

MURANG'A COUNTY ASSEMBLY THE HANSARD

Thursday 17th March 2015
(Second Chairperson Hon. Catherine Mugo in the Chair)
The House met at 2: 33pm

PRAYERS STATEMENTS

INTRODUCTION AND PAYMENT OF NEW FEES FOR SINGLE BUSINESS PERMITS

Hon. Samuel Wandia: Madam Speaker, there was a request for statement by Hon. Eliud Gitau Kabuthi, MCA Kimorori/Wempa ward, on the introduction and payment of new fees for single business permits. Here is the response

(Hon Anderson Muchemi rose on a point of order)

Hon. Anderson Muchemi: Is it in order for the Hon. chair Finance to respond to a statement from a member who is not present?

Second Chairperson: Any member from that committee, if there are several members, he can go on, they will report to the committee

Hon. Samuel Wandia: Thank you Madam Speaker, I wish to state that by the time the statement was requested, that is April 2014, the Finance Bill for FY 2013/14 was still being worked on and therefore payment of new fees for single business permits had not been set in motion, since its implementation started on July 1, 2014, nonetheless, the Finance Bill, 2014/15 has not been finalized.

Second Chairperson: Any member from that committee in which response has been given?

Hon. Joseph Machiri: I am a friend of the committee, because we sometimes sit together in the budget committee and I am a friend of the chair, I seek to be given about 14 days so that we can respond fully on that statement.

Second Chairperson: Sorry this is not a request for statement, just look at the order paper

Hon. Charles Karina: By the look of things, it seems this statement was requested as a personal statement. I request you take it further until the Hon. Member who had requested for this statement to be around so that he can be satisfied by the answer.

Second Chairperson : Very well Hon Karina, I will defer this to the next sitting, but I wish to state that when we have a response like this, the person who had requested for the statement should ensure they are in the Assembly, so that when the response is made, he will be present in the House.

MOTION

FORMULATION OF A POLICY ON PROTECTION AND CONSERVATION OF THE RIVER BANKS AND RIPARIAN LAND IN MURANG'A COUNTY

Hon. Samuel Wandia: I was inspired to draft this motion because many rivers and tributaries have dried up due to excessive encroachment. Some time ago and members of

this Assembly know, rivers were flowing, across the county, the rivers downstream have dried up, I can quote a few rivers, like Itherui which was flowing

Second Chairperson: Hon. Dishon, first move the motion.

Hon. Samuel Wandia: I am sorry, I think I had given a notice of motion and I thought the information was fresh in the minds of my colleagues but all the same, may I repeat;

Aware, that Article 42 of the Constitution of Kenya 2010, states that every person has a right to a clean and healthy environment which includes the right to have the environment protected for the benefit of present and future generations through legislative and other measures, particularly those contemplated in Article 69 and Article 43 (d) which states that every person has a right to clean and safe water in adequate quantities, further aware that Part 2 (10) of the Forth Schedule of the Constitution of Kenya 2010, recognizes that implementation of specific National Government policies on natural resources and environmental conservation, including soil and water conservation and forestry, are a function of the County Governments, cognisant of the fact that many rivers and tributaries within the County have dried up due to excessive encroachment and clearance of vegetation along the river banks and riparian land, and many households in Murang'a County who live downstream go without water; this Assembly urges the CEC in-charge of Environment and Natural Resources to formulate a policy on protection and conservation of the river banks and riparian land in the County.

Madam Speaker, it is true that rivers and tributaries have dried up downstream, I remember in my youthful days, some of the rivers were running downwards but apparently they are no longer there. Our people are crying every day that they lack water. When the rivers dry up, downstream the animals and men are dying and it is a constitutional right for water, nobody can deny you water or air but apparently due to encroachment of rivers by our people this valuable commodity is scarce.

In some places people are travelling for miles to get water, if the tributaries never dried up, the journey our people are making could be significantly reduced. I am saying that this is the opportune time, for this county to legislate and put regulations to stop our people from encroaching the river banks.

I have walked across in my ward, they have gone to the extent that you cannot know where the river was. If they are stopped and the vegetation allowed to grow, I am sure the rivers would come back because the land has not moved, only the encroachment has interfered with the water flow. I am asking the members to really support this motion and we have measures taken to ensure that the rivers take their course and the people who are crying about water downstream will have to go to these rivers.

I am asking my colleagues to approve the motion, and urge the implementation committee to ensure the motion is implemented if it is passed so that the water reaches the people and the animals downstream. With this I request Hon. Njoroge from Kamahuha to second this motion, apparently people from Kamahuha are crying for water and the others downstream, river Ngumbo and Itherui which passes through Kamahuha have dried up.

Hon. John Gitau: I remember we have had similar motions before, if they do not overlap, I remember there was a motion by Hon. Kago, there was a motion by Hon. Erick on water preservation, but Madam Speaker, I highly believe in the motion, if there is no collision, because water conservation is very important. It is like the mover knew, as we speak, I have

people from my area who are demonstrating because they believe that water has been diverted upstream. I am having trouble convincing them that no one had diverted water it is only the drought effects, this is along River Thaara which borders Kamahuha and Makuyu, a very dry area.

There is also a reduction in the water level in almost all rivers. This morning I travelled to Kiria-ini and I could see in Gaturi area, most rivers had dried up but after critically looking, as the mover of the motion is saying, people have actually cultivated up to the river, which is causing erosion and water wastage. As we do this, if the motion passes there should be restrictions on how people upstream are using water, we have people like RUA who are supposed to make sure water usage upstream is restricted so that we will have people downstream getting water. If you allow everyone downstream to use the water for cultivation we will also make people downstream suffer, so madam Speaker I second the motion and request the Hon. Members to also support it.

Second Chairperson: Before I propose the question I would wish to guide the House, though the seconder have said that the seconder has said that it is similar to the motion brought by Hon. Kago and Hon. Erick, if I remember very well, the motion by Hon. Kago was on conservation of water, motion by Hon. Erick was on construction of gabions to prevent erosion. The motion at hand is on protection and conservation of riverbanks and riparian lands in the county, to me, they are different motions

(Question proposed)

Hon. Joseph Machiri: Thank you very much Madam Speaker. I do not know whether to support or not to support, I stand to be guided by the chair because I am the chair of the environment and my committee is on the move coming up with the conservation bill called Murang'a County Environmental Conservation Bill 2015 and it is on-going now. I think the hon. member Madam Speaker over heard what we were discussing, I do not know whether

Second Chairperson: Hon. Machiri you are out of order.

Hon. Joseph Machiri: I apologise Madam Speaker, therefore Madam Speaker I ...

Second Chairperson: The reason being you cannot pre-empt an argument that has not been brought to this House, so please comment on what is in this House. Are you opposing or supporting it?

Hon. Joseph Machiri: I am opposing because we are having that bill in our committee, thank you Madam Speaker.

Hon. Martin Mwangi: I am standing here to support this motion because when we talk about environment in our county, environment is very important especially the conservation and protection of river banks and riparian areas.

Madam Speaker in this county we have so many rivers and just as the mover has said they are drying up. It is just the other day we were discussing water, we are assisting Nairobi with it and this is very serious because soon and very soon we might not even have water to give to Nairobi because where we are harvesting water or the source of water in Murang'a something must be done and must be done with a supersonic speed and conserve those areas. In those rivers just the way the motion is, we need to know that to protect them we need to plant the trees which will make the water levels increase and also it will protect the rivers and riparian areas such as Bamboo tree and *Mukuyu* tree. Those are the

trees that are supposed to be planted almost near the riparian land so that they protect the erosion.

The other thing is that we in Murang'a love farming very much, when you go to the rivers now the arrowroots are almost inside the rivers and some of the farmers are using chemical fertilizers on riparian land when farming. We need to have a policy so that we can control farming near the rivers.

As we conserve and protect the rivers, we have youth; they cry each and every day that they do not have jobs. If we can come up with a good policy we can plant bamboo trees near our rivers and this task can be given to our youth. When these trees grow they have a variety of products which our youth can be selling.

Therefore, Madam Speaker we need to support this motion, we need to have a policy, and we need to come up with a way of planting trees. If you go to my ward we have a tea factory there, they have harvested almost every type of tree and have taken them to the factory boilers, so in future my ward might also become a desert.

So if we have a good policy like the one we were using during Moi government when you cut one tree you plant two, we can come up with a policy where we will have a tree planting day where everybody in the county just like the way is happening in Rwanda, every child in our school should plant two trees per year. That is the only way we can protect our rivers, we can conserve them and we can have a very good and friendly environment in our county, therefore Madam Speaker I support this motion.

Hon. Erick Kimani: I rise to support this motion bearing in mind that in my area there are seasonal rivers which the farmers have encroached. There used to be swampy areas around the rivers and these areas have all been encroached and cultivated and as one member has said the arrowroots are cultivated up to the foot of the river.

So if this motion can pass and CEC in charge implements the motion, I think the issue of wet areas and flow of water in our seasonal rivers will be flowing throughout the year.

The week before last I walked along the river bank in my area at Gakarati river and I learnt farmers are cultivating near wet areas because that is where they are getting maximum production, but if we can protect those areas, we plant trees which will enhance preservation of water we shall have the other areas which are drying up getting wet with time.

We need to protect those areas but as I support this, my big worry is the implementation of this. I brought a motion and it was passed in this House more than six months ago on how to protect soil erosion, and another one on unblocking all the areas that have been encroached but nothing has been done. So not unless this motion is taken seriously by the CEC in charge I think we are having problems, but with implementation committee I think we are going to push until something happens, thank you Madam Speaker.

Hon. David Muhoro: I rise to support this motion but Madam Speaker I want to echo Hon. Kamande on implementation. It is not enough for this House to sit here and think whether the CEC comes up with a very good policy is it practical for this House to do the same? We need to ask ourselves the factors that are contributing to encroachment of these water towers and riparian areas.

We are now in a very dry season and if you go downstream especially in my area everybody is in those riparian lands trying to take the little that has been left because the water level is very low and irrigate some greens to put their food on the table.

Madam Speaker I do not know whether the CEC will employ county *askaris* to be running all over to remove the people from the river banks, I do not know what measures the county government will take to stop the encroachments. If we put the best policies in place these can be achieved. It is through provision of irrigation water that people will divert from water banks. However, I am happy the water committee has a Bill which we need to be informed on the stages so that we can have our input as policies alone are not enough.

We support this motion but it is a tall order to implement it because you can imagine, I do not have statistics but we have very many rivers in Murang'a but all of these rivers are encroached, even some hon. members in their respective lands they have encroached, because they are looking for that little water for irrigation. So I think we need more than a policy, we need a comprehensive approach on this. I thank you Madam Speaker.

Hon. Rebecca Mwicigi: I stand to support the motion and being very close to the environment and being a member of environment committee I would say that we do not need to use a lot of force to the farmers we only need to educate them.

If we can tell the farmers that they will add another cash crop of bamboos because bamboos can make about ten items, and these ten items, youth can have an industry and we keep singing about industrialization of this country. If they can have an industry and farmers are told if you plant these bamboo trees there is a market for them, farmers want money in their pocket, and our children can be shown how to make those items.

There are so many volunteers, when I used to go out of the country I used to see so many volunteers who are willing to come to Kenya and show our people how to make things out of what we export out there. There are countries exporting a lot of bamboo and those bamboos make very expensive items which are bought by the lords and people with oil wealth because they are rare, natural and they are everything.

I support the motion and also ask the CEC to involve the youth to plant bamboo, not ordinary bamboo but there is that big bamboo which makes boats in Holland. They make boats because they can float and they are also good at conserving water, and if the farmers are told that these bamboos have a ready market they will plant and we can conserve all the water we want without a lot of conflicts with farmers, thank you.

Hon. Cecilia Gitu: Thank you Madam Speaker, I stand to support this very important motion, and I do not see any problem if there is a Bill coming, I think it will supplement and give force to what we are talking about now. We can consolidate and come up with a very good policy.

I want to say what members are saying is very true, our rivers are drying up, farmers have planted French beans they have used the little water there, such that downstream the rivers are dry. This does not auger well during the flood time. You find that because the rivers have been used, the flood comes with a lot of force and the riparian land has been cultivated up to the river itself.

I am a victim of that because I left three metres from the river in my farm but my neighbour took my soil away thinking that is part of the river. We need to create awareness in *barazas*. It is not difficult to create this policy if the law is set, how many meters from the

river and then we educate the farmers in *barazas*. Then the chief and the assistant chief and we the MCA's we will help to enforce that rule because I can see a great loss when we cultivate the river and we do not leave any vegetation around the river. The flood water comes with such force that all our soil goes to the Indian Ocean, and I think this is lamentable because I have seen a place like Kaiyau which is a large valley where people have been cultivating vegetables to take to Nairobi. It is a source of wealth for our people, but the River Itherui is drying up, River Matuto has dried up. We will not get any water to cultivate unless, of course, the irrigation water comes down.

Even with the irrigation water that we are waiting for, we still need our natural rivers. It is a source of natural water which has been there since time in memorial. So, I am talking about enforcement; enforcing the policy when we make one and saying that, we, like some members are saying, create awareness among the farmers and enforce this rule so that everybody minds the riverine areas. If everybody minds the way we use our rivers, I am sure we are going to conserve, not only our water, but also our soils so that they do not go down to the Indian Ocean. I support, Madam Speaker.

Second Chairperson: Hon. Njoroge.

Hon. James Njoroge: Madam Speaker, I represent Mugumo-ini ward. I come from one of the five wards fed by one seasonal river. Recently, I came across a very surprising situation. I think this motion needs to be passed so that our people can know that all the riparian areas should be free from cultivation because they have, in fact, invaded the same by cultivating arrowroots and claiming they belong to the government.

So, I also urge the Land committee to come up clearly so that our residents may know that these are areas that should be left to conserve water for use. I know that even the Governor, who resides in my ward, has a problem because the dams are drying at a very high rate making it impossible to get enough water for irrigation and to also feed the people and the workers who reside in those coffee estates and flower farms.

So, I support the motion and urge the mover to make sure that it will be implemented so that these things will not happen again because cultivating arrowroots in those riparian areas, especially during this dry season, people are making sure and retour the water going downstream so that they can benefit; hence avoiding it to flow to the people downstream. I support the motion.

Second Chairperson: Hon. Mburu.

Hon. Danson Mburu: Thank you Madam Speaker. I am the MCA, Makuyu. I stand to support the motion and say that when we talk about clean and safe water, the MCAs inside here should be aware that there are some areas in this county where people do not know about clean and safe water because they do not get it and they do not see it.

Up the country, I am sure that even when it is so serious like now when all the rivers have dried up, people in those areas still get water but they will complain that the water is little, but as we are talking at the moment, it is so serious downstream. When they say that the rivers have dried or they are drying up upstream, it is totally very serious downstream; the rivers and the wells have dried up.

Madam Speaker, it was just yesterday when I went to one of the wells where people go to get water. It is the only one remaining and I found about 30 women who had converged there to get water. Otherwise, they are travelling very long distances to get water.

They are digging very deep wells and after getting water, they cover the wells with sand so that they may come the following day and get some water.

So, Madam Speaker, I should say that everything should be done about water so that we may have enough water in this County. Otherwise, Madam Speaker, if we think of having tree nurseries all over the County and in every ward, and especially downstream areas of Kambiti, Makuyu, and Kamahuha, when it rains those people would be encouraged to plant those seedlings, although even when we plant and the dry season comes, those trees just dry up, so, something should be done.

I am very worried when we are discussing and the discussions are on Murang'a county water being taken to another County bearing in mind how dry it is and the need there is of water and we imagine giving another County some water. Madam Speaker, it is very worrying and so worrying that if this is going to succeed, although the decisions have not been made, we are going to be left in a very bad situation as far as water is concerned in Murang'a.

So, that is the reason why I am congratulating the mover of this motion, anything to do with water, Madam Speaker, should be handled with a lot of care because as we say, water is life. There could be no life if there was no water and if we, in Murang'a, are affected by the shortage of the water, and then our lives are in danger. So, Madam Speaker, I support the motion.

Second Chairperson: Hon. Kirigwi.

Hon. Charles Kirigwi: Thank you Madam Speaker. I support the motion and request the mover of the motion and maybe, the relevant committee of this Assembly, to consider making this motion a Bill so that those people who are tasked with it can be obligated to do what we are discussing here.

Otherwise, the CEC can choose to keep the motion under the drawer, but if you look at the Constitution, Article 69 is very clear on what we are supposed to do. If you look at bullet 10 (i) and (ii) about the devolved functions, it is very clear on what the counties are supposed to do in terms of environment and conservation, so, I will request the mover of this motion to consider conceptualising whatever he has put down into a Bill so that we can assist the general population of this County. Thank you.

Second Chairperson: Hon. Jesse.

Hon. Jesse Mburu: Thank you, Madam Speaker. I represent Nginda ward. As much as I would like to support this motion, which I do, there are some bits of complications because we are not just saying that the rivers have dried up; we have not asked ourselves why the rivers are drying up.

These rivers are drying up because there is a lot of cultivation going on at the banks of the rivers and that water is drawn to cultivate the vegetables, and particularly, the beans. That is an industry that has employed many people. If, let us say that, these people will not cultivate, it would then mean that there are many people who would go without jobs.

So, it is something that should be thought of before we get in and say that we are going to conserve the water, remove all the boys and women who are cultivating the French beans. We are all aware that the French beans are earning the County quite a lot of money and many people are earning their living from this cultivation of the vegetables, but it seems that we are not putting this into consideration.

So, if we say that we are going to conserve water, I am not saying that we should not, but what are we going to do with the people who depend on the water to cultivate the vegetables that they export to earn their living? Hon. Speaker, I would ask the committee to, maybe, come up with an idea on how when we conserve the water for the people we care for who are downstream, what we are going to do with the people who are cultivating using this water and earning their living. I support the motion. Thank you, Madam Speaker.

Second Chairperson: I would like the mover to respond, but before the mover responds, I would like to remind the House that no prejudice will be suffered by any person who intends to translate this into a Bill, so, even if you bring a motion, as Hon. Kirigwi has said, it can later be translated into a Bill. It does not make it incompetent before the House. It can later be translated into a Bill. Hon. Dishon.

Hon. Samuel Wandia: Thank you Madam Speaker. Firstly, may I say thank you to the Members of this House who have contributed and those who have not contributed but they are with me in spirit. I have heard the comments from the members of this Assembly but I do not see any problem in the implementation because we will all join up to make a force. Making a force means that if I am the one, the MCA Muthithi, whenever there are *barazas*, I should attend the *barazas* and tell the people the need to conserve the rivers and tributaries. Madam Speaker, we also urge the Executive to ensure that officers who are professionals in environment are deployed into the rural areas and they talk to the people so that they can educate them on the need to conserve these rivers and tributaries so that our people downstream can really enjoy this facility.

The other one, Madam Speaker, I wanted to put to MCA Jesse, conservation does not mean that we prevent them from farming; we conserve the water; we let the rivers flow; but they draw water to go and farm. We are not saying that if the conservation is done, they are not going to farm. They will farm peacefully. They will use any means; they can use the buckets to draw water the way they do; but we let the rivers flow so that those people downstream can enjoy this God given facility.

Also, Madam Speaker, on the Bill because one of my colleagues has talked of origination of a Bill, I will work with him. I will go to him, we will work together and the rest who will be interested will join us and we come up with a Bill as a team and present it to this Assembly, if a Bill can be more forceful than a motion. So, once again, I thank the members and I hope that it will be Aye rather than Nay. Thank you, Madam Speaker.

(Question put and agreed to)
(Applause)

Next Order

ADJOURNMENT

Second Chairperson: The House stands adjourned until tomorrow afternoon.

The House rose at 3:25 p.m.

