

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 16th October, 1996

The House met at 9.00 a.m.

*[Mr. Speaker in the Chair]*

PRAYERS

## ORAL ANSWERS TO QUESTIONS

*Question No.657*

### NUMBER OF MILITARY OPERATIONS VICTIMS

**Mr. Speaker:** Is Mr. Busolo not here? We will leave his Question until the end. Let us move on to the next Question.

*Question No.707*

### NON-PAYMENT OF RENT BY KTN

**Mr. Obwocha** asked the Minister of State, office of the President:-

(a) if he is aware that Kenya Television Network (KTN) has not paid rent for its offices occupied at Nyayo House; and,

(b) if the answer to "a" above is in the affirmative, how much rent is in arrears and if a proper legal contract has been drawn between KTN and the landlord.

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

(a) Since 1994, the KTN has been paying Kshs500,000 per month to offset rent arrears and Kshs189,792 in monthly rent to the Government.

(b) From 1990 to 1994, KTN owed the Government Kshs12,752,660 in arrears, and hence the outstanding bill has hindered the formalisation of legal contract until the bill is fully repaid.

**Mr. Obwocha:** Mr. Speaker, Sir, as we know this company was expected to provide an alternative to the notorious KBC. It has already been grabbed by the "State House Grabbers" and they are muzzling the electronic media when we expect it to be free. Now, this Kshs12,752,660 in arrears that has been outstanding from 1990, what is the Assistant Minister doing himself to make sure that the Government receives full value from these "grabbers" at State House?

**Mr. Awori:** Mr. Speaker, Sir, I do not know whether I should reply to all the innuendo and using words that are---

**Mr. Speaker:** Mr. Obwocha, I think it does help this House and nation, if hon. Members used a non-insultive language. Look again at your Standing Orders, it is forbidden under the Standing Orders, to use offensive language.

**Mr. Awori:** Mr. Speaker, Sir, as I explained, since 1994--

**Dr. Kituyi:** On a point of order, Mr. Speaker, Sir.

**Mr. Speaker:** You have just come in. What is it?

**Dr. Kituyi:** Mr. Speaker, Sir, I heard the ruling from the Chair. I would like to get assistance from the Chair to know what is the Parliamentary language for describing "a land grabber?"

**Mr. Speaker:** Mr. Awori, will you continue.

**Mr. Awori:** Mr. Speaker, Sir, I am glad that your silence is just the contempt that should be given to the people across the other side of the House.

The Government has done everything in its power to collect the arrears. As I explained, the KTN has been paying Kshs500,000 every month on top of monthly normal rent of Kshs189,000. To date, Kshs11 million has already been recovered and there is only a balance of Kshs1.2 million which we expect to recover very soon. Once we have

recovered that, then the lease will be formalised.

**Mr. Obwocha:** Mr. Speaker, Sir, I have even a letter here from KTN from someone called Herman Igambi, Managing Director to the Government saying that they are going to pay these rent arrears at the rate of Kshs1 million a month and yet this has not been paid. How can rent arrears prevent a Government from entering into a contract with KTN? Why has the contract not been drawn? **Mr. Awori:** Mr. Speaker, Sir, in spite of the letter from one Mr. Herman Igambi, undertaking to pay Kshs1 million, KTN has paid Kshs500,000 a month and to date Kshs11 million has been recovered. That is all that matters. As to the question of the lease, I have simply stated that once KTN is up to date with its arrears, a lease will be signed.

**Mr. Speaker:** Next Question, Mr. Muite.

*Question No.733*

Payment of Benefits to the family of Late Kinuthia

**Mr. Speaker:** I understand, in fact, this Question is redirected. So, it will be deferred.

*(Question deferred)*

Next Question, Mr. Njenga Mungai.

*Question No.672*

ILLEGAL PLOT ALLOCATIONS IN ELBURGON

**Mr. Speaker:** Is Mr. J.N. Mungai not here? We will leave his Question until the end. Let us move on to the next Question.

*Question No.693*

REPAIR OF MAILI NNE-SALAMA ROAD

**Mr. Speaker:** Is Mr. Gichuki not here? We will leave his Question until the end. Let us move on to the next Question.

*Question No.259*

ALLOCATION OF ROAD RESERVE

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

- (a) if he is aware that the road reserve along Thika-Garissa Road at Gatitu in Thika Town has been given out to individuals,
- (b) if he is further aware that the allocation of this road reserve has blocked the plots next to it and owners have no road frontage; and,
- (c) if the answer to "a" and "b" are in the affirmative, if he could order the allocation be revoked and the road reserve be left for the public use.

**Mr. Speaker:** Is anyone here from the Ministry of Public Works and Housing? We will leave that Question to the end, then.

*Question No.778*

STATUS OF WILDLIFE TRAINING INSTITUTE

**Mr. Speaker:** Is Mr. Sankori not here? We will leave his Question until the end. Let us move on to the next Question.

*Question No.186*

## ISSUANCE OF HUNTING LICENCES

**Mr. Speaker:** Is Mr. Kamuyu not here? We will leave his Question until the end. Let us move on to the next Question.

*Question No.513*

## ALLOCATION OF GOLD PROSPECTING LICENCES

**Dr. Kituyi** asked the Minister for Environment and Natural Resources:-

- (a) which companies have been given the exclusive exploration licences to prospect for gold in Turkana District since 1992,
- (b) what procedure was followed in negotiating and allocating these licences; and,
- (c) if he could table copies of the contracts.

**The Assistant Minister for Environment and Natural Resources** (Mr. Lengees): Mr. Speaker, Sir, I beg to reply.

(a) The companies are Aurelick(?) Holdings Kenya Ltd, Branch Energy Kenya Ltd, Kikisa Ltd, Ruby-Blues Ltd, Trade World Kenya Mines Ltd and Turkana Mining Company Ltd.

(b) The procedure to be followed in order to be granted a special licence is laid out in the Mining Act Cap 306, which is available at the Commissioner's Office after someone pays Kshs100, to review it for about half an hour.

**Dr. Kituyi:** Mr. Speaker, Sir, first I have not asked what is the normal procedure. I asked what procedure was followed, because I suspect some fraudulent behaviour in the awarding of the two contracts.

Mr. Speaker, Sir, you notice that the third Question, the Minister is being asked to table copies of the contract, but has not been replied by this Assistant Minister. But be that as it may, will the Assistant Minister tell this House why members of the Kenyan Police Forces and Armed Forces paid by the taxpayer are being used to protect the prospecting sites of Trade World Mines at Makutano, and why Branch Energy Kenya Ltd has been allowed to hire and bring to Kenya members of the Executive Outcome, a South African mercenary organisation, when this Government has been declaring that mercenaries are a threat to the security of this country?

**Mr. Lengees:** Mr. Speaker, Sir, my Ministry is not aware of such undermining acts.

**Dr. Kituyi:** Mr. Speaker, Sir, you would agree with me that it is critical for this country, that if provisions are set out in the Mining Act about offering exclusive prospecting licences, they are followed. The spirit of my Question is that something has gone dangerously wrong. If the hon. Assistant Minister is not aware of the critical information, could you oblige him to go and do some research? We understand the "change of the House" might have caused some problems, but could you do a little research and come back when you are now aware of the information about the contract with Branch Energy Kenya Ltd and the provision of public security to cover Joshua Kulei's trade with mines at Makutano? Could you promise to do some research and come back with a most forthright answer?

**Mr. Lengees:** Mr. Speaker, Sir, since the Question was not the way the hon. Member is asking me, the answer to the Question is already given. I cannot.

**Mr. Kapten:** Mr. Speaker, Sir, the Assistant Minister has not dealt with part "c" of the Question, which asks the Minister to table copies of the contract. Can you do that so that we can peruse these documents?

**Mr. Lengees:** Mr. Speaker, Sir, as I said earlier, I cannot be able to table the copies here as they are available when a member goes to the Mines Department and pays Kshs100 to review the contract for the whole country.

**Mr. Kamuyu:** On a point of order, Mr. Speaker, Sir. Some time back the Minister for Environment and Natural Resources admitted in this House that there are, indeed, some "panya routes" through which gold enters Kenya, and that this was really the root cause of the infamous Goldenberg matter. Can the Assistant Minister comment on whether or not, there are still "panya routes" entering into Kenya through which gold comes to Kenya, and then it is re-exported?

**Mr. Lengees:** Mr. Speaker, Sir, that is a contrary question to the one I have here.

**Mr. Farah:** On a point of order, Mr. Speaker, Sir. The contract needs to be tabled here and it is said here that a contract with an organisation which is going to prospect for gold in that place cannot be a secret matter, unless there are some secrets which are being hidden. Also there is a serious allegation which has been made in this House of the existence of a mercenary group called Executive Outcome. I have read about the Executive Outcome and these are South African mercenaries who fought in Angola. Could the Assistant Minister give us an explanation on that?

If it does not exist, can the hon. Member be told to substantiate that?

**Mr. Lengees:** Mr. Speaker, Sir, I am not aware of what hon. Farah is talking about.

**Dr. Kituyi:** Mr. Speaker, Sir, I seek the indulgence of the House. This is a very grievous matter. I have personally visited a camp of Branch Energy in Uganda. For some strange reasons, Branch Energy, a South African organisation, has been given the exclusive prospective licence on both sides of the Kenya-Uganda border, from border of Sudan up to the boundaries of West Pokot and Southern Karamoja. Branch Energy mercenaries---

**Mr. Speaker:** What is your point of order?

**Dr. Kituyi:** Mr. Speaker, Sir, I am building up and it is such an important point of order.

**Mr. Speaker:** I do not think you should use a point of order to make a speech. What is your point of order?

**Dr. Kituyi:** Mr. Speaker, Sir, this is my point of order. Is it in order when there is a critical flaw in the rules of immigration that Branch Energy mercenaries can cross the border from Uganda to do work on the Kenya side for a week and go back? That the Assistant Minister was challenged to give us a copy of the contract under which they are operating in Kenya, to show us if it is allowed that they can be working in Uganda some of the time and they just cross without a proper customs point to work on the Kenya side, deliberately refuses to answer that critical question?

**Mr. Speaker:** But he said that you can get that copy of the contract by paying Kshs100.

**Mr. Lengees:** It is available.

**Dr. Kituyi:** Mr. Speaker, Sir, last week it was ruled by the Chair in this House that a contract between a company and Government of Kenya is not a public document available readily on documents to Parliament. Therefore, Mr. Assistant Minister, it was the same question you were refusing to answer. If it was in the Kenya Gazette, it would be acceptable. It is not.

**Mr. Speaker:** Dr. Kituyi, he has said that he cannot produce it here, because you can find it in a library. It is on payment of Kshs100 and you can get it.

**Dr. Kituyi:** Mr. Speaker, Sir, the reason why I asked the question is that I tried to pay and get it, but I could not. I could not even get the details about Kulei's company.

**Mr. Speaker:** What is your response, Mr. Lengees?

**Mr. Lengees:** Mr. Speaker, Sir, I think the question was specifically asking about Turkana District, and I have given the companies which are operating there currently.

**Mr. Kaptan:** What about the contract?

**Mr. Lengees:** I said in response to part "c", that information is available at the Commissioner's Office on payment of Kshs100 and you can review the contracts of the whole country.

**Mr. Busolo:** On a point of order, Mr. Speaker, Sir.

**Mr. Speaker:** Order! Order, hon. Members! How about for the House, who pays for it?

**Mr. Lengees:** Mr. Speaker, Sir, then in this case, I have to go back and maybe bring it when all the information is available.

**Mr. Kaptan:** Mr. Speaker, Sir, how soon?

**Mr. Lengees:** Mr. Speaker, Sir, can we do it next week?

**Mr. Farah:** When?

**Mr. Lengees:** I will bring the information on Tuesday, next week.

**Hon. Members:** Very good!

**Mr. Busolo:** You have been promoted now!

**Mr. Speaker:** Next Question, Mr. Ndzai.

*Question No 617*

POSTING OF INFORMATION OFFICER

**Mr. Ndzai** asked the Minister for Information and Broadcasting, why the Ministry failed to post an Information Officer from Malindi to serve Magarini Divisional Headquarters.

**Mr. Speaker:** Is there anybody from the Ministry of Information and Broadcasting? The Question is deferred.

*(Question deferred)*

Next Question, Mr. Kamuyu, for the second time.

**The Assistant Minister for Local Government** (Dr. Wameyo): Apologise first for coming late!

**Mr. Makuyu:** I apologise to you, Dr. Wameyo, for coming late.

**Mr. Shikuku:** On a point of order, Mr. Speaker, Sir. I think what the hon. Kamuyu has said has gone on record. Since when is one supposed to apologise to Dr. Wameyo? Who is he in this House apart from being a Member for Mumias? Is he not supposed to apologise to the Chair and the House, and not Dr. Wameyo?

**Mr. Speaker:** I suppose Mr. Shikuku is right. They do not seem to respect the House and its rules! Will you Mr. Kamuyu, apologise to the House for coming late?

**Mr. Kamuyu:** Mr. Speaker, Sir, can you send Dr. Wameyo out for shouting at me? I apologise to the House and to the Speaker for coming late. Dr. Wameyo, you had better behave yourself.

*Question No.186*

ISSUANCE OF HUNTING LICENCES

**Mr. Kamuyu** asked the Minister for Tourism and Wildlife:-

(a) if he could inform the House, the number of rhinos, elephants, lions, leopards and cheetahs in the Republic as at 15th November, 1995; and,

(b) when the Ministry will issue hunting licences for some of the above listed animals.

**The Assistant Minister for Tourism and Wildlife** (Mr. Sing'aru): Mr. Speaker, Sir, I beg to reply.

(a) Currently, Kenya has approximately 25,000 elephants, 440 rhinos, 2,500 lions, 4,500 leopards and 1,500 cheetahs.

(b) As the hon. Members are aware, hunting of game was banned vide the Legal Notice No.120 of 19th May, 1987. The provisions of this Legal Notice are still in force. This Ministry has no intention of issuing hunting licences for the above listed animals which are still considered endangered species.

**Mr. Kamuyu:** Mr. Speaker, Sir, I thank the Assistant Minister for that answer and, I can see quite huge statistics. Can the Assistant Minister tell us out of these statistics, how many are owned by private sanctuaries and how many are exported out of this country? Because there are exportations of these animals going on by "big farmers" and "big boys." How many are in the forests and how many are in private sanctuaries?

**Mr. Sing'aru:** Mr. Speaker, Sir, this is a new question and if the hon. Member wanted me to answer it that way, he can put forward a fresh question.

**Mr. Kamuyu:** On a point of order, Mr. Speaker, Sir. The Assistant Minister is misleading this House. My original Question as you can see is for the Minister to inform the House the number of animals in the Republic of Kenya. So, it is possible in his statistics obviously, that he must have known how many of these are still out there in the wilderness and how many are in private sanctuaries. He must have obviously looked into both the wild and the private sanctuaries to be able to arrive at this.

**Mr. Speaker:** You may be right, but I think, quite honestly, slightly imperfect. Maybe you can ask a more relevant question.

**Dr. Kituyi:** Mr. Speaker, Sir, considering that a lot of our critical sanctuaries traverse the boundary between Kenya and Tanzania and that such areas as Loliodo and areas around Kilimanjaro are routes for the dispersal of animals across this boundary; and, considering further that the Tanzania Government allows certain levels of controlled hunting which can lead to Kenya protecting animals, and when they cross to Tanzania they are killed, what measure is the Ministry taking to harmonise the regime of animal culling between these two countries?

**Mr. Sing'aru:** Mr. Speaker, Sir, wild animals move from Kenya to Tanzania freely and there is no restriction at all.

**Mr. Nthenge:** On a point of order, Mr. Speaker, Sir. Can the Ministry consider going back to the---

**Dr. Otieno-Kopiyo:** On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order, to take the House for a ride? If he gives us a figure and we take him seriously, then he says: No, they cross and there is no restriction. Which one of these two answers is accurate because, you can realise that the animals he is telling us are in Kenya, could today be in Tanzania.

**Mr. Sing'aru:** Mr. Speaker, Sir, the animals are used to moving to the neighbouring countries and back freely without any restrictions.

**Mr. Nthenge:** Mr. Speaker, Sir, to avoid wastage, could the Ministry consider going back to the old system of controlling animals by licensing some hunters? Then, the Government can make some money from the hunters. Can they consider reverting to that system which used to exist, even in the colonial days?

**Mr. Sing'aru:** Mr. Speaker, Sir, I said earlier on that the hunting of game was banned by the Legal Notice No.120 of 19th May 19987 and that is still in force.

**Mr. Kamuyu:** Mr. Speaker, Sir, what is the Assistant Minister's comment on the fact that todate, there are still animals being exported from this country to Arab countries? Among them are elephants, rhinos, giraffes, leopards and cheetahs. I have got evidence that there are in fact, exportations of these wild animals going on from this country to Arab countries and the European countries worth millions of pounds. What is his comment on this matter?

**Mr. Sing'aru:** Mr. Speaker, Sir, I said, if the hon. Member wanted the Ministry to answer the question the way he wants, he can pose a fresh question.

**Mr. Achieng-Oneko:** Mr. Speaker, Sir, it has been a general practice in the past that the Government knew roughly the number of wild animals and also restricted culling from the neighbouring country. Could the Ministry also follow the old idea or policy by knowing roughly the number of animals we hold in the country? Because, we may be losing to Tanzania where there is hunting, thus culling our animals while on the other side we are protecting them.

**Mr. Sing'aru:** Mr. Speaker, Sir, I think I am unable to answer what the hon. Member is asking. Because, if we do not want our animals to cross the border, we must fence the border so that they do not cross over to the neighbouring country.

**Mr. Speaker:** Next Question for the second time!

*Question No.778*

STATUS OF WILDLIFE TRAINING INSTITUTE

**Mr. Speaker:** Mr. Sankori not there!

*(Question dropped)*

**Mr. Speaker:** For the second time, Question by Mr. Ndicho!

**Mr. Ndicho:** Mr. Speaker, Sir, I apologise for coming late.

*Question No.259*

ALLOCATION OF ROAD RESERVE

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

- (a) if he is aware that the road reserve along Thika-Garissa Road at Gatitu in Thika Town has been given out to individuals;
- (b) if he is further aware that the allocation of this road reserve has blocked two plots next to it and the owners have no road frontage; and,
- (c) if the answers to "a" and "b" above are in the affirmative, whether he could order that the allocation be revoked and the road reserve be left for public use.

**The Assistant Minister for Public Works and Housing** (Mr. Kiluta) Mr. Speaker, Sir, I apologise for coming late and beg to reply.

(a) I am not aware that the road reserve along Thika-Garissa Road at Gatitu in Thika Town has been given to individuals.

(b) I am further not aware that any plots have been blocked and the owners have no road frontage.

(c) The question of ordering revocation does not arise since I am not aware of any such allocation of Gatitu area in Thika Town.

**Mr. Ndicho:** Mr. Speaker, Sir, I am very surprised to hear the Assistant Minister saying this, yet this is the road that he uses to go to his constituency every other day. The fact of the matter is that, all these plots along this road which are meant for reserve of a dual-carriage-way entering Thika have been grabbed and houses are now coming up. What is the Minister doing or what can the Minister consider to do, because once the houses are now roofed and completed, there is nothing that is going to be done. Is the Assistant Minister considering putting a road on top of these houses so that the current mapping of that area is completed or what exactly will happen when the need comes to put up the dual carriage way?

**Col. Kiluta:** I am not aware of any buildings coming but I am willing to take up this issue if the hon.

Member can produce evidence to the effect that these road reserves have been given out. If he can produce allotment letters or title deeds to that effect, I am prepared to take up the issue.

**Mr. Ndicho:** Mr. Speaker, Sir, the Assistant Minister says that he is not aware. I am the Member of Parliament for that area and I am making him aware of the situation. This is also the road that he uses everyday on his way to his constituency. Now, he tells me to prove by letters of allotment and title deeds. Is it in order for the Assistant Minister to ask me to give him the title deed when he knows very well that the title deed is with the owner of the plot? Copies of title deeds are not given to Members of Parliament. So, could the Assistant Minister consider to investigate whether this road reserve has been given out and if he finds that it is true he is going to revoke those allocations?

**Col. Kiluta:** Mr. Speaker, Sir, I use that road every weekend and I have never seen any structures coming up. If he thinks that there are structures, the onus of prove rests with him.

**Mr. Speaker:** Very well. Next Question Mr. Mwangi Gichuki for the second time.

*Question No. 693*

REPAIR OF MAILI NNE-SALAMA ROAD

**Mr. Speaker:** Mr. Gichuki still not here? Question dropped.

*(Question dropped)*

**Mr. Speaker:** Mr. Njenga Mungai's Question for the second time.

*Question No. 672*

ILLEGAL PLOT ALLOCATIONS IN ELBURGON

**Mr. Speaker:** Mr. Njenga Mungai still not here? Question dropped.

*(Question dropped)*

**Mr. Speaker:** Mr. Saul Busolo's Question for the second time.

**Mr. Busolo:** Mr. Speaker, Sir, before I ask my Question I beg to apologise for coming late.

*Question No. 657*

NUMBER OF MILITARY OPERATIONS VICTIMS

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

- (a) how many members of the Kabrass, Tachoni and Bukusu communities, respectively, were killed during the British Military operations between November, 1894 and August, 1908; and,
- (b) whether he could consider demanding compensation for the victims' families and/or communities from the British Government.

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

(a) This is a historical fact that members of the Kabrass, Tachoni and Bukusu along with other communities in Kenya resisted the establishment of the British colonial rule. However, no records are available detailing how many people from each community were killed in the resistance to colonial rule between November 1894 and August 1908.

(b) No, the Government cannot consider demanding compensation for the victims' families or communities in the absence of records on which to base compensation claims.

**Mr. Busolo:** Mr. Speaker, Sir, that is a most unsatisfactory answer. Why that answer is most unsatisfactory is because it is negating even the existence of the National Archives in this country; it is negating the existence of the institutes of history at the university and in schools. Most important, it demonstrates the ineptitude of the officers in the Office of the President in detailing the history of this country. It is now a fact that Germany is paying compensation to Israel. Japan is paying compensation to the victims of its colonial rule in Korea and China. In South Africa the Nazis have apologised to the Africans for what they did. What is so hard about this Government getting into the archives to

dig out the necessary details? I request you to compel the Assistant Minister to go back and bring a satisfactory answer because what he has given to us is unsatisfactory and we know that he can do a better job.

**Mr. Speaker:** Please before I do that, are you aware of the existence of death certificates?

**Mr. Busolo:** Mr. Speaker, Sir, yes, I am.

**Mr. Speaker:** Very well. Could you respond.

**Mr. Manga:** Mr. Speaker, Sir, first of all, the Member knows very well that the archives that we have was set up by the British Government and we inherited it. Another problem that I know that the Member knows is aware of is that, when they were killing people, there were no records kept. So, it is going to be very difficult for us to do that.

**Mr. Ndicho:** Thank you very much Mr. Speaker, Sir. During the same period of time and even upto some three years before Independence, the British military troops also killed many of Kikuyus who were fighting for Independence of this country in the forest of Abedares, Mount Kenya and other areas and the victims or the families of the Mau Mau fighters were not compensated. Now, the families demand compensation. Could the Assistant Minister ensure that the families of the Mau Mau who were killed during the struggle for Independence of this country are also compensated by the British Government?

**Mr. Manga:** Mr. Speaker, Sir, the Government would be very happy to demand compensation from the British Government if the Government had detailed records.

**Mr. Farah:** On a point of order Mr. Speaker, Sir. This was a struggle for Independence. The people who struggled did so with the likes of Kenyatta who was the President of this country and there is General Waruinge, General Mwariama and so on. Are you telling us that to compensate those who fought for us at that time, we need somebody from Britain to come and bring us the report? Why can the Government itself not compensate the families of those who fought for our freedom and for your presence here now? Why is the Government itself betraying its people?

**Mr. Manga:** Mr. Speaker, Sir, I am being made to answer a different question. Here the question is that "can the Government claim compensation from the colonial Government?".

**Dr. Kituyi:** Mr. Speaker, Sir, the hon. Assistant Minister does not seem to know elementary history of the struggles at the start of the colonial period of this country. At the battles of Chetambe, if I may jog your memory, on the 24th of November 1895, 6,000 Africans predominantly Tachoni, Bukusu and Kabrass were slaughtered; the only use of the maxim gun in the colonisation of Africa; 10,000 cattle and smaller stock were killed. Now, on the basis of such information, which, you would have known if you checked the Government archives and the book by Hobley, "The Early Colonial Ruler in Western Kenya", could you now say whether the Government on the basis of even this critical information, will start considering the possibility of seeking reparations from the British Government?

**Mr. Manga:** Mr. Speaker, Sir, I have said that it is a historical fact that many people were killed and not only Kabrass, but also people from many communities were killed while resisting colonial rule. I am sure hon. Kituyi knows very well that when you are demanding for compensation you must have detailed information. Please bring detailed information first.

**Mrs. Asiyu:** Mr. Speaker, Sir, Karachuonyo has records of the War Veterans and three years ago they all wrote a letter to the Queen and there was a response that was very discouraging. So, if it is records that are needed, we can bring records of those who are still alive and some of those who were maimed during the war. We can also bring the names of those who were killed during that time. We might not be able to bring all the names of those who were killed but those who are still alive have already written to the Queen and we have copies of the letters which we will make available to the Assistant Minister. Could the Assistant Minister now promise to do something if we avail these records to his office?

**Mr. Manga:** I think I have made it very clear in my answer that lack of records is the problem. If there are records, then bring them to us and they will be considered.

**Mr. Busolo:** The Chair should compel the Assistant Minister to do some research and bring a better answer to this House. We are tired of Ministers just coming here and giving us stupid answers. This is one stupid answer, and I have to say that. This is because---

**Mr. Speaker:** Mr. Busolo, can you substitute another word for the word "stupid" or withdraw it?

**Mr. Busolo:** Mr. Speaker, Sir, I withdraw the word "stupid" and replace it with the word "hopeless". I say this because the colonialists kept records and Dr. Kituyi has referred to one such record. A Mr. John (Lonsdale?) is a researcher at Cambridge University and has done a lot of research on colonial resistance in this country. If I go to address my people in Webuye on Kenyatta Day and tell them that this Government which is charged with the duty of protecting their property and life has nothing to do with them, and they must resist it at all costs, the Government will say that I am not development minded. I honestly request hon. Manga, whom I respect very much, to go back and ask his officers to do better research on this Question. This is because I am most dissatisfied with his answer.

**Mr. Manga:** Mr. Speaker, Sir, my friend seems to actually know that there are records, and I will be very happy to get them from him. I believe that it would be a very noble job for the Government to demand compensation if records were there. The problem is lack of records!

**Mr. Achieng-Oneko:** On a point of order, Mr. Speaker, Sir. I am very much touched by this Question. This is because I lost my grandfather during the war against the British invasion of Uyoma. I have information and even records of what happened. Therefore, when compensation is available, Uyoma people will be readily available with information and records regarding the invasion by the British between 1890 and 1894.

**Mr. Manga:** Mr. Speaker, Sir, let him bring them forward.

**Mr. Wamae:** On a point of order, Mr. Speaker, Sir. Is it in order for the hon. Assistant Minister to say that there are no records on the Mau Mau fighters and what went on when we know that many Mau Mau generals have been meeting the President and bothering him about payment of compensation?

**Mr. Manga:** Mr. Speaker, Sir, where there are records, cases are being handled. If there are no records there is nothing that can be done. Hon. Busolo is asking me about the Bukusu, about whom we have no records.

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

**Mr. Speaker:** Order, Mr. Kamuyu! Order, Mr. Kapten! I suppose that this Question has had sufficient ventilation. So, we will now go to the next Order.

### POINT OF ORDER

#### WHIPPING OF A TEACHER BY A PARENT

**Mr. Ndicho:** On a point of order, Mr. Speaker, Sir. My point of order is directed to the Minister for Education, hon. Kamotho. Yesterday, a teacher was severely whipped by a parent at Thiririka Primary School in Juja. The reason for the whipping was that the teacher had thoroughly beaten a girl pupil in Standard Seven. He so severely injured her legs that she went to Juja Police Station and obtained a P3 Form and was later treated for the injuries. The teacher beat this pupil because she had not gone for tuition on Saturday. The reason why the girl had not gone for the tuition was because she could not raise the Kshs200 demanded by the teachers for tuition. This issue has brought a lot of confusion, and I am requesting the Minister to investigate it and make a Ministerial Statement in this House, especially in this particular case. He should also tell us the position and policy of the Government regarding tuition. Many pupils are sent home and miss classes because they refuse to go to school on holidays and Saturdays for tuition. In fact, teachers are minting a lot of money. This is because they are demanding Kshs200 per week per pupil. The parent of this pupil, who is the sister of KANU women's leader in Juja, went to the school and thoroughly whipped the male teacher using a Maasai whip in front of the Standard Eight pupils. The girl pupil was also carrying a stone. I went to that school and saw the whip. Can the Minister make a Ministerial Statement on this matter?

**Mr. Speaker:** Mr. Ndicho, that is enough. Mr. Minister, would you like to respond now, or do you need some time?

**The Minister for Education (Mr. Kamotho):** Mr. Speaker, Sir, I will investigate the matter and issue an appropriate statement.

**Hon. Members:** When? When?

**Mr. Speaker:** Order! I think hon. Members know that when Mr. Kamotho promises the House to issue a Ministerial Statement he normally does so. Mr. Kamotho normally keeps his word whenever he promises to come to the House to make a Ministerial Statement.

Mr. Kamotho, you also asked me for indulgence.

### MINISTERIAL STATEMENT

#### EQUITY OF QUALITY EDUCATION IN THE COUNTRY

**The Minister for Education (Mr. Kamotho):** On a point of order, Mr. Speaker, Sir. I remember that on 3.10.96 I promised this House that I would bring here a comprehensive statement on the action programme which the Government has put in place to ensure equity of quality education throughout the country. The resolution of this House on hon. Farah's Motion of 5.10.95 did not require the Government to establish reserved quota system for admissions into our public universities in favour of students from disadvantaged areas, but rather called on the Government to launch a special emergency programme to improve educational facilities. It also called on the

Government to implement urgent and affirmative actions programme through reserved quotas.

The Government accepted the Motion for these reasons:-

(a) If my interpretation of the Motion is correct, then the resolution of the House did not interfere with the academic freedom as enshrined in each Act of Parliament that has established each of the five public universities, requiring each university to determine who may teach, what may be taught, how it may be taught and who may be taught or admitted into the universities. This freedom cannot be compromised.

(b) The second reason was that the call to the Government to launch a programme and to implement it did not have a time frame within which the launching and implementation may be undertaken. This must have been deliberately left out by the House when other factors, for example financial availability, are considered.

However, notwithstanding the two reasons, I must restate, as I have done many a time before in this House, that public universities are vital vehicles of social and economic development for the country and its nationals. Admissions need to continue being competitive in order to achieve excellence in the desired areas of specialisation within the overall excellence of quality education. Thirdly, as vehicles for national development, the universities have a major role to play in lifting Kenya's horizons to the heights through improvement in the type of education that they offer, the quality of the graduates that they produce and the relevance of the education they offer to the Kenyan society.

The Kenya national universities should, therefore, offer a broad-based type of education aimed at not only imparting skills for employment but also for intellectual and holistic development of the individual. Mr. Speaker, Sir, over the years, the Government has realised that meaningful development nationally can only be achieved if disadvantaged areas and vulnerable groups have greater access to university education, and if the system can produce people to serve as role models. We got concerned about equity in education and on his own motion, His Excellency the President appointed a Committee on University Education in Kenya on 30th November, 1994 to investigate and search for ways and means that would enable the Government to institute remedial measures to promote sustainable quality higher education. The Committees' findings and recommendations were accepted by the Government and are due for implementation in time. On its part, the Ministry has acknowledged the fact that in order to admit more candidates from disadvantaged areas and from vulnerable groups, it is necessary to institute remedial causes to enable them gain admission on merit.

Secondly, to avoid the stigma that usually goes with the lowering of the cut-off points, in order to admit a higher percentage of female students, it would be necessary to introduce remedial education for female students, so that they can make it to the university on merit.

Thirdly, deliberate plans need to be put in place in the short term to identify potential candidates from disadvantaged areas, vulnerable groups and pockets of poverty at home base. The Government has already constructed and established several boarding primary and secondary schools in disadvantaged areas. The latest being the Teachers Training College at Garissa which has already opened its gates.

Finally, the quest for solutions to the provision of education to students from disadvantaged areas and vulnerable groups is one that provokes a lot of interest and concern. The Government is Committed to the improvement of education facilities in those areas. The disadvantaged areas are those affected by a variety of factors ranging from drought, economic-deprivation to poverty. The vulnerable groups also include the gifted individuals who need to be identified and trained. All these groups are high on the agenda of the Government.

**Mr. Farah:** Mr. Speaker, Sir, the Motion that we passed in this House calls on the Government to urgently implement an affirmative action through a quota system of education. Basically that is the wording of the Motion. "Urgently" means you do it the soonest possible. The Minister is telling us that the House did not pass a Motion urging the Government to take a quota from semi-arid areas. The other issue is that the Minister has said they have got remedial measures to try and assist students from disadvantaged areas including girls for them to qualify to the universities on merit. How fast have you implemented that and how many girls have benefitted from that? There is none! Finally, he said that whollistic and intellectual---

**Mr. Speaker:** Order! Order, Mr. Farah! I gave you a chance to seek clarification and not to make a speech.

**Mr. Kamotho:** During the last few years, the admission of girls to public universities, particularly from arid and semi-arid areas has been on a point lower than that of boys so that they can gain admission to the public universities. But, if there are no girls who can meet that reduced points level, then the universities cannot go against the laws governing their admission to public universities. In other words, even under such circumstances, the girls would have to meet the very minimum requirements for admission into public universities. Otherwise, we would be violating the very laws which we have passed in this House of academic freedom of the universities, the powers to decide as to who should be admitted, what should be taught and who should teach them.

**Mr. Farah:** In matters of compromising the academic excellence of this country, the Minister himself did not qualify to the top academic institution at the time when he did his own "A" Levels or "O" Levels at that time. At

that time, anybody who could not qualify to Makerere University was not considered good enough. But he is our Minister for Education today and so are the majority of the Members of the Joint Admission Board that we have. As we speak now, a student from North Eastern Province who attained the C- grade and admitted to the Medical Training College to do Pharmacy with compatriots who had grade B, is one of the 10 top students. You cannot talk of merit when there are no equal opportunities. The Government has not created equal opportunities. Is the Minister happy with the fact that there is a complete exclusion of 70 per cent of the people from a large expanse of this country, from our universities now in the vital faculties of Medicine, Engineering, Pharmacy, Dentistry and so on? Is he further satisfied with the fact that a section of this country has been made a permanent under class?

**Mr. Kamotho:** First of all, I deny that 70 per cent of the people of this country are denied land because land is not people. I do not agree that 70 per cent of the people of this nation are denied opportunities for courses in any of our public universities. What I can assure this House, because there is a Motion which is coming here - which I think is third in the Order Paper - is that we are looking into this question of remedial programme to ensure that admission to our public universities is given to all those who can develop that capacity. Therefore, I would like to avoid pre-empting the Motion which is already a business of this House.

**Mr. Farah:** Mr. Speaker, Sir, I am seeking---

**Mr. Speaker:** Order! Order, hon. Farah!

**Mr. Farah:** Mr. Speaker, Sir, I am seeking your guidance on the translation of the Motion itself. The translation of the Motion that was passed in this House should not be left to hon. Kamotho's interpretation and my interpretation. It is in English and we want you to give a ruling to this House on the context and the spirit of that Motion.

**Mr. Speaker:** May I say this: Every Member of this House ought to understand the plain meaning upon which Motions are drafted in this House, either in English or Kiswahili. It amounts to asking for too much from the Chair that every time we pass a Motion, I should then interpret to each Member individually what that Motion means. I do not think that is the role of the Chair. I hope we all understand and I hope when the other Motion does come, maybe the Minister will then expound what he has just said about giving assistance to those who are underprivileged. So, can we now go to the main business? Next Order!

## MOTION

### REVENUE FROM WILDLIFE SERVICES

**Prof. Mzee:** Thank you very much Mr. Speaker, Sir, for giving me this opportunity to move this Motion which states as follows:-

THAT, since the Kenya Wildlife Service collects large amounts of revenue from tourists staying at Coast Hotels in form of fees from the marine parks and bed occupancy levy, this House urges the Kenya Wildlife Service to make available 40 per cent of this revenue for improvement of education and vocational training in the areas of collection.

Mr. Speaker, Sir, since most of this revenue comes from the tourism industry, I would like to comment briefly about the tourist industry as it stands at the present time in the country. Tourist industry earnings range from Kshs21 billion to over Kshs28 billion annually. Tourism is the second highest foreign exchange earner in Kenya, second only to agriculture. The visitors coming to Kenya over the years range from 700,000 to 900,000 per year, and the bed occupancy stands around 5 million. Tourists staying at Coast hotels account for over 60 per cent of all bed-nights, that is over 2.6 million bed-nights in Coastal hotels per year. Most tourists, especially repeaters, those coming for the second, third and fourth time, make their destination Coast only, and they come for the same; the sun and the sea. With the proper promotion, improved security, and improved infrastructure, tourism can overtake agriculture as the number one foreign currency earner. Sri Lanka, which is a country where tourism is number one foreign currency earner, is characterised by a civil war by Tamil Tigers, and yet Sri Lanka receives more tourists than Kenya. Sri Lanka does not have any parks, their sea is open and they cannot use the beach, and yet they are able to attract more tourists than Kenya.

Mr. Speaker, Sir, the KWS controls 35 parks around the country. These include a number of marine parks, running from the Faza archipelago, right to the extreme North of this country, through Malindi to Watamu and through Mombasa. The marine park in Mombasa which is a very big park, runs from Mtwapa Creek, which is in the North, right through Nyali Beach, Bamburi, the English Point and up to the Port area. Currently, the tourists are being charged US\$5, that is Kshs280, to visit the park and the non-tourists, the Kenya residents are being charged Kshs100. This does not include boat fees, which amounts to about Kshs200 per entry. In addition, there is bed occupancy on which there is also a charge for every household and every beach holder according to the Legal Notice No.9, which was signed in

1996 by the Minister for Tourism and Wildlife. I will talk in detail about this Legal Notice No. 9 later on.

Also, in the parks, all the land from the highest water mark used to belong to the owners who have developed that land. But because of this Legal Notice No.9, people are now required to move 100 metres from the water mark. This involves a lot of problems because a lot of developments have taken place and every beach hotel has its swimming pools, reception and a lot of other facilities within this 100 metres. At the present time, according to this Legal Notice, we are being told that this 100 metres is part of the marine parks. If this is to be implemented, according to this Legal Notice, it means that the beach hotels owners have to demolish at least, 50 per cent, or 40 per cent of the development on the beach area.

The KWS collects a significant amount of money from all these charges. I have estimated, and I will show you what my estimate is based on. In 1995, the KWS collected over Kshs500 million in levies from the Coast hotels, which is quite a large sum of money, but this money does not benefit the local community in any way. All the benefits from the creation of the marine parks, all the benefits received from the people who have developed beach areas, all the collections from the hotel bed levy, which amounts to (US50 cents), per night, per tourist; all this money is being held by the KWS and the local people do not benefit from it. It must be remembered that it is the local people who played a significant role in the preservation of all the flora and fauna in the marine park. Long before the KWS stepped in, the importance of the coral reefs and the animal life around it was realised by the local people who preserved it until the KWS came. Long time ago, we saw and appreciated the beauty of the coral gardens with its vast variety of plants and animal life, we maintained the eco-system until now. Yet the KWS exploits these resources now and the local people suffer and do not benefit at all. The mission statement from the KWS states, and I quote:-

"Kenya Wildlife Service holds in trust for present and future generations, Kenya's biological diversity, represented by its extra-ordinary variety of animals, plants and eco-systems, ranging from coral reefs to alpine moorlands and from desert to forest, with the support and participation of the people of Kenya. KWS will conserve and manage these resources which are of in-estimable economic, social, cultural, aesthetic and scientific value for the people of Kenya."

But this mission statement does not mention how the people of this country can benefit from the revenue collected by the KWS.

The creation of the marine parks has significantly disrupted the way of living of the Coastal people. They have disrupted it as follows:-

- (1) They can no longer fish along the shore line any more because these are declared either as reserved or as Marine Parks. Therefore, fishing is out of the question.
- (2) They can no longer move freely through the coastal waters to reach the fishing grounds.

You can imagine the fishermen from the Mombasa North Coast in my Constituency have to travel by boat for a distance of about 10 kilometres through the marine parks, before they can get access to the fishing ground. This is a great inconvenience.

Mr. Speaker, Sir, I have requested for 40 per cent of the revenue obtained to be used to promote education and vocational training, to include support for the fishermen and the fishing industry, the maintenance of private historic sites and the gazetted areas. To many, this 40 per cent might be seen to be too large a figure. I would say that the overhead cost to maintain and supervise the marine parks and the privately owned historic sites by the Kenya Wildlife Service(KWS), is extremely low. I will explain this further. For example, in Mombasa, a single boat and a single camp site can be supervised by two or three wardens. Two or three wardens can look after the Mombasa Marine Park without involving a lot of people. It is an open sea and somebody at the beach can see miles and miles away. Anybody violating the marine park rules can be seen by somebody holding a strong binocular and action can be taken.

Two, there are no inputs by KWS. No road infrastructure is required here. The natural beautiful coral gardens are self-supporting.

Three, the historic site in the Old Town of Mombasa is well preserved by wananchi themselves. The KWS has not contributed a single penny towards this preservation. The Old Town is self-sustaining. All the sacrifices are made by people themselves. People are even refused to develop this area because it has become a gazetted area. About 50 per cent of the people living in my constituency are living in this gazetted area. This is the reason why I have asked the KWS to make available 40 per cent of the revenue collected from tourists staying at Coast hotels for improvement of education, gazetted area and vocational training in the areas of collection.

I would now like to talk briefly on the current situation of the tourist industry in Kenya. This is the month of October and it is the peak of the tourist season. As it stands, bed occupancy by tourists as of today is less than 50 per cent. At the peak of the tourist season, we are receiving about 40 per cent bed occupancy.

The type of tourists we are receiving, and this is important, are casual tourists. These are low income earners in Europe. We are no longer getting the middle class and upper class tourists. The type of tourists we are getting at the

Coast are the people who cannot afford to pay for our hotels at the Coast. I have seen them. They come with bales of clothes to sell on the beach. They are no different from the beach boys. They come with clothes and sell them to Kenyans on the beach. These are the type of tourists we are getting at the present time. These are people who are coming in to sell their clothes to the Kenyans so that they can pay for their beds.

The former Minister for Tourism and Wildlife, hon. Katana Ngala, signed the Legal Notice No.9, this year, 1996. I doubt if the Minister ever read that legal notice because if he had read it, he would not have signed it. I will tell you what is contained in that legal notice.

In the Legal Notice No.9, every person who is using the beach in Mombasa, in the North Coast, is supposed to pay a fee of Kshs4.00. Every person who wants to swim in the sea has to first pay this fee. Every hotel, besides charging the bed occupancy levy of 50 cents per bed, has to pay over Kshs4,000 to the KWS. You cannot use the beach without paying the fee and yet the beach is the right of the people of Mombasa. I cannot go and swim in a public beach unless I pay Kshs4.00 to the KWS. This is what the Legal Notice No.9 says and I doubt whether the Minister read its contents before signing it. It has imposed a lot of difficulties at a time when tourism has gone down.

I would like to talk a lot on the casual tourists we are receiving, the legal notice and on how hon. Katana Ngala has contributed to the decline of the tourism industry in this country, but I will do that later on. One thing that comes out clearly is that our beaches have been commercialized by the KWS. This is the worst season in the history of tourism in this country, and if it continues like this, most hotels will close down by next year. During the months of May and June we used to get bed occupancy of 67 per cent. The statistics as they stand at the present time, show that in the months of May and June this year, we got a bed occupancy of only 30 per cent. We no longer get tourists coming back to Kenya.

Recently, I talked to a lady tourist who was coming to Kenya for the 30th time. She said that next year she will not come here. She said that she had to wash her hair using mineral water which she had bought at Kshs100 per bottle because all the tourist hotels, except Nyali Beach Hotel, use borehole water and this has a lot of salt. These tourists are complaining that borehole water is spoiling their hair. She had to shampoo her hair using mineral water. This lady told me that she even brushes her teeth using mineral water. This same tourist fell down on the stairs and this is because the Kenya Power and Lighting Company(KPLC) is rationing electricity at the Coast. She fell down in the dark and broke her leg because there was no light to light the staircase. She said she is not coming to Kenya any more. This is what is happening.

The problem does not lie with the Ministry of Tourism and Wildlife alone but also with other Ministries. We have a problem with water and there is a Ministry that is concerned with water. This Ministry is not providing sufficient water in Mombasa. We are receiving only 30 per cent of water.

There are no five-star hotels in Mombasa. With the exception of Nyali Beach Hotel, all other hotels are no longer five-star. If they cannot provide water, they are no longer five-star hotels.

We also have to blame the KPLC because we are subjected to power rationing. If you cannot provide light, you cannot claim to be a five-star hotel. Nyali Beach Hotel has installed its own generator and it is costing this hotel Kshs140 million to operate that generator. What they do so as to maintain its status of a five-star hotel, they disseminate sea water using their own power generation and supply power to their own rooms and then use this power for air conditioning, cooking and so on. There is no other hotel at the Coast that can afford this type of investment.

Mr. Speaker, Sir, with those few remarks, I beg to move this Motion.

**Dr. Kituyi:** Mr. Speaker, Sir, in attempting to second this important Motion, I wish to raise a few questions about how we conceive and manage the tourist sector in this country. Originally, the idea of creating marine reserves and marine parks sounded very very good and very noble, but this was one of those earlier countries as tourist destination to start protecting our marine bio-diversity for future generations. But then, when it started, in 1979, with that year's Legal Notice No.290 signed by Mathews Ogutu, the pockets of marine reserves' unique ecosystems that were to be protected, were primarily nucleus areas for the regeneration of marine resources and it was never conceived as a way of reducing or inhibiting traditional use of the resources in the ocean. Massive proliferation particularly under Mr. Omanga and later on under Mr. Katana Ngala, has had the effect that today, marine conservation has been brought into direct conflict with the tourist industry and with the interest of the local fisherman at the Coast.

Mr. Speaker, Sir, before arguing for more equitable distribution of the proceeds of a levy, we need to ask what the rationale of such a levy has been. The Mover of this Motion has very eloquently presented before this House, the outrageous contents of Legal Notice No. 9 of 1996. I have a copy of that Legal Notice here, which in all intended purposes, is creating an action to be pursued by the KWS which is an illegality. It has always been a known fact in this country that the beach, from the high mark, that is the highest point of the high tide, to the lowest point of low tide, is public property. Indeed, under the late President Kenyatta, it was a deliberate Government policy and practice to facilitate the average citizen of this country wishing to get to the beach, to get there without any hinderance from the developers of private property.

Today, Legal Notice No. 9 of 1996 says that the land extending 100 feet from the highest mark of the high tide into the interior is part of the conservation area. What that means in effect, is that a Legal Notice is purporting to cancel and nullify the property that is owned privately by tourist industry developers. 100 feet from the high mark is part of the area where it is allowed to construct hotels and facilities around hotels. That is not the critical thing, Mr. Speaker, Sir.

In the spirit of this Motion, a number of things are critical. First of all, the KWS has had a certain history of its development, which has nurtured itself. The KWS developed from the conservation lobby among the colonial settlers who were basically interested in enforcing that African hunting was poaching and, therefore, illegal. Their aim was to stop African hunting as a competitor to white hunting. Eventually, it developed into a conservation lobby after the banning of hunting, and became the conservator of our bio-diversity. But first and foremost, the KWS has developed its competence on the rangelands and in the game parks. It trains scouts to protect wild animals. It has no competence to supervise the protection of beaches, provide security for tourists or even to supervise the protection of marine parks in this country.

Mr. Speaker, Sir, this country's tourist industry at the Coast is in a major precarious situation. The local people at the Coast are paying an inordinately high price for the perseverance of the tourist industry. Unlike other areas of the country, the ambiguity of the tenure of the ten-mile Coastal Stripe since 1964 has allowed for the proliferation of up-country interests, totally disregarding the interests of the local people, to the effect that today, more than 70 per cent of the local population in the Coastal areas of this country are squatters in lands that belonged to their ancestors.

There is no effort at all in the justification of levies in this area, to explain how these persons who have been turned into squatters in their own country are going to benefit from any additional levy, as is being provided by KWS.

Mr. Speaker, Sir, this country has been talking the language of sustainable tourism and conservation. In the range areas, we are hearing about community based conservation, which is allowing some of the people in group ranches next to game parks to attract some form of tourism and earn direct income for themselves. There is no thinking, practice and express intention to develop community based interests in marine conservation along the Coast of this country. If this country seriously believes in sustainable conservation of marine resources, it must start addressing today, how the custodians of the Kenyan Coastal resources, the people protecting the Kayas, lagoons and marines, are going to benefit from any form of levy and conservation at the Coast. It is not good enough to count how many Germans are coming. It is not good enough to count how we are going to be friendly to marine bio-diversity. We must start thinking, first and foremost, how conservation at the Coast must be justified to the extent that it benefits the locals at the Coast. That is not part of the rhetoric today.

Mr. Speaker, Sir, I wish to use this occasion also to say a number of things. First of all, if the Government of Kenya is interested in sustainable utilisation of its marine resources, the first target of its policy should be how to strengthen its scouting capacity, to keep out Korean, Japanese and other oriental fishermen who are mining fish in our territorial waters, and who are mining fish in unsustainable way. It is not good enough for us to be involved in petty conservation exercises which are eating into the swimming areas, immediately to the beach, when the Koreans are wiping out our entire stock of fish, and we are neither trying to develop the capacity to keep them out, or seeking assistance from others to keep them out. Why should a country like Namibia, which is much poorer and technologically more inferior than Kenya, have the capacity to keep out fishermen who are raiding its territorial waters, while Kenya does not even start addressing that as a national problem? We are only concerned about beach boys and not Korean thieves who are taking our fish. This is a critical consideration that this Government must start thinking about.

Secondly, I have emphasised that it is about time the Kenya Government started considering the possibility of establishing an independent Authority for marine conservation, separate from the KWS. Such an Authority would be more responsive to local interests, amenable to the interests of marine industry and would understand beach conditions, unlike the KWS which sends to the beach, people in jungle fatigues with G3 rifles. Such people who are used to chasing poachers should not be sent to the beach to protect marine resources.

Thirdly, this National Assembly must put its voice out clearly, that any attempt through the back door, to deny Kenyans the right to freely enjoy their natural heritage; the right to walk along the beaches, and the right to swim in the Indian Ocean without being penalised a levy, will not be allowed. These rights of Kenyans must be protected. As it is today, a provision in the Legal Notice No. 9 says that every hotel, apart from the five per cent occupancy levy, must surrender to the Kenya Government, Kshs30 or 50 US cents for every person who sleeps in the hotel for one night. Every bed night must pay 50 US cents as part of the levy for the protection of marine resources at the Coast. Apart from the complications for the tourist industry, what justification does the KWS have in terms of the interests of the local people, in asking us to allow it to continue with so much distortion of the taxation regimes?

Finally, Mr. Speaker, Sir, I wish to return to a matter which is very outrageous. We are leaders in this

country, which is 33 years away from the time when we were struggling for the dignity and rights of the Africans. Today, when we walk around, we masquerade as national leaders, in a country where we have hotels which cannot allow Africans to get service.

Mr. Speaker, Sir, it is outrageous that up to today, in premises like the African Safari Club together with the hotels they run like Silver Star and Bahari Club and Hotel, Africans are shown the door. They cannot exercise their freedom to enter a public house and have a drink or service.

It is outrageous that a Government can accept that this goes on. I would say that if this Government does not have self respect as a Government of Africans, it should borrow a leaf from the Opposition about our dignity and find an outlet for this refuse in our middle.

With those remarks, I beg to second.

*(Question proposed)*

**The Assistant Minister, Office of the President** (Mr. Sunkuli): Mr. Speaker, Sir, it is rather unfortunate that a Motion whose intension was so good was so poorly drafted and based on the wrong premises. Those of us who come from areas where there are wild animals and where tourism is practised would have liked to support this Motion, but the Motion is simply based on the wrong premises.

It is true that the proceeds from the tourism ought to filter somehow to the local communities around the tourist areas. The people who live near the game parks ought to benefit from the money that the tourists brings to this country. That much we cannot deny.

Today, as we speak, the game parks of this country are run either by the KWS or they are run by the County Councils. For instance, Maasai Mara Game Reserve is run on one side by Narok County Council and on the other side by Transmara County Council. It is the practice of those two county councils to share the revenue from the park with the people around Maasai Mara Game Reserve. Therefore, Narok County Council and Transmara County Council do give 19 per cent of their income or revenue to the group ranches around Maasai Mara. This money, hopefully, is used to construct schools, build dispensaries, dams for the people around the area, cattle dips and so on. That is what happens in Maasai Mara Game Reserve. Definitely, this particular Motion, apparently, was not intended to cover areas like Maasai Mara where, in fact, the revenue from tourism is collected and shared for the benefit of the Maasai people.

I do not understand myself what the hon. Member intends here, because, KWS does not collect any money from bed occupancy. So, I do not know whether the hon. Member knows that there is no revenue accruing to the KWS as a result of bed occupancy. That money is not collect.

**Prof. Mzee:** On a point of order, Mr. Speaker, Sir. Is the Assistant Minister in order to say that he is not aware and I have here Legal Notice No.9, 1996? Has he ever read the Legal Notice No.9, 1996 which specifies that? I doubt if he has ever. Is he in order if he has not read Legal Notice No.9, 1996, to just come there and say things which he has no knowledge of?

**Mr. Speaker:** Very well, have you read Legal Notice No.9, 1996?

**The Assistant Minister, Office of the President** (Mr. Sunkuli): Mr. Speaker, Sir, the hon. Member will have time to reply, and I would like him to read for me, because he is assuming that I am not aware of what I am saying. He is proposing a Motion and I am opposing it. And the ground that I am opposing it on and he has the right to reply, is that KWS does not collect revenue from bed-occupancy. It collects about 50 cents per bed from the hotels for purposes of beach management. It is for this wrong premises that I am saying that I personally not find the hon. Member having done his research properly. He has come with a Motion that has good intentions, but a Motion that cannot be supported because it is drafted wrongly, and it is based on the wrong premises.

Having said that, I just want to say the following. The Government has initiated the appointment of Kenya Tourist Board. The purpose of this Board will be to lay down the policy concerning the marketing of tourism, and it is hoped that this Board will exercise its authority to ensure that tourism is promoted well outside Kenya. Kenya has so many tourists offices around the world, and it is important that now that we are getting new competitors in the world of tourism, including South Africa, and the improvement of Serengeti National Park, it is important that the Kenya Tourist Board do market our tourism properly. On our part, we shall ensure that our product is marketable. We shall improve the roads within Maasai Mara Game Reserve, the Government, together with the County Councils of Narok and Transmara will improve the roads within the Maasai Mara Game Reserve and the roads leading to Maasai Mara Game Reserve. We will improve the roads around the Amboseli and Tsavo National Parks, so that Kenya Tourist Board can market a product abroad that is actually worthy of being marketed.

I want to urge all those persons who live next to the tourist areas to co-operate with KWS and rangers of the County Councils because so many things can happen. The tourists come to visit these game parks and other people

can take advantage of it, but as I said, the Government has already ensured that there is enough security within the game parks.

Those who benefit from the Maasai Mara Game Reserves are the group ranches, and it is important that the committee of the group ranches who get 19 per cent of the revenue from the parks do use these revenue to develop schools and build hospitals so that we do not waste the funds that belong to the public.

Mr. Speaker, Sir, having said that, I beg to oppose.

**Mr. Ndubai:** Mr. Speaker, Sir, I would like to request the Mover of the Motion, if he could add that instead of requesting for 40 per cent, I propose that it should be raised from 40 per cent to 75 per cent. This is because the Ministry of Tourism and Wildlife within which the KWS falls under, have the target to support the KWS, but this money from various national parks should go directly to the people who are the beneficiary of those animals. I would not understand why KWS should take all the money because there is nothing they do with it. For instance, in the Coast Province where we have many hotels, the people of Coast Province, particularly in Malindi region, they have been totally exploited and they have no other means of earning. Their means of earning is only the attraction of the tourism. If the Coast Province, the Malindi region should benefit totally because there is no other way of earning money except through the tourism attraction.

In places like Maasai Mara Game Reserve, Amboseli National Park, Meru National Park, Samburu Game Reserve and so on, people living around these areas have been totally exploited. For instance, people living in Samburu Game Reserve have been keeping animals, but now they have been pushed to the end of Samburu by KWS. I do not understand why KWS should not give Samburu people or Maasai people or any other people who have been actually the beneficiary of animals from immemorial time some revenue from tourism.

My proposal is that the KWS which has been managed by foreigners--- It was started after the Second World War by one individual, but today it has grown to a very large institution, I would request the Government to scrap employing the foreigners because 75 per cent of the people who are managing KWS are Europeans.

Mr. Speaker, Sir, I would not understand how a European should come from Great Britain to govern our own wildlife here. We have understanding and we have lived with these wildlife for many years, and I believe our people have knowledge about these wildlife than Dr. Western. My proposal is to ask the Government to take an immediate action to remove all these foreigners who are managing our wildlife. They are actually managing only wildlife and they have not come here with ideas to manage the trees, bees or anything else, except what we have been managing for many years. So, my proposal to the Minister of Tourism and Wildlife is to request him to come with a policy in this House, so that we can find out how we can make it impossible for foreigners to run the KWS.

If we look two, or three years ago when Mr. Leakey was running the KWS, he actually took KWS as his personal private company. I had brought a Motion to this House although it was not approved, to check the importation of guns, because Mr. Leakey imported even the most sophisticated guns to run the KWS. The KWS does not need ground-to-air missiles or heavy aeroplanes with strong spotlights to see where the wildlife are. These are our resources which are being used unnecessary from the revenue that KWS is getting. Those kind of revenue which they are misusing for their own benefit should be used to help the local people. They are also using the same revenue to employ their staff and to buy the most sophisticated machines. Those revenues should be directed to the local people, who should be the beneficiary of those wildlife.

If we come to Mombasa beaches, I do not understand why the Government should allow the KWS to manage these beaches. They have no business at all running the beaches. The KWS must take care of the wildlife, and they should come with a policy dealing with the cropping. The cropping of the animals must be done by the local people. But if you go today to the Minister for Tourism and Wildlife, he would not tell you how many people have been given licences to crop wildlife in our country. If you see the big rangers who are fencing the elephants, zebra, gazelles, they are all foreigners. If you go to Athi River, just next to the door of the Vice-President of this country, the biggest rangers of those animals are Europeans from America.

*[Mr. Speaker left the Chair]*

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

I do not understand why an America should be given rights next to the door of the Vice-President, to run the wildlife, while the Maasai are actually starving. They are only starving with a very, very minimal earnings from the animals which has been squeezed by the ranger here, who came in and enclosed zebras, gazelles, giraffes and made them his personal property. Those foreigners do not bring the wildlife here. They met the wildlife on the ground and what they did is only to fence them in and they became their personal property. So, I would request the Minister for

Tourism and Wildlife to remove those kind of people and hand-over the wildlife to the local people, the Maasai.

I also do not understand why the cropping of ostriches has been limited to very few people, who are also foreigners. The cropping of ostriches should be also handed back to the local people so that they can get some revenue from them. Foreigners have no business of coming to this country, because they enclose the ostriches, zebras and every wildlife and they get licences by the Ministry of Tourism and Wildlife, to declare those wildlife as their protected wildlife ranches.

I would also like to ask the Minister of Tourism and Wildlife to look into a case in Laikipia District, where three-quarters of the District from Mt. Kenya Forest up to Nyandarua was taken by one Mzungu. He even transferred the white rhinos which were in Meru National Park and which were given during the era of Mzee Kenyatta by South Africa. They had been given to this Mzungu who is in Laikipia District, and they were the only white rhinos which were left in this country. We had 11 white rhinos, seven were killed and the remaining four were handed over by the Ministry of Tourism and Wildlife to an individual in Laikipia District. So, I would ask the Minister to take care and remove those white rhinos from that Mzungu and transfer them to Nakuru National Park. Nakuru National Park has got a lot of security, and if they were transferred there for the purpose of giving them the maximum security, they should be taken to Nakuru National Park which has the maximum security to protect those white rhinos rather being given to one Mzungu, who is now the beneficiary.

Mr. Temporary Deputy Speaker, Sir, with regards to corruption, the Ministry has actually become the mother of corruption, because our people do not understand what tourism is. They think that a tourist is a poor white man from America or Germany with a few coins and go round here being protected as a tourist. We need quality tourists in this country. We do not need workers from Germany. We do not need thugs running away from their country to seek refugee status here in the name of tourism. Some of these are people who have no single cent in their pockets, but they are being given a lot of protection under the cover of tourism. If we are to protect our tourism industry, we must think of quality tourism, and we must come up with a policy to protect local tourism.

The local tourism, Mr. Temporary Deputy Speaker, Sir, is when a business man comes from Kisumu, or a civil servant from the Ministry of Agriculture, Livestock Development and Marketing, who has interest in the wildlife, if he can afford to go to Amboseli National Park to see the wildlife, that is what we call quality tourism. If a man from the Coast Province can go to Maasai Mara National Game Reserve to see the wildlife there, that is what we call the local tourist. But the collection of thieves who have come from all directions of this world, coming to this country under the name of tourism, must be totally discouraged. It is the duty of the Government, and there is no Government that can succeed in this world if it does not control the inflow of the crooks from all the international markets under the name of tourism.

I would like to request the "new" Minister for Tourism and Wildlife, Mr. D.M. Mbela, who I believe is an able Minister, and he would justify and encourage our local people to invest in tourism, so as to discourage the thieves who are coming to Malindi, particularly the mafia from Italy, the rejects from Germany and the Americans who are not credit worth in their country. They have invaded the whole of the Coast Province under the cover of investors in the tourism industry.

I would like to request the Minister to check every investor who is under the cover of investment from Italy and Germany to be seen and to be practically an investor and a real tourist, but not crooks who are running away from the offenses they have committed in their country.

Mr. Temporary Deputy Speaker, Sir, when we talk of KWS, the structure of their salaries must be reviewed and it must be in conformity with the other civil servants. But the KWS was left to negotiate salaries on their own terms. The loss which this country is going to be faced with and which is going to be financed by the European Union, they are directed to the wrong hands in terms of the Europeans interests of tourism in this country.

With those few remarks, Mr. Temporary Deputy Speaker, Sir, I support the Motion.

**Mr. Boy:** Asante sana, Bw. Naibu Spika wa Muda, kwa kunipatia nafasi hii ili niunge mkono kikamilifu na kwa dhati Hoja hii muhimu sana. Wakati mwingine ninashangazwa kuwa wafanyakazi wa Serikali huongoja mpaka Mbunge afikirie wazo la busara kama hili ili walete mabadiliko ama kupinga. Swala ni kwamba Hoja hii inataka nini?

Hoja hii inataka KWS ambayo inakusanya pesa nyingi kutoka kwa hoteli za Pwani, malipo ya kubaki magari, KWS ichukue asilimia 40 ya pesa hizo na kuwapa wananchi wa Pwani. Dhambi yake iko wapi hapo? Lakini kwa sababu wengi hawatoki pwani na wanatoka bara, ndio chanzo cha kelele zote hizi.

Bw. Naibu Spika wa Muda, hatuwezi kuambiwa hii hoja haifai, kwa sababu huko Trans Mara wanagawanya pesa. Huko ni Trans Mara. Lakini ufuo wa Pwani kutoka mwanzo hadi mwisho, na Wazungu wako huko, hoteli ziko huko na watu wa Pwani wako nyuma kielimu, hawana pesa. Utalii ulioko huko ni wa watu kutoka nje. Wazungu wanaleta pesa kila siku. Faida ambayo watu wa Pwani wanapata ni UKIMWI mwingi unaosambazwa na Wazungu kule. Sasa tukisema kwamba tufaidike kidogo kwa pesa hizi, kuna dhambi gani?

Kwanza, sisi watu wa Pwani tunapinga sana ule ushuru unaotozwa na KWS kwa beaches. Kuhusiana na

jambo hilo, tunamwambia Waziri na Serikali wazi kwamba, wafungue jela nyingi kwa sababu watu wa Pwani hawatalipa ushuru huo. Nimewambia watu wa constituency yangu mambo haya na ninasema wazi leo kwamba, hatatalipa ushuru huo na liwe liwalo. Kama mtapigiwa kura na Mzungu, na alipe. Lakini sisi watu wa Pwani ambao wakitoka nyumbani kwao hadi beach wanalipa Kshs4,000 - nyanya yake! Kwani yeye ndiye aliyeleta hiyo beach hapo? Hatatalipa ushuru huo. Tunachotaka ni uhuru uachwe vile ulivyo. Wanavyotaka KWS ni kwamba, kama una nyumba yako na unataka kwenda beach, ni lazima uwalipe ushuru pamoja na mgeni wako yeyote atakayekutembelea kwenye beach. Pia, Mdigo au mtu yeyote wa Pwani anayekwenda kuvua, ni lazima alipe ushuru. Kuna msemu unaosema: "Wankula huu." We will not do that, come what may. Hatuogopi, tuko tayari kuenda jela. Hata wakileta majeshi au nani hatatalipa kamwe. Kwa sababu, sisi tuko upande huo wa ufuo wa bahari kwa uwezo wa Mwenyezi Mungu na wao nao pia walipe kwa kuenda kwa mashamba yao ya chai na kahawa. Kwa nini sisi watu wa Pwani tunaonewa? Hii haiwezekani.

Bw. Naibu Spika wa Muda, KWS ni shirika zuri kwa kulinda mazingira lakini kwa sababu ya unyanyasaji, limekuwa na kizunguzungu sana; ya kwamba, mawazo ya Kiafrika wakati wote yanatolewa. Kutoka beach line ya kutoka Somalia mpaka Tanzania, Namibia na South Africa, hakuna mahali palipo na marine parks nyingi kama Kenya. Haya ninayasema ili Waziri mpya na naibu wake wasikie, na wanikosoe kama ninasema uwongo. Kwamba, kutoka South Somalia hadi South Africa, mahali kuliko na marine parks nyingi zaidi ni Kenya. Mzungu anataka starehe kwa beach, sasa maarifa yake ni kumwondoa mwenyeji Mwafrika kwa akili kubwa mno. Kwanza anasema, Mwafrika akitaka kuingia kwenye beach lazima apitie kwenye hoteli ama alipe Cess Tax. Jambo hilo linamaanisha kwamba, Waafrika wetu, wenyeji wa Pwani hawataweza kutembelea beach. Sasa nyinyi mlioko huku mkae starehe, ilhali kule tulioko mje kutunyanyasa. Hii ni dhambi gani? Hilo ni jambo ambalo haliwezekani. Kenya Wildlife Services inazungumza habari ya beach boys. Yafaa tujulize, ni swala gani linalosababisha beach boys kuwa wengi. Sababu yake ni kwamba, vijana wetu wa Pwani hawapewi kazi. Hoteli ikiwa ni ya Mluyia, Manager ni Mluyia na wafanyakazi wote ni Waluyia. Hata ukienda kutazama utagundua ni ukweli. Ikiwa Manager ni Mkamba au Mjaluo hali ni ile ile. Ukichukua statistics utagundua ni ukweli. Watu wa Pwani kazi zao kubwa ni hall porter. Ukija na gari anakufungulia gari na kukukaribisha. Sasa ile kazi imebaki ni kuwa beach boys. Wakipewa kazi hawatakuwa beach boys. Lakini ikiwa Manager, msaidizi wake na hata karani ni watu wa kabila moja, hao watabakia na kazi gani?

Ukweli wa mambo ni kwamba, tukitaka kuendeleza Pwani--- Na hata ninashangaa ni kwa nini watu wa Pwani ni watu wa kunyanyaswa katika Ulimwengu huu? Tumeonewa sana. Kuna cess tax ya kukuza kahawa, haina maneno, chai pia ni hivyo hivyo, maziwa pia hayana taabu, lakini Tourism ndio mahali kuna mvutano mkubwa kwa sababu ni kwa mtu wa Pwani. Hii hali haiwezekani. Tunavyotaka sisi ni pesa. Mjinga akierevuka, mwerevu yuko katika taabu. Sasa watu wa Pwani wameamka. Tunataka haki yetu hata sisi. Kwa sababu, kila mara mkija kule, mnasema kwamba, watu wa Pwani kazi yao ni kukaa wakingoja mnazi uangushe nazi. Je, wewe uliupanda mnazi huo ama ni baba yako aliyepanda? Hii lugha ya kutusi watu wa Pwani ni makosa. Eti, watu wa Pwani kazi yao ni kukaa wakingoja mnazi na maembe yakianguka. Haya ni mambo ambayo tunakataa kabisa. Kitu cha muhimu tunachotaka ni kwamba, kiwango fulani cha pesa kikiregesha kwa wananchi, hali ya elimu itakuwa nzuri na pia hali ya hospitali zetu itakuwa nzuri kwa sababu tutaregesha zile pesa kwa kuwahudumia wananchi. Leo hii nikizungumza hapa kama Mbunge wa Matuga, nina National Reserve katika constituency yangu; Shimba Hills National Reserve. Na namna ndovu wanavyowanyanyasa watu wangu ni ajabu sana. Lakini mradi Mzungu aje kama amebewa katika lile gari la Pollmans na aseme: "Oh, this is a very good elephant." Na aipige picha ile ndovu. Lakini yule mtu wa Kwale, mihogo yake na ndizi zake ziendeele kukanyagwa na ndovu ili Mzungu aje aipige picha. Je, hii ni haki? Yule mtu wa Kwale, ndizi na mihogo zikanyagwe na ndovu mpaka akose pesa za kumlipia mtoto wake karo ya shule, kwa sababu ya Mjerumani anayekuja kumpiga yule ndovu picha. Na ile asante ya yule Mjerumani ni kusema: "That is very good, very good! Quite a beautiful animal." Akiwa ndani ya gari la Kampuni ya Pollmans ambayo pia ni ya Mzungu. Lakini Mwafrika hapati compensation, hasomeshi mtoto wake na kadhalika.

Tunataka kiwango fulani cha hizi pesa ziende kumsaidia yule mkulima ambaye yuko karibu na hiyo National Reserve. Kiwango fulani cha pesa hizi, zimsaidie mtoto wa mtu yule ambaye mimea yake na mihogo yake inaharibiwa na ndovu. Wengine wengi tukizungumza maneno haya, watu hawayafahamu. Lakini ukiwa MP unayetoka karibu na National Reserve unaweza kuelewa mambo haya. Watu wanasumbuka, mradi tu Mjerumani aje. Ilhali yeye hatapigia kura chama kinachotawala, Mjumbe wala Councillor. Wewe utapigiwa kura na mwenyeji ambaye ndovu atakanyaga mahindi yake, kuvunja muhogo wake na kula wanyama wake akiwa pamoja na simba. Lakini wakubwa wakishapewa vyeo na bendera, husahau kwamba mwaka wa 1997 uko karibu. Wengine hamtaona kona nne za jumba hili tena kwa sababu mmesahau ya kwamba, hata kabla ya kupewa bendera ulikuwa mjumbe kwanza. Kwa hivyo, sisi viongozi kuna haja ya kuelezea shida za wananchi. Lakini mimi hushangaa kwamba, ndovu mmoja akiuwawa, OCPD, PC, PPO na DCIO wote katika helikopta huja kushuhudia, eti, ndovu mmoja ameuawa. Na headline katika magazeti itakuwa "Poaching" katika kila gazeti, CNN na hata Reuters. Kwa sababu

ndovu mmoja ameuawa. Wataandika: "There is poaching at an alarming rate" lakini mwanadamu akiuawa, hakuna habari yoyote kumhusu. Hii ni haki gani? Ninawaomba wachapishaji habari kwamba, kama kuna ndugu zao ambao wanakaa karibu na National Reserve na mmoja akanyagwe na ndovu, wasisikie uchungu. Maanake, mtu akiuawa hawachapishi hii habari, lakini ndovu akiuwawa wanachapisha.

Kwa hayo machache ninaunga mkono.

**Mr. Ndicho:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to contribute to this Motion. At the onset, I support it fully because it is requesting that members of the public, that is the common mwananchi, also benefit from the tourism industry.

I would like to congratulate the new Minister for Wildlife and Tourism, the hon. Dairus Mbela, upon his appointment. I also want to thank President Moi for appointing him because he is the appropriate man now; because he comes from the centre of wildlife; his constituency. So, we are expecting a lot of changes in this Ministry and we are expecting a lot of changes in the tourism industry for the benefit of wananchi. So, Mr. Minister, we are going to back you and we are hoping that you are going to do something in this Ministry.

Mr. Temporary Deputy Speaker, Sir, in the morning we heard from the Assistant Minister for Wildlife and Tourism that there are thousands and thousands of animals in this country. In fact, he said that there are buffaloes, elephants, cheetahs in their thousands. I am going to plead with the Ministry to translocate some animals to Kilimambogo Game Reserve because this is a reserve that is already gazetted, but it has got no single animal. It is only birds of the air that it has yet when some Wazungus go there, they are charged entrance fee because they are entering a game reserve. Recently, I had guests from Germany and they know the famous Fourteen Falls situated at Kilimambogo and they urged me to take them there. When we went there, we found that the thing that is there are the Fourteen Falls themselves along the Athi River. So, I am asking this Ministry to establish an animal sanctuary at Fourteen Falls so that when tourists come to see the falls, they can also see the animals. There is no excuse that Ministry can give now since we have confirmation from the same Ministry that they have got all kinds of animals in their thousands.

Mr. Temporary Deputy Speaker, Sir, Kilimambogo is also very famous because--- In fact, it derived its name from the buffalo, but there is not a single buffalo. So, it is the onus of the Ministry to ensure that some of these animals are brought there. The reason why I support this Motion is because if these animals are brought there and if this Motion is passed by this House, the people around Kilimambogo will also benefit from the 40 per cent of revenue generated from tourism. But currently, there are no Wazungus any longer going to Kilimambogo Game Reserve. Why? Because there are no animals. And if the Ministry can get the Hirola from North Eastern Province and translocate to another place, why can you not also get some animals and bring them to Kilimambogo? In any case, the Minister should tell this House what was the reason behind the translocation of the Hirola from North Eastern Province to another area? Does it mean that you do not want the Somalis and the Wariahes in North Eastern to also benefit? This is because if the Hirola is a rare animal, then Wazungus will go all the way to where it is, that is its natural habitat, to see it. And then the people from North Eastern Province will benefit also from this 40 per cent revenue that this Motion is asking for. But by you relocating it, it means that you hate the Wariahes and it is high time that you also considered having the Hirola remain there for the benefit of the people from North Eastern province.

Mr. Temporary Deputy Speaker, Sir, it is a very big shame because all the money that has been collected from tourism all these years has never been seen to benefit the locals. If it had benefitted the locals, we ought to have seen a lot of development in schools, hospitals, roads and water especially in Maasailand. But Maasailand is one of the areas that are so backward yet millions and millions of shillings are generated from the area arising from the tourism industry. So, somebody must explain to us where all the money that is generated from the tourism industry goes. If it develops this area, then we have no problem. But we bring politics in this issue because we do not see the fruits. The people from Maasailand do not benefit from tourism at all. That is why we support the Mover of the Motion that 40 per cent of the revenue now be ploughed back to the people from where the tourists go to see these animals.

Mr. Temporary Deputy Speaker, Sir, the issue of ploughing money back to those areas is crucial and why the people especially the Maasai are sometimes hostile to the animals especially when they are killed is because they do not benefit from that tourism. When people are injured by these animals, you have seen for yourself that it takes a year to plead with this Ministry to agree to compensate the victims. We had proposed and submitted our views here that if a human being is injured by an animal, why all the bureaucratic procedure of going to the Ministry and elsewhere? A chief is there to ascertain whether this really happened and if it happened, the chief will only recommend and ascertain that this incident happened and this person was injured or killed and the Ministry only releases the money. It is a one week's job. Why should it take the time of an MP to come here and plead with the same Ministry? This is interesting because the Assistant Minister himself is a Maasai and he is sometimes the one who answers these questions.

So, it is my submission that the issue of compensation should be speeded up so as to benefit the victims. There is no question of paying only Kshs30,000 as compensation to a human being when he is killed and yet we have been told here this morning that billions of shillings have been earned from exporting these wild animals to the Arab

world. Billions of shillings are earned from tourism and yet when a human being dies, only Kshs30,000 is paid out as compensation. I request the Ministry to review this compensation sum of money. It is too little. Somebody dies and possibly he was the only breadwinner; he was the sole person who was taking care of a family and then he is killed by a wild animal; and then the compensation takes five years. Before that money reaches the wife or the children, even the bones of that fellow are completely rotten. So, I urge the Ministry to review the issue of compensation money.

Mr. Temporary Deputy Speaker, Sir, we have a lot of problems and a similar issue in Thika District where water is harvested from Gatanga-Ndakaini Dam and brought to Nairobi where it is consumed by Nairobianians. It is sold to Nairobianians by the City Council and the people from where this water comes from do not get a cent as compensation. These are the things that we are trying to relate with tourism; that if some money is generated from this industry, some of it should be ploughed back to the people. Similarly, I urge the Government to give us some of the money from the sale of the water that is harvested from Thika District which is sold to the people of Nairobi by Nairobi City Council and then in turn the Nairobi City Council keeps all that money yet it gets this water from Thika District. We also demand to be given a portion of money. We also demand that we be given some of this money. Some of this money should be ploughed back to the people who live where it is generated. We Members of Parliament from Thika will bring a Motion here to request the Ministry of Local Government to do that. If it does not do that we will block the flow of that water until we are compensated. So, we are supporting hon. Mzee's Motion that 40 per cent of all the money generated should be ploughed back to the people who live where it is generated.

With these few words, I beg to support.

**The Assistant Minister for Tourism and Wildlife** (Mr. Kisiero): Thank you very much, Mr. Temporary Deputy Speaker, Sir, for giving me an opportunity to respond to this Motion, which has been moved by our hon. friend, Prof. Rashid Mzee. In the Motion in question hon. Mzee is right in saying that Kenya Wildlife Service (KWS) does collect some fees from visitors who go to the marine parks. He also says that we do collect money from bed occupancy. In the first place, I would like to correct the impression that the KWS collects any money based on bed occupancy at the Coast. I will elaborate on that point later on.

But let me say that the entry fees collected from visitors who enter designated areas like the marine parks is not much. In fact, the amount that we collect is so little that it hardly meets costs of operation, keeping the beaches clean and employing security personnel so that tourists are not harassed by some of the beach boys. Indeed, we do collect a bit that revenue. In addition to it, we go out to solicit funds from donors and other organisations to assist us to perform our duties effectively.

The Government is totally committed to ensuring that communities living alongside wildlife or marine parks do benefit from any revenue that may come from entry fees and so on. In this respect, we want to assure the hon. Member and all Kenyans that we will continue pursuing that policy because without ensuring that the local people are happy we may not succeed in our policy of getting a fair balance between wildlife and human beings. This is why I wish to assure the House that the Government will continue to ensure that part of the revenue is passed on to the people living in those local areas.

Another area from which do collect revenue is in respect of what we call "Beach Management Programme". Under this programme we collect US50 cents as marine park entry fee for every person who stays in a hotel. This measure is expected to improve the collection of revenue and strengthen the financial base of the marine park management. Nevertheless, in its commitment to its relationship with local communities and in order to enlist their support in the national task of conserving and managing Kenya's wildlife resources and national heritage the KWS has been sponsoring projects and vocational training in order to assist in community based projects. The benefits of this project has, of course, mainly been in the form financial assistance to schools, boatmen and fishermen groups.

It is important to point out that the KWS has actively participated in the organisation of educational programmes and tours as well as providing facilities for schools in areas neighbouring the national parks and reserves. I wish to mention some of those schools and projects that we have been involved in, in the Mombasa/Kwale Area. In Mombasa/Kwale area recently we gave Shimoni Primary School Kshs60,900; Majoreni Primary School - Kshs37,500; Mukwiru Primary School - Kshs44,200; Kichaka Primary School - Kshs63,600; Mzizima Primary School - Kshs60,300 and Waziri Primary School Primary School - Kshs54,800. In the Malindi/Watamu area we recently gave the locals a total of Kshs3 million. We gave Kahingari Primary School Kshs784,000; Mukana Primary School - Kshs784,000, Ngirimanje Primary School - Kshs784,000 and Ngala Girls Secondary School - Kshs663,000.

In addition to the above, the KWS has organised and funded Shimoni Fishermen Group on an educational tour to Zanzibar in 1995, at a cost of Kshs310,000. The KWS has also spent Kshs3.9 million in purchasing fishing equipment for fishermen based at Shimoni. A further Kshs1.4 million will be disbursed in the Kwale area very soon. The KWS has also set up a revolving fund of Kshs200,000 to be utilised by the fishermen in Shimoni region in carrying out fishing activities.

Mr. Speaker, Sir, from the foregoing the hon. Members will notice that the KWS has been, and continues to

be, actively involved in educational and vocational training of local residents of the areas where it collects marine park entry fees. Therefore, in view of the fact that we do not collect a bed occupancy fee and the fact that it is not easy to talk of 40 per cent revenue coming from hotels; I wish to propose the following amendments which will not change the Motion much. I request that we first delete the words "bed occupancy levy" from the third line. Secondly, I propose that we delete words "40 per cent" in the fourth line and insert in place thereof the word "part". Thirdly, I propose that we insert the words "continue to" between "to" and "make" on the fourth line.

Mr. Speaker, Sir, the amended Motion, therefore, should read as follows:-

THAT, since the Kenya Wildlife Service collects large amounts of revenue from tourists staying at Coast Hotels in form of fees for visiting the marine parks; this House urges the Kenya Wildlife Service to continue to make available part of this revenue for improvement of education and vocational training in the regions of collection.

With those words, I beg to move the amendment.

**The Minister for Local Government** (Mr. ole Ntimama): Mr. Temporary Deputy Speaker, Sir, I beg to second the amendment moved by the Assistant Minister for Tourism and Wildlife.

While I second the amendment, I want to say that this is a very important Motion and this is why the Government has made this mild amendment. It shows that the Government takes this as a very important Motion and the Government should accept the principles of the Motion.

It is a known fact that tourism today is said to be the top foreign exchange earner in this country and this is very important to the economy of this country. When we talk of revenue sharing, it is also very important that we understand the fact that most of the people who live near the wild animals suffer a lot. They have lost their pieces of land so that the Government and the local authorities will have big areas where wildlife can be protected for the benefit of the whole world. These people have lost a lot of their grazing land. Their water is being shared with the wild animals. Indeed, most of these people have lost their lives so that these animals can be protected. These people have lost their grazing land and water, these animals also infect their livestock with certain diseases. So, as a matter of fact, these people must be first the first beneficiaries of any revenue being derived from tourism and wildlife in general. This definitely includes our beaches. The people who cannot do their normal traditional fishing because the Marine Parks have been established, must be seen to benefit from the revenues that are being derived from wildlife and from fisheries. It is important to stress here that the survival of wildlife depends entirely on the good will of the people and that good will of the people must be harnessed in such a way that they will be satisfied by ensuring that part of the revenue is going to them.

The other issue is that we have two different sets of parks. We have the Game Reserves which are managed by the local authorities all over this country and the National Parks which are supposed to be managed by a Government department - the KWS. The Tsavo National Park is bordered by Makueni, the Wataita, Wataveta and so on. These people must benefit directly from the revenues accruing from the gate revenues paid for entry into these parks like the Samburus and the people of Narok are benefiting. So, it is important to bring the Acts affecting the Game Reserves and the National Parks together, so that these Acts will develop a system where the local people manage these Game Reserves and benefit directly from the revenue which is collected from the gate charges when the tourists enter into these parks. I think I am supporting the amendment because I do not want to start talking about the actual percentage. But it is important that this revenue is shared properly between the Government and the local people so that they can develop their social amenities for instance, health, education and local roads leading to some of the areas where they can market their products and they will appreciate the fact that wildlife is important to them. But if they do not, then we will have a problem because the wananchi will think that it is not their own heritage. They will think it is there for the benefit of the white men who come from other countries.

Before I conclude my brief speech, I would like to inform the House that we are now discussing the recommendations of the Omamo Commission and I want to assure the House that as soon as the Government has looked into the recommendations of the Omamo Commission which deals with the local authorities, and also the ways in which the local authorities are going to earn their revenues one of them of course, is that the Government should look into the possibility of the local authorities getting some revenue from wildlife. That is probably the main reason why we have made this amendment so that we can await the whole recommendation of Omamo Commission to bring up a package of what the Government is going to consider in the way of revenue sharing by local authorities and down the line by the local people themselves.

There is also the question of the Kenya Tourism Board. There are a lot of complaints that the local people are not represented. The local authorities are also not represented. Indeed, the people who live a long the beaches and benefit from fisheries are not represented and most of the people, I am sorry to say, are said to be people who really do not know what wildlife is all about. We should put in the experts and the representatives of the local authorities who are affected by the general principles of the recommendations coming out from the wildlife society.

The local authorities are complaining that they should have one or two representatives. The people at the Coast want to have their own representatives in that Board so that they can articulate the rights of the people on the beaches, the fisheries and so forth. It is important to look into the whole structure of the Board so that people are very well represented in the Kenya Tourism Board. The people in that Board, although they are experts in many other fields, they are probably not conversant with the problems that affect people in the areas inhabited by wild life although a few of them are. So, it is also important that the roads leading to some of these destinations which are famous and popular the world over must be improved, maintained and built to the desired standards so that the tourists can reach some of these areas. The road leading to the Maasai Mara Game Reserve is a disaster. The tourists cannot travel on this road because it is so bumpy and dusty, so that they will probably not enjoy looking at wildlife when they reach there, because they might have to go to hospital for treatment because the roads are so bad.

With those few words, I beg to second the amendment.

*(Question of the Motion as amended proposed)*

**Mr. Kiliku:** Ahsante sana, Bw. Naibu Spika wa Muda. Maovu yanayofanyika sasa ni kwa sababu ya Bunge la Sita. Bunge la Sita lilipitisha Mswada hapa kwa dakika kumi na tano kwamba---Mimi nilikuwako na niliupinga.

**An hon. Member:** Very good!

**Mr. Kiliku:** Mhe. Prof. Saitoti akanuiliza ni kwa nini ninapinga Mswada huo. Ninafikiri wakati huo, Bw. Mwangale alikuwa Waziri wa Utalii na Wanyama wa Pori. Wabunge wa Bunge la Sita wakapitisha ya kwamba mtu akiuawa na ndovu au simba, asilipwe. Mimi ninashukuru kwamba tuna vyama vingi. Hivi sasa, pande zote mbili zinaweza kusema watu walipwe. Walipitisha huu Mswada wakati wa chama kimoja. Kama kuna watu wameuawa na ndovu au simba, walaumu Bunge la Sita; hilo ndilo lilipitisha kwamba wasilipwe. Sasa hivi, kwa sababu kuna demokrasia ya kutosha, wanaweza kusema ya kwamba watu wawe wakilipwa.

Bw. Naibu Spika wa Muda, Hoja hii ni ya kusaidia wananchi. Zile hoteli kubwa ambazo Mwenyekiti wazo ni Bw. Mahihu, kwa mfano, African Safari Club, haziruhusu Mwafrika kuingia, ukiwa na ngozi nyeusi. Ukienda Silver Star Hotel, Silver Beach na Bahari Club, na wewe ni Mwafrika, you are not allowed to enter. Na hapa mnasema kuna Uhuru. Ninauliza Waziri kwamba Mwafrika yeyote---

**The Assistant Minister for Lands and Settlement (Mr. Sumbeiywo):** On a point of order, Mr. Temporary Deputy Speaker, Sir. Hon. Kiliku is making a very important and serious allegation, that today here in Kenya, in one or two of our tourist hotels, no black Kenyan is allowed to enter or get service. Can he substantiate? If he can substantiate, I suggest that the licence of whoever is running those hotels be cancelled.

**Mr. Kiliku:** Bw. Naibu Spika wa Muda, ukienda Silver Beach hotel na Bahari Club, ikiwa huendeshi gari, na wewe in Mwafrika, huwezi kuruhusiwa kuingia.

*(Applause)*

Ninajua hiyo ni kweli. Kitu kingine, wale watalii wanaokuja huko, wanalipa Dollars kule kwao na wanakuja bila pesa. Kwa nini Waziri hawezi kupitisha ya kwamba, kama kuna pesa za kulipwa, zilipwe kwanza na zifike hapa Kenya kabla watalii wenyewe hawajafika hapa Kenya? Maana yake, wanalipa gharama kule kwao na hoteli zingine hapa Kenya wanadai malipo kwa miezi sita kabla hawajalipwa. Wewe unaweza kuona watalii wako na pesa lakini hawawezi kununua vitu kwa sababu pesa za hoteli, chakula, taxi na kila kitu zimeshalipwa. Hata maji baridi yamelipiwa. Yule mtu anakuja hapa bila kitu. Wewe Mwafrika ukiwa unauza vitu vyako, mtalii akipita hawezi kununua kitu. Hii ndiyo sababu unaona wanabadilisha nguo na sanamu. Katika hoteli, wanatoa saa kama malipo. Wanafanya barter trade, maana yake hawana pesa. Lakini sisi hatutaki saa, hatutaki suruali za wazungu wala hatutaki mashati yao. Tunataka Dollars.

*(Applause)*

Kwanza ninampongeza Waziri Mbela kwa sababu ninajua hii kazi itafanywa vizuri. Papatishwe ya kwamba wale watalii wakija, wawe na pocket money. Sisi hatuwezi kuruhusiwa kwenda huko bila kuwa na pesa, tena wanatuuliza tuko na pesa ngapi. You have to declare how much money you have before you are allowed to enter their country. Kama huna pesa, utarudi. Kwa nini wao hawawezi kuja na pesa? Wanakuja na kufanya barter trade na suruali zao. Ni nani anataka suruali zao?

*(Laughter)*

Bw. Spika wa Muda, ule utaratibu wa kuleta magari makubwa katika viwanja vya ndege, kama Moi International Airport, unaharibu bishara ya wale Wafrika wenye taxis ndogo ndogo. Wawe wakiwachia Wafrika hiyo biashara. Wasilipie taxis zozote. Tuko na Wafrika wa kutosha wa kuendesha taxis hapa nchini.

Kama utalii utaanguka katika nchi hii, Serikali hii ndiyo itauangusha. Na mimi ninasema; ikiwa Serikali yenyewe inaweza kusema inapinduliwa na mtu ati guerilla na bunduki mbili, Mzungu kule yuko anajua kwamba hiyo Serikali haina nguvu. Mtu ambaye ana bunduki mbili anawezaje kupindua Serikali? Kweli, Mzungu ataenda katika nchi kama hiyo? Serikali gani inaweza kupinduliwa na guerrilla wawili? The Government is behind the failure of the tourism industry in this country.

**The Vice-President and Minister for Planning and National Development** (Prof. Saitoti): On a point of order, Mr. Temporary Deputy Speaker, Sir. I think we are very keen to listen to the hon. Member. But his latest remarks appear completely irrelevant to the substance of this Motion.

**Mr. Kiliku:** It is tourism.

**The Vice-President and Minister for Planning and National Development** (Prof. Saitoti): It is not tourism.

**Mr. Kiliku:** Bw. Naibu Spika wa Muda, ukikutana na wale watalii---

**The Temporary Deputy Speaker** (Mr. Ndotto): Hon. Kiliku, what you have said is certainly not in line with the Motion.

**Mr. Obwocha:** No, it is about stability, it is tourism.

**The Temporary Deputy Speaker** (Mr. Ndotto): Order! Hon. Kiliku, I rule that you stick to the debate.

**Mr. Kiliku:** Okay, Mr. Temporary Deputy Speaker, Sir. Juzi nilikuwa na watalii wengine kutoka Sweden katika gari la moshi. Niliwauliza kule wanakokwenda, wakaniambia kuwa siku hizi wanaenda Zanzibar. Wakija hapa Kenya kwa siku moja, wanaenda Maasai Mara, wakitoka huko, wanapitia Mombasa kwenda Sweden. Lakini wanasema kwamba: "Your country is not stable." Nikasema, "This is a very stable country, we have no problem." Wakasema, lakini tunasoma kwenye magazeti kwamba kuna guerilla war. Kuna guerillas huko na inatangazwa na Serikali yenyewe. "We do not know which is which." Waziri awe akirekebisha taarifa kama hizo. Ikiwa hakuna guerillas, msiseme mambo ya guerillas. Lakini wakati wa guerilla ukifika, mtaona guerrilla.

*(Applause)*

Tusionekeane kwamba tuko katika nchi ambako kuna guerillas na hakuna. Hii ndiyo inafanya Wazungu, badala ya kuja hapa, wanakwenda Afrika Kusini, Zanzibar na wanaacha Kenya. Sasa Ukienda hoteli za Mombasa, only 40 per cent of the beds are occupied. Na huyo Waziri anajua hiyo. Hakuna watalii, wala hakuna chochote. Mimi ninashukuru Serikali kwa sababu zamani, watalii walikuwa wakija Mombasa, wengine wanatembea katika barabara za Mombasa wakiwa uchi. Serikali hii ikasema: "We are an African country, na lazima mfuata mila zetu." Watalii siku hizi wanatembea na nguo vizuri. Wanaenda kutolea huko katika beaches. Wanakuwa uchi huko katika maji. Lakini wakitembea sasa, wanatembea kama wamevaa nguo. Katika pahali panapojulikana kama Digo Road, watu wamepitisha kwamba hakuna ruhusa kwa mtu yeyote kuvaa nguo fupi. Ikiwa ni msichana ama mvulana ambaye anataka kuvua nguo, afanye hivyo kwenye bahari la si hivyo, atapambana na polisi.

Kwa hayo machache, naunga mkono.

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

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

*(Question, of the second part of the amendment, that the words to be inserted in place thereof be inserted, proposed)*

*(Question of the second part of the amendment, that the words to be inserted in place thereof be inserted, put and agreed to)*

*(Question of the Motion as amended proposed)*

**The Vice-President and Minister for Planning and National Development** (Prof. Saitoti): Mr. Temporary Deputy Speaker, Sir, I am delighted to make contribution on this Motion and to support it.

The sentiments expressed in this Motion are very relevant to the improvement of tourism in this country, but much more important is the fact that, we must always remember that Kenya, which does have a very diversified wildlife, is one of the very few countries in the world with this natural resource. People who live with these animals are the ones who should be seen as the custodians of these animals on behalf of the rest of humanity for keeping this very important heritage. These people need to continue to be encouraged and given incentive so that they do not exterminate this wildlife for if they were to do so, I believe that the world will stand to lose immensely because then there will come a time in future when it will only appear in the annals of history that there were elephants, lions, cheetahs and other animals and yet there will be no place to see them. So we must, as part of the international community, do everything possible to ensure that our people who live with these animals are given the necessary incentives.

God has been very kind to this country in the sense that the natural resources of this country have been diversified. We have areas in this country where tea, coffee, pyrethrum and other crops are grown. We also have these other places where people have wildlife. That is their coffee, tea and pyrethrum. When we say that it is only areas which grow coffee, tea, horticultural crops that should be recognized for earning the country foreign exchange let us also understand, and be extremely fair here, that those people who take care of these animals make a fundamental contribution to the earning of foreign exchange for this country. This should be understood because tourism today is one of the leading sectors that earn foreign exchange for this country. There would be no tourists coming to this country if indeed these exotic animals were not here and if the people who live with those animals went out killing the animals indiscriminately.

I want to take off my hat for the people of Kenya who live with these animals and who have lived with them for years and who make the rest of the world to come to see these animals in their own natural habitat. These people require to be given incentives. Therefore, this amended Motion, as it reads, does convey a message which is clear to the people. They do not have revenue from coffee, tea and so on, but at least they toil to ensure that the country and the international community gains. They should be given part of this revenue so as to ensure that, their own animals which sometimes are victims of some of the deceases like those caused by ticks, are provided with facilities for dipping them. It is also important that they are also provided with water and I do urge the KWS, I know that they are doing this in a fairly modest way, to come out clearly to be seen to care and recognise the role of the people who keep these animals. They should go out to ensure that they provide water to the people who live with these wild animals and at least to ensure that their animals are kept alive. They should provide facilities for dispensaries, and more important, to assist the people who are there with facilities for education so that their own youth can have education and can be taught the importance of animal conservation. This is important and I think it should continue. I want to share the sentiments which were expressed by an earlier speaker that the county councils in those areas should also be able to share in the revenue. I do realise that this may very well require some amendments to the legislation, but I am sure that when such an amendment is brought here, the House will definitely pass it because it must also enhance the capacity of the various local authorities to give tariffs to those people. On the general topic of tourism, let us know one thing, that tourism has become very very competitive and we will continue to attract a lot of tourism in this country provided certain things are in place. I know hon. Kiliku said that tourists come here and are told that this country is unstable. This country is not unstable at all. Politically, this country is stable. The KANU Government is right here and the President is guiding this country properly. I want to tell Members across the bench that when they involve themselves in politics to place the interest of this nation beyond anything else at all times. Outrageous statements cannot help this country. Outrageous statements will only discourage tourists from coming to this country.

**Mr. Mak'Onyango:** On a point of order, Mr. Temporary Deputy Speaker, Sir. Is Prof. Saitoti not misleading this House to imply that the outrageous statements that have been made have only come from this side of the House, when the fact of the matter is that we have had more of them from that side of the House?

**The Temporary Deputy Speaker** (Mr. Ndotto): That is a point of argument. That is his own opinion. You will give your own opinion when you get the Floor. Proceed, Prof. Saitoti.

**The Vice-President and Minister for Planning and National Development** (Prof. Saitoti): Mr. Temporary Deputy Speaker, Sir, I think for the benefit of the hon. Member, I said in very clear generality that I do not care from which quarters outrageous statements come from. But I was responding to the hon. Member. With those few remarks, I beg to support the Motion.

**The Temporary Deputy Speaker** (Mr. Ndotto): It is your time to reply, Prof. Mzee.

**Prof. Mzee:** Mr. Temporary Deputy Speaker, Sir, hon. Mcharo has requested me to grant him two minutes, so that he can also contribute. I will use eight minutes after he has completed his two minutes.

**The Temporary Deputy Speaker (Mr. Ndotto):** Hon. Mcharo, you have got two minutes.

**Mr. Mcharo:** Mr. Temporary Deputy Speaker, Sir, I come from an area which has always suffered so much from wildlife menace. That is Taita-Taveta. I want, at the outset, to congratulate hon. Mbela for having been appointed the Minister for Tourism and Wildlife. This is because we now think that Taita-Taveta District and the Coast Province in general is now going to benefit more than they have benefitted before.

Mr. Temporary Deputy Speaker, Sir, the Motion as amended is alright. It is saying that the KWS should continue to make funds available for projects. While we agree with that, I want to say that the KWS is giving us a raw deal, particularly in Taita-Taveta and Coast Province in general. For instance this year, KWS promised us that it would give us bursaries to the tune of Kshs1 million. It has not. It has given us only about Kshs600,000. So, while we are asking for a percentage of the revenue collected by the KWS, we are speaking on behalf of the people. This is what the people are talking about. This is because KWS is not keeping its word. It is giving the people who are affected by wildlife a raw deal. So, we are asking the Ministry of Tourism and Wildlife and the Government as a whole, to consider very seriously, decentralising KWS so that it can give funds more directly, particularly to the local authorities, so that they can provide the essential services like education, health, water and so on.

With those few remarks, I thank Prof. Mzee for the two minutes he has given me.

**Prof. Mzee:** Mr. Temporary Deputy Speaker, Sir, I beg to reply.

But before I reply, I would like to thank all those who contributed. These are Dr. Kituyi, hon. Sunkuli, hon. Ndubai, hon. Boy, hon. Kisiero, hon. Ndicho, hon. ole Ntimama, hon. Kiliku and mostly, the Vice-President, Prof. Saitoti, who rarely contributes to private Motions in this House. But this Motion was so important that he thought he should contribute to it.

Mr. Temporary Deputy Speaker, Sir, in replying, I would like to dispel the notion which was put forward by hon. Sunkuli, that there are certain aspects of Legal Notice No. 9, which I am sure he did not read. Legal Notice No. 9 is entitled: The Wildlife Conservation and Management Act, Cap. 376. In Section 4 of that Legal Notice, it says:

Daily fees for entry into marine parks or marine reserves for any person aged 18 years and above will be Kshs100 for a Kenyan and US\$5 for non-Kenyans, and it is (b) and (c) for others.

But also, Section 5 says:

Fees for annual swimming parties in marine parks and marine reserves shall be Kshs4,000 per person.

Anybody who wants to use the beach to swim has to pay Kshs4,000 per person per year. Number 6 states:

A mandatory conservation and entry fee of US50 cents, that is, half a US Dollar, per night, shall be payable for multiple entry into the respective marine national parks and reserves neighbouring hotels by all non-resident guests as accommodated in hotels that have special arrangement with KWS for that purpose.

Therefore, the KWS receives half a dollar per person per night from non-residents. Therefore, this is true.

The other thing that I would like to comment on is about sex tourism. I would like to thank members of the Press for exposing it. Sex tourism has become quite an important thing, especially in the developing countries. I am very glad that they have exposed it and it should be banned. We know that sex tourism in this country is organised by big people. It poses a lot of problems.

Mr. Temporary Deputy Speaker, Sir, to continue with my reply, I would like also to point out that at the beach, we have a large number--- I would like to congratulate the newly appointed Minister for Tourism and Wildlife. I am sure he will do a very good job. He will read all the Legal Notices before he signs them.

The game wardens at the beach are dressed in military fatigues and carry guns. They do not require to wear military fatigues and carry guns on the beach. They should be dressed more decently rather than being dressed like they are in the bush. Because they dress like they are in the bush, they behave as if they are in the bush. They are very impolite, they confront people and sometimes, they threaten to shoot them. There are no wild animals at the beaches, and they do not require guns. The Minister should consider changing their dress into a more decent one, which is fitting to the beach.

I would also like to say that the previous Minister was mis-informing the President, by telling him that everything is okay with tourism. The present Minister knows very well that not everything is okay with tourism. The tourism industry has dropped down by 40 per cent in 1996. Positive input has to be put in. We should promote our tourism. I was in overseas last time, and every time I switched on a TV in London, I heard about tourism being promoted in South Africa and Tanzania. There was no single day I heard about tourism being promoted in Kenya. I think we should have more of that. This is being left to the private tour operators overseas, to promote tourism in Kenya. They produce millions of our brochures and they cost a lot of money. But we also need to promote tourism.

If we do not promote tourism, then no tourists will come to our country. All I heard during the period of two weeks that I stayed there was negative publicity against Kenya. This has to be corrected. The Ministry of Tourism and Wildlife should act effectively to promote tourism. At the present time, people like Mr. Nagib Balala are doing local promotion. What we need is promotion overseas. The tourists come from overseas and not from here.

Also, I would like the Minister to look at this Legal Notice No. 9. We will not comply with it. No local person or Kenyan will ever pay Kshs4,000 to go and swim on the beach. We are totally opposed to this. I do not think the former Minister, hon. Ngala read this Legal Notice before he signed it. This is because I do not think he would have agreed that the local people should pay Kshs4,000 merely to go and swim in the beach. I am urging my people at the Coast to completely ignore it. They should go and feel free to swim on the beach without paying a single cent. I will go and swim on the beach and I will not pay a single payment. I am prepared to be shot by those guards carrying guns and wearing military fatigues on the beaches. This is a reasonable thing to ask for. I will go there and swim without having to pay a single penny for that purpose.

I would like also to say there is a serious crisis in the tourism. Hotels have been closed. There is a company which is called Franco Roso. It has closed all its concerns in Kenya and they have opened up business in Mexico. We all know that it takes three years to build tourist hotels, three years to promote it and so on. If people pull out and go to another country, it will take us another ten years before we realise any income in this country. There is a crisis in the tourism sector. For instance, Franco Roso has closed down its business. Frank Roso is the biggest tour operator. They have closed down their two hotels in Malindi and shifted to Mexico. They closed them because their bed occupancy went down by 30 per cent. This is very serious. Another reason is that the former Minister had allowed aircraft to land at Malindi Airport. These are aircrafts bringing in the tourists from the overseas, then suddenly he stopped so that aircraft were informed in the air that they could not land in Malindi. Malindi is an important tourist centre. If Boeing 744 aircraft can land there bringing in tourists directly from overseas, then they should be allowed to land there without any second thought.

With these few words, I am very happy that this Motion has received support from everybody and I am very grateful. Thank you.

*(Question of the Motion as amended put and agreed to)*

*Resolved accordingly:*

THAT, since Kenya Wildlife Service collects large amounts of revenue from tourists staying at the Coast hotels in form of fees for visiting marine parks, this House urges the KWS to continue make available part of this revenue for improvement of education in the region of collecting the collection.

#### REVIEW OF LAND ACT

**Mr. Mak'Onyango:** Mr. Temporary Deputy Speaker, Sir, I beg to move the following Motion:-  
BEING aware of the acute shortage of land in our urban centres and the negative effect this has to development; concerned over the indiscriminate manner in which land, public utility land included, has been allocated within these centres in the last five or so years, this House resolves:  
(i) that the Government Lands Act Cap.280 of the Laws of Kenya be immediately reviewed;  
(ii) a Land Commission be established with branches at district level and its membership to include Parliamentary and civic leaders in order to eliminate the current abuse in land allocations.

The object of this Motion is to enable this House or to accord this House an opportunity to focus attention on what has become a big problem in this country.

Land, as we all know, is the root cause of corruption in high places, conflicts among the communities and wars among nation. There is no secret about this, if you look back to history you will find that a lot of conflicts that we have had between communities, the wars we have heard had to do with land in one way or the other.

The land problem is the most explosive issue in Kenya today. The truth of this is readily available in any of our urban centres, that is in Nairobi, Mombasa, Kisumu, Eldoret, Nakuru, Thika and a host of others.

Mr. Temporary Deputy Speaker, Sir, there is no single urban centre in this country today, that is not affected when it comes to issue of land grabbing. When I say that we have problems in our urban centres, there is no secret about it. For example, here in Nairobi, if you talk of Ngong' Forest, Karura Forest and so on, you realise that these forests are part of our national heritage. They are unique provisions of nature in these urban centres, which should be jealously preserved for the wealth of our future generations.

But Mr. Temporary Deputy Speaker, Sir, the current generation is clearing these forests. As I have said

earlier, irresponsible management, or allocation of land in urban centres has to do with the problems we have today. Karura Forest is being dished out on a scale that boggles mind and it is time that this House takes appropriate steps to do something about this problem. Otherwise, very soon, we are going to be left without this forest and Nairobi will no longer be a City in the Sun or a green City as it were. So, this is part of the problem that we have to address.

The problem of land grabbing as it were has reached alarming proportions. It is no longer a secret that in virtually every urban centre, we no longer have land for development, because all the land has been grabbed or illegally allocated. Let us take Kisumu as a case in point. Not very long ago, I did raise a Question as to what was the position with regards to public land in Kisumu, and this was with regard to certain plots within the Council. Out of the 15 public plots that had been allocated, we were told that nine of the plots had been allocated to members of one community. Those people are not local residents of that town. Three of the plots had indeed, been allocated to the local residents, and three others had also been allocated to members of yet another community, who are not local residents. I have just observed earlier on that land is an explosive issue. There are these trigger happy people who have the money and who are using it to acquire this land at the expense of the local people. Time is going to come when these local people, who are being deprived of the right to own this essential commodity within the vicinity, would rise up in arms.

Mr. Temporary Deputy Speaker, Sir, it is the responsibility of this House to take appropriate steps so that that day does not arise.

This Motion asks for the review of the Lands Act Cap 280. Under this Act, you find that too much power is vested in the Office of the President. The President is a busy man and he has no time to really scrutinise some of the approaches that are made with regard to land allocation. This is why I feel that, some of these powers should be repealed so that they should be vested in some kind of institutional framework, so that all the land allocations will all the time be looked into or be addressed in a collective form rather than an individual form. This also applies to the Commissioner of Lands, because many of the irresponsible allocations we have had have been issued out or have been done as a result of the powers or too much powers being vested in the Commissioner of Lands.

Mr. Temporary Deputy Speaker, Sir, through this Motion, we are calling for the establishment of a special commission. It could be called the Kenya Lands Authority or the Kenya Lands Commission, but let us have a body or an institution which will spread down to the district level and below and be responsible for the regulation, control and other related activities when it comes to the question of land. I am, therefore, advocating for the establishment of a Kenya Lands Commission to take charge of land allocations, land use and other related matters to avoid the present situation in which these powers are overly or vested in the hands of the President or the Commissioner of Lands; offices which have been misused when it comes to land matters. Let us have a situation or an arrangement under which all land matters will at all times be dealt with through an institution and not an individual.

Mr. Temporary Deputy Speaker, Sir, we have also seen numerous cases of misuse of office. We have several national bodies or State Corporations which have out stepped their responsibilities especially on matters of land. I have in mind among others, the question of the National Social Security Fund. It was only the other day that this House was told of NSSF having spent a colossal Kshs10 billion on purchase of land. The mandate of NSSF is to provide for the welfare of the contributors. I do think speculation on land and related matters are definitely, not the mandate of NSSF. The National Social Security Fund had better devote or commit the funds it collects from the contributors, in other areas that would be more beneficial to the workers and to the contributors. Here I have in mind something like a bank. Since it costs only Kshs75 million to establish a bank, NSSF would be serving contributors better if it had a workers bank that can be able to advance loans and other credit facilities to workers on concessionary basis rather than utilise much of the workers' funds or contributors' funds in acquiring land.

Mr. Temporary Deputy Speaker, Sir, I have also talked of the present state of affairs in which this Act of the laws relating to land have not been used in a manner as to facilitate development and other requirements of this country. The trend of land grabbing in this country impairs development. I have in mind a place like Kisumu where there is no longer land available for any development activities. If an industrialist was to come today and had several billions of shillings to invest, the likelihood is that, he is going to be told, yes, you may have your billions, but there is no land. Because, if somebody has readily available money and then he is told that there is no land and ordered to wait for a year or two before the land is made available for him to go ahead with his investment, the likelihood is that such an investor would run to some other place where land is readily available than wait for two to three years.

So, this habit of land grabbing has totally impaired development and something should be done about it. Now, when I speak of land grabbing, it is not just empty talk. A lot of institutions have been affected because much of their land has been grabbed. For example, in Kisii, we have what we call Nyanza Research Station which is based. There was land provided for future expansion of this particular centre. All the land that had been spared for future expansion has since been grabbed. I have a list here which was presented here by none other than an Assistant Minister for Lands and Settlement, which showed us that the land which had been set aside for Nyanza Research Station has since been

allocated to *Jua Kali* Nyayo Shades, Esaba Saw Mills; these are local interests. It was also allocated to a doctor by the name C.G. Otara, who received 1.8 hectares and a Mr. B.M. Okemwa who received 0.55 hectares, a Mr. Sospeter Arasa who received 0.8 hectares, a Mr. A.J. Omanga who also received 0.8 hectares and a Mrs. Loice Moraa, who received 1.35 hectares of land and a Mr. Lawrence Sagini who received 0.84 hectares, a Mr. J.B. Kangwana who received 2 hectares and a Mr. G.M. Asanyo who received 1.3 hectares and G.M. Asanyo who received another 0.5 hectares. M/S Sansora Oil Factory received 2.0 hectares, a Dr. Zachary Onyonka, 0.4 hectares and so on and so on.

Mr. Temporary Deputy Speaker, Sir, that is not all. I have here with me communication or letters which have come from none other than the Ministry of Lands and Settlement in Kisumu. There is land next to Kisumu Airport which one would have thought should have been spared for future expansion of the airport. Not only that, this land was being used by none other than the Ministry of Public Works and Housing. This land is Block 2/111 and has since been allocated, illegally, to M/S United Millers Limited. Now, to show that this land was illegally acquired, this letter from Kot Prop Consultants is asking the Ministry to move out of the land so that the new owners of this land can take over the land. And here is a letter from the Ministry and, I think it is none other than from Eng. F.T. Akute which says:

"I refer to the letter dated 25th May, 1996 from M/S Kot Prop Consultants addressed to this office and copied to you among others concerning the above subject. I have gone through my records, but there seems to have been prior consultations with this office before allocation of the plot was made to the private developer for industrial development".

This and many others are instances that show very, very clearly the extent to which land grabbing has become a menace to the detriment of the future of this country. Still in Kisumu, the land which had been preserved for the construction of the Marine Park Land and a Marine Police Station, and the like, has been grabbed. That, again, goes to show how land grabbing has become a disease in this country. The Eldoret Police Station land has since been grabbed, and so has been the District Commissioner's office land. We need land next to the City mortuary, but it is known in this House that already a Mr. Benjamin Kipkulei is putting up houses there, thereby denying the City Mortuary room for future expansion so as to address the increasing problem in the City about the lack of storage space for dead bodies.

With those few remarks, I beg to move, and ask hon. Obwocha to second the Motion.

**Mr. Obwocha:** Thank you, Mr. Temporary Deputy Speaker, Sir, for giving me this opportunity to second this Motion. It is a very important Motion but, unfortunately, its subject has been abused by very many people in this country. As we know, there is an acute shortage of land in most of our urban areas. But with this shortage we still have Kenyans who are very thirsty for this very scarce land. This Motion is asking for the review of the Government Lands Act, Cap 280 of the laws of Kenya. We have said in this House year-in-year-out during debates on Public Investment and Public Accounts Committees' Reports that the Ministry should come up with the review of this Act. However, up to now the Minister has done completely nothing about this Act. As a result, people continue to abuse Government land and houses.

I do not intend to touch on matters that may be before the Public Accounts Committee, but previously the Government had allocated houses and land to individuals without following the proper procedures. First, as you know, if the Government wants to dispose of a house that stands on a plot whose value is Kshs200,000, it must seek approval from the Treasury. Those concerned have never sought any approval from the Treasury for land and houses which they have allocated to individuals. This has, particularly, been the case in the allocation of Government land and houses in the Kileleshwa, Upper Hill, Lavington and other areas of Nairobi.

Secondly, there is requirement that before Government land is allocated there should be a Sessional Paper to inform Parliament that the Government intends to dispose of, or allocate to individuals, certain properties. What we currently have are grabbers and defectors who go to Stated House - I do not know what route they take - for the green signature so as to acquire Government land.

Mr. Temporary Deputy Speaker, Sir, I would be surprised that pieces of land that have been allocated to individuals do not include major areas like Parliament and even State House; but not disclosed to the Committees of this House dealing with those issues.

I do not want to touch on what hon. Mak'Onyango as the Mover had said. But the allocation of the Nyanza Research Station based in Kisii is a very sad matter because I have even a paper here which was written to the Ministry, the DDCs in Kisii and Nyamira districts by the centre director, Mr. H.H.A. Mulamula, who was in charge of the KARI research station in Kisii, advising that the killing of this research station in Kisii would deny the small-scale farmers a chance to participate in the development, transfer and evaluation of new technology and yet these people went ahead and allocated this land to very influential people in Kisii. I am very surprised that the leading Ministers from Kisii are both involved in this deal and in that case, they are culprits.

I also want to touch on an issue where land has been given out whereby the Assistant Minister for Lands and Settlement, who is listening here, is one of the beneficiaries. This land was given out in Kitale. It was a piece of land

belonging to the department of Prisons. It was given to a company called Kaptich Limited. This company, in the guise that it was acquiring it from the prisons, sub-divided it to 31 top Government officials from one ethnic community. This is common knowledge because it is contained in the *Kenya Gazette* of 21st December, 1990. They were exempted by the President from the Lands Control Act. In other words, they refused to go and appear before the Lands Control Board to give certain information on this land and I wish to table that list here.

*(Mr. Obwocha laid the list on the Table)*

If you were to read that list, it is like who is who in this World, including people like Hosea Kiplagat, who are managers of this bank and the Assistant Minister who is listening here. You should tell us how you grabbed this land.

**The Assistant Minister for Lands and Settlement** (Mr. Sumbeiywo): On a point of order, Mr. Temporary Deputy Speaker, Sir. I think it is not in order for hon. Obwocha to imply that, that land was grabbed. The land was bought from individuals and money was paid by those people whom you have mentioned. So, it is not true and you are lying to this House. It is not in order---I withdraw the word lying. I am saying that he is misleading this House by implying that the land was a Government Land. The land belonged to Dr. Njoroge Mungai who was once a Minister here. It was bought by those individuals.

**Mr. Obwocha:** I would be very happy if he provides the information because he has been given LR No.8994/5 comprising of 36.71 hectares, that is about 90 acres in Kitale Municipality. It is written here, Kitale Municipality.

We are not here to malign anybody. All we want is more information as to how you acquired this land in Kitale Municipality. That is all we are asking. This country is entitled to that information.

**Mr. Moiben:** On a point of information, Mr. Temporary Deputy Speaker, Sir. I think the hon. Member is confusing two issues here. Kaptich farm is about 40 kilometres from Kitale. That cannot be the Prisons farm. Hon. Obwocha has got his facts wrong. I am informing him in good faith.

**The Temporary Deputy Speaker** (Mr. Ndotto): Order! It would appear that hon. Obwocha, you did not do your research properly? It looks like you are posting names against the wrong land.

**Mr. Obwocha:** This document is a Government document. It is in the *Kenya Gazette* and I have even said the number. If I read No.5, Elijah K. Sumbeiywo, LR No. 8994/5 comprising of 36.71 hectares situated---

**Mr. Kariuki:** On a point of order, Mr. Temporary Deputy Speaker, Sir. I do not think the hon. Member is right to continue reading from that piece of paper because land ownership cannot be exempted by the President. But it is only land in the rural areas where foreigners are involved.

*(Question proposed)*

#### ADJOURNMENT

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

The House rose at 12.30 p.m.