

NATIONAL ASSEMBLY

OFFICIAL REPORT

Wednesday, 22nd May, 2013

The House met at 9.00 a.m.

[Hon. Deputy Speaker(Dr. Laboso) in the Chair]

PRAYERS

COMMUNICATION FROM THE CHAIR

APPRECIATION FOR SUPPORT ACCORDED DURING DEMISE OF REBECCA CHEBET LABOSO

Hon. Deputy Speaker: Hon. Members, I want to take this opportunity to thank all of you for the support that you accorded me during the demise of my late mother, Rebecca Chebet Laboso. I want to thank the Speaker, first of all, for breaking tradition and making a formal announcement here in Parliament and the subsequent support that all of you accorded me during the preparation and even the final laying of my mother in Sotik. I want to say this on behalf of the Laboso Family, friends and relatives and anybody who was concerned with my family.

Thank you.

QUORUM

Hon. King'ola: On a point of order, hon. Deputy Speaker. Is there quorum?

Hon. Deputy Speaker: Can the quorum bell be rung so that we can decide whether we can start our Session or not.

(The Division Bell was rung)

Hon. Members, we now have quorum so we may now continue.

NOTICES OF MOTIONS

ADJUDICATION/ ISSUANCE OF TITLE DEEDS TO SQUATTERS IN COAST REGION

Hon. Mustafa: Hon. Deputy Speaker, thank you. I beg to give notice of the following Motion:-

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THAT, aware that the land tenure in the coast region has historically been a contentious issue; further aware that huge tracts of land are owned by absentee landlords and many households in areas such as Vipingo, Kikambala, Mtwapa, Majengo and Shariani in Kilifi county are living as squatters on the land; concerned that this issue hinders sustainable development since the poor are likely to engage in unsustainable resource use practices in an effort to meet immediate survival needs; this House urges the Government through the National Land Commission to register, adjudicate and issue title deeds to all squatters residing on the lands owned by government, all absentee landlords, ancestral and all other community land that has not been adjudicated.

CONTROL OF FLOODING AND COMPENSATION
BY TARDA / KENGEN

Hon. Wario: Hon. Deputy Speaker, I beg to give notice of the following Motion:-
THAT, aware that the heavy rain experienced across the country has caused flooding in many areas such as Tana River; concerned that the Tana and Athi River Development Authority (TARDA) and the Kenya Electricity Generating Company (KenGen) have been draining water from their dams to River Tana; deeply concerned that people living downstream have been displaced, property destroyed and loss of livelihood following the artificial flooding occasioned by these two government agencies; this House resolves that TARDA and KenGen to immediately stop draining water from their dams to River Tana, come up with a mechanism to control the flooding and consider compensating the people who have been affected.

Hon. Deputy Speaker: Hon. James Wandayi.

MEASURES TO CURB IRREGULAR
PAYMENTS BY GOVERNMENT

Hon. Wandayi: Hon. Deputy Speaker, I am James Opiyo Wandayi, Member of Parliament for Ugunja. I beg to give notice of the following Motion:-

THAT, aware that the Goldenberg saga almost brought the country's economy to its knees through false compensation claims on fictitious export of gold and diamonds; noting that the taxpayers lost about Kshs5.8 billion that is documented so far; further aware that a judicial commission of inquiry set up to probe the matter established impropriety on the part of Goldenberg company and its architects; noting that the report of the judicial commission of inquiry has not been acted upon conclusively to date; further aware that the Kenya public continues to bear the burden of old and emerging claims arising from the Goldenberg and related schemes; this House urges the Government to put in place measures to ensure that no further irregular payments are effected in regard to such schemes to avoid further loss of public funds.

Thank you.

Hon. Deputy Speaker: I see no further requests. Order, hon. David Bowen! Do you have a notice of Motion?

Hon. Bowen: Yes, hon. Deputy Speaker.

Hon. Deputy Speaker: Which has already been skipped?

Hon. Bowen: Yes, hon. Deputy Speaker.

Hon. Deputy Speaker: Please, let us learn to use the technology. I need to see your name here so that I can call upon you. Okay, go ahead. Just press the button.

LIBERALISATION OF POWER DISTRIBUTION

Hon. Bowen: Hon. Deputy Speaker, I beg to give notice of the following Motion:-

THAT, aware that Kenya as East Africa's largest economy remains a minor electricity supplier with a low penetration of about 15 per cent; concerned that Kenya Power as a strategic national agency appears to be grossly inefficient in its operations, still having 85 per cent of the population unconnected and facing a fast growing population of 3 per cent annually; also noting that power outages and surges have become the norm especially on the onset of long rains sometimes causing electrical faults that result in fires and loss of property which is never compensated by Kenya Power; and further concerned that Kenya Power has portrayed a lackluster approach in handling the customer complaints which leaves the customers disadvantaged due to lack of alternatives in electricity provision; this House urges the Government to liberalise power distribution thereby breaking the monopoly of Kenya Power in order to encourage competition, improve efficiency and reduce the cost of power. That Kenya Power to offer compensation to those who have encountered fires and loss of property due to power outages and surges.

Thank you, hon. Deputy Speaker.

Hon. Deputy Speaker: Thank you. The chairmen and chairladies of committees should note that we do not have Ministers to respond to Motions in the House. So, you are the people who will be responding to these Motions. So, whenever a Motion comes up that is related to your docket, be aware that you will be the one responding to that Motion.

Next Order.

MOTION

WRITE-OFF OF PARASTATAL LIABILITIES

THAT, aware that over 90% of the raw materials for the agro-based parastatals such as Nyayo Tea Zones, sugar and cotton factories comes from rural farmers residing in counties; noting that the farmers produce all the inputs but do not receive any benefits from their activities; deeply concerned that county governments are likely to face numerous financial challenges due to limited sources of revenue; this House urges the government to write off all the liabilities of these parastatals and hand over the management of the same to the county governments to form part of the income generating activities for the respective county governments.

(Hon. Koyi on 15.5.2013)

(Resumption of Debate interrupted on 21.5.2013)

Hon. Deputy Speaker: Hon. Waluke, I thought we were concluding this Motion if I remember correctly. Were we not in the process of concluding?

Hon. Koyi: Yes, hon. Deputy Speaker.

Hon. Deputy Speaker: I think hon. Mbadi had a balance of four minutes. Proceed, hon. Mbadi.

Hon. Ng'ongo: Thank you, hon. Deputy Speaker. I think four minutes will be enough for me. Just like I was saying yesterday, I rose to support this Motion and my main reason for supporting the Motion was based on the fact that the Constitution spells out the functions of each level of Government – county government and national Government. The agriculture function is actually a function of the county government. I remember that many of us had reservations about this Motion as to whether county governments would be inheriting inefficiency but I think the best thing to do is to have a structured way of transferring the agro-based parastatals to counties. We need to come up with a policy issue which has to be developed at the national level on how to manage and restructure for efficiency. However, this is just a Motion and since the Bill will be coming up, I would urge my colleagues to indulge the Mover of this Motion and support it with a view to looking at it in a wider perspective when we finally get to develop a Bill to actualize it.

Hon. Deputy Speaker, as I conclude, I just wanted to make some remarks which hon. Members have talked about and which is public debate; the issue of the Constituencies Development Fund (CDF). I have heard many people and even the Commission on Revenue Allocation (CRA) has even written to the Budget Committee of Parliament trying to allege that this Act is unconstitutional and one of the reasons they give is that the role of Parliament is supposed to be legislation and oversight. I do not know why we are forgetting that there is the additional role of Parliament, that is representation. They are deliberately leaving out that role and just restricting it to legislation and oversight. If you go to the dictionary, the word “representation” in simple terms means acting on behalf of someone and if you are acting on behalf of your constituents who elected you then it means you have to participate in development. You have to participate in asking and knowing the priorities that are supposed to be implemented and, therefore, you cannot divorce a Member of Parliament from development activities. It is just impractical and it is even against the spirit of the Constitution. I actually participated very actively in coming up with Chapter 12 of the Constitution and even more actively in coming up with the Public Finance Management Act and I know there is absolutely nothing unconstitutional to set up a fund. The Constitution allows Parliament to set up any fund any time.

Hon. Deputy Speaker, in conclusion, let it be known that CDF is not only implementing functions meant for county governments. Take the case of education and you will find that county governments are only given the role of pre-primary education. That is basically nursery and pre-unit. If you are developing a primary school in your constituency it is not the function of the county government. If it is a secondary school, it is not the function of a county government. Where will we get money to put up secondary

schools and primary schools? The governors have no control over those ones. Let these people read the Constitution. Let us not be emotional. In fact, I have been supporting my friend, Cheserem so much. I like him as a man but I wonder where he gets his interpretation of the Constitution. Let him restrict himself to helping us come up with the best way of distributing resources in this country. That is what his mandate is. Let him not get involved in so many activities to an extent that now it clouds his work. That is what has messed Nyachae. Now Nyachae does not know what he is doing. In fact, if you ask the Commission for the Implementation of the Constitution (CIC) what they plan to do with this issue, they do not know. They guy talks about everything against him in the world.

Hon. Deputy Speaker: Your time is up, hon. Mbadi. Now, I thought we were at the point where we had called the Mover to respond on this Motion so that we can move to the next Motion and I think you donated your minutes. Who was the Mover of this Motion? Hon. Waluke was the Mover of this Motion.

Hon. Koyi: Thank you, hon. Deputy Speaker. I wish to take this opportunity to thank all the Members who have had a chance to contribute to this important Motion. I also thank those who did not get time to contribute. Not all of us could have contributed to this Motion because of the time limit.

I want to urge this House that through this Motion, we are not trying to kill parastatals, but we want to put them under the management of the county governments where we all belong. This country has no space for impunity and the days when Motions were passed by this House and were never implemented by the Government are gone. Under Vision 2030, we would like to see all the counties in our country at 60 per cent self reliant economically. They should not rely much on the Government.

Hon. Deputy Speaker: Hon. Waluke, I know you are a new Member, but I hope you are aware of the Standing Order concerning reading of notes when you are contributing. You can refer to them.

Hon. Koyi: Hon. Deputy Speaker, I referred to the notes when holding the paper. This House has no space for impunity. Days when Motions were passed in this House and never implemented are gone. I expect nothing short of implementation of this Motion in totality by the Government.

For those who did not understand the Motion, we are not trying to uproot, for instance, tea. Some Members were talking of tea being uprooted. I did not propose to uproot the tea plants. They will remain there, but I propose that we take the resources to the counties. Some Members thought that if we moved the resources to the counties, other counties will feel bad and that is why they are opposing the Motion. I never meant that we should uproot the forests.

I beg to move.

Hon. Ng'ongo: On a point of order, hon. Deputy Speaker.

Hon. Deputy Speaker: Hon. Mbadi, if you are not satisfied with the Speaker, then you know the rules. You stand up and we see if we you can get the requisite number!

(Question put and negatived)

MEASURES TO CURB POACHING

Hon. Ganya: Hon. Deputy Speaker, I beg to move the following Motion:-

THAT, aware that over 600 pieces of ivory worth Kshs100 million were intercepted at the Port of Mombasa in March, 2013, headed for Indonesia; concerned that more than 1000 elephants have died in the last 3 years; aware that the Government declared poaching in the country a disaster; noting that a pound of ivory can now fetch more than 1,000 dollars in the black market, and as result tens of thousands of elephants are slaughtered across Africa; also aware that the Far East, and China in particular is a market hub for poached ivory; further concerned that over 211 elephants were poached in 2011 alone, with 384 elephants poached in 2012, and another 74 elephants lost since the beginning of 2013; deeply concerned with the negative impact this will have on the tourism industry in particular and the entire economy in general; this House urges the Government to tighten the measures in place for curbing poaching by increasing the number of game rangers deployed to the game parks and by coming up with more punitive measures to deter poaching.

In 1973, Kenya had 167,000 elephants. In 1989, it was reduced by poachers to 6,000. During the same period, our rhino population in this country was 20,000. It was reduced to less than 3,000 rhinos during the same period. Through Government measures and commitment from the international community, this trend was reversed. Today, this country has 38,000 elephants, the fourth largest population in the world. Also, it has about 1,025 rhinos, which is the third largest population on earth. This population of the elephants and rhinos needs to be protected as our national heritage as well as a major driver of our economic pillar for the tourism sector if we are to realize our Vision 2030. The demand for ivory and rhino horns is currently very high in South East Asian countries, where particularly in China, ivory horn is very high on demand while in Vietnam, the rhino horn is very much in demand. The current poaching situation in Kenya is very pathetic. In 2007, we lost 47 elephants, in 2011; 211 elephants; in 2012, 384 elephants and in the last four months of this year, we have lost 74 elephants. In the last three years we have lost a total of 1000 elephants in this country. The criminals involved in poaching are highly organized, sophisticated and of international nature.

Hon. Deputy Speaker, the black market for ivory trade is conducted through cyber space which is hard for the police. According to the International Fund for Animal Welfare (IFAW), there are 17,847 elephant products posted on 13 websites in china alone. You can imagine how rampant it can be in other parts of the world.

There are many drivers for poaching in this country. The first is the rising prices of ivory and rhino horns due to high demand both locally and internationally. In addition, a band of ivory can now fetch over US\$1000 in China. There is also a glowing affluence, an economic growth in East and South Asia, where these products are in high demand. In our own country, there is a growing population of Chinese and people of Far East decent where the demand is high locally.

The other major driver is the position of Southern African Development Community (SADC) to down list elephants from Appendix 1 to Appendix II with the aim

of trading in ivory stock. In addition, our conservancies, the private and public conservancies lack the capacity to effectively handle poachers, particularly armed gangs and criminal networks.

In this region also there is proliferation of small firearms which are highly abundant in the black markets. There are major impacts at our economy and to all fabrics of our nation. The major impact is the environmental and conservation cost. This is loss of key wildlife species, as well as general environmental degradation. In terms of economic cost, it will reduce revenues, from reduced taxes, fees as well as tourism earnings. In addition, it will generally reduce economic growth due to unreduced livelihood options and as well as reduce economic potential of this great nation.

Hon. Deputy Speaker, poaching is also threatening security due to the armed nature of poaching and financing of criminal groups which are inter-racial in nature. Poaching also leads to an entrenchment of dangerous trans-national organized crime networks similar to drug cartels which are other terrorist networks.

Hon. Deputy Speaker, the major problem is our laws. Cap.376 is actually facilitating poaching; it is an archaic legislation which cannot deter poaching at all. For example, there is a case recently where a Vietnamese en-route to Bangkok was arrested on 7th April of this year at Jomo Kenyatta International Airport (JKIA) here in Nairobi. The case was heard at Makadara Law Courts; the accused arrived from Benin on his way to Bangkok on Kenya Airways. The ivory he was carrying weighed 33.6 kilogrammes and was assessed by our experts at Kenya Wildlife Service (KWS) and it was found to be worth Kshs5.7 million. The ivory was concealed in a flower vessel, a clear indication that the fellow knew what he was doing was illegal.

Hon. Deputy Speaker, the lawyer of the accused argued that the guy had no idea of what he was doing and was merely a tourist. The fellow was carrying ivory worth Kshs5.7 million. The man was made to look like somebody who had no idea and that he was a tourist on transit. Our law does not really deter poaching in any way. The accused was treated like a very innocent child; a traveller and a victim due to poor policies of this nation. This illogical line of argument even swayed our magistrate to a level whereby he argued that since the ivory was not bought in this country, it was not a Kenyan problem. Since the law in this country does not take into account the origin of that ivory, the accused actually got away with that crime. The accused who admitted to the crime was only fined Kshs40,000 while the ivory he was carrying was worth Kshs5.7 million, according to experts from KWS. This is why it is so critical for us to amend that law, I have already done the amendment to Cap.626 with the assistance of the legal department and I hope this House will pass it because this is one major fix we can do right away to curb poaching.

Hon. Deputy Speaker, there is a problem where KWS, which is the main organ responsible for safeguarding or who are the real stewards of wildlife; some of the employees are said to engage in the trade and are in accomplice with the poachers. There are cases where some of them have been arrested, arraigned in court and some have actually been fired from the service. Also those registered with private wildlife conservations are linked to poaching of elephants and rhinos; these are wildlife sanctuaries.

There is a recent example where the Deputy Director of Amboseli Trust for Elephant, Susan Solie and her son Robert were charged for being in possession of 19 Kilogrammes of Ivory. In addition, another conservationist Dan Kaki has been implicated in stealing rhino horns from Ol Pejeta Wildlife Sanctuary strong room. This case is still being investigated by the police to date. The way the situation is, who will watch the watchers, KWS and managers and wildlife conservation? This is where we need to have better regulatory framework and better conservation policies so that even the watchers; those who have been entrusted to safeguard and make sure that our wildlife is safe are also fully regulated.

Hon. Deputy Speaker, the National Economic and Social Council (NESC) which is the Government advisory body deliberated on this issue of poaching and came out with very careless resolutions. They were committed, full force of the law, to end the threat facing our elephants and rhinos. They acknowledge that elephants and rhinos are Kenya's national heritage and treasure. That elephants and hippopotamus must be put in their own intrinsic rights and also to secure our economic potential in tourism in the Vision 2030 as one of the major pillars. They argued that illegal killing of these animals and other species should be reviewed and spotted as economic sabotages. This is because it was a great fate to Kenya's indigenous results whereby tourism is a major contributor to national economy.

Hon. Deputy Speaker, let me give the way forward. The first thing to do is to ensure that these criminals do not use our seas and our airports to traffic illegal ivory and rhino horns. We need to make our penalties punitive by having these criminals jailed for a period of not less than 15 years with no option of fines; or get fined not less than Kshs10 million or both and that is really the way to go.

Hon. Deputy Speaker, our country has been labeled as gang of eight that promotes ivory trafficking by cites. Others include; Uganda, Tanzania, Vietnam, Malaysia, Philippines and China. It is a shame. Kenya has become the second largest transiting country for illegal ivory in Africa, second only to Tanzania. Yet at one time we were seen to be a leader in terms of conservation, globally. Act 376 must be reviewed because it is not as deterrent to poachers as it is. We need to overhaul the Act. We also have to finance KWS and its various units so that we are able to follow the poacher and get information on their activities.

Hon. Deputy Speaker, this trend must stop so that this country can reclaim its glory and its fame as one nation which actually promotes conservation. These amendments and fines, if they happen, will be in tandem with other countries like South Africa has have very good penalties, even much stiffer and punitive than the ones we are proposing through the Bill which I am bringing to this House any time. The rhinos' horns are poisoned and those who consume them are healed. The poison is fatal in nature but if it is treated with the horns, it heals nausea, vomiting and diarrhoea. Such drastic measures, coupled with the stiff penalties I am proposing, will enable the Government to not only protect wildlife but also generate a lot of revenue, which we need so badly for development.

Hon. Deputy Speaker, Kenya is one of the most popular tourism destinations in the world, attracting millions of tourists annually. This country recorded a tourism growth rate of 15 per cent since 2009. Kenya recorded a total of 1,095,945 tourists in 2010 alone,

the highest figure ever in this country. This figure is likely to grow in the next few years. However, if we do not take necessary measures to deter poaching, this figure can also go down. That is why it is very critical for the Eleventh Parliament to review these laws, particularly Cap.376; with a view to introducing stiffer penalties on poaching. That is the only way our tourism goal under Vision 2030, of receiving at least two million tourists annually, can be realised.

With those remarks, I beg to move and ask the Member of Parliament for Butere, hon. Andrew Torboso, to second my Motion.

Hon. Deputy Speaker: Yes, hon. Torboso.

Hon. A.T. Anyanga: Thank you, hon. Deputy Speaker. I rise to second the Motion.

Article 42 of our Constitution is very clear. Under the Bill of Rights, every citizen of this country is entitled to a clean and healthy environment. This includes the right to have the environment protected for the benefit of the present and future generations through legislative and other regulatory measures, particularly the laws contemplated under Article 69. Again, under Article 69, it is very clear that one of the obligations of the Government, with regard to the environment, is protection and enhancement of intellectual property; protection and enhancement of indigenous knowledge of biodiversity and genetic resources of communities; and protection of genetic resources and the biological diversity of this country.

Hon. Deputy Speaker, the issue being raised by hon. Chachu Ganya is of great magnitude and value to the economy of this country. It is true that for many years, Kenyans have basically lived on the benefits of our natural resources, particularly wildlife. In Africa, other than the Republic of South Africa, Kenya is the only country that boasts of well protected wildlife sanctuaries, be they national parks or game reserves or private conservancies. We must admit that in the recent past, this great natural resource came under attack being fuelled by a great international conspiracy that involves trading in wildlife trophies, particularly those targeting two of our Big Five animals, namely, elephants and rhinos.

What is more worrying is the fact that what this country intends to achieve under Vision 2030, particularly the economic goals of this policy, is pegged so much on tourism. The President talked about attracting three million tourists by 2017. I am afraid that it will be impossible for us to achieve these kinds of targets if the very bases of our tourism sector continue to face such serious attacks. We must realise that the tourism sector in this country is basically nature-based. Other than wildlife, the other great attraction that tourists come to see in Kenya is our sandy beaches. However, appreciating how much our sandy coastline has been mismanaged over the last few years, wildlife still remains the most important tourism attraction product in Kenya. Therefore, any danger posed to our tourism assets must be dealt with decisively. When we talk of our tourism assets, we have in mind the Big Five animals, namely, elephants, rhinos, lions, buffalos and leopards. Two of our Big Five wild animals, namely, elephants and rhinos; having come under this kind of attack from poaching fuelled by a great demand for wildlife trophies in the South-East Asian markets, it behoves the Government to come up with various strict legislations to protect this important biodiversity resource.

Hon. Deputy Speaker, it is also important for us to realise that by doing this, Kenya will be joining other countries in the world in appreciating the importance of protecting wildlife. If you go to other parts of the world, where countries were careless with their wildlife resource, you will realise that those countries today can only afford to keep their wild animals in zoos. That is what is happening in Europe, the United States of America (USA) and in some parts of Asia. We are lucky in Africa that we still have our wildlife roaming freely in our national parks and game reserves. As long as we have this natural resource, as a country, our tourism sector will continue to have a competitive edge. It is important to appreciate that the cost of maintaining an elephant or a rhino cannot be compared with the cost of raising a dog or a cow. These are animals which take many years to mature. Despite the brutality that is involved in poaching, all that is taken from them are the horns. The rest of the carcasses are left to rot in the wilderness. If we were to quantify this in terms of economic value to the country, we would realise that we are incurring a great loss.

As we talk about stiffening penalties on poaching, we must also look at how we can regulate the entire wildlife management sector in this country by fast-tracking the enactment of the Wildlife Bill. Due to lack of a proper regulatory framework in the wildlife sector, we have systems where some private wildlife conservancies are taking advantage of the existing loopholes and fuelling this illegal activity, to a large extent. I just want to raise an issue which I feel is of great concern. The countries that form the market for wildlife trophies, namely, Vietnam, Thailand, China and Taiwan; have extremely stiff penalties for poachers but since Kenya has been found to be a soft belly, the same countries use our sea ports and airports as conduits for transporting wildlife trophies from other countries.

Hon. Deputy Speaker, it is not always the case that the ivory that is transported to those countries is from elephants poached in Kenya. Since Kenya has very weak legislations, poachers from African countries with very stiff penalties export wildlife trophies through the Jomo Kenyatta International Airport (JKIA) or the sea port of Mombasa. My worry is that if this trend continues, we will have the kind of sophisticated poaching that is seen in South Africa, where poachers nowadays use night vision equipment, very sophisticated ammunition and helicopters. In my view, that amounts to terrorism.

A lot of these national parks and reserves fall within the counties. It is going to be a great source of revenue to these counties. As we continue to dilly-dally with the issue of protecting our wildlife, we are actually being overtaken by time and sooner or later it will actually be a matter of regretting the way Mozambique is currently regretting. As we talk now, Mozambique has no single rhino in their country because of poachers. It will be a sad day in the history of Kenya if we reach a level where our children, grandchildren and great grand children will only be reading about elephants and rhinos like they are reading about the great ogres that they have never seen. All of us have an opportunity to protect and conserve the wildlife for posterity.

Hon. Deputy Speaker, I beg to support.

(Question proposed)

Hon. Wario: Ahsante Mheshimiwa Naibu wa Spika. Nachukuwa fursa hii kumshukuru Mwenyezi Mungu na kukushukuru wewe kwa kunipa nafasi hii kujadili mswada huu nyeti.

Wanyama, utalii na uchumi lazima viambatane. Ndiposa nchi inawiri ama uchumi wa taifa hili unawiri na Wakenya wafaidike sharti tuwe na sera na mikakati ya kuhifadhi wanyama. Kupoteza ndovu 1,000 katika mwaka mmoja ni hasara kwa taifa letu na vizazi vijavyo. Ikiwa nchi inataka itambulike sharti itunge sheria na sera za kuhakikisha kwamba wanyama hawa hawaangamizwi. Hii ndiyo sababu nimesimama kuunga mkono hii hoja.

Huduma ya Wanyama wa Pori (KWS) inayo baraza ambalo limekuwa baraza la kisiasa. Badala ya kubuni sera za maana, kila anapochaguliwa mkurugenzi wa kusimamia huduma hiyo wao hutafuta namna ya kumchimba ili aondolewe ili ufisadi na uuaji wanyama uendelee. Jiulize, ni nani msomi mwenye kiwango chake Dr. Kipng'etich? Ni nini kimechangia kuondolewa kwake? Lazima tuangaze huduma hii tujue inafanya kazi gani. Tusipofanya hivyo wanyama wetu watauliwa kila mara na nchi yetu itapoteza utalii kwa wingi.

Ni lazima tuongeze idadi ya askari. Sharti askari wale wapewe silaha na zana za kisasa za kupambana na majangili wanaomaliza wanyama wetu. Lazima askari hao wafunzwe nidhamu vile vile. Ninakotoka kuna Kora National Park. Wapo askari ambao hushika wananchi kiholela kwa sababu moja tu. Badala ya kuwapeleka watu walioshikwa mahakamani Garissa ama Hola ama Mwingi, wao huwazungusha hadi Meru ili wananchi hao wasiitishie msaada. Hii ina maana kuwa ndiyo tuongeze askari, silaha, zana za kisasa na kuwapa nidhamu inawabidi wao askari waache harakati za kisiasa na waende kulinda wanyama.

Mheshimiwa Naibu wa Spika, Kipengele 69(e) kinazungumzia kumhusisha mwananchi katika harakati kama hizi. Ikiwa hatutawahusisha wananchi ili kwamba wao wamiliki mbuga hizi kama mali yao ni vigumu kwetu sisi kufaulu katika vita vilivyo mbele yetu.

Ingawa mimi ninataka kuunga hoja hii mkono nitatofautiana kidogo na aliyeileta hasa mahali pale pa adhabu. Yeye anapendekeza kwamba kusiwe na bond. Ikiwa katika sheria yetu anayeshukiwa kuwa mwuuaji hupewa bond je, kwa nini tusiangalie haki zao pia? Wapate hukumu kali lakini tusiwanyime bond kwa sababu hiyo ni haki msingi. Hatustahili kuwanyima fursa hiyo. Tuangazie mizozo baina ya wananchi na wanyama. Tutafute suluhisho.

Ningependa kutambua jamii ya wafugaji. Asilimia 80 ya mbuga zetu zinapatikana katika maeneo ya wafugaji. Sharti watakaokuja na sera na sheria watambue wafugaji kama sehemu muhimu katika shughuli ya kuhifadhi wanyama.

Naunga mkono.

Hon. Oyugi: Thank you, hon. Deputy Speaker. I rise to support this Motion first on the basis that it is a constitutional obligation under Article 69 of the Constitution. Secondly, poaching poses a threat to our biodiversity and also our ecological integrity. Tourism is one of the greatest employment opportunities that Kenyans have. A threat to our wildlife would consequently affect the amount of employment that is as a result of tourism. That will be catastrophic especially in a country that is already faced with very high unemployment levels.

Whereas I agree with the Motion and the Mover is actually asking us to increase the number of game rangers to be deployed in the various parks and to increase punitive measure, I want to question the first part. I am not so sure if increasing punitive measures has always occasioned a reduction in the cases of poaching. I wait for the Mover to think through that.

I think that an increase in the number of game rangers is not enough. I would like to propose several other things that we could do jointly. The first one would be an increase in the skills that we give to the various rangers. You will find that poachers are sophisticated. They are intelligent. If you have rangers who are inadequate intellectually then you have a problem.

Poaching has gone hitech. They have highly sophisticated equipment. If you are going to have an increased number of game rangers, it is incumbent upon the Government to provide the game rangers with sophisticated equipment.

With regard to communities that border the various game reserves and the national parks, there is need to create buffer community initiatives to support these communities. These communities are in need. They support poaching as a manner of earning some income. If the Government can think of projects to support them in terms of getting money, that would be a better way of ensuring that the communities play a part in curbing poaching as opposed to just punishing poachers as a matter of deterrence.

Hon. Deputy Speaker, other jurisdictions have dealt with poaching by making sure that the price of ivory is diminished by activities like dehorning animals such as elephants and rhinos. That way, the price of ivory is diminished. The cost incidental to poaching is also not very attractive and you end up with few poachers.

Hon. Deputy Speaker, the Government has boasted of being hitech and I think we must explore technological solutions. One such solution would be radar systems to detect human beings in parks. Other jurisdictions have exploited methods of detecting human beings who walk around the parks. That will help in detecting people who are in the parks illegally and, as a consequence, as opposed to just punishing the poachers, we will be finding ways and methods of detecting who are in the park illegally before they end up doing the acts that took them to the park.

Lastly, we need to invest in tracking systems. There are methods and ways of knowing which animals are in distress. When wild animals are being chased by poachers, most of them are under duress. We can detect which particular animal is in distress if we have adequate tracking equipment for wildlife like elephants or rhinos. That way, we will be sorting out the issue of wildlife which is under threat and in distress without necessarily waiting to punish the poachers in the manner that my colleagues are proposing.

With those many remarks, I beg to support this Motion. I think it is timely and it is our constitutional obligation. We must do our best to support it.

Hon. Gichigi: Hon. Deputy Speaker, I rise to support this Motion. My constituency borders Aberdares National Park. We are experiencing various problems. The “big cats”, especially the leopards, are being killed because of their fur. My position is that the whole insecurity situation is worrying. Apparently, insecurity is not only visited on human beings. Our animals are also victims of the insecurity that is prevalent in this country. So, when our security forces are meeting, perhaps, they need to think

about animals as well as people. We need strong representation when we come to the meetings of the Convention on International Trade in Endangered Species (CITES). We hear that the people we send there are not a strong delegation and very adverse decisions are made despite the Government taking a different position.

As past contributors have indicated, we need to involve communities that live with those animals. If you read through the newspapers, the communities that are neighboring parks are the ones who live with animals. They keep complaining because their crops are destroyed. They suffer from the “big cats” that eat their animals. I think the approach that KWS and the Government have taken on those issues is not very good. We need to become friendly; we need to engage those communities so that they can become part and parcel of the people who are protecting our animals, instead of seeing the wildlife as their enemy. We need to make sure that they are the ones who are reporting cases involving human/wildlife conflict. It is like an extension of the community policing concept that we have. That is what we need to have with our people.

On the issue of compensation of the damage caused by wildlife on people, crops and domestic animals, KWS pays peanuts to the losers. It is high time that Parliament takes up that issue and finds out how much is set aside in the Budget to take care of that.

Hon. Deputy Speaker, we also need to tighten the inspection in our exit points; the airports. That is because those bulky packages are used to transport ivory. As I wind up, if you look at the Constitution, the protection of wildlife is a dual role between the national Government and counties. So, we need to come up with a well defined structure to deal with that. We need to know what the national Government is supposed to do and what the county government is supposed to do. The final issue is: Can we also pursue bilateral agreements with consumer countries like China and other South East Asian countries so that they can help us curb the import of illegally acquired trophies?

With those few remarks, I beg to support.

Hon. ole Lemein: Hon. Deputy Speaker, I rise to support this Motion. I wish to thank hon. Ganya for bringing this Motion before this House. I come from a county where tourism is a major source of revenue. The elephants are among the “big five” and whenever we are branding Kenya in terms of tourism promotions, we use the elephant, the rhino and the leopard as our marketing animals. Poaching will make elephants extinct in this nation. As it has been said by one hon. Member, the elephant takes very many years to mature. So, I urge this House to support this Motion so that this nation and the generations to come will benefit because of our wildlife.

I also concur that we should come up with other preventive measures. We need to increase game rangers and improve their surveillance. We should also look for a way to equip the respective counties so that tracking equipment can be used as an option to end that menace.

With those few remarks, I beg to support.

Hon. (Ms.) Abdalla: Thank you hon. Deputy Speaker, for giving me this opportunity to contribute to the Motion. In the same light, I want to join my colleagues in congratulating hon. Chachu Ganya for bringing this very timely Motion. In the same light, I want to laud hon. Chachu Ganya for the great conservation work that he does through his organization – the Pastoralist Integrated Support Programme in Marsabit. I

really know that the work there is helping in curbing the number of elephants being poached in Marsabit County.

Hon. Deputy Speaker, having said that, I would not like to repeat what my other colleagues have said. But when we deal with issues of poaching, we are dealing with the symptoms of a deeper problem that has global and national connotations. On the global front, the Secorder of this Motion has mentioned the countries that are providing the markets for ivory and hence perpetuating the illegal poaching of elephants. Those countries are Vietnam, China and Thailand. It is the role of the Government to engage with the countries that have the market so that we are able to reduce the amount of demand in those countries. So, at the global level, we need to have our country engage with those countries that are engaged in that trade. In the past, Kenya was very active in the global conservation movement. It ensured that the status of ivory and all the other illegal poaching of wildlife were placed in the right indices in cities but, of late, we have been a bit lax. We have not been very active in the global conservation sector. That is a challenge that our new Cabinet Secretary for Environment should take up. He should ensure that we are back to the areas where we were active.

Hon. Deputy Speaker, nationally, it begs the question: Why is the ivory that has been poached in Kenya impounded in Thailand? It then shows us that there is a problem with our exit sites. I am informed reliably that the scanners in our airport and in our ports are conveniently switched off when illegal ivory is being exported out of the country. I am reliably informed that members of Kenya Wildlife Service (KWS) are not giving sufficient support to the Lusaka Agreement. That agreement has established a regional body that works at ensuring that our exit points do not allow ivory from getting out. There is a problem with the intelligence service at KWS and KWS as an institution in terms of protecting our ivory. As the new Chair of the Departmental Committee on Environment and Natural Resources, I will spearhead and work with my Committee to ensure that we do something about the structural organisation of KWS as an institution. There is a structural problem at KWS that need to be addressed.

Hon. Deputy Speaker, having said that, I would like to talk about the problem between the Lusaka Agreement and KWS. For those who do not know, the Lusaka Agreement involves countries in the range states of Eastern Africa and Southern Africa. Range states are states that have a sizeable number of elephants and rhinos. The Lusaka Agreement established an institution that then works with those countries to ensure that exportation of wildlife and trade in wildlife trophies are curbed - especially ivory.

Having talked about the issue of structural problems at KWS and the linkages with the problems with the Lusaka Agreement, we need to deal with a more fundamental problem. The problem is that in the 1960s, when Kenya became independent, Kenya and East Africa in general had more elephants and rhinos than the Southern Africa range states. The problem is the philosophy behind conservation and preservation of wildlife in Kenya. The philosophy in Kenya is one that requires preservation of wildlife. It does not give any ownership to the communities that live with wildlife. Whereas our friends in Southern Africa let their communities have ownership to their wildlife and hence be more proactive in dealing with poachers and reporting poachers, we have made the preservation and the issues of conservation of wildlife a Kenyan cowboy thing. It is mainly something that is left to white Kenyans who mainly own private conservancies.

Unless we change that perception that conservation is preservation; unless we stop funding and looking at conservation as making fences around our national parks and giving the best firearms to our rangers and ensuring that they are able to fight the poachers instead of engaging the communities to prevent that poaching, we will not be able to make the progress that is required in that sector.

Hon. Deputy Speaker, so, I want us, as Kenyans, and especially as hon. Members, to know that the Wildlife Bill is yet to come to this House. Many of you will be invited to stakeholder forums by interested parties who want us to remain a preservation conservation State instead of a sustainable use conservation State. So, hon. Members, I would like you to note that if somebody wants to help us and wants you to support a more retrogressive approach that involves doing fencing instead of increasing the number of penalties and the amount of compensation that KWS needs to pay the residents when their crops or animals are destroyed, then we will remain where we were in the 1960s. I am sure we will not go far and we will still have more poaching. We will not make progress,

Hon. Deputy Speaker, so, as I support this Motion, I know that there is an amendment that is being sought by hon. Chachu Ganya to increase the penalties and which we will support. Of course, as noted by hon. Wario, we have now moved to allowing death penalty suspects to get bail. So, it will be impossible to do that but, more importantly, I would urge that we go into a comprehensive review of the wildlife sector rather than this piecemeal approach of just dealing with the penalties in the sector. That way, we will deal with this mindset issue of preservation and move it to conservation. That mindset issue is not only going to affect and improve our conservation of wildlife, but it will also go the same way to improve our conservation of water towers and the habitats where our wildlife lives.

On that note, I am talking about the approach that previous governments have been taking towards the conservation of water towers such as the Mau. As we play hide and seek with our farmers in the Mau by removing them and allowing them back to the forest, we are basically playing the same preservation tactics that the forest should be there and no sustainable use should be done. No partnership should be there between the communities living around the forest and water towers. So, in essence, the conservation sector in Kenya needs to change to help the poor policies that encourage our population to conserve our natural resources without having to employ - as the hon. Chachu is demanding - more rangers and giving them more sophisticated equipment. If you went to hon. Wario's constituency and allowed the communities around the Kora National Park to benefit financially from both the animals and the fees to the parks and be able to use resources in a sustainable manner and not be arrested *kiholela holela* as it is said, they will have more incentives to report the poachers. That is because the poachers in that region are their brothers and sisters. In all the national parks, you cannot access an area if the community around that area does not give you a blind eye.

Having said that, I wish to support this Motion and assure the hon. Member that his amendment and any comprehensive action towards the Wildlife Bill will be supported by the Departmental Committee on Environment and Natural Resources.

With those few remarks, I beg to support.

Hon. Simba: Mhe. Naibu Spika, ningetaka kuongea kwa Kiswahili. Ningetaka kuchangia Hoja hii ambayo imeletwa na Mhe. Ganya. Niko na maoni tofauti kuhusu wawidaji haramu. Katika marekebisho ambayo tunahitaji kuangalia, wawidaji haramu wakipatikana wanafaa kuhukumiwa kifo. Hiyo ni kwa sababu wanafanya nchi yetu isiwe na uwezo na fedha ambazo zinahitajika kusaidia uchumi. Kama si kifo, basi wafungwe maisha gerezani. Kule China, ukipatikana ukijihusisha katika mambo ya madawa ya kulevyu, kawaida ni lazima ufe.

Kwa uwezo na hekima ya Bunge hili, hii ni sehemu moja ya viegezo vya uchumi wetu. Tunafaa kuhakikisha kwamba jamii ambazo zinaishi na wanyama wa pori zinapewa ridhaa fulani ambayo itawasaidia kama vile mhe. Amina amesema. Hao ndio waliinzi katika mbuga zetu. Mwisho, ningependa kuangazia swala moja. Katika nchi hii, kwa njia moja ama nyingine, tunaabudu watu ambao wamepata fedha kwa njia isiyo halali. Wengi wao ni wawidaji haramu. Pia, wengi wa wawidaji hao wanatumiwa na baadhi ya watu ambao wako na fedha za kutosha. Wengine wako Serikalini na wengine wamepata njia ya kuingia katika mashirika makubwa. Wale wanaopigwa risasi kule msituni huwa wanatumiwa tu. Kama si adhabu ya kifo, wafungwe maisha gerezani. Hivyo ndivyo tutakavyosaidia nchi yetu na kisasi kijacho.

Hon. Mwaura: Hon. Deputy Speaker, I rise to support this Motion about the poaching of elephants and the measures that need to be taken. If you look at the history of poaching, there has been an increase in the number of elephants that have been killed of late. There is a report showing that between December and January this year, at the Tsavo National Park, we have lost about 21 elephants purely because of poaching. The population of elephants in Kenya reduced from 275,000 in the 70s to 20,000 in 1989.

The fact is that poaching is not necessarily linked to the common person on the ground. If there are collaborators, it is due to the factors that have been enumerated in this House like poverty. Poaching seems to have the support of mainly high level individuals. There is no common man who can ensure that the security apparatus at our exit and entry points are switched off if he or she did not have some kind of political clout or some high ranking position in our pecking order in the society. I am also concerned about the China-Kenyan relationships. Poaching is primarily motivated by the rising middle class in China because of the economic boom that has occurred there. China has moved from a developing country to a developed country within a generation. The consequences are that if we continue to encourage it in our country, we will reduce our opportunity of earning revenue from tourism, which is a key economic pillar of our economy.

I am concerned by some of the concessions that are made by our Government when it is negotiating for various funding opportunities from banks such as the Exim Bank of China to fund projects such as infrastructure. Are we not giving too much? That leads to the discourse of having countries that are usually referred to us as poor, but resource-rich countries like our country. We need to ensure that there is proper legislation. Therefore, we need to question the relationships that we are also developing with the emerging economies - especially Brazil, Russia, India, China and South Africa - so that we do not concede too much and therefore, jeopardize our future. For example, this country's identity is largely because of its tourism. When one travels out of the country, people are likely to ask you why we have so many elephants and yet, as hon. Toborso has observed, our children may not have seen an elephant.

Another concern that needs to come out clearly is that, other than the funds that we get from tourism, we need to ensure that Kenyans as well are able to access those national parks, so that they can appreciate the fauna and the diversity that is in their own country. It should not be seen as a commodity that is only for people from other countries. With that in mind, I also think there is need for a multi-faceted approach to ensure that poaching is curbed. First, even if we were to increase the number of rangers, there is also the question of bribery. Poaching has been happening with the collusion of Government officials. Therefore, there is need to ensure that the current Act is repealed by this House. I would encourage the Mover of the Motion to introduce a substantive Bill for discussion in this House. That is because I am not very confident whether there is that political goodwill from the Executive. It may very well be that some of those people actually benefit from poaching. They may delay that legislation or water it down by the time it comes to this House.

We also need to consider the protection of our national parks. Of late, there has been a lot of encroaching because of expanding urbanization. As has been said in this House, the issue of human/wildlife conflict is critical. Poor people will not know the value of an animal like an elephant. If they are hungry, they would very readily want it to be killed, so that they can share the carcass because they slept hungry.

I beg to support.

Hon. (Ms.) Leshoomo: Ahsante sana, Mhe. Naibu Spika kwa kunipa nafasi hii ili nami nichangie Hoja hii. Namshukuru mhe. Ganya kwa kuleta Hoja hii katika Bunge hili ili tuizungumzie. Mambo ya wanyama wa pori yanafaa tuyazungumzie kwa sababu sisi ndiyo tunaishi nao. Tulizaliwa na kuishi na hao wanyama na tumewachunga kama vile tunawachunga ng'ombe na mbuzi wetu. Lakini ajabu ni moja. Wale wanaowachunga na wale wanaoangalia, hakuna faida wanayopata kutokana na wanyama hao. Kuua ndovu ama mnyama yeyote wa pori--- Wenzangu wamepata soko kubwa na ingefaa ijulikane ni ya nani. Sheria ingewekwa ili tujue soko hiyo ni ya nani.

Hiyo ni kwa sababu soko ya meno ya ndovu imewaangamisha watu wengi. Soko hilo linafanya wenyeji wa eneo letu la Samburu, Wamaasai na wafugaji wote kuumia kwa sababu ndovu wanauliwa na kutolewa meno. Wakazi kama sisi hatukuli nyama ya ndovu. Kwa hivyo, unapata ndovu kama 20 wameuawa na wenye wanaowachunga. Hujui wanauliwa namna gani. Kwa hivyo, ningesema kwamba, sisi wengine tunaumia kwa sababu vifaro pia wameisha. Wamebaki kwa wazungu na katika mashamba makubwa. Ukienda katika hifadhi za wanyama wa pori kama vile Hifadhi ya Wanyama ya Samburu, hutapata ndovu. Ukipata, labda mbili au tatu ukibahati.

Mhe. Naibu Spika, mashamba ya ranches siku hizi hayafugi ng'ombe. Yanahifadhi wanyama wa pori. Ningeomba Serikali ilipishe mashamba hayo kodi kwa sababu ya kuhifadhi wanyama. Wanyama wanapatikana katika mashamba hayo peke yake.

Katika biashara hiyo pia, tunasikia kuna mashini ya kusaga meno ya ndovu. Yanabebwa kama unga na kusafirishwa. Kwa hivyo, usalama katika viwanja vya ndege lazima uimalishwe kwa sababu ndovu wamekwisha. Kuna pahali pengine hapa nchini ambako hakuna ndovu. Wamebaki tu katika pande za Wamaasai na Taita. Ni sehemu chache ziko na ndovu na wanyama wengine wa misitu.

Mhe. Naibu Spika, wanyama wengine kama twiga wameisha kwa sababu wanachinjwa. Hata kuna watu ambao wako na mashini ndani ya mashamba yao. Wanyama wanachinjwa na kuwekwa kwa mikebe. Mwenyewe hajui na kila kitu kinaenda.

Kwa hivyo, nashukuru na kuunga mkono Hoja hii. Lazima tutafute njia zozote za kupata pesa ya kuajiri walinzi wa pori ili waweze kulinda wanyama waliopo. Wanyama wa pori wanaisha na tutakuja kulia juu yao.

Ningependa kuongeza kwa kusema neno moja; wale watu wanaoishi karibu na wanyama wa pori na wanauliwa na ndovu na wanyama wengine wa pori hawapati malipo. Hakuna malipo na tunapoteza ng'ombe na mbuzi kila wakati.

Inafaa tuwe na sheria ambayo itahakikisha kwamba wanyama wa pori wakiua binadamu, ni hatua gani itachukuliwa. Tuna shida na tumewapoteza watu wengi. Wakati ndovu anauawa pengine kutokana na hasira kutoka kwa wale ambao wameadhirika kwa kuuliwa kwa watu wao, wale wanaosimamia hifadhi za mbuga za wanyama wanakuja na fujo na kujaribu kupiga watu wote katika manyatta. Lakini, wakati meno ya ndovu yanatolewa na kusafirishwa, hakuna hizo fujo wala ndege kuonekana.

Kwa hivyo, nikimalizia, ningependa kusema kwamba lazima hayo yote yaangaliwe kwa sababu tunaumia sana.

Nashukuru na naunga mkono Hoja hii.

[The hon. Deputy Speaker left the Chair]

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

Hon. Kemei: Thank very much, hon. Temporary Deputy Speaker, Sir. I rise to support the Motion. I wish to congratulate our colleague, hon. Ganya for bringing this Motion at a time when we must contribute to the conservation and preservation of our environment, including wildlife.

Hon. Temporary Deputy Speaker, Sir, the first thing that I would like to bring forward is that we must involve our communities in the preservation and conservation of the environment, including wildlife. Wherever we find the involvement of the local communities, it is proved that conservation is sustainable over a longer period of time. What we need to ask ourselves is: What are the Government agencies that are charged with the responsibility of preserving those animals doing? What are the Kenya Revenue Authority, Kenya Ports Authority and security forces doing? What do those who man the roads, our borders and those who provide the necessary intelligence to help in our conservation efforts do? I ask these questions because there is no way we can have as many as 200 or 1,000 elephants killed and we do not have the requisite information for the Government to take corrective measures.

Hon. Temporary Deputy Speaker, in my own view, that is economic sabotage. Much as I do not advocate for the death penalty as has been mentioned by one of my colleagues--- In fact, that is the issue which made us say no to our beautiful Constitution during Referendum; the death penalty. At the right time, we must come up with some amendments to the Constitution so that we can remove the death penalty from our

statutes. At this point in time - the 21st Century - we should not have the death penalty. It has arisen that in many cases in other countries, they have put people to death and yet, they have not been responsible for the crimes that lead to their deaths.

I am also against the de-horning of elephants or rhinos. The moment you do that, a rhino without a horn is not a rhino. An elephant without tusks is not an elephant. So, I am really against that. What we want is to find out what is happening at KWS. Is there in-fighting in the management of KWS? The question we need to ask ourselves is: Are they sharing the loot? Are they fighting over the loot? What is happening there?

The responsibility of the tourism police should not be to take tourists around. I sincerely believe that they should be given more responsibilities in terms of protecting our animals. In addition, we need to provide the necessary equipment and technologies to our police and KWS rangers to monitor those animals; to track them and to help in apprehending the people who are engaged in poaching.

Hon. Temporary Deputy Speaker, it has been mentioned that our tusks are taken to Far East countries like China, Vietnam and Taiwan. Increasingly, this House needs to exert itself and we will be asking the Committee on Defence and Foreign Relations to ask those countries whether they really want to trade with us or they want to engage in economic sabotage of our country. For China, we thank them so much because they are doing sufficient construction in our country. They are doing it quite well.

If China hosts the black market trade in ivory and other products from our wildlife, then we need to ask ourselves whether China is a friend or not.

Hon. Speaker, Sir, finally, the support that the Government of Kenya has received in the past from international organisations, including the Convention on International Trade in Endangered Species (CITES), has been commendable. Of late, there has been laxity on the part of policy makers in our country. Are they working quite well with those international agencies, so that our wildlife can be protected? That is the question we need to ask ourselves because, all of a sudden, there has been increased poaching and the target has been the “Big Five” wild animals, the heritage of this country. If we lose that heritage---

Hon. Speaker: Hon. Shakeel is on a point of order, hon. Kemei.

Hon. S.S. Ahmed: Hon. Speaker, Sir, is it in order for my dear friend to say that it is China that is fuelling the illegal trade? He has said that China is supporting us in other sectors of our economy but she is not supporting us in dealing with the black market for ivory, and that we should ask ourselves whether China is a friend or not. It is not China, as a country, that is involved in that illegal trade. It may be some Chinese citizens who are involved. I do not think we can fairly condemn a whole country for the actions of two or three crooks. So, is it in order for him to bring up the issue of a country instead of the few crooks who are doing that?

Hon. Kemei: Hon. Speaker, Sir, I want to inform my friend, hon. Shakeel, that if a crime is committed in Kenya by a few Kenyans, then Kenya is responsible. If a crime is committed by a few Chinese in China, then China is responsible.

Hon. Speaker, Sir, with those few remarks, I beg to support the Motion.

Hon. Speaker: Hon. Members, I can see a request from the Leader of the Minority Party.

Hon. Nyenze: Hon. Speaker, Sir, I rise to support the Motion because we have lost so many elephants. Before I contribute to the Motion, I want to support what hon. Shakeel has said. If a few people in China are involved in ivory trade in the black market, you cannot condemn the whole country. China is a true friend of Kenya. She is doing a good job in Kenya.

Hon. Speaker, Sir, poaching needs tougher laws. I would say that the death penalty is cruel and, therefore, we should abolish it. However, I would support life imprisonment besides other measures this House deems fit to introduce, so that we can discourage poaching. Poaching affects our tourism sector and hence our national Budget. If our laws are not stiff enough, and poachers know that they can easily get away with the heinous crime of killing elephants, they will carry on with the practice. I also want to say that this is a conspiracy. It is not the poachers alone who are to blame. We should also blame those who buy the wildlife trophies, our police officers manning roadblocks, for sleeping on the job and other Government officials who do not play their rightful roles in deterring poaching. So, poaching is a result of a big syndicate since it is a billion dollar business. But it can be cracked very easily.

This morning, I passed through Pangani Police Station and noticed that it is in a deplorable condition. I am informed that game rangers are facing even worse conditions. If we do not adequately fund police officers and game rangers, who are supposed to rein in poachers; if we pay them very little salaries and if they do not have vehicles, they cannot do much. When police officers and game rangers receive distress calls about poaching or crimes that have been committed, they spend five minutes pushing their vehicles to start because the vehicles do not have starters or batteries. They do not have petrol either. When the vehicle finally starts, the officers realise that it has a puncture. So, we unfairly blame police officers and game rangers for not responding to distress calls promptly. Unless the Government appropriately equips police officers and game rangers to enable them check on crime, we will be talking about this matter endlessly, without getting any solution.

Hon. Speaker, Sir, I also feel that we should introduce satellite technology. We cannot use old systems to track down poachers because they are clever. They are always ahead of our security agencies in terms of strategy. New techniques have been used in South Africa. Kenya is the largest economy in East Africa. We can use modern technology to track poachers. What do we see our security personnel using? They use old Toyota Land Cruiser and Land Rover vehicles. Our security officers use outdated guns whereas poachers use the most modern guns. Even when police officers are informed of an incident, they always wait for a while before responding. Nowadays, poachers use helicopters since the activity is a very big syndicate.

If the Government wants to stop poaching once and for all, the first step it should take is allocation of adequate resources. When there is money, game rangers can deal with poaching. I am sure that they will buy enough equipment and employ enough rangers to ensure that our wildlife sanctuaries are adequately manned. Wild animals should be tagged so that their movement can be monitored. The practice of cutting tusks from elephants is wrong. It is cruelty towards animals. Elephants without tusks cannot be elephants. Let us not think about removing the tusks from them. Instead, the Government

should employ modern technology to reign in poachers. Those caught poaching should be imprisoned for life.

Hon. Speaker, Sir, lastly, I would like to say that so long there is demand for tusks, poachers will always find ways of bypassing game rangers and indulging in their trade. Poverty has fuelled this problem. Since the Jubilee Government has promised Kenyans a double-digit economic growth, we want that to be achieved. We want to see an economic growth similar to that of China and South-East Asian countries. If the economy grows that fast, there will be something for everybody. Instead of killing elephants, people will be engaged in other economic activities.

However, as long as there are ten multi-billionaires in Kenya and 39 million beggars, that situation will never be tenable because many people are living in abject poverty. They can barely put food on the table. When you tell them not to kill elephants, it is like you are telling the people of my constituency “Do not use wood to build. Do not use charcoal”. They cannot afford gas or any other source of energy. They have to rely on that forest. When they cut trees to get firewood, they engage in desertification. The Government should grow the economy and provide alternative sources of income in order for the people to realize their dreams.

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

The Temporary Deputy Speaker (Hon. Kajwang): Hon. Members, I appreciate the many requests to contribute to this Motion. We have about 35 requests. There is a Member who informs me that he has not spoken since the opening of this Parliament. Mheshimiwa Stephen Wachira Karani, where are you?

Let me remind you hon. Members that he will be making a maiden speech and so he should not be interrupted.

The Member for Laikipia West (Hon. (Dr). Karani): Thank you, hon. Temporary Deputy Speaker, Sir. My names are hon. Dr. Wachira Karani, Member of Parliament for Laikipia West Constituency. I want to take this opportunity to congratulate the Speaker and the Deputy Speaker for having been elected in their respective positions. I also want to thank the people of Laikipia West for giving me this opportunity to represent them in this Eleventh Parliament.

I would like to oppose this Motion. The reason is this: Where I come from – that is Laikipia - in the last one year, I have had the honour to attend three burials of people who have been killed by elephants. The hon. Member who has proposed this Motion was mean in giving the figures of the population of elephants in the last five years. He gave the figures of the elephants that have been killed, but he never mentioned anything about their population, which has increased tremendously.

In fact, where I come from, all you can talk about elephants is bad news. We have had cases of elephants trampling on people and their livestock. Elephants trample on our crops. We have problems with elephants. Whereas we talk about tourism, in my constituency that is one area that has killed the morale of our people. This year, for example, we had good rains in our constituency. But we fear we may not harvest much because of the elephant menace. Therefore, when I look at this Motion I feel very very sad. I look at the penalty the Mover has proposed and wonder: If, for example, we are going to jail people for 15 years and fine them Kshs10 million depending on how we

define “poaching”--- In Maasailand, you will find that pastoralists’ animals are eaten by lions or killed by leopards. They report to KWS and Provincial Administration and yet, nothing is done. The poor fellows are left with no alternative but to arm themselves with spears in order to deal with those animals. If you are going to jail those poor fellows for 15 years, then it will be unfair to them. If you are going to send those fellows to jail, you are, in essence, telling them: “Go and rot in jail.” I oppose this Motion.

The Jubilee Government was not elected by tourists, but the poor people. We, therefore---

Hon. Mwaura: On point of order, hon. Temporary Deputy Speaker, Sir---

The Temporary Deputy Speaker (Hon. Kajwang): You are out of order, hon. Mwaura. He is making his maiden speech.

The Member for Laikipia West (Hon. (Dr). Karani): Thank you, hon. Temporary Deputy Speaker, Sir, for protecting me. I was, in fact, winding up my maiden speech. I was requesting hon. Members to reject this Motion. Thank you.

Hon. Iringo: Thank you, hon. Temporary Deputy Speaker, Sir. I rise to support this Motion. Allow me to congratulate my friend, hon. Chachu, for bringing this Motion. That is because there are so many teething problems as far as tourism is concerned in this country and, especially, with regard to wild animals.

Tourism is one of the main foreign exchange earners in our country. The efforts that have been put to revitalize the agricultural sector have not been put to revitalize the tourism sector. That has brought apathy where people are killing the animals haphazardly. Once we deplete those animals, I believe we shall have killed that industry.

My constituency borders Meru National Park. We used to have white rhinos there. We had a lot of tourists coming to that park 15 years ago. However, today, the area is a no-go zone. The white rhinos are massacred by people who were sent to guard them. I believe it was a well organized way of killing them so that people can earn from the proceeds of the sale of those horns.

I would like to urge the Government to revisit its systems and see how we can stop the killing of those animals. One of my colleagues has said that those who kill the animals are not the ones who sell the tusks. They are sent by people who, if you allow me, are called “Big Cats”. If the systems were well co-ordinated and security put in place especially in our entry points, I do not see how ivory can leave the Port of Mombasa or JKIA without being seen and yet, we can detect a gram of heroine in somebody’s pockets. That is an orchestrated move to kill this industry by the same people who should be protecting it. We need to review our systems and put up watertight measures to stop poaching.

The communities living around those areas also need to be sensitized. They need to be shown the importance of those animals. They also need to be protected from the animals. My colleague has talked harshly about protecting those animals. That is because people have been trampled by animals. Their livestock is being eaten by the lions and other animals. People and wild animals should exist in harmony. As we protect human life, we also need to protect the fauna and flora. The Government, I believe, has that machinery. In our homes, we have cows, goats, cats and people. They all sleep in different places. They do not sleep together, but they live in the same homestead. That is

why I believe we can have a system where animals are put in their place and we earn from them as people continue with their life uninterrupted.

I strongly support that money that is earned from tourism should trickle down to the areas that are bordering the national parks. For any amount of foreign exchange that trickles down to the communities, let them come up with a dispensary to show that they are together. Whatever is earned is at the expense of the people who are there. Let us have good infrastructure within and without the area of wildlife conservation. Let them put up a classroom and people will own up and know that it is an elephant that was saved by the white man and he brought the money that put up the classroom. So, they will tend to protect that animal.

Hon. Temporary Deputy Speaker, Sir, as I conclude, I will not go for de-horning because if you de-horn an animal, it will lose its meaning. Whoever wants to see it will not be seeing a rhino or an elephant, but something else which is different. Let it have its natural look so that it can be appreciated. Let us look for ways and means of protecting that ivory when it is in the body of that animal, and not when you cut it and put it somewhere else. For those who are doing it, as we punish them, let us look for the people who send them to go and kill those animals to bring the ivory to them.

With those few remarks, I beg to support.

The Member for Langata (Hon. Olum): Hon. Temporary Deputy Speaker, Sir, thank you. First of all, this is my maiden speech. It has been a long journey and I want to congratulate all hon. Members in this House for being honoured by their constituents to come and look at their interests in this House. I also want to thank the constituents of Langata for making a wise and good choice. I promise to deliver whatever we promised during those days of campaigns.

On this Motion, I want to congratulate hon. Ganya for bringing it on the Floor for various reasons. First, tourism is a fundamental aspect in the development of this country and, as seen in the Jubilee Manifesto, they intend to increase the number from the current 1.3 million to 3 million tourists. That can only be achieved if concerted efforts are put in place. One of them is dealing with the menace of poaching. As you are all aware, tourism is now the second highest revenue income earner in this country and I would urge hon. Members to support this Motion. At the same time, I would urge hon. Ganya to expand more on this so that there is a lot of benefit from this Motion.

I am aware that there is a wildlife Bill pending somewhere and I would urge that we speed it up so that it becomes law. All the problems that we are seeing in wildlife and the tourism sector are addressed in that Bill. It will be the answer to all the problems that we have today. Poaching is dynamic; there is an offender and there is a person who benefits from it. Like most hon. Members have said, the person who is poaching is probably not the one who is benefiting from it, but he is driven by his needs. You cannot stay with wildlife, not see its benefit and still protect it when it is harmful to your crops or animals. So, there is need to look into ways of involving the communities in the management of wildlife. The problem that I see today is the creation of the KWS structure. Many people have spoken about it. The little I know about the KWS structure is that it is totally wrong. They are doing things that they are not supposed to do. If they are given back the mandate to protect wildlife, then they would have more time to look into the national parks and protect the wildlife, first against poachers and, secondly,

against human/wildlife conflict. As long as the KWS structure is how it is today, this will not be possible because KWS is now doing things that it is supposed to. It is doing things which are supposed to be done by other bodies of the Government. So, I urge this House to speed up the Wildlife Bill so that KWS can be given back its mandate. That is because it was formed to protect people from wildlife and look after wildlife.

Another thing is that tourism, to many people, is a foreign thing simply because like other hon. Members have said, communities living with wildlife have not really benefited from that wildlife. So, for them to protect, it becomes of no consequence. The population living around wildlife conservation areas need to be part of the protection of that wildlife. They can only do that if they reap from it. However, as some hon. Members have said, I am aware that KWS has done quite a bit to the communities. But most of the other players have not done their bit to integrate the local community into enjoying the benefits that are accrued from wildlife. There are conservancies which today are practising wildlife and livestock management. Even those communities living around the national park need to borrow a leaf from some of them so that they can co-exist. I will give you an example in Maasai Mara. The wildlife has co-existed with livestock for many years. The conflicts are there but they are manageable simply because many people around the Maasai Mara now enjoy the benefits of the tourism sector. Most consumers of the trophies that are now disappearing have been mentioned as China and Taiwan. I would urge that this be sorted out through diplomatic circles because if one of us is a thief, it does not mean that all of us are thieves. So it is not fair to condemn a whole country because of a few. But I think the Government can sort that out.

However, there are many questions that have not been answered. How can ivory pass through the airport and eventually get caught in airports thousands of miles away? So, as we discuss this Bill, we also need to discuss our security apparatus. We also need to look at ourselves as citizens. Are we doing a service to this country or not? For some of us who are in authority, we need to ask ourselves: Since there is no Chinese who works at the Customs Department at the Jomo Kenyatta International Airport (JKIA); there is no Chinese who works at the Port of Mombasa, who is doing that? It is you and me and our brothers and sisters. So, to condemn a country out of that is not fair. But so that this thing is brought to a conclusion, I would imagine somebody who is coming to destroy your source of earning would mostly be violating the Economic Crimes Act. What the Economic Crimes Act says is that when somebody does something like that, I do not think, in my opinion, although it is not in the law, people would want us to kill them. But I believe that those people should be imprisoned for life so that, at least, they spare the animals and we regain some economic benefits from them. That will ensure that the future generations can see them.

Hon. Temporary Deputy Speaker, Sir, allow me to say that Kenyans need to be enticed into appreciating the nature that we have. To do that, I urge schools to introduce a syllabus that touches on agriculture and wildlife for them to appreciate that in the latter days. That is because as it is today, even those who live in Nairobi have never been to Nairobi National Park (NNP). So, if you talk about NNP, it is something that they do not care about. The same applies to people who live around wildlife areas. Some of those children do not see the benefit of national parks because they have not gained out of them. So, I urge that this matter should be looked into in a broader perspective. I would

urge that we bring the Wildlife Bill on the Floor of the House and dispense with it. It deals with the structures of Kenya Wildlife Service (KWS), their core mandate and also compensation of victims of wildlife/human conflicts. As long as this is not done, people still will not value it and I urge that the Bill be brought here. I would also urge hon. Ganya that if he looks at the Wildlife Bill and brings it to the Floor as soon as possible, then a lot of these questions will be answered; I am sure it will also benefit people who have actually been living with the wildlife for a long time, and still want to protect them.

For your information, I have lived in Maasai Mara for a long time and the Maasai do not eat wildlife. So, there is no question of a Maasai or a Samburu wanting to kill an elephant, unless he is somebody from outside. For them to protect wildlife, let us give them ownership. Let us protect this biodiversity for future generations.

With that, hon. Temporary Deputy Speaker, Sir, I beg to support this Motion. Thank you.

The Temporary Deputy Speaker (Hon. Kajwang): Hon. Members, there is a lot of interest that this Motion has generated. We have 35 requests as of now. I want to propose that we reduce the time from ten minutes to, say, three minutes. What is your view, hon. Members?

Hon. Members: Five minutes.

The Temporary Deputy Speaker (Hon. Kajwang): Right; we will have five minutes, so that as many of us can debate this matter. We only have one hour to debate this and then we will move on. All right; let me go to gender issues now. Hon. Joyce Wanjalay Lay.

Hon. (Ms.) Lay: Asante sana Bw. Naibu Spika wa Muda; ninaamuka kuweza kuchangia Hoja hii. Uwindaji haramu umekuwa kama kidonda sugu hapa nchini Kenya na mahali ambapo mimi ninatoka, ambapo ni Taita Taveta. Tumekuwa na shida nyingi sana kwa sababu ya wanyama. Wakati tunaangalia mikakati ya kuweza kuzuia uwindaji haramu tuangalie pia jinsi gani tunaweza kuwahusisha wananchi katika mambo ya wanyama pori. Vile vile, tunataka wajue kwamba ni jukumu lao kuweza kulinda wanyama pori kwa sababu wataweza kuwaletea faida. Unapata kwamba wananchi wana hasira nyingi sana kwa sababu hawahusishwi katika mambo ya faida kutokana wanyama pori.

Hata Jumatatu niliweza kuhudhuria mkutano ambao ulikuwa umewekwa na wananchi pale Mwatate wakiwa na hasira. Wakati mvua imenyeshwa wanapata mimea, lakini wanakuwa na wasiwasi kwa sababu hawawezi kuvuna hii mimea. Wanyama pori wanakuja kuharibu mimea yao. Akina mama pia wanasema usiku wanashindwa kulala kwa sababu inabidi usiku wavae zile nguo za kujifunika ili kwamba waonekane kwamba pia wao ni vitu vya kutisha wanapotoka nje kwenda kulinda mimea yao. Hilo ni jambo ambalo linahuzunisha sana; wakati tunaangalia hivi inafaa tuweze kusema kwamba wananchi wanaona kwamba hawahusishwi katika mambo ya wanyama pori.

Faida ambazo zinapatikana katika mbuga zetu za wanyama pori haziwafikii wale wananchi, na wengi wako katika hali ya umasikini. Wanasema kwamba wana mbuga za wanyama pori na hawapati pesa. Kule kwetu tuna Tsavo Mashariki na Tsavo Magharibi lakini faida yake ni nini? Wanaona kwamba wale wanyama pori wanalindwa zaidi kushinda binadamu.

Bw. Naibu Spika wa Muda, kwa hivyo tukiweza kuwahusisha wananchi katika mambo ya kupata faida, na kuwaeleza kwamba wao ambao wako karibu na mipaka ama wanaishi karibu na mbuga za wanyama pori--- Inafaa faida kubwa ipatikane na wananchi ambao wanaishi hapo. Kwa kweli ninajua kwamba wananchi wataweza kuchukua kubuni mbinu na hata mikakati ya kuweza kulinda hawa wanyama pori. Vile vile, utaona kuwa wakiwa na malalamiko, kama vile mwenzangu ametangulia kusema, tuongeze walenzi katika hizi mbuga za wanyama pori. Hawa wananchi ambao wanaishi pale wanahisi kwamba wametengwa. Wakati kazi zinatokea za ulinzi wao hawapatiwi nafasi ya kuajiriwa. Wanasema hata kuna shule za kujifunza hapo lakini vijana wao hawapatiwi nafasi ya kuweza kupata mafunzo ili waweze kupata nafasi za kazi; pia kuna wale ambao wameajiriwa hapo. Wanasema wamekaa kwa miaka mingi na hawawezi hata kupata cheo. Watu wa nje wanapata, ama hupandishwa, vyeo ingawa wao wako katikati ama karibu na hizi mbuga za wanyama pori.

Kwa hivyo, wakati ambapo tunaangalia ni mbinu gani ambazo tutaweza kuchukua na kuweza kuzuia uwindaji haramu ni vizuri tuangalie kiini cha uwindaji haramu. Kinaweza kuwa ni umasikini, ama ni wananchi ambao wanaona kama wametengwa. Tujaribu kuwajumuisha. Wakati tunawinda wanyama pori wanatokea katika mipaka yetu. Kama ni katika port wanatokea hapo. Kwa hivyo, ni lazima tuwahamashe watu ambao wanaangalia pembe hizi zikitoka na hawasemi kitu mpaka zinashikwa katika nchi zingine za nje, na hali sisi hapa Kenya tuna nafasi ya kuweza kuzuia mambo kama hayo.

Bw. Naibu Spika wa Muda, kwa hivyo, mimi naunga mkono Hoja hii. Asante sana.

The Temporary Deputy Speaker (Hon. Kajwang): Hon. Halima Ware Duri.

Hon. (Ms.) Duri: Asante sana Bw. Naibu Spika wa Muda. Kwa majina mimi ni Halima Ware Duri kutoka Tana River. Mimi ningependa kuchangia Hoja hii. Watu wa KWS ni watu ambao wanalinda wanyama kuliko watu. Nikisema hivyo, kuna mnyama anaitwa nyati. Mnyama huyu anaishi katika Tana River. Hawajaweka ua na hawajazuia wanyama kuingiliana na wananchi ama kuingiliana na mifugo wa nyumbani. Wanyama hawa wanaendelea kuua watu na mifugo. Katika eneo za Wenje, Mnazini, Haroresa na Hara watu wengi wameumizwa na huyu mnyama na hatujaona watu wa KWS wakichukua hatua. Lakini wakati ambapo wanataka kuleta mswada wa pembe za ndovu wanataka tuwasaidie kwa haraka sana.

Jambo lingine ambalo ningependa kuongeza ni kwamba kuna mnyama ambaye anaishi ndani ya maji, na ambaye anaitwa “mamba” ama “ngwena”. Watu wa Tana River wanachota maji yao kutoka mto Tana, na wakati wanachota maji mnyama huyu hakosi kuua watu zaidi ya watatu kila wiki na hatujaona watu wa KWS wakija na usaidizi wa aina yoyote. Huyu mnyama anaua mifugo ama watu. Kwa hivyo, sisi tunataka watu wa KWS kwanza kabla hatujapitisha Hoja hii ingawa tunaipigia debe, waje waweke ua na wazuia wanyama hao wasiingilie mambo ya wananchi na wasiuwe wananchi ama mifugo yao.

Bw Naibu Spika wa Muda, jambo lingine ambalo ningependa kusema ni kuwa lazima KWS walete uhusiano mzuri na wananchi ambao wanaishi na wao. Hapo awali kuna wakati ambapo wakiandikisha wahifadhi walipatia nafasi wale watu ambao ni majirani zao, lakini hivi karibuni hakujakuwa na jambo kama hilo. Wanaandika bila kujali majirani wao, na kama wangetia maanani suala la majirani ambao wanaishi karibu

na wao wakati wanaandikisha kazi ingekuwa wameleta uhusiano mzuri kati yao na wananchi.

Jambo lingine ni kuhusu nyati na vile anavyorandaranda na kuharibu mashamba na maisha ya watu. Huyu ni mnyama hatari sana. Maafisa wa pori wanafaa kwanza kulinda Tana River na kuhakikisha kwamba nyati hali watu wala mifugo, na amezuiliwa ili asiingie kwa mashamba ya watu. Hili ni shirika ambalo lilianzishwa zamani, baada ya sisi kutoka kwa ukoloni. Lina pesa za kutosha na ni lazima wawafundishe wananchi ili wananchi wajue kuwa wanyama wa pori ni muhimu, na kuna umuhimu wa kuwalinda wanyama hao. Kama hawawafunzi watu umuhimu wa wanyama wa pori, watu watawaua wanyama hawa nao wanyama watawaua wananchi.

Mwezi wa Disemba wakati wa kampeni, wanaume sita, wengine wao wakiwa wa jamii yangu, waliuawa na wafanyikazi wa porini. Tulipoenda kwa mazishi, tulipata kuwa hao watu walikuwa fukara wa mwisho, na hata kuku hawana. Kwa hivyo, KWS inafaa kuwatia nguvuni watu, na si kuwaua, na kuwashtaki mahakamani. Ingekuwa vizuri kama wangewapatia kazi ya porini kuliko kuwapiga risasi kwa sababu wake zao wakibaki, hawawezi kuendelea mbele.

Uwindaji haramu ni mbaya na kupiga watu risasi pia ni haramu kulingana na sheria za Kenya. Kwa hivyo, ni lazima KWS itengeneze namna ya kuwasaidia wananchi na wananchi wanaweza kuwasaidia wanyama. Kuna mnyama anayeitwa fisi, lakini sijui maafisa wa KWS walimweka wapi.

The Temporary Deputy Speaker (Hon. Kajwang’): Hon. Ndiritu Mathenge, I understand this is your maiden speech.

The Member for Gilgil (Hon. Ndiritu): Thank you, hon. Temporary Deputy Speaker, Sir. I rise to support this Motion. Before I support it, let me say that, as the Chair has indicated, this is my maiden speech.

I would like to start by thanking the good people of Gilgil for having had confidence in me. This is a new constituency and I have been given the honour of setting the standard for it.

I will digress a bit before I go into the Motion of the day. Most of the Members have been in Gilgil visiting the Great Rift Valley Golf Club, which is in Gilgil. Most people think that it is in Naivasha, but when you come to the Great Rift Valley Golf Club, then you are in my constituency. Gilgil is blessed with an Army Camp, the National Youth Service and the Anti-Stock Theft Unit Headquarters; but with all those blessings, the people of Gilgil never benefit. Just as hon. Members have said, those close to the national parks do not benefit directly. The people of Naivasha have not benefited from the Anti-Stock Theft Unit Headquarters in Gilgil.

Even with the Anti-Stock Theft Unit Headquarters in Naivasha, people come to Gilgil with meat boxes on pick-ups, steal cows, slaughter them and carry them as beef from the slaughterhouses. The meat is taken to as far as Rumuruti. We have had that problem for long. I would like to ask the Inspector-General to look into this. Last week, poaching of our animals was done barely a kilometre away from the Anti-Stock Theft Unit Headquarters. Yesterday, there was a Motion about bailing out the agricultural parastatals that are going to be taken to the county governments. Various factories have been in Gilgil for many years. Most of the Members have seen posho mills, farm implements and even the trolleys at the airports. They are all manufactured in Gilgil;

mostly, the factories there deal with agricultural machinery. On average, they employ between 80 and 1,210 artisans, mostly welders. There has been a serious problem because they have been getting tax waivers on the inputs for machinery. They use 80 per cent of their inputs to manufacture agricultural machinery, which they export mostly within East Africa and even to the wider Africa.

However, they have been subjected to a lot of torture and they are considering turning their factories into warehouses instead of manufacturing. When they import the completed agricultural machinery they get tax waivers, but when they import the parts that they cannot get in the country like the hydraulic pipes, springs that are used in disc hallows, ploughs and cedars, the taxman is adamant that these are imported as independent items. Now that we have a Cabinet Secretary in charge of that line, and we are talking about creating employment for our people, if the Ndume Factory is turned into a warehouse, only two people will be employed as salesmen and the rest, about 100 who have been employed there for many years, will have to go home.

Coming back to the Motion, the benefits from wildlife cannot be overemphasized. But as we have observed, there is the problem of human/wildlife conflict. First of all, I would like to disagree with the hon. Member who has said that people poach out of poverty. The poachers of elephants and rhinos, you will all agree with me, are not doing it out of poverty. These are sophisticated rich people who have the right equipment like guns. As many hon. Members have said, I would like to recommend that we develop a friendly relationship between the neighbours of the national parks and the rangers, so that people can directly benefit in form of employment and cash and from projects, as an hon. Member has indicated. This will make people feel part of the wildlife.

The rangers should be trained to deal with the encroachers in a humane way, for instance, the ones who graze and fetch firewood in the parks. The Government should also invest hugely in the protection of the national parks through fencing. We have seen this in the Aberdares, where they have done the rhino protection. Most of the conservancies are owned by foreigners and we should encourage our people to get involved in conservancies, so that they can gain directly from the people who visit the parks. Again, the Government should invest in technology and equipment. We need more versatile vehicles, helicopters and electronic gadgets to track the animals, so that if something odd happens to the herds, rangers can easily monitor them.

With those remarks, I beg to support the Motion. I believe that when the Bill finds its way to this House, matters such as the necessary investments and good relationship will be given priority.

The Temporary Deputy Speaker (Hon. Kajwang): Thank you, hon. Member. Let us hear from hon. James Kispkosgei Murgor; his maiden speech.

The Member for Keiyo North (Hon. Murgor): Thank for allowing me to contribute to this very important Motion, which touches seriously on the economy of this country. I would also like to stress that this is also my maiden speech.

Poaching in this country has always existed, but over the years, and especially in the last few years, it has escalated. So, what is the cause of it? If we go back to the year 2007, CITES gave four Southern African countries permission to sell their stocks of the ivory; it did the same to two other countries, namely Japan and China. What were the consequences of this? The consequences were that factories which had closed in China

and in South Eastern countries were opened. This was supposed to be a one off sale, but after they started the sale those factories have continued to operate.

In our country, what has facilitated the poaching is the insecurity in this country coupled with excessive illegal firearms of about 700,000 in this country. Secondly, we have corrupt immigration and customs officials; all the ivory goes through our ports and airports.

Thirdly, are the penalties which we impose on poachers. Can you imagine that somebody is fined Kshs30,000 for having killed an elephant worth almost Kshs30 million? That actually encourages poaching. What happens is that, he will pay the Kshs30,000, go back and kill another one! What are we supposed to do as a country? One is to repeal the Wildlife Act of 1975, so as to introduce harsh penalties to discourage poaching. What I mean is life sentence for the culprits, if not death sentence. Secondly, we should mop up all illegal firearms in this country. Fourthly, is to motivate the game rangers who are supposed to be protecting the wildlife. Imagine somebody earning Kshs14,000 is protecting an animal worth about Kshs8 million. I think we should do something about that.

We should also start benefits-sharing strategy. By that I mean the person living next to the game park should actually see his benefits when he sees a good road in his area, he sees an elephant. When he goes to a health facility around his area and gets medicine, he values a rhino. When he sees his child in school, he sees the rhino and even the elephant which has contributed to his child's education. Lastly, it is about corruption. How do we stop corruption? That is for every one of us to think about.

With those few remarks, I beg to support.

The Temporary Deputy Speaker (Hon. Kajwang): Order, hon. Members! I think we have to review the time again. We still have a lot of requests and hon. Members need to ventilate on this issue. Would it be all right if we reduce the time to three minutes?

Hon. Members: Yes.

The Temporary Deputy Speaker (Hon. Kajwang): Yes, three minutes. Let us go back to the request. Yes, hon. Prof. Nyikal.

Hon. (Prof.) Nyikal: Thank you. I have really queued. I started when it was ten minutes, five minutes and now three minutes. Others may be getting one minute. This is an extremely important Motion and I think wildlife is our greatest resource in this country. It is the main driver of tourism, which actually is our main foreign exchange earner. So, I really wish to support any measures that will protect wildlife and, therefore, enhance our tourism. All the hotels and the employees in tourism actually, their main driver is wildlife, the big five and all other animals. Anything that threatens wild animals, threatens tourism. I, therefore, support the conservation measures that have been proposed in the Motion.

Community involvement is extremely important. This takes into consideration the human/wildlife conflict. We are not really talking about people who protect themselves from wild animals.

In my constituency, Seme, in the last one year, three people have been killed by crocodiles. I know there have been complaints, and so far nothing has been done by KWS. What we are talking about here are organized groups that threaten wildlife and,

therefore, threaten our tourism and economy. In my mind these are economic crimes and we must see them as such.

I must say that, whereas I congratulate hon. Ganya for bringing this Motion, I think the measures we are proposing here are weak. The basic issue here is corruption. When these things pass through the airports and KWS gates, there must be corruption involved. Those involved are not poor people who eke out a living; these are people who are wealthy and drive big cars; people who are considered heroes by our children, but who basically survive on corruption. The punitive measures must be severe to discourage these people. Just arming our rangers and using sophisticated equipment is nothing, because the poachers have more sophisticated equipment than that.

In the Bill that will be coming before this House, we must provide for confiscation of assets that result from poaching, and they must---

The Temporary Deputy Speaker (Hon. Kajwang): Resume your seat, hon. Nyikal. Where are you hon. Gikaria? May I remind you not to be pressing the button twice, because when you do so, you drop down the queue and lose your chance?

Hon. Gikaria: Thank you, Sir. I rise to support this Motion, which has been brought to this House by our brother, hon. Ganya.

Poaching has been an issue that the Government needs to take stern measures against. If you looked at hon. Ganya when he was moving his Motion, he said that the Government declared poaching in the country a disaster. When a Government declares anything a disaster, there are some measures which are supposed to be taken by the Government, so that it can address the situation once and for all.

The Motion is vital but again do we go back to where the Government would again declare poaching of wild animals a disaster without taking the necessary measures? I want to agree with hon. Ganya when he gave a few suggestions as the way forward; the first one that he mentioned was amendment of the law.

As hon. Nyikal said, there is a lot of corruption; we have to provide for a 15-year imprisonment term or a Kshs10 million fine or both, as indicated by hon. Ganya. We also need to take action against other people who may be involved. As we were told, there are other people within KWS who are involved due to the corrupt nature of some employees. Wildlife trophies are also passed on to other countries through our ports of exit like the sea port of Mombasa and our international airports. Therefore, if we take drastic measures, there might be a reduction in poaching.

Hon. Temporary Deputy Speaker, Sir, secondly, I want to comment on what has been said on financing of KWS. I want to agree that as much as we would want to finance KWS, it is not enough for us to finance the organisation. That is a secondary measure. The primary measure that we need to consider is what hon. Ganya indicated regarding punitive measures. The other bit is increasing the capacity of game rangers and other personnel. I want to agree with hon. Ganya that public involvement in neighbourhoods where poaching takes place is very important. As we employ game rangers, we also need to consider---

Hon. Speaker: Yes, hon. Ntutu.

Hon. ole Ntutu: Thank you, hon. Speaker, Sir, for giving me this opportunity to join my colleagues in thanking hon. Ganya for bringing this Motion, so that we can discuss this matter on the Floor of the House.

Let me begin by saying that poaching in this country is like drug trafficking. Unless we get to the root cause of the problem, we cannot solve it. Can KWS stop poaching? Yes, they can. However, due to corruption and the huge sums of money involved in poaching, KWS may not stop this problem. Most of the hon. Members who have spoken have talked about equipping our game rangers. These people are well equipped. In fact, game rangers have better cars, better guns and better camps than police officers. If you tell me that 600 pieces of ivory have been transported from, say, Masai Mara, where I come from, to Mombasa without being detected, with all the roadblocks along the way, I will call that a lie. We can only stop this illegal business if the security apparatus gets to the bottom of the matter.

Hon. Speaker, Sir, I come from Narok West Constituency, which is within the Masai Mara Game Reserve – home to the Seventh Wonder of the world. It is good for hon. Members to know that members of the Maasai community are not involved in managing wildlife. How can they detect poachers when they get to Masai Mara Game Reserve, and the Maasai people living in that area are not involved in the management of this natural resource? The Maasai people do not eat wild meat, but it is good for hon. Members to know that people come all the way from Indonesia and elsewhere to kill wildlife there, simply because the communities living in that area have not been given the opportunity to conserve the wildlife. When you hear about Indonesia and Far East countries---

Hon. Speaker: Yes, hon. Nkaisery.

Hon. (Maj-Gen) Nkaisery: Thank you very much, hon. Speaker, Sir. I want to begin by thanking my friend, hon. Chachu, for bringing this very important Motion to deal with poaching. Poachers are enemies of our economy. They are enemies of this country. Tourism contributes so much to the economy of this country. Therefore, anybody who interferes with that natural resource is an enemy of this country. Severe penalties should be put in place to ensure that we curb this menace.

Hon. Temporary Deputy Speaker, Sir, this “digital” Government needs to put in place “digital” measures to enable us get to the root cause of poaching. First, we need to find out the destination of the elephant tusks. We realise that some of the destinations are China and Japan. We have cordial relations with these countries. Therefore, we need to approach their embassies and tell them that their citizens should not be involved in this trade. If you cut off the consumer, poachers will not have the kind of field day they currently enjoy.

The KWS has been mandated to take care of our wildlife. They should have partnered with the local people, so that they can take care of our wild animals. People who live near our national parks are not poachers. Those are the most appropriate people to be used to defend and protect our wildlife. I do not want to say that KWS officials are corrupt, but they are inefficient. They are ineffective. They have not been able to partner with the local people. In fact, there is human/wildlife conflict just because the KWS has failed to partner with the local people.

Therefore, this is a very important Motion. I know that time is not on our side---

The Temporary Deputy Speaker (Hon. Kajwang): Yes, hon. Sabina Chege.

Hon. (Ms.) S.W. Chege: Thank you, hon. Temporary Deputy Speaker, Sir, for giving me this chance to support the Motion.

First of all, I want to thank hon. Ganya for moving this Motion. It is also good for me to mention that we also have Kenyans who are working towards protection of elephants. At this juncture, I want to thank one of my constituents, who is the Director of Elephants' Neighbours Centre. They have already done a 500-kilometre walk from Mombasa to Nairobi. They are now doing a 1,100-kilometre walk to just create awareness about protection of elephants.

An elephant has a great value to this country. It is an attraction to tourists. We know that tourism contributes 12 per cent of our Gross Domestic Product (GDP). We have data which shows that three elephants are killed daily in Kenya, and we have an elephant population of 30,000. Therefore, there is need for this country to worry about poaching of elephants. The maximum fine for people found poaching elephants is Kshs40,000. I suggest that we look at it with a view to providing for a 50-year imprisonment term. If we fine elephant poachers Kshs40,000 when they sell a kilogramme of ivory at a minimum of Kshs50,000, then we are not serious.

Kenya, Uganda and Tanzania are collectively one of the main sources of ivory. We know that the transit point is Vietnam, and that the people who buy the tusks are from China and Thailand. So, it is good that we also talk to the governments of China and Thailand. Yes, they are friendly to us but when they promote poaching, then we should re-consider our relationship with them. I recommend that we pass the proposed Wildlife Bill that has been pending for five years, and about which nothing has been done yet. We should also review the penalties. I also recommend that KWS employs more game rangers. Currently, KWS has about 2,000 game rangers against 59 game parks to be protected. Big parts of our game parks are not well protected. Therefore, we need more game rangers to protect our national parks.

Hon. Temporary Deputy Speaker, Sir, I would also recommend that we take our local people for training, so that they can become game rangers. We should engage the communities living near game parks. We should support them to become game rangers. At the same time, we will be mitigating human/wildlife conflict. Our local administration also needs to create awareness about elephant poaching. I am very sure that we will manage.

With those remarks, I beg to support.

The Temporary Deputy Speaker (Mr. Kajwang): Hon. Diriye Mohamed, I understand that this is your maiden speech. Can we hear you?

The Member for Wajir South (Hon. D.A. Mohamed): Thank you, hon. Temporary Deputy Speaker, Sir. This is my maiden speech. My names are Abdullahi Mohamed Diriye. I am the MP for Wajir South.

First I would like to support this Motion. I would, however, like to support it with caution because some of the punitive measures as suggested in the Motion might not be very practical. We all know of the importance of wildlife and we need to guard that jealously. Sometimes, however, one has the feeling that the protection given to the wildlife makes things appear as if the wildlife is more important than human beings. For whose interest is the wildlife being protected? Because of that, even as we debate this Motion it is important to look at both sides of the coin.

The KWS, even with the existing laws such as the Wildlife Conservation and Management Act, 2011 has lacked in enforcement. That could be the main problem. It is

not for lack of laws or the existence of weak laws. It could be the people in charge of the enforcement of those laws who are the problem.

In my area we have lions, hyenas, and the fox. They keep on devouring animals and even human beings. There is no compensation for the people, unfortunately. A lion could kill, say, camels and even people, but there is nowhere the people of Wajir, or northern Kenya, can complain to. You sometimes wonder why we protect the wildlife, yet the human being is more endangered because of the same wild animals.

The animals such as lions and elephants that wonder in northern Kenya cause a lot of mayhem. Even as we propose to make this law we need to be a bit careful in order to balance it. I think that employing more game rangers will be wonderful. We know that most of them are killed by poachers. My relative who was a KWS ranger was killed four years ago by poachers in Mombasa. So, increasing their numbers and giving them the necessary equipment and support would be wonderful.

Hon. F.K. Wanyonyi: Hon. Temporary Deputy Speaker, Sir, I would like to take this opportunity to thank hon. Ganya for coming up with this Motion. It is our duty as legislators to come up with very punitive laws in order to deter poachers.

I want to agree with the Mover of the Motion that we increase the number of the rangers. However, just as somebody asked, how much are we paying these rangers? Are they not conniving with the poachers? If we pay them well and assure them of good living standards like good housing then they will be able to work well.

I want to agree with the Mover of the Motion that a fine of Kshs40,000 for the poachers is not enough. I suggest that poachers get life sentence. For me that is the best, so that we can get rid of this menace.

I come from the slopes of Mount Elgon. We used to have the white elephants there. We no longer have them because of poaching from both Uganda and Kenya. I, therefore, want to suggest that the Government comes up with punitive measures to deter these people. I know that because of the heavy penalties that we are going to pass here this menace will be eliminated.

Hon. Temporary Deputy Speaker, Sir, because of the attraction---

Hon. Lentoimaga: Thank you, hon. Temporary Deputy Speaker, Sir. I rise to support this Motion and thank hon. Ganya for bringing it at the right time.

As many Members have already said, poaching is a threat to our economy and our heritage. Some of us live side by side with wildlife. We treasure it. Actually, without wildlife some of our communities will not survive. Where I come from, wildlife graze alongside the domestic animals.

The threat we are faced with is partly because of our neighbours. This is because of illegal firearms. In countries like Botswana and South Africa the ban on ivory was lifted. In countries like Botswana and South Africa, ivory trade contributes a lot; I think the Government of Kenya should try to see how it can engage with the countries that have already lifted the ban on ivory. The problem is the fact that people who are close to wildlife are not given an opportunity to conserve wildlife. A good example is Kajiado. The park there is not fenced and many times you can see lions and leopards coming out of the park and destroying domestic animals. You find someone with 40 cows or goats and overnight the animals are killed by wildlife. So, the KWS should do something about fencing. The other day there was a claim that there was an inside job at the KWS with

regard to poaching. There was a time when about 40 elephants were massacred in one day, and there is a claim that the way those animals were killed was as if there was a plane overflying the elephants, and all of them were shot from above. Who can have an aircraft with sophisticated weapons for killing wildlife? The Government needs to investigate more because I think one of the reasons why that kind of poaching is going on is because it is an inside job.

The other issue as hon. Members have already said is that China, Thailand and Indonesia---

The Temporary Deputy Speaker (Hon. Kajwang): Your time is up!

Hon. J.N. Chege: Hon. Temporary Deputy Speaker, Sir, mine is to rise and support this Motion. It is good to discuss about the illegal poaching; one also needs to reflect on what happens to the ivory of the animals that die naturally. There is a loophole that the business goes on legally or illegally, but we need the authority responsible in this business to let us know how much ivory is obtained from those animals that die and how their ivory is disposed.

The other thing is the fact that it is true that we have not invested adequately in the people who take care of parks. It is also true that the facilities at our airports are not adequate in terms of making sure that we control what goes out. What is even more worrying is that we know the market for this ivory is in foreign countries, and the trend in recent years is that the market is coming home. So, the issue is whether we can track down what is happening with the ivory locally, because there is a big market for ivory trade in the country. I would like to throw this challenge: It is true that animals have been destroying our crops and human lives but we need them in our country. It is important that the nations that trade with us need to help Kenya. I know in some of these nations, ivory trade is legal; somebody said that if somebody is doing business in such a country and is involved in poaching, that country is not responsible. I would like to differ because if a country has legalized a business that is affecting us, surely we should also take some measures to make sure that they also reciprocate in one way or the other.

With those few remarks, I beg to support and urge that we put more resources in this area to make sure that poaching does not go on.

Hon. (Ms.) Nyasuna: Hon. Temporary Deputy, Sir, thank you for giving me this opportunity. I would like to start by saying that poaching is an international disaster. We need to declare it as such. We also know that tourism is a major foreign exchange earner; it has been said by many speakers in this House. I would like to thank very much hon. Ganya for bringing this Motion for debate. It could not have been more timely for us to discuss the matter of poaching, and look at what actions to take. I hope that as we discuss this Motion, the Wildlife Bill is on the way, so that we do justice to ourselves and get things moving in the right direction.

It has been said by several speakers on the Floor of this House that community engagement cannot be gainsaid if we want to bring a halt to poaching. I am going to speak about three elements. If we do not meaningfully engage our communities--- If we do not let our communities know that by conserving our wildlife *ugali* can land on their tables, we will lose the anti-poaching battle from the outset. Our communities must know that if they conserve wildlife, it can bring them food on the table. I think many speakers

have said that this has to bring benefits to them, so that they see the need for conservation.

We have talked about engagement of our schools. Engaging kids at a very early age – I can see students in our public galleries. We must re-energize our wildlife clubs. We must inculcate the whole culture of conservation from a very early age.

Secondly, we must demand greater national and county government commitment on this issue of curbing poaching. A maximum fine of Kshs40,000 is laughable for poaching that raises millions and millions of shillings for the poachers. I support the Motion and the insistence on putting in place tougher measures for dealing with poaching. The KWS has to put its act together. The KWS has to put its house in order, so that we deal with an institution that is focused.

The Temporary Deputy Speaker (Hon. Kajwang): Your time is up!

The Member for Rabai (Hon. Mwamkale): Asante Bw. Naibu Spika wa Muda kwa kunipa nafasi hii. Naomba kuchangia kwa kuunga mkono Hoja hii; ni kweli kabisa kwamba utalii unachangia pakubwa uchumi wetu na huleta pesa za kigeni. Nia ya Rais wetu ni kuongeza idadi ya watalii wanaofika hapa kutoka milioni mbili mpaka milioni tatu, lakini tukumbuke kwamba ili kufanya hivi ni lazima tuangalie vile vitu vinavyoleta watalii katika Kenya yetu. Imesemwa hapa kwamba wanyama pori wanachangia pakubwa kuja kwa watalii wengi katika nchi yetu. Kwa hivyo, tuna jukumu kama nchi kuhakikisha kwamba tunachunga wanyama pori wetu.

Bw. Naibu Spika wa Muda, imesemekana kwamba hatuwezi, kama Serikali kuweka mikakati ya kuchunga wanyama pori kama wale wanaoishi na wanyama pori, jamii ambazo zinapakana na mbuga zetu za wanyama pori. Tukitaka kuchunga wanyama pori ni lazima tutambue wale wanaoishi karibu na wanyama hawa. Tuhakikishe kwamba mambo yao ama wao wanawekwa katika mstari wa mbele katika uchungaji wanyama pori. Tumeona katika nchi hii siku za nyuma - siku chache tu zilizopita - jamii zinazoishi karibu na mbuga zetu zilichukua mishale na silaha nyingine na kutaka kuingia msituni na kuwakatakata wanyama pori; hii ni kwa sababu Serikali inaonekana, hasa shirika linalosimamia wanyama pori, kujali wanyama pori zaidi kuwashinda binadamu. Wakati wanyama pori wanapoingilia mimea na kuuwa watu Serikali haionekani kushtuka. Lakini mnyama anapokufa watu wale wanaoishi katika---

The Temporary Deputy Speaker (Hon. Kajwang): Your time is up. Hon. Raphael Otaalo. I understand this is your maiden speech too.

The Member for Lurambi (Hon. Otaalo): Thank you, hon. Temporary Deputy Speaker, Sir. My name is Raphael Otaalo, Member of Parliament for Lurambi Constituency; this being my maiden speech I will have to be a bit irrelevant.

First of all, I would like to take this chance to thank my constituents in Lurambi for having made the right choice of picking me as their Member of Parliament; I promise them that I will do my best to serve them well. Maybe for people who do not know where Lurambi Constituency is, it is in Kakamega County and so is the headquarters for the same place.

Lurambi is endowed with agricultural products, mainly sugar-cane. I remember discussing yesterday about taking parastatals to the counties, and one of the agricultural products that should be moved to the counties is sugar-cane. If people own it, I am sure

they will be able to actually understand why it is important to grow the crop and also do so efficiently.

Hon. Temporary Deputy Speaker, Sir, secondly, Lurambi is also endowed with minerals; I would like to thank the President and the Jubilee Government for giving mining a ministry. We have a lot of gold deposits in Lurambi and I am sure it will go a long way also in trying to ensure that we are able to exploit the mineral potential in the country.

Now, coming to the Motion, as my colleagues have said, we have a lot of conflict between animals and human beings. In most of the parks I have seen, or gone to, I have seen that there is no fencing. As somebody said here, I do not think you will allow your domestic animals to be killed because you want to protect the elephants. So, the first thing we should do if we have to defend our animals properly--- Let us make sure that we have our parks well protected, so that we do not have that direct conflict between the animals and human beings. I would also like to say that, it is important that we have very tough action taken against poachers.

The Temporary Deputy Speaker (Hon. Kajwang): Your time is up. Yes, hon. Mwadime.

Hon. Mwadime: Shukrani Bw. Naibu Spika wa Muda kwa macho yako kunilenga na kunimpa fursa hii. Mimi natoka Mwatate, Taita Taveta County ambapo ninapakana na mbuga ya nyama pori ya Tsavo. Kwa kweli nashukuru kwa Hoja hii na ninaiunga mkono lakini nataka iwe na marekebisho. Ukiwauliza watu wa eneo Bunge langu kuhusu kuchagua kati ya kuwachunga na kuwaua ndovu watakuambia hawa wanyama pori wanawasumbua sana. Sisi hatujaona mvua kwa zaidi ya miaka mitatu. Tumeiona mwaka huu lakini mimea yetu imeharibiwa na wanyama pori.

Bw. Naibu Spika wa Muda, kwa kweli naunga mkono kuongezwa kwa walinda wanyama pori, lakini tuangalie wale ambao wanaishi karibu na maeneo ya mbuga za wanyama pori. Bila hivyo, hawataona umuhimu wa kuwachunga wanyama pori; naunga hii Hoja mkono lakini nataka iwe na marekebisho. Nataka tuongeze askari wa kuhifadhi wanyama pori, tuhishe watu ambao wamepakana nai mbuga zetu katika uchungaji wa wanyama pori.

Jana usiku katika maeneo ya Mwakitau, Sorongo na Mwachapo mimea ya watu iliharibiwa sana na wanyama pori. Hatuwezi kusema watu wa Kenya Wildlife Service (KWS) hawana vifaa. Mwezi jana nilikuwa Voi Safari Lodge na nikawa nauliza: Kwa nini Voi Safari Lodge inalindwa na polisi? Niliambiwa wakati walikuwa wanalindwa na watu wa KWS walikuwa wakiibiwa mara kwa mara, na hii ilimaanisha kuna tatizo fulani katika KWS.

Mwenye kuleta hii Hoja, Bw. Ganya, nampongeza, lakini yafaa tuijadili kwa upana zaidi. Inahitaji marekebisho mengi sana maanake kuna tatizo kubwa sana.

Hon. (Ms.) Kiptui: Thank you, hon. Temporary Deputy Speaker, Sir. I rise to support the Motion. I also want to congratulate hon. Ganya for having brought the Motion. I believe that when the Bill is brought to the House, the input of the hon. Members will be incorporated into it.

If we want to promote wildlife, we must also take care of the communities that live around the national parks. It is unfortunate that hon. Amina, the Chairperson of the Departmental Committee on Environment and Natural Resources has stepped out; I

wanted to tell her to look into the conflict that exists between communities and the conservation driven by the Kenya Wildlife Service. For instance, in Baringo County where I come from, there is Kapngoror Conservancy and there has been a long standing dispute between *wananchi* and the KWS over the land that should be used as a conservancy. I would like hon. Ganya to note that conflict; when the Bill comes to the House, that issue should be resolved. Otherwise, the punitive measures that exist now are not enough. It looks like there is lethargy among the officers of the KWS in protecting the animals. So, there is need to do further investigations and get a report, if necessary, from them, to tell us what the problem is. It is, indeed, true that of late, there has been an increase of killing of elephants in our conservancies and in the national parks. There must be a reason behind this, because this used not to be the case.

In conclusion, there is need for proper compensation for the people who live close to the national parks when they lose their lives, or when their properties are destroyed.

Hon. Okoth: Thank you, hon. Temporary Deputy Speaker, Sir. I rise to support this Motion and thank hon. Ganya for bringing it.

Our elephants and other wildlife in general are a big national asset for us and a heritage for all humanity. So, while I support the Motion, I urge the Government to put necessary punitive measures in place, as well as measures to assist our communities to see the value of wildlife. They should get monetary returns from protecting the wildlife in our different areas. I also think we need to look at the KWS Act as well as our international partnerships to make sure that our relations with countries that benefit from this trade is--- The rest of the partners, like the UN, should work together to make sure that it is not only Kenya that bears the responsibility of protecting wildlife. It is an internal security issue, and also a global issue since we are trying to save the world's heritage of wildlife.

It is important for us to even decide how we refer to ivory poaching and elephant decimation; we need to point out that this is not a question of white gold. In many cultures in the Far East, ivory is considered to be white gold.

The Temporary Deputy Speaker (Hon. Kajwang): Hon. Members, may I call upon the Mover to reply?

Hon. Ganya: Mr. Temporary Deputy Speaker, Sir, I will donate one minute to hon. Lekuton.

Hon. Lekuton: Thank you, hon. Temporary Deputy Speaker, Sir. I wish to thank hon. Ganya. I wish to congratulate my good friend, hon. Ganya for this great Motion. There are facts that we need to understand concerning why poaching takes place.

The first one is the increasing demand by the Asian countries, including South East Asia, for elephant tusks and rhino horns. The use of elephant tusks and rhino horns has religious significance. They are also used for decorative purposes. Finally, there is no co-operation from the Chinese Government and other Asian countries. If we understand these issues, we will be able to solve the problem. To quote from an international conference that is going on now in England and is chaired by Prince Charles-

“We face one of the most serious threats to wildlife ever and we must treat it as a battle because it is precisely that. Organized gangs of criminals are stealing and slaughtering elephants, rhinoceros, tigers as well as large numbers of other species in a

way that has never been seen before. They are taking these animals sometimes in unimaginable high numbers using the weapons of war, assault rifles, silencers, night vision equipment and helicopters”.

The solution to this is the Wildlife Bill. The Government should bring that Bill quickly, so that we tackle the problem, look at it and see how we can save our wildlife.

Hon. Ganya: Hon. Temporary Deputy Speaker, Sir, I want to thank all the Members who have supported this Motion. Except one Member, all those who spoke were in favour of this Motion.

Conserving our environment and protecting our elephants is our constitutional mandate under Article 69 of the Constitution. I totally agree with all the Members that we need to put punitive measures in place. Some Members have even suggested death sentence and others life imprisonment. I had proposed 15 years in jail as well as Kshs10 million in terms of penalty. All the issues that the Members have raised, like benefits to the local communities, will be dealt with by the Bill that we will bring to this House, and which will overhaul the current Act.

I beg to move.

(Question put and agreed to)

ADJOURNMENT

The Temporary Deputy Speaker (Hon. Kajwang): Members, it is now time to interrupt the business of the House. The House is, therefore, adjourned until this afternoon at 2.30 p.m.

The House rose at 12.30 p.m.