

# PARLIAMENT OF KENYA

## THE SENATE

## THE HANSARD

**Wednesday, 30<sup>th</sup> October, 2013**

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

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

### PRAYERS

### QUORUM CALL AT COMMENCEMENT OF SITTING

*(The Speaker consulted with the Clerk-at-the-Table)*

**The Speaker** (Hon. Ethuro): Hon. Senators, I am informed that we have quorum. So, let us proceed.

### STATEMENTS

#### CONSTRUCTION OF ISINYA-NGONG ROAD

**Sen. Mositet:** Mr. Speaker, Sir, I rise to seek a Statement from the Chairman of the Standing Committee on Energy, Roads and Transportation. In 2010, Road D523 – Isinya-Ngong Road was stripped off all tarmac and up to date, it is still in the same condition. The people served by this road who are from Kajiado North, Kajiado East and Kajiado West and Kajiado Central will want to know the following: Who is the contractor? What is the contract sum for the project? How much has been paid to the contractor up to date? When will the road be completed?

Thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Ethuro): Is the Chairman here?

**Sen. Wangari:** Mr. Speaker, Sir, on behalf of the Chairperson and the Committee on Energy, Roads and Transportation, I want to undertake that we will give the answer in the next one week.

**The Speaker** (Hon. Ethuro): On Wednesday, next week?

**Sen. Wangari:** Yes, Mr. Speaker, Sir.

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

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## MOTIONS

### FORMULATION OF WATER HARVESTING POLICIES FOR COUNTIES

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

THAT, aware that water is a basic need and that the country cannot exclusively depend on primary sources of water to satisfy all its water needs; deeply concerned that the sole dependence on derivative water sources leads to interruption of water related-activities due to insufficiency; recognizing that water harvesting is a crucial secondary source of water; noting that a lot of water has dissipated due to ineffective programmes and initiatives for harnessing water; cognizant of the fact that rain water that is not harvested causes environmental degradation and damage to infrastructural facilities; recognizing that Article 69 (2) of the Constitution confers to every person a duty to cooperate with state organs and other persons to protect and conserve the environment and ensure ecologically sustainable development and use of natural resources; the Senate urges the National Government to initiate and formulate water harvesting policies to guide water harvesting programmes in all the 47 counties to reduce over dependence on primary water sources.

Mr. Speaker, Sir, we know that water is life. Without it, we cannot survive. My Motion is urging for water harvesting in the 47 counties, realizing that a lot of rain water is wasted. We have about a three months' spell of dry season in this country where you find that people keep on moving with their livestock from place to place in search of water. We even know that the absence of Sen. Haji from the House is due to the fact that he was looking for water for livestock. I was told by one of the Senators that at one time during crucial moments in this country, they were in Kajiado District and there was no water. So, women were desperate and had to wake up in the morning to use wet grass to clean their dishes.

Therefore, my Motion says that we get six or more months of rain in this country and that water is wasted or goes to do a lot of damage like displacing people in the western part of the country and also in the Tana Delta. My Motion seeks to ensure that this water is collected, preserved and treated, so that during the three months of drought, there is water. The harvested water can be used in many ways, for example, in irrigation. I am saying this because there are places like where I come from, that is, Trans Nzoia with good soils and sufficient rainfall, but there are some months which are very harsh. If the water is collected and preserved, continued farming will be realized and we will not run short of things.

When you go to a country like Israel, it is amazing because they survive throughout the year because of harvesting and preserving water. There is so much water wasted in this country when it rains. Therefore, I seek to see to it that water is collected, preserved and used in the right manner like irrigation to enable the country produce enough food.

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With those few remarks, I move this Motion. I do believe that it will receive the necessary support. I am calling on my colleagues to support it.

I beg to move and call upon the Senator for Makueni to second it.

**Sen. Mutula Kilonzo Jnr:** Mr. Speaker, Sir, I rise to second this Motion by Sen. Kittony. Under the Fourth Schedule, one of the obligations of county governments, and I would like to refer to it for purposes of the HANSARD, Article 10 says that the county governments are under obligation to implement specific national government policies on natural resources and environmental conservation which includes soil and water conservation.

Mr. Speaker, Sir, although the Constitution and its framers had envisioned that county governments would implement national policy with regard to water conservation, I am not certain that there is a deliberate policy on water conservation, as a result of which we are actually staring at a disaster in many ways. After the reclamation of the Mau Forest, we now have a natural disaster in Baringo where the lake has overflowed its banks and houses have been covered by water, necessitating people to vacate their homes. This demonstrates that there is so much water and we do not know what to do with it. This just demonstrates that although we wanted to conserve the forest, we did not think beyond the conservation of that forest as a result of which we now have so much water.

The other day, I had the privilege, courtesy of Sen. Orengo, to travel to Siaya. As we were airborne, I realized there is no reason this country has a problem with food because there is so much water in Trans Nzoia and other places. However, this water is flowing all the way to Egypt. We are not making use of Lake Victoria. There is no meaningful agriculture being carried out by the people around this lake. This water is not being harnessed or used to serve the community.

Mr. Speaker, Sir, there is also a problem because although the Transition Authority (TA) has devolved some functions with regard to county governments, they have not given the functions of managing of forests to counties. There is confusion that counties are managing their functions without managing water resources. This is because the Government does not have a policy. If you cannot manage the forests, you cannot manage the water sources.

Mr. Speaker, Sir, Makueni County is one of those counties which are tremendously disadvantaged. There is a place called Mutembuku in Makueni which borders Kitui and Makueni. It would surprise you that these people have not seen rain in the last four or five years. The interesting thing about Mutembuku which is in Makueni/Kitui is that Athi River passes through that area. It is a fallacy for people to ask for rain yet there is water, and rain amounts to water. The Government is watching as these people are suffering and nothing is happening.

In our County Integrated Development Plan (CIDP) in Makueni, there is a programme for constructing a dam between Athi River and Thwake. The cost of that project is Kshs32 billion. As we wait for the national Government to provide funds and provide donors for this particular facility, water is being wasted. The water is being drained into the Indian Ocean. It is not helping the people of Makueni. If there was a policy for water conservation in the country, it would be possible that the people of

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Makueni would not suffer. The methods of irrigation like drip irrigation are foreign concepts in places like Makueni, Kitui and Machakos.

There are places in this country which do not have consistent rainfall are disadvantaged by the fact that there is no policy on water conservation in any form. This Motion is important so that we, as a country, can move to where Uganda is. Uganda is self-sustaining in terms of food. We possibly have better land, more water resources and so on, but every now and then, we have to declare a national disaster because people are suffering in Turkana County and other places.

It is in the public domain that water was discovered in Turkana County. What are we doing as a country to ensure that the people of Turkana County can harness this water and use it for agriculture? Sooner rather than later, we are going to have a policy. We are going to see everybody running around, from pillar to post, attempting to help the people of Turkana County. This happens because we do not have a policy. We are moving into very dangerous territory. It is in the public domain that, possibly, the World War III will be over water resource. So, if this Senate does not compel this Government to formulate a policy now, we are starring at a disaster in future.

Because of the *El Nino* and *La Nina* phenomenon, we cannot wait for the long or short rains because they are not longer consistent. So, when we have rains, we should harness the water to get water for drinking and farming. More importantly, where there is a lot of water, it can be used for electricity generation and other income generating activities for the 47 counties.

This Motion, therefore, is timely and urgent. I am not certain whether we have a method of following up important Motion we pass here, so that it does not go to gather dust in the shelves and the library of the Senate without being implemented. We have passed very important Motions here, but nothing has happened about them. We should have a method of following up so that this Senate, under the Constitution, can form precedence as the Senate that helped this country, not only in making good laws, but helping this country in terms of devolution. The country is supposed to move forward and transform the lives of Kenyans. Water does not discriminate in terms of tribe, colour or political parties. We will set precedence that we were thinking about the people of Kenya in terms of their welfare.

I, therefore, urge this Senate and fellow Senators to debate this matter seriously so that we resolve this issue, once and for all. This matter is even more urgent because there is a dispute of water between Kajiado and Makueni counties. We have water flowing down from Mt. Kilimanjaro. However, the people of Sultan Hamud are suffering because some people along this pipeline use it for their own purposes. So, if we do not resolve issues to do with water now, in future, we will be called upon to resolve many wars among counties.

I dare say that the problems you see in Kitui, Baragoi, Tana River and Turkana are because of resources. One of the most important resources is water. This matter involves the security of our nation because people have died fighting over water resources.

With those few remarks, I stand to support and second this Motion by Sen. Kittony.

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Thank you.

*(Question proposed)*

**Sen. (Dr.) Khalwale:** On a point of order, Mr. Speaker, Sir.

**The Speaker** (Hon. Ethuro): What is it, Sen. (Dr.) Khalwale?

**Sen. (Dr.) Khalwale:** Mr. Speaker, Sir, I rise under Standing Order No.45 (3)(b). If you allow me, so that we are on the same page with the rest of the Members, this Standing Order says:-

“If the Speaker is of the opinion that any proposed Motion:-

(b) is contrary to the Constitution or an Act of Parliament, without expressly proposing appropriate amendment to the Constitution or the Act of Parliament; the Speaker may direct either that, the Motion is inadmissible, or that notice of it cannot be given without such alteration as the Speaker may approve.”

This is a very important Motion and having scrutinized it, I am afraid we might set a precedent where a good Motion will be passed when, in fact, the bottom line is that it is unconstitutional. I would like you to find support of what I am saying in Schedule Four, Part Two, the functions of the County Government, if you go to Nos. 10 and 11. For example, No. 10 reads as follows:

“Implementation of specific national government policies, natural resources and environmental conservation including soil and water conservation.

No. 11 says:

“County public works and services including:-

(b) water and sanitation services.”

Mr. Speaker, Sir, I am rising to request that the Chair reconsiders and redirects that this Motion be redrafted so that the attempt by this Senate to urge the national Government be found to be unconstitutional. This will give an opportunity for that amendment whereby the Senate should be urging the county governments and not the national Government. Under the new Constitution, this function has been taken away from the national Government.

If you so direct, then either my suggestion would be that we give the Mover an opportunity to redraft the Motion, or you allow me to move an amendment Motion, so that instead of the words “national Government” it reads “all county governments.”

Mr. Speaker, Sir, I beg for your directions.

**The Acting Senate Minority Leader** (Sen. Abdirahman): On a point of order, Mr. Speaker, Sir.

**The Speaker** (Hon. Ethuro): What is it, Sen. Abdirahman?

**The Acting Senate Minority Leader** (Sen. Abdirahman): Mr. Speaker, Sir, I would actually not have raised this issue if Sen. (Dr.) Khalwale was seated next to me. I would have simply whispered to him. But I have listened keenly. The Motion talks about formulating policy whereas what is raised by Sen. (Dr.) Khalwale says “implementing policy.” I think it is the preserve of the national Government to formulate policies where county governments are not able to. I feel the Motion is in order. But we will wait for your guidance.

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**The Speaker** (Hon. Ethuru): Sen. (Prof.) Kindiki.

**The Senate Majority Leader** (Sen. (Prof.) Kindiki): Mr. Speaker, Sir, I support the sentiments of the Deputy Senate Minority Leader. I also wish to add that the same Schedule Four---

**Hon. Senators:** Acting Senate Minority Leader!

**The Senate Majority Leader** (Sen. (Prof.) Kindiki): Yes, the Acting Senate Minority Leader. Over and above what Sen. Abdirahman has said, the first part of the Schedule Four says among the functions of the national Government is:-

(2) the use of international waters and water resources.

Therefore, the use of water resources is a national function. In the scheme of things in this Schedule, water resource is one of the functions where both the national Government and the county governments enjoy concurrent jurisdictions. So, there is nothing unconstitutional, but we wait for your direction.

**The Speaker** (Hon. Ethuro): Hon. Senators, the Senator from Kakamega County has raised the issue of unconstitutionality of the Motion. The other two Senators have responded. While appreciating that the Senator for Kakamega County is usually hawk-eyed; in this particular case, he exceeded his brief.

*(Laughter)*

As correctly pointed out by Sen. Abdirahman and supported by the Senate Majority Leader, if you look at Schedule Four, the Distribution of Functions between the National Government and the county governments, Part I, item (2) says:-

“The use of international waters and water resources”

Item No.22 says:-

Protection of the environment and natural resources with a view to establishing a durable and sustainable system of development, including, in particular—

(a) fishing, hunting and gathering;

(b) protection of animals and wildlife;

(c) water protection, securing sufficient residual water, hydraulic engineering and the safety of dams; and

(d) energy policy.

I emphasize number (c) on securing sufficient residual water. This is the heart of this Motion. If you look at the one listed as item No.10 on Part 2 of the functions of County Governments, it says:-

“Implementation of specific national government policies on natural resources and environmental conservation, including—

(a) soil and water conservation; and

(b) forestry.

County governments, therefore, can only implement a national policy which is a function of the national Government. The Motion is urging for those policies to be formulated by the national Government and implemented by the county governments. So, we cannot talk of implementation which is an obligation imposed on the counties before the policies are there.

Sen. (Dr.) Khalwale, you are completely out of order, for now. However, that should not discourage you. You should keep pointing out these things. But I am glad that you are even wiser from today henceforth.

Let us proceed.

**The Senate Majority Leader** (Sen. (Prof.) Kindiki): Thank you, Mr. Speaker, Sir, for this opportunity. I rise to congratulate Sen. Kittony for this Motion. She is emerging as a Senator who is very passionate about the protection of our environment. If we had a few more Senators of such calibre, we would really help this country. Other than the crisis that we are talking about in this country in terms of the deteriorating security, there is a huge crisis. This crisis is an ecological one. Our country is becoming more untenable to live in because of ecological challenges. The places where we expected rains to come periodically and regularly are not experiencing those rains. The dry lands are getting drier while the wetlands are no longer there. The water towers are getting depleted. Therefore, as we think about other aspects of physical security, we should look at the sustainability of our environment and the ability of our country to keep us alive and satisfied.

I want to thank the Mover of this Motion for bringing it before this Senate. I fully support this Motion. Right now, there is a lot of pressure on water. Kenya has been identified as one of the water scarce countries in the world. In spite of the recent good news that we have adequate aquifers, especially in Turkana County and other places in the north, Kenya still remains a country which is water scarce yet the uses of water in industrialization, domestic use, irrigation, social and religious functions cannot be over emphasized.

In supporting this Motion because enough examples have been given, there are countries with less water and they are more productive than Kenya because they have managed their resources so well. The water that is available for agricultural production and industrialization in those countries, is more than what we have in this country.

Mr. Speaker, Sir, the Jubilee Government is very conscious of the need for sustainable conservation of the environment. In any case, the Constitution has a specific Chapter on Land and Environment; Chapter 5. This chapter constraints us to put in place mechanisms that will preserve our resources, including water resources. Time has come for us, as a country, to understand that water is a finite resource. It is not infinite. Therefore, we must come up with ways of ensuring the country conserves the water that is available. One area of wastage is the rain water. You will be shocked if we just applied very simple technologies to make sure that when the rains come, we are able to harvest even a fraction of that water. We will not need to pressure our rivers.

Right now, we are talking about irrigation. There is a lot of pressure for irrigation to be done. The Jubilee Government has committed itself, for example, in expanding the land under irrigation by one million acres. That will have an effect on the quantity of running water in our rivers which will be made available for other uses, especially for counties and parts of our country which are situated towards the last segments of those rivers. The upper riparian areas may get enough for irrigation. I am not sure about the lower riparian areas.

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Mr. Speaker, Sir, there is a challenge that we need to put more land under irrigation, but there is no adequate water or we might strain our rivers. This can be resolved thorough the harvesting of rain water. The technology required is not very complicated. We just need to put some roofs, even if it is just shed and put some gutters around it. Within two or three days, you have huge volumes of water.

I really think that time has come, not only to pass such a Motion, but to also think of how we can actually legislate and put in place a law. I have looked at the Irrigation Act to see how this Act as read together with the Agriculture Act, which will be repealed once the new agricultural laws come in place---- We are trying to see what kind of legislative proposals we can put in place to ensure that conservation of the environment becomes a legal requirement. Over and above such a Motion, we should be thinking of ways in which we can create a conservation fund where the Government is actually forced to set aside a bit of money for conservation, including water conservation, so that our goals can be realized.

We have legislated on other things like forest cover where, for example, we aim at making our country achieve ten per cent forest cover. I do not see why we cannot legislate on certain targets in the water sector in terms of the amount of water which is available, especially if we have to ease the burden which is there on our rivers. There is now a lot of pressure on the international water courses. Right now, there is a huge debate and the Seconder of this Motion mentioned about it, for example, the fact that we contribute a lot of water to Lake Victoria which ends up flowing and assisting other countries downstream, on its way to the Mediterranean Sea.

Mr. Speaker, Sir, the point that I am making is that this water problem is linked, not only to the internal security of this country, but also to international security. This is because the tensions around water, its availability and the equitable utilization of water resources, are not only a national problem, but also an international problem.

Mr. Speaker, Sir, I really hope that this Motion can be passed. It is what the Constitution envisaged by having Chapter 5. We need to think of what kind of legislation can give effect to Chapter 5, including legislations that create targets. I have given the example of the forestry targets, which are now part of our legal framework. Going forward, I would like to see more of what we used to see in the 1980s. The Presidency of Daniel arap Moi, which had its own challenges like any presidency, can be credited with one thing. The President was in the forefront of environmental conservation. When it comes from that level, it becomes like a national culture. There was a lot of building of gabions---

**Sen. (Dr.) Khalwale:** On a point of order, Mr. Speaker, Sir. Is the Senate Majority Leader in order to mislead the House that the Moi administration was in the forefront when, in fact, we know that the Mau Forest was destroyed and land given to politically-correct individuals, relatives and members of the military? Is he in order to use the Floor of this House to mislead the Republic that we have anything to say in praise of the Moi administration when, in fact, they destroyed our economy and environment?

**The Speaker** (Hon. Ethuro): Order, Sen. Khalwale! If you cared to listen carefully to what the Senate Majority Leader was saying, he talked of that contribution with respect to soil conservation. That is in the public domain.

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**The Senate Majority Leader** (Sen. (Prof.) Kindiki): Thank you, Mr. Speaker, Sir. I was very careful because I do not support many things that happened during the time of the Moi Government. I said that every government has its own challenges. Past, present and future governments will have their own challenges. But we also need to give credit where it is due. That is how we can make ourselves respectable citizens in this country. I talked about the building of gabions. There was a permanent commission on soil conservation and other things. But forests were destroyed, that is something that we will criticize another day, when we will be talking about forestry.

Mr. Speaker, Sir, I just want to make one last point. I want to link water conservation and devolution. What devolution is doing is to try and make sure that our country achieves equitable development. There is no way---

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

**The Senate Majority Leader** (Sen. (Prof.) Kindiki): Mr. Speaker, Sir, let me accept the information from the Senate Minority Whip.

**Sen. Muthama:** Mr. Speaker, Sir, for the first time, I want to concur and support the Senate Majority Leader. But he has forgotten that President Moi initiated efforts to build gabions all over the country, actually by himself lifting stones to build them.

**The Senate Majority Leader** (Sen. (Prof.) Kindiki): Excellent!

*(Sen. (Dr.) Khalwale stood up in his place)*

Mr. Speaker, Sir, protect me because there are so many points of order, which have nothing to do with water harvesting, but politics.

**The Speaker** (Hon. Ethuro): Sen. Kindiki, I do not know how you do your counting. This will be the only second point of order, from the same source. So, let us allow him.

**Sen. (Dr.) Khalwale:** On a point of order, Mr. Speaker, Sir. I beg that you forgive and allow me to get away with the word "conspiracy." Could it be purely by accident that there is a conspiracy by some of the beneficiaries of the injustices of the Moi system to come and defend the same injustices that they visited upon the Republic? This is because powerful politicians partook of the land in Ngong Forest, Karura Forest, Mau Forest, Kakamega Forest and many others. If there is any Member here who has a personal interest, they better declare it before they defend the failed Moi administration for how they took our country backwards.

**Sen. Muthama:** On a point of order, Mr. Speaker, Sir. With due respect, would I be in order to say that Sen. Khalwale has moved out of the Motion that we are actually discussing and started talking about stealing land and corruption? How is that related to this Motion? If he has evidence to that effect, why can he not bring a Motion and say so-and-so took this and that and should be compelled to return it? Could he withdraw those remarks?

*(Sen. (Dr.) Khalwale stood up in his place)*

**The Speaker** (Hon. Ethuro): Order, Sen. Khalwale! You do not respond to the challenge by Sen. Muthama, because it was thrown to the Chair.

I wish to say the following. I agree completely with Sen. Muthama. You are irrelevant and imputing improper motives on other Senators. You have talked of beneficiaries and a conspiracy. I thought that Sen. (Prof.) Kindiki, in responding to your earlier point of order, was so clear that we are not talking about the absolute impact of a leadership of a particular era. He indicated that in respect to a specific effort, leadership was provided from the top. That was the example that he was using. He was abundantly and manifestly clear that there was really no room for speculation or thinking otherwise. The only thing that Sen. Muthama did, for the good reason that his county happened to have been the theatre of the operations, was to confirm.

I think that the challenge has been thrown to you. If you feel like that you have those other issues that you want to raise, the Floor is yours. Get your Motion ready, bring it, I will approve it and then you will wait for contributions from the other Senators.

**The Senate Majority Leader** (Sen. (Prof.) Kindiki): Mr. Speaker, Sir, finally, regarding water harvesting, the only way that devolution can work is if we not only devolve the administration of Government in this country, but also keep our populations in our counties. The only way of keeping those populations there is by making sure that, for example, there is adequate water for industrial use. If we want to make agriculture a profitable business that can keep our young people in our rural areas, we must have adequate water for irrigation. I just wanted to link equalization of the country with proper water harvesting policies, which can then be used to spur industrialization and agribusiness.

Mr. Speaker, Sir, with those many remarks, I support.

**The Acting Senate Minority Leader** (Sen. Abdirahman): Mr. Speaker, Sir, I rise to support this very important Motion by Sen. Zipporah Kittony which relates to the formulation of a water harvesting policy.

Mr. Speaker, Sir, in areas where I come from, particularly in the north, where there are persistent droughts, if only we focused on water harvesting, we would not have suffered so much. Unfortunately, this did not happen in the past, but probably, now that water has become a major function for county governments, the national Government is only left with matters, particularly that relate to policy formulation. Where we come from and even in areas like Turkana County, where you come from, people have been put on permanent food aid from Independence. Even with the little amount of rainfall that we get annually in our areas, if we harvested it, we would have actually done something very important. In the past, the management of water was vested mainly in the national Government.

Mr. Speaker, Sir, even with the formation of the regional water authorities, like the northern Kenya water services board and all others in the other regions, nothing much has been achieved. The only focus has actually been tapping the ground water potential. Nobody thinks about harvesting what can be obtained. People start looking at boreholes and would want to go and do a dam. I think that it is because of the amount of money that is allocated to these major projects and the greed on the part of Kenyans, particularly those who are charged with the responsibility of delivering services to Kenyans. Why

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would they want to do a real borehole when they can do a simple rock catchment, for instance, in Wajir County and some parts of the north, which are hilly? If only they did some rock catchment, probably, people would not have suffered. But I attribute this to the fact that the people who are charged with the responsibility of delivering services to Kenya have thought that maybe it is more appropriate to enrich their pockets than look after the interests of Kenyans.

Mr. Speaker, Sir, when it rains, high potential areas start to lose their crops. As a result, we become food insecure. Even in our region, because of the huge flow of water, for the short time that the rains come, our livestock either die for lack of pasture, or they drown. If only we focused on water harvesting, as suggested by this Motion, we would have made a difference in the lives of Kenyans.

Mr. Speaker, Sir, I support this Motion.

**Sen. Njoroge:** Asante, Bw. Spika, kwa kunipa fursa hii, niunge mkono Hoja hii. Kwanza, nimeamua kuzungumza katika lugha ya Kiswahili ili ujumbe wangu uwafikie watu kule mashinani. Hawa ndio watu ambao hujishughulisha zaidi na kuhifadhi maji. Jambo la kwanza ambalo ningetaka kusema kuhusiana na mambo ya kuhifadhi maji ni kwamba maji yanayopotea kunaponyesha ni mengi sana. Maji haya yanguwasaidia wakulima kupata mavuno kwa njia inayofaa. Itakumbukwa vizuri kwamba thuluthi tatu ya mchanga tulio nao katika nchi yetu umekuwa na kile tunachoita kwa lugha ya Kiingereza '*hard pan*' ama meza ya maji. Mara nyingi, maji huweza kupotea kwa sababu ile meza ya maji iko juu sana karibu na mchanga kwa sababu mara nyingi urefu kwenda chini ni kama futi moja.

Wakati mwingi huwa tunaachwa bila maji kwa sababu mchanga wenyewe hukosa kuhifadhi yale maji. Tumeona mara nyingi wakati kuna trakta ambayo iko na jembe lake iliyotengezwa mahasusi kubomoa ule udongo ndio maji yaweze kuingia chini ya mchanga ndio yahifadhike. Lakini wakati mwingine kukishapandwa mimea, inakuwa vigumu sana kwa yale maji kuhifadhika kwa muda mrefu. Kwa hivyo, tujaribu kuiga vile kulivyofanywa kule California katika miaka ya mwisho wa 1960s, ambapo waliweza kutengeneza dawa ambayo ingeweza kusaidia kubomoa ule udongo ili uweze kuhifadhi maji ili ile mimea iweze kutumia yale maji kwa muda mrefu. Yale maji huwa yanarudi kutumika wakati wa kiangazi na inafanya mimea kuwa mizuri ama inakua maridadi sana kulingana na soko.

Bw. Spika, nikiunga Hoja hii mkono, ni vizuri pia kusema kwamba wahasika wanaokuza mimea yetu pia wafikirie vile wanaweza kutumia hiyo dawa ambayo inatumika kule California ili udongo wetu pia uweze kuhifadhi maji kule chini kwa muda mrefu. Kwa kufanya hivi, maji haya yataweza kutumika na mimea hata wakati wa kiangazi. Wakati mwingi tunapona mimea yetu ikikosa kuwa na ile afya nzuri; na hata wakati mwingine unakuta uzito wa zao kama la kahawa unapungua sana, ni kwa sababu wakati wa kiangazi, mimea inakosa maji ya kutosha. Kwa hivyo, inapunguza ule uzito na pia hiyo inapunguza afya yake kwa njia kubwa sana. Kwa hivyo, ili mazao yetu yawe mazuri, ni vizuri tuhifadhi hayo maji ndio wakulima waweze kuwa na ukulima bora pia wakati wa kiangazi.

Bw. Spika, kwa haya machache, naomba kuunga mkono Hoja hii.

**The Speaker (Hon. Ethuro):** Sen. (Prof.) Lonyangapuo

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**Sen. (Prof.) Lonyangapuo:** Mr. Speaker, Sir, thank you, for giving me this opportunity to contribute to this Motion and to join my previous colleagues in thanking Sen. Zipporah Kittony for being passionate as to how we use our God-given resources.

Mr. Speaker, Sir, as rightfully stated here, we are like a people who have not put any mechanism to harvest and utilize the rain water. There are so many devastating disasters that have occurred as a result of the natural rain that comes. If we were able to tap or harvest rain water, this would solve some of the problems that we normally encounter every year in various famous spots like Budalangi, where, people cry looking for help from the Government at around April-May-June when we have the heavy rains. Another example is River Nyando, including as late as yesterday when I was looking at the television; they were showing that lady who was having a rallying call, calling upon the Government and the President to assist her. They were showing her still wading, as she was marooned under this water.

Mr. Speaker, Sir, God gave us this privilege and made man to think---

**The Speaker** (Hon. Ethuro): Order, Sen. (Prof.) Lonyangapuo. Did you see properly?

**Sen. (Prof.) Lonyangapuo:** Yes, I did, yesterday.

**The Speaker** (Hon. Ethuro): But those were old pictures!

**Sen. (Prof.) Lonyangapuo:** And they looked as new as---

*(Laughter)*

**The Speaker** (Hon. Ethuro): Proceed, Sen. (Prof.) Lonyangapuo.

**Sen. (Prof.) Lonyangapuo:** Thank you, Mr. Speaker, Sir. As a result of this, we have ended up harming ourselves for not utilizing the intellect that we have.

Mr. Speaker, Sir, we should use the capability that we have to produce enough food and reduce the main problem we have encountered and continue to encounter in Kenya for ages since 1963. At Independence, the founding fathers of this great nation resolved to fight hunger, ignorance and disease. As I speak, these are major problems which have continued to bedevil this country for a long time. If we formulate good policies, we will be able to compel every household to harvest rain water. If we did so, we will reduce problems facing this country by a big margin. We must come up with a policy that will compel all engineers and architects not to approve any building plan if it does not provide for water harvesting and storage facilities. We have our own 'engineer' here, Sen. Wamatangi; I am told he is associated with tanks which people use for harvesting rain water.

But, Mr. Speaker, Sir, I know of one family in Njoro that, for a long time, have decided to harvest rain water in their five acres of land where they keep dairy animals. They believe that even if there will be no rain for the next five years or so, they will continue with their farming activities. For the next five years, whether God gives us rain or not, that farmer has his own rain water stored. This really challenged me when I saw Dr. Owuor and his wife, Prof. Mary Ambula, storing water to the extent that now, they are the leading producers of maize per acreage in Kenya. We have not heard of a farm that produces over 50 bags of maize per acre in Kenya; but here we are talking about 75

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bags per acre. So, you have been beaten hands down by Dr. Owuor and Prof. Mary Ambula, who are using the rain water; whereas people in Njoro town and its environs use donkeys to fetch water from River Ndarugu. But with a simple innovative mind like what I have just mentioned, we can do marvelous things. Now, Dr. Owuor has become one of the top dairy farmers whose farm is one of the most visited in Kenya. He is an example of what we can achieve as a nation if we come up with a policy that will compel all of us, including all institutions, to harvest rain water.

Mr. Speaker, Sir, you come from Turkana County. You know very well that when it rains there, water causes a lot of havoc. It rarely rains there, but should it rain, you cannot measure the volume of water that flows into Lake Turkana and to other places. The same scenario is experienced in West Pokot County when there is heavy down pour. If all our schools are compelled to do water harvesting, we can store a lot of water to use during dry spells. The Ministry of Education has made it mandatory that for you to start a school, you must have public health in mind and toilets must be there. We should also come up with a policy where it is mandatory to harvest rain water. They can be done in schools, prisons, army barracks, hospitals and so on. By so doing, we will go a long way in realizing our dreams.

Mr. Speaker, Sir, five years ago, we had the privilege of visiting India. We were on an industrialization tour. We were surprised that they decided to dam all their rivers to produce rice because the west was not willing to give them free food anymore. Here we have continued to feed our people on relief food. How many rivers do we have in Kenya? When rain comes, water just pours faithfully into Indian Ocean through River Tana. A lot of water also finds its way into Lake Victoria. We can achieve a lot if we harvested rain water, especially now that we have this technology of drip irrigation. We can manage our farms with a little quantity of water because of this technology.

Mr. Speaker, Sir, this Motion comes at a time when I am told the national Government here has a lot of money in the Ministry of Environment, Water and Natural Resource, for dams. Some little amount has been set aside for almost all dry counties and constituencies. I know the county governments are also doing the same, but we should say that other than putting dams in place, there are simple things that we can do. Every family must be told to harvest rain water. Pastoralists, in particular, should be trained on simple ways of harvesting rain water so that they do not go around with their livestock looking for water and pasture.

At one time in 1997, I read that there was a pastoralist in Tana River who had 10,000 head of cattle and who was looking for water. The fellow went all over the place looking for water. By the time he was coming back, he himself was emaciated and he died. He left behind all those animals. We normally train people in public health and sanitation; how they can keep themselves clean. We must make sure that people access water wherever they are.

Mr. Speaker, Sir, I look at the rivers we share with the Turkana County. We have River Suam, River Murung and River Kerio. The amount of water flowing downstream without been harnessed is a lot. We should have 'bumps' so that for every kilometre, you dam the river so that when the people wake up to realize that they can do irrigation and farming, that should be already put in place.

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Mr. Speaker, Sir, we must formulate this policy. If the county governments implement this policy we will achieve a lot. I call upon all governors and other elected leaders to urge their people to harvest rain water. We have to put some of these things in writing. Look at what the late Michuki did with Nairobi River. He left it cleaner than he found it. He had plans to dam this river and start fish farming in it. He had promised Kenyans that they would be harvesting fish from this river.

Mr. Speaker, Sir, I stand to support this Motion. We, as Senators, need to lead by example. I should go and start rain water harvesting mechanisms in my own home or homes, depending on how many you have.

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

**Sen. Ongoro:** Thank you, Mr. Speaker, Sir. I stand to support this Motion. We know that water is life. Our Constitution, under the Bill of Rights, recognises that every child has a right to life. By extension, therefore, every child in Kenya has a right to keep on drinking clean water and to have some for other uses.

Our country is very unique. Perennially, we have two problems; that is, drought and flooding. This happens in the same country. We know that around a certain time, people living in certain regions, for instance, near the Kano plains of Nyanza, have to migrate to the uplands because it will be flooded. However, in a few short months, the same people experience drought. In one part of the country, you may be experiencing perennial drought while in another part, we have floods throughout. This begs for answers as to why, 50 years after Independence, we have not come up with a broad policy initiative that can compel the national Government, in collaboration with the county governments, to put in place initiatives of water harvesting. Some counties like Turkana and others which have sufficient rainfall throughout the year can harvest enough water to sell to other counties if need be.

Currently, we have multi-sectoral policies spread in every other department of the government. In the past Government, if you wanted to deal with issues concerning water, you had to refer to the policies from the Ministry Water and Irrigation, the Ministry of Agriculture, the Ministry of Forestry and Natural Resources. All these Ministries had something to do with water. All we need is a platform that conducts a study even before we come up with new policies. The existing policies spread in several sectors, departments and Ministries of this country should be consolidated into national water policy that can then be given to the counties for implementation in a structured way.

We are experiencing a lot of unfavourable climatic conditions in this country and yet we can still feed ourselves. If only we could harvest water and come up with policies that can allow us to be food sufficient, we could produce even more food. One other thing we need to do, as we support this Motion, is to carry out individual situational analysis per county. Not all counties experience the same challenges. Even those with perennial drought conditions need a situational analysis that will compel the county governments to move in a structured way and implement the policies in a structured format.

Apart from that, as I have said before, we need to develop a national policy and strategy framework that can allow us a platform to engage with counties in areas of capacity building, information dissemination and others. This will also allow us to relook into the Vision 2030 which has a very good proposal on this issue.

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As we talk about water harvesting, it is very interesting that apart from our initiatives to harvest water from rivers, we have a very interesting scenario. For instance, with regard to lake water, the people who live in those regions are not allowed to use the water extensively.

I am told of a very interesting scenario where the East African Community (EAC) agreed with a country that is thousands of miles away, Egypt, that stop us from using the waters in Lake Victoria. This country cannot allow us to use the waters of Lake Victoria. If you want to set up an irrigation scheme around the lake, their Government has the authority to come and stop your activities. This is incredible.

As an independent nation, our people cannot have their activities controlled by another nation. If we pass this Bill, apart from the economic growth we will experience, we will experience good health. When people have clean water, waterborne diseases become a thing of the past. We will also have increased agricultural production which has been lacking in this country. It will also alleviate poverty and create employment and self employment, especially for our youth. We now have an interesting category of youths who are skilled, have papers, but are still not employed.

This will also create a better environment for us. It will also give our wildlife conservation efforts some boost. As we talk about water conservation, we forget about our animals which die during drought. By extension, this will also sustain tourism which earns us a lot of foreign exchange. We need to look at, very critically, some of the protocols and agreements that were signed by people and the governments before us and those who occupied offices before us and entered into certain treaties without understanding the far-reaching repercussions of the treaties which are still binding to us, as a nation, and to the citizens of this country. We need to control this.

Apart from the air we that we breathe, water is, probably, the second most important resource that sustains human life. We cannot allow countries that do not have this water resource to control the way we use our God given gifts like our rivers and lakes. Before we do anything in Kenya, before we have an irrigation scheme and before one draws ten buckets of water from Lake Victoria, another Government somewhere must have some say and control how much water we can use. God was not mistaken when he gave us those resources and denied them the resources.

They have their oil that we do not have, but we do not control the way they can use their oil. This water is our natural resource and they cannot pretend, by any means at all, that treaties are signed to be binding forever. Treaties can be relooked into and broken when and if we think they are not benefiting our nation and citizens. We can withdraw. I do not know why we are bound by treaties that were signed 90 years ago between the colonialists and other governments. We are now suffering the consequences.

As I conclude, it is important, as I stated before, that we have a platform that brings together and consolidates all the water policies in all the departments and Ministries into a national water policy that can be used by counties. This is a resource that we will not leave into the hands of the counties.

What happens when we are told that at one point, Turkana County has the biggest reservoir of water and the county decides not to allow other counties to access it when we

are experiencing drought in other parts of the country? This is a resource that cannot be left in the hands of a county, one department or Ministry.

I support.

**Sen. Karaba:** Thank you, Mr. Speaker, Sir, for allowing me to contribute to this Motion. This is one of the Motions that Kenyans need to follow and be articulate about. This is one Motion that we do not need to learn more about from Korea. We do not need to go to China or Malaysia to compare so as to set up tanks. We have all the natural factors that would allow us to construct, maintain and conserve water, be it rain or river water or even from our boreholes, so that our people can benefit from it.

It is important to note that Kenya is, somehow, advantaged because of its physical locale. You will find that most of the water catchment areas and river sources traverse the dry areas and to the mouths of those rivers. To me, that is a great advantage. Some river sources are located in areas which are very dry, but move to areas that have water like River Niger. River Niger, therefore, is not used so much to assist mankind. Here in Kenya, we are lucky because some rivers like River Tana have their sources at Mount Kenya. The Athi River comes from the Aberdares and flows into the Indian Ocean and traverses through the dry areas of Ukambani. This is what we are concerned about.

Rivers pass through very dry areas and before they pass through these areas, they come from heavy rainfall areas. They, therefore, transport a lot of silt. The silt is deposited into the Indian Ocean to feed marine life. As a result, the good rain water erodes soil of very fertile regions and the fertile soils are drained into the ocean. That is what the Motion is articulating. The Motion is telling us that if we are not careful, we are likely to have all the top soil carried and taken to the ocean. The fertile areas will then become very infertile and we will then resort to using heavy manure systems and fertilizers.

The Motion states that we should have a policy in place. This should be compulsory for anybody putting up a house, particularly a permanent house. The builder must make sure that there is a tank which is constructed before the completion of the house. This should be a mandatory requirement. The tank should have a capacity to hold over 1,000 cubic litres of water. I would urge that the Government makes sure that any new house under construction should have in its plan a tank.

Madam Temporary Speaker, you note that if rivers from those heavy rainfall regions are not conserved, the water will keep flowing. As it flows, it loads a lot of soil both laterally and vertically, thus deepening the river valleys and transporting the fertility of the soil to the sea. This Motion is urging the national Government to attend to this source because it is very important. Going by the examples we have here, we have heavy rainfall from the Cherangany Hills, the Aberdares and Mount Kenya. But to my surprise, every time we have heavy rainfall in those areas, the people who suffer are those who live in the lowlands.

Last night I watched a woman crying on television for the Government's help because the Nyando area is flooded. The inhabitants of that place are now running away to occupy the uplands in Nyabondo. This is creating anxiety among the residents. We should protect Kenyans so that they recognize that we have a Government. For how long are these people going to suffer from floods when we are able to put up a barrier across

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the river? This will conserve and also regulate the flow of the river. The river will, therefore, not flow with a lot of vengeance along the valleys. The flow of the river will be checked.

The other issue is what is referred to as the Nile Agreement which was signed in 1954. We, as Kenyans, should revisit that agreement and see to what extent we are going to recognize that agreement. Why should a river flowing from Lake Victoria be controlled in Egypt? Why should we do that when we are the ones contributing to the water levels in Lake Victoria by planting trees? We are also doing the water conservancy of the lake. We have big rivers flowing into Lake Victoria, for example, Nyando River, the River Yala and River Nzoia. If these rivers can be controlled when the rains come, I am sure we can use them to generate electricity, fish harvesting and irrigation. This is what we should be thinking about our country. We should not always just talk about other countries being ahead of us. We should come up with ideas on how to control these rivers. The moment we control these rivers we are going to contain and conserve water which can be used during the dry season.

Madam Temporary Speaker, how much water do we need to irrigate areas like Mwea Tebere which is famously known to grow rice? We can grow a lot of rice in Hola and Ahero if we can have water which is conserved and which is regulated at will. That can be done by the Government if they can control the flooding systems of the rivers that we have. In 1945, Franklin Roosevelt the then President of America put mechanisms in place to control the river and today we do not hear of floods. We only have a State of Tennessee which is very rich because they generate a lot of power and the floods are no more. This is a living example. Why can we not go by the examples that we know from America or Nigeria instead of being a food insufficient country? We can have enough food if we control the flood waters from the rivers.

I support.

**Sen. Muthama:** Thank you, Madam Temporary Speaker. I stand to support this Motion. The way the Motion has been framed gives great hope. The Mover of the Motion thought like an African woman, a mother and a grandmother. I am saying so because the need for water in this country speaks volumes. Sen. Kittony must have suffered and witnessed women suffering in this country. Since 1963 when we attained Independence, the blueprint for the then Government of President Kenyatta guaranteed or promised Kenyans that by the year 2000, every household would have tapped water. Up to the time the founding father of this country left Kenya, there was no homestead with tap water. When Moi took over, the promise and the guarantee given to Kenyans was the same. When Kibaki took over after Moi's 24 years of leadership, the story was the same. Today we are being told that one of the top priorities of the Jubilee Government is to give Kenyans water.

We have failed to control what God gave us. We have a country that never misses rain every year. We have major rivers that draw water from all corners of this country and flow into Lake Victoria and the Indian Ocean. I agree with you that Kenya is a unique country. We have resorted to drilling boreholes in areas where the amount of water which is being realized after drilling cannot be used by 200 people per day. You will find that such boreholes cost between Kshs8 million and Kshs12 million. Successive

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governments have decided to go that path and yet we are begging for money from foreign countries to go to the villages to drill for water which is not sufficient. It is even not fit for human consumption.

Mr. Temporary Speaker, in the area I represent, all the way to the coast region, whenever it rains, the roads and bridges are washed away. Children cannot go to schools. This is also the same scenario in Kajiado County. We only talk about Budalang'i, but very soon we will start looking for help for the bridges in those areas to be repaired and the roads to be built. Where Sen. Haji comes from, because there are no mountains and hills the small roads that exist are the ones which are turned into rivers. After four to six weeks, the water disappears and they are back to square one.

So, when Sen. Kittony moved this Motion, she was looking at formulated policies put in place by the national Government and passed on to the county governments in order for the governors to have some guidelines as proposed by the national Government for them to implement. My fear is that the national Government has failed to do that and now the buck is being passed on to the county governments which will just replicate what has been done before. At the end of the day, Kenyans will continue suffering. I wish we could use the word "compel" rather than "urge" the Government so that it can take serious steps and not waste Kenyans' time by giving them false promises on how they will control water, but have it done now.

If the previous governments had thought about helping Kenyans, they would have put some of these policies in place. Over Kshs300 billion was returned to the Treasury because it was given to greedy civil servants who spent a lot of time planning for other issues and not spending the money. I want to ask the Government to take the initiative and look at the living standards of middle class Kenyans who do not have big incomes and guarantee them water tanks of 5,000 cubic litres whenever they put up houses that are roofed with iron sheets to enable them harvest water.

Madam Temporary Speaker, when we talk about Kenyans harvesting water themselves, we are talking about people whose level of poverty we know. If you walked to any market in this country and made an announcement for people to queue and receive Kshs50, all the markets will be full and the villages will remain empty. Even people who run businesses in those market centres will close up their businesses and queue to receive that money. That is a clear demonstration on how most Kenyans are poor. If we truly want to help this country, we must tackle issues that concern the middle class population downwards. It is up to the Government to put up initiatives and make it mandatory that we shall no longer talk about lack of water in this country.

The late Paul Ngei came up with Motions like this one and Bills as a Member of Parliament and a Minister, but the story remains the same. Personally, as a leader, I am getting fed up. A solution must be found to make sure that Kenyans are served adequately instead of making good speeches on the Floor of this House yet there are no results.

I beg to support.

**Sen. Mositet:** Thank you, Madam Temporary Speaker, for giving me this chance to support this wonderful Motion from a great leader. When we talk about water, people from my county understand what that means. They know we are talking about true life. One hon. Senator said that in some areas of my county, the great ladies of that county use

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leaves to clean their utensils. That is true. In fact, you find some young men and children, when they are grazing animals, they quench their thirst by looking for any green leaves or fruits, so that they chew. That is how serious the situation is in my county. Despite how serious this issue is, you still find that my county is rated as one of the richest when we have such situations where people are suffering. This is an area where citizens feel they do not live according to the current times and in this great nation.

Madam Temporary Speaker, the Government needs to come up with policies to help harvest rain water. Whenever it rains, the whole country is usually calm, but after a week or two of heavy rains, we start hearing that floods swept away some bridges or some rivers have burst their banks. It is a shame that to date, we still talk about this. Some countries are living examples. They have utilized rain water well. Whenever it rains they harvest this water. I have had a chance to speak to the current Prime Minister of Algeria. He told me that when he was the Minister for Water, they were able to ensure that within one and two years, 50 per cent of their budget was put aside to construct dams in order to ensure that they harvest and conserve rain water, so that they change their country---

**Sen. Muthama:** On a point of order, Madam Temporary Speaker. Just for clarification because of the HANSARD record, I have heard Sen. Mositet talk of a current Prime Minister. Do we have a current Prime Minister?

**Sen. Mositet:** Madam Temporary Speaker, it is good for Sen. Muthama to know that I have friends who are prime ministers in other countries. I was talking of the Prime Minister of Algeria. That great leader of that nation told me that when he was the Minister for Water in his country, they made sure that 50 per cent of their budget was utilised to make sure they conserve and harvest rain water. Since then, that country has changed. They are now able to feed their people well. They do not have water problems as happened before.

Our country has reached a point where we need to come up with a policy framework to make sure that rain water is harvested. If possible, we could ask our engineers to estimate the amount of runoff water that goes to waste. I am sure if we are able to estimate the amount of water that goes to waste, the amount people use and what we need, then we can ensure that we dedicate some budget to see to it that the water that goes to waste is harvested and utilized appropriately.

Madam Temporary Speaker, whenever it rains in Nairobi we have a lot of rain water which disturbs operations in this town. I believe that we still have areas where we can preserve that water. We can even use the same water to wash our roads and make sure that our roundabouts and the recreational areas are better than they are today. Nairobi will look cleaner and greener. We do not want to see a lot of dust. I believe many Nairobian drive when their windows are closed simply because the environment is unfriendly, dusty and unclean. If we could follow the route I am recommending, the City of Nairobi will change. I know that some rivers in our country are seasonal. If we could only dam those rivers then they will not be seasonal, but they will be flowing throughout.

I echo the sentiments that after making sure that our great forests are preserved like the Mau Forest, we have had more rain. We need to store rain water like in Baringo County. The Government needs to wake up and ensure that the people in Baringo,

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particularly the Njemps who have been displaced by floods are compensated. We do not just need to be talking of the Internally Displaced Persons (IDPs) who are victims of clashes. We also need to focus on those who are displaced as a result of floods. It is high time that they were also compensated.

Madam Temporary Speaker, we know that in some areas we end up having conflicts as a result of water resources. In my county, for example, we end up having conflicts with our brothers in Makueni and Machakos counties simply because some water was taken all the way from Loitoktok to Machakos passing through the dry Maasai land and leaving children there with no water. It is even a pity that about two years ago the Minister for Water then went to distribute water tanks. My county was given only two tanks while the area where the Minister came from or was favoured by the Minister was given 5,000 tanks. We should be fair and make sure that any time there is distribution of water tanks, this is done evenly, so that all areas can get a fair share. If we do this, people will be able to harvest rain water and store it in these tanks.

Madam Temporary Speaker, Sir, I am one of the people who say that women must be empowered. With this Motion, I am sure that we can empower women. If we could only suggest that every homestead is given some water tanks to make sure that some drip irrigation is done. If we do this, we will be able to feed our families. Our nation will be stable when it comes to food security. That is why this Motion can solve a lot of problems.

Our riparian land has been grabbed in all areas of this country. Where there are streams or lakes, people have put up hotels or homes. With this Motion, environmentally, we will be saying that we have to make sure that the riparian lands are well conserved, so that we also reclaim them.

Madam Temporary Speaker, Sir, with those many remarks, I beg to support the Motion.

**Sen. (Dr.) Machage:** Bi. Spika wa Muda, maji ni uhai. Katika mwili wa binadamu karibu asilimia 80 ni maji. Unahitaji kunywa maji yasiyopungua glasi nane kila siku, ama sivyo hutaishi. Sio sisi tu lakini kwa viumbe vyote ulimwenguni vikiwemo wanyama, miti na kadhalika. Kwa hivyo, ombi la Mama Kittony kupitia Hoja hii ni kwamba Serikali iwe na mpango kamili wa uhifadhi wa maji kwa kila jamii, kwa sehemu zote 47 za ugatuzi hapa Kenya.

Bi. Spika wa Muda, hili swala limekuja wakati mzuri. Nafikiri ni Hoja ya maana zaidi kuliko Hoja zote ambazo tumeshaongea katika Seneti hii. Hivyo basi, ni lazima tutafakari na kufikiria kwa undani kabisa, tukitoa mapendekezo yetu kwa wale ambao wamepewa uwezo na kuwatumia ili kuendeleza jambo hili la uhifadhi wa maji. Sasa hivi, tunajua kwamba Jangwa la Sahara linasonga kusini kwa kiwango cha kilomita 45 kila mwaka. Hatujui itachukua muda gani - lakini hili linaweza kuthibitishwa kwa hesabu - kutufikia sisi na Kenya nzima kuwa jangwa, hasa vile kwa sababu tumeanza kuyatoboa maji ardhini na kuyafyonza. Hii ni sababu zaidi ya jangwa kuenea.

Huku Kenya, nafikiri kuwa saa zingine Mungu hustaajabu. Mvua ikinyesha na kuwe na gharika, Wakenya huanza kulia. Waislamu kwa Wakristo huanza kusali wakisema: "Oh Mungu, mvua imekuja zaidi. Tuondolee janga hili. Twakushukuru." Punde si punde, mvua inakatika. Baada ya mwezi mmoja au miwili, tunaanza tena kulia

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na kusema: “Oh Mungu, jua limekuwa kali, kumekauka kila mahali na mifugo wamekosa maji. Tuletee mvua.” Nafikiri Mungu saa zingine hushangaa ni nini ambalo Wakenya wanataka kwa sababu akiwapa mvua, wanalia na vile vile, akiwapa jua, bado wanalia. Ni kwa sababu sisi, kwa akili zetu duni, tumekataa kuona baraka ya Mungu na kuitumia halisi.

Bi. Spika wa Muda, wakati wa mvua hatuhifadhi maji. Tunaacha maji yote yatiririke na kwenda baharini, halafu baadaye tunalia. Naunga mkono kabisa wale wenzangu ambao wamesema kwamba iwe ni sheria kwamba kila nyumba nchini, ambayo imejengwa kwa vifaa ambavyo vinaweza kuhifadhi maji, iwekwe tenki. Isiwe ni ombi bali ni sheria kwamba kila mtu anayeweza kujenga nyumba ambayo inaweza kumwaga maji awe na tenki la maji. Mpango kama huo utaondoa gharama sio tu kwa maji bali pia kuondoa maradhi. Hii ni kwa sababu maradhi mengi ambayo tunajua yanahusiswa kabisa na kunywa maji machafu. Maji ya mvua ambayo yamehifadhiwa huwa ni safi na hata gharama ya sabuni huwa kidogo kwa sababu maji ya mto hutumia sabuni zaidi wakati wa kufua nguo.

Bi. Spika wa Muda, hata hivyo, ni lazima tuangalie sera za watu wazembe ambao kwa muda mrefu wametugharimu. Wakati wa Serikali iliyopita, wengine walijifanya kwamba wanachimba mabwawa kule Kitui na wapakewa pesa nyingi. Badala ya kuzitumia kuchimba mabwawa, walizitumia kwa ubinafsi. Haya mambo yamepita chini ya daraja na hatusikii Serikali ikifuatilia pesa hizo nyingi. Ni lazima tuwe na mabwawa sio tu katika tarafa bali hata vitongojini. Tunafaa kuwa na bwawa kila mahali ili maji ya mtiririko yaweze kuhifadhiwa kwa ajili ya kutumika wakati wa kiangazi.

Tukifanya hivyo, hata uchumi wetu utakua kwa kasi na kuendelea, kwa sababu mwananchi atakuwa amepewa uwezo wa kukuza nafaka ambazo zinaweza kukuza uchumi vijijini, kwa mfano, nyanya na mboga. Pia, ng’ombe na kuku wanaweza kunywa maji mazuri, kwa sababu maji ni uhai. Iwapo wakulima wetu wanaweza kupata mapato kwa sababu ya uhifadhi bora wa maji, watoto wataenda shule na akina mama na baba watakuwa na afya nzuri kwa sababu ya kupata chakula kizuri. Maisha ya binadamu nchini Kenya yataongezeka na faida ya kuishi itakuwa nzuri.

Bi. Spika wa Muda, kwa hivyo Hoja hii ni ya maana zaidi. Mikataba iliwekwa hapo awali kati ya mabeberu na Wakenya ya kushika maji yetu yote na kusema kuwa ni ya Misri. Mpaka sasa ni ukoloni mambo leo. Hayo tukatae lakini hata hivyo, tunatumia maji yaliyopo vipi? Ziwa Viktoria ambalo ni la pili kubwa zaidi ulimwenguni mzima lilikuwa na maji masafi. Je, ziwa hilo linatumika aje? Limekuwa ndio shimo la kupeleka uchafu wote wa hoteli na viwanda kwa miji yote inayozunguka ziwa hilo. Maji ya ziwa hilo na ya maziwa mengine katika Bonde la Ufa yakihifadhiwa na kutumiwa vizuri, yanaweza kusambazwa katika Kenya nzima. Lakini kwa sababu mipango yetu ni ya leo na sio kesho, hatuoni mbali. Tunaathirika, kuhangaika na kuteseka kwa jambo ambalo tunaweza kuepuka.

Ni lazima tujipige moyo konde. Je, tulikosea wapi na mwelekeo ni upi? Wasomi, wapiga hesabu na viongozi tunao. Pia tuna pesa. Je, kama tuna nia, mipango bora na uwezo, shida ni nini? Ni uzembe tu; hakuna sababu nyingine. Kazi yetu ni kulalamika tu siku zote. Kwa hivyo, ni lazima tujenge mabwawa makubwa ya maji nyumbani, vijijini, vitongojini na hata katika nchi nzima kwa sababu maji ni uhai.

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Kwa hayo machache, Bi. Spika wa Muda, naomba kuunga mkono

**The Temporary Speaker** (Sen. Ongoro): Sen. Liza Chelule.

**Sen. Chelule:** Thank you, Madam Temporary Speaker, for giving me this particular moment to support this Motion. I want to thank and congratulate Sen. Zipporah Kittony for coming up with this wonderful Motion. It is a Motion that is touching on women in the country, and this is what I like, as usual. I wanted to support it this way, but I believe we have some policies on water but the problem in our country is how they are supposed to be implemented; the implementation part of it is the worst problem. I want to take this opportunity to request the Committee on Implementation to look at all those Motions we have passed in the form of policies to make sure that they are implemented at the county government level.

We all know that it is the mandate of the national Government to formulate policies, while it is the mandate of the county government to implement these policies. But surprisingly, every time you want to know whether something has been implemented, normally if it is related to budgets; we are told that it has not been budgeted for. So, it is my humble request that as Senators, we should make sure that every policy or Motion that we pass in this House is implemented to the letter, because it is not going to help us with anything to just pass Motions to even urge the Government to come up with policies on many issues when the implementation part of it is the problem. So, the problem in our country is the implementation.

Madam Temporary Speaker, there is this issue of the international agreements that have been signed between Kenya and other countries about our waters; that we do not have control over our waters. You know at this particular time, we cannot use our water the way we would want to and our children are suffering. As Senators, I think we also need to decide what to do about these conventions, agreements or whatever else they are called; the kind of agreements that we did with Egypt. The fact that we cannot freely use our water in Lake Victoria is so embarrassing. But as we stand today, we do not have powers to use our water.

We all know that we have idle youth and as I stand here today, there are so many youth who should be dedicating themselves to farming and irrigation at home, but they cannot use these waters freely. I once went to Kisumu and saw so many idle youth there; the women were suffering, that place is very hot but they cannot use that water from Lake Victoria. So, I think as Senators, it is our mandate to come up with a way of addressing the issue arising from those funny agreements.

Madam Temporary Speaker, I want to congratulate Sen. Zipporah Kittony for coming up with this Motion and I want to say thank you for giving me this time.

With those few remarks, I beg to support.

**The Temporary Speaker** (Sen. Ongoro): Sen. Hargura Godana.

**Sen. Hargura:** Thank you, Madam Temporary Speaker, for giving me this opportunity to contribute to this very important Motion. I would like to join my fellow Senators in congratulating Sen. Zipporah Kittony for coming up with this very important Motion because as we say, 'Water is life.' But for some of the residents of the arid regions of this country, searching for water itself – leave alone water being important for living – is a full time job. Where I come from, sometimes mothers will leave home at

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6.00 a.m. just to look for a 20 litre jerrican of water. They will come back maybe at 10.00 p.m. at night; it is a whole day's job and that mother would not have cooked for her children. She would not have done anything just because she has to get the water first to actually even do the cooking.

Things like cleaning and washing are luxuries when it comes to their lives, because you first have to get water even for your own daily needs like cooking and drinking. So, water is a matter of life and death. That is why we even hear of cattle rustling and you will find that it is traced to competition for water. So, in about 70 per cent of this country which is arid, water or lack of it actually is one of the main sources of insecurity. So, when we say 'water is life,' to some of us, it is more than life. It is an issue of whether you will live or not, not because of lack of water, but because even your own security depends on whether you have water near you or not. If you do, then others will come and you will have to defend that water source and, as a consequence, your life will be at stake. It is not like what we have in other areas, where we just open a tap and you get water flowing. Sometimes you have to put your life on the line just to get water to drink. Even for any development to take place in any area, first, you must have water for people to settle and for you to have institutions. So, water is everything to some parts of this country and it cannot be taken for granted.

Madam Temporary Speaker, the Motion is urging the national Government to initiate and formulate water harvesting policies to guide water harvesting programmes in the counties. As it is right now in the arid regions of this country – and I am talking of arid regions because maybe the policies need to be more stringent in those areas other than in the other areas where water is abundant. There should be policies on how the water is used and on the sharing. But in the arid areas, even how you access those water sources or how you conserve and get it first should be the priorities of the policies.

The arid areas are water deficient in the sense that, maybe, it is only two months in a year when we have rain; and sometimes that rain even fails to come. Of late, climate change has even made it worse because of erratic rain cycles. When it rains, it is either too little or too much, resulting in flooding. So, either way, even the weather patterns have changed and, therefore, we have to come up with very sensitive policies which will also cater for the climate change factor. How do we also take that into account when we are coming up with these policies?

Right now in those areas, people depend on ground water; that is what has been mentioned here. We have drilled boreholes everywhere. We have been told that a lot of water has been discovered in Turkana, but what we have not been told is that, that water is 600 metres below the ground. Therefore, to access that water, we will not use the normal rigs that we have around, which do about 200 or 300 metres or maybe 500 metres. More sophisticated equipment is needed to pump water from 600 meters down the ground; you need very powerful generation and pumping sets. These are poor communities, how do you actually even sustain that in terms of maintenance and the running costs of those generation and pumping sets, which will be prohibitive? The water will be there, but accessing and using it will be very costly.

Madam Temporary Speaker, the other issue is on the quality of water. Two weeks ago, there was some news coverage; a documentary by KTN, talking about cancer in

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northern Kenya, and they talked of the water quality there. There was once a cancer outbreak in my own village, Kargi Village, where I come from in Marsabit, and it is still recurring; we lose two to three people per month in a small village in the middle of nowhere where cancer was never there before. When research was done, people were rushing to the water, saying “let us look at the water” in terms of mineral content of the water – the nitrites, arsenics and all that.

But if you check, the same people will say in the same report that the quality of ground water in northern Kenya is generally not fit for human consumption; it is generally outside the World Health Organization (WHO) standards. So, it is contradictory; that could not be the source. So, it means that the ground water we are accessing is not safe for us. So, that leaves us with rain water. If it rained two to three times in a year, we would have enough water. We have flashfloods which cause damage to infrastructure. As a result, bridges and culverts are washed away. The Ministry of Roads then starts looking for emergency funds to rehabilitate roads. We do not have money to do many things but our little money goes into rehabilitating our infrastructure. After that, we experience drought. We then start talking about money for water tankering, drilling boreholes and this is a vicious cycle that we cannot get out of. That is why we need a policy to harvest rain water.

It was suggested that in the homesteads, we have roof catchments which is good. In institutions like schools and hospitals, we have water reservoirs that provide enough water for drinking and cleaning. However, for the communities that keep livestock, we need to have water pans and large dams so that water that is harvested is of good quality. The water should not have minerals that are not fit for human consumption as we have been told. If we did that, we would have enough water and avoid infrastructure damage. This would improve the livelihoods of people and communities would not fight over water because they would each have their own dam. Two, the quality of livestock would improve because we would have water everywhere. The quality of animals would, therefore, improve.

The other issue is about irrigation. Many areas of this country can be irrigated. We are told that Israel lies in a dessert; but it is feeding itself and even exporting some food. Owing to lack of water policies, our food is insufficient and the quality of livestock is not good, therefore, we cannot even export it. It is important to have a policy in place. The Ministry of Water, Environment and Natural Resources has to take this seriously. We must have some policies. Can we have the policies reviewed and concentrate on water harvesting? We know what the National Water Conservation and Pipeline Corporation (NWCPC) has been doing.

The problem with Kenyans is that they come up with systems that are good on paper but their intentions are wrong. The issue is: How can I come up with a system, as a Minister and make money before I leave office? The NWCPC was created but if you look at what it did, you will see that it was allocated billions of shillings. However, the corporation has a lot of uncompleted projects all over the place. It has big dams which cost billions of shillings but have not provided a drop of water. The regional authorities also behave the same way. They are not coordinated at all. You even wonder who comes up with these bodies because locals are not consulted. They are not asked where they

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would want to have their dams or pans and whether it is strategic to have them. You will only see a bulldozer being brought by a contractor to an area. The local people end up not owning the project. The dam ends up not being at the centre of the population and conflicts erupt because of the location of that dam.

Policies have to take into account the communities' priorities. The policies should be such that they consult the communities. They should be towards sustainable harvesting of rain water. They should move away from ground water because we are told that the quality may not be that good, according to World Health Organisation (WHO) standards. We have all that we need. The rain is there and floods are there but as it was said by Sen. (Dr.) Machage, we can only lament. When we have no water, we cry and even when we have excess of it, we also cry.

Thank you.

**Sen. Ndiema:** Thank you, Madam Temporary Speaker, for giving me an opportunity to contribute and to support this Motion.

First, I would like to thank my fellow Senator, from Trans Nzoia, for this very important Motion which is of concern to every citizen, particularly women. She knows the problem of women because she was the Chairperson of Maendeleo ya Wanawake organization for many years.

This country, as you have been told, faces water scarcity. We have also been told that food is scarce in this country. This country is also energy scarce. However, when you look at it deeply, I think that is not the correct position. We are a blessed country, well endowed with all the things. We have the potential to have everything that we are being told is scarce.

If you compare this country with other countries, with regard to water, I do not agree that the resource is scarce. We have mountains and water towers that are a source of water because of the relief rain that we get almost throughout the year. We have Mt. Kenya, Mt. Kilimanjaro at the border where water flows. We also have Mt. Elgon, Mau Forest, the Aberdares, Cherengany, Ngong and Kisii hills, among others which are a great source of water. Unfortunately, all these water flows elsewhere to feed the Indian Ocean and the Mediterranean Sea. Some of it just evaporates. If we could conserve and harvest this water, no citizen of this country would talk about lack of water or food.

If you have had an opportunity to fly, on a clear day, over a country like Algeria or Libya which feeds herself, despite the dessert, then you would appreciate that we are blessed. We are not a country that is experiencing scarcity. These countries have irrigation schemes within the dessert where they have sunk boreholes. They draw water and irrigate the farms. We are not a country of scarcity.

Due to our inability to conserve water, we have situations where many families do not have adequate water for drinking and for other uses. Young men and women spend many man hours in the exercise of looking for water and yet we have rivers. We have rains. Even in those areas that we classify as arid in Kenya, if you go to Nigeria or Namibia, you will realize that our arid areas are not really arid, the only problem is that we are not harvesting the water. We are letting it go to waste.

Madam Temporary Speaker, we have a lot of potential to grow our livestock sector and to grow enough livestock and produce livestock products for export to earn us

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foreign exchange. Our only inhibiting factor is water. Fellow Senators have enumerated ways in which water can easily be harvested but unfortunately we have had pronouncements but never acted to ensure that livestock farmers are supported to have water. Instead we act on need basis; when there are emergencies we rush to these areas with water boozers which are very expensive and food in the form of relief food and yet these are Kenyans who can feed themselves. They would be proud if they were given an opportunity to feed themselves. All you need to do is to assist them conserve the water.

Even as we talk about tourism, the rate at which climate change is affecting the rangelands is putting our wildlife in danger. As we always lament about losing our livestock, nobody has ever done a census to know how many elephants or rhinos are dying because of lack of water. Even in our national parks, we have to see to it that there is enough water for our wildlife which is our heritage. It is our responsibility as human beings to provide for the animals. As we are talking now, there are places in this country where there is no water and yet in Trans Nzoia County, we have been blessed with rain. Even yesterday, there was a lot of rain and in fact, it is causing a lot of havoc during this harvesting season. The maize is rotting in the farms. If we were able to conserve that water, we would assist other Kenyans.

Madam Temporary Speaker, there was a time when we had good policies. For example, we had a dam construction unit in the Government with heavy equipment that was able to do dams particularly in the highland areas. That unit fizzled out and even the few dams that were done were forgotten. We forget that these dams should be desilted and rehabilitated. Many of the dams that were constructed ten to 20 years ago are now not holding any water because of siltation. We are cultivating on slopes and our wetlands are no longer conserved. The wetlands are very important because they sift or clean the water.

I support.

**Sen. (Prof.) Lesan:** Thank you Madam Temporary Speaker. I thank Sen. Kittony for bringing this Motion to the House. This is a very reasonable Motion. There are issues which it brings forth which are simple but reasonable. Rain water is clean water. We might not recognize this until you are in Europe where rain water is acidic and therefore cannot be put to good use. We do not have to look to Europe to know how to use rain water because they do not use rain water for reasons of industrialization. We are not industrialized enough to spoil our atmosphere and, therefore, rain water is clean water. This is why it is important to look to rain water for its usefulness.

Rain water is always at the right altitude for use. All houses in this country and those at the hill tops are still below the rain water level. Therefore, there is no additional cost to lifting the rain water from wherever they are to their homes. A lot of times we are unable to use water because of the cost implication of raising it to the altitude at which we want to use it, where our homes are and where our storage is. I think the policy of harvesting water is very reasonable. We should look at it very closely.

Madam Temporary Speaker, if we are able to harvest rain water, we actually regulate the flow of that water. This is because we stop it at various levels and allow it to move on to the next level in a gradual manner thus not being destructive. Harvesting water is a way of regulating the destruction force of massive amounts of water flowing

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down hill. We should actually force the Government to come up with a policy or resuscitate some policies that we know are in existence. The only problem is that the policies that have been in existence have been highly driven by NGOs and therefore, they were not thoroughly grounded on the Government and the people themselves. It is, therefore, important that we look at this again and create policies. Policies will also help us to know how much finance we need to be able to harvest this water.

Water harvesting should go along with the policy of enhancing and preserving the catchment area, including sustaining the rain forests that we have. These are the phenomena that will allow rain water to accumulate in the skies and eventually come down. While I am on that, I think it is important that the Government resolves the almost brewing crisis where the county governments are not sure whether the forests are within their charge or under the national Government. I know that this is under the national Government but it is a facility that is straddling along various counties. I know there is an urge by the county governments to control the forests within their jurisdiction. This is a problem that should be sorted out immediately so that we go on with the process of preserving this forest cover.

Lastly, Madam Temporary Speaker, it is important that we encourage our people to find economic activities that will require the use of water. Otherwise we can provide water to the people and they have no idea as to how they want to use it economically. We should also subsidize some home economic activities that will use rain water. For example, one does not need to go to town or to an urban area to set up a laundry facility. This can be done at home. One also does not need to go to a large industrial area to bottle water. These are activities that can be done as home industries using rain water. The little green houses behind our houses can use rain water. This is a sure way in which we can have vegetables. This, again, is a home industry that touches directly the people on the ground. This not only requires encouragement but subsidy from the Government and of course, some education to the people who use these things so that we can capitalize on this resource that is so critical for the survival of our country. I am sure that we all know that food security in this country is entirely dependent on how we utilize the water resource that we have in this country.

Madam Temporary Speaker, with those remarks, I support this Motion. I hope my colleagues, hon. Senators, will also do so.

**Sen. Bule:** Thank you Madam Temporary Speaker, for giving me this golden opportunity to contribute to this timely Motion. Before I proceed with my contribution, I wish to thank the Mover of the Motion, Sen. Kittony.

Harvesting of water is very important. We need to push for this in our counties. Water is very important in our lives. I come from Tana River County where we have the Tana River which flows to the Indian Ocean. We are wasting water when the people of Tana River are dying because they lack clean water in some places. Most of the water just flows to the ocean. So, water harvesting and utilization is very important. We need to have a clear policy on how the people of Kenya will get water. Water is life. Without water, there will be no development in many areas. We need to prioritise the water resource in Kenya. Water harvesting can be combined with utilization. If you harvest

water, but you cannot utilize it, that water will be useless. So, we need to get a clear policy on harvesting and utilization of water.

Madam Temporary Speaker, this is a timely Motion. I support the Motion. I know this Motion will help many and is what Kenyans are yearning for. If we get water, there is nothing that we cannot do. We, therefore, need to prioritise issues of water. I urge my fellow Senators to support this Motion as it is very important to us.

Thank you, Madam Temporary Speaker.

**Sen. G.G. Kariuki:** Thank you Madam Temporary Speaker. I want to thank the Mover of this Motion. I have known her for a long time. As far as I know, she has always fought for women. God is great that she is now in this House to be able to fight for women properly.

Madam Temporary Speaker, the times I stand here may be I am found to be unreasonable but I always like to say what I think is right. For example, we do not know whether there is a clear national policy on water development. If we have, the persons who are supposed to tell us what it is are not available in the House. For example, it was the practise of the National Assembly, and this was under the old Constitution, that we used to have a Minister or Ministry under which the Motion falls, he or she would explain the situation as it is. He or she would tell us what they are aiming to do or what they have already done. But we are just talking in a situation where we are not sure whether we are right or wrong. Although we have the privilege of talking the way we want to, but the important thing is whether we are achieving anything out of this talking.

For example, I would want to see the Chairperson of the Committee on Agriculture, Lands and Natural Resources here. He ought to have spoken immediately after the Mover and the seconder of the Motion. He, for example, could guide this House on what they have done and what the Government wishes to do. But we just talk about issues of water. It is true that issues of water are not new to us. Majority of us come from dry areas. We have seen water flowing into the ocean with nobody trying to use that water for development.

There are many things that we are not clear about. Next time, and this is my appeal to the office of the Speaker, we should make sure that when we are talking about a certain department, the chairperson of the relevant committee needs to be in the House. If we were following the previous practise, the Minister could not leave this place until the last minute, so that he or she takes all the notes and immediately he or she will take the notes to his or her Ministry and deal with the issues that have been raised by Members of Parliament. But we just conclude it here and say that it should go to the Committee on Implementation.

I agree that the Committee is charged with the responsibility of working to have all the Motions implemented but we ought to know what has not been implemented from this House, so that it goes to the HANSARD. Otherwise, if we just contribute here and hope that the Committee on Implementation is the answer to all the problems that we have, I think that we are losing direction.

Madam Temporary Speaker, it is not true sometimes to say that there is no national policy on water. Maybe, we are just ignorant of what is in our archives or books. So, I think that it is important for us to be sure that what we are fighting for is the correct

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battle. We should not just stand and talk about something that we are not very sure about, because those who are sure of these matters are not available in the House.

Madam Temporary Speaker, this matter is not confined to the Senate or National Assembly. It is a national matter. All the county governments ought to get involved, to try and create or prepare the county water policy, which should be taken to the national water policy department for discussion and determination. Therefore, we cannot just talk about the Government. We are the Government and need to be sure that what we are saying is exactly what it is. We have so many water authorities in this country and we are not sure what they do. The Chair of the Committee, on behalf of the Cabinet Secretary, is supposed to come and tell us exactly what they are.

Madam Temporary Speaker, I support this Motion very strongly, because it has given us an opportunity, as Senators, to remind this country and especially the Government that we are lacking a very important commodity in our lives. For an independent Kenya if a woman or person can travel for about seven kilometres in search of water, then nothing could be more serious and ridiculous like that particular situation. The woman may be carrying a baby on a back, another one in front and another heavy load.

I think that we have very unfair people, especially men, in this country. We have managed this country for a long time and proclaim in every meeting that we support women. We set aside money for women, but this is just politics. This is because no commodity is supposed to be for women alone. My belief is that if you develop this country everyone will benefit. But when you start separating development, I think that there is something that is worrying or bothering you. This is because I need the same thing in the house that my wife and children need. But when we come here and say that we have set aside, for example, Kshs10 million for women and Kshs400,000 for youth, what are we talking about? We continue playing the game that was played many years back. What we need is collective development. We need to develop this country without talking about water to help just women or employment to help just men. I think that we are fighting for human development.

Madam Temporary Speaker, it is high time that we now started being very clear in our own minds that playing politics is going down very drastically. In fact, by the end of the next five years, there will be a lot of change in people's perception about leadership. This time, if you are a Kikuyu and you condemn a Kalenjin, in your community, you are considered to be very brave and a warrior, and that is why you will be given a position. But with time, this issue is dying very fast.

Madam Temporary Speaker, I wish that I had more time. I beg to support.

**Sen. Wamatangi:** Thank you, Madam Temporary Speaker. I rise to support this Motion as a true witness to the humiliation, suffering and tragedy that is the lack of clean water storage facilities for our families and people in our country.

Madam Temporary Speaker, about ten years ago, I started a programme after visiting communities in my work. What I encountered and saw forced me to make an about-turn and get myself actively involved in the cause of providing clean water storage facilities for our families. I remember visiting an arid area which borders Narok and Kajiado. I encountered a group of about 80 to 100 women who had formed a women

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group, all of them largely unemployed. They were contributing Kshs10, Kshs20 or Kshs30 a daily basis, so that at the end of the day, they build one water tank for a family. If we just did simple calculations, you can imagine about 100 women contributing to build one water tank which costs about Kshs80,000. So, it would take them probably 80 years to build just one tank for each family. The about-turn of my thinking came one day when I attended a funeral of a woman who had been a member of that group. It was her turn to have a water tank built for her, and the project had started in her own compound. For three years the contributions that they were making would go towards building her tank. But before the end of that term and before she could see her dream come true, she died and was buried next to her dream. From that point on, I decided that I was going to be amongst the few people who would make a difference in what happens when it comes to water storage facilities for our people and families.

Madam Temporary Speaker, for ten years I have gone round and seen so many stories and tales of deprivation and humiliation, that I would not tell on the Floor of this House this morning. I have seen human beings sharing a water pond with cows. Women and children go to the same pond where cows have been drinking for months and water is muddy and murky. That is what they draw and drink. I have seen children turned into domestic slaves, because before they go to school, they will have to carry jericans and bring water which is going to be used by the family. I have seen women who have been turned into slaves in their own families. Some have even become expert donkey riders in poor homesteads and areas. They have to learn the art of leaving in the morning riding a donkey with the cart to draw water and coming back after more than three hours, just to provide clean water to their families. That is the crusade of what I have been doing, after starting the Wamatangi Foundation, which, indeed, gives me the name Wamatangi, which means the one who provides clean water storage facilities and tanks for families.

Madam Temporary Speaker, since I know that my colleagues in this House have effectively prosecuted this matter and the policies that need to be put in place, I would like to keep it very simple, with very few facts. To begin with, the people who are mostly affected by this problem are the poorest of the poor. That is the statistics that we have in our foundation. This is because they are the ones who cannot afford any other alternative storage facilities for water. So, this problem multiplies and brings even more problems in families and communities. If we look at probably some of the areas which have been highlighted a lot of late as having a jigger menace – and I have been visiting those places – the families which are stricken are indeed poor and have no clean water or water storage facilities. They are, indeed, poor families who have no clean water or water storage facilities, and it ends up being a real humiliation to that family. Most of the families where water borne ailments or diseases have been prevalent have also been families who have no clean water storage facilities.

Madam Temporary Speaker, I want to urge and support by saying to our Government, people and country; that coming up with a clear policy and supporting rain water harvesting can be done without so much logistics. It does not require science; it only requires commitment, and it can be done.

Madam Temporary Speaker, it has been said here that during rainy seasons – and that is part of our observation in our foundation – hundreds and millions of gallons of

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water which can be used flows away and, tomorrow, the same, same people who were crying of flooding in the areas will be crying of drought.

Madam Temporary Speaker, I wish to support this Motion, and I would even go further and say that because I am, as the leader of my foundation, in custody of facts and figures which can help to formulate this policy; I would want to urge the Mover of this Motion to even pursue this to come up with a Bill that would then give a clear guideline to our Government as to how we can uplift the poor and make sure that they get clean water storage facilities. We have been going round even with my fellow Senators; last week I was in Kirinyaga with the Senator for Kirinyaga, on the same cause; I have been to Kisumu with both the elected and nominated Senators for Kisumu; and we have been to many other counties, including Kakamega and Kiambu, where we have embarked on this programme. So, my support for this Motion is not only in me, but I know from experience that if we support this Motion; if we do what we have to do as a country and as a people, then this problem can be dealt with once and for all.

Thank you, Madam Temporary Speaker. I beg to support.

**The Temporary Speaker** (Sen. Ongoro): Sen. Elachi.

**Sen. Elachi:** Thank you, Madam Temporary Speaker. I also rise to support this Motion and thank the Mover of the Motion, knowing very well that water is an issue that is very passionate to women; knowing very well that water is life.

Madam Temporary Speaker, I will start by the story from Nyando. When I look at Mrs. Adika, crying every day on Citizen Television such that today people have even taken advantage of her plight and they have made a ringtone; they are earning money and the poor woman has been left in poverty because of rain water.

Madam Temporary Speaker, as we speak of harvesting rain water, we remember our women in Turkana; that once in a while, you will find floods in Turkana carrying away women and children, but after one month, the same women will be walking miles away looking for water. If only we can come up with a system and a way of assisting them to learn how to harvest rain water; how to build a house – whether it is permanent or semi-permanent – and ensure that you tap all the water and make a small storage at home where that water can be held and, eventually, the water will help them. This is something that many of our families, especially in the Arid and Semi-Arid Lands (ASALS) have not been able to do.

As we speak today, Madam Temporary Speaker, we have those who are benefitting from rain water harvesting. But for us, when I look at Budalangi, what happens when River Nzoia bursts its banks, it will never--- Remember these are natural tragedies and you cannot even imagine. That is one place where one can be killed so easily. But we are saying that if the Jubilee Government is, indeed, going to do the one million hectares of irrigation programme, then the first thing we should ask ourselves is where are we going to get the water? We will not just depend on rain water, looking at how climate change is coming and changing the rain patterns. We might have a very dry season from now to January if we are not careful. But once before, we had very good rains and all the waters disappeared to the Indian Ocean, Lake Victoria and beyond.

So, we should look at this issue; we should also look what I and other women go through when looking for water for many hours. There are some areas to date where

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women walk miles and miles, spend two to three hours in the morning just to get water, and it is not clean water, but they are looking for anything called water. I remember the former Minister for Water and Irrigation, Madam Ngilu, would go to a conference in Spain with a bottle of water, and it was very sad. If you harvest water and you get somebody who knows how to do the technology, you can still get clean water to drink. At that time I knew many people in that conference and they were very surprised. She was able to get funding for water, and that is how she managed to get the trucks that take water to north eastern. But that is not the solution; we need to now start using our own. We know that many of us – and that is where corruption also comes in because when you come up with such a very lucrative project, that is when people want to take advantage of the project. So, even coming up with a very simple way of harvesting that water, you will hear the Government now being told that it is a Kshs1 billion project.

We also need to ask ourselves, as Kenyans, if we want to continue wasting our money in some of the simple methods that we can use to help Kenya move forward. Today, I see we even have some technology that has come up, where you just buy something like a pot and you are able just to get the mist, and it becomes water for drinking. So, these are some of the things we need to ask ourselves. As we talk about dams, let us not also corrupt the process and find that you have done a dam where you will conserve water which will just evaporate. So, as we celebrate the 50 years of Independence, it is very sad to still talk about women looking for water; women not having tapped water and yet, every day, every year, God is helping us to get natural rain waater that we can harvest.

Therefore, Madam Temporary Speaker, as I support this Motion, I urge not just the Government, but every Kenyan to be responsible even with the little water that you have because we do not also take care of the little water we have; we misuse water in that you will find a tap running unnecessarily. Let us take care of this water that is very precious, because we have some countries that are really looking for that water. We, Kenyans, are very blessed because we have water. Let us take care of it as we harvest what is given by God.

I beg to support, Madam Temporary Speaker.

**The Temporary Speaker** (Sen. Ongoro): It is now time to call upon the Mover to reply.

Proceed, Sen. Zipporah Kittony.

**Sen. Kittony:** Thank you, Madam Temporary Speaker. First and foremost, I would like to sincerely thank all the Senators who have contributed to this Motion. When I moved this Motion this morning, I said that water is life. That has been demonstrated in this Chamber, this morning, by the contributions that have been made.

I have been humbled and touched by the sentiments that have been raised. It is crucial that this country addresses this issue as a matter of urgency. While I thank the Senators who have supported this Motion, I would like to say that water harvesting is a lifeline. Rain water harvesting is a good approach to landscape management. I could go on and on because I have already researched on this topic. As a mother, I have listened to contributions in this Chamber and I realised that women have suffered a lot especially those from arid and semi arid areas. There are areas where women have no water for

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cooking leave alone for saving lives. There are many painful experiences that have been talked about.

I would like this issue to come to a stop. Countries like Israel and India are examples of countries where you can travel for miles without finding water. Kenya is God-given. I normally call it Canaan and we can use it.

I said when I moved my Motion, that we have eight months of good rain water. If we could harvest that water, then we would be food sufficient. We would feed many mouths and be self-sufficient. We would not be a poor country any more because everyone would have a meal. We have enough water. However, we need to put in place policies that can allow water to be harvested in this country.

I heard, on the Floor of this House, that our rain water is clean water. It is not like what is found in other countries where water is acidic. Therefore, we have a facility that is going into waste and which should be tapped now. You will also realise that climate change has taken place and rain water harvesting is a must. It has to be done because we know people are experiencing global warming. We have the knowhow and the researchers. We have educated people who know a lot of science about water. Surely, we are wasting a lot as a country. My recommendation is that we should consider rainfall as an important manageable resource in water management policies, strategies and plans. The rain water harvesting interventions are included as a potential option in land and water resource management for human well being and a good ecosystem. Therefore, it is time that we did something, as a country, in terms of policy. We have 47 counties and, surely, we are in a position to do this. I have received overwhelming support and would like to thank all the contributors. Definitely, water is life.

Before I move, I request you to defer the putting of the question to another day, pursuant to Standing Order No.51(3) because of the interest it has generated.

**The Temporary Speaker** (Sen. Ongoro): Very well, we will put the question on Wednesday afternoon, next week.

Next is Sen. Muthama, Senate Minority Chief Whip.

*(Putting of the question on the Motion deferred)*

#### DEVELOPMENT OF FRUIT PRESERVATION AND STORAGE POLICY

**Sen. Muthama:** Thank you Madam Temporary Speaker. I am the Senate Minority Chief Whip. However, in actual fact, I am supposed to be the Whip of the Majority. Due to unavoidable circumstances, I am proud to be the Senate Minority Chief Whip.

I stand here to move the following Motion.

Madam Temporary Speaker, I beg to move:

THAT, aware that Kenya benefits immensely from the global and local fruit market; cognizant that fruits are an important component for better health;

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noting that fruit production is seasonal in nature and that fruits are highly perishable leading to wastage and losses during the high seasons; concerned that the government has not come up with adequate measures of curbing the losses as a means of protecting fruit growers; further concerned that Kenya imports fruits during low seasons; the Senate urges the National Government to develop a policy on fruit preservation and storage through modern refrigeration and to provide incentives to investors to set up fruit processing plants in order to ensure ready demand for fruits which would cushion farmers against losses.

This Motion is very simple and clear. It touches on the common *mwanaanchi* and the common farmers. If we want to improve the lives of Kenyans, eradicate poverty and to see Kenyans supporting themselves, the first initiative we must undertake is to request the national Government to deal with issues concerning the common *mwanaanchi*.

First of all, I would like to use the words, “Kenya is a unique country” but in a different way. Kenya is not unique because it uses money to support its citizens. It is unique because it diverts funds that are supposed to be used to benefit Kenyans to areas that do not benefit Kenyans.

Madam Temporary Speaker, money has been spent and we have constructed buildings in this country, we have licensed business people in this country who have actually acted in a way that has painted the Government with shame on its face locally and internationally. The reason I am saying that is because in the county I represent, they grow oranges, mangoes and many other fruits. There was a fruit company in Machakos known as the Kenya Orchards. This company used to buy fruits from Machakos to produce jam and other juices but all of a sudden, the company was crippled because it faced challenges from imports that were allowed by the Government.

If anybody goes to any supermarket in this country and picks up the fruits that are being sold on the shelves, you will find that oranges are imported from South Africa and other countries. You will find apples imported from South Africa and other countries. Kenya being an agricultural country, the people who are managing the economic issues in this country and those who are in charge of managing the welfare and the interests of Kenyans have moved into supporting those who were importing those items here.

Sen. G.G. Kariuki will tell you that if you drive from Laikipia County using Nanyuki Road from Nanyuki Town, you will be amazed because by the time you reach Karatina, you will wonder whether this country truly has got leaders who cannot implement what is supposed to be implemented by leaders. If you look at the roadside, you will see women all the way from Nanyuki filling tins with fruits which they almost give out freely or at throwaway prices to passerbys. The passion fruits that are grown in Karatina do not need value addition to make them sweet, whereas the passion fruit juices that we find in our supermarkets are imported. What a shame! When the mangoes are in season, there are heaps of them being displayed at the markets by the sellers. It is disheartening that we always find billions of Kenya shillings to import maize into this country whereas if the Government set aside only Kshs50 billion, it would be able to come up with some solutions that will only take this country two years and the situation will be settled once and for all.

Madam Temporary Speaker, we have tried to do this to coffee and tea farming although it has been destroyed by the same people who are supposed to protect these farmers. If the Government bought all the fruits from the Kenyan farmers and kept them in refrigerated rooms and have them sold when there is a shortage, farmers of this country would never beg again and we will not need to import fruits from other countries. When the fruits are in season here, those who are trading in them want to purchase them instantly and sell them, but they have no capacity to buy and store. A country that talks about economic power is the one that uses what is grown in that country. For example, Israel is a desert but it has turned out to be the biggest supplier of fruits in the world. If you look at the juices we are drinking here, you will find that it is only 20 per cent that is produced by Del Monte and other companies. It is a shame to be in this country. It is a shame to wake up in this country and allow yourself to be called a leader when you still see imported fruits on our shelves.

The Kenya Bureau of Standards (KeBS) only gives out packages that have their logo for the contents to be allowed to be sold in Kenya. Nobody knows where these juices have been manufactured. We are buying juices from Malaysia whereas if you went to Malaysia, you would not find a fruit tree that produces quality fruits that are grown in Kenya. Without *bembelezaring* anybody, we are demanding that the Government sets aside money to make sure that---

**The Temporary Speaker** (Sen. Ongoro): Sen. Muthama, could you translate that word?

**Sen. Muthama:** Madam Temporary Speaker, I meant that we are not going to beg anybody for these services. We want the Government to set aside money and take care of Kenyan farmers who deserve to be protected by the same Government.

The United States of America, China and Brazil have managed to utilize to the maximum the fruits that are grown in their countries. In the African continent, Kenya ranks fourth in fruit production. The biggest producer is Nigeria, followed by South Africa and Tanzania. Tanzania is facing the same problems that we are facing here in Kenya. South Africa has surmounted them and that is why they are exporting them to Kenya. Looking at the metric tonnes that are produced here, if that is put to good use, we will create jobs for our people.

I beg to move and ask Sen. Wamatangi to second this Motion since his county grows fruits like the county I represent and many other counties including those in the coast region and yet there is a lot of poverty in those areas.

Thank you.

**Sen. Wamatangi:** Madam Temporary Speaker, I rise to second this Motion by Sen. Muthama. This Motion is not only timely, but it should have been brought to this House a long time ago. As is enlisted in this Motion, the hon. Senator seeks to urge the Government to do some things, most of which speak for themselves. Recently, there was a study that was carried out by the Agricultural Business Development (ABD). That study found out that 80,000 households in this region are involved in mango farming. There was a researcher in that study, who also laid down a very sobering fact about our fruit industry. He said that, indeed, mango growing is worth about US Dollars 2.9

million. That is about Kshs260 million, with about 1.3 million mango trees which can be harvested.

If we look at the scenario as has been explained by the Mover of this Motion, if we just look at a single case of mangoes, most of the fruit drinks that we buy in our supermarkets, especially mango fruit juices, are all imported. If they are not imported, they are grown and tended by Kenyans and then they are taken over by multinationals for them to process, make the capital gains, sell and be the major beneficiaries of that process. If an ordinary Kenyan was given the option of being a fruit grower, they would choose something else because it is completely uneconomical since it does not bring any returns. Unless a process is started as urged and contained in this Motion, that the Government should provide incentives to investors to set up processing plants and also come up with a policy that will help in preservation of fruits, then this trend is bound to continue.

Recently, the Jomo Kenyatta University of Agriculture and Technology (JKUAT) embarked on a research that was intended to enhance the quality of bananas that are grown in Kenya. This research went on and one of our local processors has been able to spearhead a complete turnaround in banana growing within the larger areas of Kenya. They have introduced technology whereby now bananas take a shorter period to mature, they are better, sweeter and of a higher quality. After these bananas are grown, the farmers lack a market for their produce. Unless they are sold locally to the consumers, there is no process of preserving or storing them, so that farmers can draw the benefits that should be realized.

In Kiambu County, for example, almost 80 per cent of avocados which are consumed in this country are grown in Gatundu North. During the bumper harvest season, if you walk along the streets of Gatundu North, you can buy one for less than a shilling. It takes years of labour, putting of manure and tending for these fruit farms to come up with this produce. When the harvest is rich, most of these fruits go to waste because we do not have a preservation process and plants which can buy these fruits and process them either for later sale or package them for export.

Madam Temporary Speaker, if we look at other fruits which are also grown in Kenya, for example, plums which are grown extensively in areas like Limuru and parts of Murang'a, these fruits are only harvested to be consumed at that particular moment. They end up having no value to the farmers.

Madam Temporary Speaker, in a nutshell, in support of this Motion, we urgently require a policy that will make fruit farming not only a preserve of multinationals and investors who only come to Kenya to do it large-scale and turn all Kenyans into employees. For example, if you look at what happens in Naivasha, where there is some fruit farming in some large farms, most of those people who own those farms are international companies. All the local people are either labourers or just do the menial jobs. Therefore, it is the high time that we took urgent and active measures to ensure that fruit farming becomes a profitable venture for our farmers and the Kenyan society.

Madam Temporary Speaker, with those remarks, I beg to second.

*(Question proposed)*

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**Sen. Karaba:** Thank you very much, Madam Temporary Speaker, for allowing me to contribute in support of this Motion. If there is a county which would really complain about the Government and lack of support, it is Kirinyaga. There is not a single fruit in the Republic of Kenya which is never grown in Kirinyaga. There are avocados, bananas, grapes and so on, but what you will realize is that much as these fruits are grown, they are seasonal in nature. The farmers really suffer because of middlemen and sometimes they are not even taught how to go about growing those fruits. The activities are left to the old to decide and as a result, we waste a lot of resources, which otherwise, would have gone to fruitful engagements which would create jobs and even promote economic development in the country.

*(Sen. Karaba's phone rang)*

**The Temporary Speaker** (Sen. Ongoro): Order, Sen. Karaba!

**Sen. Karaba:** I am sorry, Madam Temporary Speaker. These are modern phones which never go off when we want them off.

Madam Temporary Speaker, we are a worried lot and need the Government to come up with a policy. That is what this Motion is all about. It is trying to seek direction from the Government, so that the farmers can be properly directed, advised and made to understand that economic activities are real.

**The Temporary Speaker** (Sen. Ongoro): Order, Sen. Karaba! You will have eight minutes when we resume debate on this Motion. This Motion started at 12.10 p.m. and we have a balance of two hours and forty minutes when it will next be on the Order Paper.

### ADJOURNMENT

**The Temporary Speaker** (Sen. Ongoro): Hon. Senators, it is now 12.30 p.m. The Senate, therefore, stands adjourned until this afternoon at 2.30 p.m.

The Senate rose at 12.30 p.m.