what you have said or withdraw.

Mr. Kimathi: Mr. Temporary Deputy Speaker, Sir, the car is registration number KMA 085! But I do not have the details of the land.

(Applause)

May I continue to contribute on the extension---

The Assistant Minister for Labour and Human Resource Development (Mr. Odoyo): On a point of order, Mr. Temporary Deputy Speaker, Sir. The hon. Member has made a very serious allegation against a very honourable member of the NARC party. Could it be on record that should the number plate he has quoted here be proven otherwise, he should be censured?

The Temporary Deputy Speaker (Mr. Khamasi): Order! Mr. Kimathi, you have said Mr. Wamwere was given a car and a parcel of land by the former President, Mr. Moi. Now, you have given us the registration number of the car. Could you tell us the land registration number of that piece of land as your substantiation?

Mr. Kimathi: Mr. Temporary Deputy Speaker, Sir, I will try to locate the number of the parcel of land slowly! If Parliament can allow me, I will do that at a later stage. If I cannot locate the number, I will apologise. Then the Minister for---

The Temporary Deputy Speaker (Mr. Khamasi): Order! There are no semantics here! You will either substantiate or withdraw and apologise. That is the only way you can get out of it.

Mr. Kimathi: Mr. Temporary Deputy Speaker, Sir, with due respect to the Chair, I

withdraw and apologise. Can I continue to contribute?

The Temporary Deputy Speaker (Mr. Khamasi): Continue!

(Laughter)

Mr. Kimathi: Mr. Temporary Deputy Speaker, Sir, as I was saying, the---

Mr. Wamwere: On a point of order, Mr. Temporary Deputy Speaker, Sir. He gave the registration number of a car---

The Temporary Deputy Speaker (Mr. Khamasi): Order! I have already ruled and he has withdrawn and apologised! The matter rests there! Period!

Mr. Kimathi: Mr. Temporary Deputy Speaker, Sir, the idea of pensioners earning some money is very good. The only thing that I would like to say is that if you have a small shamba or little works that would take a month, two or three days, you cannot afford to invest in the national kit for the workers to earn a pension in future. I would like Kenya to be a friendly country where investors will invest their money nicely, hire people on a give-and-take basis, without either side taking what belongs to the other.

Lastly, as I conclude, we are all grateful for the manner in which both sides of the House are working.

With those few remarks, I beg to support.

Mr. Omamba: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me the chance to contribute to this important Motion. I am one of the retirees and I have observed some retirees like myself, some of them old teachers and administration policemen, getting Kshs300 or Kshs150 per month. It is lamentable for such an amount of money to be given to a person with a family. I support the Motion because it will enable retirees to earn good money.

With those few remarks, I beg to support.

Mr. Syongo: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to support this Motion. This Motion is most timely. The substance of this Motion is most commendable. The Motion is timely because of two very important reasons. First, the fact is that there has been a major shift in the source of employment and economic sustenance of our people. Hitherto, the majority of workers, who the Act which set up the NSSF had in mind, were those who were employed in the formal sector, both in the private and public sectors. But because of the retrenchment policies and the decline in the economic performance of this country, the informal sector now provides sustenance for the majority of the citizens of this country.

Mr. Temporary Deputy Speaker, Sir, it is important and commendable that this Motion intends to accommodate the majority of our people who are no longer accommodated in the formal sector, but indeed in family businesses and businesses that basically provide for just self-employment. So, I commend it for that reason.

Mr. Temporary Deputy Speaker, Sir, the second reason why this Motion is most timely and must gain the support of Members of Parliament is because the extended family system has collapsed. The traditional extended family system which used to provide social security for our people; the extended family system that used to ensure that our offsprings would provide for us in old age can no longer be tenable. The only option, therefore, is for an institutionalised system that provides for old age and the citizens of this country when they retire, so that they can no longer depend on their offsprings or on the extended family system which is no longer tenable.

Mr. Temporary Deputy Speaker, Sir, in business there is an imperative that for every good investment, there must be a fair return on that investment for the investor. The fact is that in this country the individual, that is the parents, the mother and father, and in some cases other relatives, provide more social investment in this country than the Government. If you look at the educational sector, it is the family that educates the children who are the human resource of this country. The

human resource development of this country is predominately the responsibility and the burden of individual parents and families. If you look at our primary schools, and increasingly our secondary schools and health centres; through the Harambee effort, it is individual contributions that have brought up these institutions and that have put up the buildings where our children go to school.

Mr. Temporary Deputy Speaker, Sir, if you look at the statistics of the amount of money and the number of Kenyan citizens learning in overseas universities, it is not the Government that is paying their school fees. It is individual parents and family members who are educating their children in universities both locally through the parallel system, and overseas by sacrificing considerably to raise the foreign exchange required to sustain them in those universities.

Mr. Temporary Deputy Speaker, Sir, it is only fair that when the time comes, when we are too tired to do anything of substance to look after ourselves, that investments we have made on behalf of a Government that has been inept and totally insensitive to the demands and needs of our citizens, that we provide for a pension scheme that will look after those who have invested in the human resource in the schools and health centres through Harambee and taxation.

Mr. Temporary Deputy Speaker, Sir, we have many parastatals. Presently, the mood is that the Government must now divest, and the Government invested in those parastatals from taxation which was paid by citizens of this country. Who are we divesting to? We want to divest to foreigners, or the so-called strategic partners and investors. I want to propose, and I support hon. Oloo-Aringo that, we do not need to off-load all these investments that were made from taxpayers' money to foreigners at throwaway prices, while we have the capacity, through a pool of savings in the form of NSSF, the institution that is proposed through this Motion and the envisaged Bill, to provide for capital investment to take over these investments, instead of throwing them away to foreigners.

Mr. Temporary Deputy Speaker, Sir, right now, I can say with confidence that unless we are careful, South Africa is going to colonise the economy of this country. We have the Unga Group of Companies almost going to South Africa. We have Uchumi Supermarkets now shaking and we know that there is a proposal to off-load it to investors from down south. There would be no need to do so if we had a pool of investment funds such as the National Social Security Fund (NSSF), which would take over such institutions, so that the profit that would otherwise be repatriated remains in this country and provides for additional social security when we reach our old age. This is possible.

Mr. Temporary Deputy Speaker, Sir, Seychelles is a small country. The main island that forms the Republic of Seychelles is the size of Mfangano Island in Suba District. The total population of Seychelles is only 80,000 citizens and yet, right now, they have a pension scheme which provides for a minimum US\$250, that is about Kshs18,000, to the lowest paid worker who retires in Seychelles. Seychelles, the size of Mfangano Island, can afford a pension scheme of awarding Kshs18,000 to every citizen upon retirement. Why can we not afford it? I believe we can afford it.

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

Prof. Oniang'o: Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this chance to speak because I will not be here next week.

I would like to support Mr. Oloo-Aringo's Motion, and at the same time commend him for bringing it in this House. I can see this Motion as a beginning of establishing a social security system for the people of Kenya.

The reason why this is so critical is that Kenyans work and enjoy a healthy life, but when you look at them after retirement, even after being in good jobs; for example, the public service, you will find that they live in poverty and squalor. Some of them, especially men, decide to marry after retirement. Therefore, whatever they had saved never serves them properly. It is for that reason that I want to commend this Motion.

Mr. Temporary Deputy Speaker, Sir, as we promote this Motion, let it be accompanied by some education and advocacy because we want to ensure quality ageing and life for our aged

population. Even as we talk of the 60-year old, we need to realise that the life span of Kenyans has been severely reduced because of diseases such as HIV/AIDS. Right now, the life span of Kenyans, given the conditions I have mentioned, we will be lucky to reach 60 years. I hope when the Bill actually comes to this House, it will take this matter into account.

Mr. Temporary Deputy Speaker, Sir, we want to make sure that our senior citizens actually enjoy quality life. In countries which are more advanced, senior citizens enjoy certain concessions, especially in terms of accessing health care and transportation. The Government actually chips in to make sure that the quality of life for senior citizens is enhanced.

Senior citizens in any country are so critical for institutional memory and for passing on the proper values of a society to the younger generation.

Mr. Temporary Deputy Speaker, Sir, I want to support this Motion and I await the Bill so that it serves Kenyans properly.

The Temporary Deputy Speaker (Mr. Khamasi): Order, Members! Prof. Oniang'o, you will have the balance of time next time when the debate resumes.

ADJOURNMENT

The Temporary Deputy Speaker (Mr. Khamasi): Hon. Members, it is now time for the interruption of business. This House stands adjourned until this afternoon at 2.30 p.m.

The House rose at 12.30 p.m.