

MURANG'A COUNTY ASSEMBLY

THE HANSARD

Tuesday, 20th August, 2024.

The Assembly met at 2:43 p.m.

[Temporary Speaker (Hon. Grace Nduta) in the Chair]

PRAYER

PAPER

REPORT OF THE BUDGET AND APPROPRIATIONS COMMITTEE ON THE FIRST NINE MONTHS BUDGET IMPLEMENTATION REVIEW REPORT FY 2023-2024 FROM THE CONTROLLER OF BUDGET (COB)

Hon. Charles Machigo: Thank you very much, Madam Speaker. I beg to lay the following Paper; -

That, the Report of the Budget and Appropriations Committee on the first nine months budget implementation review report for the FY 2023-2024 from the Controller of Budget (COB), be laid on the Table of the Assembly.

Thank you, Madam Speaker.

NOTICE OF MOTION

ADOPTION OF REPORT OF BUDGET AND APPROPRIATIONS COMMITTEE ON THE FIRST NINE MONTHS BUDGET IMPLEMENTATION REVIEW REPORT FY 2023-2024 FROM THE CONTROLLER OF BUDGET (COB)

Hon. Charles Machigo: Thank you, Madam Speaker. I beg to issue the following notice of Motion; -

That, this Assembly adopts a Report of the Budget and Appropriations Committee on the first nine months budget implementation review report for the FY 2023-2024 from the Controller of Budget (COB), laid on the Table of the Assembly on Tuesday, August 20, 2024.

Thank you, Madam Speaker.

MOTION

ADOPTION OF REPORT OF ENERGY, ENVIRONMENT, FORESTRY AND NATURAL RESOURCES COMMITTEE ON ITS CONSIDERATION OF THE MURANG'A COUNTY WETLANDS AND RIPARIAN AREAS POLICY

Hon. Damaris Kagiri: Thank you, Madam Speaker. I beg to move the following Motion;-

That, this Assembly adopts a Report of the sectoral Committee on Energy, Environment, Forestry and Natural Resources on its consideration of the Murang'a County Wetlands and Riparian areas Policy, laid on the Table of the Assembly on Tuesday, August 20, 2024.

Madam Speaker, the Murang'a County Wetlands and Riparian areas Policy is anchored on the National Environmental Policy 2013, which aims to provide a framework for an integrated approach to sustainable management of the country's environment and natural resources. In particular, it proposes to strengthen and integrate environmental management with economic growth, poverty reduction and improving livelihoods.

Madam Speaker, this Policy focuses on addressing some of the challenges affecting the people and the environment within the Upper Tana Catchment for a sustainable resource utilization that will guarantee sustainability of the ecosystem that shall be bequeathed to future generations. Hon. Members because the documents are in your files, I will not read everything. Madam Speaker, I would like to acknowledge:

1. The guidance of the Chief Executive Committee Member Devolution and External Linkages, Director of Policy and Development partners i.e. the Organic Agriculture Centre of Kenya (OACK) and Participatory Ecological Land Use Management (PELUM) Kenya,
2. The members of this Committee for the diligence in enriching the Policy.
3. The Committee Secretariat for their service to the Committee and writing this Report.

Madam Speaker, the wetlands are areas on the land that are permanently or seasonally saturated with water such that they have distinct ecosystem characteristics. They occur in diverse ecological zones, soil types and have diverse hydrologic characteristic.

In Kenya, wetlands are estimated to cover approximately 14,000 square kilometres (2.5%) of the total area. Murang'a has several wetlands including Kangure in Gaturi area, Kiamereka along Kenol highway, Manguo in Makuyu, Kimathi and Wairuri wetland which is in Ichagaki Ward.

Madam Speaker, they provide habitats and support a wide range of flora, (remember what we said about the flora and fauna). Additionally, they remove organic matter, nutrients and toxic wastes thus improve water quality. Madam Speaker, Kenya ratified the Ramsar convention (Ramsar, 1971) in 1990 and has since embarked on comprehensive reforms to address sustainable utilization of wetland resources. In the past, Kenya pursued a sectoral approach to conservation and development, which has not addressed the cross cutting environmental and conservation issues.

Madam Speaker, Environmental Policy, 2013; the purpose of this policy is to achieve a coordinated sub sector that responds to environmental and conservation needs and contributes to a sustainable use of resources.

Hon Speaker and members, let us go straight to page nine. There are a number of activities that interfere with sustainable use of these riparian and wetlands areas. These have been observed to include encroachment, siltation, overgrazing, cultivation, wild fires, planting of non-friendly trees. Remember what we said like *mimosa paduca* and *Wambui Mwikiuthia*, the dead, there is *Ndunda* which is *Thina*. Vegetation quarrying and sand harvesting, pollution/dumping from farm chemicals, wildlife-human conflicts, poaching and uncontrolled utilization.

We also have challenges; a) Reclamation and conversion of wetlands and riparian lands for agricultural development, human settlement and industrial development is one of the biggest threats to conservation and management. In the past, wetlands and riparian lands have been regarded as “wastelands”, which can be converted for other economic gains.

The quality of many water sources in the County is declining as a result of municipal, agricultural and industrial wastes/ discharges. These have negatively impacted water quality and biodiversity within the wetlands and riparian lands ecosystems thereby reducing their values. Increased nutrient loads have led to eutrophication which leads to algal blooms. In certain areas excessive abstraction of fresh waters, diversions and catchment degradation, have led to increased salinity.

A number of trans-boundary wetlands and riparian lands are shared between the County and its neighbors. These wetlands and riparian lands face various conservation and management challenges and there is need for collaborative measures on their management. Kimathi Githuri and Thathawa are clear examples of wetlands and riparian areas in Murang'a County that experience transboundary conservation challenged as thy neighbor Kirinyaga County.

The Constitution of Kenya 2010 has elevated the right to a clean and healthy environment for all to a fundamental right in the Bill of Rights. It also bestows the respect to the environment as a national heritage and recommends sustaining it for the benefit of future generations.

Madam Speaker, Climate change Act, 2016 provides that a County government shall in performance of its functions integrate and mainstream climate change actions, interventions and duties set out in the Act and the national climate change action plan into its various sectors.

Madam Speaker, we have buffer zones; the legislative framework provides for maximum and minimum riparian widths that should be maintained as government land. These lands have, however, not been gazetted with the official size divergent within different legislations. Hon. Speaker and Members there are the legal frameworks, their allowable riparian size that the Water Act 2022 recommended set back lines and minimum is six metres and maximum 30 metres from the edge of the river. Madam Speaker, is like example of the famous Waititu bridge there was controversy when they were constructing that road from the river, the buffer zone to the road should be 30 metres.

Madam Speaker I will not read all of it because it is in your files. Pursue controlled exploitation including regulation of water abstraction from wetlands and riparian areas. Encourage integrated water resource management where all the stakeholders are involved. Number five, to achieve progress on the conservation efforts, it may be necessary for the County government to establish boundaries through demarcations, conduct geological surveys and mapping, conduct quantification of ecosystem services, consider utilization of the resources under blue economy concept, conduct rehabilitation and conservation.

Hon. Speaker, the Committee made the following observations; -

- a. The Environmental Management and Co-ordination Act (EMCA) cap 387, 2017 amendments provides regulations for the conservation and management of wetlands. Section 12 prohibits human activities within the wetlands without a permit and an environmental impact assessment report. This fact is lost to our farmers as wetland cultivation is a dominant activity within the wetlands, and this is done without any permits.
- b. The EMCA Act (1999) mandates NEMA in consultation with the relevant lead agencies, in gazetting riparian land as a protected area and issue guidelines and prescribe measures for the management and protection of areas of environmental significance, taking into consideration the geographical size of the river bank, and

interests of the community. The department of Environment and Natural Resources to complement the enforcement capacity of NEMA and Water Resource Authority in the policy implementation.

Number five, under the current constitutional dispensation, land use planning and development control are devolved functions under the jurisdiction of the County Government. Under the County Government Act (2012), Counties are mandated to develop city or municipal land use plans and building and zoning plans. Laxity in development and approval of land use plans curtails enforcement of development control measures and, as a result, encourages encroachment and destruction of fragile ecosystems.

Madam Speaker, all the Report is there. Now we have the recommendations. The Committee made the following recommendations. That, the County Executive Committee Member (CECM) for Environment and Natural Resources should ensure there is budget for climate change education on the importance of wetland and riparian land conservation for communities.

Two, the capacity of County Government in sustainable land use planning should be enhanced through training, capacity enhancement and financing. There is need to conduct public awareness campaigns on the potential benefits of conserved wetlands. This will promote sustainable use of wetlands. The CECM, Environment and Natural Resources develop a sustainable Sand Harvesting Policy. Number three, the CECM for Environment and Natural Resources comes up with a reforestation and restoration program around the public wetlands to mitigate against the effect of encroachment of wetlands. The same Member for Environment and Natural Resources should work with state agencies like National Environment Management Authority (NEMA) and Water Resources Authority to get budgetary and technical support for this program. Four, that the CECM, Environment and Natural Resources facilitates the role of Water Resource Management Associations (WRUAs) to complement government agency functions in monitoring compliance to environmental and land use legislation.

That, the CECM, Environment and Natural Resources should promote bamboo and other native species of flora cultivation along the riparian areas. I now call upon Hon. Munyua to second the Motion.

Hon. John Munyua: I rise to second the Motion. My chair has said a lot and as a Committee, we are doing all our best to ensure our County and our people are well aware of the issues to do with climate change, and we are in the frontline to ensure that the future of

our generations is secured and like when we were growing up, there were insects like *njururi*, I do not know whether they are still there. There were things we would do with them and I hope soon.

The Temporary Speaker (Hon. Grace Nduta): Honourable member kindly guide the House on the things you used to do with those insects, the honourable member for Township does not have rivers and might be interested in knowing what you do with those insects.

Hon. John Munyua: Chair, the secretariat will go and research and give the botanical name of those insects. There were the plants we call *mathanji* in our local language and as a Committee we should ensure that this is followed and encourage our people to plant because those riparian areas are there but there has been continued encroachment by those who neighbor those areas and as we tried identifying those areas there was something that was happening, so members we are doing the Report----

(Hon. Charles Machigo rose on a point of order)

Hon. Charles Machigo: A point of correction to the Speaker who is on the Floor, by stating that there are no rivers in Murang'a town, this is a town of rivers we have river Mathioya, river Murari, River Maragua, and all surrounds Murang'a town. So, it is a point of correction, so that it do not go to Hansard that we don't have rivers in Murang'a. Thank you, Madam Speaker.

The Temporary Speaker (Hon. Grace Nduta): You do not correct the Speaker; Hon Member thank you for your observation but the Speaker is always right. Continue Hon. Kamunyua.

Hon. John Munyua: Thank you Madam Speaker for protecting me from the landlord of this Hon. House and we understand Murang'a town is on a hill, it is called fort hall and those rivers are from Mathioya, they just pass by. We do not have stream from this area. So, I wanted to guide the Members with all due respect and we will go round and see and he will show us where those rivers are.

So, I urge Members to support the Motion and the Executive side of it should be implemented, that is my urge and I believe we are heading in the right direction and we be involved to enlighten our people, the urgency and the need that we have to ensure this riparian are safeguarded and protected as much as possible. Thank you, Hon.Speaker for that time.

(Question proposed)

The Temporary Speaker (Hon. Grace Nduta): Hon. Members the Floor is open for debate.

(No debate arose)

(Question put and agreed to)

The Temporary Speaker (Hon. Grace Nduta): Next order.

ADJOURNMENT

The Temporary Speaker (Hon. Grace Nduta): Hon. Members there being no other Business, the House now stands adjourned until tomorrow Wednesday, August 21, 2024 at 9:30a.m..

The House rose at 3:05p.m.