

# PARLIAMENT OF KENYA

## THE SENATE

## THE HANSARD

Wednesday, 2<sup>nd</sup> August 2023

### Morning Sitting

*The House met at the Senate Chamber,  
Parliament Buildings, at 9.30 a.m.*

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

### PRAYER

DETERMINATION OF QUORUM  
AT COMMENCEMENT OF SITTING

**The Speaker** (Hon. Kingi): Clerk, do we have quorum?

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

We have quorum. Proceed and read the first Order.

Clerk, you need to confirm whether the Cabinet Secretaries listed for purposes of responding to Questions are present, so that we can start the Session of the day.

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

## QUESTIONS AND STATEMENTS

### QUESTIONS

**The Speaker** (Hon. Kingi): Hon. Senators, the Cabinet Secretary in charge of Environment, Climate Change and Forestry is already in the House. Therefore, we will start with Question No.033. It is a question that was asked by Sen. (Dr.) Murango.

I am informed that Sen. Methu is holding brief for Sen. (Dr.) Murango. Kindly usher in the Cabinet Secretary in charge of Environment, Climate Change and Forestry, so that we can start this Session.

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**COMMUNICATION FROM THE CHAIR****CONDUCT OF BUSINESS IN THE HOUSE  
DURING QUESTION TIME**

**The Speaker** (Hon. Kingi): Hon. Senators, I know I had made this Communication before, but I am going to make it once more for purposes of bringing clarity in this Session.

The Senator whose Question is the subject of the Cabinet Secretary's presence here will be asked. Thereafter, the Senator whose Question is the subject of the response will have an opportunity to ask two supplementary questions.

That Senator may elect to ask the two Questions at once or choose not at all to ask a supplementary question. Alternatively, the Senator may ask one question, allow the other Senators to ask supplementary questions and then he/she comes last to ask the supplementary question.

Any other Senator wishing to ask a supplementary Question can do so. However, you are limited to only one supplementary Question.

Hon. Senators, avoid speeches so that we make progress. In the past occasions, I noticed that a Senator would stand and give us a speech. I would struggle to pick a question from that speech. Therefore, avoid speeches. Go straight and ask the Cabinet Secretary the Question.

Hon. Cabinet Secretary, welcome back. You came from here. So, welcome back home. You know the rules of this House better than I do. Clerk, I will proceed to ask Sen. Methu to ask the Question for and on behalf of Sen. (Dr.) Murango.

*Question No.033***FAILURE TO APPROVE THE USE OF LAND IN  
NJUKIINI FOREST FOR WATER PROJECTS**

**Sen. Methu:** Thank you, Mr. Speaker, Sir. I am standing in for my neighbor, Sen. (Dr.) Murango, to ask the Cabinet Secretary for Environment, Climate Change and Forestry the following Question.

(i) Could the Cabinet Secretary provide the reasons for the failure by the Chief Conservator of Forests to approve the use of land in Njukiini Forests for wayleave and right of way for the Ngariama Njukiini water projects in Kirinyaga County?

(ii) What measures is the Government taking to ensure that the land is available for the said project and could the Cabinet Secretary provide the timeline for the commencement and completion of the project?

**The Speaker** (Hon. Kingi): Hon. Cabinet Secretary, kindly proceed to answer the Question.

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I have a copy of your response and it is pretty bulky. I advise you to go straight to respond to the specific Questions and then you can use the other material contained in your response as your reference notes. Please go straight to answer the specific Questions.

Proceed.

**The Cabinet Secretary for Environment, Climate Change and Forestry** (Hon. Soipan Tuya): Thank you, Mr. Speaker, Sir, and former colleagues for this opportunity.

The length of the document in your possession is in anticipation of any supplementary issues that may arise. However, my response is quite brief and I will keep it as such.

Mr. Speaker, Sir, at the onset, the Ministry of Environment, Climate Change and Forestry that I head is aware and alive to the fact that matters of environmental conservation are very critical to this country.

However, on the same breath, there are certain Government projects that may have to, at some instances, conflict with the environmental conservation efforts. Therefore, the Ministry is mandated to strike a balance between these two critical aspects of development in our country.

The first Question is in the form of the proverbial response to a mosquito bite with a hammer. Allow me to say. I will be demonstrating that indeed, the response by the Kenya Forest Service (KFS) and the Ministry to this issue has been apt. Therefore, the question of failure or refusal should not arise.

The subject of discussion is a project proposed within the Kathandeni Forest, which is part of the Mount Kenya Forest ecosystem within Kirinyaga County.

The scope of the project is that the Government, through the Tana Waterworks Agency, is proposing to improve the Ngariama-Njukiini Water Project through construction of a new intake along a tributary of River Nyamindi.

Mr. Speaker, Sir, when you look at its nature, it is a noble project to ensure the provision of water access to the people of Kirinyaga County at a devolved level.

The request from the proponent is to have an access road, which will involve bush clearance for a distance of 2.6 kilometres along the forest road.

The engagement that we have had with the project proponent is that, in February 2023, there was a stakeholder engagement forum, which the KFS was represented by the county forest conservator. Thereafter, the proponent initiated the mandatory Environmental Impact Assessment (EIA) study and hydrological assessment for submission to National Environment Management Authority (NEMA) and the Water Resources Authority (WRA) for processing and approval.

Since the project is located inside a closed indigenous forest within Mount Kenya Ecosystem, there are a number of critical due diligence activities that have to precede the okaying of such a project.

Some of the conditions laid out by the KFS, which are the due process are in the form of mitigation, so that as we allow for construction works to go on within protected areas, we must also ensure that the environmental conservation aspect is not lost.

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One of the conditions was the proponent to avoid any unnecessary clearing of trees at the intake site during the construction. The trenching of pipeline laying to be aligned along existing wayleave. The access road to be confined within the forest road up to four kilometres and 1.6 kilometres wide and adherence to the conditions for and the WRA and the Advance Informed Agreement (AIA) license through NEMA.

One of the conditions, which is worth noting for this House and for Kenyans in general is that we are requiring that any project proponents, or proposals for projects to be established within protected areas, must be matched in equal measure by activities by the proponents to restore the environment to its proper form, so that we do not occasion unnecessary degradation, especially at the wake of the climate change crisis that we are finding ourselves in.

One of the conditions is for the Tana Water Development Agency (TWDA) to rehabilitate 10 hectares of degraded forest within Mount Kenya. That is a small ask to do.

As part of the Corporate Social Responsibility (CSR), KFS is negotiating with the proponent to construct a forest rangers camp at Kabiruini, support seedling production at Kathandeni Tree nursery and assist in construction of a footbridge to allow for ease of movement by the forest rangers within the forest.

Mr. Speaker, Sir, in our response to the first Question, we have steps that the KFs has to follow before granting clearance for projects of this nature. One of them which is very critical is that the proponents have to get clearance from NEMA in the form of EIA licenses.

Mr. Speaker, Sir, on this one, we cannot have an alternative way around it. When you look at the project, as it is right now, the proponents have not yet acquired the clearance from NEMA and the WRA.

Mr. Speaker, Sir, my request is that, we may need to do engagements with the the Senate Majority Leader so that by the time we bring these Questions to this level, they should have at least gone through the due processes.

We do not have to prosecute them in public before the processes are completed. Otherwise, they end up prejudicing the agencies that have to do due diligence and ensure adherence to the due processes of the law.

When you look at the dates when the application was forwarded to the KFS, you will discover it was in March of this year. I am trying to move quickly so that I do not have to go word for word. The application came to us on 13<sup>th</sup> March, 2023 and immediately, the KFS began the process of taking the request through the Technical Committee of the Board of Kenya Forest Service which was dully done.

By 27<sup>th</sup> June, 2023, the board had already made its decision to allow for the proponents to move to the next step. We got the letter from the Senate, on 24<sup>th</sup> July, 2023 after the board of KFS had already okayed the project.

Mr. Speaker, Sir, in essence, my appearance here is premature from where I stand. We should have allowed the process to be completed for us to prosecute the matter.

To respond to Question 1, by no means has the KFS refused to heed to this request. The process is ongoing. Currently, the KFS have given the okay to the

proponents to go to the next step where they need to acquire the EIA permit and the Water Resource Authority (WRA) clearance for them to be issued with a special use licence. Therefore, the conditions have to be met.

Let me go to Question two, which is on what measures the Government is taking to ensure that the land is available for the said project. Could the Cabinet Secretary provide a timeline for the commencement and completion?

Mr. Speaker, Sir, as you have already noticed from my response to Question 1, the KFS constituted a technical planning committee on 2<sup>nd</sup> of May 2023. The technical report was submitted to the Chief Conservator on 8<sup>th</sup> May 2023 and the report approved and recommended for submission to the board.

The committee prepared a board paper and requested that during the meeting of 22<sup>nd</sup> and 23<sup>rd</sup> for the board to consider to recommend approval by Tana water works development agency to construct the Ngariama Njukiini Water Project and associated infrastructure.

The KFS board consider the request to access the station and construct the water treatment works for supply to the residents of Ngariama and Njukiini wards in Kirinyaga County on 27<sup>th</sup> May, 2023. The request was dully approved and we have the copies of the minutes attached here. The KFS has consequently made a communication of the decision of the board directors to the project proponent. We provided all that information in page 9 to demonstrate that we are within the due process and the stipulated time frame.

Mr. Speaker, Sir, you realize the boards of state agencies are allowed to meet once every quarter. From the time our board was constituted, to the time they processed the request from the project proponent, we are in time. However, the process is yet to complete, it will only become fully executable once we have the EIA report from National Environment Management Authority (NEMA) and WRA authorization for us to be able to issue the special use licence.

Thank you, Mr. Speaker, Sir.

**The Speaker** (Hon. Kingi): Thank you, Hon. Cabinet Secretary.

Proceed, Sen. Murango.

**Sen. (Dr.) Murango:** Thank you, Mr. Speaker, Sir. Apologies for coming late, I was in another meeting with the Cabinet Secretary for Roads, Transport and Public works, which was just decided yesterday.

I am content with the reply by the Cabinet Secretary for Environment, Climate Change and Forestry regarding the Njukini Water Project. I also wish to comment that the reason why we ask these Questions in the Senate is because we only have one stop shop to get answers. With that, I am well advised on what is going on.

**The Speaker** (Hon. Kingi): Proceed, Sen. Okenyuri.

**Sen. Okenyuri:** Mr. Speaker, Sir, I would like the Cabinet Secretary to respond on what other measures apart from the Nairobi Rivers Commission that was set up is the Ministry putting in place to maintain rivers, lakes and mountain apiarian ecosystems across the country. Even after the commission was set up, we are yet to see tangible

interventions because these areas are under attack. Are there penalties for people who are found interfering?

**The Speaker** (Hon. Kingi): Proceed, Hon. Cabinet Secretary.

**The Cabinet Secretary for Environment, Climate Change and Forestry** (Hon. Soipan Tuya): Thank you, Mr. Speaker, Sir. In response to the question from Sen. Okenyuri, we recognize the status of our natural resources in the country at the moment. We have rampant destruction, illegalities happening within our forest ecosystems and very worrying levels of pollution.

I assure this House that sustainable waste management, which includes dealing with pollution of our water sources, is key in terms of the priorities of the Ministry of Environment. Beyond the Nairobi River, which is just one ecosystem, we are putting measures in place through NEMA.

Mr. Speaker, Sir, when you look at our mother law, the National Environment and Management Coordination Act of 2000, the only other time that any amendments were done to this law were minimal amendments in 2015. It is, therefore, outdated.

We are at advanced stages of presenting the law to the National Assembly and eventually to the Senate for very critical and robust amendments that need to go into place. This move is for the law to be in step with the technology that is currently in use globally and to help us move from the very *ad hoc* ventures that we have been engaging in as a country. These includes ecosystem restoration, one of which being the national tree growing initiative that we are undertaking in the country.

Mr. Speaker, Sir, you will notice that we have been planting trees and moving away. If we had been having a comprehensive approach to the ecosystem restoration in this country in terms of the number of tree growing activities that have happened, we would not be where we are now. That speaks to the issue of pollution.

We have very isolated activities that have been done in this country where we have activities around cleaning a river and that is the end of it. We cannot continue doing that. To answer Sen. Okenyuri, one of the things we are doing is the review of our mother law for the environmental conservation. Through our Kenya Kwanza plan, at the core of it is a very well detailed plan, which is a value chain approach that speaks to the sustainability of initiatives that we undertake to ensure that we see visible changes in the country concerning the ecosystem restoration.

Mr. Speaker, Sir, should there be any specific question that is in line with the rivers and water bodies and pollution control, then I undertake that I will come back here with more details to respond to whatever attendant questions that might be there.

I thank you.

**The Speaker** (Hon. Kingi): Sen. Cheruiyot, you may proceed

**The Senate Majority Leader** (Sen. Cheruiyot): Thank you, Mr. Speaker, Sir, for this chance.

Mr. Speaker, Sir, I know you have guided us, therefore, I will be extremely brief. However, allow me to ask one and a half questions. I do not want to make it sound like

they are two because part of the question has been asked by Sen. Okenyuri. However, I do not think the Cabinet Secretary has answered it to our satisfaction.

Hon. Cabinet Secretary, Sen. Okenyuri was quite clear in her question about Natural Rivers. Nairobi where this Parliament sits and which is the capital city of Kenya, is known for its very dirty rivers.

We are aware that indeed the President did put in place the Nairobi River Commission in the month of October last year, and that in this current financial year, there are budgetary provisions to enforce and see that Nairobi River is cleaned up.

Apart from the Nairobi River, there are many other rivers. If you drive on Mombasa Road and you are caught by traffic just before the Nyayo roundabout, there is a black river flowing with effluent. It is extremely dirty. There are others in many other places around the city that you can point out.

When are we going to see action from the Cabinet Secretary? The polluters of those rivers are upstream, they are institutions and people that are known, who continue to make our rivers dirty.

Mr. Speaker, Sir, I would wish that the Cabinet Secretary informs the House and the country when she will equally be celebrated just as she is being celebrated in the campaign to plant the 15 billion trees, for cleaning up our rivers because that would mean something great for this city?

**The Speaker** (Hon. Kingi): The Hon. Cabinet Secretary, you may proceed to respond.

**The Cabinet Secretary for Environment Climate Change and Forestry** (Hon. Soipan Tuya): Thank you, Mr. Speaker, Sir. Again, the question by Sen. Cheruiyot as a follow-up to that one by Sen. Okenyuri. I know I am giving a very global response to this, but we have effluent discharge strategies. You realise that our rivers are not even black. The Nairobi River's ecosystem goes up to the Indian Ocean. When you follow the trend of it from the Ondiri swamp up to the Indian Ocean, it is distressing.

I want the nation to know that we are concerned and deeply so, because we are not doing well at all. There have been actions that have been taken in the past, but very disjointed and *ad hoc* in nature. However, we are setting the stage for initiatives that will be sustainable. One of which is an effluent discharge strategy, which we already have.

You realise that, for example, the Nairobi River is about our industries that are not taking care of their waste and they imagine that the rivers are the dustbins or the place where they open their sewage and effluent discharge into.

The action there is to actualise our "polluter pay" principle, which is properly placed within our law, but we now need people to take responsibility. The polluters; the manufacturers and the producers have to think through their product from the point of production up to the end of where the products are going to end.

For those people that are not taking responsibility for the waste that they produce in the course of their production businesses, we are going to act under the "polluter pay" principle. People have to pay for their waste; people have to demonstrate how they visualise the waste they produce up to the end.

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Mr. Speaker, Sir, in the value chain spirit, a sustainable waste management plan is a place. We can also employ our young people in the material recovery facilities in the recycling processes that some of the companies are demonstrating right in this city. We can turn our waste into wealth by organising our youth who live around dumpsites in cooperatives.

If you look at the Dandora Dump site, for example, we have had serious attempts to deal with it. However, there has been no comprehensive approach to it yet. We know it has been demonstrated in other jurisdictions, that, indeed, we can turn the waste in Dandora into energy. Nairobi can have a sufficient supply of energy from Dandora and we reduce, or get rid of that waste and turn it into wealth and employment creation for our youth.

Mr. Speaker, Sir, the Senate Majority Leader wants me to give a date as to when we are going to actualise this. However, I want to request this House that I have a session when I come up with the specific strategies that we have, with specific action points that we are taking from the sustainable waste management aspect of our priorities, which includes the clean-up and dealing with the pollution of our water sources.

I thank you.

**The Speaker** (Hon. Kingi): Hon. Sen. Mungatana, you may proceed.

**Sen. Mungatana, MGH:** Asante sana, Bw. Spika na Asante Bi. Waziri kwa kujibu maswali vizuri.

Sasa tunazungumzia mambo ya mito. Sijui kama katika mipangilio yako, unafikiria kuhusu mito ile mikubwa kama vile River Tana, ambayo ukifika sehemu za chini kama vile pwani, zinageuza mikondo. Sijui kama Wizara yako imepanga ama ina mipangilio ya kuhakikisha ya kwamba ile mito inaregelea mikondo yake ya kawaida.

Ninasema hivi kwa sababu ukienda sehemu za Mathomba-bruk ukiwa unashuka Garsen, utakuta ya kwamba mto ni kama unaanza kugeuka tena na unataka *budget* ya kuhakikisha ya kwamba mto ule unaenda vizuri maanake kuna wananchi wengi sana ambao wanaishi pale and wanautegemea mto ule kwa chakula, maji na kuisi.

Sijui kama kuna mipangilio maanake nimekusikia unaongea mambo ya mto wa Nairobi lakini kuna mito hii ambayo inasimamia maisha ya wananchi wengi sana.

Tena ukiangalia uzunguni, ukienda kama River Thames kule London, utaona kuwa wamejengea ukuta huku na kule. Mto ule hauwezi kuanza kugeuza geuza mkondo.

Lakini huku kwetu tunashangaa kwa sababu mito imekuwa vilevile ilivyokuwa miaka ya akina babu. Tumeziachilia na sasa kwa sababu ya ongezeko ya watu, inakuwa ni shida kufuata vile akina babu walivyokuwa wakifanya; kufuata mito. Sasa hivi, haiwezekani tena kwa sababu watu wamejenga nyumba zao ambazo wanaishi.

Swali langu ni mipango gani ambayo uko nayo kuhakikisha ya kwamba ule mto unafuatizia vile ulivyo ili watu wasiteseke katika nyanda za chini.

Na kama hauna mpangilio wakati huu, mimi ninakuomba kwa heshima, ututembelee, uje uone hali ilivyo katika Tana River na pengine katika *budget* yako, utafute namna ya kurejesha maji yale, haswa hiyo ya Mathomba-bruk. Waziri, tafadahali.

**The Speaker** (Hon. Kingi): Hon. Cabinet Secretary, you may respond.

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**The Cabinet Secretary for Environment Climate Change and Forestry** (Hon. Soipan Tuyu): Thank you, Mr. Speaker, Sir. *Mheshimiwa* Sen. Mungatana, allow me to respond in English because I do not know what Mathomba-bruk is in Kiswahili.

**The Speaker** (Hon. Kingi): It is the name of a place.

**The Cabinet Secretary, Ministry of Environment and Forestry** (Hon. Soipan Tuyu): Okay. Thank you, Sen. Mungatana, MGH. We have an ongoing study with NEMA on the subject of rivers changing course and affecting communities in the natural phenomena. That is not an action designed by man. Given time, we can provide that study. I can promise to follow it up with a study visit or by myself because I have not been there; to try and reconcile the study findings and the necessary action that needs to be taken for the people of Tana River County.

That also brings forth the fact that our water sources need special attention and I cannot over emphasize that. There needs to be a change of strategy. The questions asked by Sen. Cheruiyot and Sen. Okenyuri require a multi-stakeholder approach. Our county governments and various partners have to be on board. We have development partners doing a lot of conservation activities around Tana River County and other big water sources in this country. However, without proper coordination, they will not achieve their intended objective.

Just to confine again to the question that you raised about the change of course of the rivers, given an opportunity, we can do so in writing. The nature of some of the concerns raised by Members does not warrant my presence here. We can engage outside the Plenary to respond to the concerns.

I thank you.

**The Speaker** (Hon. Kingi): Proceed, Sen. Joe Nyutu.

**Sen. Joe Nyutu**: Thank you, Mr. Speaker, Sir, for giving me this opportunity. I would like to ask one question to the Hon. Cabinet Secretary. The President has identified tree planting as one of the ways of enhancing our environment. I remember he also identified schools as a major partner that the Ministry and the Cabinet Secretary can use in seeing we improve our tree cover. Allow me now to ask her what plans she has in engaging schools in tree planting, the progress made, so far, and the plans going forward.

Could she also tell this House how she plans to engage the Senate Standing Committee on Education because she has not done so in spite of the President suggesting she works with both committees?

I would not be surprised if she was working with the National Assembly Committee on Education and not with the Senate. I say that because I followed up with the Cabinet Secretary on the plans she had to engage the Education Committee in the House in vain.

Being a former Senator, I would have expected her to at least respond to messages from Senators, especially the Committee on Education as directed by the President.

I thank you.

**The Speaker** (Hon. Kingi): Proceed, Hon. Cabinet Secretary.

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**The Cabinet Secretary, Ministry of Environment and Forestry** (Hon. Soipan Tuya): Thank you, Mr. Speaker, Sir and Hon. Senator for your question. Yes, schools are one of the major stakeholders in the tree growing initiative. That is where we have free labour from our children; not labour in the street sense of it.

Recently, through the Cabinet, we got approval for an institutionalisation plan to institutionalise tree growing within the Competency-Based Curriculum (CBC) programme in our schools. This will allow a value system developed in our children right from the tender age of school. They shall take environmental conservation and ecosystem protection as a core value as they grow up.

Mr. Speaker, Sir, in response to the Senator, we have identified 20,000 schools where we are doing pilot programmes with in terms of tree nursery propagation. One of the challenges we are facing right now is availability of seedlings to meet our annual targets for 1.5 billion trees annually. This eventually translates to 15 billion in 10 years.

Indeed, I have had engagements with the Committee on Education in the National Assembly. This is jointly with the National Government-Constituency Development Fund (NG-CDF) Committee. We had targeted asks for the National Assembly to feed into our tree growing initiative. One of which is to review the NG-CDF law and increase the allocation for environmental protection from two to five per cent.

One of the programmes that we have within our strategy is to employ up to 100,000 young men; by the name “green army”. Through the NG-CDF projects, we would want the Members of the National Assembly to engage labour in form of the green army in line with what the Ministry is coming up with.

In terms of engagement with the Committee of the Senate; I just confirmed with my liaison officer that we do not have any official letter or request for engagement. However, that is not to say that we have no intention or plans to engage with the Senate Standing Committee on Education.

Hon. Senator, we started of with the review and amendment processes within the National Assembly. We have no way of achieving our strategy with the schools without engaging the Senate. I can undertake that we are going to extend that collaboration with the Senate Committee of Education beyond our line Committee on Land, Environment and Natural Resources.

I thank you.

**Sen. Murgor:** Thank you, Mr. Speaker, Sir. My question to the Cabinet Secretary concerns the destroyed forests, now that you have lifted the ban that was there. There are forests across Kenya, especially in West Pokot County, which I represent. Our forests are almost totally destroyed. With the lifting of the ban, I can imagine the destruction that will go on in the nearly depleted forests.

What protective measures will the Ministry take to protect what is remaining in terms of plans which are there to replant the forest, especially on the hills and mountains in West Pokot County?

Even if you put schools as agents of afforestation there are hills and mountains that they cannot reach. What other measures will be taken to plant trees, imagining that

some of these mountains such as Cherengany Hills are sources of water downstream? What protective measures has the Ministry taken in terms of planting and protection?

**The Speaker** (Hon. Kingi): Hon. Cabinet Secretary, please proceed.

**The Cabinet Secretary for Environment, Climate Change and Forestry** (Hon. Soipan Tuyu): Mr. Speaker, Sir, the tree growing initiative is broad and wide beyond the schools programme. I would like to inform the Senate that we have a very elaborate strategy which is targeting various stakeholders.

Hon. Senators, the tree growing initiative is not a preserve of the Ministry of Environment, Climate Change and Forestry neither is it a preserve of the national Government. It is an initiative that must be owned by each and every individual Kenyan.

Mr. Speaker, Sir, the strategy has targets for schools, our county governments, each and every Ministry department and Agency of Government and the private sector in this country because that is the approach that this must take for it to succeed. When I say targets, we have a strategy that goes up to the numbers that we expect of each and every stakeholder to undertake in realising this; schools included since they are a part of it.

If we are to do the math and divide the 15 billion trees that we need to plant by 2032, it translates to 30 trees per Kenyan per year. That includes myself, the Senators and everybody in this country. We are calling on everybody to take their responsibility. Hon. Senator, please be informed that it is not just the schools, but it is a broad multi stakeholder approach to it.

With regard to your question, I started off by agreeing that we have a challenge with the illegal activities and wanton destruction of our ecosystems. However, please take note that there is no correlation whatsoever between the lift of the ban on logging and the illegal activities that are ongoing within our forests. This is because the lift on the ban on logging applies only to gazetted commercial plantations.

We have a total of 2 million hectares of gazetted forests in this country. The commercial plantations are only 150,000 hectares. So, it is a very small percentage of about six per cent of the total gazetted forest.

In that regard, the lift on the ban does not apply to indigenous forests gazetted in this country. It is only about five or six per cent of the commercial plantations.

On the import of commercial plantations, we have a demand for timber products in this country. We have a timber market in the country that is doing extremely poorly. We are doing importation left, right and centre even for toothpicks.

That has an implication to the economy of our country, the job creation we need to do for our young people and on how we want to build our country. The commercial forestry sector is one such sector that we must recast which is a big contributor to our Gross Domestic Product (GDP).

Mr. Speaker, Sir, it is a good question for Kenyans to know that the lift on the ban has nothing to do with the wanton destruction that is going on because the President has not said that we are lifting a ban on logging in our indigenous forests. It is only within the five per cent of commercial plantations. We have a felling plan which is sustainable.

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Even within those commercial plantations, we cannot do more than 5,000 hectares in a year. If you divide that by 150,000 hectares, it takes us to so many years. So, it gives room in that this year we are doing 5,000 hectares. By the time we are moving to the next 5,000 hectares in the next year, we have a replanting plan for the one that is harvested this year.

The maturity rate for our commercial trees ranges between 15, 35 up to 40 years. That is the age of the commercial plantations that we are embarking on harvesting upon the lift of the ban by His Excellency, the President.

It is also important for Kenyans to understand that the logging ban was imposed in 2018 and it has occasioned colossal losses to our saw millers in this country. It has also occasioned a huge degradation of our commercial forestry component of our economy. Therefore, it is time that we revisit that.

What we need to do and to be speaking about is how to increase efficiency in our commercial plantations and to entice our private sector so that we go beyond the 150,000 hectares of commercial plantations by Government and even have individual Kenyans engage in commercial tree planting and growing in their private forests. That way, we will have some return or derived profit by our individual farmers and Kenyans from forestry products in their private farms, which eventually will feed into supporting our commercial forestry strategy in the country.

Mr. Speaker, Sir, even in this House, all the timber products within the confines of this Chamber could amount to maybe 80 per cent. However, you would be sad to know that these are imports from other jurisdictions which could easily be made from our prisons department by our young people if we work on our commercial forestry sector in the country.

Hon. Senator from West Pokot, the plan goes beyond schools. You have talked about Cherang'any. Beyond depending on the Exchequer, one of the plans is we have a project coming specifically for the Cherang'any water tower supported by partners from Italy. I invite you to join in to know what it entails.

Beyond the Exchequer support for ecosystem restoration, the Ministry is also engaging and expanding the partner base for support in restoring our eco systems. I invite Hon. Senators to join hands with the Ministry to support the ecosystem restoration plans that we have for individual counties in this country.

I thank you, Mr. Speaker, Sir.

**Sen. Boy:** Asante Bw. Spika kwa kunipa fursa hii. Kwanza, natoa shukrani kwa Waziri kutoka Kaunti yetu ya Kwale. Wiki iliyopita, maandalizi ya kupanda miti na mikoko ilifanywa katika Kaunti ya Kwale. Tunashukuru sana Bi. Waziri kwa shughuli hiyo ya upazi wa miti katika Kaunti ya Kwale, Sub county ya Lungalunga Majoreni. Natoa shukrani sana kwa niaba ya watu wa Kaunti ya Kwale na Gavana wangu, Fatuma Achani. Tunasema asante kwako Bi. Waziri.

Lakini, kuna kilio kimoja. Tulipendekeza sisi viongozi katika Kaunti ya Kwale pamoja na Gavana wetu; kuna miche mingi sana ya mikoko ambayo wananchi wameweza kukuza. Kama unavyojua, watu wetu wako na hali ngumu sana kimaisha.

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Tulipeana salamu kwa *Principal Secretary* wako ili muweze kusaidia wananchi hiyo miche iweze kununuliwa na kupandwa katika hiyo mikoko yetu ya sehemu za bahari za Pwani, ufuo wetu wa Kwale; yaani Shimoni, Lungalunga, Vanga na Gasi.

Kwa hivyo, Waziri, tunaomba kama itawezekana, hiyo miche ambayo imepandwa, kwa sababu kuna vikundi vingi vya akina mama na watu kule Kaunti ya Kwale wamepanda mbegu za mikoko.

**The Speaker** (Hon. Kingi): Sen. Boy, Waziri hayuko hapa kusikia vilio; yuko hapa kujibu Maswali. Swali lako ni gani?

**Sen. Boy:** Bw. Spika, kuna miche mingi sana ambayo haijanunuliwa katika Kaunti ya Kwale. Nadhani juzi alipata ombi hilo kutoka Kaunti ya Kwale. Kuna miche mingi ya mikoko ambayo haijanunuliwa. Tunaomba Serikali inunue miche ile na kupelekea wananchi ili wapande.

**The Speaker** (Hon. Kingi): Waziri, tafadhali jibu swali hilo.

**The Cabinet Secretary, Ministry of Environment, Climate Change and Forestry** (Hon. Soipan Tuya): Asante sana, Bw. Spika. Mhe. Seneta, nilipokea salamu zenu kupitia kwa Katibu Mkuu.

Kuna mpangilio wa kununua miche wala sio tu mikoko pekee kwa sababu kuna miche mingi ambayo inakuzwa na vijana, kina mama na watu wengine katika nchi ya Kenya. Ningependa kusema kwamba tuna nia ya kujua pahali miche inakuzwa. Lazima ikuzwe kulingana na mipangilio ya vikundi katika *nurseries*.

Kama nilivyosema awali, changamoto kubwa tuliyonayo kwa sasa ni *availability of seedlings through the Kenya Forest Service (KFS), Kenya Forestry Research Institute (KEFRI) and the other sectors*.

Mr. Speaker, Sir, allow me to switch to English. The challenge we have is availability of seedlings. We also need to understand that for the Government to buy seedlings, there is a process of doing that.

The process we are setting in place is that groups of young people, women or whoever is involved in seedlings production should have their nurseries registered through the KEFRI because they have to be certified for the quality.

We have had the discussion with my Principal Secretary specifically about the mangrove seedlings in Kwale County. I will be glad to guide you and your groups on the process of registration because they have to go through a certification process. That applies to all other Kenyans who may be asking the same question.

We have a process of certification. If you go to websites of the Ministry and the KEFRI, you will get the process of registering the nurseries, so that we have them in our database.

**The Speaker** (Hon. Kingi): Sen. Methu, proceed.

**Sen. Methu:** Mr. Speaker, Sir, I will be brief as you had advised. I have heard the response given by the Cabinet Secretary. She is my line Cabinet Secretary in the committee that I chair.

Regarding lifting of the logging ban, I know there are strategies that the Ministry has employed to ensure we plant as many trees to reach the target. The Cabinet Secretary

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should expand the scope and state whether the 5 per cent she is talking about is what is happening on the ground.

I neighbour the Abedare Forest and what I see is not even 5 per cent. We see tonnes of timber or logs being ferried every day.

In Kilifi County, we have witnessed harvesting of giant baobabs. They are exported to another country and the reason remains unclear. Since she is the Cabinet Secretary in charge of forestry and environment, I would like to know the framework between our country and whichever country those baobabs go to and why they believe that we do not need them, but they are needed elsewhere.

**The Cabinet Secretary Ministry of Environment, Climate Change and Forestry** (Hon. Soipan Tuyu): Thank you, Mr. Speaker, Sir. Sen. Methu, the issue of ensuring that we confine our harvesting to the 5 per cent is extremely pertinent. It calls on strict diligence by the KFS. I must assure you that I am aware of that.

We have had to do serious operations which I would like to assure the Senate that they will be consistent and persistent. We have had interdictions of KFS officers and impounding of forest products going beyond the allowable limits.

That is an exercise that will continue to make sure that we do not have people taking advantage of commercial plantations to go into our indigenous forests because that is not allowed. It is good for the Senate to know that we are keen on that.

Recently, we did a recruitment of additional enforcement officers in form of forest rangers. We are bringing on board the green army. That is in the understanding that we have to heighten the enforcement to make sure that no illegalities happen in our forests.

With regards to the baobab trees, this issue came up in Kilifi County sometimes late last year. There was uprooting of eight baobab trees. We delved into the issue as a Ministry through the National Environment Management Authority (NEMA) and the KFS.

We established that trees were uprooted by a certain company with the intention of establishing a botanical garden in Georgia and we followed that through. Upon establishing that due process was not followed, we stopped the exportation through the Kenya Ports Authority (KPA).

For a period of time, the relevant agencies such as the NEMA, the KFS, the Kenya Plant Health Inspectorate Service (KEPHIS) and the County Government of Kilifi engaged with the project proponents. Clearance has been issued upon establishing that they have followed the due process.

Sen. Methu, uprooting and exportation of baobab trees is not illegal in itself. It is within the ambit of trade in our genetic resources. We are party to the Convention on Biodiversity which allows for such trading.

Investors can engage in trade in genetic resources within and outside Kenya. However, due process has to be followed. That is what we have to ensure it happens. The export which is ongoing is the first of its kind.

We have had discussions with the County Government of Kilifi and it might arise in any other county in this country. Going forward, we need to ensure that due process is followed. This will ensure that benefits that accrue to the affected communities are authentic and done in a transparent manner. It will also ensure that any accruing benefits to the Government are realized adequately.

**The Speaker** (Hon. Kingi): Sen. Cheptumo, proceed.

**Sen. Cheptumo:** Mr. Speaker, Sir, I wish to appreciate the answers by the Cabinet Secretary.

Madam Cabinet Secretary, the residents of Mochongoi Settlement Scheme in Baringo have stayed for a long time without title deeds. A process was initiated to have the NEMA approval done.

The last time I checked, the NEMA was supposed to complete the Environmental Impact Assessment (EIA) to enable you take the matter to the Cabinet and bring it to Parliament for us to do the needful. Could you confirm to this House if that has been done because the people of Mochongoi Settlement Scheme need to have their title deeds?

**The Speaker** (Hon. Kingi): Proceed, Hon. Cabinet Secretary.

**The Cabinet Secretary for Environment, Climate Change and Forestry** (Hon. Soipan Tuya): Thank you, Mr. Speaker, Sir. I will need time, the Senator of Baringo County, to be able to issue a substantive response to this.

**The Speaker** (Hon. Kingi): Proceed, Sen. Abass.

**Sen. Abass:** Thank you, Mr. Speaker, Sir. First and foremost, I want to thank the Hon. Cabinet Secretary for the good work that she is doing all over the country.

Hon. Cabinet Secretary you are aware that there are certain areas that have a lot of challenge with water and afforestation program cannot succeed very well. So, is there any plan for affirmative action for the Arid and Semi-Arid Lands areas (ASALs)?

In the past, there used to be the green schools where we used to have all schools being given seedlings. The schools used to have some kind of competition for greening and some awards were given.

Finally, there is this business of the carbon credit footprint business. This is actually benefiting most of the foreigners. The same forests, trees and plants that they are using are ours. However, the locals are not benefiting much.

Hon. Cabinet Secretary, we do not understand what the carbon credit is. Therefore, I do not know what your message will be so that atleast the Kenyans can also benefit. There is a lot of money being given to conservancy areas and ranches especially by the foreigners and most of them are the big people. However, the local community do not benefit. So, I do not know what intervention you have so that this money can also trickle down to the locals around the conservancies.

I thank you.

**The Speaker** (Hon. Kingi): Proceed, Hon. Cabinet Secretary.

**The Cabinet Secretary for Environment, Climate Change and Forestry** (Hon. Soipan Tuya): Thank you, Mr. Speaker, Sir and Sen. Abass. Indeed, the ASALs potent

the highest opportunity for our tree growing initiative to succeed. This is where we have the land available in large sizes.

Therefore, yes, we have to do affirmative action of sorts and we are in discussion with the Ministry of Water, Irrigation and Sanitation to start with. This is because of the weather conditions in the ASALs which do not give us the opportunity to do massive tree growing because of the unpredictability of the rains and the likes.

We have the plans for the schools, but we must march this with the availability of the necessary infrastructure, key of which is water. So, there are discussion whereby we are engaging with the counties through the Council of Governor (COG) for a specialized strategy for ASALs which we must get right.

We cannot succeed with our 15 billion tree initiative without the full utilization of the availability of land in the Arid and Semi-Arid areas.

The Seed balls Technology is one that we are exploring. It helps with the dispersion of seed in vary vast areas, for planting indigenous species of trees which is what will thrive more in the Arid and Semi-Arid areas. This is one of the strategies that we are looking at.

From the counties affected by the prosopis plant, we are at an advance stage of presenting a strategy to the Cabinet for approval. This is to enable us to have a management plan for the prosopis where we replace the prosopis with the acacia trees which are the indigenous.

I know we have about 22 counties affected by the prosopis. Once you replace that with the acacia, it comes with a whole value chain of livelihood support programmes. This includes the raisins and gum resources that are available to support the livelihoods of the communities. So, yes, we have that program in place.

The question of carbon markets has been shrouded with a lot of lack of transparency in terms of the benefits that accrue to the communities. More so, Kenya is touted as the top trader in carbon trading in the region at about 20 to 30 per cent.

However, when you try to put a finger to what this is about, it is not clear. So, what we have done Sen. Abass, is that we have markets strategy and framework through the Amendment of the Climate Change Act. We have already submitted it to the National Assembly and the Leader of Majority is aware.

Kenya is going to be the first in the region to put in place a carbon markets law and strategy. So that we have high integrity and transparency in that process including the benefits that are accruing to communities as well as the potential for tax revenues for Government.

I thank you.

**The Speaker** (Hon. Kingi): Proceed, Sen. Munyi Mundigi.

**Sen. Munyi Mundigi:** Asante Bw. Spika. Asante Bi. Waziri kwa sababu umeamua miti iliyokomaa ikatwe. Katika nchi ya Kenya tuko na Majimbo 47. Wale walio karibu na hiyo misitu ndio walipanda hiyo misiti.

Wale ambao hawakupanda, walisaidia wengine na chakula. Ulifuatilia jambo hili namna gani kwa sababu tunajua kazi yako ni nzuri ya kuangalia kwa kuwa wale watu walioiba pesa mapema ndio walipatiwa barua ya kwenda kukata zile miti?

Kama Embu County, kuna msitu inayoitwa Irangi. Wale watu waliokuja pale ni wageni. Uliwaruhusu namna gani hao watu waingie? Kwa sababu tunajua unafanya kazi nzuri, kwa nini hukuangalia kwanza hao watu watemwe nje kisha warudishiwe pesa zao?

Hii ni kwa sababu wale ambao watalipa na bei sasa watalipa pesa nzuri ya kuinua uchumi wa Kenya ndio uweze kupata watu wapya. Kisha pia Kaunti yenyewe ishereheke na ifururahie kwa sababu baaadaye watapanda miti. Tunajua kupanda miti ni jukumu la Kaunti mpaka kule sehemu za chini.

Hilo ndilo Swali langu Bi. Waziri. La pili, tuli---

**The Speaker** (Hon. Kingi): No. Senator, you can only ask one Question. Hon. Cabinet Secretary, proceed to respond to that question.

**The Cabinet Secretary for Environment, Climate Change and Forestry** (Hon. Soipan Tuyu): Thank you, Mr. Speaker, Sir and the hon. Senator.

With the lift of the ban on logging, where we are starting from is to clear a backlog of saw millers of different formations. When the ban was imposed in 2018, some saw millers had been allocated with plantations. They had paid but they were caught up in the moratorium and then they left their products in the forest.

Some of them have rotten away. It is the colossal loses that I was talking about that have been occasioned to saw millers. Some of the saw millers at the point of imposition of the ban in 2018, had paid but had not cut them. So, the trees are still standing at different stages of maturity.

Some of them had not paid but had been allocated. They were at different levels. So, that backlog is what we are dealing with first so that we clear with the saw millers that had been engaged through the Kenya Forest Service (KFS) at that time but were caught up with the moratorium, before we embarked on a new phase of 5000 hectares of harvest that will be done.

If I got you right Senator, you are raising a question of some new faces who were not part of the initial engagement with the Kenya Forest Service. *Unasema kwamba kuna watu ambao hawakuwa na plantations kule Embu katika Irangi Forest na wamepewa idhini ya kukata miti.*

I think that is specific. The intention is to only allow for the saw millers who had engaged with the KFS in 2018. So, please, I have the Acting Chief Conservator of Forest here with me. Let us engage with the specifics.

If there is such an activity going on, then it is irregular. This is because the saw millers who need to be dealt with through the backlog process are known. They should not be new faces but only those who were engaged initially.

I thank you.

**The Speaker** (Hon. Kingi): Thank you, hon. Cabinet Secretary (CS, for honouring our invitation to come and respond to Questions raised by Senators.

We have come to the end of the Question Time as far as the hon. CS is concerned. Therefore, hon. CS, you are free to go back to your Ministry and do what you have to do.

Hon. Senators, the CS for Water, Sanitation and Irrigation is present for purposes of responding to Questions No. 31 and 42 which are by Sen. (Dr.) Murango.

Clerk, kindly usher in the hon. CS, so that we can take it from there.

*(The Cabinet Secretary for Water, Sanitation and Irrigation  
(Hon. Alice Wahome) was ushered into the Chamber)*

**The Speaker** (Hon. Kingi): I take this opportunity to welcome the CS for Water, Sanitation and Irrigation, hon. Alice Wahome who is not new to Parliament.

She has taken time to hone her political skills within the walls of this Parliament. Therefore, she is basically back home. Hon. CS, welcome back home.

I will allow Sen. (Dr.) Murango, to ask Question No. 031

*Question No. 031*

STATUS OF CONSTRUCTION OF CANALS AND DRAINS  
IN MUTITHI WARD

**Sen. (Dr.) Murango:** Thank you, Mr. Speaker, Sir. I take this opportunity to thank the CS for Water, Sanitation and Irrigation for the good work which she has been doing. I will go directly and read Question No. 31:

(a) Could the Cabinet Secretary provide an update on the status of construction of canals and drains in Mutithi Ward under the Mwea Irrigation Development Project, and also state why the construction has delayed?

(b) What measures is the Government taking to ensure the completion of the project, to enable farmers resume normal farming activities, and could the Cabinet Secretary provide a timeline for this?

**The Speaker** (Hon. Kingi): Proceed, hon. CS.

**The Cabinet Secretary for Water, Sanitation and Irrigation** (Hon. Alice Wahome): Mr. Speaker, Sir, I thank you for this opportunity to attend to the Question by the Senator for Kirinyaga, Sen. (Dr.) Murango.

I also thank the House for continuing to support our work. This is my first time to appear before Plenary of the Senate. I have appeared twice before the sister Chamber. Therefore, I am glad to be here.

Mr. Speaker, Sir, the Question is that I provide an update on the status of construction of canals and drains in Mutithi Ward under the Mwea Irrigation Development Project, and state why the construction has delayed.

The contract for the construction works for the water conveyance canals, hydraulic structures and drainage structures was signed between the National Irrigation Authority (NIA) and Sogea-Satom, a French company, on 26<sup>th</sup> August, 2016. The

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contract commenced on 9<sup>th</sup> June, 2017 and was expected to be completed on 9<sup>th</sup> August, 2020.

During the Financial Year 2019/2020, the project was faced with inadequate budgetary allocation which led to delays in making timely payments to the contractor.

The contractor, on 6<sup>th</sup> February, 2020 terminated the contract, citing delays in payment. At the time of termination, the project progress was at 43 per cent.

Mr. Speaker, Sir, the Ministry through the NIA, with the concurrence of Japan International Cooperation Agency (JICA), who were the funding agency, procured two local contractors after the termination of the first contract, to complete the balance of the works, so that farmers could benefit from the project. The project has since progressed to an overall completion status of 70 per cent.

The delay in the completion of the project, therefore, would be attributed to further issues of pending land succession or claims and dispute cases arising therein that are yet to be determined by family members, through the courts or among themselves. That has been a challenge, not just in this particular project, but in many of our projects.

Mr. Speaker, Sir, the total length of the main canal is 2.4 kilometers. We have done and completed 1.5 kilo meters. There are also other works, such as the smaller branches emerging from the main canal that delivers water to the farmers totalling to 23 kilometers, which has been done. Thereafter, we will need to do structures between the canals to release the water.

Finally, is the Question on the measures the Government has taken to ensure completion of the project to enable farmers resume normal farming activities and if I could provide a timeline of this.

The project is structured in a way that normal farming activities are not interrupted. The Government has allocated Kshs2 billion, that is the Government of Kenya (GoK) component of Kshs545 million and then a donor component from JICA of Kshs1.4 billion, in the Financial Year 2023/2024 for this particular Mwea Irrigation Scheme. With that, we will see the project to the end.

The contractors have been instructed to increase the rate of implementation and adhere to the strict timelines. The manager and the Principal Secretary (PS) for Water, Sanitation and Irrigation are closely monitoring and supervising the project.

We have also held several meetings, including the last one on 11<sup>th</sup> of July, to ensure that we respond to questions that are raised by farmers.

The hon. Senator, the owner of this Question, was privileged to be part of the team that attended the last meeting, together with my PS and acting Chief Executive Officer (CEO) of NIA, held at Mwea grounds on 11<sup>th</sup> July, 2023. We appreciate the support from the hon. Senator.

Thank you.

**The Speaker** (Hon. Kingi): Proceed, Sen. (Dr.) Murango

**Sen. (Dr.) Murango:** Thank you, Mr. Speaker, Sir. First, let me again thank the CS for the good work that she is doing. I would like to seek a little bit of clarification.

When the President was there, he promised Kshs400 million whereas Kshs115 million was supposed to be gotten from the county government for purposes of dam lining of the same scheme.

Kshs115 million is already in the budget of the county government. I would like to ask the CS whether the Kshs400 million which was promised by the President is part of the Kshs2 billion that has been budgeted for this particular project during this financial year.

**The Speaker** (Hon. Kingi): Hon. Cabinet Secretary, you may respond.

**The Cabinet Secretary for Water, Sanitation and Irrigation** (Hon. Alice Wahome): Mr. Speaker, Sir, to answer the hon. Senator, although we are aware of the Presidential pronouncement regarding additional funding, we have not yet received that money and it is not part of our budget. At the time, that pronouncement was made; we were unable to factor it in our budget.

However, we are hopeful that during the supplementary budget it can be factored. When it is a pronouncement by the President, then it receives attention and priority in the Ministry. I undertake to follow it up. I also confirm that due to austerity measures in the process, I have lost a budget under irrigation of more than Kshs1.3 billion. We are working with a very constrained budget, but we will definitely work on it.

Thank you.

**The Speaker** (Hon. Kingi): Sen. Cheptumo, you may have the Floor.

**Sen. Cheptumo:** Thank you, Mr. Speaker, Sir. I wish to thank the Cabinet Secretary. When the CS and I were together in the National Assembly, I was the Chairperson Justice, Legal Affairs and Human Rights and she was my very able Vice-Chairperson. Things have changed now. She is the Cabinet Secretary; I am the Senator. It is something good.

Madam Cabinet Secretary, Baringo County is 65 per cent arid and semi-arid. As leaders of Baringo, we have identified Lake Baringo, a fresh water lake, where water can be tapped, take it upstream and irrigate a big area within Baringo North, Baringo South and Tiaty. It is important for your Ministry to look at some of the very quick wins for some areas such as Baringo area, which is dry. What are the plans you have to make use of the water in Lake Baringo for irrigation purposes and even consumption by the public in Baringo County?

**The Speaker** (Hon. Kingi): Hon. Cabinet Secretary, you may respond.

**The Cabinet Secretary for Water, Sanitation and Irrigation** (Hon. Alice Wahome): Mr. Speaker, Sir, yes, it is true that the Senator for Baringo, Sen. Cheptumo, was my very able Chairperson. We did a lot of good work in the Justice, Legal Affairs and Human Rights Committee of the national Assembly.

I appreciate the direction of this question in terms of Lake Baringo and the waters in it. We have studies and a concept ready. We are discussing with different entities to farm at least 56,000 acres of food crops. Maize being one the crops that would do very well in that region and other grains. We do have that under consideration. However, I cannot tell you right away that we have a concluded deal.

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We hope that this will be one of our very quick wins. The land is available and we can use some of the water. Not all the water; of course, because we are under the international laws regarding management and use of water, but some water may be available for use. The water we can use in total would cover irrigation for 56,000 acres.

**The Speaker** (Hon. Kingi): Sen. Kathuri, you may have the Floor.

**Sen. Kathuri:** Thank you, Mr. Speaker, Sir. I appreciate the two Cabinet Secretaries who have shown up this morning to answer questions from the Senators. I have observed that they were former Members of Parliament, so they understand exactly why Senators ask these questions.

Cabinet Secretary for Water and Irrigation, thank you for your performance so far in the Ministry. Your performance in the National Assembly when we served for two terms together was also exemplary. When I am here, I am representing Meru County and I want to be selfish and ask issues concerning Meru.

Madam Cabinet Secretary, sometimes, you may not have direct answers to our questions, but it is good for you to at least capture what we are requesting. I am concerned the several dams that are lined up in Meru. Some of the areas can get dams while others need tapping the underground water which is so much from Bori Constituency, Tigania West, Tiganai East, Igembe Central and North.

Besides the dams, what is the Ministry doing to profile the whole region, especially the arid and semi-arid zones of Meru to do water pans and wells. At least, these are cheaper to do unlike the dams that need billions in this financial year. If you do not have the answer, that can be canvassed somewhere else. However, I want you to note that we are really following up those projects especially in my county.

**The Speaker** (Hon. Kingi): Madam Cabinet Secretary, you may respond.

**The Cabinet Secretary for Water, Sanitation and Irrigation** (Hon. Alice Wahome): Thank you, Mr. Speaker, Sir. So far, I have had meetings with the entire Embu County and Tharaka Nithi leadership. However, I have not had the opportunity to have a meeting with the leadership of Meru County.

I invite the Senator and ask him to possibly lead the team so that we can look at the broad approach of how to provide water. Including, which dams should take priority especially now that we are having this discussion and Public Private Partnership is gaining ground in terms of the interest we have created.

The money that was going to pans and boreholes, is some of the money that I lost during the austerity measures. First and foremost, we lost a budget of Kshs5 billion. When we were doling the budget of this particular financial year of 2023/2024, I lost another Kshs1.5 billion. I hope that is the last that I will lose. I hope to gain that during discussions with Parliament at the Supplementary budget stage.

We will consider work in Meru County. I know that we have ongoing projects. I do not want to say which one specifically, but I know between Tharaka and Meru, we are proposing Thuchi Dam that will benefit parts of Meru and Tharaka. That is a conversation that is at a very high stage because, it is one of the dams that we have released under the 33 dams that we have already called for expression of interest.

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Thank you.

**The Speaker** (Hon. Kingi): Sen. Gataya Mo Fire, you may have the floor.

**Sen. Gataya Mo Fire:** Thank you, Mr. Speaker, Sir. I sincerely thank the Cabinet Secretary for water, Sanitation and Irrigation for having performed exemplary well.

Madam Cabinet Secretary, you are aware that recently we were with you in Tharaka Nithi County where we commissioned Chogoria water treatment plant with a very big capacity. Chuka treatment plant is also underway. I hope your Ministry is working on it besides all these challenges in making 30,000 connections in the next five years as we intend to go.

I would like to know from your Ministry whether it is possible to rehabilitate the infrastructure at Chuka, Chogoria, Mutonga and Kivung'a? Those are water points that have been neglected for decades. In the same breath, it is important for your Ministry to also consider rehabilitating Mutonga rural water mill and expand Kivung'a treatment mill to the tank in Ranza. These are already laid down structures that have been neglected for very many years.

Hon. Cabinet Secretary, once we have this water from Chogoria and Chuka, it can get consumed downstream to other parts of Arid and Semi-Arid Lands (ASALs) in Tharaka, especially Kibung'a, Marimanti, Kathwana, and other places.

Mr. Speaker, Sir, in the same breath, is it also possible to lay pipeline extensions in Chogoria, Chuka, Kathwana, Kibung'a, Mutonga, and Gituma areas? Under this kind of arrangement, we shall be able to address almost 75 percent of the water shortage in those areas.

Thank you.

**Sen. Kinyua:** On a point of order, Hon. Speaker, Sir.

**The Speaker** (Hon. Kingi): Sen. Kinyua, what is your point of order?

**Sen. Kinyua:** Mr. Speaker, Sir, in our Standing Orders, every person is supposed to address you. I do not know why Sen. Gataya Mo Fire is addressing the Cabinet Secretary instead of addressing you.

**The Speaker** (Hon. Kingi): I did not capture that, but he was directing his Question to the Cabinet Secretary. If he addressed the honorable Chair as the honorable Cabinet Secretary, then he would be out of order. Nevertheless, I will allow him to get away with that. Hon. Cabinet Secretary, proceed to respond to the Question.

**The Cabinet Secretary for Water, Sanitation and Irrigation** (Hon. Alice Wahome): Thank you, Mr. Speaker, Sir. To answer the Senator for Tharaka, I was with him three weeks at an event presided by His Excellency the President in Tharaka and we were---

*(Sen. Gataya Mo Fire stood from his Seat)*

**The Speaker** (Hon. Kingi): Hon. Senator, kindly take your seat and allow the honorable Cabinet Secretary to respond to your Question.

**The Cabinet Secretary for Water, Sanitation and Irrigation** (Hon. Alice Wahome): Mr. Speaker, Sir, I am corrected; he is the Senator for Tharaka Nithi County.

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I was with him at an event that was presided over by His Excellency the President and the occasion was to commission the Chogoria Water and Sewerage Treatment works which is supposed to cover up to 300,000 people in that area.

So far, we have covered close to 140,000 people and there is an intention to cover up to 300,000. We agreed with the Governor of Tharaka Nithi County that for purposes of reticulation and as part of this project, he undertakes to provide Kshs50 million.

This House is aware that reticulation and distribution of water is a service delivery element done by the county government by water service providers. The Governor undertook to provide Kshs 50 million. His Excellency the President also said he will support the Ministry with a further Kshs50 million to cover the ground for the last mile connectivity. That would possibly cover the areas that the honorable Senator has indicated in Chuka, Kathwana, Mutung'a, and the rest.

Mr. Speaker, Sir, since this, is a supplementary Question, it is good that we follow up with you so that I tell him about further work that is set for that region. We also have an ongoing Chuka water supply and it is not yet complete. We had a discussion during that particular occasion where we said that we should look at urgent possibilities of having a dam. There is a dam we are proposing to augment the supply of water for Chuka. Therefore, we picked that as a priority project and we will work with that in our plans.

Mr. Speaker, Sir, the rehabilitation that the Senator is talking about for Chogoria and Chuka is already ongoing.

**The Speaker** (Hon. Kingi): Senate Majority Leader.

**The Senate Majority Leader** (Sen. Cheruiyot): Thank you, Mr. Speaker, Sir. I thank the Cabinet Secretary for finding it fit to appear before Parliament to respond to Questions from Members.

My question is with regard to county water service boards. This is a discussion that the Senate has had, that in each of our 47 counties, the leading audit query in each Financial Year, is the misappropriation of funds in the various water service boards. They used to be owned by municipalities and have since been transferred to counties.

County water service boards play a crucial role in as far as fulfilling the last mile water connectivity that we promised in the Kenya Kwanza manifesto and which the Cabinet Secretary is fully aware of. They play this role alongside the huge water projects that her Ministry will do in either dams or other large interventions.

The eventual distributors of these resources ensure that there is proper metering and prudent management of those resources like monies and the water as well are the county water service boards. We are increasingly seeing a scenario where they are being mismanaged. We have situations where former governors are still active directors even in some of those companies up to now.

It is upon the national Government in Schedule IV of our Constitution, to develop policies that will ensure uniformity of practice across all the 47 counties in areas that are of national interest. Water is one such sector. I would wish to know from the Cabinet Secretary, the plans she has on reigning in on the mess that is in almost every water

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service agency presently. You can hardly find any that is not muddled in issues of corruption and misappropriation of funds, fights between the directors and management, and such kind of things.

It is something that warrants the attention of the Cabinet Secretary and perhaps, by way of a proposal either through Regulations or legislations that will come from her Ministry to this House in order for them to be properly managed. What strategy has the Cabinet Secretary put in place and what is the plan of the Ministry?

Mr. Speaker, Sir, I ask this because if the Cabinet Secretary does not streamline this sector and bring order, then all these major projects that are contained in the plan she is working hard to deliver and fulfill will go to waste. There will be no eventual connecting point between those major projects and the citizens.

**The Speaker** (Hon. Kingi): Hon. Cabinet Secretary.

**The Cabinet Secretary for Water, Sanitation and Irrigation** (Hon. Alice Wahome): Thank you, Mr. Speaker, Sir. I appreciate the Question from the Majority Leader of the Senate, Sen. Cheruiyot. The water service providers should be within the governance structures and under the supervision and direction of the county governments.

*[The Speaker (Hon. Kingi) left the Chair]*

*[The Deputy Speaker (Sen. Kathuri) in the Chair]*

It is true we are supposed to be the ones helping with quality assurance and standards so that the issues of governance that the Hon. Senator has referred to, can be dealt with. The relationship between the national Government and the county governments as hon. Senators are aware, especially of the function of water service delivery and the whole issue around water is a ‘love and hate’ relationship.

Mr. Deputy Speaker, Sir, I do not want to use the word “hate” because it may not be very friendly, but this relationship is always complicated and not complimentary to each other. While the national Government has the mandate to develop and manage huge, bulky water resources, there are still cases where the county governments raise issues saying that we are encroaching on their mandate.

I am giving this background in order to answer the critical question that the Senate Majority Leader has raised. Reading from the Constitution under Article 43, it is the mandate of the national Government to ensure access to clean, safe drinking water by the national Government. This also includes sanitation. My Ministry has those two under the State Department of Water and Sanitation. Of course, there are others including health and the rest of the Bill of Rights. Therefore, when we do the development of the bulk water resources, it is expected that, simultaneously, the county government would be planning for reticulation or distribution of the last mile case for that particular development.

Mr. Deputy Speaker, Sir, that does not always happen. Many times, I think the county governments also – without closing my eyes to the fact that they also do not have

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a sufficient budget – find themselves that a project is ready and they do not have money for distribution. Therefore, it is a case where we need to plan to simultaneously together, improve the intergovernmental relationship and linkages, so that we can deliver services to the people.

The bottom line is that people want water in their homes. They do not care whether it is the national Government or the county government. As a Government, we promised to support county governments including the last mile.

To answer you, the Water Services Regulatory Board (WASREB) has done a good job in terms of insisting and giving programme timelines for the water service providers to convert into public utilities, so that the county governments can appoint directors.

However, that is where another problem may arise. These are not positions for cronyism. We have serious problems with our water service providers including cases of governance, mismanagement and inefficiency in delivery of the service. Therefore, we find that we have non-revenue water. That is, water unaccounted for to the point of one or two of them going beyond 50 per cent. You develop a drum of water at 100 per cent, but 50 per cent of it is not accounted for. It is either stolen, sold by cartels or there is leakage or the metres are not working.

Finally, to answer this question, we have some programmes right now that are addressing those issues. Working with partners, we have developed some programmes to build capacity for the water service providers. However, the direct mandate to manage and ensure governance at that level is the county governance. I believe we have made our case very strong. We believe that some have started taking responsibility and they are converting into public entities. I am saying this because most of the assets that they have belong to either the national Government or public assets in one way or the other. Therefore, I do not think we can run away from that problem. We have a long way to go, but we should be able to deal with it.

I thank you, Mr. Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. Kathuri): Thank you, Honourable Cabinet Secretary. Let us have two supplementary questions. The first one is from Sen. Kinyua of Laikipia County.

**Sen. Kinyua:** Asante, Bw. Naibu Spika. Nchi yetu tuna baraka. Wakati mwingi tunapata mvua, hata mvua ya mafuriko. Unapata maji yote ya mvua yanatiririka na kuingia kwa bahari zetu. Hata wakati wa msimu wa mvua, unasikia sehemu nyingi Wakenya wakiomba Serikali iwasaidie kwa sababu mifugo na vitu vingine vimebebwa na maji.

Lakini baada ya mwezi mmoja, unapata kiangazi kisha watu wanakosa maji ilhali maji yote yalitiririka na kuingia katika maziwa na bahari. Sijui Waziri ana mipango gani ya kuhifadhi haya maji yote yasiwe yanateremka kwa bahari.

Jambo la pili ni kwamba mabwawa yetu yamejaa mchanga. Ni hatua zipi ambazo wako nazo, kwanza kuhifadhi maji na, pili, kutoa mchanga kutoka kwa mabwawa yetu?

Asante Bw. Naibu Spika.

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**The Deputy Speaker** (Sen. Kathuri): Respond, Hon. Cabinet Secretary.

**The Cabinet Secretary for Water, Sanitation and Irrigation** (Hon. Alice Wahome): Thank you, Mr. Deputy Speaker, Sir. The concern for the Hon. Senator for Laikipia County is what we are doing on water harvesting. We are particularly giving attention to the flooding and loss of rainwater, considering that we are a water scarce country.

We have a huge programme of building 100 mega dams for bulk water storage. That programme is targeted at various rivers and valleys within our counties. Majority of the havoc that is experienced in this country is along some of our big rivers.

Therefore, we expect to hold water through the 100 dams that we plan to build. We have made expressions of interest and done the invitation of 33 mega dams under the Public Private Partnership (PPP). That process is underway. We expect to conclude within the next six months, with good results of people who have expressed interests, having brought acceptable project development proposals. There is good interest and I can confirm to the House and to the country. In some other rivers, we are building water canals and dykes that we replace to deal with that.

Overall, Kenya did not plan for water management. Therefore, the infrastructure that we need is huge to deal with the challenge that the Hon. Senator is raising. I need huge funding to be able to start undertaking to this House that we will deal with floods once and for all. However, we have in place a water harvesting and storage strategy that we have already developed. The strategy then is followed by funding and we are working on that.

In Laikipia County, one of the dams that we intend to build is the one in Nanyuki and, of course, Pesi and Malewa. I know Malewa is down to a different county, but Pesi and Kuhurura are within Laikipia and Nanyuki area.

I thank you, Deputy Speaker, Sir.

**The Deputy Speaker** (Sen. Kathuri): The last supplementary question under Question No.031 is from Sen. Abass of Wajir County.

**Sen. Abass:** Thank you, Deputy Speaker, Sir. I thank the Cabinet Secretary for the good responses she has given. I come from Wajir County, which is 56,000 Square Kilometres and it is a landlocked area. There is no river that flows; there are temporary flowing streams.

However, the land is endowed with underground water. However, because of the dry seasons that are very frequent, water is now becoming very scarce. I know many of my colleagues and Members of Parliament (MPs) are attached every day to your office. I think we have upside down priorities. For one, what Wajir County needs now is a very serious water investment.

Countries like Egypt and all those places where it never rains, never experience water scarcity. They depend on River Nile and we see where that river flows. In the neighbourhood of Wajir, we can have some water from Tana River, Sosiro, Balwa and all those places.

I do not know if your Ministry has a national plan. I am aware that in 2013, 2017 and up to 2022, there was a major dam that was supposed to be constructed in a place called Bute. Bute is one of our high-potential areas at the slopes towards the end or the start of the Ethiopian Highlands.

That dam has not been constructed up to now. We are wondering, what is happening. It had been one of the investments that will be able to do irrigation and water for people and livestock.

One other thing I am asking is how sustainable is a Public-Private Partnership (PPP) business in water? Investors want to have quick returns for any investment. How will PPP work for water? That is what I want to know from you.

Thank you, Mr. Deputy Speaker, Sir.

**The Cabinet Secretary for Water, Sanitation and Irrigation** (Hon. Alice Wahome): Hon. Deputy Speaker, Sir, the answer to that particular question is that it is true there are no rivers in Wajir, but we have underground water. We have quite a good amount of water in the aquifers. At the moment, we have a programme where we are doing our investigative survey, data collection and assessment of the amount of water within the combined or the shared aquifer between Somalia, Ethiopia and Kenya.

We have an aquifer covering that region; we have funding and the project has already commenced. We have a Kshs20 billion funding to cover Wajir, Garissa, Turkana, Mandera and Marsabit, where the main effort is to do our analysis and find out how much water we have in the aquifers and how much can be available for use by the three countries. Being an aquifer, it is a shared water resource and, therefore, one country cannot proceed to exploit that without cooperation with the other countries.

You asked a question on Tana River clusters; the dams. Our study on this particular river is complete. Again, we do the work and look for resources. We can farm about 20,000 acres. The study is ready and we will be moving forward to seek resources for this particular project, and it will turn that area into a different place. We have additional work that is planned for boreholes and water pans as the other alternative.

The boreholes become a big challenge in that once you access the water, the salt levels become a challenge. There are also cases where we get a borehole done for the community and some cartels take over the water resource or the water borehole, and they run it as individuals. That requires the community effort and the leadership support because when we have a borehole that is taken over by one or two people and they are guarding it with arms, insecurity issues arise. I am not saying that is happening in his particular area but, generally, that is a challenge for Marsabit, Mandera, Garissa and Wajir.

**The Temporary Speaker** (Sen. Kathuri): Let us now go to the next question.

*(Sen. Abass spoke off record)*

What is it, Sen. Abass? Actually, you have been given a very comprehensive answer. It seems she had all the information.

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**Sen. Abass:** She omitted one question; the question for Bute Dam which has taken almost 15 years to start. What is the position?

**The Cabinet Secretary for Water, Sanitation and Irrigation** (Hon. Alice Wahome): I believe Bute Dam is in the first lot of the expression of interest that we have taken up, among the 33 dams that we have called for expression of interest under PPP.

I want to say that we do not really have funding for big dams because of the physical space that we have, including smaller dams. We are working with a very constrained budget and that is why, as a country, we have appreciated. We think the space and opportunity for public private investment is here and now. We believe we will be able to do them through PPPs.

**The Temporary Speaker** (Sen. Kathuri): Thank you. Let us go to Question No. 042. Senator for Kirinyaga County, are you satisfied with your problems? I can see Question No.042.

*Question No.042*

STATUS OF GAKUYUINI IRRIGATION  
WATER PROJECT IN WAMUMU WARD

**Sen. (Dr.) Murango:** Thank you, Mr. Deputy Speaker, Sir. I am satisfied with the first question that I asked. In fact, what the Cabinet Secretary said is true; that we were with the Permanent Secretary (PS) for Irrigation, Kimotho and Eng. Mwas and Abud, and they did a wonderful job. We were there for a whole day.

My second question is for the Cabinet Secretary to explain why the Gakuyuini Irrigation Water Project that was meant to add more than 500 acres under cultivation to Mwea Irrigation Scheme in Wamumu Ward, Kirinyaga County, has taken too long to implement.

On the same, could the Cabinet Secretary apprise the Senate on the status of its implementation and indicate whether any funds have been allocated to the project in the Financial Year 2023/2024?

Lastly on the same question, can the Cabinet Secretary provide a tentative commencement and completion timelines for the projects, so that the over 100 intended beneficiary can benefit and the President's stated intention to increase land under irrigation and improve food security through increased rice production to make sure that the increased rice production is achieved?

Thank you, Mr. Deputy Speaker, Sir.

**The Cabinet Secretary for Water, Sanitation and Irrigation** (Hon. Alice Wahome): Hon. Speaker, the question was why the Gakuyuini Irrigation Water Project that was meant to add more than 500 acres under cultivation to Mwea Irrigation Scheme in Wamumu Ward has taken long to implement.

Hon. Deputy Speaker, the Ministry through the National Irrigation Authority (NIA), is mandated to increase area under irrigation agriculture. A request was made by farmers at Gakuyuini Water Project on 20<sup>th</sup> August, 2020 to have their farmlands

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provided with water for irrigation and infrastructure for that purpose and benefit the farmers. In their request, the farmers highlighted that construction of canals and provision of water control structures such as gates would help convey and control distribution of water.

A survey was carried out to confirm the feasibility of the project. The potential was found to be 1,250 acres as the command area extended beyond the boundaries of Gakuyuini. As a result, for inclusivity of these farmers, the project was renamed as Marurumo Irrigation expansion.

Design for the project was accomplished, paving way for the construction works, which commenced on 6<sup>th</sup> April, 2022. The wayleave acquisition processed by farmers and NIA and ongoing farming activities slowed the progress because you have to wait for the harvest. The project is scheduled to be completed, however, in November, 2023. There was a slow start because of those challenges, but it is ongoing.

Could the Cabinet Secretary apprise the Senate on the status of its implementation and whether any funds have been allocated this Financial Year? The overall status of the implementation of the project is at 88 per cent and I have summarized there and given the data for that particular completion status, saying that at Marurumo expansion area, 88 per cent of the work is done and 109 of the canals are done.

We have done six and we still have a balance of 24. In total, canals and drains are expected to occupy about 40 kilometres. So far, we are at 88 per cent completion. We have done the totals and what is pending is listed there.

Funds for implementation of the project have been factored in this Financial Year. The value of the remaining work is Kshs17.8 million. The total project cost is about Kshs100 million, and it is at 88 per cent.

Finally, I have been asked to provide a tentative commencement and completion timeline. I think I have just done that, so that 1,000 extended beneficiaries can benefit.

The President stated his intention to increase land under irrigation to improve food production, hence ensure food security. We hope to cover a total of 35,000 acres of rice farming. So far, we are at around 30,000 acres, producing around 130,000 cubic tonnes of rice.

The work will be completed on 30<sup>th</sup> November. That is our target date. The project started on 16<sup>th</sup> April, 2022. We are basically within the timelines because if we started on 16<sup>th</sup> April and now we are telling this House--- I want to confirm that we shall work with this timeline.

**The Deputy Speaker** (Sen. Kathuri): Thank you.

Sen. (Dr.) Murango, do you have any supplementary question?

**Sen. (Dr.) Murango:** Mr. Deputy Speaker, Sir, I only request for the hard copy of the reply from the Cabinet Secretary for my file.

**The Deputy Speaker** (Sen. Kathuri): Do you need some evidence?

**Sen. (Dr.) Murango:** Yes, I need some evidence.

**The Deputy Speaker** (Sen. Kathuri): If that is your supplementary question, then the Cabinet Secretary---

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**Sen. (Dr.) Murango:** Mr. Deputy Speaker, Sir, I am contented with the answer given. I thank the Cabinet Secretary for Water, Sanitation and Irrigation and also the Permanent Secretary together with the engineers who I can see there.

The last visit we had in Kirinyaga, we went to Mwea Irrigation Scheme. The team was dedicated from 8.00 a.m. to 6.00 p.m. and we covered a lot of ground. We met the farmers and even had time to harvest some rice, and it was a good experience. The people of Kirinyaga are happy about that.

Therefore, Mr. Deputy Speaker, Sir, I take this opportunity to thank the Cabinet Secretary's office and the whole team for work well done.

I thank you.

**The Deputy Speaker** (Sen. Kathuri): Madam Cabinet Secretary, do you have a comment on that?

**The Cabinet Secretary for Water, Sanitation and Irrigation** (Hon. Alice Wahome): Regarding the request for a copy, we have provided that to the person who was communicating with my office. However, if it has not reached the Senate, we will ensure that a soft copy is sent as soon as I leave.

**The Deputy Speaker** (Sen. Kathuri): You will get a copy from the secretariat in the next two minutes.

Let us get a supplementary question from Sen. Dullo.

**Sen. Dullo:** Mr. Deputy Speaker, Sir, I would like to ask the Cabinet Secretary a general question. Before I do that, I would like to congratulate her because this is the first time we are interacting since her appointment.

There is a major problem, especially in Mt. Kenya, affecting the people living downstream. The rich block the flow of water upstream. I do not know whether that has been brought to the attention of the Cabinet Secretary to see how she can unlock the issue of water that is blocked by the rich men and business people in Mt. Kenya area, so that we have enough water, especially for people in Isiolo County.

Mr. Deputy Speaker, Sir, you are smiling. I am sure some of your area is also suffering the same problem.

**The Deputy Speaker** (Sen. Kathuri): Did you say I am smiling or it is the Cabinet Secretary smiling? You must be having sharp eyes to see me from where you are.

**Sen. Dullo:** Yes, Mr. Deputy Speaker, Sir. According to me, maybe you are happy with the issue I have raised, now that you are on the other side.

**The Deputy Speaker** (Sen. Kathuri): Yes, I am happy because you know all that.

The Senate Majority Leader has interrupted my response to you. So, let that pass.

Let us get the response from the Cabinet Secretary.

**The Cabinet Secretary for Water, Sanitation and Irrigation** (Hon. Alice Wahome): Mr. Deputy Speaker, Sir, it is possible that some water extractions are illegal. Ordinarily, the Water Resources Management Authority (WARMA) is supposed to allow for extraction. The permit that is given regulates the amount of water you can extract.

However, sometime we have what Sen. Dullo has referred to as rich men, but I believe there are also rich women, who farm without having the knowledge on how to extract water. Those are illegal extractors.

We are working hard. We have constrained human resource because sometime we require our officers to visit rivers, either downstream or upstream, where activities take place. Sometimes when we disconnect, surveillance becomes tedious because we do not have our own law enforcement officers.

If the Senator could tell me specific rivers, we will look at how to address specific areas with specific result expected. We definitely want to know those who extract water, leaving rivers dry downstream. There should be control of how much you can extract, so that a river continues flowing.

**The Deputy Speaker** (Sen. Kathuri): Thank you, Madam Cabinet Secretary. Proceed, Sen. Korir.

**Sen. Korir:** Mr. Deputy Speaker, Sir, allow me to congratulate Madam Cabinet Secretary for the good work she is doing in the Ministry. It is the first time I am also interacting with her since her appointment. However, I have been watching her movements trying to solve issues of water across the country.

Mr. Deputy Speaker, Sir, allow me to also thank the Cabinet Secretary for reviving a project that had stalled for around seven years. That is the Bosto Dam Project that covers three counties; Kericho, Bomet and Nakuru.

I thank the Ministry for giving the project the priority in terms of allocations because I know something good is happening. The residents of those counties have been waiting for that project.

I know she is a hardworking Cabinet Secretary because we worked with her when she was a Women Representative. We had a movement dubbed *Inua Mama*, where we used to move across the country. One of the main agendas she would talk about when she was the Chair is that she was going---

**The Deputy Speaker** (Sen. Kathuri): I beg your pardon. Did you say that the Cabinet Secretary was a Women Representative?

**Sen. Korir:** I am sorry, Mr. Deputy Speaker, Sir. She was a Member of Parliament (MP).

Mr. Deputy Speaker, Sir, when she was a Member of Parliament, we had appointed her the Chairperson for the *Inua Mama* Movement, which was supporting the government by then.

**Sen. Cheptumo:** On a point of order, Mr. Deputy Chairman, Sir.

**Sen. Korir:** Mr. Deputy Speaker, Sir, protect me from the Senator for Baringo County.

**The Deputy Speaker** (Sen. Kathuri): Let us, please, hear from what his point of order is.

**Sen. Cheptumo:** Mr. Deputy Speaker, Sir, you know I do not normally interrupt, but I thought she was right by saying that she was the Women Representative at that

time, and the Cabinet Secretary was a Member of Parliament. Can she deny that she was not a Women Representative?

**The Deputy Speaker** (Sen. Kathuri): Sen. Cheptumo, are you trying to prove that I did not hear properly what she said?

*(Laughter)*

**Sen. Korir:** Thank you, Mr. Deputy Speaker, Sir. They normally say that the Speaker neither has eyes nor ears, but you got me clearly. Indeed, Madam CS was a Member of Parliament. Having been my Chair of the *Inua Mama* Initiative, we crisscrossed this country and promised Kenyans that we were going to handle the issues that were affecting majorly the women and that is water.

We did not even know that she was going to handle that docket, but, indeed, she is up to the task. There are several challenges that Kenyans are facing because of drought and forest degradation. As the Cabinet Secretary for Environment, Climate Change and Forestry is fighting in terms of afforestation, I would challenge the CS that she also goes ahead.

I know the Women Representatives have also been supplying water tanks to various schools. Several schools have water tanks, but they do not have the gutters. I would request that the Ministry in conjunction with the Ministry of Environment, Climate Change and Forestry, assist several schools, so that at least they can do the water harvesting for the water to be used by learners.

Otherwise, appreciate her for the good work that she is doing. I urge the CS to do that harvesting of water in schools and assist us in actualizing the water project.

I thank you.

**The Deputy Speaker** (Sen. Kathuri): Thank you.

Madam CS, you can proceed and respond.

**The Cabinet Secretary for Water, Sanitation and Irrigation** (Hon. Alice Wahome): Thank you, Mr. Deputy Speaker, Sir. I appreciate Sen. Korir. Yes, we did a lot of work with her in the previous term.

Therefore, her question is to ensure that my work is looking at the issue of the bottom-up economic transformation agenda. This is because during most of our meetings, there were water tanks that we supplied during the program that was called *Inua Mama*.

I want to confirm that water harvesting and storage is one of our mandates, funds being available, through the nine agencies at different times and different schools, we are supplying water tanks. There are also instances where we build or construct the steel water tanks depending on the need.

So, yes, we need to increase our efforts. I believe every school should have a certain minimum number of water storage and good harvesting roof for purposes of some water.

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Those are programmes that we can do together, even with the Constituency Development Fund (CDF), in terms of water for schools. I believe we will increase the supply according to the population demand.

I appreciate the good commendation that Sen. Korir has given.

**The Deputy Speaker** (Sen. Kathuri): Thank you, Madam CS.

Let us get the last supplementary question from Sen. Chute, Senator of Marsabit County.

Sen. Chute, please, proceed.

**Sen. Chute:** Thank you, Mr. Deputy Speaker, Sir.

Madam CS, let me also congratulate you for coming here today and similarly for coming to Marsabit County some months back. I know you got some issues there. I am sorry about that. It was very scary.

Hon. CS, I got a phone call from Marsabit County a few minutes ago, and there are questions people in Marsabit are asking. When you came to Marsabit, you promised to come and open Bakuli and the date was supposed to be on the 13<sup>th</sup> June, 2023, and today is 2<sup>nd</sup> August, 2023.

You came before us one time. We also had CS Miano, who also came before us and, recently, the Cabinet Secretary for Health. The performance of the three of you is excellent. I do not know who is going to take the first position. That one is subject to discussion for another day, but I congratulate you. You are making us proud.

However, regarding this question for Marsabit County, can you please give us a tentative day? Consult with your people because the people in Marsabit are watching. I want them to be happy.

In Marsabit, we have issues of water shortage and the biggest problem is the piping. Please, address the piping issue and give us a date. Once again, I thank you very much for coming today.

**The Deputy Speaker** (Sen. Kathuri): Madam CS, you may proceed and respond to that question.

**The Cabinet Secretary for Water, Sanitation and Irrigation** (Hon. Alice Wahome): Thank you, Mr. Deputy Speaker, Sir. Yes, I was indeed in Marsabit County. The experience was fairly scary because, I was evacuated from the Marsabit Forest by a platoon of General Service Unit (GSU) officers or Men in uniform.

Later, I learned that the attack was not targeting me, but I could have been caught within that crossfire and I was evacuated. I went down the vehicle and it was not very nice. That was a close experience with the fire being exchanged and somebody died, which is unfortunate. Those are the kinds of things that we need to eliminate because no one should lose their lives.

I did promise that I would be coming back. Bakuli Dam is basically at 95 per cent complete. There was a small issue of the wayleave within the town because of encroachment and I believe the hon. Senator, you know that.

Since this is a supplementary question, I will get my CEO, Tana Water Services together with the Northern Water Development Works to let me know because they are the ones doing that project. I will find out whether that small issue is over.

However, I have presented this project to the Office of the President to see whether the President himself would be able to find time and put it in his schedule, to have this project opened by him. That way we can benefit from his visit and particularly so that he can help us pick the issue of Badasa Dam that is also in the pipeline.

Therefore, that is why I have not come. Either way, once that is cleared, we shall be coming to Marsabit County.

The Deputy Speaker (Sen. Kathuri): Thank you, Madam CS.

Let us now get this last one from the Senator of Bungoma County, Sen. Wafula.

**Sen. Wafula:** Asante Bw. Spika kwa nafasi hii na vile vile kumshukuru Waziri kwa kazi ambayo anafanya. Anadhihirishia Wakenya ya kwamba kando na kuwa mwanasiasa, mwanamke pia ana uwezo wa kufanya kazi kando na kanuni za kijinsia zilizowekwa na tamaduni zetu.

Tumeona miradi mingi ya maendeleo ya maji katika kaunti mbalimbali humu nchini. Katika Kaunti ya Bungoma, kuna mradi wa maji inayotoka Mlima Elgon ambao unaofadhiliwa na nchi za kigeni. Tunashukuru kwa sababu unaenda kuchangia pakubwa kwa wakaazi wa mji wa Bungoma, Kaunti nzima pamoja na Kaunti ya Busia kupata maji.

Je, katika mustakabali wa Serikali wa upangaji kazi, ni mradi upi mwingine wa kitaifa umeratibiwa katika Bajeti ambao unanufaisha wakaazi wa Kaunti ya Bungoma na Kakamega ambao ni majirani wetu? Ili watu wanapo sherehekea na kukupa heko, tusipitwe na miradi ya mandeleo ya maji.

Naelewe kuwa tumekuwa tunajadiliana na we kupitia vyombo mbali mbali na baadaye najua tutaendelea kuzungumza. Kwa sababu, wanasikiza kutoka kule nyanjani, itakuwa vyema kutaja kwa kifupi mradi upi tunaenda kupata. Hii ni kwa sababu walikuwanatazamia katika mipangilio yako, maji ya Nabuyore yatatumika kuliunda bwawa ambalo litatupa maji katika maeneo bunge zaidi ya nane.

Sitaki kusema mengi. Natarajia kwa moyo mkunjufu jibu la Mheshimiwa Waziri.

**The Deputy Speaker** (Sen. Kathuri): Mheshimiwa Waziri.

**The Cabinet Secretary for Water, Sanitation and Irrigation** (Hon. Alice Wahome): Thank you, for the Question. First, we have a project worth Kshs4.4 billion for irrigation. The location is Kuywa, Runyu, Tongaren, Webuye.

Bungoma County has a water source at River Nzoia. We are rethinking of how to improve that particular project and expand the irrigation scheme around that area using gravity flow.

We are at a very advanced stage. The intake requires a new chamber; four head pumps, intake chamber and conveyance pipelines. There is a lot of work that we have planned for that. The feasibility study is complete. That is for purposes of irrigation. I do not know which project you are referring to, but we have Angololo Trans-boundary Water Project for Kenya and the Nile Basin countries. It is one of the major projects in Western Kenya going for about Kshs8 billion.

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We also have the Bungoma-Kakamega water supply for the two counties. An award was granted for purposes of Engineering, Procurement, Construction and Financing (EPCF). However, you know where we are in terms of fiscal space. So, it went slow. We are trying to see how we can revive that particular project to supply water in Bungoma and Kakamega Counties. If I am not wrong, it shall be our answer for some of our challenges there.

I went to Vihiga County the other day. The Head of State was a guest and he launched Vihiga Water Supply; which is a project of about Kshs2 billion. He promised an additional Kshs300 million to assist Vihiga County with the last mile distribution. I can give you more details later if you need them.

We have not killed that project for both counties; Bungoma and Kakamega. We are working to see whether it will be under EPCF on concessional terms or Public Private Partnerships (PPP). I believe we shall move it forward.

**The Deputy Speaker** (Sen. Kathuri): Thank you, Madam Cabinet Secretary. That is the end of the two Questions session. We thank you for availing yourself to respond to the Questions raised by the Senator for Kirinyaga, Sen. (Dr.) Murango.

I also appreciate that you were able to answer supplementary questions, which you were not prepared to come answer. That shows that you are not the type of Cabinet Secretaries the President mentioned yesterday who do not understand their dockets. I want to inform the President that the Cabinet Secretary for Ministry of Water, Sanitation and Irrigation understands her docket well.

Now that I am on the seat, I shall reach out to you on the issues of Meru County, so that we agree on when you can address them.

Thank you, Madam Cabinet Secretary. All the best as you serve Kenyans.

**The Cabinet Secretary for Water, Sanitation and Irrigation** (Hon. Alice Wahome): Thank you, Mr. Deputy Speaker, Sir, for the kind remarks. The end was good. *Asante sana*. Thank you, Senators for the time and space.

*(The Cabinet Secretary for Water, Sanitation and Irrigation  
(Hon. Alice Wahome) was escorted out of the Chamber)*

**The Deputy Speaker** (Sen. Kathuri): The other Question was to be replied by the Cabinet Secretary for Public Service, Gender and Affirmative Action. She wrote a letter stating that she is unavailable today.

That matter has been rescheduled. The Senate Business Committee (SBC) will allocate the time for her to appear. I will caution her not to be writing letters to the Senate during the last minute after business is scheduled. That is done.

#### *Question No. 041*

#### CRITERIA USED TO CATEGORIZE AND GAZETTE AREAS AS HARDSHIP ZONES

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*(Question deferred)*

Next Order.

### MOTION

#### INTEGRATION OF ETHNIC MINORITIES AND MARGINALIZED COMMUNITIES IN KENYA

**The Deputy Speaker** (Sen. Kathuri): Sen. Cheptumo, proceed.

**Sen. Cheptumo:** Thank you, Mr. Deputy Speaker, Sir. I wish to move this Motion, but in an amended form, pursuant to Standing Order No.62. You will be able to realize the amendments as I read the Motion.

I beg to move the following Motion-

AWARE THAT, Kenya is a multi-ethnic country with a rich diversity of cultures, languages and traditions;

FURTHER AWARE THAT, ethnic minorities and marginalized communities face significant social, economic and political challenges including discrimination, marginalization and exclusion;

ACKNOWLEDGING THAT Articles 10 (2)b, 21(3), 27, 56, 91(1)(e), 100, 174(e), 177(1) (c),204(3)(b),216(4) and the Fifth Schedule to the Constitution of Kenya obligate the State to promote and protect the welfare of ethnic minorities and marginalized communities;

APPRECIATING THAT, the Government has put in place policies, legal and institutional frameworks including affirmative action programmes to address the needs of other special interest groups namely children, persons with disabilities (PWDS), youth, women and the elderly;

CONCERNED THAT, ethnic minorities and marginalized communities remain largely unaddressed through similar interventions due to lack of an existing national policy and legislative framework;

NOW THEREFORE, the Senate resolves that the Ministry of Public Service, Gender and Affirmative Action, the National Gender and Equality Commission, the Directorate of National Cohesion and Values in the Office of President and any other relevant State departments in collaboration with the Council of Governors: -

(1) initiate measures to identify and address the specific needs and challenges faced by ethnic minorities and marginalized communities in Kenya as envisaged in the Constitution of Kenya 2010; and,

(2) develop and implement national policy and legislative framework for the integration of ethnic minorities and marginalized communities in Kenya as envisaged in the Constitution of Kenya.

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

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

Mr. Temporary Speaker, Sir, this is a Motion that is intended to bring about integration and inclusion of the minorities and marginalised communities in our country. The Constitution of Kenya 2010, under Chapter 4 on Bill of Rights, recognises and protects human rights and fundamental freedoms for every Kenyan.

Article 20 (2) of the Constitution states -

‘Every person shall enjoy the rights and fundamental freedoms in the Bill of Rights to the greatest extent consistent with the nature of the right or fundamental freedom.’

That is the constitutional provision that I will be relying on as I move this Motion.

Article 21 (3) recognises several vulnerable groups in our society whose rights should be recognised and protected. I am talking about a small section of our society; the women, the elderly members of our society, Persons with Disabilities (PwDs), children and youth. This Motion relates to members of minority and marginalised communities in our country.

Article 21 (3) of the Constitution obligates the State organs to address these needs of the vulnerable groups by coming up with legislative policies and other measures to achieve realisation of the rights of those groups. The Constitution, in very clear and mandatory terms, by usage of the word ‘shall,’ places that responsibility in the State and all the State organs.

Mr. Temporary Speaker, Sir, it is my humble submission to this House that the state has to a very large extent, placed policies, legal and institutional framework for affirmative action programmes to address the needs of the children, women, PwDs and the elderly.

To that extent, the State has done very well in coming up with those legislative and affirmative actions. That is why we have the youth and women enterprises fund, the cash transfers for the elderly and other social assistance programmes catering for the orphans, vulnerable children and so on.

The effects of affirmative action for these vulnerable groups I have talked about is that these groups now have significantly benefited from these affirmative actions by both the national Government and county governments. These interventions have enabled the groups to attain inclusivity, creating opportunities and ensuring their active participation in various aspects of society.

That is the spirit of the Constitution of Kenya 2010, that irrespective of your status; as much as you may be vulnerable, you do not have resources or are a minority in a particular situation, the Constitution requires the State to put in place measures and affirmative action to mainstream those groups in all aspects of society.

The sad story is that whereas the State has to a large extent addressed the needs of the interest of the vulnerable groups I have mentioned; children, women, the elderly and PwDs, it has completely ignored, refused and or neglected to address the needs of the marginalised and minorities as required under Article 21 (3) of the Constitution.

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The State has made it worse by not implementing Article 56 of the Constitution. Allow me to refer to that particular Article of the Constitution so that the House appreciates what I am saying.

Article 56 of the Constitution states –

‘The State shall put in place affirmative action programmes designed to ensure that minorities and marginalised groups-

- (a) participate and are represented in governance and other spheres of life;
- (b) are provided special opportunities in educational and economic fields;
- (c) are provided special opportunities for access to employment;
- (d) develop their cultural values, languages and practices; and,
- (e) have reasonable access to water, health services and infrastructure.’

Mr. Temporary Speaker, Sir, that is the sad situation we face in the country today. Whereas some of the vulnerable groups identified in Article 21 (3), have been taken care of, these minorities and marginalised groups have not been taken into account. It is important for the country and for this House to understand the definition of ‘marginalised.’

I take the House to Article 260 of the Constitution, which defines marginalised groups as defined by the Constitution.

“Marginalised community” means-

(a) a community that, because of its relatively small population or for any other reason, has been unable to fully participate in the integrated social and economic life of Kenya as a whole;

(b) a traditional community that, out of a need or desire to preserve its unique culture and identity from assimilation, has remained outside the integrated social and economic life of Kenya as a whole;

(c) an indigenous community that has retained and maintained a traditional lifestyle and livelihood based on a hunter or gatherer economy; or

(d) pastoral persons and communities, whether they are –

(i) nomadic; or

(ii) a settled community that, because of its relative geographic isolation, has experienced only marginal participation in the integrated social and economic life of Kenya as a whole.’

I am not talking about an imaginary group of people in the country. I am talking of a group of these people recognised in our Constitution.

Mr. Temporary Speaker, Sir, we have a total of 3,573,749 Kenyans who fall under the category defined in Article 260 of the Constitution. This is 9.3 per cent of our population. Can you imagine that we have ignored the well-being of 9.3 per cent of our population? We have not mainstreamed or integrated them in participating in democracy as the rest of the population.

There are 79 minority communities in our country spread across 26 counties in Kenya. Baringo County, which I represent, is one of the counties with marginalised communities. We have Ilchamus, which is a small community in two wards in Baringo

County. We have the Kikuyu Community in Eldama Ravine wards. We have a small population of Nubians, Kisiis and Somalis. I am referring to communities in my county. Tana River County, which is represented by my brother, Sen. Mungatana, Taita Taveta, Wajir, Kilifi, Mombasa, and Migori counties form the 27 counties with minorities. Together, we have a total of 3,573,749 Kenyans.

What is before the House today is a national issue. I will read Article 174 of the Constitution because I want to show that the framers of the Constitution – I had the chance of being one of the framers of the Constitution then because I was the Assistant Minister for Justice and Constitutional Affairs. Article 174 is on the objects of devolution

—  
“The objects of the devolution of government are—

(e) to protect and promote the interests and rights of minorities and marginalised communities”

I am not only addressing the responsibility of the national Government but also the responsibility of the county governments. One of the reasons why we went for devolution is to address that. Counties are not doing well in terms of mainstreaming and integrating the minorities in their day to day functions. I have talked about Article 56, which we have not implemented.

The consequences of not actualising the provisions of Article 56, coming up with affirmative action programmes under Article 21(3), also, county governments not implementing the provision of the objectivity of devolution under Article 174 is that these minorities have not been able to participate or be represented in county governments and the national Government. They have not been able to access employment. They have been ignored and neglected. Items under Article 56 are clear as to the areas where we have failed.

The foundation of this Motion is premised upon the fact that we have for a long time ignored and excluded the minorities and the marginalised communities in our country. Twenty (27) Senators in this House were voted in by those minorities. It is only prudent that those of us in this House who were voted in by those minorities should compel the State and county governments, through a resolution of this House, to do exactly what we are seeking in this Motion. We are seeking that the county governments initiates measures to identify and address the specific needs and challenges faced by ethnic minorities in our country. It is important to identify those needs and address them.

Secondly, develop and implement national policy and legislative framework for integration of these minorities in Kenya as envisaged in the Constitution. The intention and the constitutional provision are intended to mainstream, allow the minorities to be part and parcel of our development. We talk of a united country, a country united by values of a united nation. We belong to this country, served by the same Government and same Constitution.

The time has come for this House to stand firm and pass this Motion. When time comes for us, as a House, to pass the appropriate legislation, I am sure that my colleagues will stand firm and pass the laws that will make those minorities in our place like

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Ilchamus in Baringo County, the Kikuyu community in Eldama Ravine, the Nubians in Mogotio, Kabarnet and Marigat should be part and parcel of that community. The Pokot nation in Tiaty Constituency in Baringo County. These are Kenyans who will feel recognised. For all the other counties, which I do not want to mention because I do not have the time--- However, this is a national conversation we need to engage in. It is a national challenge we need to deal with so that those marginalised in our communities will feel part and parcel of this country and the development that we enjoy in our country.

Mr. Temporary Speaker, Sir, I would like to stop there and plead with my colleagues to debate this Motion and pass it.

I move the Motion and request my learned junior, Sen. Mungatana, to second.

**Sen. Mungatana, MGH:** Bw. Spika wa Muda, ningependa kuchukua nafasi hii, kwanza kumpa kongole Seneta wa Baringo, Sen. Cheptumo, ambaye alimaliza mwaka mmoja mbele yangu shuleni tukisomea sheria. Nampongeza kwa kuleta Hoja hii hapa kwenye Bunge la Seneti.

Ukweli wa mambo ni kwamba, tangu Kenya ipate Uhuru tumekuwa na ukandamizaji wa kabila ndogo ndogo katika mfumo wa kisiasa na kiuchumi hapa nchini.

Historia inatonyesha kwamba mkoloni alipokuwa anatawala Kenya, Uganda na Tanzania, alichagua namna ya kuwatawala watu wengi kwa kuwapa nafasi za ofisi kubwa kubwa. Hawa walikuwa tu watu walioamua kufanya kazi na mkoloni.

Kwa sababu ya hiyo, wakati mkoloni alipokuwa mamlakani, kuna Waafrika wengine wachache ambao walichaguliwa kuwa machifu wakubwa. Hapo ndipo walishirikiana na mkoloni kukandamiza Waafrika wenzao huku wao wakipata nafasi ya kujiendeleza kiuchimi na Serikalini.

Bw. Spika wa Muda, Rais wa Kenya wa kwanza, Mzee Jomo Kenyatta, alipochukua mamlaka, hakubadilisha mwelekeo huo. Hii ndio maana wengine walisema mzungu mweupe aliondoka lakini mzungu mweusi akaja. Ni kwa sababu mambo mengi hayakubadilishwa.

Kabila ndogo ndogo ziliendelea kukandamizwa. Ndio maana ni muhimu leo tuizungumze Hoja hii. Sisi ambao tunatoka katika kabila ndogo ndogo, lazima tuyaseme haya ili tuelewane ya kwamba Kenya hii tuko na tunaishi. Tuko hapa na hatuondoki.

Hawakugeza haya bali waliendelea vivyo hivyo. Ukandamizaji huu ulielekezwa kwamba nafasi za kiserikali kwa watu wa Tana River miaka ya Mzee Jomo Kenyatta ilikuwa chache. Sehemu zile za watu wengi ndio walipata nafasi. Vile mkoloni alivyokuwa anafanya, ndivyo Rais wa kwanza alifanya.

Bw. Spika wa Muda, ukiangalia upande wa masomo na watu waliosoma hadi chuo kikuu, Rais wa pili pia alifuata nyayo za hayati Jomo Kenyatta. Yeye mwenyewe alisema: “Mimi nitafuata nyayo za Rais Mzee Jomo Kenyatta” na kweli alifuata nyayo.

Alichukua uongozi ule ule na kufanya vile vile. Makabila madogo yalishushwa na kuendelea kukandamizwa. Ukiangalia majedwali na hata utafiti ambao umefanywa kwa vyuo vikuu, utaona ya kwamba makatibu wa kudumu, wakubwa wa mashirika ya kiserikali na wafanyikazi wa kiserikali, utakuta nafasi za wale kutoka makabila madogo

zilikuwa chache sana. Ilifika wakati ambapo katika kitengo kizima cha Serikali ama shirika la Serikali, watu wanaongea lugha ya kinyumbani.

Hoja hii ni muhimu sana. Ili watu waanze kuelewana, tujaribu kugeuza mambo ambayo yamekuwa donda sugu katika hali ya uchumi na kisiasa hapa Kenya.

Rais wa tatu ambaye tunamsifu sana, alijaribu lakini mambo yale yale yaliendelea. Rais wa nne, vivyo hivyo. Tulipopata hii Katiba mpya na vile vipengele vyote ambavyo Sen. Cheptumo amevitaja, Katiba hii mpya inasema tujaribu kuleta mabadiliko katika hali ya usimamizi, uchumi, nafasi za kiserikali na hali ya usimamizi katika mashirika ya kiserikali. Ilikuwa kwamba makabila madogo yahusishwe katika Serikali.

Tunajua mabadiliko yanaendelea na tunajaribu kuyazungumza haya ili yawe katika akili za wale watu ambao wako na nafasi Serikalini kwa wakati huu. Tunachukua nafasi hii kupitia Hoja hii, kusema wazi wazi ya kwamba mawaziri ambao wamechaguliwa katika ofisi zao waanze kuzitatua shida hizi.

Leo, Seneti inasema waanze kuzitatua namna hii; waziri akiwa na nafasi ya kuchagua watu moja kwa moja, yani watu ambao anachagua kwa mkono wake, usichague watu wa kabila lako pekee. Tuwaomba wajaribu kubadilisha hali ya mambo kwa kuweka hali ambayo inafaa katika wizara zao kwa sababu wakianza kushuka, makatibu, *directors* na watu wa ngazi za chini watafuata. Tunataka Mawaziri wakiwa Serikalini waangalie wale ambao wanachukua nafasi katika *organizations* za serikali kwa kuwahusisha watu kutoka makabila madogo.

Saa hizi ukiangalia, Tana River, hakuna hata *managing director* mmoja katika *parastatal* yoyote ya Kenya tunavyoongea. Tana River saa hii, tunaangalia na watu wanaangalia na wanaona machungu yako na haya mazungumzo lazima tuyasema iliwanaosikia wajaribu kubadilisha mambo haya. Tunangojea kuona iwapo pengine wale ambao wameshika nafasiza kazi--- Tangu uhuru, hatujapata waziri kamili. Mimi mwenyewe nimetumikia kama waziri msaidizi lakini waziri kamili hatujapata kutoka Kaunti ya Tana River.

Ninajua kaunti zingine pia hawajapata lakini tunasema mabadiliko yafanyike. Tunawaomba wale walio mamlakani wabadilishe mambo haya ili sisi sote tujisikie tu Wakenya. Lakini hata baada ya kupitishwa kwa Katiba hii ambayo ilileta gatuji 47, tumepata shida hata sehemu za magavana. Shida ambayo imepatikana ni kwamba, magavana waligeuza maneno sasa na wakataka kuwa kama marais na kujiita *His Excellency*. Mwanzoni ilikuwa shida lakini mwishowe, ikawa tumekubali sisi sote Kenya tunawaita *His Excellency* kama Rais.

Hata hivyo, wao pia wakaanza kuiga mifano ya marais wa zamani kwamba watachukua kabila zao na kuziweka katika serikali. Kwa kufanya hivyo, watu kutoka makabila madogo yametengwa kutoka kwa serikali za kaunti.

Katika Gatuzi la Tana River, Gavana alishtakiwa kwa sababu mwananchi alisema kuwa kuna sheria ambayo imevunjwa. County Government Act, inasema kabisa, lazima zile nafasi zigawanywe lakini magavana hawafuati sheria hiyo. Haya maneno lazima tuyazungumze. Leo ukiwa Nairobi, pengine kabila hilo ni kubwa lakini ukifika kwa

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gatuzi ya Tana River, utakuta kabila hilo ni ndogo. Lakini hao ni Wakenya kama Wakenya wa huku.

Tunataka tuwe na moyo wa kubadilisha hali ilivyo sasa. Hoja hii ambayo iko mbele yetu, tunataka kuzungumzia jambo hili. Nyumba ambayo mambo yanajadiliwa na kupangwa kama wazee, ni hapa. Tunatuma ujumbe kwa magavana wote ya kwamba waiangalie Kenya kama nchi yao. Usitambue watu wale ambao walikupigia kura au kabila lako pekee. Unapotengeneza serikali yako na kujaza nafasi za Mawaziri na Makatibu wa Kudumu, tafadhali, angalia ujue ya kwamba kuna Wakenya wengine haswa makabila madogo madogo.

Ukiangalia leo Kaunti ya Tana River, utaona makabila madogo madogo. Makabila yetu makubwa ni Wapokomo, Waoromo na Wardei. Hata hivyo, kuna makabila kama Wata, Wagiriamu, Wakikuyu, Walwana na Wanyoyaya ambao ni wachache pale.

Katika serikali ambayo inaundwa na County Public Service Board (CPSB), ni nafasi chache sana ambazo zinaenda kwa yale makabila madogo. Wakati mwingine, yale makabila makubwa yanaegemea upande mmoja. Yakifanya hivyo, yanaegemea zaidi kwa *clan* fulani ya kabila hilo.

Ni lazima tabia hizi mbaya za kisiasa zikome. Ni lazima tusimame kwa umoja hapa Seneti na tuseme kwamba mambo ya kuwatenga watu wetu kutoka Serikali ya kitaifa na serikali za ugatuzi yaondolewe. Tuzungumze mambo ya umoja nchini Kenya na katika magatuzi yetu.

Isiwe kwamba mtu akitoka kaunti hii hawezi kuenda kuishi katika kaunti nyingine kwa sababu hakuna nafasi kule. Mtu asiamue kwenda kuishi Uingereza kwa sababu hawezi kupata nafasi kubwa hii Kenya hata awe na talanta ya aina gani.

Hivyo tunavyosema kuhusu Serikali ya kitaifa ndivyo tunavyotaka katika magatuzi zetu, kuwe na haki na usawa. Hii ndiyo Hoja ambayo iko hapa mbele yetu.

Ninamshukuru Sen. Cheptumo kwa kuwasilisha Hoja hii hapa kwa sababu ni lazima tuyazungumzie.

Kidonda kikiwepo, kama hakiwekwi dawa, basi hakiwezi kupona. Wakati mwingine ukiweka dawa kwenye kidonda, unasikia uchungu. Miaka zile tulipokuwa wadogo tulikuwa tukipakwa dawa ya samawati inayoitwa '*Jivi*'. Ukipakwa dawa hiyo unawashwa kabisa lakini hivyo ndivyo kidonda hupona.

Ni lazima tuambiane ukweli. Kujenga Kenya hii iwe na sauti moja, basi ni lazima tuwe na usawa katika kabila zote ambazo ziko katika magatuzi zetu na Serikali ya kitaifa. Hivyo ndivyo wananchi wanavyotarajia. Si kwa makabila pekee lakini pia kwa nafasi za Serikali za kuwekeza na kujenga uchumi. Tuwe na umoja wa ukweli katika magatuzi zetu na Serikali kuu na sio umoja wa mdomo.

Bw. Spika wa Muda, ningomba Maseneta wote ambao watachangia Hoja hii ya Sen. Cheptumo waongee ukweli. Tuunge mkono maombi ambayo yako kwenye Hoja hii ili Wizara na sehemu za Serikali ambazo zinahusika zilete mabadiliko ya kisheria na miungomisingi ambayo itasaidia Kenya iwe na umoja.

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Tusiseme Kenya ni moja lakini wengine wanaumia. Tunataka Kenya iwe moja kwa ukweli na haki. Naomba Masenata wote ambao watazungumza waunge mkono Hoja hii.

Kwa hayo mengi na machache, ninaunga mkono Hoja hii.

Asante, Bw. Spika wa Muda.

**The Temporary Speaker** (Sen. Abdul Haji): Hon. Senators, this Motion was moved in an amended form. Therefore, I will propose the question as amended.

*(Question proposed)*

I now invite Senators to make contributions.

Proceed, Sen. Mumma.

**Sen. Mumma:** Mr. Temporary Speaker, Sir, I thank you for the opportunity to contribute to this very important Motion. Allow me to congratulate Sen. Cheptumo for moving this Motion.

This Motion is about the implementation of the national values and principles as enshrined in our Constitution. I specifically want to point out Article 10 (1) (b), which talks about human dignity, equity, social justice, inclusiveness, equality, non-discrimination and protection of the rights of the marginalised.

Mr. Temporary Speaker, Sir, that particular provision emphasizes the importance of the principle of equality. It speaks to equality, equity and social justice. It also talks about non-discrimination and inclusiveness.

I am glad that the hon. Senator has brought out the issue about the pain of the marginalisation of certain ethnic communities in this country. Ethnic exclusion and tribalism can be analogised to patriarchy. The pain you are feeling, Sen. Cheptumo, is the pain that women and Persons with Disabilities (PwDs) feel. The pain that these groups have always with passion tried to persuade this country, that it is important that everybody is included.

Mr. Temporary Speaker, Sir, I would wholeheartedly want to ask that, as a nation, we need to move to a level where we know that this country and the Constitution that guides this country contemplates a society where everybody matters and is important. Every region and section is as important as any other.

It should be a society where development is planned and education is done in an equitable manner; and a society where we care enough to recognise that because of the bad manners of past governments, we have left behind our fellow citizens who are equal.

This Motion is asking us to implement Articles 100 and 204, which we have been discussing in this Senate; an article that sets aside a special fund to try and bring development particular to areas that are marginalised. These areas are not just marginalised geographically or physically.

These are areas occupied by people who would otherwise be elsewhere if they were given similar opportunities like people in other regions.

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Mr. Temporary Speaker, Sir, even as we plan to implement this Motion, the Mover should require that the National Gender and Equality Commission (NGEC), which has a specific mandate in relation to the minority, brings a policy. I support because equality and equalisation have sometimes been narrowed to the issue of women, Persons with Disabilities (PwDs) and the youth.

We must find a policy that specifically addresses issues of ethnic minorities as persons who are also discriminated in this country. As we do so, *Wakili*, I request that we stay faithful to the interpretation of Article 260 about ethnic minorities.

I come from the Luhya Community. If 10 of us buy land and settle in a neighbourhood in Murang'a, I doubt that the law requires that we be treated as an ethnic minority in a similar manner as the Ilchamus and that we will ask for our own infrastructure, having gone there and knowing that Luyhas are among the big communities.

As we define the meaning of ethnic communities, we should stick to the interpretation provided for in the Constitution. In my view, unless, it is in policy and we have put a measure for performance, it will not happen. That is why it has not happened since 1963. That is why it is not happening even though we have a Constitution with guidelines.

I propose that you go further to require that we put in place a few indicators for the national Government and county governments, so that every year during the State of the Nation Address, the President should tell us how the national Government and different Ministries, in the execution of their mandates, have incorporated the needs of marginalised ethnic communities. If we do that, it will be easy to know that, for example, in 2023, the national Government employed many Ilchamus in parastatals.

In that policy, we need to identify ethnic communities we feel have been marginalised historically so that they are brought on board. If we put it that way, they will go out of their way to find persons from the ethnic minorities who are qualified to be employed.

I suggest a similar standard be required for the county governments. When we get reports from county governments, we will know how they are implementing this obligation of the Constitution and the evidence they have to show that they are implementing this particular responsibility. If we go about it that way, it will be possible to pick tangible evidence of real inclusion of these people.

Mr. Temporary Speaker, Sir, as I finalise, I caution against the use of the words "mainstreaming and integration". Mainstreaming and integration might mean assimilation.

We have had in the Committee on Justice, Legal Affairs and Human Rights an instance where a community was complaining about being integrated and given identification numbers that put them together with another community. As an ethnic community, it meant they were being assimilated and identified as the other community and not themselves.

Integration sometimes can be exclusionary. We must respect the identity of communities that want to be identified even if they are few. We should be talking about inclusion and not assimilation.

As we use “mainstreaming and integration”, we need to do so in a careful manner such that it will not end up obliterating communities from their own identities.

Mr. Temporary Speaker, Sir, with those few remarks, I hope I have enriched the Motion as moved. It is an absolutely important Motion that we all need to support.

I support.

**The Temporary Speaker** (Sen. Abdul Haji): Proceed, Sen. Wamatinga.

**Sen. Wamatinga:** Mr. Temporary Speaker, Sir, I also rise to support the Motion by the Senator for Baringo County, Sen. Cheptumo.

Indeed, it is time that we, as Kenyans, aligned ourselves knowing that as a nation, our diversity does not matter because it is being used to oppress others. We need to embrace our diversity and know that in it we can draw a lot of strength.

I have listened to Sen. Mungatana seconding the Motion. Indeed, it is sad that 60 years after Independence, we are still fighting the same battle of marginalisation. As he rightly stated, colonialists walked out and came in black colonialists who have successfully suppressed the interests of all Kenyans.

The battle before us must be fought by us all. It must bring us together united to ensure that future generations will never again stand up to discuss such a Motion that we are discussing today. It is indeed a great shame that a country that is 60 years old is still fighting the same issues that were fought 60 years ago.

I challenge Senators to come up with measures and a legislative framework that will ensure that the Constitution that we promulgated in 2010 is implemented. That cannot be done if we, as the Senate, are still blaming the governors whom we should be overlooking for discriminating the minorities in their counties.

It is a challenge that we must live up to. We need to put up the right legal framework, so that we ensure that nobody in Kenya feels like an outsider.

Successful governments have managed to include ethnic minorities groups and the downtrodden, pushing Kenyans into poverty, so that we do not have a voice to talk about our problem united.

That is why we fought so hard as the Kenya Kwanza Government to dismantle the shackles of bondage by the dynasties. That is why we stand and say that after elections, we want to see not only the implementation of the Constitution but also people who respect it.

There are those who want to make us believe that we are at crossroads. It cannot be that the same people who have successfully oppressed Kenyans are telling us that Kenya is at crossroads because that is not true. It is simply because people in leadership today happen to come not from big families but those who they thought could never rule this country.

Moving forward, anybody born in this country should have an equal opportunity. We must put measures in place to ensure that everyone of us gets an equal opportunity

regardless of where we come from. Whether marginalised, disabled or from an ethnic minority, you must have equal opportunity.

It is high time that we, as legislators, put the legal framework in place to ensure that every child who goes to school in this country, regardless of whether their father is known or unknown, has an equal opportunity. We can never do that if we have a million and one examples of---

**The Temporary Speaker** (Sen. Abdul Haji): Sen. Wamatinga, you will have 11 more minutes to continue contributing when the Motion appears on the Order Paper.

### ADJOURNMENT

**The Temporary Speaker** (Sen. Abdul Haji): Hon. Senators, it is now 1.00 p.m., time to adjourn the Senate. The Senate, therefore, stands adjourned until today, Wednesday, 2<sup>nd</sup> August, 2023, at 2.30 p.m.

The Senate rose at 1.00 p.m.