



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – SECOND SESSION

THE SENATE

VOTES AND PROCEEDINGS

THURSDAY, NOVEMBER 08, 2018 AT 2.30 P.M.

1. The Senate assembled at thirty minutes past Two O'clock.
2. The proceedings were opened with prayer said by the Speaker.
3. **COMMUNICATIONS FROM THE CHAIR**

The Speaker conveyed the following communications from the Chair:-

(i) Visiting students and teachers from Makini School, Nairobi County.

“Honourable Senators,

I would like to acknowledge the presence, in the Speaker’s Gallery this afternoon, of visiting students and teachers from Makini School, Nairobi County.

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

I thank you.”

(ii) Visiting students from the Starehe Boys’ Centre and School, Nairobi County.

“Honourable Senators,

I would like to acknowledge the presence, in the Public Gallery this afternoon, of visiting students from the Starehe Boys’ Centre and School, Nairobi County.

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

I thank you.”

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

The Speaker conveyed the following Message from the National Assembly: -

“Honourable Senators,

I wish to report to the Senate that, pursuant to Standing Order 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 Bill No. 10 of 2018)-

“PURSUANT to the provisions of Standing Order 41(1) and 142 of the National Assembly Standing Orders, 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 and passed the said Bill on Wednesday, October 17, 2018 with amendments in the form attached hereto;

NOW THEREFORE, in accordance with the provisions of Article 110(4) of the Constitution and Standing Order 142 of the National Assembly Standing Orders, I hereby refer the said Bill to the Senate for consideration.”

Honourable Senators,

Pursuant to Standing Order 157 which requires that a Bill originating in 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 139, I direct that the Bill be listed for First Reading on Tuesday, 13th November, 2018.

I thank you.”

5. **PETITION**

Pursuant to Standing Order 226(1)(b) and 230(2)(a), Nominated Senator (Sen. Mary Seneta, MP) presented to the Senate a Petition by residents of Kajiado County concerning the delayed salaries and non-remittance of Statutory deductions for employees at the Nol Turesh Loitoktok Water and Sanitation Company in Kajiado County.

Pursuant to Standing Order 231, the Speaker invited Senators to comment on the Petition and, subsequently, committed the Petition to the Standing

Committee on Labour and Social Welfare for its consideration, pursuant to Standing Order 232 (1).

6. **PAPER LAID**

The following Paper was laid on the Table of the Senate: -

Statement on the Business of the Senate for the week commencing Tuesday, 13th November, 2018.

(The Senate Majority Whip on behalf of the Senate Majority Leader)

7. **STATEMENTS**

a) Statement Pursuant to Standing Order No. 48 (1)

The Senator for Taita Taveta County (Sen. Johnes Mwaruma, MP) requested for a statement from the Standing Committee on Land, Environment and Natural Resources and on the water projects across the 47 counties.

b) Statement Pursuant to Standing Order No. 52 (1)

The Senate Majority Whip on behalf of the Senate Majority Leader issued a statement on the business of the Senate for the week commencing Tuesday, 13th November, 2018.

8. **MOTION – COMPENSATION TO VICTIMS OF HUMAN WILDLIFE CONFLICT**

Motion made and Question proposed:

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. Johnes Mwaruma, MP- 6.11.2018)

Debate interrupted on Tuesday, 6th November, 2018 resumed;

And there being no other Senator wishing to contribute;

Mover replied;

Before the Question was put and pursuant to Standing Order 79 (1) the Temporary Speaker (Sen. Rose Nyamunga) informed the House that the Motion does not affect counties.

Question put and agreed to.

RESOLVED ACCORDINGLY-

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.

9. **MOTION - 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 7th to 18th May, 2018, laid on the Table of the House on Tuesday, 24th July, 2018.

(Sen. (Dr.) Abdullahi Ali, MP)

Order deferred.

10. **MOTION - 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 26th February to 1st March, 2018 laid on the Table of the House on Thursday, 10th May, 2018.

(Sen. Moses Kajwang', MP)

Order deferred.

11. **MOTION - REPORT OF THE 138TH ASSEMBLY OF THE INTER PARLIAMENTARY UNION (IPU)**

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

(Sen. Susan Kihika, MP)

Order deferred.

12. **MOTION - REPORT OF THE SENATE DELEGATION TO THE AFRICAN PARLIAMENTARIANS' NETWORK AGAINST CORRUPTION (APNAC) CONFERENCE**

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

(Sen. (Dr.) Isaac Mwaura, MP)

Order deferred.

13. **MOTION – REPORT OF THE 62ND 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, 17th July, 2018.

(Sen. Abshiro Halake, MP)

Order deferred.

14. **MOTION – REPORT OF THE 49TH SESSION OF THE AFRICAN CARIBBEAN PACIFIC PARLIAMENTARY ASSEMBLY AND INTER – SESSIONAL MEETING**

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 20th – 22nd March, 2018 in Brussels, Belgium, laid on the Table of the House on Tuesday, 31st July, 2018.

(Sen. (Prof.) Margaret Kamar, MP)

Order deferred.

15. **MOTION –REPORT OF THE STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE 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 4th to 15th April, 2018, laid on the Table of the Senate on Wednesday, 1st August, 2018.

(Sen. (Dr.) Alice Milgo, MP)

Order deferred.

16. **MOTION – 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**

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 13th – 15th September, 2017, laid on the Table of the House on Thursday, 2nd August, 2018.

(Sen. Fredrick Outa, MP)

Order deferred.

17. **MOTION - REPORT OF THE GLOBAL PARLIAMENTARY CONFERENCE (GPC) HELD AT THE WORLD BANK HEADQUARTERS**

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.

(Sen. (Dr.) Abdullahi Ali, MP)

Order deferred.

18. **MOTION- REMEDIES FOR CLOSURE OF SCHOOLS DUE TO FLOODS & 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.

(Sen. (Arch.) Sylvia Kasanga, MP)

Order deferred.

And there being no other business on the Order Paper, the Temporary Speaker (Sen. Rose Nyamunga) adjourned the Senate at five minutes past Six O' clock without Question put, pursuant to the Standing Orders.

19. **SENATE ROSE** – at five minutes past Six O'clock.

M E M O R A N D U M

*The Speaker will take the Chair on
Tuesday, November 13, 2018 at 2:30 p.m.*

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