

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Thursday, 8th 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 10th 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, 17th 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, 13th 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 deductions, 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 15th 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 12th 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 Onger.

Sen. (Prof.) Onger: 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 1st 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, 13TH 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, 13th November, 2018.

On Tuesday, 13th 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, 13th 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, 14th November and Thursday, 15th 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 Uasin Gishu County.	Standing Committee on Health.
	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	Standing Committee on Lands,

	deprivation of a parcel of land situated in Kaputiei North, Kajiado County.	Environment and Natural Resources.
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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,
- (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 9th 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 Seconder? 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 very 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

