

# PARLIAMENT OF KENYA

## THE SENATE

### THE HANSARD

Thursday, 8<sup>th</sup> November, 2018

*The House met at the Senate Chamber,  
Parliament Buildings, at 2.30 p.m.*

*[The Speaker (Hon. Lusaka) in the Chair]*

#### PRAYER

#### COMMUNICATION FROM THE CHAIR

##### VISITING DELEGATION FROM MAKINI SCHOOL, NAIROBI

**The Speaker** (Hon. Lusaka): Hon. Senators, I would like to acknowledge the presence, in the Speaker's Gallery this afternoon, of visiting students and teachers from Makini School, Nairobi City County. In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them.

On behalf of the Senate and on my own behalf, I wish them a fruitful visit.

I thank you.

*(Applause)*

**Sen. Olekina:** Thank you, Mr. Speaker, Sir. On behalf of the people of the great County of Narok, I wish to also welcome the young girls. I had an opportunity to meet them earlier. In this delegation, I am sure there is Megan, Michelle, Juliet, Angelo and Cheptoo. They are the future of this country. I had a good time with them. I encouraged them to know their leaders, especially Senators because one day they too will be here representing future generations. We are here to work for you.

The role of this Senate is to defend the interests of counties. Nairobi County is one of the counties that is represented here. I hope Sen. Sakaja, the Senator for Nairobi County will be coming here in due course.

I would also like to recognize the good work that their teacher is doing of fighting the HIV/AIDS epidemic. The work she is doing in this country cannot pass unnoticed by us, leaders. We hope that she will continue doing so and help make many of us to be able to deal with the stigma associated with this scourge.

Yesterday, I read in the newspapers that there are many people who are not accepted in these communities because of the challenges they face coping with this

disease. We know that her organisation deals with a lot of work. I encourage her to continue doing that great work for this great nation.

I also encourage her to continue bringing more students here so that they can see their leaders and know what kind of work they do for them.

**The Speaker** (Hon. Lusaka): Sen. (Dr.) Langat, who is also the Chairperson of the Committee on Education.

**Sen. (Dr.) Langat:** Mr. Speaker, Sir, I also join you in welcoming the girls and their teachers from Makini School. On the other side, I can also see students from Starehe Boys Centre. Welcome to this great House.

Let me also express my great gratitude because Makini School has been one of the best schools in this country. It has been performing very well in the Kenya Certificate of Primary Education (KCPE). I also salute the students for being most disciplined. I visited the school eight years ago. I had been taken there by your Chaplain. It is a wonderful school that needs to be emulated by others.

I encourage the Kericho County Senator, whose first born is six months old, that once she is of school going age to take her to Makini School.

I wish them all the best. I hope that one day they will be in this House supporting the legislation of this great country.

**Sen. Cheruiyot:** On a point of information, Mr. Speaker, Sir.

**The Speaker** (Hon. Lusaka): What is your point of information, Sen. Cheruiyot?

**Sen. Cheruiyot:** Mr. Speaker, Sir, while I gladly take the invite from Sen. (Dr.) Langat, he should not mislead colleagues that I am a father of a six months old child. My only daughter is 15 months old. She was born two days before I was elected to serve my second term in this House.

I am glad today that Makini School is one of the schools that I will consider seeking admission for my daughter when time comes.

I also welcome them to this House.

**The Speaker** (Hon. Lusaka): He was not very far from the age of your daughter.

*(Laughter)*

We congratulate you for the effort.

Sen. Were, please, proceed.

**Sen. Were:** Thank you, Mr. Speaker, Sir. I also join my colleagues in welcoming the students of Makini School to the Senate. I pray that what they learn from the Senate will make them better leaders in future. I am proud that they are all girls. I know Makini is a mixed school. However, we have girls here and no boys. This shows that the future of women leadership in this country is bright.

Welcome and continue to do us proud. We know you will do us proud like you have always done when the KCPE results will be announced in near future.

Keep it up and God bless you.

**MESSAGE FROM THE NATIONAL ASSEMBLY****PASSAGE OF THE COUNTY GOVERNMENTS RETIREMENT  
SCHEME BILL (NATIONAL ASSEMBLY BILLS NO.10 OF 2018)**

**The Speaker** (Hon. Lusaka): Hon. Senators, I wish to report to the Senate that pursuant to Standing Order No.41 (3) and (4), I have received the following Message from the Speaker of the National Assembly regarding the approval by the National Assembly of the County Governments Retirement Scheme Bill (National Assembly Bills No.10 of 2018).

“Pursuant to the provisions of Standing Order Nos.41 and 142 of the National Assembly, I hereby convey the following message from the National Assembly:

WHEREAS the County Governments Retirement Scheme Bill (National Assembly Bill No.10 of 2018) was published vide Kenya Gazette Supplement No.33 of 10<sup>th</sup> April, 2018, as a Bill seeking to establish the County Governments’ Retirement Scheme for employees in the service of the county governments and to provide for retirement benefits of those employees.

AND WHEREAS the National Assembly considered the said the Bill on Wednesday, 17<sup>th</sup> October, 2018, with amendments in the form attached hereto;

NOW THEREFORE, in accordance with the provisions of Article 124 of the Constitution and provision of Standing Order No.142 of the National Assembly Standing Orders, I hereby refer the said Bill to the Senate for consideration.

Hon. Senators pursuant to Standing Order No.157 which requires that a Bill originating from the National Assembly be proceeded with by the Senate in the same manner as a Bill introduced in the Senate by way of First Reading in accordance with Standing Order No.139, I direct that the Bill be listed for First Reading on Tuesday, 13<sup>th</sup> November, 2018.

I thank you.

Next Order.

**PETITION**

**The Speaker** (Hon. Lusaka): There was supposed to be a Petition by Sen. Seneta. Since she is not here, we shall proceed to the next Order.

*(Sen. Seneta walked into the Chamber)*

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

**The Speaker** (Hon. Lusaka): What is your point of order, Sen. Cheruiyot?

**Sen. Cheruiyot:** Mr. Speaker, Sir, I am making a case for my good friend Sen. Mary Seneta. I know very well the importance of the Petition because she had earlier shared with me that she would wish to bring it. Earlier when you made your ruling, she was just making her way into the House. I plead with you that you allow her to present that Petition to the House.

**The Speaker** (Hon. Lusaka): Okay. Sen. Seneta, next time, keep time. Proceed.

PLIGHT OF EMPLOYEES OF NOL-TURESH LOITOKTOK  
WATER AND SANITATION COMPANY LIMITED

**Sen. Seneta:** Thank you, hon. Speaker, for giving me a chance to present this Petition. I have just come from another equally important meeting. Thank you, my colleague, Sen. Cheruiyot, for intervening on my behalf. It is an important Petition.

The Petition is as follows-

We the undersigned citizens of the Republic of Kenya and residents of Kajiado County, draw the attention of the Senate to the following-

(1) That the Nol-Turesh Loitoktok Water and Sanitation Company Limited is registered as a company limited by guarantee and is wholly owned by the county governments of Kajiado, Makueni and Machakos counties.

(2) That earlier this year the Water Service Regulatory Board (WASREB) carried out an inspection into the operations of the Nol-Turesh Loitoktok Water And Sanitation Company Limited which revealed among others that-

(a) The Company had not remitted statutory dedications, including Pay As You Earn (PAYE) for the sum of kshs23 million as at June 2018; and,

(b) The staff at the firm was owed salary arrears of more than eight months.

(3) That the issues raised in the WASREB Report are yet to be addressed comprehensively, including payment of salary arrears and remittance of employee pensions and the statutory deductions which remain outstanding.

(4) That we have made the best efforts to have these matters addressed by the relevant authorities all of which have failed to give a satisfactory response

(5) That none of the issues raised in this Petition is pending in any court of law, constitutional or other legal bodies.

Wherefore, your humble Petitioners pray that the Senate urgently investigates this matter with a view to ensuring:

(a) That the employees of the firm receive their salary arrears.

(b) That the outstanding pension and statutory deductions are remitted; and,

(c) That steps are taken to ensure that the residents of Kajiado continue receive consistent supply of clean drinking water.

The Petition is countersigned by Sen. May Yiane, Nominated Senator, Kajiado County.

I thank you.

*(Interruption of debate on Petition)*

**COPMMUNICATION FROM THE CHAIR**

## VISITING DELEGATION FROM STAREHE BOYS' CENTRE

**The Speaker** (Hon. Lusaka): Thank you, Sen. Seneta. Before I allow intervention on the Petition, let me have a brief communication.

Hon. Members, I would like to acknowledge the presence, in the Public Gallery this afternoon ,of visiting students and teachers from Starehe Boys' Centre, Nairobi City County.

In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them. On behalf of the Senate and on my own behalf wish them a fruitful visit.

I thank you.

*(Applause)*

*(Resumption of debate on Petition)*

Hon. Senators, pursuant to Standing Order No. 231, I shall now allow comments, observation or clarifications in relation to the Petition for not more than 30 minutes.

Proceed, Sen. Cheruiyot.

**Sen. Cheruiyot:** Thank you, Mr. Speaker, Sir. I rise to support this Petition by Sen. Seneta. I want to congratulate her despite being a nominated Senator from Kajiado County, if the truth was to be told, if there is someone who has spoken many times about the issues affecting the residents of the Kajiado County, then it is her.

I think it is a good pointer that when one is nominated he or she can do even more than those of us who were elected. I know the Senator for Nakuru, our Majority Whip has just declared war on me for uttering those words. However, Sen. Seneta does a very impressive job on behalf of people of Kajiado County. They work collaboratively well with my good friend whose name has disappeared from my mind. He is Sen. Mpaayei. I remember him very well.

The point I want---

**The Speaker** (Hon. Lusaka): Order! You cannot remember somebody who you have forgotten his name.

**Sen. Cheruiyot:** Mr. Speaker, Sir, I have facial remembrance, but his name had disappeared for a minute in my mind. However, I know him very well. They are good friends and they have worked tirelessly for the residents of Kajiado County.

The issues that have been raised in this Petition are matters that many of our regional water bodies continue to face. Last week in the county that I represent here, the only two water service bodies were merged. I remember that when we passed the water laws here, one of the recommendations was that before WASREB is merged or separation of any water bodies there must be proper public participation. That cannot be done, for example, without the proper involvement of the representatives of the people.

I wrote to WASREB and requested them to furnish me with minutes of the meeting where they purportedly did the public participation and allowed to merge water bodies. Each water body was formed to address very specific needs of particular residents. By merging them, sometimes we disenfranchise certain sections of the population.

The issues that have been raised in this Petition are just some of the many ways through which residents of many counties are losing while county government decide either to merge or separate water serves board.

Mr. Speaker, Sir, I request that the Committee to which you will commit this Petition does a proper job of keenly looking into the issues that have been raised. It should be remembered that as Senate we are a *quasi-judicial* institution. When we give orders, they should be properly respected because they can save the residents of this country from suffering any injustice that is being meted on them.

Mr. Speaker, Sir, early this week, we had a meeting with members of the Committee on Energy. The Chairman of Kenya Pipeline Company came before us and thanked the Senate. This is because I remember towards the tail end of last Parliament, there was the issue of the Line Five Pipeline that is being constructed from Mombasa to Kisumu. There were challenges of variation where the contractor has raised an additional figure of Kshs10 billion. The institution was going to pay were it not for the intervention of the Committee on Energy. They thanked us because to date, because of the orders that we gave in that Committee, taxpayers did not lose even a single shilling.

Therefore, the Committee that will handle this Petition will save the residents of Kajiado County a lot of agony because they have been affected by the action of WASREB. The employees of Nol-Turesh Loitoktok Water and Sanitation Company can find reprieve in this House if their prayers are acceded to.

I urge that we keenly look into this particular matter with a view of having those employees properly remunerated for the services that they rendered.

With those many remarks, I support.

**Sen. Olekina:** Thank you, Mr. Speaker, Sir. I rise to support the Petition by my good friend, Sen. Seneta, and to congratulate her for defending the rights of the people of Kajiado County. Recently, Sen. Seneta brought an issue that had to do with the farmers of Kajiado. Today, we are here dealing with something which has been in the news for quite some time now. That is, the issue of the mistreatment of the workers of Nol-Turesh Loitoktok Water and Sanitation Company.

Kenyans should know that the issue of Nol-Turesh Loitoktok Water and Sanitation Company is something that cuts across three counties namely; Kajiado, Makueni and Machakos.

On 15<sup>th</sup> October, the three governors met to discuss the issues that are affecting their people. Sometime in June, the former Managing Director of that company was accused of misappropriating about Kshs60 million. It is time we moved expeditiously so as to ensure that the people who work there are paid their benefits.

People are ignoring the rule of law, but the Constitution is very clear. It says one will still be held accountable even if he leaves office today. Therefore, I want to request the Committee that will handle this Petition to recommend that the office of the Director

of Public Prosecutions (DPP) investigates the former Managing Director so as to have him and others held accountable if any funds were misappropriated during his tenure and which led to people not being paid their salaries and Kenya Revenue Authority (KRA) not receiving its dues.

I know that the Governor of Kajiado County appointed the former Managing Director of Kenya Airways to be the head of Nol-Turesh Loitoktok Water and Sanitation Company. Mr. Titus Naikuni is a good man. He has worked well though I know some people will say that there are issues which need to be addressed. However, he can tackle this matter. He is one of the people the Committee should invite so as to understand the steps that he has already taken to ensure that the people of Nol-Turesh Loitoktok Water and Sanitation Company, who have been working there for many years, have been paid their dues.

It is very sad to find out, when you are about to retire, that there is no money to pay you. On 12<sup>th</sup> June, there were demonstrations by the staff of Nol-Turesh Loitoktok Water and Sanitation Company who decided to paralyse the operations yet this is an area where water is a scarce resource. What people should realize is that we are dealing with three counties. In fact, I dare say that the water from Nol-Turesh Loitoktok Water and Sanitation Company comes all the way to Nairobi. Most flower farms that bring a lot of foreign exchange in this country rely on water from Nol-Turesh Loitoktok Water and Sanitation Company. I know this for a fact for I have a home somewhere close to Nol-Turesh. It is sad that the people who work there are not paid.

This is a Petition that requires the Committee to expedite and ensure that those who have misappropriated those funds and mistreating the employees are held to accountable because what they are doing is wrong. Sometimes in June or July, the media was awash with information of how people were demonstrating in Nol-Turesh, Loitoktok and how there was water crisis. The three governors should sit down.

If Kajiado County is claiming full ownership, then they should make the first move and ensure that they bail it out. I remember Governor ole Lenku saying that he was tired of bailing out this company. That is one of the reasons as to why he was bringing in changes in Nol-Turesh Loitoktok Water and Sanitation Company. If Kajiado County is tired of bailing out the company, why not follow through with the DPP to ensure that those people who misappropriated those funds are held responsible? Why should the workers suffer?

This Petition is timely and I hope that the Committee will hold those proceedings on the ground so that people with proper facts can be heard. Sometimes when we invite people to come to the Senate, we leave out people who might have relevant information that could help when coming up with solutions. That is the only way to bring sanity to the water sector before people start fighting. When you interfere with the people who are working, they can decide to do so many things. Water is dangerous and good at the same time.

I support this Petition. I hope that the County Government of Kajiado will take the initial steps of ensuring that they pay those workers even as they ensure that Mr. Naikuni does his job as the head of Nol-Turesh Loitoktok Water and Sanitation Company.

**Sen. (Dr.) Langat:** Thank you, Mr. Speaker, Sir, for giving me this opportunity to support the Petition by Sen. Seneta. Apart from being very concerned about the issues affecting Kajiado County, she is also one of the most active Members of the Committee on Education. Congratulations Senator for your concern on the issues facing members of these three counties.

One of the great responsibilities of this House is to safeguard the welfare of the members of our counties. What happens to people who have not been paid salaries for eight months and yet they have children going to school? How do they buy their food? This is very immoral. I wonder why this is happening. These counties have been given money by us. Investigations must be done to find out the reason for the failure to pay salaries to these people. I suspect that corruption is the main cause of everything in this company.

This company has also failed to submit statutory deductions which amounts to Kshs23 million to the respective organizations. This is a crime against humanity. We must act with a lot of diligence to reduce this particular menace.

In the Committee on Education, we found out that some universities are also culprits. They are not remitting statutory deductions of their workers for more than six months. This trend must be dealt with accordingly by this House.

The petitioners have exhausted other avenues. It is a pity that they have not taken this matter to court. This is a demonstration that they have a lot of faith in this Senate. I hope the Committee that will deal with this particular matter will do it expeditiously, so that these people are assisted. Their recommendations will help this House, members of the counties that we come from and the governors to know that we are the oversight authority. We will continue doing our work to make sure that the welfare of our people is taken care of.

Mr. Speaker, Sir, I fully support this Petition. I will visit the Committee that will deal with this matter as a friend to make sure that it is taken seriously.

**The Speaker** (Hon. Lusaka): Hon. Members, we need to observe time. Therefore, I will give the remaining speakers three minutes each.

Proceed, Sen. (Prof.) Samson Ongeru.

**Sen. (Prof.) Ongeru:** Thank you, Mr. Speaker, Sir. I also add my voice to congratulate Sen. Seneta for bringing a very important Petition before this honourable Senate. Water is life. Without it, the whole village or country will come to a halt. Anybody who does not take water provision as a serious service is doing disservice to this nation.

Recently, Sen. Seneta and I went to a place called Bali in Indonesia. In one of the outdoor visits to the village level, we witnessed how the village council was able to take care of the water provision for their residents. That is the inspiration she might have gotten from that visit.

We have a very viable water supply from Mt. Kilimanjaro which comes all the way through Oloitoktok in Kajiado County, Makueni County and Machakos County. I suspect this is part of the water that comes to Nairobi County. If a water body which has been given statutory mandate to deal with water supply and provision to the residents in



that region is not able to perform their duty, it has failed, should be fired and face the rule of the law. This is unacceptable.

They are also unable to remit the statutory deductions, for example, Pay As You Earn (PAYE), National Hospital Insurance Fund (NHIF) and other social amenities that we require. Therefore, this is a Petition which is heavily loaded. We need to canvass and get the right bearing and decision so that it can apply equally to other water bodies within the country.

If they knew how water is precious in Egypt, they will know that the laws that govern water supply along the riparian region are very critical to the Egyptians. We should have the same motto and impetus to keep our waters safe and clear for drinking, animal use and other related activities. Therefore, I render my full support to this Petition because it is at the heart of every county water bodies, including in Kisii and Nyamira counties.

**Sen. Hargura:** Thank you, Mr. Speaker, Sir. I thank Sen. Seneta for bringing up this Petition concerning the plight of the workers at Nol-Turesh Water and Sanitation Company. Unfortunately, Kenyans are struggling to make ends meet. However, when they get a job and those who are supposed to pay them delay their salaries for eight months, I do not know how they expect them to keep themselves going.

This is a straight forward case which requires the relevant Committee on Labour and Social Welfare to take it up and make sure that these companies pay their staff and most importantly submit their deductions because this is what they will rely on when they leave the service. Therefore, if a company does not remit the deductions, it jeopardizes the future of the staff and not the current salaries.

Of late, water has become a big issue between counties. For example, we have the case of Muranga County and Nairobi County. I hope that there is no problem between Kajiado County and Makueni County. We need to look at water as a trans-county resource so that we sort this problem together. If staff are not paid, then water will not be available and this will affect other Kenyans.

I, therefore, urge the Committee on Labour and Social Welfare or any other relevant Committee to make sure that they deal with this matter with all the urgency that it deserves.

**Sen. Wambua:** Thank you, Mr. Speaker, Sir, for giving the opportunity to add my voice to this Petition. I begin by thanking my colleague, Sen. Seneta for bringing it up. Water is so important in our lives that the drafters of the Constitution of Kenya, 2010 reserved an Article on its importance.

Article 43 under the Bill of Rights makes access to safe and clean water in sufficient quantities a basic human right. Therefore, when we have situations where water companies are mismanaged, in essence, we are diminishing the right of Kenyans to access clean and safe water.

Mr. Speaker, Sir, payment of salaries is not a choice for any employer to make. It is a duty that is required by law. The breach of remittance of statutory deductions or monies deducted from salaries is criminal. Therefore, we should not be discussing people that are not remitting money. They should be arrested and charged accordingly.

I am happy that these issues have been brought up because they touch on labour issues. If the past trend by the Committee on Labour and Social Welfare in handling issues brought to their attention is what will continue in this one, then we expect results that will not only address the issues in Kajiado, Makueni and Machakos counties, but water issues everywhere in the country. All water companies in this country have issues of employees' remittance and provision of safe and clean water.

Mr. Speaker, Sir, I support.

**Sen. Sakaja:** Thank you, Mr. Speaker, Sir. Allow me, first, to recognise the students from Makini School as well as Starehe Boys Centre; both in my County. The students from Starehe Boys Centre have been on an attachment. They attended my Committee sitting yesterday. They are excited about what happens in this House. I visited students from Ngara Girls High School who are sitting for their exams. We wish them all the best in their exam.

Mr. Speaker, Sir, this is a big issue. If committed to my Committee, as Sen. Wambua has said – I thank the Senator for Kitui, he has acknowledged how hard my Committee works – we will take it up because it is a very serious issue. We have met county government workers unions in three counties and we are moving to other counties. We have realised that even county governments are not remitting statutory deductions for many of their staff. Nairobi County, for instance – and I hate to use my county as an example – owes Local Authorities Pensions Trust (LAPTRUST) Kshs13 billion and Local Authorities Provident Fund (LAPFUND) another Kshs13 billion. What is happening now is asset swaps.

This issue must be looked at critically because people must be surcharged. There must be individual culpability for failing to make these statutory deductions because when these people retired, their National Social Security Fund (NSSF) contributions will not be paid. When they go to hospital they are told their National Hospital Insurance Fund (NHIF) contributions have not been remitted. It should not be taken casually as people are taking it.

I urge hon. Senators to be very careful and make sure that in their offices they do those remittances. The office of the Senator for Nairobi is being surcharged. I am being surcharged Kshs13 million because the previous Senator did not remit PAYE, NHIF and NSSF. My office is already poor. I have no allocation as a Senator, but I am being surcharged by the KRA, NHIF and NSSF, Kshs14 million to be precise. It is a serious issue. People must stop taking this casually. Accounting officers must know that NHIF, NSSF and PAYE money is not their money. It is not a favour they are doing to those workers. It is an obligation under the law. It is an offence not to pay these amounts.

We will look at that issue together with the issue of water. There are challenges. We need to come up with a serious position as a Senate on how these water resources are managed in the counties and all those assets go back to the counties as opposed to these parastatals.

Mr. Speaker, Sir, we will take up the matter if you give it to my Committee.

**Sen. Khaniri:** Mr. Speaker, Sir, I thank you for the opportunity. At the outset, I take this opportunity to thank Sen. Mary Seneta for presenting this Petition on behalf of those patriotic Kenyans. As I said here yesterday, the number of petitions coming to this

House is a testimony that Kenyans have confidence in this House. Kenyans have faith that this House will address their problems. We are receiving so many petitions weekly. It is a clear demonstration that this is the House they believe in.

I urge the Committee that you will refer this Petition to, to rise to the occasion so that they do not let us down. It is led by Sen. Sakaja. I like the vibrancy that he has brought into the Committee; only that he has not responded to my statement which I raised several months ago on minimal wages to Kenyans. I am still waiting for it.

**The Speaker** (Hon. Lusaka): What is your point of information, Sen. Sakaja?

**Sen. Sakaja:** Mr. Speaker, Sir, I would like to inform the good Senator for Vihiga that unfortunately, because of the new Standing Orders Nos.47, 48, 49 and 50, that statement lapsed. So, if you reissue it, then we will deal with it with the same pomp and alacrity that you know me to deal with such statements. Statements which lapsed before the review of Standing Orders need to be recommitted to the House.

**Sen. Khaniri:** Mr. Speaker, Sir, I am well informed. I will do the needful although I doubt that this was after the new Standing Orders. However, I will check the facts.

The issues raised in the Petition by Sen. Seneta are very grave I cannot imagine a situation where people wake up every day, go to work, dispense their duties and, at the end of the month, nothing comes their way in terms of remuneration. How do you expect them to live? How do you expect them to get to work? How do you expect them to pay school fees? How do you expect them to feed. This is a grave matter. It is a serious matter that must be looked into urgently so that these Kenyans get their right.

On the issue of submission of statutory deductions, as my colleagues who have spoken earlier have said, this is a crime. If, indeed, this is happening, then serious legal action must be taken against this company so that these deductions are made. This matter must be investigated because I am sure this company continues to supply water and receive revenue from the people who they supply water to. Therefore, I suspect the usual reason is corruption. People are embezzling funds that are meant to pay peoples' salary and statutory deductions.

Mr. Speaker, Sir, I do not know if there is a provision in the law whereby in such situation, WASREB can take over. This company should be suspended so that WASREB takes over a period of time as the investigations go on. As the Committee looks into this, this would be one of the solutions. If there is a possibility of WASREB to take over the running of this water project as investigation go on.

Mr. Speaker, Sir, we condemn this in the strongest term. We urge Sen. Sakaja's Committee to expedite their investigation into this matter. I thank you for the opportunity.

**Sen. (Dr.) Kabaka:** Mr. Speaker, Sir, I thank you for giving me this opportunity this afternoon also to voice my views regarding this important petition brought by our able sister, Sen. Mary Seneta.

Upon reading the definition of this company, the distinguished nominated Senator from Kajiado clearly defines the legal personality of the same. Therefore, from the legal point of view, this company; Nol-Turesh Loitotok is a limited liability company which is distinct and separate from its shareholding. Therefore, the provisions of the Companies

Act, Cap 486 is into play. With that regard, once a company is formed, it has its own object both in memorandum and Articles of Association. So, the object of this company is to manage the water resources for the three counties.

If the objects of this company have failed, therefore, legally, such a company needs to be brought to termination or wound up. This company is managed by non-directors and non-managers. Criminal charges should be preferred against these individuals who are known and identified. Not only should criminal charges be preferred, but they can also be surcharged for the amount of money which has been misappropriated. Obviously, when we say money has not been remitted and this company has been generating monies and income, what are we saying? We are saying there is corruption and mismanagement. If there is such mismanagement, indeed, such persons are supposed to be put in jail.

Mr. Speaker, Sir, I support this Petition because justice delayed is justice denied to the employees of this company.

**The Speaker** (Hon. Lusaka): Hon. Senators, our time for petitions is over.

Pursuant to Standing Order No.232 (1), the Petition stands committed to the Standing Committee on Labour and Social Welfare. In terms of Standing Order No.232(2), the Committee is required in not more than 60 days from the time of reading the prayer, to respond to the petitioners by way of a report addressed to the petitioners and laid on the Table of the Senate.

I thank you.

*(The Petition was referred to the Standing Committee on Labour and Social Welfare)*

Next Order.

## STATEMENTS

### STATUS OF WATER PROJECTS ACROSS THE 47 COUNTIES

**Sen. Mwaruma:** Mr. Speaker, Sir, I rise pursuant to Standing Order No.48(1) to seek a Statement from the Chairperson of the Standing Committee on Lands, Environment and Natural Resources on the water projects undertaken within 47 counties. In the statement, the Committee should-

(1) Enumerate the number of water projects per county that have been undertaken within the period commencing 1<sup>st</sup> January, 2013, to date.

(2) Indicate the status of each of the projects, including the cost of each project that has been completed within this period of time.

(3) State whether the projects undertaken have benefited the local communities within the counties.

Mr. Speaker, Sir, the thrust of this Statement is that I realised, in my interaction with the Cabinet Secretary for Water and Sanitation, that there might be an equal distribution of resources across the counties as far as provision of water is concerned. As

Sen. Wambua has alluded, Article 43(1)(d) of the Constitution clearly states that everyone has a right to access to clean and safe water in adequate quantities.

In one of our interactions with the Cabinet Secretary in our Committee on Lands, Environment and Natural Resources, he informed us that the debt regime of water is Kshs273 billion. We had invited him as a Committee to shed light on the issue between Murang'a County Government and the Ministry of Water and Sanitation concerning water from the county. We were informed during that meeting that projects from 2013 to date in Murang'a County have consumed Kshs6.3 billion.

During one of the visits of the Deputy President in Embu, he said that Embu County has benefited from water projects worth Kshs2.5 billion. When I compared with my county which is Taita Taveta for the period of 2013 to 2017, I discovered that water projects from the national Government are worth Kshs130 million.

There is a problem. If counties have pay a debt of Kshs273 billion equally, then there is need to assess if all counties are getting equal amount of money or whether some counties are being marginalised in terms of provision of water resources.

Mr. Speaker, Sir, I thank you for the opportunity.

**The Speaker** (Hon. Lusaka): Pursuant to the new Standing Orders, I hope that the Chairperson of the Committee on Lands, Environment and Natural Resources has noted and will take the necessary actions.

Let us now have the Senate Majority Leader to issue the Statement on the business of the Senate next week.

BUSINESS FOR THE WEEK COMMENCING  
TUESDAY, 13<sup>TH</sup> NOVEMBER, 2018

**Sen. Kihika:** Mr. Speaker, Sir, I will issue the Statement on behalf of the Senate Majority Leader.

Hon. Senators, pursuant to Standing Order No.52(1), I hereby present to the Senate, the business of the House for the week commencing Tuesday, 13<sup>th</sup> November, 2018.

On Tuesday, 13<sup>th</sup> November, 2018, the Senate Business Committee (SBC) will meet to schedule the business of the Senate for the week. Subject to further directions by the SBC, the Senate will on Tuesday, 13<sup>th</sup> November, 2018, consider Bills due for Second Reading and Committee of the Whole and also continue with consideration of business that will not be concluded in today's Order Paper.

On Wednesday, 14<sup>th</sup> November and Thursday, 15<sup>th</sup> November, 2018, the Senate will consider business that will not be concluded on Tuesday and any other business scheduled by the SBC.

Hon. Senators, the following Bills are due for Second Reading-

- (1) The County Outdoor Advertising Control Bill (Senate Bills No.19 of 2018);
- (2) The Copyright (Amendment) Bill, (National Assembly Bills No.33 of 2017);
- (3) The County Statutory Instruments Bill (Senate Bills No.21 of 2018);
- (4) The Treaty Making and Ratification (Amendment) Bill (Senate Bills No.23 of 2018);

(5) The Land Value Index Laws (Amendment) Bill (National Assembly Bills No.3 of 2018);

(6) The Statutory Instruments (Amendment) Bill (Senate Bills No.24 of 2018);

(7) The Public Private Partnerships (Amendment) Bill (National Assembly Bills No.52 of 2017);

(8) The County Compliance and Enforcement Bill (Senate Bills No.25 of 2018);

(9) The County Early Childhood Education Bill (Senate Bills No.26 of 2018);

(10) The Preservation of Human Dignity and Enforcement of Economic and Social Rights Bill (Senate Bills No.27 of 2018);

(11) The County Oversight and Accountability Bill (Senate Bills No.28 of 2018);

and,

(12) The County Allocation of Revenue (Amendment) Bill (Senate Bills No.29 of 2018).

I continue to urge relevant Standing Committees to expedite consideration of the Bills. Additionally, there are a number of Bills due for the Committee of the Whole. I consequently appeal to respective Committees to table reports on them and file amendments in good time to enable the House to effectively and efficiently navigate the Committee of the Whole.

Hon. Senators, pursuant to Standing Order No.232(2), whenever a petition is committed to a standing committee, the Committee is required, in not more than 60 calendar days from the time of reading the prayer, to respond to the petitioner by way of a report addressed to the petitioner and laid on the Table of the Senate.

In this regard, the following petitions are due for reporting as the 60 calendar days have since lapsed-

NO.	PETITION	COMMITTEE
	Petition on the adverse environmental and social effects arising from the construction of Phase 2A of the Standard Gauge Railway (Nairobi – Naivasha Section).	Standing Committee on Lands, Environment and Natural Resources
	Petition on the plight and welfare of non-local teachers employed by the TSC and working in Mandera County.	Standing Committee on Education and Standing Committee on National Security, Defence and Foreign Relations.
	Petition on the alleged deteriorating healthcare services in West Pokot County.	Standing Committee on Health.
	Petition on the compensation for parcels of land acquired by the Government to pave way for the construction of the Standard Gauge Railway.	Standing Committee on Lands, Environment and Natural Resources and Standing Committee on Roads and Transportation.
	Petition on the status of and funding for the Moi Teaching and Referral Hospital in	Standing Committee on Health.

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	Uasin Gishu County.	
	Petition on the status of land owned by multinationals in Kericho and Bomet counties.	Standing Committee on Lands, Environment and Natural Resources and Standing Committee on Justice, Legal Affairs and Human Rights.
	Petition on the stalemate in the CBA negotiations between the Kenya Union of Clinical Officers and the Government.	Standing Committee on Health.
	Petition on budgetary support to wildlife conservancies for sustainable conservation and community development.	Standing Committee on Lands, Environment and Natural Resources.
	Petition on the settlement of awards to ex-Kenya Air Force officers and servicemen by the courts.	Standing Committee on National Security, Defence and Foreign Relations.
	Petition on the non-recruitment of locals by flower firms, institutions and other companies operating in Kaputiei Ward.	Standing Committee on Labour and Social Welfare.
	Petition on the purported conferment of municipal status upon Maralal Town.	Standing Committee on Devolution and Intergovernmental Relations.
	Petition on the alleged grabbing of public utility and private land at Leleshwa Gilgil Township.	Standing Committee on Lands, Environment and Natural Resources
	Petition on the status of Mkomani Clinic Society trading at Bomu Hospital in Mombasa County.	Standing Committee on Health.
	Petition on the alleged unlawful deprivation of a parcel of land situated in Kaputiei North, Kajiado County.	Standing Committee on Lands, Environment and Natural Resources.

I urge the respective Standing Committees to prioritize consideration of the aforementioned petitions and expeditiously dispense with and table the reports thereon. I caution that any delay in this regard will be denying the respective petitioners their right granted in the Constitution, the Petition to Parliament (Procedure) Act and the Senate Standing Orders.

Mr. Speaker, Sir, as you are aware, Standing Order 51 (1) (b) provides that at least once in every three months, Committee Chairpersons are required to make a statement relating to the activities of the Committee, including but not limited to-

- (a) the Bills considered and status of each;
- (b) statements considered and status of each;
- (c) petitions considered and status of each;
- (d) any inquiries undertaken by the Committee and the progress of such inquiry;
- (e) any county visits undertaken by the Committee and the outcome of such visits; and,

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(f) the manner and extent to which the Committee met its public participation obligations in respect of the business of the Committee.

Mr. Speaker, Sir, this provision came into force after the recent amendment of the Standing Orders on 9<sup>th</sup> August, 2018, thus the reporting for the first quarter is due. To facilitate orderly reporting by select Committees, a draft schedule has been circulated to the Liaison Committee and will be considered by the Senate Business Committee at its next meeting for approval, after which the schedule will be appended to the Order Paper, indicating the date which the Statement by each Committee Chairperson will be made.

Finally, Mr. Speaker, Sir, I wish to thank all the hon. Senators for passing three Bills yesterday; the Food Security Bill (Senate Bills No.12 of 2017), the County Statistics Bill (Senate Bills No.9 of 2018) and the Salaries and Remuneration Commission (Amendment) Bill (Senate Bills No.12 of 2018), which are being processed for forwarding to the National Assembly.

I thank you and hereby lay the Statement on the Table of the House.

*(Sen. Kihika laid the document on the Table)*

**The Speaker** (Hon.) Lusaka: Next Order!

## MOTION

### COMPENSATION FOR VICTIMS OF HUMAN-WILDLIFE CONFLICT

THAT, AWARE THAT tourism is amongst key sectors of Kenya's economy contributing billions of shillings to the country as well as generating employment and livelihoods to millions of citizens;

FURTHER AWARE THAT, Kenya is endowed with different wildlife species which contribute substantially to the national economy through tourism;

NOTING THAT, cases of human-wildlife conflict are on the rise as a result of many factors key among them climate change and encroachment on parks and nature reserves leading to deaths and maiming of people by wild animals;

FURTHER NOTING THAT there's need to create a conducive environment for peaceful coexistence of humans and wildlife in the same space given the importance of wildlife not only to our economy but to ecology as well;

CONCERNED that victims and families of victims of human-wildlife conflict are not being compensated for loss of lives, being maimed or loss of their means of livelihood due to failure of the Treasury to allocate adequate funds for this purpose contrary to the Wildlife Compensation Management Act, 2013;



FURTHER CONCERNED that the regions and communities hosting the wildlife are marginalized and do not benefit from the proceeds of tourism in their area;

NOW THEREFORE the Senate calls upon the National Government to-

- (1) Allocate adequate funds during the current financial year and subsequent years for compensation;
- (2) Ensure that victims and families of victims of human-wildlife conflict are always compensated within 90 days of submitting their claims; and
- (3) Come up with innovative ways of ensuring host communities benefit from the revenue accruing from wildlife tourism.

*(Sen. Mwaruma on 6.11.2018)*

*(Resumption of debate interrupted on 6.11.2018)*

**The Speaker** (Hon. Lusaka): Sen. Mwaruma, you can continue moving. You have 16 minutes.

**Sen. Mwaruma:** Mr. Speaker, Sir, thank you for the opportunity to continue moving this Motion. Sen. Dullo was supposed to second this Motion, but if she does not come back to the House, Sen. (Dr.) Milgo will do so.

Mr. Speaker, Sir, ever since I was elected to the Senate, I have talked about human-wildlife conflict. Wildlife is very important in Kenya. First, it is a tourist attraction that brings a lot of money to the country. For example, when somebody comes into the country from the United States of America (USA), they pay their air fare to Kenya Airways. Already that is business.

Those who come to our country as tourists because of the attraction of wild animals, pay entry fees and tourists fees whenever they visit various national parks and game reserves. Again, they sleep in hotels which employ many people. Therefore, wildlife is important because of the money it brings to Kenya and the world at large. In fact, existing statistics state that 8 per cent of the global Gross Domestic Product (GDP) comes from wildlife. In Kenya, 10 per cent of our GDP comes from wildlife.

Those who have travelled across Kenya know that we are endowed with different flora and fauna in different parts of Kenya. For example, we have the Tsavo National Park which runs across Kwale, Taita-Taveta, Kitui and Makueni. It has beautiful animals, especially the big five: lions, elephants, giraffes, rhinos, buffaloes, zebras, cheetahs, leopards, waterbucks, bushbucks, elands and impala.

In Kwale County we also have Shimba Hills, where apart from the big five, we have waterbucks, bushbucks and primates such as the yellow baboon, sky monkey, velvet monkey, among many others. In Laikipia County we have Ol Pajeta Conservancy, which has the big five, cheetahs, hyenas, the wild dogs and wildebeests. In Marsabit County, we have elephants which can be seen around Marsabit Lodge. Those are some of the fauna found in different areas in our country.

The Government seeing the importance of wildlife decided to establish the Kenya Wildlife Service (KWS) in 1989 through the Wildlife (Conservation and Management) Act of 1989, which was later repealed in 2013 and replaced with the Wildlife Conservation and Management Act of 2013. The mission of KWS is clearly stated on their website, which is, to sustainably conserve, manage and enhance Kenya's wildlife, its habitats and provide a wide range of public users in collaboration with other stakeholders, such as the funding community and the communities that live around the parks.

Mr. Speaker, Sir, there lies a problem; that these wild animals are sometimes not contained in the parks because of various reasons. They move and invade human habitats. Among the reasons that make them move from their natural habitats or parks is climate change. Deforestation causes parks to dry up and therefore, there is not enough fodder or grass to feed the wildlife. As a result, they move out of the parks to where human beings live. In addition, there is overstocking of wildlife in the parks.

More often than not, you have heard the Kenya Wildlife Service (KWS) translocating animals from one part of the park which is over-populated, to other parts which are under-populated.

Mr. Speaker, Sir, we also have illegal activities such as illegal herding happening in the parks. When it is very dry, herders are allowed to herd in parks. There is then competition for fodder in the parks and then the animals tend to move from the parks to where human beings live.

We also have some other human activities like mining which happen because there are minerals in the parks. For example, in Taita Taveta County, we have many minerals in the Tsavo National Park and so, people go mining and push animals towards where human beings live.

We also have poaching. When people poach animals for food, they create an ecological imbalance where predators like lions do not have enough food. They, therefore, leave parks and go to where people domesticate animals and create human-wildlife conflict. Human-wildlife conflict causes death of human beings and animal destruction of crops. For some people, crops are a means of livelihood. We must note that there is need for peaceful coexistence between the wild animals and human beings.

Mr. Speaker, Sir, as I stated earlier, wildlife is very important to our economy and yet they move to where there are human beings and destroy their livelihood. What steps do we then need to take so that we have peaceful coexistence between wild animals and human beings?

One of the things that is supposed to happen so that we reduce animosity between human beings and animals is to have people compensated for loss of human lives, animals and crops occasioned by human-wildlife conflicts. However, there lies the problem. People are not being compensated and I have data. At one point, I asked a question about the status of compensation in Kenya by the Ministry of Tourism and Wildlife.

I asked for a case scenario for Taita Taveta County which I have here and I will share with the House data that I have. In 2012, wild animals caused two deaths. They killed two people and the amount unpaid is Kshs400,000. Five people were injured and

the amount not paid is Kshs500,000. In 2013, there was one death and the unpaid amount is Kshs200,000. Eight people were injured and they are supposed to be paid Kshs500,000.

In 2014, we had a change in the law and families of people who were killed were supposed to be paid Kshs5 million. That year, six people were killed in Taita Taveta County and their families are supposed to be paid Kshs10 million. A total of 113 people were injured by wildlife and they are supposed to be paid Kshs5,180,000. There were also cases of predation which have not been quantified. A total of 85 animals were predated and we had crop destruction in 233 households. The unpaid total in 2014 is Kshs15,180,000 for Taita Taveta County.

Mr. Speaker, Sir, in 2015, there were two deaths at a cost of Kshs10 million and 114 people were injured. The unpaid amount is Kshs4.92 million. Animals were also predated and crops destroyed and the unpaid amount is Kshs14,920,000.

In 2016, 16 people died and their families were supposed to be paid Kshs30 million and they have not been paid to date. A total of 83 people were injured and they are supposed to be paid Kshs3,582,105. There was crop destruction also in 480 households and the total that is to be paid is Kshs33,582,000.

In 2017, wild animals caused five deaths at a cost of Kshs25 million. A total of 16 people were injured and they are supposed to be paid Kshs690,506. Animals that were predated on came to 29 and crops were destroyed in six households. The amount owed by the Government is Kshs25,690,526. A total that is not paid for that county is Kshs90,587,536.

There are several animals that have been categorized that if they hurt you, then you will be paid. However, there is a move to remove the snake from the list of the dangerous animals. This is something that we should condemn especially for those people who live around national parks and game reserves. Even when you go to hospitals, most people are dying not because they do not reach the hospitals in good time, but most hospitals do not have antidotes for snake bites. In fact, we need to condemn that and have all hospitals equipped with antidotes.

Mr. Speaker, Sir, there are clear laws about compensation. Section 18 of the Wildlife Conservation and Management Act provides the formation of County Wildlife Conservation and Compensation Committees (CWCCCs). The mandate of the CWCCCs is very clear in Section 19 of the Act. The CWCCCs are supposed to develop and implement, in collaboration with Community Wildlife Associations (CWA), mechanisms for mitigation of human-wildlife conflict.

Section 19(i) states that-

“The functions the County Wildlife Conservation and Compensation Committees are-

(i) review and recommend claims resulting from loss or damage caused by wildlife for payment of compensation.”

It is very serious that we are not getting compensation. I seek for support of this Senate that we compel the Government to compensate people within 90 days after the claims have been made. From this data, you will find that claims made in 2012 have not been paid up to now. The communities surrounding the parks are not getting any benefits

apart from suffering destruction. The Ministry appropriates some money in terms of operation cost to go to KWS. Why can we not have benefits to the communities around being part of the operating cost? For example, if Tsavo National Park in Taita Taveta County is allocated Kshs100 million by Government per year, maybe Kshs20 million can go to that community and Kshs80 million to the KWS. That way, the people surrounding the parks can benefit from that natural resource and some of that money can be used by county governments to compensate the people living around that area.

Section 25(2) indicates how much one is supposed to be paid. It states in part 2-

“The County Wildlife Conservation and Compensation Committee (CWCC) established under section 18 shall verify a claim made under (1) and upon verification, submit the claim to the Cabinet Secretary (CS) together with its recommendation there on”.

Part 3 states:-

“The Cabinet Secretary (CS) shall consider the recommendations made under (2) and where appropriate, the compensation of the claimants will be as follows:

- (a) In the case of death, Kshs5 million
- (b) In the case of injury, occasional or permanent disability, Kshs3 million
- (c) In the case of other injury, maximum of Kshs2 million.”

As I speak, the CWCCs are no longer there; they are moribund. They have been dissolved by the CS and we do not know why it is happening and we do not also know who or where these claims will be made so that they can reach Kenya Wildlife Service (KWS) for payment. I want to end there and ask Sen. (Dr.) Milgo and the other Members to support.

Thank you. I beg to move.

**The Temporary Speaker** (Sen. (Prof.) Kamar): Who is the Secunder? Sen. (Dr.) Milgo?

**Sen. (Dr.) Milgo:** Thank you very much Madam Temporary Speaker, Sir, for this chance to second this Motion on the compensation to victims of human-wildlife conflict.

I wish to thank Sen. Mwaruma for bringing such an important Motion affecting our people. Issues of human-wildlife conflict have been on the rise and if this is not checked, it shall worsen.

At Independence, the environment of our country was fairly intact; we had rivers flowing naturally, the vegetation covered large parts of our country and it was home to many of our wildlife that in this case were also feeding on the fruits that were growing here.

Our population has been growing at a fast rate which at independence was 8 million and by 2017, it was 49.9 million. I am sure by next year's census we will likely have hit well over 50 million. Such a scenario shows that with these numbers of people, the environment then got tampered with to pave way for houses, roads, institutions, firms and even other amenities.

Therefore, the habitat of the animals changed because animals that found themselves in the course of these activities, living where people are, in towns, and even

roads. As Sen. Mwaruma put it, the value of animals in our country can never be underscored. They bring a lot of money in terms of tourism which goes back to improving our lives. However, the activities that have gone on have led to pollution, poor land and water resource management, and in this case, climate change that has set in which has led to the drying up of the rivers. Apart from that, the animals' lives have been reversed in such a way that even their feeding methods are no longer as usual.

I think it will be common in the future because I know what happens during evolution; animals find themselves in a different environment under what we call adaptive radiation to fit into the new environment and feed on the new or in this case live in the new environment in which they find themselves.

We might even find that one time these wild animals may even come to our houses to feed on *ugali*. These animals have been affected in a way, and that is the reason why we are having a lot of injuries, deaths and destruction of crops. Sometimes a large plantation is destroyed. I used to say that the Act of 1989 which was reviewed in the Act of 2013, stipulates that:

“All genuine victims of human-wildlife have a victim to be compensated.”

In many cases, these compensations are supposed to be looked into by the County Wildlife Compensation Committee based on whether there is loss of life, injury, damage to property *et cetera*. In these cases stated, they have already stipulated that the amount of money to be paid for death is Kshs5 million, Kshs3 million for permanent disability and Kshs2 million for other damages and even crops are supposed to be compensated at market value.

However, looking at what is happening now, there is little payment that goes to the victims of wildlife conflict and in this case the major clause used is the one that says that if a victim does not take reasonable measures, someone will not be compensated. If a victim in this case has been affected in an area where there is eco-system management, they cannot be compensated. Sometimes even issues of not reporting within 48 hours.

What happens then is that right now, the compensation backlog for the last five years is in the range of Kshs15 billion which shows that there are few people who have been compensated and this begs the question what this County Wildlife Compensation Committee is doing. Either they are incompetent, they are corrupt or do not even use the clause I have just mentioned to ensure that few victims are compensated.

In other places such as Ontario, Canada, there is always a standardized value model used to compensate victims and such a value system is normally efficient, very effective and is always done based on the market value and as fast as possible. This is quite unfortunate.

Another scenario is the case of the residents of Nakuru East. I think that is where Sen. Kihika comes from. The residents are being disturbed by baboons and monkeys. There is even one scenario where a school pupil was injured at Kivumbini Ward. In this case, the major challenge is that baboons and monkeys are not on the list of those to be compensated. The only ones in the list are elephants, lions, leopards, rhinoceros, crocodiles and cheetahs. It is even interesting that snakes, wild dogs, wild pigs and shark are in the list but baboons and monkeys are not there.

I think this also begs the question; as far as I know, baboons and monkeys belong to the animal kingdom the way the animals I have mentioned do. Therefore, it means that these people injured in Nakuru county will never receive any compensation.

I urge the KWS to look into this matter because sometimes the lives of people who have been affected by human-wildlife change completely. Some lose their limbs if they survive, while others lose eyes, hands and so on. As a result, their lives will change forever.

Madam Temporary Speaker, the importance of this Motion can never be overstated. I hope that the concerned people are listening to us this afternoon, so that they can take action as soon as possible. I hope that they will take stern and serious action, particularly against those who have denied our people compensation.

Madam Temporary Speaker, with those vey many remarks, I beg to Second.

*(Question proposed)*

**Sen. Olekina:** Thank you, Madam Temporary Speaker, for giving me an opportunity to support this Motion by Sen. Mwaruma, which calls for compensation of victims of human-wildlife conflict. From the outset, I congratulate Sen. Mwaruma for thinking about something that has bothered most of us.

When I was growing up in Olombogishi every single day we used to have human-wildlife conflict. In most cases, it was as a result of the increased population of our people. Most of our people were encroaching into the territories which were mostly reserved for wildlife. By so doing, a lot of this wildlife would encroach into our land and destroy our crops. As I speak, my father has never been compensated for heavy losses, despite seeking support from the courts and getting an award. In fact, I was just mentioning to the Attorney General *Emeritus*, my good friend, Sen. Wako, that this country has completely neglected the importance of human co-existence with wildlife.

Madam Temporary Speaker, today, if we look at the amount charged to a person who kills an animal against how much a person is compensated when they are killed by an animal, it is something that is very embarrassing. There is no doubt that human-wildlife conflict has a huge negative impact on our people in this country and their way of life. If we have a Government that does not care about its increasing population and the only thing that we seem to be caring about is wildlife because of the tourism Dollars that we get, then we have a serious problem.

Madam Temporary Speaker, there is need for the Government to develop policy that will encourage co-existence of the animals and the human population that is rapidly increasing. For instance, when you go to Narok, you will find that for the human population that lives next to the Maasai Mara Game Reserve, the land policy there is detrimental to them. This is because new people are going there and when the group ranches are subdivided, the land is sold and, on a daily basis, you will find animals competing for pasture. Most of them end up dead. What then happens? The people who end up paying for that are the Maasai who live there.

We have to think about how to control our growing population, particularly where there are game reserves. Tourism is a very important industry in this county.

However, that alone should not negate the importance of people. There is a good organisation called Maasai Conservation Trust, which has leased a lot of land in Kajiado, one of which is Kuku Group Ranch. They realised that there was a huge conflict between the Maasai and the lions because every time the lions attacked the Maasai cows, the Maasai would go out there and kill them. What did they do? They came out with a surcharge of US\$101 a night for any guests that visit their camps. They would collect this money, put it in a kitty and use it for compensation. This Government can learn from such initiatives.

In the last two years alone, that surcharge had grown to over US\$400, which is about over Kshs40 million. What has been set by the law in terms of the amount to be compensated for people who are killed is very little. Sometimes I think we miss a lot of opportunities by not tapping into the Dollars that are brought into this country.

When you live in other countries and fly into, for instance, Logan Airport in the United States of America (USA), when you rent a car as a tourist, there is a surcharge where you are charged a certain amount for, let us say, a conventional centre. Why can we not be creative and come up with a system where we will always have this fund so that we can stop people from suffering?

Madam Temporary Speaker, this is very sad. The statistics that Sen. Mwaruma gave here are really shocking. When you lose a life, think about how much that life can contribute to this economy. When you lose 16 people, think about how much negative impact it will have on their families. When an animal kills a bread-earner of the family you have not only affected that one person, but a whole generation because things will change.

This issue is a big threat and it is about time that this Government looks into it. I keep on saying that the biggest mistake we made in this House is to do away with the Committee on Implementation. This is the kind of Motion the Ministry of Tourism and Wildlife, working with the Kenya Wildlife Service (KWS), hotel owners and people who benefit from tourism should focus on. This should be to the extent that touching an animal is literally a security issue in this country. They all have to come together, take these statistics and find a way to give human life the importance it deserves.

When we talk about the expansion of population into these areas where there is wildlife, I remember Sen. Mwaruma talking about the communities that live next to the park. During the dry season, animals are allowed to graze in the park albeit illegally. During that time, there is a lot of human-wildlife conflict. Instead of us burning the grass in our national parks, it is about time that the Ministry of Tourism and Wildlife should work with county governments to develop a system whereby the county governments can harvest the grass.

In most cases, like in the Maasai Mara Game Reserve, where we have the eighth wonder of the world and the great wildebeest migration, wildlife migrates because of the level of grass in the park. Sometimes the grass is too long making it difficult, unsafe and dangerous for other species to eat. Most of these conservancies, the best they can do is to decide that instead of them burning the grass to allow new grass to grow, they could harvest this grass and store it. Instead of allowing domestic animals to graze in the parks, the grass can be sold for a few shillings.

We ought to think about solutions that we can put in place to support this. Another solution that can help avert the issue of human-wildlife conflict is to review our land use policy. It is wrong when in Sikinani, for instance, where on a monthly basis you hear that someone has been killed. On a daily basis you hear that wild animals have been killed by crossing an electric fence. We need to develop a huge wildlife corridor, sort of a no man's land, where there is no development allowed in that area. This is so that when these wild animals are moving, we reduce the human-wildlife conflict.

The other issue has got to do with the County Wildlife Compensation Committees (CWCCs) that Sen. (Dr.) Milgo spoke about. I remember earlier on in this House, there was a Motion seeking to have the compensation of those Committee Members implemented. Whatever is written in law should always be implemented. These people are not working because they are not being remunerated yet, it is very clear that for you to be able to work--- These Committees are very important and they have to work with the Ministry of Tourism and Wildlife, the county governments and with all hotels doing business in game reserves either in Taita Taveta County or in the Maasai Mara Game Reserve. They should find a way where all of them can talk as stakeholders.

Finally, I hope all of us will support this Motion. I want to reiterate on the need to ensure that the Government allocates funds. It is about time that the Chairperson of the Committee on Tourism, Trade and Industrialisation to invite the Cabinet Secretary in charge of Tourism and Wildlife to sit down with other stakeholders like the KWS. This is so that when they are formulating their budgets, these issues are taken into consideration. This is because unless this is done and a supplementary budget is brought in to take into consideration all these things, our resolutions could end up being academic.

We need to think about issues that will have an end such that we already have the figures and we know the people who are supposed to be compensated. On a daily basis my father calls me saying: 'My son, please go to the Attorney-General for me to be paid.' In the event that the Maasai end up deciding to kill the animals, it will become another big disaster in this country.

Madam Temporary Speaker, I support this Motion. I hope that the time frame, the 90 days given, which is proposed in this Motion, will actually be implemented so that people can coexist. The Maasai have for decades coexisted with animals in the Maasai Mara Game Reserve and in Amboseli National Park. When you go to Maasai land, no wonder in most cases you see these advertisements like the one for Safaricom where a *mzee* is standing there with lions just passing there and he says: 'If I were you, I would not pass there.' Yet, they just by pass them. It shows that once we work together, we can coexist with wildlife so that we can all benefit.

It is sad, and these are facts, that a majority of the tourism dollars that get into this country – and it all looks into the issue of our animals – leave this country. We do not want it to leave alongside human life. That is sad. We must seriously think about this. This time round, I want to encourage Sen. Mwaruma, that immediately we adopt this Motion and once the Senate resolves, we move expeditiously to ensure that the 90 days given to the relevant stakeholders who will report to this House on the implementation, will bring some results. Most importantly, we should ensure that a supplementary budget factors these considerations. Otherwise, without that it will never happen.



With those few remarks, I beg to support.

**The Temporary Speaker** (Sen. (Prof.) Kamar): Thank you. Sen. (Dr.) Musuruve, you may proceed.

**Sen. (Dr.) Musuruve:** Thank you Madam Temporary Speaker for giving me an opportunity to contribute to this important Motion. Allow me kindly start by thanking Sen. Mwaruma for coming up with this Motion. I would like the people of Taita Taveta County to know that there is a Senator in the House who is concerned about them and is representing them. He does not fear, is courageous and he is ready to talk about the issues that are affecting the people of Taita Taveta.

The nation should know that Sen. Mwaruma is really concerned about his people and he has followed up on this Motion many times. I am happy it has come to floor of this House. The issue of coexistence is very important. We are aware of the importance that wildlife has to everyone and all nations. We also know that if wildlife is not managed well, it can have devastating effects on a nation.

I believe that by the end of the debate, the Government will put some mechanisms in place to ensure that we protect our wildlife because it has some positive benefits. It creates employment, it is a source of tourism and it increases the Gross Domestic Product (GDP). As much as wildlife contributes to all these, the Government has to ensure that people are also protected for the wildlife not to be a mixed blessing. If it is a blessing, let it be a blessing but it should not be a blessing on one hand and a curse on the other hand.

I feel that there is need for us to protect our wildlife from extinction because it has many benefits. When talking of wildlife, we are not only talking about the animals but we are also talking about the wild plants and anything else that is not domesticated by man. All the living and non-living things that are not domesticated by man have value hence there is need for co-existence. When you talk of snakes, there are some people who will say when a woman holds her wrist, the snake will stop moving while the other person will say that a man should come with an axe and ensure that he has hit the head of the snake yet the venom of a snake, such as that of a cobra, is medicinal. We need to see how we can preserve wildlife even as we protect human beings so that they are not affected negatively by wildlife.

Tourists come here to see wildlife and they come with the Dollar. When they come to see the endemic species, the hotels are booked which leads to employment of cooks, drivers and security staff hence it creates employment in the nation, which is important. Their coming also creates employment for the tour guides who will take them around hence wildlife. As a nation, we have to see how to harness our wildlife so as to ensure that it is working for us positively and that it does not have a negative impact to the nation. There are some nations that purely rely on tourism because it attracts a lot of money. It is good if wildlife can bring money.

I also want to look at the other side of the coin. Wildlife is good but there are instances when the wild animals have attacked people leaving the families hurt and some are still hurting. In a situation where a lion has killed someone, the affected family can never forget the experience for the rest of their lives. In a situation where the sole breadwinner is killed by a wild animal, the entire family will be affected in terms of education, shelter, and provision of all the other basic needs. It also means that their

rights, which are stipulated in the Constitution in Article 43, will be affected. We have to see that the constitutional rights of the people are not interfered with by wildlife.

According to the Senator, there are some people who are supposed to be compensated but have not been compensated. It is painful and unthinkable that people lost lives and some even became disabled as a result of being attacked by wildlife yet they have not been compensated when a ruling was made that they be compensated. Delayed compensation is delayed justice and we should not do this to the affected families. There is need to ensure that we do not add to the wounds that the families have.

Wildlife encroaches human land because of climate change. There are times when you will find that there is no grass hence the animals do not have food. When the food chain is interfered with, they will go looking for food. As they go looking for food, they will encroach on people's land and when they do so, we will have people being attacked which leads to loss of limbs and this should not happen.

There is need for the Government to ensure that the habitats of the wildlife are well fenced for them not to encroach on the land where human beings live for in as much as we love these animals, we also have to ensure that they are not affecting people negatively. There is also need to ensure that the animals have sufficient food so that in the event of climate change, they do not encroach on people's farms.

There are instances where people have lost their limbs. You can imagine being fine one day just for you to lose your leg or a hand the next day. This should not be the case. The Government should put in place mechanisms to ensure that the wildlife habitats are fenced and clearly demarcated for the animals to be okay as well as the human beings. In that case, we will have a win-win situation between the wildlife and human beings.

This Motion should not stop here. I want to encourage Sen. Mwaruma to ensure that this matter is enshrined in law by becoming a Bill. We should have tourists coming for wild game, our GDP should increase and human beings should be happy about their wildlife.

I support this Motion.

**Sen. Wako:** Thank you, Madam Temporary Speaker, for giving me the opportunity to speak to this important Motion by the Senator of Taita Taveta County, Sen. Mwaruma. I commend him for bringing this Motion for this is one of the issues that we grappled with when I was the Attorney-General. If you look at history, from the colonial times up to now, you will find that the lives of wild animals were valued more than the lives of the indigenous people of this country.

This means that when a protected wildlife was killed, the punishment that was meted out on the indigenous Africans living in a particular village was far much worse than when the wildlife by chance killed the native those days. When a wild animal loses its life in the hands of the native, the death was taken seriously than when a native lost his life at the behest of the wildlife. That was during the colonial times. I remember when I was the Attorney-General, we changed the laws a bit to restore the balance and to give more prominence to the human being. We increased the amount of compensation which was to be paid, but at that time it was very low.

Madam Temporary Speaker, what has happened and still obtains is that the Government has not come up with a system of paying, not only the amount payable as per this Motion, but also under a judgment in a civil matter. You will find today, for instance, there are high amounts of bills being paid. Part of the reason at that time, was that Ministries did not budget to pay decrees which had been obtained against the Government, including what we are now discussing.

It was presumed that when judgment arose, then the Ministry concerned would write to the National Treasury for payment to be effected. Whereas at one time the National Treasury used to pay, it came a time when the Government was in difficulty paying even legitimate claims. Therefore, it has been a heavy debt burden on the part of Government to pay decrees and judgments obtained against it. These payments include those that we are debating in this particular Motion.

Madam Temporary Speaker, what is being mentioned in this Motion is even more serious, because it touches on the lives of people. Somebody has been killed by an animal, judgment has been obtained and even if it has not been obtained, the type of compensation that is supposed to be administered is under our laws but payment has not been done. This creates a non-conducive environment for peaceful co-existence between man and wildlife. Without peaceful co-existence, we cannot preserve our animals which are a valuable asset to this nation. I am glad that the Mover of this Motion has mentioned moving stories about his area, which has been badly affected by this type of situation. Therefore, there is no peaceful coexistence between man and wildlife.

If we have to borrow a leaf from those who have taken the policy, or where there is peaceful co-existence between man and wildlife, then we will be getting somewhere. If we borrow that experience, what comes out clearly is not just payment, but prompt payment once a person has been injured. There is also need for prompt treatment of people who have suffered from the activities of wildlife, particularly those communities which surround them.

Madam Temporary Speaker, I am a great fan of watching either National Geographic or Animal Planet on television. I have taken keen interest in wildlife, because when you know how they live; you will find that we human beings at times overrate ourselves. They are just like human beings. In order to preserve and have a beautiful environment, a peaceful co-existence between the animals and respect for each other is necessary. That respect for each other can only come about when there is respect for the human being who lives close to it and who has been injured as a result of that conflict.

I have watched, for example, programmes on man versus animals. I have watched programmes on snakes and as you are aware, they live even in towns. You will find in India and other places, many types of snakes including cobras. You will also find many people who have died as a result of snake bites.

In those areas, they have put in place measures to ensure that if a snake bites somebody, there is immediate treatment, whereas here, I know in some areas if a snake bites and you approach a health centre, you cannot get treatment because it is not there. By the time you get to a medical facility, like in Eldoret for treatment, you are already dead because some of the snakes are very poisonous.

In some areas in Europe, they have even created departments which are responsible for ensuring that action is taken, once a wild animal is spotted. These departments advise people, that once they spot a snake in their own house or farm, they do not kill it. One is supposed to report to the respective department who will capture it nicely and release it to a far area, rather than kill it.

The same happens in the fishing communities. Sharks can be very dangerous. They have ensured that sharks which tend to move near the shores where people are swimming are properly controlled and monitored so that they are not killed. However, if people get bitten by the sharks, there are quick measures which are put in place; like being rushed to the nearest hospital for treatment and so on.

Madam Temporary Speaker, the same thing happens with lions. I stay near the Nairobi National Park and sometimes lions escape and they attack people. On Thursday, the lions were in my plot and I was very worried. Fortunately, I did not have a gun because I fear even holding one. If I had one, my immediate instinct would have been to shoot that lion. Luckily, I did not do so. I called the wildlife people who took it away.

We saw on television how communities react by killing lions, because wildlife people have not responded in time to such situations. We have seen lions killed. One of them was captured on television and it had gun wounds. Moreover, we have seen elephants destroying a whole crop. In situations where the villagers have called the wildlife people and they did not respond in time, they take the law into their own hands and kill the elephant.

In addition to everything else, there is need to have proper management by the Kenya Wildlife Service (KWS). They have to respond in time to distress calls made by the villagers who border national parks. These villagers have been very patient. They have waited and they have lost property because of their patience but once it runs out, the immediate thing that they do is to kill the elephant.

*[The Temporary Speaker (Sen. (Prof.) Kamar) left the Chair]*

*[The Temporary Speaker (Sen. Nyamunga) in the Chair]*

Therefore, the peaceful coexistence will depend very much on how we organize ourselves as a Government to ensure that animals are kept where they belong. More importantly, it will ensure that when there is any harm that arises as a result of animal activities, the animal is immediately dealt with by professional people and compensation is done quickly.

Madam Temporary Speaker, for example, in Taita Taveta County there are many elephants while in other areas there are many lions. Therefore, there is no harm in relocating animals particularly from an overpopulated area to areas where roads exist so as to ensure that they live peacefully. Therefore, a conducive environment for peaceful existence which this Motion calls for is an issue that must be addressed.

The Fourth Schedule, Part I (22) of the Constitution deals with protection of the environment and natural resources including, in particular, protection of animals and wildlife. This is a national Government function which is also under the County

Governments Act, Section 118(2) on implementation of specific national policies on natural resources and environment conservation.

Madam Temporary Speaker, I plead and agree with the suggestion that we must have adequate funds to compensate people promptly and efficiently. This should be done by the national Government. I also plead with county governments to assist in whatever income they get from the national parks in their areas. They should set aside something to ensure that people affected by wild animals are promptly paid. More importantly, they should work in conjunction with the Kenya Wildlife Service (KWS) to ensure that whenever there is any complaint of any wild animal that has gone astray and destroyed the lives and property of the people, that particular animal is dealt with properly and in a humane manner and sent to its proper environment.

I support this Motion and commend the Mover, the Senator of Taita Taveta County who has brought it to help everybody. More importantly, he is concerned with the welfare of his people of Taita Taveta but it will help the entire nation.

Madam Temporary Speaker, some of us believe in animal conservation. Therefore, this Motion will help Kenya to preserve a peaceful environment for the animals and the people, which is necessary. It is in that peaceful environment that we shall be able to create more wealth for this country because tourism is a resource which we are proud of. Particularly, Nairobi is the only city in the world which has a national park nearby.

I thank Sen. Mwaruma for bringing this Motion which will help everyone including his own people of Taita Taveta.

Madam Temporary Speaker, with those few remarks, I support.

**Sen. Seneta:** Thank you, Madam Temporary Speaker, for giving me a chance to add my voice to this very important Motion by my colleague Sen. Mwaruma. I congratulate him for thinking about this important aspect of a resource in his county and in the whole Republic of Kenya. Sen. Mwaruma is concerned with wildlife because half of his County of Taita Taveta are ranches of wildlife conservation that still hosts a bigger percentage of wildlife in this Republic.

Tourism is an important economic aspect in this Republic that we should take care of just like sugarcane, livestock or any form of a cash crop. It contributes to the Gross Domestic Product (GDP) and the beauty of this country. Therefore, when Sen. Mwaruma talks about how we can coexist and be innovative in terms of building this sector, he is thinking progressively for this country.

Madam Temporary Speaker, as I listened to him move this Motion, I thought that it should have contained an aspect of the implementation of a Bill that was passed in 2017, that is, the Wildlife Conservation and Management (Amendment) Bill, 2017, which was an amendment of the mother Act of 2013. The Bill is equally important because it contained the same issues that he talks about in his Motion. The only problem is that it has never been fully implemented.

On issues of compensation, the Bill lays a good framework on who should be compensated, the percentage of compensation, the timing and the establishment of County Wildlife Conservation Compensation Committees (CWCCC) to develop a system of compensation. However, as we speak today, the CWCCC are in place but are not

working because the Salaries and Remuneration Commission (SRC) failed to provide a framework for their remuneration and salaries scheme. The SRC and county governments never established the allowances which the committees were to be given. Therefore, they have not been facilitated to work. The committees were supposed to come up with ways of compensating the people and a framework to build the wildlife management systems in the counties so that each county can benefit more from the wildlife. However, up to date, these committees are not working. Therefore, how do we make sure that the Ministry implements this Bill?

Madam Temporary Speaker, it is time that we think about how we can promote tourism in this country. I was lucky to travel to Indonesia with Sen. (Prof.) Ongeru. That country has come up with ways of promoting and enhancing tourism in the provinces where tourism is a resource. Every village has a fund that is contributed to through tourism, in terms of the money they get from hotels and any kind of tourist activities that go on in those villages. Therefore, our national Government should motivate the counties that have wildlife, as a way of promoting tourism. If people cannot grow crops because of the harsh climatic conditions, they can benefit through wildlife, which is their resource.

Madam Temporary Speaker, many farmers in Taita Taveta and other counties that have wildlife, cannot grow and harvest crops, because of the destruction by wildlife. Some of the wildlife even attack and kill the domestic animals which are kept by the farmers. Therefore, they suffer a lot of damages.

There should be timely compensation to people who have suffered because of attacks by wild animals. If you do not pay the victims on time, they suffer long-term effects. There are many people in Kajiado who have never been compensated for many years, yet they are crippled or have lost relatives. You can never tell such people to co-exist peacefully with wildlife, because they see wildlife as their enemy and damage to their environment, crops and livestock. Therefore, when we talk of wildlife protection and management and penalties against poaching, we should equally talk about compensating those people who have suffered because of wildlife.

Madam Temporary Speaker, what has impressed me in Sen. Mwaruma's Motion is not only the compensation that victims of wildlife attacks should get, but also how we can make wildlife benefit the communities that are hosting them. Wildlife destroy water pans, wells and dams that have been dug by these communities. They also destroy crops. Therefore, we should have a framework through which these people can benefit from wildlife, either through the county getting money from the revenue brought about by wildlife or the national Government setting up projects to benefit the communities living with the wildlife. The Senate and the National Assembly should allocate a budget to create a fund to benefit these people.

Madam Temporary Speaker, when you look at the budgets that the relevant Ministry is given, you wonder whether it will only cater for compensation or build initiatives to help the communities. Allocating a sufficient budget will help these communities. In addition, the Ministry of Tourism and Wildlife should appreciate the communities that host tourism, especially wildlife. There is the Tourism Fund which I have only heard about in the Ministry. However, I have never seen it helping the communities that host wildlife. When we talk of tourism, we are not only referring to

hospitality, hotels or tour guides, but also how we can help the communities that are helping the country earn foreign exchange.

Madam Temporary Speaker, this is a very timely Motion, but this House needs to also look at the implementation of the Wildlife and Conservation Act, 2017, so that we do not just come up with policies, Bills and Motions that are not implemented. We need to make sure that they are well implemented.

We also need to look at wildlife management and conservation in our counties and how we can get revenue from it and wildlife can also benefit our counties as a resource.

Madam Temporary Speaker, thank you for giving me a chance to contribute.

**The Temporary Speaker** (Sen. Nyamunga): Thank you, Sen. Seneta. Sen. Ochillo-Ayacko.

**Sen. Ochillo-Ayacko:** Madam Temporary Speaker, I take this opportunity to thank the Senator for Taita Taveta County for the concerns he has raised on behalf of his constituents. I appreciate the very good contribution that colleague Senators have made towards this Motion. This Motion is an appreciation of the fact that wildlife is natural. It is important in terms of its contribution to our national revenue. We need to guard it jealously and manage it in a sustainable manner.

Sen. Seneta has raised one aspect which is compensation. In the Motion it is captured explicitly that wildlife is a major revenue earner. It brings plenty of revenue, visitors and promotes the good image we have as a country. It attracts people to come to this country. Therefore, the country is in the global map because of wildlife. So, wildlife is a wonderful thing. There is plenty of money that comes to the country yet those who live close to where these wildlife are, continue to suffer damages, both personal and in terms of property and do not receive prompt compensation or any compensation at all for the injuries or suffering that they get.

It is important for us, as a House, people and Government to find a way of ensuring that in as much as we get revenue from keeping and sustaining wildlife, we also look after the welfare, both economic and medical, of our people so that they do not suffer, get injured or maimed and do not get compensation having had injuries arising from being proximate or close to wildlife. It is very important that we find a way of knowing it.

The reason this is important is that in our own admission and the admission of Senators who have contributed here, is that money comes in. So, there should not be a problem with setting aside some of that money to ensure that the losses that arise from this noble and wonderful activity, is not visited on harmless people whose mistake is only to live close to wild animals.

There is also an aspect that we need to look at very keenly. We need to examine why the conflict is on the rise. We need to find out why the animals get out of their confinement and invade our property and peace. We should put in place mechanisms of mitigating some of the causations or things that cause wild animals to leave where they are supposed to be and invade territory that is normally occupied by human beings. If we do not address this, then the intensity of the conflict will increase and with increased

intensity of conflict, the amount of compensation sought or that will be necessary to create tranquility may become unsustainable to Government.

So, it is important to find out, for instance, why animals such as elephants leave their park and roam in certain places where human beings settle. It is important to understand why lions leave Nairobi National Park or any park and go to other places in search of what they are looking for and come across human beings and, therefore, exacerbate the conflict and cause the need to have this compensation.

At some given stage, because of the pressure that we experience as human beings that force us to encroach the animal settlement areas, the same pressure is probably experienced by the same animals. So, the same animals will also have to leave their natural settlement area and come to where we are settled. So, it is very important, as we look for resources, we set aside funds to compensate those who have suffered personal losses and losses of property because of wildlife. We should also look for resources to ensure that we keep safe, productive and peaceful distance between us and the wildlife without having to promote this conflict.

Many of us Senators here may speak quite emotionally about loss of life. I am sure if we were to understand the language of wildlife and the wildlife were to speak and say how they also lose their lives because of us, that would also be another tragedy. So, it is important to have what is called a balanced discussion about how the conflict is. You will notice that a lot of this wildlife is endangered. Some of them like the rhinos, turtles and snakes are endangered because we are very merciless when we encounter them. Some of them are extinct because of our desire for money and we do so without regard to the fact that our children will dearly miss them when they become extinct because we have exterminated them. It is also important to carry out education and advocacy among our people to understand the need to conserve wildlife, be protective of them and adhere to the biblical commandment. If you look at Genesis 1:28, although we were given sovereignty over all the creations, we were directed that we should manage them and ensure that they do not become extinct. So, it is important for human activities to be balanced against the need to sustain management of the environment and resources that are given to us by nature.

By extension, if you look at that argument, you will also find out that – if you look at the Bible or Koran and the order of creation, wildlife, both botanical and zoological came into existence before human beings. So, if you were to appear before God's court and say that you own the land, perhaps the animals owned it before us or they owned the waters before us because the order of creation is that human beings were created the last and we found all these animals and crops in existence.

As we think about how to balance the conflict and also compensate people of this good society called Kenya who have suffered losses because of wildlife, let us also understand that if you were to have an advocate for wildlife on one side and another advocate for human lives on the other side, perhaps we would lose the case because they were here before we were there. Their rights to roam all over the place, including the city could even be superior to our rights because we came after, if ownership is on the basis of who came first, but that is neither here nor there.



To get back to the county that I represent, which is Migori County, many of our people also come into conflict with wildlife, particularly the fishing communities in Lake Victoria. People get attacked by hippos, snakes and crocodiles. The need for compensation for those people is as dire as the same need is in Taita-Taveta. This Motion will go a long way in ensuring that we are all compensated.

I am yet to find any county in Kenya without human-wildlife conflict. In my view, this is a Motion that should receive the unanimous and unequivocal support from both sides of the House but there is also need to expand it further to ensure that there is sustainable management and we look after the entire issue of the wellbeing of wildlife, so that we, as human beings, have and keep as many as possible the natural things that God has given us. As we keep them, if we get injured in the process or lose property, we should be compensated.

With those many remarks, I beg to support and thank my colleague for his wonderful Motion.

**Sen. (Eng.) Hargura:** Madam Temporary Speaker, thank you for giving me this opportunity to contribute to this important Motion. I would like to thank Sen. Mwaruma for coming up with this Motion.

We sit in the Committee on Lands, Environment and Natural Resources and these are issues we discuss. We interacted with the Cabinet Secretary on this. When we talk of community wildlife conflict, most of the conflicts do not take place in the national parks. Actually they take place within the habitats of citizens of this country and not in the preserved areas. In this case, it is human beings being aggrieved because the animals are not within the areas which have been set aside for protection of wildlife.

I represent Marsabit County which is the largest county in this country. We have Marsabit National Park and Sibiloi National Park on the northeastern shore of Lake Turkana. The rest is community land for the pastoralists and that is where wildlife is found.

In Marsabit, we have animals like elephants. We had an elephant called “Ahmed” with the biggest tusk which is now at the museum here. It used to be in that park and we still protect that park. If you go there, you will find the forest is still intact as it was. We still co-exist with the animals.

We also have conservancies and pastoralists live near animals. We have Melako Conservancy in Laisamis and we co-exist with the animals and we have no problem with that. However, the problem is compensation because when you co-exist with wildlife, at times, there are human deaths, injury and even loss of livestock for the pastoralists and farmers around the mountain and I think the Government is sensitive to that. That is why we have laws like the Wildlife Conservation and Management Act which is supposed to set out how human beings should be compensated in the event of being affected by wildlife.

I think we do not have shortage of laws. If you look at that Act, it is very clear. The only problem with the Act is that it does not state the timeframe within which one should be compensated. If I got terms of the Motion well, it provides for adequate and timely compensation and benefits by communities from the resources which accrue from the wildlife.

When it comes to the procedure for compensation, the law is very clear. We have the County Wildlife Conservation and Compensation Committees (CWCCC) which my colleagues have alluded to in their contributions. The committees were formed as a result of the first petition handled in this House. The committees have been formed according to the regulations which were prepared by the Cabinet Secretary.

The period of the first committees lapsed in February, 2018. I think the petition which was here was about the chairpersons of those committees demanding to be paid honoraria. The Cabinet Secretary said clearly that they have paid whatever allowances that were recommended by the Salaries and Remuneration Commission (SRC) because the Act says that it is the SRC to recommend whatever they need to be paid. The Cabinet Secretary said they have paid the honoraria in dispute but that is still an issue because their time came to an end in February, 2018.

We still have human-wildlife conflict because we still live with the animals. The structure has been put in place such that we have committees to tackle those issues. However, I am surprised that the Cabinet Secretary in charge of Tourism and Wildlife has not, as required by the regulations, extended the term because the regulations allow him to either extend the term of all the committee members for another term of three years or advertise and have new committees in place.

Basically, there is undeliberate move by the Executive to cripple the compensation scheme. We do not have the committees in place but the law says clearly that the affected persons have to apply to the committees. By keeping quiet, the Cabinet Secretary wants to make sure that there is no kind of committee for Kenyans to complain to when affected by human-wildlife conflicts.

I know of a case of a boy from my county who was killed by a leopard in Serolibi area of Samburu County. Up to now, the family has not been compensated because of not having the committees. Again, once the recommendations of the committees reach the Cabinet Secretary in charge, they are told there is no money.

Recently, I discussed with a senior warden in Marsabit National Park who used to sit in that committee. They said they do not have a committee but they still get claims every now and then. Now they have a backlog of claims of persons who have been killed by animals or suffered serious injuries like destruction of crops and livestock. All these have not been taken care of because the Government has deliberately ensured that there is no committee to complain to, which in my view, is the Executive trying not to implement a law which was passed by this House.

According to the law, in case of human death, you apply to the committee, which verifies and its recommendation are passed to the Cabinet Secretary for compensation of the affected persons. Now we do not have the committee in place. In case of destruction of crops and livestock, the committee has to receive the complaints and submit them to the Kenya Wildlife Service (KWS).

We do not have the committees in place. We are actually crippling a law to make sure that Kenyans do not benefit. The most important question is: Why has the Cabinet Secretary (CS) not reinstated or extended the term of the first committees or ensured that when the terms of the first committees expired in February, he puts measures in place so that other committees are formed? In that case, we are dealing with a system which is

trying to use the law to make sure that the public does not benefit or people do not get their due rights.

Mine is to urge the Senator to move an amendment to the Act and ensure that we put the 90-day timeline in the Act. This is because it now says: "Within reasonable time." We have seen that reasonable time goes into five or six years. We need to have those 90 days in the Act, so that we have very clear timelines to be executed by the relevant persons or bodies.

When it comes to the issue of funding, whenever we ask we are told that there are no funds. There are two funds in that Act. Section 24 talks of the Wildlife Compensation Scheme (WCS) under which we also have the Wildlife Endowment Fund (WEF), which is supposed to have monies allocated by Parliament. We also have an issue here.

We are talking of the National Treasury setting aside adequate funding for compensation. How does that sit with the issue of money Bills? We are not supposed to come up with anything that has financial implications. So, we also have to see how we can maybe work through our colleagues in the "lower" House, so that this is effected. I urge Sen. Mwaruma to see how we can work through the other House and get colleagues who also come from these affected areas, to make sure that this financial allocation is done. That way it will not be said that the Senate cannot ask the Government to set aside any fund or that it is a money Bill. If we try to even amend the law that way, we can still use our colleagues in the "lower" House to make sure that is taken into account.

Once again, I thank Sen. Mwaruma for bringing up this issue because it affects all our people. We have to make sure that the Executive does not circumvent the law by saying that there is no adequate funding, while we have funding in this Act which can be used for that purpose. We should also not allow them to cripple Acts like this one by not having the relevant committees in place. Those are the two points that are now hindering our people from getting compensated. If we do not have the committees, then the question is: Who will the victims of human-wildlife conflict complain to?

Once the committees are in place, there is the issue of adequate funding. We have to tie the two and make sure that there is funding specifically set aside, because we know that this issue will be coming up. Just like in the case of the roads sector, there is the roads fund that is set aside and the Kenya Roads Board (KRB) operates it. Whatever is generated from tourism mainly has a lot to do with wildlife. Therefore, we need to have some money set aside from the tourism fund, specifically to cater for human-wildlife conflicts, so that there are always funds to compensate our people once they are affected.

We appreciate wildlife as part of our heritage that we keep within our counties, range land and conservancies, which communities create and run. Once we do that, there must be a way to make sure that once we have that kind of a conflict, there is a fund set aside to compensate victims.

Thank you, Madam Temporary Speaker.

**The Temporary Speaker** (Sen. Nyamunga): Thank you, Senator.

Sen. (Rev.) Waqo, proceed.

**Sen. (Rev.) Waqo:** Thank you, Madam Temporary Speaker, for allowing me to also add my voice to this important Motion. I also thank Sen. Mwaruma for coming up

with this relevant Motion to all of us and to every county, with again a lot of passion and emotions because of the suffering that Kenyans have gone through.

Going through the Motion and listening to the contribution of the Senators, it is quite clear that God has blessed this nation with wild animals. We are all proud of our country, and especially the wild animals. We thank God for all the resources that he has given us.

Again, when you look at the other side, you clearly see the destruction of property and the huge number of people who have lost lives or have been injured in the past by the wild animals. In a way, this has also increased poverty among our people, because crops have been damaged and property destroyed. Therefore, there is need for us to deliberate on this and see how we can create a conducive environment for peaceful co-existence.

In Kenya, we are well known for working for peace or peaceful co-existence between ethnic groups and conflict and resolution management between different people. However, from this debate and our own experience, it is clear that peaceful co-existence is also relevant between human beings and wild animals that God has given us. Conflict resolution and management is not only relevant to human beings, but also between us and wild animals.

When we have the laws in place, but we do not implement them, the people who suffer are those at the grassroots. We know that many of our people have gone through a lot of suffering. We have talked of compensation. In Kenya, compensation, of course, is relative because you can only be compensated when you have someone somewhere. As we always say, you must have somebody or a godfather somewhere for you to be compensated; for your needs to be known or your file to be alive always. As a result of corruption and bad practice in our nation, many people have suffered.

Besides the many things that have been introduced or suggested, there is need for us to suggest that the people who live close to wildlife parks need to have some training and capacity building done, so that they can defend themselves. They need to be given some life skills. For example, they need to know what to do when a wild animal comes. Most of the time, children are always the victims and they suffer. If we equip our people well, then they will know what to do when that danger comes.

The Government should provide or put in place protective measures such as good fencing. I know this needs a lot of funds. I come from Marsabit and thank God for our Senator who spoke before me. As he was speaking, I was picking some of the very important things. In Marsabit we are blessed with a huge forest where we have different types of wildlife.

The areas adjacent to the park have suffered. In areas such as Songa, Kituruni, Karare, Badassa, Dirib Gombo and part of Sagante area, farmers have lost a lot of their property, farms have been destroyed and animals lost. They keep on losing goats and even their cows. No one has ever been compensated simply because the committee that is supposed to work and receive all the concerns is not there.

Madam Temporary Speaker, besides the compensation, there is also need for us to encourage insurance companies to go down to the grassroots and encourage people to insure their animals, farms and all property. This will ensure that when something happens, besides what the Government will do, people will know where to run to. I think

there is need to push for insurance cover for domestic animals, human beings and other property they own. In doing that, then we will have taken care of our people and the other resources that God has given us.

It is true that our people need to benefit from the resources that God has given us. In some of these areas like in my county, I do not think we have benefited even from the tourism and wild animals that God has given us. In fact, from my experience since childhood to date, wild animals are given more attention than human beings and domestic animals. When one kills a wild animal they are followed and we all know what happens. However, when somebody falls victim, the Government does not seem to care at all.

In 1970s Ahmed the elephant that Kenyans are proud of was provided 24-hour security surveillance through a presidential decree. Ahmed enjoyed that, but as one of the people from Marsabit County, I wish our people could be protected because we keep on attacking each other and losing our animals.

On Tuesday this week we lost some goats in Marsabit and the Government was not able to follow or even recover them. If the Government, as early as 1970s, could provide 24-hour security surveillance for Ahmed, the elephant, why are we today, in the 21<sup>st</sup> Century, not able to protect our people such that they keep on suffering and losing their animals? I think there is something that is not right in our nation. As the Senate, we should protect the people that God has given us. We should speak for them and protect them and their interests.

Madam Temporary Speaker, the Motion suggests that enough funds be allocated and compensation done. It also suggests that we ensure that victims and families of victims of human-wildlife conflict are always compensated within 90 days. When one loses their loved one through this, it is enough pain to go through. When one knows that they are supposed to get something in form of compensation and they are not able to get, they keep on mourning and suffering. There is, therefore, need for us to push for that and see how it can be done within the 90 days, if not before as proposed.

The Motion also proposes that we come up with innovative ways of ensuring host communities benefit from the revenue accruing from wildlife tourism. As I said, many of our communities have never benefited from the resources that God has given them. There is need for the Senate to push for this, so that host communities also benefit in a way from whatever resources there are in different counties.

Madam Temporary Speaker, in Kenya we are blessed with so many resources and all the policies and laws in place. Unfortunately, we are not implementing them. We take advantage of the poor people and exploit them. Every officer that is there is not ready to serve Kenyans passionately. My request is that those who are already affected and suffered should be compensated immediately and proper measures be put in place for any other person who will fall victim.

Thank you and I beg to support.

**The Temporary Speaker** (Sen. Nyamunga): Let us have Sen. Cherargei.

**Sen. Cherargei:** Thank you, Madam Temporary Speaker. From the outset, I thank Sen. Mwaruma for this Motion. I agree that the issue of wildlife-human conflict has been very serious in this country. However, it seems all of us are more concerned about the welfare of the animals than the communities who live with them.

Madam Temporary Speaker, because you are my neighbour along the border, we have a predominance of snake bites. The last time I was in Kisumu we had the issue of *Omiere* that originated from Nyakach, which is mostly very hot. Sugarcane growing areas have so many cases of snake bites, especially on the Chemelil-Chemase strip and the lower part of Tinderet Constituency. Even towards the Kakamega Forest, along the Mosop Strata, so many people are bitten by snakes.

We have wildlife in a place called King'wal. There is an animal called Situngu that is found around Kimondi River in Chesumei sub-county. Some young men picked a horn that belongs to that rare species. The Government acted so fast; they were arrested, taken to court, charged and fined. However, when an ordinary *mwananchi* is attacked by a snake or any other wildlife, compensation in terms of medical bills and provision for burial arrangements does not happen. Therefore, this does not only happen in Taita-Taveta. The reason this is happening is because we are more concerned with the benefits of wildlife at the expense of the ordinary *mwananchi* of this country.

We are aware that wildlife is critical and the heritage of this country. We know that tourism brings a lot of revenue to this country. In fact, when we were visiting the United Kingdom (UK) the other day, we saw the Government working through Brand Kenya to increase the influx of tourists. I know that it is in the interest of the Government to protect wildlife, but we should not apply double standards.

It is sad that when someone is killed by a wild animal, they are paid a mere Kshs5 million. Again, the process of getting that money, as Sen. Wako said earlier, is treacherous and long. The pain that the family undergoes when their kin is killed by an animal is so much that they do not need to be subjected to such a process. If there is proof, why do we need the postmortem report, medical report, burial permit and identification of the next of kin? Compensation should be done as soon as possible, even before a loved one is buried. That is how we should approach it. In fact, the proposal that it be done in 90 days is not good. Unfortunately, most of the people who end up dying are the breadwinners. In the tea farms, where I come from, when one gets injured when working, they should be given compensation that will be commensurate to the kind of life that they were living before the injury. The Government must compensate the loved ones and the people who are maimed or injured by the animals and reinstate them to the state they were in before.

I call upon Sen. Mwaruma to ensure that we come up with legislative interventions, because the compensation of Kshs5 million is too little compared to life, especially when the victim was the breadwinner. When that happens, the family is always left in the cycle of poverty. Therefore, we should agree that we need policy and legislative intervention. I want to tell the Cabinet Secretary in charge of tourism, Hon. Balala, that in as much as we are busy branding Kenya and attracting more visitors, we should also work on the peaceful co-existence in the communities that live with the wild animals. This should also include the protection of the game rangers or the people who protect our wildlife. I know that poaching is a very serious issue in this country, but the way to fight it is to ensure that the communities that live around the game parks know the value of the animals and agree to live in harmony with them.

We also have the issue of Corporate Social Responsibility (CSR). As the Senate we must think of how we can ensure that some of the organizations do CSR. People do not need to make noise for them to engage in CSR. We do not need to fight, go to court or send petitions for organizations to do CSR. We need to tell the people who are concerned that they need to engage in CSR. We have had so many challenges in the mining sector.

Where I come from, there is a place called Karebe where they mine gold. We have had to fight with the management of the company for them to paint even one classroom. Some of the communities that host wild animals have been displaced from their land. They share fences and even protect the animals. Therefore, it should be an honorable duty for the Kenya Wildlife Service (KWS) and the conservancies to do CSR in these communities.

In this country, you need to beg a local company, multinational company or Government agency for them to build even public toilet, dispensary or maternity wing for the community. The Senate has to look at the issue of CSR by having legislative or policy interventions, so as to bring sanity in that area. Some of these multinationals are too busy and concerned with playing to the public gallery, such that they only do CSR when they want the media to cover them. .

I do not know where people go to church nowadays and whether we are reading the same Bible. We are told in the Bible that if you give with your left hand, your right hand should not know about it. However, with the social media age, we have seen that when one gives something or helps someone, they publicize it. Let us ask these companies and multinational agencies that invest in the natural resources that they do not need the media to do some of these things. We do not need to do it as a public relations exercise. They need to do CSR as a duty.

There is the story of the Good Samaritan that we should follow. One does not need to show in the media that, for example, KWS has paid school fees for 100 students. Why can we not do it without the publicizing? Why should we use poverty to make profits? This is not just done by KWS, but even the mining sector. Where I come from, we have been pushing the mining companies to do CSR or to even give the community at least one per cent that is provided by the Mining Act, 2015. As a country, we need to agree that we do not need philanthropists that come out to play to the public gallery, just to disappear when the cameras are switched off.

I thank Sen. Mwaruma for bringing this Motion. I want him to look into the longevity of this issue. If possible, after this Motion, he should come up with possible amendments to wildlife laws, for us to have legislative and policy interventions that will ensure that our people get justice. Since laws also grow through judicial decisions and jurisprudence, I call upon our Judiciary to put a human face when deciding on a conflict between wildlife and human, so that we protect our people.

I support this Motion and hope that the decisions that we will make will not only benefit the people of Taita-Taveta County, but all people in the 47 counties.

Thank you, Madam Temporary Speaker.

**Sen. Poghio:** Thank you, Madam Temporary Speaker. I wish to support this Motion that seeks to deal, once and for all, with issues that promote the care of our

wildlife and people in areas where wildlife is found. I also ask the Government to strongly support the wildlife management in the country because it is related to tourism. All the monies accruing from tourism should support the wildlife ecosystem.

Sen. Mwaruma has brought out issues in regard to human-wildlife conflict. However, dealing with the problem once and for all would really help us. There are so many Motions, Statements and Petitions that have come before both Houses concerning human-wildlife conflicts. Therefore, we should not be talking about these matters anymore.

Madam Temporary Speaker, the proceeds of wildlife is basically what has built our tourism. When there is the wildebeest migration every year, we raise a lot of money. However, it does not necessarily translate to safer communities. If communities are safer, they can then grow more interest in taking care of the wildlife rather than encouraging poaching, which escalates because people feel that nothing is taken into consideration about their welfare.

Madam Temporary Speaker, I come from West Pokot County where there is a problem. In areas around West Pokot County National Park, wild animals roam freely and nobody takes care of them. For example, elephants destroy people's properties and other wildlife attack goats and cows. When we do not encourage people to take care of the wildlife, they turn on the wildlife because they want to take the law into their own hands. However, we would like very much to leave Kenya in the position where it is as the best destination because of wildlife.

Madam Temporary Speaker, we now have a need to reward communities that take care and respect wildlife. The request to have this sector fully funded by the Government is not in vain; it is the need for the Government to put money where its mouth is. This is one of the countries where everybody wants to come to. Therefore, we should secure the places where wildlife is found. This will increase the number of tourists and at the same time, make communities more responsible.

I congratulate the Senator for bringing this Motion. I know that he comes from an area where wildlife is doing a lot of havoc. However, it is also a place where there are a lot of tourism activities. It is a balance of the two. We should take care of the tourism sector by enhancing funding, taking care of the wildlife and the people who take care of the wildlife.

Madam Temporary Speaker, for example, the Maasai are the only people I know who do not hunt the wildlife in their areas, except the lions when they attack their livestock. Therefore, they should be congratulated and rewarded because they are the best conservationist in the world. That is why all the wildlife moves in that direction. Wild animals are not in our areas because they are clever. They know people who are friendly, support and defend them.

Madam Temporary Speaker, I thank Sen. Mwaruma for this very good Motion. However, we should not be talking about this anymore. It is time for action and to implement so many policies that have already come up. The only disadvantage is that when wildlife attack people and cause harm and havoc, it becomes difficult to compensate them. I do not know why it is difficult for the Government to compensate people who are either killed or harmed.



Madam Temporary Speaker, the crocodiles on Turkwel Dam have done so much damage to the people of West Pokot, especially those who live around Kasei, Sook and Endugh wards. When the children go to fetch water in the rivers, the crocodiles pull and bite many of them, but compensation has been impossible. Why is it easy for us to plead for that sector to be funded and yet, when it is fully funded, they cannot compensate when the wildlife attack people, cause harm, death and havoc?

When we are dealing with this matter and, finally, we have the policies and come to write the regulations, we should say that compensation should be made easy. We should find a very easy way of compensating those who have suffered as a result of this.

Madam Temporary Speaker, I support this important Motion and call upon all Members to support it.

**The Temporary Speaker** (Sen. Nyamunga): Thank you hon. Senators. I now call upon the Mover to reply.

**Sen. Mwaruma:** Madam Temporary Speaker, I beg to reply. We have seen from the discussions that this Motion has been given the importance that it requires. Most of the speakers have stated categorically that the importance of wildlife in our economy cannot be gainsaid. Wildlife is important to our economy because it promotes tourism.

When the wild animals hurt humans, compensation becomes a big problem, yet when humans attack the wild animals, the penalty is immediate and very severe; sometimes not commensurate to what happens to the animals. Since the sugar levels have gone down, I might not delve into the discussions that have taken place.

I will consider the very important discussions in this Motion. There are suggestions that we need to do an amendment to the Wildlife Management Act, to insert the timelines for compensation of people who are aggrieved or hurt as a result of human-wildlife conflict. It is true that a lot of money is coming to the country as a result of tourism and the wildlife. However, why is it very difficult for people to get compensated?

Madam Temporary Speaker, I will consider all the suggestions and enriching contributions to this Motion.

I beg to reply.

**The Temporary Speaker** (Sen. Nyamunga): Hon. Senators, this Motion does concern counties. I, therefore, put the question.

*(Question put and agreed to)*

**The Temporary Speaker** (Sen. Nyamunga): Let us move on to the next Order.

## MOTIONS

### NOTING OF REPORT OF THE SIXTH ORDINARY SESSION OF THE FOURTH PAN-AFRICAN PARLIAMENT

THAT, this House notes the Report of the Sixth Ordinary Session of the Fourth Pan- African Parliament held in Midrand, South Africa, from

7<sup>th</sup> to 18<sup>th</sup> May, 2018, laid on the Table of the House on Tuesday, 24<sup>th</sup> July, 2018.

**The Temporary Speaker** (Sen. Nyamunga): We shall defer this Motion.

*(Motion deferred)*

**The Temporary Speaker** (Sen. Nyamunga): Let us move on to the next Order.

NOTING OF REPORT OF THE SENATE DELEGATION TO THE  
INAUGURAL COMMONWEALTH PARLIAMENTARIANS' FORUM

THAT, this House notes the Report of the Senate Delegation to the Inaugural Commonwealth Parliamentarians' Forum held at the Westminster Palace, London, United Kingdom from 26<sup>th</sup> February to 1<sup>st</sup> March, 2018, laid on the Table of the House on Thursday, 10<sup>th</sup> May, 2018.

**The Temporary Speaker** (Sen. Nyamunga): This is also deferred.

*(Motion deferred)*

**The Temporary Speaker** (Sen. Nyamunga): Let us move on to the next Order.

NOTING OF REPORT OF THE 138TH ASSEMBLY  
OF IPU AND RELATED MEETINGS

THAT, this House notes the Report of the 138th Assembly of the Inter-Parliamentary Union (IPU) and related meetings held in Geneva, Switzerland from 22<sup>nd</sup> – 28<sup>th</sup> March, 2018, laid on the Table of the Senate on Thursday, 21<sup>st</sup> June, 2018.

**The Temporary Speaker** (Sen. Nyamunga): We shall defer this.

*(Motion deferred)*

**The Temporary Speaker** (Sen. Nyamunga): Next Order!

NOTING OF REPORT OF THE APNAC CONFERENCE, 2018

THAT, this House notes the Report of the Senate Delegation to the African Parliamentarians' Network Against Corruption (APNAC) Conference held in Ghana from 17<sup>th</sup> – 18<sup>th</sup> March, 2018, laid on the Table of the House on Tuesday, 19<sup>th</sup> June, 2018.

**The Temporary Speaker** (Sen. Nyamunga): This is also deferred.

*(Motion deferred)*

Let us move on to the next Order.

NOTING OF REPORT OF THE 62<sup>ND</sup> SESSION OF  
THE COMMISSION ON THE STATUS OF WOMEN

THAT, this House notes the Report of the 62nd Session of the Commission on the Status of Women laid on the Table of the House on Tuesday, 17<sup>th</sup> July, 2018.

**The Temporary Speaker** (Sen. Nyamunga): This is also deferred.

*(Motion deferred)*

**The Temporary Speaker** (Sen. Nyamunga): Let us move on to the next Order.

NOTING OF REPORT OF 49<sup>TH</sup> SESSION OF THE ACPPA AND  
INTER-SESSIONAL MEETING OF THE ACP-EU JOINT ASSEMBLY

THAT, this House notes the Report of the 49th Session of the ACP Parliamentary Assembly and Inter-Sessional meeting of the ACP-EU Joint Parliamentary Assembly held on 20<sup>th</sup> – 22<sup>nd</sup> March, 2018, in Brussels, Belgium, laid on the Table of the House on Tuesday, 31<sup>st</sup> July, 2018.

**The Temporary Speaker** (Sen. Nyamunga): This Order is deferred.

*(Motion deferred)*

**The Temporary Speaker** (Sen. Nyamunga): Next Order!

NOTING OF REPORT ON THE  
2018 COMMONWEALTH GAMES

THAT, this House notes the Report of the Standing Committee on Labour and Social Welfare on the 2018 Commonwealth Games held in Gold Coast, Australia, from 4<sup>th</sup> to 15<sup>th</sup> April, 2018, laid on the Table of the Senate on Wednesday, 1<sup>st</sup> August, 2018.

**The Temporary Speaker** (Sen. Nyamunga): This is also deferred.

*(Motion deferred)*

**The Temporary Speaker** (Sen. Nyamunga): Let us move on to the next Order.

NOTING OF REPORT ON ROLE OF PARLIAMENTARIANS IN POPULATION  
AND THE 2030 AGENDA FOR SUSTAINABLE DEVELOPMENT

THAT, this House notes the Report of the Senate Delegation to the Conference on Enhancing the Role of Parliamentarians in the Interlinkage between Population Issues and the 2030 Agenda for Sustainable Development, held in New Delhi, India, from 13<sup>th</sup> – 15<sup>th</sup> September, 2017, laid on the Table of the House on Thursday, 2nd August, 2018.

**The Temporary Speaker** (Sen. Nyamunga): That is deferred.

*(Motion deferred)*

Next Order!

NOTING OF REPORT OF THE PROCEEDINGS OF THE  
GLOBAL PARLIAMENTARY CONFERENCE (GPC)

THAT, this House notes the Report of the proceedings of the Global Parliamentary Conference (GPC), held at the World Bank Headquarters, in Washington DC, United States of America from 16th to 17th April, 2018, laid on the Table of the House on Thursday, 12th July, 2018.

**The Temporary Speaker** (Sen. Nyamunga): The Motion is deferred.

*(Motion deferred)*

REMEDIES FOR CLOSURE OF SCHOOLS DUE TO  
FLOODS AND INSTANCES OF INSECURITY

THAT, AWARE that Article 43(1)(f) of the Constitution of Kenya provides that every person has a right to education and Article 53(1)(b) of the Constitution states that every child has the right to free and compulsory basic education;

COGNIZANT that on 5th January, 2018 during the flagging off of national delivery of core course books for schools at Cemastea Karen, His Excellency the President Uhuru Kenyatta stated that his administration has focused on initiatives that ensure every Kenyan has access to quality education, so they can acquire appropriate skills and knowledge that make our country globally competitive;

FURTHER AWARE that recently the country has suffered floods in many parts of the country leading to deaths and people being displaced and rendered homeless;

DEEPLY CONCERNED that some schools have also remained closed even after other schools reopened while others have been closed as a result of floods and instances of insecurity;

FURTHER NOTING that closure of schools due to the said floods as well as insecurity places students and pupils in those schools at a disadvantage as they are unable to access education which is their right, while some of the students in those schools are expected to sit for their national exams at the end of the year and their performance risks being negatively affected by the lost time out of school;

NOW THEREFORE, the Senate resolves that the Committee on Education, investigates this matter with a view to: -

1. identifying strategies to ensure that the affected students are able to access education as soon as possible;
2. outlining preventative measures to ensure that more students are not affected by the floods and insecurity; and
3. Submitting a Report to the Senate within sixty (60) days outlining the short and long term strategies, that are being put in place to ensure that schools in flood and insecurity prone areas are not affected in the future.

**The Temporary Speaker** (Sen. Nyamunga): This Motion is also deferred.

*(Motion deferred)*

### ADJOURNMENT

**The Temporary Speaker** (Sen. Nyamunga): Hon. Senators, there being no other business on the Order Paper, the Senate stands adjourned until Tuesday, 13<sup>th</sup> November, 2018 at 2.30 p.m.

The Senate rose at 6.05 p.m.