

**Sen. Olekina:** Thank you Mr. Speaker, Sir, for giving me this opportunity to add my voice to this important Petition that I support. Coming from Narok, I know that the defunct Narok County Council used to contribute 19 per cent of the revenue collected from the Maasai Mara Game Reserve to the communities surrounding the game park. Over time, those communities came together and formed their own private conservancies. We now have other community conservancies and I agree with Sen. Halake that they need to be given a lot of support.

One of the roles of the conservancies is to support education. I come from Maasai region and went to school courtesy of the money that was generated from those conservancies. The 19 per cent that was being given to the communities around the park is what helped me go to school. However, there are various things that we have to take into consideration. There are private conservancies in this country that do not benefit the local communities. There is a game park that, overall, helps the entire country given that our game parks are one of the highest foreign exchange earners of this country.

On the issue of community conservancies, a lot of things are changing. The way people, for example the Maasai, lived before has changed. They used to keep tens of thousands of livestock. Now, because of the rapid environmental changes that have taken place, the numbers have reduced. People who live next to the game parks, as a way of making money, join the private conservancies. I concur with my colleagues who said that in most cases, the citizens do not benefit.

I want to encourage the Committee that will look into this issue of how county governments and the national Government can support these private conservancies to come up with suggestions that can encourage people who own land around the conservancies to live together and set aside the huge chunks of land. When this is done, it will help the entire ecosystem and reduce the human-wildlife conflict. This can also be taken in as economic development. With regard to Maasai Mara, for instance, I get calls every day from the locals asking me to buy their land because they cannot use it. This is a matter that I would like to see taken seriously, so that the locals can benefit.

Thank you, Mr. Speaker, Sir.

**Sen. Olekina:** Thank you, Madam Temporary Speaker, for giving me this opportunity to comment on this particular issue of the water towers. During the debate on the Division of Revenue (Amendment) Bill (Senate Bills No. 14 of 2018), I raised my reservations.

Even though I voted for the Bill, I did it with a very heavy heart because the Mau Forest was left out. I do not know why we become selective in protecting certain parts of the country and leaving other parts.

We have a very serious problem in this country. Any time it rains, because of the destruction of the Mau Forest, Narok Town floods. The forest has been encroached. We have an opportunity to make amendments to the Division of Revenue Bill, but we have failed, as this House because we have been reduced by the National Treasury to rubberstamping. This is something which I hope we can amend. Although it is a little bit too late now, in future, it is something that this House should consider.

We have really missed an opportunity to make changes and see what is happening. This is something that I take with a very heavy heart. I hope that next time when the National Treasury comes up with this Bill---

This is why I keep on saying that Parliament really ought to stamp its authority. We are being reduced to a rubberstamp. We do not even control our own budget.

When are we ever going to be able to protect our water catchment areas? Mau forest has been left out. I have no problem with protecting Cherengani Hills or Mt. Elgon. However, Mau Forest is one of---

I know these are conditional grants that are in these amendments, but, seriously, when we think about these conditional grants, we ought to have prioritised the Mau Forest. There are over five rivers that drain their waters into Lake Victoria which is the source of River Nile. The way the forest has been encroached is shocking. A couple of months ago, we flew over the forest and noticed that it has been destroyed. I actually congratulate the 14 counties which have formed the Lake Victoria Economic Basin for having taken Mau Forest as their number one issue to be able to protect it.

I hope that in future when the Division of Revenue Bill is brought before the Senate, we do not just simply vote for it. I had a very heavy heart voting for this. I knew we had a problem with numbers and I did not want to be blamed as a person who has refused to vote for the Bill for money not to go to counties. However, we should take notice. I am highly contemplating bringing in amendments so that the Mau Forest can be considered.

Thank you.

**Sen. Olekina:** Thank you, Mr. Deputy Speaker, Sir, for giving me two minutes to comment on this matter of sovereignty. It is sad that our Kenya police officers are being arrested by Ugandan military. If the Kenyan Government cannot protect our own police, it is time you asked me to bring 20 Maasai warriors to go and defend our territories.

*(Laughter)*

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Order, Sen. Olekina! The roles of the defence of the nation are well defined in the Constitution.

**Sen. Olekina:** Mr. Deputy Speaker, Sir, my opinion is that if our country cannot defend its own citizens because the military of Uganda, which is a neighbouring country that we love laid ambush on people who are supposed to be protecting us, then what are we supposed to do? It is very sad.

The newspapers reported that they were ambushed by the military. If the Government and the national security organs really care about Kenyans in Siaya County, then they should send the military so that the military faces another military.

We are talking about Migingo, which I think is a 2,000 square kilometres island and one of the densely populated islands in this country---

**The Deputy Speaker** (Sen. (Prof.) Kindiki): Order Senator. Did you say 2,000 square kilometres?

**Sen. Olekina:** It is a small area which is densely populated. It is not even an acre. I am sorry about that.

**Sen. Olekina:** However, I am baffled, shocked and at a loss for words. We do not care about our Kenyan citizens. Let us not lie. We only care about corruption and

protecting certain interests. The people in Siaya County are also human beings and they have to make a living.

The newspapers reported that they were about seven. I remember last year there were 17 Kenyans who were arrested and detained in Uganda for quite a long time. Why are we---

**Sen. Olekina:** Thank you, Mr. Deputy Speaker, Sir, for giving me an opportunity to comment on this very important Bill. In fact, this is the kind of legislation that we ought to be developing because, from the outset, they promote devolution.

It is shameful that since we devolved or established the 47 counties, many of these counties keep coming to Nairobi to publish their Bills. I dare say that many of these counties are actually implementing laws that have not been published. This is contrary to what the County Government Act and the Constitution, particularly, Article 199, require us to do. Article 199 of the Constitution which talks about publication of county legislation says-

“County legislation does not take effect unless published in the *Gazette*.”

This means that all these legislations that have been implemented are illegal.

*[The Deputy Speaker (Sen. (Prof.) Kindiki) left the Chair]*

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

Madam Temporary Speaker, it is time that we focused on developing legislation that will fully enhance devolution. Dr. Kofi Annan once said that knowledge is power, information is liberation and education is the premise of progress in every society and family. Those words are echoed by Article 35 of our Constitution which gives every Kenyan the right to access information. It says-

“Every citizen has the right of access to-

- (a) information held by the State; and
- (b) information held by another person and required for the exercise or protection of any right or fundamental freedom.”

Madam Temporary Speaker, we are all aware that many things happen in this country where, in most cases, there are transactions that take place. You may sell your land. After selling your land, you decide to do away with the title deed. The person who has bought that parcel of land goes ahead with all the transactions but you secretly know that, that person does not have the knowledge of how to pursue the entire process of getting a title deed. You then go and report that you have lost your title deed and you publish it in the *Kenya Gazette*. Within a period of time, you can apply for another one. That is deceptive.

With this Bill, all that will be a thing of the past. That information will be readily available. The county governments will not only get an opportunity to publish their own Bills, but it will also help enhance or build capacity for those Members of the County Assemblies (MCAs).

Recently, we were entertained by one of our Senators who said that most MCAs lack capacity. By the fact that they have to publish this locally, it will encourage them to work and push their agenda. It will also encourage county governments to invest in building capacity of their MCAs so that they can take pride in publishing Bills in their own county printers.

I see this as an added value because we know that in all our schools, there is a child out there who says, “When I grow up, I want to be a printer.” If that child wants to be a Government Printer, it will be very difficult because there is only one position. However, we are now creating more positions; 47 of them. This will create more jobs in the Office of the County Printer. There will be more people getting jobs in each and every county.

People will also play a role in the development of their counties because it will give the county governments the opportunity to even publish their County Integrated Development Plans (CIDPs). It will also help people know the counties from which they get these appointments. When those appointments are published in the *Kenya Gazette*, not everyone gets an opportunity to see who filled a particular position.

Madam Temporary Speaker, this Bill will enhance more of other policy statements. It will give an opportunity for a governor when he or she has something very important to share with his or her citizens. Instead of coming to Nairobi and queuing at the Government Printer, they can just take advantage of their own county printers and print them there.

When it comes to information sharing, we are deprived in this country. People do not even understand the difference between a newspaper and the *Kenya Gazette*. I remember, during the elections, many people would argue and say: “My name was listed in the nomination paper in the *Gazette*.” However, his name was not in the *Gazette*, but in the newspaper. So, people would have issues and start fighting by saying: “Which ‘gazette’ is it on?” Even the Independent Electoral and Boundaries Commission (IEBC) can take advantage of this County Printer. Although it is a national function they deal with, but now they can even publish the ward elections in the *County Gazette* so that people can see the number of candidates contesting for a particular seat.

Madam Temporary Speaker, the benefits are immense and will help in flow of information. The golden rule of information is to share the necessary or relevant information. If I want to change my name today, for example, I will follow some laid down procedures. For example, I will approach a lawyer who will get for me a deed poll which must be published by the *Kenya Gazette*. This information may be shared to the citizens in counties. By following that procedure, I can easily have my name changed and published in the *County Gazette*.

Madam Temporary Speaker, I am one of those people who believe in devolution. If we want to take services closer to the people then we have to do so without much delay.

It is a shame that this Bill was introduced in the previous Parliament and it lapsed without it being enacted. I want to encourage the Mover to lobby Members of the National Assembly so that this Bill is passed immediately. Once it is enacted, it will protect the interests of the county governments. It will also help us save resources, empower our people and enlighten them in terms of information. Let them know if a particular policy has been adopted by their local governments and whether that

information is readily available to them. They can get it by either walking to the county printers or it will also be locally available.

The other thing I love about this Bill is the electronic aspect of the County Printer. This is because we have depleted our forest cover in this country. I urge the Mover to propose certain amendments to this Bill that will help us determine what kind of information will be printed in hard copy and what to be reserved in electronic format. In the United States of America (USA), for example, in the Department of the Secretary of State when registering a company you do not have to fill documents manually, but you do so electronically and a certificate will be issued to you. As I said, I would suggest to the sponsor of the Bill to put in an amendment that will stipulate what can be printed in hardcopy and what can be available in soft copy. By doing so, it will help us save a lot of money.

In addition, this Bill helps reduce wastage. Clause (6) says-

“In performing the functions under Section 5, the Office of the County Printer shall coordinate and liaise with the Office of the Government Printer and shall ensure that there is no duplication in printing and publication of documents.”

There is no reason as why the Government Printer should print what can be printed at the county level by the County Printer in this era of devolution.

Madam Temporary Speaker, this is an opportunity to create more jobs in counties and we avoid the rural-urban migration although nowadays we do not have many rural areas. We will be bringing a Bill to this House to create more urban areas and centres. Accessing services locally, our people will not find it attractive to stay in Nairobi and other urban areas.

I believe the county governments will take advantage of this Bill and support its implementation. It will help them print all their Bills and other documents. We do not want city *askaris* showing us small pieces of paper restricting or prohibiting our citizens from doing certain things. This information can be readily available to all of us. For example, if Sen. Seneta wants to verify information about laws enacted in county assemblies, she can do so, on her laptop, iPhone, or phone. This will help us because information is power.

Although information sharing is restricted by legal barriers, this Senate has an opportunity to break them by ensuring that this Bill does not lapse, but be enacted into an Act of Parliament. It is sad that we spent most of our time fighting here while Bills were lapsing.

Finally, if you have information about the whole planet, there is nothing you cannot achieve. I want the people of Narok County to access information from their County Printer so that they play a critical role in their development. This Bill not only creates jobs, but it helps us in strengthening devolution.

Thank you, Madam Temporary Speaker.