

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Wednesday, 26th June, 2013

*The Senate met at the Kenyatta International
Conference Centre at 9.00 a.m.*

[The Deputy Speaker (Sen. Kembi-Gitura) in the Chair]

PRAYERS

QUORUM CALL AT COMMENCEMENT OF SITTING

The Deputy Speaker (Sen. Kembi-Gitura): Order, Hon. Senators! We need to determine if we have a quorum.

(The Deputy Speaker consulted the Clerk-at-the-Table)

We do not have a quorum. I order that the Division Bell be rung.

(The Division Bell was rung)

Hon. Senators, we now have a quorum. Let us proceed with the business of the day.

MOTION

PROTECTION OF TANA AND ATHI RIVERS FROM POLLUTION

Sen. Muthama: Mr. Speaker, Sir, I beg to move the following Motion:-

THAT, aware that a large population, especially in Tana River, Murang'a, Embu, Kitui, Machakos and Makueni counties depend on Tana and Athi rivers for their livelihood; concerned that industrial, chemical and animal wastes and residual soil continue to find their way into these important rivers thereby seriously polluting them; further concerned that waste from Dandora dumping site is a major pollutant of Athi river; further concerned that the Government response against pollution of rivers has been grossly inadequate; appreciating the provisions of the Environmental Management and Coordination Act, 1999; cognizant that Article 69 (1) (g) of the Constitution obligates the State to eliminate processes and activities likely to endanger the environment; the Senate

urges the Government to take immediate steps to stop pollution of Tana and Athi rivers, compel polluters to compensate those affected and further that the Department of Environment, Water and Natural Resources submits a report to the Senate within six months on specific measures taken to protect the rivers from pollution and compensation of those affected.

Mr. Deputy Speaker, Sir, I wish to move this Motion because of many issues affecting our people as a result of pollution. I want to refer this House to 1963 when we attained Independence. One of the key priorities, including what was mentioned in the blue print, is that it was agreed that by the year 2000, every household was expected to have access to piped water.

The Government from that time concentrated on trying to manage issues to do with scarcity of water in this country, but it forgot that they were God-given resources. The Government dealt with different issues like drilling boreholes and so on. When we attained our Independence water was close to *wananchi* in this country. But as I speak now, water has moved hundreds of kilometres away from where it used to be before we attained our Independence. The shortage continues and is not about to be solved if certain measures are not taken to deal with what God gave us. Instead of drilling water we should be taking care of what exists. A lot of resources have been spent on drilling boreholes, building dams and so on.

Mr. Deputy Speaker, Sir, Nairobi City has been maintained by a single source which draws water from Mt. Kenya region. Ngong Hills is where Athi River draws water from. It provides water for 365 days and nights. While we are facing those challenges, water is flowing all the way to the Indian Ocean. God gave us those resources. However, it is our responsibility to take care of them. Egypt depends on the Nile River which draws water from Lake Victoria. This pollution is not only creating a shortage of water, but is also harmful to human beings because people use that water from Ol Donyo Sabuk all the way to Tana River, but they are not aware of what they are actually drawing. They actually do irrigation along the river bed. They cannot manage to pump the water to their farms. Their animals also drink this water.

Mr. Deputy Speaker, Sir, many water boards in urban areas, especially in here in Nairobi, have been formed. Most of them have run into problems because they have no water to manage. Athi River itself is polluted by effluent from Nairobi County. I want to put it on record that what flows into Athi River is raw sewage, disposal from factories and commercial buildings. The main sewer line in Nairobi is in Dandora. All waste from Nairobi is dumped in Dandora. From there, a drainage line has been directed to Athi River. So, what is pumped and flushed in Nairobi is directed to Athi River. It then flows to Ol Donyo Sabuk where there are waterfalls which attract tourists. There are young boys between 15 and 20 years old who do water diving there to impress tourists. They are actually diving into that dirty water which contains sewage, chemicals and all sorts of health hazards. They dive and are paid Kshs100 or Kshs200 for entertaining tourists. They are not aware of what they are consuming. Their health is in danger as a result of the pollution that comes from Nairobi. I am charged by the Nairobi County for whatever I flush from my house and I pay for it. It is not free of charge. Money is collected where this waste is dumped.

Mr. Deputy Speaker, Sir, Tana River runs all the way through Garissa up to Mombasa. The same thing is happening to this river. It is not only these rivers that are affected, but also other rivers. We can include those other rivers in this Motion, so that nobody can take away what God has given us. Times has come to repeat the late President Jomo Kenyatta's words when he was in the United Kingdom and fighting for the freedom of this country. He was surrounded by the *Wazungus* who were asking him why he was fighting for the Independence of this country. They asked him: "What do you want, Mr. Kenyatta? Is it land, freedom or what?" The late Kenyatta looked at those *Wazungus* and decided to speak as a Kenyan. He spoke in three languages to make sure that he confused them. He said:-

"Kuuma ndimi na mathathi, all these githakas are mali yetu and nobody can tunya us."

Mr. Deputy Speaker, Sir, time has come for us to speak now. The water resources are ours---

Sen. Karaba: On a point of order, Mr. Deputy Speaker, Sir. The speaker who is on the Floor is speaking in languages which we do not understand. He should tell us exactly what that means and where he got those words from.

Sen. Muthama: Mr. Deputy Speaker, Sir, I made it very clear that the late President decided to confuse the *Wazungus*. The language that we are about to speak is also meant to confuse everyone. All I am saying is that we want our resources protected.

The Deputy Speaker (Sen. Kembi-Gitura): I assume that to be in inverted commas. Is that right? It is a quotation and not a mixture of languages.

Sen. Muthama: Yes, Mr. Deputy Speaker, Sir.

Mr. Deputy Speaker, Sir, as I was saying, Tana River has not been spared. So, we need the Ministry of Environment, Water and Natural Resources to make sure that those natural resources, including many other rivers are protected, so that we can have enough water.

Mr. Deputy Speaker, Sir, water pollution has been extensively documented as a contributor to health problems in human and marine animals ecosystems. It has a huge impact on our lives. If pollution is not contained, then it will destroy our natural resources. Industries and factories cannot be given the first priority at the expense of human life. We are farmers and livestock keepers. We also have families. Although we want investors to come and invest here, we do not want them to concentrate much in making plastic bags, utensils, wheelbarrows and so forth. Investment has to factor in the interests of the people. What Kenyans are looking for is not how they are going to produce beautiful sofa sets or wheelbarrows, but how they will produce enough food for themselves. A healthy nation is one that can feed itself. Unless we make that a priority, we will be struggling to manage our own lives. We need our water to be protected. Many Kenyans are farmers. Therefore, they cannot do without water. We want the Ministry and departmental committee in the next six months to bring a report to this House on how they plan to harvest waters. We should not let our water flow into the Indian Ocean without using it on our farms. Secondly, we want them to table a report here on how they will compensate people who are affected by this pollution.

Mr. Deputy Speaker, Sir, we are very firm that the Senate urges the Government to take immediate steps. There is no looking back on that. The Government must take serious steps and bring a report here telling us how Kenyans will be compensated. I have

no bad feelings about Nairobi. I am not accusing anyone, but the devolution that has come has mandated the Senators here to protect the interests of the counties in this country. I am not just talking about Machakos County which I represent, but the whole country.

I want to move this Motion and ask Sen. Mositet to second the Motion.

Sen. Mositet: Mr. Deputy Speaker, Sir, I rise to second this Motion. I happen to come from Kajiado County where Athi River itself has a source. In those early days in our Geography classes, we used to say that the start of Athi River is called River Galana. Unfortunately, if you try to trace where River Galana is, you will just see a dry bed with raw sewage. I remember those beautiful days where we could learn that the largest river in Kenya is Tana River. If you went there, you could see beautiful sceneries with meandering rivers, beautiful water and plants growing along the river banks. Today, you will find that most rivers in this country have been encroached. The riparian has been encroached. People have built and allowed raw sewage to flow into those rivers. We have a major problem with the water bodies because if you tried to measure the level of water today and compare it with how they were some years back, you will find that the volumes have continued to go down. That is depletion. It ends up resulting in the climatic change which we are already experiencing in our country.

Therefore, I support this Motion which compels the Government to protect resources in the water bodies. This protection is not restricted to only Athi River and River Tana, but also Lake Victoria. When we go to Lake Victoria, we do not want to find people washing their cars inside the lake. We do not want to see raw sewage being discharged into the lake.

Mr. Deputy Speaker, Sir, all of us know that a number of diseases are normally associated with polluted water. These include cholera, typhoid and other water borne diseases. There are a number of places where you will find a prevalence of these diseases. This is caused by raw sewage. So, the Senate compels the Government to make sure that they are taking care of the environment by preventing pollution. The Government is able to prevent damages done to the rivers by making the polluters pay. This is a noble cause.

Mr. Deputy Speaker, Sir, Kiserian Town is next to the springs of what is commonly known as Athi River. But the raw sewage of Kiserian is discharged directly into the river. In fact, we have a dam which was built by this Government. However, we are not sure whether that water has been properly treated for our people to consume it. We know very well that somebody in the morning might treat the water, but we do not know how the treatment will be done in the afternoon. I believe that we need sewerage plants to make sure that there is no raw sewage being deposited into the rivers. This is the only way we can be sure that whatever is being taken to the water bodies is safe.

Mr. Deputy Speaker, Sir, we also have our farmers who do irrigation along River Tana and Athi River. They use fertilizers which are chemicals. We also have industries which discharge some chemicals into the rivers. This act also ends up damaging the water course and when animals drink the water, the effects are quite enormous. You will find them dying due to metal deposits in their bodies or the chemicals in the water. Therefore, we, as a House, should support this Motion.

With those few remarks, I beg to second the Motion and urge all Senators to support it.

(Question proposed)

The Senate Minority Leader (Sen. Wetangula): Mr. Deputy Speaker, Sir, thank you for giving me an opportunity to contribute to this very important Motion. I intended to propose an amendment to this Motion, but seeing the delegation numbers in the House, I would encourage that those who will speak after me can still bring the amendment so that this Motion covers the whole country.

Mr. Deputy Speaker, Sir, Section 22 of Schedule 4 of the Constitution assigns environment to the national Government which includes water protection, securing sufficient residual water, hydraulic engineering, safety of dams, energy, fishing, hunting, gathering, protection of animals and wildlife and so on. I want to congratulate the Mover of the Motion who is my Chief Whip for the many good things he said about the Motion and the state of the environment in this country. If you look around the country, there is no single part of Kenya where we are not facing serious environmental challenges. The water sources are challenged. We had the issue of Mau, Mt. Elgon, Cherengany Hills, the Aberdares and Mt. Kenya, which captured the public. These are the five water towers of the country. Each one of them can now not generate half of the water they generated more than 20 years ago. Very water secure counties in this country like Bungoma, Trans Nzoia and Uasin Gishu are now having seasonal rivers. These are rivers that were permanently flowing in the past. Athi River was a permanent river flowing with very clean water. In fact, Athi River and its sources are what contributed to the name “Nairobi” where the Maasais used to call the place of clean cold water, but we cannot say that about Nairobi now.

When you go to Kisumu, you will be appalled to see raw sewage being released into the lake and thereafter they go and fish tilapia and we enjoy it on our tables. If you go to Mombasa, the phenomenon of pollution going on is frightening. I am not even sure that the effluent from the sewerage treatment plant that is subsequently released into the river is treated to the level of human and animal use given the levels of corruption and mismanagement that we have recorded in this country. This runs through in all counties. People are now settling on river beds. They sink pit latrines. The sippage enters drinking water and downstream everybody is drawing the same water for drinking. In the last two or three years, the Late John Michuki showed us that it can be done. He took it upon himself to clean Nairobi River. I used to see him in gumboots every morning. Within two months, Nairobi River started getting clean. People started swimming and fishing in it. Today if we maintain and sustain what Michuki started, we can actually draw water from Nairobi River for the use by residents of Nairobi.

There is the story of River Thames in London. Because of the industrial revolution in Europe and the subsequent mismanagement of natural resources in the 1960s and early 1970s, River Thames flowed with water that looked like grease. They embarked on cleaning it up. Today when you go to London, you will see people fishing in River Thames. Aquatic life is back. So, it can be done, but in this country when it comes to matters environment, we all take leave of our senses and everybody does what they want. There is reckless and wanton destruction of trees. However we amend the Motion, it should include afforestation as part of the protection of rivers and water sources. I have seen a report that since human settlements were reduced in the Mau and Cherangany Hills, now rivers are flowing. So, it can be done.

Mr. Deputy Speaker, Sir, yesterday we were debating a Motion that we have not finished yet by the Senator for Elgeyo Marakwet where he wants agreements between the national Government and the county governments on management of certain activities. I think this is one such activity that the national Government must sign agreements with the county governments and transfer resources to the county governments. I do not see it happening; that somebody sitting in Nairobi in the national Government is going to remember that there is River Murunyi drying up in West Pokot in order to go and plant trees along the riverine area. These are responsibilities that should be assigned to the county governments because they know the salient features of their counties and the traditional sources where, if we were in deserts it could be an oasis that never dries up and that they need to protect. People in Nairobi in the national Government have become entrapped in what I normally call the World Bank disease and syndrome of studies upon studies. They can study forever something that they already know. When they want to build a road, they start with a feasibility study. They move to post feasibility stage, evaluation, expression of interest, a re-evaluation, *et cetera*. By the time they go to the road, six years have passed, specifications have changed, the cost has changed and they start studying the study to find out why it is like that.

Mr. Deputy Speaker, Sir, if you find us entrapped into that, like you find us commissioning somebody to find out how to plant trees on Mt. Kenya, surely, all you need is to get a seedling and a hoe and go and plant a tree. What study do you need on that? Yet we spend billions of shillings. In fact, study is a big industry. If this Motion goes through, the first injustice they will do to Sen. Muthama's Motion is to set up a study on how to clean Tana River and Athi River whereas everybody knows how to clean it. That study will take five years when this Senate's life is over. We will move another Motion to finish and then to start another study, look at that study and then eventually recommend that that study was not deep enough so you need another study to look at this. That is why the third world is not moving. This is why development has been entrapped and captured by groups whom a great writer called the Lords of Poverty--- I am sure you have read the book of Graham Hancock; *The Lords of Poverty*. They will tell you that their business is to alleviate and not to eradicate. You cannot remove poverty by just alleviating.

When you are feeling a serious back pain, you are given a pain killer to alleviate the pain and not to remove the pain. So, these fellows go around with huge cars. If you asked them what they are doing, they will tell you that they are alleviating poverty. They also have coined a new term; "in a sustainable manner". "To sustain" means to keep going. It is like standing up and saying: This woman is sustainably pregnant. That means that the pregnancy will never end. It is just on and on. They keep on bringing in these terms to confuse us. At the end of the day, all our key resources end up doing the wrong things.

Mr. Deputy Speaker, Sir, I urge Sen. Muthama to find somebody to amend this Motion. After that, the report to be submitted to this House should not just be six months after the Motion. We should have a half yearly report on environment placed on our table on every county so that Senators can see, for example, if it is Nyandarua where are the beautiful dams which were sunk by colonialists where Ewaso Nyiro started? They are no more.

If this Senate is to live up to its billing as the protector of the counties, nothing is more important for the counties than the environment. I want to urge my colleagues from counties with fragile ecosystems like Kajiado, Narok, Marsabit, Mandera and so on--- There is another craze going on that is a threat to the environment in those areas; reckless subdivision of land. Those ecosystems have been sustained because of large tracts of land. They have their own scientific way of living with animals. You graze here and when the grass is over, you move on and come back when the grass has regenerated. Now they are subdividing those group ranches, putting barbed wire. They maintain the same huge herds of cattle on land which cannot hold them. So, we are moving away from fragile ecosystems to near desert situations.

Mr. Deputy Speaker, Sir, I want to encourage my colleagues from those areas to ensure that the farming you find in high density areas like Kiambu and Trans Nzoia, can certainly not be the same farming you find in the county of Sen. Muthama or the Kajiado County. That is why I talked of stereotyping in this country. Somebody sat in some office and said that the best thing to do for the youth of this country is fish ponds. In Mandera, Kitui, Bungoma and many other places you will find fish ponds without knowing that the evaporation rate cannot sustain a fish pond. But they are there. They have sunk in billions of shillings and then they come around and say that this system has failed. It is a pity that nobody is held to account, the money is gone and now they are studying why it failed. They will spend other millions on that study. That is the World Bank and IMF trap that we must avoid.

With those few remarks, I beg to support.

Sen. Wangari: Thank you, Mr. Deputy Speaker, Sir, for giving me this chance to support this very noble Motion. I want to congratulate the Mover for bringing it to this respectable House. It is quite a refreshing site to see children in the gallery today because when we talk of the environment – I want to quote the late Wangari Maathai – who said that the generation that destroys the environment is not the generation that pays the price. When we talk of conservation of the environment, I do not think it is actually a choice for this House or for any Kenyan. That has been well articulated in Article 69 of the Constitution and it actually uses the word “shall”. The people who have studied English and Literature will tell you that when you use the word “shall” it is not debatable. It is not a choice that the State shall ensure sustainable exploitation, utilization, management and conservation of the environment of natural resources and ensure the equitable sharing of the accruing benefits.

As the Jubilee Coalition Government rolls out the promises it made to Kenyans, one of them being free maternity services that has been pledged to this country, it is not enough to bring life to this world if we cannot sustain it to five years. The infant mortality rate of this country has risen up to 77 deaths per 1, 000 births. This is quite a high number. When you look at the target of the Millenium Development Goals (MDGs) which are just two years away, we target to have the deaths reduced to 30 per 1, 000 births. We cannot achieve this if the degradation of the environment continues the way it is right now. The diseases that are killing our children, for example, malaria, diarrhea and typhoid, are avoidable. If we handle our environment properly, we will make good progress in achieving these MDGs. It is not just one goal because when you reduce the child mortality rate, there is another goal that talks about combating HIV/AIDS, malaria and other diseases. We shall also ensure environmental sustainability. Out of the eight

MDGs that we target to achieve in the 2015, we will have already sorted three or four of those goals.

Mr. Deputy Speaker, Sir, I like what the Senate Minority Leader has alluded to. When we look at the environment, we should not limit this conservation to only three or four counties that the Mover has targeted. We should touch all the counties of this country so that a proper framework be put in place to ensure that the State undertakes to deliver to the citizens of this country what has been bestowed to them under Article 69. We do not have a choice.

As I conclude, I want to touch on women issues because that is the constituency that I represent very ably in this House. We cannot wait and see our children dying every day as we look on helplessly. If we are ruthless with nature, it will be ruthless to us. It will not be forgiving. These things are manmade and can be avoided. The late Michuki, the former Member of Parliament for Kangema had demonstrated that it is doable. I believe that the Jubilee Government is out to prove to the world that it is doable. You have even seen the First Lady go out of her way to engage in elephant conservation. The Government should not take this issue as a hobby, but a constitutional mandate that we plan to deliver to this country. By doing so, we shall be sure that these children that we are seeing in the gallery today will have a reason to live. They should have conservation traits cultivated in them right from the beginning. Even as we look at the curriculum of schools, environmental conservation should be incorporated in the studies that they do every day. They should take it upon themselves as they grow up to know that it is not a choice. They would be doing this for themselves, their children and future generations.

Mr. Deputy Speaker, Sir, again I quote the late Wangari Maathai because I do not think we can talk about environmental conservation and not talk about her. One of the most cited quotes she uttered before she went to be with the Lord was that we owe it to ourselves and to the next generation to conserve the environment so that we can bequeath our children a sustainable world that befits all. This is the beginning. I would urge that this Senate supports this Motion with the necessary amendments. It will be passed and not opposed by anybody because it touches on every one of us.

Thank you.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Lesan.

Sen. (Prof.) Lesan: Thank you, Mr. Deputy Speaker Sir, for this opportunity you have given me to contribute to this very important Motion.

First, I would like to support this Motion from the word go. Before I make any contribution, I would like to thank and complement three very able Kenyans who had the foresight and the practical ability to implement what they did. I would like to take this opportunity to thank the late hon. Michuki, the late hon. Mutula Kilonzo and the late hon. (Prof.) Wangari Maathai for their approach to environmental issues in this country. These are the three individuals who made significant contributions without necessarily incurring millions of dollars to make their points. I wish to congratulate them although they are not here to receive the congratulations. However, I would like to say that these are individuals who demonstrated that we can make a change on our environment without incurring a lot of expenses.

There are indicators to show that pollution is taking place, especially within our water systems. It does not take a lot of intelligence for one to see that pollution is taking place, especially within our water systems. Pollution can be detected very easily,

especially when we see a change of colour, density and taste in our water. These are very obvious indicators that our water is, obviously, being polluted. Therefore, we need to be very careful to see what to do with this kind of pollution.

This morning, I would like to dwell a bit on industrial pollution which causes immediate danger to human beings and other creatures that exist within the environment. Industrial pollution is one of the most difficult things to deal with. This is because it deals with items that are not bio-degradable such as synthetics and heavy metals. Hyacinth is also a pollutant to our water. We know that towns grow around rivers. The two rivers we are talking about this morning are heavily polluted by pollutants from industrial waste.

Being a medical person, I know that the Tana and Athi rivers are polluted by heavy metals that emanate from medical practices in urban areas around Nairobi. These are heavy metals such as mercury, silver and lead that are discharged into the sewerage system of the city without the necessary equipment that can detect and neutralize the metals. These heavy metals are the biggest causes of medical consequences in our environment. That is why this discussion on pollution, especially of water systems, has a huge implication on the medical health of each individual.

In this case, the pollutants I have mentioned are hardly covered by the existing legislations, especially the primary causes of these pollutants. For example, in medical practice, the processes of disposing of some of them are not clearly defined. There are no committal penalties that go with the abuse of disposing of heavy metals into our systems. I dare say that these heavy metals, since they are difficult to dispose of, very easily get into the food chain. This happens at the Tana River or the Athi River where our *sukuma wiki* and cabbages are grown. Some of our beef is also brought from this area. I dare say that I have seen studies showing the heavy metals emanating from urban areas have entered the food chain in this country. In fact, it is very immediate to us that the *sukuma wiki* we use coming from the downstream are contaminated. These heavy metals go to the food chain. The consequences are very serious in terms of the health of individuals.

We are also aware that the penalties that go with the pollution of these rivers, especially in large scale industries are not commensurate with the damage they cause to the environment. That is why this Motion is very significant. One of the aspects it will address is that of compensation and there is no better compensation than what will come from those who pollute the environment. I dare say that some Government institutions like the City of Nairobi are one of the heavy pollutants of the specific rivers that we are talking about. Pollution comes about not as a result of legislation, but as a result of negligence. I support this Motion because it talks about compensation. Those who pollute rivers must be made to account in terms of compensating those that are affected by the consequences that come on board.

I want to mention here that we should caution ourselves to do the right thing. It is cheaper to prevent pollution than to pay for the consequences of it. I want to suggest that as we debate this Motion, necessary amendments are made so as to bring in legislation that will strengthen the prevention of pollution of rivers in this country, particularly those that pass through urban areas where there are industries that emit dangerous metals that are not biodegradable.

I would like to urge that this Motion is supported by more Senators because it is very important. It touches on the health situation of the population of this country.

I support.

Sen. Musila: Thank you, Mr. Deputy Speaker, Sir. I support this Motion and congratulate my brother, Sen. Muthama of Machakos, for bringing this timely Motion.

The pollution of rivers that has been mentioned in the Motion; mainly, Tana and Athi rivers has been going on for a long time. However, it has reached a point where we must raise the red flag. Our people are dying of a new disease called cancer. Previously, you could hardly hear of cancer cases. However, today, you will only hear of cancer everywhere.

When you attend funerals in the part of the world that we come from, particularly, south of Nairobi, where people use water from Athi River and Tana River, you will hear that the cause of their deaths is mostly cancer. We have no doubt in our minds that this cancer is as a result of the water that people are using in these rivers, obviously, because of the pollution that has been going on. This has moved to a stage where as we develop our industries in our cities, they are discharging industrial waste into these rivers without any control, supervision or treatment. The result has been serious negative effects on people's health.

I support my colleagues who have said that it is not only the two rivers that are polluted. At the appropriate time, an amendment will be made to include other rivers because I know for certain, that it is not only the two rivers that are polluted. However, I know that Athi River is more polluted than any other river that I know of in this country. We also have other rivers that are polluted by industrial and solid wastes. That is why diseases which were not known in this country are so much on the increase.

The Government's response in controlling pollution has been wanting. People are building industries and directing industrial waste into rivers without any control whatsoever. This is despite the fact that we have an organization called National Environment Management Authority (NEMA). This organisation is a toothless bulldog. It is doing nothing and industrialists have a field day.

While flying over Nairobi recently, I noticed that human settlements are cropping up along all the streams of Nairobi River. One wonders where the solid waste of these settlements is discharged. It is always discharged in rivers. How long are we going to be irresponsible to allow our rivers to be polluted? When you go down there, due to scarcity of water, you will find that, that is the water that our people drink. Some of it is even drunk raw. You can imagine the kind of damage to health that is taking place.

Although we are talking about rivers, we can also talk about other waters like the Indian Ocean. Recently, we were in Mombasa. As you enter the City of Mombasa, you will be greeted by a foul smell. I am sure my colleagues can attest to that. This foul smell comes from the waste that is dumped into the sea. You will be greeted by this foul smell and birds flying on top. As the good professor has said here, you do not need intelligence to realise some of the mistakes.

Why would the Mayor, Governor, Clerk of the County Assembly of the City of Mombasa allow waste to be dumped at the entry of the city? Tourists coming from Europe are greeted by this foul smell. Fish is also fed by that, it dies and, finally, comes to our tables. That is why we have many diseases that we did not know before. Everybody must take action to ensure that the disposal of waste; whether industrial or solid that pollutes the environment, is taken care of carefully.

Talking about compensation, in the developed world, those people who pollute the environment have a price to pay. Even today, aircrafts that discharge carbon dioxide

emissions are penalised. So, why can we not have serious penalties to get those people polluting either rivers or seas, first of all, to clear the pollution?

Mr. Deputy Speaker, Sir, I am very much interested in getting the specific measures that are going to be taken to protect our rivers and our waters. I would like to see some penalty imposed on industries that are responsible for the pollution of our rivers. This will be in the way of additional tax. This could be in the way of the National Environment Management Authority (NEMA) making inspections and when they confirm that a certain industry is responsible for pollution, it is fined heavily.

Mr. Deputy Speaker, Sir, you have seen some of the penalties that were imposed on, for example, Mobil Oil when they polluted the sea in the USA. They paid hundreds of billions of shillings so that they are careful. But when an industry discharges industrial waste into the rivers and then they are fined Kshs10,000, what is that? How can that Kshs10,000 clean the environment? How can that Kshs10,000 be used by the Government to treat the citizens who are going to be sick?

Mr. Deputy Speaker, Sir, I call for heavy penalties for polluters; I call for responsibility by the health workers to ensure that any person who settles near a river has adequate measures of discharging solid waste from their home. I think this will go a long way in protecting the environment.

Again, Mr. Deputy Speaker, Sir, the Motion talks about soil. Soil erosion is also responsible for the pollution that we see. Many years ago, I am sure you used to cross River Tana at Makuyu. The river was wide with a lot of clean water flowing through it. But today, you can hardly find where the river is because soil has come from the mountains, from all the shambas from Murang'a and other areas in Kirinyaga, and has filled up the river. In fact, in a few years to come, Masinga Dam – which was constructed at such a heavy cost to the tax payer – is going to be no more. This is because soil is very slowly filling up the dam and the other dams downstream. So, even as we talk about industrial wastes, we must also talk to agricultural extension workers to ensure that necessary measures are taken to protect soil so that there is no soil erosion. By doing so, we will also protect the environment as well as the investments that we have made in these areas.

Mr. Deputy Speaker, Sir, with those few remarks, I beg to support.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Gwendo.

Sen. Gwendo: Thank you, Mr. Deputy Speaker, Sir, for giving me the opportunity to support this Motion. I would like to begin by supporting what Sen. Wetangula said about having this problem being corrected nationally. For example, I come from a county that once had a beautiful lake that you could long to go and sit next to, look at the waters and feel the waves. But now, when you go there, all you see is water hyacinth; it is all green. In fact, when you look at it from afar, you can think it is land and somebody can actually take you there and sell it to you. Well, that is all because of pollution. The same lake is where some of our parents use as a source of water for cooking and drinking. This endangers the lives of our children under the age of five.

The other day when we were talking about health and having Level Five Hospitals in our counties, I said clearly that we need to have a 360 degree change; when we let our parents use this water and then the children get diarrhea--- Diarrhoea is a disease that can kill a child within hours. This takes us back to this pollution. If we control the pollution and give a possible solution where the waste can be dumped and recycled, our waters will

be clean. In the same Lake Victoria, you will find people going there to wash their cars. We do not have proper measures of where people can wash their cars or how to use this water that can help our lives change.

So, Mr. Deputy Speaker, Sir, as I support this Motion, I think we need to find a proper way of directing the companies that do waste collection. We have never asked ourselves the question “Where do they dump this waste? Where do the industrial estates dump their wastes? It all goes back to the lake and the rivers that we use. Most of the counties have lakes that have been polluted and the same water endangers our lives.

Mr. Deputy Speaker, Sir, I also want to refer to a quote by Robert Redford who said:-

“I think environment should be put in the category of our national security. Defence of our resources is just as important, otherwise, what is there to defend?”

If we do not defend our environment, we are going to be living in a place where we breathe air that is not healthy for us and drink water that is not healthy for us. So, let us defend our environment so that we can keep our livelihoods going.

Thank you, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Mong’are.

Sen. Okong’o: Thank you, Mr. Deputy Speaker, Sir, for giving me the opportunity to contribute to this Motion brought by my Chief Whip. The Motion is a welcome move at this point in time. I also concur with the sentiments of my Party Leader, that we need an amendment to make it a proper and broad based Motion. My colleagues have spoken about factories and industries. I am going to talk about factories in Nyamira County. The factories there have no mechanisms in terms of discharge of effluent. This has caused a lot of agony to the environment and the surrounding families and schools. For instance, there is a school called Tombe Primary School. For the last 30 years, the pupils who go to that school suffer from high calibre lithia, which comes from the factory. So, this Motion is welcome as it will encompass some of these details to see to it that even factories which have been there since Independence have safety mechanisms.

Secondly, Mr. Deputy Speaker, we have the privilege of hosting the United Nations Environment Programme (UNEP) in this country. But more often than not, if you see the activities of UNEP in this country, they are just concentrated in urban centres, seminars and hotels. I have never seen these people in the other parts of the world, like in Gusiiland. So, this Motion is a welcome move. We expect that the relevant Government agencies like the Ministry of Environment to involve the UN agencies also to devolve their activities to the county levels.

Mr. Deputy Speaker, we talk about attaining a 10 per cent forest cover by 2015. As of now, not much has been done in this direction. We saw when the late hon. Michuki showed us the way of doing things in this country. We need men and women to follow his example. We want men and women in this country, on the matters of environment, to stand up, fight and honour the late Laureate Wangari Maathai, when she fought for this country’s environment by planting trees.

The issue of many hospitals in terms of disposal of their waste is also not catered for. I come from Nyamira County. We have a district hospital which has been there for 30 years. They do not have a disposal facility for their waste. I think my Colleague, Sen.

Lesan, who is a medic, alluded to this issue. It causes a lot of immediate and far reaching consequences.

Mr. Deputy Speaker, a year ago, we saw dead birds and fish floating in waters of Lake Elementaita. It was given coverage in the media, but there was no follow up on this issue. So, this Motion is a welcome move. We are heading to July and you can see that most of us who are getting past 40 are in our cardigans. The weather pattern in this country was not like this many years ago. This has been made so by the big powers largely in terms of environmental degradation. These are the consequences of the damage of the upper soil layer. For this country to move forward and safeguard the interest of the young generations, some of whom are seated here at the Gallery, we need to take urgent action to deal with these issues.

Mr. Deputy Speaker, the other day, I watched a television news item where an 80 year old woman was warming herself in some parts of Laikipia County because of this environmental degradation. So, for those who watched that news clip, it shows that this country is drifting to the levels of western part of Europe where they suffer from the dangers of environmental degradation. We are going to witness winter in this country whereas this country was taken to be the city in the sun throughout the year.

Mr. Deputy Speaker, the issue of compensation is in the right direction. We do not want meagre penalties for these conglomerates so that when they mess up our environment, they are slapped with meagre fines. We need something which is punitive even if it means it closes those factories or industries down.

Mr. Deputy Speaker, with those few remarks, I beg to support.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Liza.

Sen. Chelule: Thank you, Mr. Deputy Speaker, Sir, for giving me the opportunity to contribute on the same Motion. First, I want to congratulate Sen. Muthama for bringing this Motion. What I only want to do is to add some three issues to the same Motion. I understand there is a Senator who is preparing to do amendments to this Motion. I would want to request him, to, probably, add up the three issues that I want to mention right now. There is the issue of digging pit latrines next to the boreholes. This has been promoting water borne diseases among the communities. We would want to include this in the amendment. There is also the issue of doing stone mining along the river banks; this, again, has been promoting what we call degradation along the river banks. We all know there is an Act which stipulates that farmers are not supposed to dig or plough along the river banks. The problem is how to enforce this law. So, in the amendments, I would want to request Sen. (Prof.) Lonyangapuo to include the three issues.

Thank you for giving me this chance. I beg to support the Motion.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Hargura.

Sen. Hargura: Thank you, Mr. Deputy Speaker, Sir, for giving me the opportunity to contribute to this important Motion. The issue of the environment is a serious issue in our country. The ecosystem in some parts of this country is very delicate as it was mentioned before. According to a study by the World Health Organization (WHO) a quarter of the diseases we are facing actually got into our systems over a long period of time. They are basically pollution related. We do not come to realize it until later in life when they have reached a level where we can do very little about them,

because they are not easily detected. We get into this situation through inhalation and ingestion of pollutants and even absorption through our skin.

When we have that situation and the kind of health system and level of awareness that our people have, then we are exposing them to very serious health risks. I will give an example of Marsabit County where I come from, particularly an area called Kargi. Some time back in the mid 1980s, there were some explorations that were done there by some foreign companies. They claimed to be exploring for oil, but five years later, we realized that our boreholes had been polluted. In one instance we lost about 6,000 heads of animals. It was attributed to pollution of the water and that borehole was closed. That shows that we do not realize what is happening when our environment is affected until after sometime. Based on the same kind of pollution, for the last ten years now, in that particular area we are losing close to ten people per year because of cancer related diseases. This shows that the people there have been exposed to some toxic or radioactive materials which are affecting them now long after the actual pollution has taken place.

Mr. Deputy Speaker, Sir, in this particular case where the Mover of the Motion is referring to the pollution of the two main rivers, we have normally the treatment works in Dandora which we know is done through the natural system. There are ratio and infloculation systems which remove the waste from the water, which is later discharged into the water systems. It was mentioned that the main culprits are the industrial pollutants which release the heavy metals into the system and the natural water treatment system does not absorb those heavy metals. So, they end up in our rivers and downstream that is what people use. Unfortunately, you cannot detect most of these things using your normal senses. They will end up in your system. After sometime, you will experience what the Senator for Kitui said. They are experiencing cancer cases also there because of pollutants upstream.

So, there is need to have very clear guidelines and punitive measures on these pollutants like the industrial waste. For example, there must be very clear guidelines that an industrial system cannot release its waste into the normal sewerage system, until it has been tested to a particular level that they have removed the pollutants which cannot be taken care of by the normal water treatment systems. That is what is missing. We may have all the legislations on paper, but actually the implementation is the problem. We have to impress on the Government that those systems have to be addressed. First of all, the control has to be at the source or factory level. There must be some way of making sure that they do not release those wastes, like the heavy metals into our waste water systems. This is because the treatment works that we have do not absorb that. Then, it is after somebody has violated that, that the punitive measures come in. This is because if you do not do that, then we will end up with the situations that we have now. We have good legislations which, at the end of the day, are flouted left, right and centre. We end up with our people downstream who are not even aware of what is going on upstream. They do not benefit in any way from that factory.

Mr. Deputy Speaker, Sir, I, therefore, support the idea that the polluters must be held accountable to compensate for their actions which are affecting those who are not part of their beneficiaries. But I insist that we must put systems in place because prevention is always better than cure. We should not wait and start coming up with punitive measures when somebody is already losing his life downstream. Let us make sure that at the source these pollutants actually do not end up in our waste water systems.

If by any chance they end up there, then the punitive measures should also be so prohibitive that someone will not repeat it. As somebody said, you will get fines of Kshs10,000 which any common man can pay. However, the damages you will have caused are not measureable because we are talking about people's lives downstream.

Mr. Deputy Speaker, Sir, I support the Motion and also urge whoever is coming up with the amendments to take into account the fact that these are not the only kinds of pollution that we are facing. As I said, in our area we face pollution which comes as a result of explorations which are all over the place. Currently, we have several sites where oil exploration companies are working. So, it must cover all sources of pollution, so that we protect the health and welfare of our people the much we can.

Mr. Deputy Speaker, Sir, I beg to support.

Sen. Mungai: Thank you very much, Mr. Deputy Speaker, Sir, for giving me this opportunity to contribute to this very important Motion. I would like to thank the Mover of the Motion, Sen. Muthama. This Motion could not have come at a better time.

Mr. Deputy Speaker, Sir, pollution is a very serious issue in our environment. Industries have, of course, contributed a lot to the mess. This is because of the chemicals from plastics and other pollutants that are emitted from them. I have had a chance to visit Athi River down in Thika. It is very shocking that, that river stinks. Even the colour of the water is black. This river is supposed to support the lives of many families. It is supposed to be hosting aquatic life, that is, fish and other species that could be helpful to the families downstream. So, it is important that anything that gets to that particular river, either from the households and factories in Nairobi or other centres, is properly treated to ensure that the families which live near where the river passes benefit. The same water is supposed to be used for irrigation and other purposes. So, it is important that measures are taken to ensure that before we even talk about compensation, cleaning up of the river itself by any person that is involved in its pollution is undertaken.

Mr. Deputy Speaker, Sir, Tana River also has a lot of soil. Most of this soil is, of course, the top soil that is washed into the rivers when it rains. It is good to note that this soil is the most fertile, coming from the areas where the river passes. It is my humble request that the Ministry concerned takes care and ensures that environmental degradation is controlled.

Mr. Deputy Speaker, Sir, the Motion largely talks about the two rivers. But in my county there are also lakes, for example, Lake Naivasha, whose water has apparently been increasing. There is doubt whether it is the water that is increasing or soil that is deposited under the lake. In Nakuru also, the water level now has gone beyond its banks. When you go upstream you will realize that there is a lot of soil degradation that has taken place, meaning that there is a lot of soil that is getting into those lakes. Within a very short time they will dry up because of the soil that is deposited under the water.

Mr. Deputy Speaker, Sir, there is the issue of plastics. I remember sometime back that there were comments that were made about the burning of plastics. I feel that the issue should be revisited because it is also interfering with the aquatic life that is in the lakes. After a short while we might be forced, just like we are trying to remove water hyacinth from Lake Victoria, to remove also plastic papers from the beds of our lakes.

Mr. Deputy Speaker, Sir, with those few remarks, I beg to support.

Sen. Bule: Asante Bw. Naibu Spika kwa kunipa hii fursa. Ningependa kuchangia Hoja hii kwa kusema kuwa sisi watu wa mashinani mara nyingi huwa tunapata matatizo

kutoka sehemu zingine. Kwa mfano, makampuni ambayo yako kwingine humwaga uchafu ambao unatuletea sisi shida. Jambo hili la *pollution* linaambatana na mambo mengine kama uharibifu wa misitu, unaofanywa na makampuni au mashirika ya Serikali. Mashirika haya huwa hayaangalii mathara wanayosababisha kwa watu.

Bw. Naibu Spika, sisi watu wa Tana River tunapata mathara kila wakati kutokana na miradi ya kiholela inayoanzishwa na mashirika ya Serikali naya kibinafsi. Jambo hilo hutuletea Malaria na magonjwa mengine.

Hivi majuzi nilikuwa nikilalamika juu ya TARDA na KenGen. KenGen hufungulia maji bila kutujulisha ili tuweze kujipanga. Maji haya hutuathiri, kutusomba na kutuletea magonjwa kila wakati. Kila wakati sisi watu wa Tana River tunaanzia mwanzo kwa sababu ya kupata hasara kutoka makampuni au mashirika ya kiserikali. Sababu inatakikana wakati jambo lolote likitaka kufanywa, lazima maslahi ya watu yaangaliwe kule mashinani na lazima watu wahusishwe wakati miradi inafanywa ili isiathiri watu. Kuna hizi *polythene bags* ambazo hutupwa kiholela na hivyo kuharibu mazingira na ilhali makampuni hayo huenda hata sio ya Wakenya. Tunasema kwamba ikiwa kampuni yoyote itakuwa mashinani, ni lazima walipe kiwango fulani ili waweze kupata fidia.

Kwa hivyo, ninapongeza walioleta Hoja hii na ninaunga mkono bila tashwishi kwa sababu sisi tumechaguliwa kutoka kaunti na sisi ndio tunaathirika sana. Ningependa kusema kwamba kampuni za KenGen na TARDA ambazo zimekaa Tana River bila kupitia njia ya kihalali yafaa zilipe fidia na zituondokee kwa sababu tuna haja na ardhi hiyo. Tsavo West na Galana ziko katika eneo la Tana River. Wakaazi wa hapa walikuwa na ukosefu wa masomo lakini leo watu wa Tana River wanaelewa haki yao. Wale ambao walisema kwamba kutakuwa na *project* ya mamilioni ya *irrigation* ningependa kusema kwamba sehemu hiyo ni ya ufugaji na haitaweza kuwa mashamba. Sehemu hiyo tunaipangia kama watu Tana River. Watu wa Tana River wamezozania rasilimali kwa muda mrefu. Hii ndio sababu watu wanazozana kila wakati na wangependa kukaa chini na kujadiliana ni wapi watajenga na kufanyia miradi yao. Kwa hivyo, kila wakati ni lazima watu wahusishwe. Jambo la kutohusisha watu ndio chanzo cha mizozo na kuathiri watu kiafya na kiusalama.

Kwa hivyo, ningependa kusema kwamba tunaunga mkono Hoja hii. Sisi kama Seneti tungependa kupewa nafasi na Serikali ili tuweze kujadiliana juu ya matatizo yanayokumba wananchi wa kawaida kule mashinani.

Sen. Obure: Thank you very much for the opportunity, Mr. Deputy Speaker, Sir. I want to start by expressing my appreciation to Sen. Muthama for the initiative to bring this Motion at this particular time. Although I notice that River Tana and Athi River largely affect the six counties named here; Murang'a, Embu, Kitui, Machakos and Makueni, I am also aware that the spirit of this Motion, in fact, touches on the lives of people living in various counties around the country. Therefore, I want to start by stating the obvious, that is, water is life. Water is life because we depend on it for drinking, cooking, washing, for domestic animals and even wildlife and more importantly for other agricultural activities. We need water to produce food that we eat in our houses. So, water enables us to be self-sufficient even at the family level. Therefore, any activity that pollutes water affects our livelihoods in one way or the other.

The effects of industrialization and human settlement as demonstrated here have affected the lives of the people, not only in these six counties but in all the counties. We have seen and it has been demonstrated here by those in the medical profession that

waterborne diseases are caused by contaminated water. There are also other emerging diseases including cancer and others which can be traced to the contamination of water. The moment we pollute water, we prevent people from engaging in activities that enable them to earn a livelihood. This causes social disorder which brings about poverty in our areas and counties. Therefore, I strongly feel that this Senate has a responsibility to defend the people of this country to ensure that their welfare is protected.

What this Motion is demanding is not unreasonable. What we are saying is that in this country, the Constitution and various laws obligates the State to eliminate processes and activities which are likely to endanger the environment. The laws already exist and what this Motion is calling upon is to ensure that those laws are enforced. As a Senate, I think we have an obligation, each one of us, to ensure that we stand firm to ensure that laws that protect the environment or laws that are intended to protect the lives of people and their welfare are enforced without exception.

Mr. Deputy Speaker, Sir, I want to say that water along these rivers and along other rivers in this country, is shared and if we allow contamination and destruction of water and other similar shared resources, we will perish as a nation. Therefore, our obligation is immense. We have an obligation to protect those waters and other shared resources by ensuring that these laws are enforced. We ask the national Government to ensure that all the necessary measures are taken to stop pollution. We also ask that those responsible for discharging waste, metals and other pollutants are held accountable by ensuring that they pay compensation to victims of their own activities. To ask for the Government to give us a report on a six-month basis is not in any way unreasonable.

Therefore, I want to support this Motion. The spirit and timing are ripe. We have an obligation to ensure environmental laws are enforced and our waters are safe. As a country that is the way we should go.

With those few remarks, I support.

Sen. Murkomen: Mr. Deputy Speaker, Sir, first of all, I would like to congratulate Sen. Muthama for coming up with this very important Motion. The Constitution is very clear in Article 10. Article 10(2)(d) says that one of the national values and principles of governance is sustainable development. If you read Article 60 of the Constitution which is on principles of land policy, it also provides that sustainable and productive management of land resources is an important principle. It is well documented and accepted internationally both within the United Nations (UN) circles and member states of the UN that polluter-pay principle is very important in sustainable development. This was concretized in the UN Environment Conference in 1992 in Rio de Janeiro where the principle of polluter-pay was affirmed.

Mr. Deputy Speaker, Sir, I think it is unfair that for so many years, as a continent, we have taken our natural resources for granted. We have assumed that water will always be there, the fact that we have forests will always be there and the natural resources are so obvious in Africa. Last week, I had an opportunity to travel to Brussels, which you are very much familiar with due to your previous engagements, and we were happy about the infrastructure in Europe. The taxi driver told that me, Africans, are foolish because we go there to admire institutions and buildings that were actually built using our own resources and yet we have the same resources in Africa. He told us that Europe would never have been the way it is had it not been for the natural resources we exported there. Again, I had a chance to go to Geneva. If you go to the City of Geneva, in all corners you can actually

drink water in the streets. That is how other countries are taking their resources seriously. I am sure in 1900, you could go to Tana River and drink the water somewhere in Machakos without any fear but now because we take our natural resources for granted, we have polluted this river. Anybody who has a need to dispose waste will find it easy to go to the running water and do it there. We must stop this.

I support this Motion because it is important that we stop polluting these rivers. We should be a nation that restores its values. The reason why we had a new Constitution and put sustainable development as one of the important principles is because we wanted to restore our values. We wanted to respect the lower riparians because the people there also have a right to use the water, just like those who are upstream.

Mr. Deputy Speaker, Sir, I know that at the opportune time, the amendment requiring that this Motion applies across the country will come. It is important that as a nation, we invest in water. Water is the most expensive resource in this country than even petrol. For a small bottle of water, you will buy it at Kshs70 and yet it is only 500 millimetres. This is more expensive than petrol. This is because we have polluted water and then made it scarce for anyone to get clean water for drinking.

I support this Motion because it is important that we take action. This is my only fear and I said we are learning. I like the reason Sen. Muthama has provided for a report after six months. This is because we do not want to be a talking House. We are going to see the results. I think it is important that the Executive takes this very seriously. The Cabinet Secretary responsible for this docket should take it very seriously and bring the report. I think even after those six months, we shall make a further decision as to whether we need another report after those six months so that at the end of the four years, we can sit down as a Senate and say that we contributed to sustainable development through a Motion that was brought by a senior Member of this House.

Thank you.

Sen. Boy Juma Boy: Asante sana, Bw. Naibu Spika, kunipatia nafasi hii nichangie Hoja hii muhimu sana. Kwanza, ninamshukuru aliyelea Hoja hii na kumwambia kwamba siyo Murang'a, Embu, Kiambu, Machakos na Makueni pekee, hata sisi wapwani tumo. Kwa mfano, Kilifi na Malindi. Kwa hivyo, asifikirie tu kwamba kwake ndiko kuna shida, kwani mito hii inafika kule Pwani. Kwa hivyo mito hii ni rasilimali yetu Wakenya na rasilimali hii ndio sisi Wakenya tunajivunia. Nia na madhumuni ni kwamba mito hii ndio inatumika katika viwanda kwa sababu viwanda ndio maendeleo, viwanda vinabuni kazi na kukuza uchumi. Lakini viwanda hutoa uchafu. Hatukatai wananchi wapate kazi katika viwanda na tuwatoze ushuru, lakini kuna matokeo ya uchumi huu ambayo yanaharibu mazingira. Hilo ndilo lengo la Hoja hii. Ni kweli viwanda vinakuza uchumi, lakini kuna athari ya mwisho inayotokana na mazuri haya. Yule anayejenga kiwanda huwa amefanya utafiti na kujua mazao atakayoyapata, lakini Hoja inasema kwamba yule atakayeathariwa na maji machafu apatiwe manufaa fulani. Hii si siri wala ni ukweli wa mambo. Ni lazima mto uteremke chini, upende usipende. Hoja hii inapendelea kwamba wale wanaoathirika kule chini nao wapate faida inayotokana na manufaa ya viwanda.

Bw. Naibu Spika, tukizungumza juu ya mito hii, kule kwetu Pwani upande wa Sabaki watu wanakunywa maji ya Mto Tana. Maji yanayotumika Mjini Mombasa yanatoka katika mito hii lakini ule uchafu unaotoka kwenye viwanda ni mwingi. Kuna mashirika mengi ya Serikali ambayo yamefanya vikao vingi na kuandika sera kuhusu

mazingira; watu wanaenda Geneva, London na kwengineko lakini baada ya hivyo vikao, hakuna lolote linalotendeka. Kuna shirika kama NEMA, TARDA lakini hatuoni faida yao. Tunachoonwa wafanyakazi wakiendesha magari aina ya Prado. Hatuoni matokeo yoyote. Ndio maana kama Bunge la Seneti linalosimamia mambo ya kaunti kutoka juu hadi chini lihakikishe kwamba haki inatendeka.

Ningependa kutoa mfano wa Mto Uimba kutoka Kwale Kaunti ambao unatokea Tanzania kwenye Milima ya Usambara. Ndugu zetu Watanzania wameweka vidimbwi vya kutoa umeme. Ni tatizo gani linalotukumba sisi Wakenya? Mto wa Uimba unapokauka, uchafu wote unaotokana na Mto Uimba unateremka. Kila Desemba, pwani ya Luga Luga kuna Cholera kwa sababu maji huwa yameshuka katika mto. Pollution huwa juu. Watu hunywa maji ambayo yako *polluted*. Kiwango cha maji kutoka Luga Luga huwa chini. Inamaanisha kwamba watu wanakunywa maji machafu na ukinywa maji machafu unashikwa na *Cholera*. Chanzo cha *Cholera* ni Mto Uimba. Maji yakishajaa, hatuna shida.

Bw. Naibu Spika, kuna kiwanda kinachojengwa kule Ramisi na uchafu wake utaingia kwenye Mto Ramisi. Kule Marere, maji hayo yataingia kwenye mto huo. Uchafu wote wa kule Ukunda unaingia katika mito hiyo. Kule ndani kuna makaratasi na hata condoms. Ni lazima jambo lolote tutakalolizungumzia hapa litiliwe maanani. Ndio maana tukasema kwamba Sen. Muthama amefikiria jambo nzuri sana. Ndio maana nikasema kwamba, sisi kama Seneti, kuna haja ya kuhakikisha kwamba masilahi ya watu wetu wote yanalindwa. Isiwe tu kila wakati tunazungumza juu ya Budalangi kukiwa na mafuriko. Haya mambo hayasababishi yenyewe. Kuna sababu na inajulikana. Wakati utafika ambapo mvua itakuwa nyingi na mafuriko yatakuwepo. Mashirika haya ya kulinda mazingira hayafanyi kazi yake, ilhali yanapewa pesa kila mwaka.

Ombi langu ni kwamba idara inayohusika— na ameelezea vizuri katika Hoja hii — itoe ripoti kila baada ya miezi sita na ifanyiwe kazi. Wakati umefika wananchi wanatarajia kufanyiwa kazi. Hii ndio maana tuko na Bunge la Seneti. Bunge la Seneti lipo hapa kuhakikisha kwamba haki inatendeka. Haya mengi tunayozungumzia yameshazungumziwa kwenye Bunge na katika kongamano nyingi lakini mambo ni yale yale usiku kucha. Kwa hivyo, ni lazima kila mtu awajibike. Kama NEMA ama TARDA haziwajibiki, inafaa ijulikane. Haina haja kuwatwika wananchi mzigo. Hakuna haja ya kupatia watu kazi na magari makubwa ilhali wananchi hawapati huduma.

Bw. Naibu Spika, uchumi wetu hautaendelea ikiwa kila siku tutakuwa tunatumia muda wetu kuwatibu kutokana na maradhi. *Cancer* imezidi na inasababishwa na kemikali zinazomwagwa kutoka kwa viwanda. Viwanda vinakuza uchumi, lakini athari zake ndio shida. Inafaa manufaa yake yawafikie wananchi.

Kwa hayo machache, ninaunga mkono na ninamsifu Seneta ambaye amewasilisha Hoja hii.

Sen. Ndiema: Thank you, Mr. Deputy Speaker, for giving me this chance to contribute and to support this Motion. First, I want to thank Sen. Muthama for bringing this Motion which, in my view, is long overdue. It is really befitting that the Upper House of the Senate is the one that has brought this Motion that really affects the lives of our citizens.

The issue of pollution of our waters is a threat just like any other threat to the nation. Pollution is like a war declared on our nation. Our economy and health depend on clean water. We know, as a country, that we are a water scarce nation. The little water

that we have in the form of rivers and lakes is precious. Unless we take measures to conserve water, we are doomed. The economy of this country depends on water and I would like to cite a few examples where we are seeing a threat to our economy. There is the case of the water hyacinth which is threatening fish and even communication within the lake. Scientists have told us that hyacinth is developing in the lake due to chemical pollution and also solid waste pollution in terms of sediments. When you look at water borne diseases, we spend a lot of money treating Kenyans. We vote a lot of money to the Ministry of Health to treat people suffering from water borne diseases; typhoid and so on. All this is an expenditure we could have avoided if we cared to treat our waters.

Mr. Deputy Speaker, Sir, our beaches which are a major attraction of tourists and a major source of foreign exchange are polluted. Senators have said how waste through the Tana and Athi Rivers flows into the Indian Ocean where our beaches are. Today, if you go to the beaches, when there are no tides, you see plastic material. The disposal of plastic in this country has become a problem.

If you go to Naivasha, you will see beautiful wildlife like monkeys among other animals. However, you will also see a lot of plastic on the road sides and yet nobody cares. Delamere is selling his milk. After the milk is sold, the plastic package is thrown but he takes no responsibility to ensure that the pollution is taken care of.

The Jubilee Government has undertaken to irrigate two million acres probably in a year or whatever period. Of course, the source of water for the irrigation will have to come from these rivers; Tana River, Athi River, among others. I will support an amendment, when it comes, to cover other rivers like Nzoia and Turkwel, among others. If the water in the rivers is polluted, the products we produce, as Sen.(Prof.) Lesan has explained to us, will have these chemicals. The chemicals could easily enter the food chain. If we irrigate the farms with dirty water, then all that work will be useless because the food there will not be acceptable especially if we are aiming at exporting the food products. The standards in the world now are becoming stricter and we have to look at this.

We have spent a lot of money in schools carrying out hand washing campaigns. Children have to learn how to wash hands. However, if the water is dirty, we may not be helping much. We have to ensure that the water is clean so that after we wash our hands, we get sanitized.

Urban centres are growing. These are centres like Nakuru which drain water into Lake Nakuru where flamingoes are. If this trend continues, these flamingoes will not be there. This is a threat to Nakuru County.

I want to come to the issue of conservation. How do we go about it? We know what to do. We have to conserve the upper catchment areas and our forests. However, what benefit is it to the people living upstream if they have to forego their livelihoods and make efforts to conserve the environment? As much as we are saying that we need to compensate people who consume this water, we should also see how we can support people living upstream to carry out effective conservation measures.

This is a very important Motion. As I have said, unless we take measures now, our economy and livelihoods will be threatened.

With those few remarks, I support.

The Deputy Speaker (Sen. Kembi-Gitura): Hon. Senators, we will have to close debate on this Motion at mid day. The reply will be at mid day. We are, therefore,

running out of time. With that in mind, I will take two more speakers; first, hon. (Prof.) Anyang'-Nyong'o and then Sen. Ong'era.

Sen. (Prof.) Anyang'-Nyong'o: Mr. Deputy Speaker, Sir, I will speak very briefly so that most Senators can also have an opportunity to speak to this Motion. I just want to say a few things in support of the Motion.

In line with what Sen. Ndiema has said, if we do not protect our water resources, we, as a nation, stand to lose a lot. I have seen how fishing in Lake Victoria has been affected by pollution, not just by the presence of hyacinth in the lake but by the quality of water in the lake for that matter.

Quite a number of fish species have either disappeared or gone down drastically. The cost of fish to the consumer has gone up because of diminishing supply. Therefore, I believe that managing our water resources is extremely important to this economy. However, more importantly is the need to take urgent steps as the Mover of the Motion has said. If you remember very well, the Nairobi River was at one point almost dying in the sense that during drought, the water was very little whereas during rainy seasons, it would flood and become a health hazard to the City of Nairobi.

When the late hon. John Michuki was the Minister for Environment and Mineral Resources, characteristic of him, he did not just talk. He took drastic steps to start reclaiming the Nairobi River and making sure that this becomes a sight of attraction rather than a sight of shame. What he did should be emulated in conserving and improving other water resources in our country. Action is much better than mere words.

You also remember what the former Clerk of the City of Nairobi, Mr. John Gakuo, did to eliminate unnecessary *kiosks* in the city which were becoming an environmental problem. One always wondered where the people working in these kiosks went when they had calls of nature. The kiosks were besides the road and had absolutely no ablutions or sanitary facilities for these kiosks. They were a tremendous danger to the environment.

You will also remember the *kiosks* on Limuru Road outside the Village Market. While they were there, there were always carjacking on that road almost every week. Once they were removed, the security situation improved. However, we must remember to provide livelihoods for people who work in these *kiosks*. It is not always enough to eliminate them but to provide livelihoods by creating facilities for them to market their wares and continue with their trade elsewhere other than besides roads or in areas where there are no ablution blocks or sanitary facilities.

Those two examples of what Town Clerk John Gakuo did in Nairobi and what the late Minister John Michuki did in Nairobi should be followed in implementing what Sen. Muthama is talking about in terms of rivers. We should not stop by making remarks. These are remarks that could be followed by concrete action.

I fully support the Senator's call for the relevant Department of Government to bring a report to the Senate within six months. I would also like to appeal to Sen. Muthama that before he takes a step further, the Committee on Lands and Natural Resources of the Senate and that of the National Assembly meet and come up with the programme of action for improving our water facilities and for conserving our environment.

We know for certain that flooding, while it creates a lot of havoc to lives and livelihoods, when it occurs can also be turned into a major resource. This is done by

damming rivers so that during rains, rather than water breaking river banks and causing havoc to habitation and livelihoods, it is contained in dams to be used in irrigation very cheaply. Therefore, during drought, there is a water facility to be used both by animal husbandry and in agriculture.

One thing we must encourage is proper damming of our rivers to reduce flooding and, therefore, create better management of water resources.

Around Lake Victoria, we have an organization called the Lake Victoria Environmental Management Programme (LVEMP) which is run by the United Nations Development Programme (UNDP), other donors and the Government of Kenya. I have always wondered about the results of this programme especially when a simple thing like the hyacinth continues to persist here in Nairobi Dam. We know that in Canada, Malaysia and Brazil hyacinth is there because pollution is also there. However, management of this hyacinth both as a resource and as an economic activity has led to tremendous economic gains rather than being seen as a menace.

I appeal to Senator Muthama, while implementing this Motion, to find out what the Lake Victoria Environmental Management Programme has done in the long time it has existed; for almost two decades. If it is useful to Kenyans, what it has achieved in Lake Victoria can be replicated elsewhere and we do not need to look for any knowledge elsewhere except from this organization. So, it is useful that when we establish such organizations, they become a resource for development and replication of knowledge rather than other organizations that exist, get a lot of money, do little programmes whose results are not seen and end up complicating our development rather than adding to the solution of our problems.

I support.

Sen. Ong'era: Thank you Mr. Deputy Speaker, Sir. I rise to support this Motion. We are now faced with greater challenges of environmental management. Global warming has become a reality in the world. This has arisen due to poor management of our environment. We, as human beings, have degraded our environment greatly by polluting it. Therefore, I would like to congratulate Sen. Muthama for bringing this Motion to the House because it looks at how we have treated our environment and how we can make it better.

If I were Senator Muthama, I would have further amended it, not just to deal with more rivers but the entire rivers we have in this country including Gucha River in Kisii County.

Unless this country harmonizes all the bodies including the busy body that Senator Anang'-Nyong'o has spoken about in Lake Victoria, we will never resolve these issues. There are many issues which are even colliding with one another. I remember a certain case – I wish Sen. Obure was in the House – where we were resolving an issue concerning Gucha River in Kisii County, many bodies turned up.

The municipality turned up with an environment body, there was NEMA and another one from the central Government as it was known then. It is now the national Government. All these officials were purporting to resolve issues of pollution especially with regard to dumping in rivers.

I think we need to have an integrated approach as to how we manage the environment and how we deal with waste management. If these two could be harmonized

and then people could really understand, especially if we do civic education to our people, we will not have these issues of pollution.

Mr. Deputy Speaker, Sir, there are greater issues, not just on polluting the rivers. There is the issue of sand harvesting that continues to make the people, especially in Makueni County, lose their land. That is also another form of environmental degradation.

Therefore, Mr. Deputy Speaker, Sir, I would like to request Sen. Muthama to consider sending this Motion back to the Committee on Agriculture, Land and Natural Resources, where we could look at it in more detail and, perhaps, come up with a Bill to consolidate all the other Bills that we have before us so that we can have proper interrogation and discussions in this House.

I thank you for giving me the opportunity.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. Beth Mugo, I thought you wanted to contribute? You will be the last---

Okay, I think Sen. (Prof.) Lonyangapuo wants to contribute also.

Sen. Mugo: Thank you, Mr. Deputy Speaker, Sir, for giving me the opportunity to contribute to this Motion, which I support, especially as it is very related to the health of Kenyans. Eighty per cent of a lot of diseases, including diseases which are killing babies is because of water. Therefore, I would like to add here that, as we look into the pollution of the rivers – which is the source of most of the water that our people drink, especially in the rural areas – it is absolutely important that we make sure that it is pure drinking water. I believe that we can do that, especially as the Jubilee Government undertakes to do irrigation as well as build dams in the areas where we do not have rivers, that we also provide an allowance of clean drinking water. The practice that has been common has been digging dams, and these dams have also been the areas where animals as well as human beings drink from. We must make a provision for clean drinking water, even as we take care of our rivers.

A Senator said here very passionately – I think he is from Tana River or one of those areas – about the plastics which are all over the place and which we know contribute a lot to water pollution. If we remember correctly, the late icon, hon. Wangari Maathai, had proposed the banning of plastics. This came to Parliament and I believe it was defeated by a few people just because the industries got involved. If this Senate will really want to make a mark and give Kenyans a longer life, I believe we can do away with the plastics. It is also proven that plastics, especially when water heats in plastics, it causes cancer. I may be a victim of cancer and I have become very alert to that. I note that in Europe, they have stopped using plastics for water. They are using, like in many other countries, bottles. I would like to ask my friend here that, maybe, when you amend this Motion or when it goes to the Committee on Agriculture, Land and Natural Resources, we can look into a way of either banning plastics completely and finding other ways of storing water, because we keep this water in our cars; mothers are even fetching waters using these bottles and then when the sun heats that water, it has been proven that this water can promote cancer, including even cooking or putting anything in it. We have many lifestyle diseases; and they are no longer diseases of the poor. It is really for everybody. I believe that a lot of it is due to lack of information. So, if we could include civic education in this Bill, as Sen. Janet has said; that our people are taught about proper usage, storage or even boiling of water, we can reduce a lot of diseases.

As far as taking care of our rivers is concerned, the late Michuki proved that it can be done. If Nairobi River was cleaned, I believe any river can be cleaned. Therefore, we should also involve our governors in this fight, because this fight concerns mostly the people in the counties. When we pass this Motion, I hope that we will share it with the governors so that it can be taken to the county assemblies so that they can also take the same law and pass it. This will help to teach our people; it will give knowledge to our people and we should put aside enough money to clean our rivers. We should not always talk of “central Government do this or that;” I think the devolvement of the central Governments’ responsibilities to counties was so that we can be more effective and bring services closer to the people. This also means bringing responsibilities closer to the people, because rights and responsibilities go together.

Mr. Deputy Speaker, Sir, I strongly support this Motion especially because I believe that by having clean water, we have solved half or more than half of the diseases that affect and kill a lot of Kenyans.

I beg to support.

The Deputy Speaker (Sen. Kembi-Gitura): Sen. (Prof.) Lonyangapuo.

Sen. (Prof.) Lonyangapuo: Thank you, Mr. Deputy Speaker, Sir. I also join my colleagues in thanking the honourable Senator for Machakos, Sen. Muthama, for bringing this Motion.

Mr. Speaker, Sir, I beg to move that the Motion be amended as follows:-

(a) By inserting the following words immediately after the word “livelihood: appearing in the second line: “further aware that other rivers across the country are a source of livelihood for many Kenyans.”

(b) By deleting the words “Tana and Athi Rivers” appearing after the word “of” in the tenth line and inserting thereof the words “all rivers in the country.”

(c) By deleting the words “within six months” appearing in the 13th line and inserting thereof the word “bi-annually.”

So that, Mr. Deputy Speaker, Sir, the Motion will now read as follows:-

THAT, aware that a large population especially in Tana River, Murang’a, Embu, Kitui, Machakos and Makueni Counties depend on Tana and Athi rivers for their livelihood; further aware that other rivers across the country are a source of livelihood for many Kenyans; concerned that industrial, chemical and animal wastes and residual soil continue to find their way into these important rivers thereby seriously polluting them; further concerned that waste from Dandora dumping site is a major pollutant of Athi River; further concerned that the Government response against pollution of rivers has been grossly inadequate; appreciating the provisions of the Environmental Management and Coordination Act, 1999; cognizant that Article 69(1)(g) of the Constitution obligates the State to eliminate processes and activities likely to endanger the environment; the Senate urges the Government to take immediate steps to stop pollution of all rivers in the country, compel polluters to compensate those affected and further that the Department of Environment, Water and Natural Resources submits a report to the Senate bi-annually on specific measures taken to protect the rivers from pollution and compensation of those affected.

Mr. Deputy Speaker, Sir, as my colleagues have contributed, we note that if there is any matter that needs to be declared a national disaster in Kenya at such times as these when we are starting devolution, it is none other than the pollution of our rivers.

Mr. Deputy Speaker, Sir, all the tributaries of Athi River and Tana River emanate from the Nairobi area, Kajiado and Mt. Kenya. Water is life and you cannot challenge this fact; it is known like that. It is just the other day in May when the Government marshalled a lot of resources to go and rescue the people along the River Tana, Budalangi, Baringo and most of the areas which were affected by floods. Millions of money was spent; manpower and people were taken there to go and rescue the people. Similarly, a lot of wealth was lost, particularly in Tana River, where we saw people hanging in trees, with all their wealth gone because of the rivers.

Mr. Deputy Speaker, Sir, so many things have happened that we have destroyed the riparian ecosystem. At the beginning of our Independence, if you can remember – for those of you who are older – nobody was allowed to plough or grow crops very close to the river; none! But today, the Ministry of Agriculture slept on the job and all the implementing agencies that were supposed to make sure that this law was implemented went into slumber. These are some of the laws that we want to be stringently obeyed and followed as a result of this Motion. If you look at our industries, we are now encouraging industries to come, but as they come, what happens? We have bodies that were started like NEMA; but you will only see NEMA emerging quickly when they are looking for funds. These include money taxed for you to build, and after that, nothing else.

Mr. Deputy Speaker, Sir, I think we need these agencies to go further than looking for money. All the industries in Nairobi City, in the neighbouring counties, in Kisumu and in all the other counties, we need to make sure that they have a programme for waste disposal. How do they dispose of their waste? Nowadays, there are better technologies of waste disposal that have been generated all over the world, but we have not adopted them in Kenya. I am saying this because many of our people are now suffering from floods and havoc caused by this waste.

Mr. Deputy Speaker, Sir, looking at also the compensation that we are talking about, funds should be set aside to ensure that the rivers are cleaned. They should also protect the source of the water. If Ndakaini Dam where we get our water here in Nairobi is not fully protected--- I wonder whether the people within Ndakaini and where the tributaries of the river come from are paid. When we pay for water here in Nairobi, do they also give back a percentage of the collection? In West Pokot where I come from, there is a huge investment put up by the Government called Turkwel Gorge Power Generation Plant. The water which is taken by the officers who stay in the camp is purely processed and the one which comes from the factory is emptied into the river. When you ask them what the local people living in Turkana County and West Pokot County drink, they say that they have survived and know how to take that water. They are right that they used to survive before the plant brought the problem. Now that they have introduced this problem, they should be given clean water or, at least, the water should be cleaned before it is emptied into the river to flow.

Mr. Deputy Speaker, Sir, now that we have gone the county way, some of the counties are enjoying water from Mt. Kenya. If you want water to be clean, you have to see how the counties that give you the water, in future, are also encouraged and properly compensated to continue protecting the rivers. Similarly, in Cherangany Hills where I

come from, we want to make sure that the people of Budalangi have fewer floods. There is River Sabwani in Trans Nzoia and other rivers that emanate from Kapenguria. We need to make sure that the trees are planted. Yesterday, our Governor and the County Commissioner had to go and arrest people who were cutting down trees in the forest, which is a water tower. When they were arrested, they said that the approval came from the national office. There is a contractor who is harvesting trees. Trees which are found in a catchment area are not supposed to be harvested. They are supposed to grow old. Therefore, saying that they need to be harvested because they are now mature should not arise because that is not a plantation for sale. It is a purely protected area.

Mr. Deputy Speaker, Sir, this Motion has come at a time that we need complete responsibility to be taken by our people on the ground, who include the governors. The national Government also needs to engage the relevant department so that we get reports twice a year, just to explain to us what they are doing. This should include our small rivers that are found in the coffee and tea growing areas. I come from an area where the livelihood mainly depends on cattle. If water is polluted, the cows will just drink it because they cannot talk. The Maasai have migrated with their cows from Athi River towards Mt. Kilimanjaro area because the animals no longer grow because of consuming this water which has a lot of pollutants. We end up eating and enjoying the meat on our tables and hotels without knowing that it is also polluted. The same applies to milk. What will it cost us if we became firm and bold and said that we need to face this problem head-on? It was done by the late hon. Michuki and the late Prof. Wangari Maathai. They came up with that idea and we need to move on for the sake of the posterity of this nation.

Mr. Deputy Speaker, Sir, I beg to move and call upon Sen.(Dr.) Machage to second this amendment.

Sen. (Dr.) Machage: Bw. Naibu Spika, mbiu ya mgambo ikilia kuna jambo. Asiyesikia la mkuu huvunjika guu. Pia majuto ni mjukuu. Naunga mkono vile Hoja hii imerekebisha na Prof. Lonyangapuo kwa sababu sisi katika Seneti tunajua kuwa kila Mkenya ni sawa na sehemu zote za Kenya ni sawa.

Bw. Naibu Spika, ninafurahia Hoja hii ambayo imeletwa na Sen. Muthama, akiwa na hekima. Tunataka kuipanua ili iangazie nchi nzima ili iwe na faida na kutoa mazao zaidi kwa nchi nzima. Hii ni kwa sababu tukiangaza mawazo yetu kwa nchi nzima, tunaona kuwa nchi nzima imeoza kwa uchafu na mipango mibaya ya binadamu. Imeoza pia kutokana na viwanda ambavyo vimestawishwa bila mipango. Imeoza pia kwa sababu desturi zetu za mazingira hazifai. Watu wanatupa kinyesi popote pale bila kujali. Imeoza kwa sababu sisi hatujali utu. Mazingira yakiwa mabaya mazingira huchafuka. Mazingira ni uhai na uhai ni mazingira. Kwa hivyo, ni lazima tutahadhari kabla ya hatari. Ni lazima turekebishe haya kabla utu na maisha tunayozingatia haijaangamia. Tunafaa kuangaza mawazo hata kwa sehemu za magharibi ambako kuna gugu maji. Ziwa Victoria linaangamia kwa sababu ya gugu maji. Hii ni kwa sababu watu walioko hawajatumia mazingira vizuri. Je, ziwa kama hilo likipotea na kuangamia ni sehemu kiasi gani ulimwenguni itaathirika? Maji hayo husambaa hadi nyanda za chini mpaka kaskazini mwa Afrika. Misiri, Sudan na nchi zingine zinatumia maji hayo na huku sisi tunayachafua. Haya ni mambo ambayo tunaweza kuyazuia. Juzi niliwaambia hapa kwamba Mkenya sasa hivi anatarajia kuishi kwa miaka 47 tu, ukilinganisha na miaka 70 na zaidi katika Uropa na kwingineko ulimwenguni. Inamaanisha kuwa katika Seneti hii

wengi wetu hatufai kuishi tena kwa sababu tushapita kiwango hicho. Hii ni kwa sababu ya vitu vichache kama uchafuzi wa maji. Mwenzetu hapa alisema kuwa kila mnapoenda Pwani kujivinjari mnawacha kipindupindu. Mnafurahia lakini wale wanawachwa wakisaga meno na kuteta. Wanatumia pesa nyingi kusafisha uchafu huo.

Bw. Naibu Spika, kwa hivyo, ni vizuri kuipanua Hoja hii na kuangaza mawazo yetu kwa nchi nzima ili Serikali iangaze kabisa fikira zake kwa mito yote katika nchi nzima, kisha itupatie ripoti mara mbili kila mwaka, wala sio mwaka huu, mwaka ujao au mtondogoo tu. Nafikiri kuwa jambo kama hilo litakuwa la manufaa na tutajua ni kiasi gani tutapiga hatua katika janga hili. Miswada na sheria kadhaa zishaangazwa katika Bunge tangu siku za zama. Kuna sheria ya mwaka wa 1999, kipengele cha 69. Hii sio sheria ya jana; sheria zipo. Mhe. Michuki alizitumia kusafisha Mto wa Nairobi.

Kuna Michuki wangapi hapa? Kila wakati mhe. Michuki, basi, yeye kaanza basi na sisi tuendeleo. Lazima tuyazoe hayo mawazo yake kwa sababu aliyawaacha kabla hajaenda zake, tuyatumie kuhakikisha kwamba mazingira ambayo tunaishi ni mazuri na mema. Yafaa tuhakikishe kwamba mazingira yametunzwa kwa dhati.

Bw. Naibu Spika naomba kuunga marekebisho haya mkono.

Sen. (Prof.) Lesan: On a point of order, Mr. Deputy Speaker, Sir, I stand to seek your guidance on a further amendment on the amendment which has been suggested. I stand under Standing Order No.52(b) and Standing Order No.9(3) because I had already made a contribution. This is a very important Motion because it is touching on rivers and water bodies. I think a small amendment should be made to include water bodies themselves. So, wherever the word 'rivers' appears, we should include water bodies so that we take everything on board.

I will ask Sen. Ole Ndiema to second my amendment.

The Deputy Speaker (Sen. Kembi-Gitura): Just a minute before you do that. I have not allowed you to move the amendment on the amendment.

Sen. (Prof.) Lesan: Sorry, Mr. Deputy Speaker, Sir. This is a learning process.

The Deputy Speaker (Sen. Kembi-Gitura): Hon. Senators, we have to finish with the business before us first and the amendment that has been proposed and seconded, so I am going to propose the question. Anything else can only come after we have dealt with this.

(Question of the amendment proposed)

Hon. Senators, since there is nobody interested in debating the amendment, I will now put the question.

We have to make a ruling under Standing Order No.69 on whether this affects counties or not. Standing Order No.69 requires that we must state whether it affects counties or not.

(Loud consultations)

Order, Senators! It is not upon you to tell whether it affects counties. That is the prerequisite of the Speaker. So, wait for me to make a ruling.

Standing Order No.69 requires that we must make a ruling. In my considered opinion, the Motion as amended is a national issue and not an issue that has to do with

counties. We are asking the national government to take certain measures specifically so that we are able to enforce the Motion as originally drawn and also as amended. So, I rule that this is not a Motion affecting counties as contemplated under Standing Order No.69. Therefore the voting shall be as under Standing Order No.70(1) and (2). So, I will now put the question.

(Question, that the words to be left out be left out, put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Question of the Motion as amended proposed)

Hon. Members, it is now midday and it is time to call upon the Mover to reply.

Sen. Muthama: Mr. Deputy Speaker, Sir, before I respond I wish to share my remaining ten minutes with my neighbour, Sen. Njoroge. We share the river and so I ask him to take the first five minutes.

Sen. Njoroge: Thank you, Mr. Deputy Speaker, Sir. I rise to support this Motion as amended. From the onset, let me congratulate, just like my colleagues have done, Sen. Muthama for moving this very important and timely Motion. We have all by unanimous consensus agreed that indeed, this is not only a national issue but it is also a major national concern. When the Mover of this Motion was moving it, he referred to some young men who normally dive to attract tourists in the Fourteen Falls Dam. I also want to share in that concern and, indeed, declare that those young boys come from my county in the area of Thika. As the Mover said, little do they know that in the course of their gimmicks and in their attraction, the black water they dive into, is indeed, a dive of death. When they dive into the dam and come out of that water, they are carrying poisonous chemicals in their bodies, some that they have swallowed in the course of diving. The greatest victims of this problem are the children and the poor people of this country.

Mr. Deputy Speaker, Sir, the name Wamatangi is derived from a project which I run in supplying water preservation tanks to the community and I have firsthand experience in what happens to the poor communities. I would say that cities like Nairobi and other urban towns, I can declare to this House that almost 70 per cent of the families rely on water directly from the river. They have no purification system or a method of determining what is polluted and what is not polluted. That is why, as some contributors have said here, you will be surprised to see that in the rural towns and counties, diseases which were hitherto never there like cancer are there. This is as a result of this problem.

In the course of industrial pollution, this problem has magnified itself to even take a bigger toll on our citizens, including causing huge national losses of lives. I have in mind, a few years ago, this country suffered a major disaster. This was directly derived from the problem we are addressing today. We all remember when there was a big disaster at the Kenya Pipeline in the slums of Mukuru kwa Njenga. We all know that this problem started because the company was said to have diverted its waste oil into the sewage system which eventually was pouring into the rivers. This magnified itself differently into such a huge national catastrophe which cost livelihoods and a major

economic destruction to the lives of those people and to this country at large. This is a big problem.

Mr. Deputy Speaker, Sir, we should call for definite action that is going to ensure that this Motion does not only become another report in the shelves or another source of what would be called a talking shop. In this Motion, the Mover has specifically mentioned the Dandora Dumpsite as one of the major sources of pollution. It would be self defeating if we do not then follow this by asking the Government to immediately take action in ensuring that the move to relocate this dumpsite in Dandora has taken place right away and not tomorrow so that this pollution can stop forthwith and indeed, all the other problems that are visited on the communities around Dandora can also be addressed once and for all.

The Motion also calls for penalties to be imposed on the violators of this proposed law. I would also want to call and to support that indeed, the penalties that we are going to impose upon those who choose to violate this law should be very stiff.

Thank you. I beg to support.

Sen. Muthama: Mr. Deputy Speaker, Sir, allow me to thank my colleagues for the great contribution they have made to this Motion and also the seriousness they have shown in the Motion.

Without talking a lot, it has come out very clearly that we are dealing with natural resources. For us to get what we want there is only one way forward. This is to say to the Department of Environment and Natural Resources and NEMA, to move fast and stop the polluters of our great rivers. It would not cost them anything to do that. It is just implementing the law which is in place. The law is there and what the department and NEMA should do is to stop those polluters immediately and divert whatever they are draining into our rivers to a different place.

Mr. Deputy Speaker, Sir, we are expecting the long rains in October, and if there will be no pollution between now and October, the rivers will be cleaned naturally and at the end of the day, we will have water. Senators have made several suggestions, and one of them was to do with the Committee on Agriculture, Land and Natural Resources. I totally agree with what Sen. Ong'era said, and I would go further and say that the money that is available to this Committee, like what Sen. Murkomen has said, we should not spend the money to go to Geneva to see how people are drinking water on the streets. That money should be used by this Committee to visit most of these rivers and assess the situation so that they can make their own recommendations that will supplement the current Motion.

Sen. Mugo brought up a very important point of availing civic education to those who are living close to the rivers. But even if we gave them the civic education, they are not the polluters. I agree with what Sen. Mugo said but we need to go further and compel the department to deal with this issue. There is no way that the department can escape from its own responsibility of maintaining the water resources. One Senator referred to spring waters. We know that there is no spring water in this country that is clean and can provide clean water. God gave this country the flowing springs all the way from Mt. Kenya to the other end of the country. The springs are there and they should be maintained in order for us to get clean water.

Mr. Deputy Speaker, Sir, if airlines are paying for polluting the air globally, they should also do it here. That will enable us to give our people clean water and protect them from diseases.

I beg to move.

The Deputy Speaker (Sen. Kembi-Gitura): Thank you very much, Sen. Muthama. As I had ruled before I put the question, when we were dealing with the issue of the amendment as required by Standing Order No.69, it is my considered opinion that this Motion does not affect counties. Therefore, we will proceed to vote as provided for under Standing Order No.70 (1) and (2).

Having made that ruling, I will put the Question.

*(Question of the Motion as amended
put and agreed to)*

Resolved accordingly:-

THAT, aware that a large population especially in Tana River, Murang'a, Embu, Kitui, Machakos and Makueni Counties depend on Tana and Athi rivers for their livelihood; further aware that other rivers are a source of livelihood for many Kenyans; concerned that industrial, chemical and animal wastes and residual soil continue to find their way into these important rivers thereby seriously polluting them; further concerned that waste from Dandora dumping site is a major pollutant of Athi river; further concerned that the Government response against pollution of rivers has been grossly inadequate; appreciating the provisions of the Environmental Management and Coordination Act, 1999; cognizant that Article 69 (1) (g) of the Constitution obligates the State to eliminate processes and activities likely to endanger the environment; the Senate urges the Government to take immediate steps to stop pollution of all rivers in the country, compel polluters to compensate those affected and further that the Department of Environment, Water and Natural Resources submits a report to the Senate bi-annually on specific measures taken to protect the rivers from pollution and compensation of those affected.

ADJOURNMENT

The Deputy Speaker (Sen. Kembi-Gitura): Order, hon. Senators, it is now time for interruption of business. The Senate, therefore, stands adjourned until 2.30 pm this afternoon.

The Senate rose at 12.20 p.m.