

REPUBLIC OF KENYA



Rt. Hon. Speaker
You may approve for tabling
J. M. Nyegenye, C.B.S.,
Clerk of the senate/secretary
Date: 01/12/20

THE SENATE

TWELFTH PARLIAMENT

Approved
[Signature]
1/12/2020

THE REPORT OF THE SENATE STANDING COMMITTEE ON LAND,
ENVIRONMENT AND NATURAL RESOURCES

ON

PETITION BY RESIDENTS OF GANJONI, MOMBASA COUNTY ON THE
HARMFUL EFFECTS RESULTING FROM THE ~~LOADING AND OFFLOADING~~
OF IRON ORE

PAPERS LAID	
DATE	Dec 1, 2020
TABLED BY	Sen. Khaniri
COMMITTEE	lands
CLERK AT THE TABLE	M. Ady bodun

NOVEMBER, 2020

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List of Abbreviations/ Synonyms

1. CS - Cabinet Secretary
2. NEMA - National Environment Management Authority

PREFACE

Mr. Speaker sir,

The Standing Committee on Lands, Environment and Natural Resources is established pursuant to standing order 218(3) of the Standing Orders of the Senate. As set out in the Second Schedule, the Committee is mandated to consider all matters relating to lands and settlement, housing, environment, forestry, wildlife, mining, water resource management and development.

Committee Membership

The Committee comprises of the following Members.

1. Sen. Paul Mwangi Githiomi, MP
2. Sen. Philip Mpaayei, MP
3. Sen. George Khaniri, MGH, MP
4. Sen. Gideon Moi, CBS, MP
5. Sen. Njeru Ndwiga, EGH, MP
6. Sen. (Dr.) Lelegwe Ltumbesi, MP
7. Sen. Issa Juma Boy, MP
8. Sen. (Arch.) Sylvia Kasanga, MP
9. Sen. Johnes Mwaruma, MP

Chairperson

Vice-Chairperson

At a sitting of the Senate held on 5th December, 2019 the Senator of Mombasa County, Sen. Mohamed Faki Mwinyihaji, MP reported to the Senate that a Petition has been submitted through the Clerk, by residents of Ganjoni, Mombasa County, concerning harmful effects resulting from the loading and offloading of iron ore.

The residents of Ganjoni, Mombasa County, draw the attention of the Senate to the following-

1. Iron ore, owned by the South Africa Ports Terminals Limited is being stored in an open field at COMACO, near the Port of Mombasa. The loading and offloading of iron ore during the day and night results in noise pollution, which inconveniences the residents of Ganjoni area.
2. The residents of Ganjoni area have been forced to inhale hazardous dust particles from the iron ore during the loading and offloading exercise at COMACO, resulting in cases of respiratory health problems.

3. The residents petitioned NEMA, a meeting was held and the following remedies and measures were agreed upon. They agreed that COMACO will-
 - i) Strictly adhere to the conditions of the license operations' timelines from 8 a.m. to 5 p.m. during the day.
 - ii) That COMACO will sprinkle water on the yard and load trucks every 30 minutes to minimize dust from billowing into the residential areas.
 - iii) That operation at the yard will stop by 30th September, 2019 to allow for construction of proper shed before the next consignment.
 - iv) Iron ore samples to be submitted to the Government Chemist for testing to ascertain the residual health effects to the residents.
4. That our efforts to have the matter resolved by the relevant authorities have failed as COMACO has ignored the agreement.

The Petitioners, therefore, pray that the Senate will -

1. Investigate the matter with a view to having the operations at the yard stopped until the terms of the agreement between NEMA, the residents and COMACO are met.
2. Make appropriate recommendations on the matter.

Pursuant to the above provisions of the Constitution, the Petition to Parliament (Procedure) Act and the Standing Orders, the Committee is mandated to consider the Petition and respond to the Petitioner.

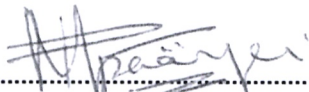
To enable a judicious disposal of the Petition, the Committee resolved to conduct an inquiry on the issues raised in the Petition. In this regard the Committee invited the Cabinet Secretary, Ministry of Environment and Forestry accompanied with the National Environment Management Authority.

ACKNOWLEDGEMENT

The Committee thanks the Offices of the Speaker of the Senate and the Clerk of the Senate for the support extended to the Committee in the execution of its mandate. The Committee further extends its appreciation to the Cabinet Secretary, Ministry of Environment and Forestry, Mr. Keriako Tobiko, CBS, SC, for providing their submissions and contribution to the resolution of this matter.

Mr. Speaker Sir,

It is now my pleasant duty and privilege, on behalf of the Committee, to present this Report of the Standing Committee on Lands, Environment and Natural Resources by residents of Ganjoni, Mombasa County, concerning harmful effects resulting from the loading and offloading of iron ore.

Signed:  Date: 14/11/2020

SEN.PHILIP MPAAYEI, M.P.
VICE CHAIRPERSON, SENATE STANDING COMMITTEE ON LAND,
ENVIRONMENT AND NATURAL RESOURCES

CHAPTER I

INTRODUCTION

1. At a sitting of the Senate held on 5th December, 2019 the Senator of Mombasa County, Sen. Mohamed Faki Mwinyihaji, MP reported to the Senate that a Petition has been submitted through the Clerk, by residents of Ganjoni, Mombasa County, concerning harmful effects resulting from the loading and offloading of iron ore.
2. The residents of Ganjoni, Mombasa County, draw the attention of the Senate to the following-
 - (a) Iron ore, owned by the South Africa Ports Terminals Limited is being stored in an open field at COMACO, near the Port of Mombasa. The loading and offloading of iron ore during the day and night results in noise pollution, which inconveniences the residents of Ganjoni area.
 - (b) The residents of Ganjoni area have been forced to inhale hazardous dust particles from the iron ore during the loading and offloading exercise at COMACO, resulting in cases of respiratory health problems.
 - (c) The residents petitioned NEMA, a meeting was held and the following remedies and measures were agreed upon. They agreed that COMACO will-
 - i) Strictly adhere to the conditions of the license operations' timelines from 8 a.m. to 5 p.m. during the day.
 - ii) That COMACO will sprinkle water on the yard and load trucks every 30 minutes to minimize dust from billowing into the residential areas.
 - iii) That operation at the yard will stop by 30th September, 2019 to allow for construction of proper shed before the next consignment.
 - iv) Iron ore samples to be submitted to the Government Chemist for testing to ascertain the residual health effects to the residents.
 - (d) That our efforts to have the matter resolved by the relevant authorities have failed as COMACO has ignored the agreement.

The Petitioners, therefore, pray that the Senate will -

1. Investigate the matter with a view to having the operations at the yard stopped until the terms of the agreement between NEMA, the residents and COMACO are met.
2. Make appropriate recommendations on the matter.

A. LEGAL BASIS FOR PETITIONS

3. Petitions to the Senate are governed by the Constitution, the Petition to Parliament (Procedure) Act, No. 22 of 2012 and the Senate Standing Orders.
4. Article 37 of the Constitution provides that *every person has the right, peaceably and unarmed, to assemble, to demonstrate, to picket, and to present petitions to public authorities* while Article 119(1) of the Constitution provides that *“every person has a right to petition Parliament to consider any matter within its authority, including to enact, amend or repeal any legislation.”*
5. Section 5(2) of the Petition to Parliament (Procedure) Act, provides that *a petition that is tabled in Parliament under this Act shall be considered in accordance with the Standing Orders of the relevant House*. In this regard, standing order 232 of the Senate Standing Orders provides as follows-
 232. *Committal of Petitions*
 - (1) *Every Petition presented or reported pursuant to this Part, shall stand committed to the relevant Standing Committee.*
 - (2) *Whenever a Petition is committed to a Standing Committee, the Committee shall, in not more than sixty calendar days from the time of reading the prayer, respond to the petitioner by way of a report addressed to the petitioner or petitioners and laid on the Table of the Senate and no debate on or in relation to the report shall be allowed, but the Speaker may, allow comments or observations in relation to the Petition for not more than thirty Minutes.*
6. Standing order 233 requires the Clerk to, within fifteen days of tabling of the report on a petition under Standing Order 232 (Committal of Petitions), submit a copy of the report to the petitioner or petitioners.

CHAPTER 2

CONSIDERATION OF THE PETITION

Approach taken by the Committee

1. In considering the Petition, the Committee observed that it would be important to verify the facts alleged by the Petitioner. The Committee therefore resolved to conduct an inquiry on the issues raised in the Petition.
2. In this regard the Committee invited the Petitioner to a meeting of the Committee for the Petitioner to elaborate further on the issues raised in the Petition and to supply supporting evidence on the issues raised.
3. The Petitioner appeared before the Committee on 20th November, 2019 and the Cabinet, Secretary Ministry of Environment and Forestry on 13th August, 2020.

Responses by the Ministry of Environment and Forestry

Pursuant to a letter Ref: SEN/DCS/LENR/2/2020/(20a) dated 20th May, 2020, the Committee invited the Cabinet Secretary, Ministry of Environment and Forestry and consequently appeared before the Committee on 13th August, 2020 and that the Ministry and NEMA sent inspectors to the facility and confirmed that it has since been closed and would be giving periodic updates to the Committee.

CHAPTER 5

COMMITTEE OBSERVATIONS

In accordance with the Prayers of the Petitioner the Committee observes as follows:

Investigate the matter with a view to having the operations at the yard stopped until the terms of the agreement between NEMA, the residents and COMACO are met.

Committee Observation

The Committee observes that given the confirmation by the Ministry of Environment and Forestry that the Company under investigation i.e. South Africa Ports Terminals Limited has since closed its open field at COMACO, near the Port of Mombasa; the Committee can submit its report to the Senate having adequately answered the prayers of the Petitioners.

CHAPTER 6

COMMITTEE RECOMMENDATIONS

The Committee having investigated the matter in accordance with its mandate under the standing order 223 of the Senate Standing Orders recommends as follows-

In accordance with the Prayers of the Petitioner the Committee recommends as follows:

1. The Committee recommends that the South Africa Ports Terminals Limited Company at COMACO, near the Port of Mombasa remains closed.
2. Should the Company re-open, they should do an Environmental Impact Assessment before opening and the same must be submitted to NEMA and the Committee.

APPENDICES

ANNEX I: MINUTES OF THE MEETINGS

**MINUTES OF THE 31ST SITTING OF THE SENATE STANDING COMMITTEE
ON LAND, ENVIRONMENT AND NATURAL RESOURCES HELD ON
THURSDAY, 13TH AUGUST, 2020 VIA ZOOM ONLINE PLATFORM AT 1.00 PM.**

MEMBERS

1. Sen. Mwangi Paul Githiomi, MP
2. Sen. George Khaniri, MGH, MP
3. Sen. Gideon Moi, CBS, MP
4. Sen. Sylvia Kasanga, MP
5. Sen. Mwaruma Johnes, MP

PRESENT

- **Chairperson**
- Member
- Member
- Member
- Member

ABSENT WITH APOLOGY

1. Sen. Philip Mpaayei, MP
2. Sen. Boy Issa Juma, MP
3. Sen. (Dr.) Lelegwe Ltumbesi, MP
4. Sen. Ndwiga Peter Njeru, EGH, MP

- **Vice Chairperson**
- Member
- Member
- Member

IN ATTENDANCE

1. Sen. (Dr.) Alice Milgo, MP

SENATORS

- Nominated Senator, Bomet County

**MINISTRY OF ENVIRONMENT
AND NATURAL RESOURCES**

1. Mr. Keriako Tobiko, CBS, SC,
2. Mr. Patrick Kariuki
3. Mr. Alex Lemarkoko
4. Mr. Mamo Boru Mamo

- CS, Ministry of Environment and Forestry
- Deputy, Chief Conservator of Forests, KFS
- Deputy, Chief Conservator of Forests, KFS
- Ag. DG, NEMA

SECRETARIAT

1. Mr. Victor Bett
2. Ms. Judy Ndegwa
3. Ms. Clare Kidombo
4. Mr. John Ngang'a

- Clerk Assistant
- Legal Counsel
- Researcher/Policy Analyst
- Audio Recording

MINUTE SEN/SCLENR/171/2020: PRELIMINARIES

The meeting was called to order at 11.25 am by the Chairperson followed by a word of prayer.

MINUTE SEN/SCLENR/172/2020: ADOPTION OF AGENDA

The agenda of the meeting was adopted after being proposed by Sen. Sylvia Kasanga, M.P. and seconded by Sen. Mwaruma Johnes, M.P. as follows –

1. Preliminaries
2. Adoption of the agenda;
3. **Meeting with the Cabinet Secretary, Ministry of Environment & Forestry on the following Petitions and Statements –**
 - (a) Petition by residents of Ganjoni, Mombasa County on the loading and unloading of iron-ore in Ganjoni, Mombasa County;
 - (b) Petition by Mr. John Njogu Njoroge on the resettlement of East Mau Forest evictees;
 - (c) Petition by Dundori Forest Evictees on the forceful eviction from Dundori Forest and compensation of land for the excised area from the forest for resettlement;
 - (d) Statement requested by Sen. (Dr.) Alice Milgo, MP, on 19th May, 2020 concerning waste management in Bomet County Government.
 - (e) Petition by Mr. Joel Kenduiywa on the resettlement of the minority Ngerek Community following their proposed eviction from South Nandi Forest, in Nandi County;
4. Any other Business;
5. Date of the next meeting;
6. Adjournment.

MINUTE SEN/SCLNDR/173/2020: MEETING WITH THE CABINET SECRETARY, MINISTRY OF ENVIRONMENT & FORESTRY ON THE FOLLOWING PETITIONS AND STATEMENTS –

- (a) **Petition by residents of Ganjoni, Mombasa County on the loading and unloading of iron-ore in Ganjoni, Mombasa County;**

The Committee was informed by the CS that they sent inspectors to the facility and it has since been closed and would be giving periodic updates to the Committee.

- (b) **Petition by Mr. John Njogu Njoroge on the resettlement of East Mau Forest evictees;**

The CS informed the Committee that this was brought to effect by the presidential decree of 1985 and that in dealing with this matter requires adequate research on the history of the matter.

The CS requested for additional time to furnish the Committee with more adequate and concrete responses on the matter.

(c) **Petition by Dundori Forest Evictees on the forceful eviction from Dundori Forest and compensation of land for the excised area from the forest for resettlement;**

The CS requested for additional time to furnish the Committee with more adequate and concrete responses on the matter since it follows the same background as the previous Petition regarding the East Mau Forest evictees.

(d) **Statement requested by Sen. (Dr.) Alice Milgo, MP, on 19th May, 2020 concerning waste management in Bomet County Government.**

The Committee requested the Senator who requested the Statement to give a background of her concern to the CS and the CS responded by informing the Committee that the matter is similar across all the counties and that matters involving the waste management cannot be carried out without involving the County Government.

The Committee therefore resolved to invite the Governor Bomet County to respond to the aforementioned statement in the presence of the CS.

(e) **Petition by Mr. Joel Kenduiywa on the resettlement of the minority Ngerek Community following their proposed eviction from South Nandi Forest, in Nandi County;**

The Committee was informed by the CS that he needed more time to carefully go through the concerns raised in the Petition since the Petitioner has clearly highlighted the presence of “powerful” forces and he wanted to know who this alleged powerful forces are.

Further, this would require a site visit by the Ministry to the indicated hill and that they were talking caution to prevent a political backlash.

MINUTE SEN/SCLNENR/174/2020: ANY OTHER BUSINESS;

The was no other business discussed.

MINUTE SEN/SCLNENR/175/2020: DATE OF NEXT MEETING;

The meeting was adjourned at 2.30 pm and the date of the next meeting was scheduled for Wednesday, 19th August, 2020 at 11.00 am via zoom online platform.

Signed:..... For:  Date:..... 19/11/2020.....

SEN. MWANGI PAUL GITHIOMI, MP

CHAIRPERSON

STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL RESOURCES

MINUTES OF THE 54TH SITTING OF THE SENATE STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL RESOURCES HELD ON SATURDAY, 14TH NOVEMBER, 2020 AT SAROVA WHITESANDS HOTEL, MOMBASA AT 2.00 PM.

MEMBERS

1. Sen. Philip Mpaayei, MP
2. Sen. Mwaruma Johnes, MP
3. Sen. Sylvia Kasanga, MP
4. Sen. Gideon Moi, CBS, MP
5. Sen. Ndwiga Peter Njeru, EGH, MP
6. Sen. Boy Issa Juma, MP

PRESENT

- Vice Chairperson
- Member
- Member
- Member
- Member
- Member

ABSENT WITH APOLOGY

1. Sen. Mwangi Paul Githiomi, MP
2. Sen. George Khaniri, MGH, MP
3. Sen. (Dr.) Lelegwe Ltumbesi, MP

- Chairperson
- Member
- Member

IN ATTENDANCE

1. Mr. Victor Bett
2. Mr. Crispus Njogu
3. Ms. Clare Kidombo
4. Ms. Mitchell Otoro
5. Mr. Abdalla Mbore
6. Mr. John Nganga
7. Mr. Naftali Ondiba

SECRETARIAT

- Clerk Assistant II
- Clerk Assistant II
- Researcher
- Legal Counsel
- Sergeant-At-Arms
- Audio Recording
- Finance Officer

MINUTE SEN/SCLNLR/297/2020: PRELIMINARIES

The meeting was called to order at 2.30 pm by the Vice Chairperson followed by a word of prayer.

MINUTE SEN/SCLNLR/298/2020: ADOPTION OF AGENDA

The agenda of the meeting was adopted after being proposed by Sen. Ndwiga Peter Njeru, EGH, MP and seconded by Sen. Boy Issa Juma, MP as follows –

1. Preliminaries
2. Adoption of the agenda;
3. Confirmation of Minutes;
4. **Adoption of the following Petition Reports;**

1. Report of the Committee on the Petition regarding the Loading and Unloading of iron ore in Ganjoni, Mombasa County (Petitioners C/o Sen. Mwinyihaji Mohamed Faki, MP)
2. Report of the Committee on the Petition regarding the Environmental degradation and irregular dumping at landfill in Kajulu, Kisumu East (Hon. Shakeel Shabbir Ahmed)
3. Report of the Committee on the Petition regarding the National Housing Policy (Residents of Lumumba and Kibuye Estates in Kisumu County)
4. Report of the Committee on the Petition regarding the Siltation of Lake Magadi
5. Report of the Committee on the Petition regarding the Unlawful encroachment and forceful occupation of Barwaqo plots within Bulla Mpya Ward, Mandera East Constituency - Mandera County (Residents of Barwaqo Area)
5. Any other Business;
6. Date of the next meeting;
7. Adjournment.

MINUTE SEN/SCLNDR/299/2020: CONFIRMATION OF MINUTES OF PREVIOUS SITTINGS

The Committee deferred the confirmation of Minutes to the next housekeeping meeting.

MINUTE SEN/SCLNDR/300/2020: ADOPTION OF THE FOLLOWING PETITION REPORTS;

(a) Report of the Committee on the Petition regarding the Loading and Unloading of iron ore in Ganjoni, Mombasa County (Petitioners C/o Sen. Mwinyihaji Mohamed Faki, MP);

The Committee adopted its report with the following recommendations;

1. The Committee recommends that the open field for South Africa Ports Terminals Limited at COMACO, near the Port of Mombasa remains closed.
2. Should the Company re-open, they should do after an Environmental Impact Assessment before opening, and that impact assessment should be submitted to NEMA and the Committee.

The Report was adopted after having been proposed by Sen. Ndwiga Peter Njeru, EGH, MP and seconded by Sen. Boy Issa Juma, MP

(b) Report of the Committee on the Petition regarding the Environmental degradation and irregular dumping at landfill in Kajulu, Kisumu East (Hon. Shakeel Shabbir Ahmed);

The Committee adopted its report with the following recommendations;

The Committee having investigated the matter in accordance with its mandate under the standing order 223 of the Senate Standing Orders finds as follows:

- (a) On the allegation that no meaningful public participation was undertaken before issuance of the said licence as required under the law, the Committee was supplied with evidence that public participation took place and which evidence the Petitioner did not controvert. In addition, there is a Judgement of a superior court in *Rose Juma Nyanjom & 3 others v County Government of Kisumu & 2 others [2020] eKLR* where the Environment and Lands Court dismissed the allegation that no public participation took place. In the circumstances, the Committee is satisfied that public participation was undertaken prior to the commencement of rehabilitation of Kisumu Concrete Quarry using inert waste from Kachok Dumpsite.
- (b) On the allegation that the dumping of waste in the quarry pits in Kajulu has breached the underground aquifers in the area, thus compromising the safety and quality of underground water, the Committee was supplied with evidence by the National Environment Management Authority (NEMA) that an Environmental Impact Assessment was undertaken in which it was found that the proposed landfill did not pose a threat to the water table in Kajulu area. Further, NEMA submitted that a hydrological assessment study had been undertaken and a water quality analysis of neighboring boreholes had been undertaken, all which did not show contamination of the underground water as a result of the land fill. NEMA further reported to the Committee that monitoring of the ground water was done periodically. The Committee thus finds that based on the evidence presented to it, and without any proof of the contrary, as at the time of writing this Report, the allegation of contamination of the underground water was not established. Nonetheless future monitoring of the landfill was still necessary.
- (c) On the allegation that That the establishment of a landfill for waste in a private site has drastically dropped the value of property in the area, the Committee finds that there was no evidence of valuation of the property in the area to illustrate that that the value of the property had fallen since the filling of the open quarries. NEMA also reported to the Committee that the abandoned open quarries in the Kajulu area posed a major security, health and environmental risks to the neighboring community and that continuous

rehabilitation of quarry sites is the recommended environmental and social management practice. NEMA also reported to the Committee that use of inert materials to rehabilitate quarry pits has been documented as a best practice across the globe. The Committee therefore finds that the allegation of devaluation of the property was not established.

- (d) On the allegation that the landfill site was directly in the flight path leading to Kisumu Airport and therefore posed a threat to aircrafts flying over the area, a report was presented by the Kenya Civil Aviation Authority (KCAA), after visiting the landfill in Kajulu and the dumpsite in Kajok. The KCAA reported that the Kajulu landfill did not attract scavenger birds and there was no visible solid waste on the ground. The Committee therefore finds that, as at the time of writing this Report, there was no proof that the Kajulu landfill was a threat to aircrafts flying over the area. Regular monitoring of the site was however necessary to ensure that the Kajulu landfill to ensure that any future threats are promptly identified and addressed.
- (e) On the allegation that the County Government of Kisumu irregularly awarded the tender for transportation of the semi-inert waste from Kachok dumpsite to the Kajulu landfill and at an excessive price above market rates, the Committee was not presented with any evidence to support this allegation and could therefore not make any determination as to whether the procurement in respect of this matter complied with the relevant procurement laws. The Committee therefore recommends that this report be submitted the Ethics and Anti-Corruption Commission for investigation.

Recommendations

- 7. In view of the foregoing, the Committee recommends as follows-

Public participation

- 8. Waste management in any city is a legitimate concern of its residents as poor waste disposal practices pose a serious threat to the health and the overall wellbeing of the community. It is therefore important that county governments are intentional about creating public awareness on their waste management policies and are responsive to residents who may express concern of any aspect of waste disposal within the county.
- 9. Going forward therefore, the Committee recommends that the County Government of Kisumu creates awareness on its waste management policy and sensitizes the local leaders and the members of the public on the proposed Kisumu Integrated Solid Waste

Management Plan so as to allay and fears or concerns over the manner in which waste is managed or proposed to be managed within Kisumu County.

Kajulu landfill site

10. In respect of this issue, while the Petitioner did not present any evidence to demonstrate that the Kajulu site poses a threat to the environment or to flights over the area, the Committee recommends regular monitoring of the site by the National Environment Management Authority and the Kenya Civil Aviation Authority and requests that any violations or threats to the environment that may be identified by the said Authorities be brought to the urgent attention of the Committee.
11. The Committee particularly notes the National Environment Management Authority's undertaking to continually supervise the Kajulu site in respect of its underground water and therefore recommends that the Petitioner and other local leaders be notified of any concern or breach that may be observed in the future.
12. Due to the COVID-19 situation, the Committee was not able to visit the Kajulu landfill and the Kachok Dumping Site during the inquiry, but the Committee undertakes to do so when the Committee next travels to Kisumu County.

The Kachok Dumping Site

13. The Committee also noted KCAA's recommendation that the closure of the Kachok Dumping Site and the relocation of the dumpsite from Kachok Dumping Site to the proposed Kases plant be accelerated to mitigate aviation risks as it falls within 13 km radius from Kisumu International Airport Aerodrome reference point. The Committee therefore recommends that the KCAA also monitors the Kachok Dumping Site regularly until it is fully decommissioned.

Allegations of impropriety in award of the Kajulu landfill tender

14. The Committee recommends that this Report be submitted the Ethics and Anti-Corruption Commission for investigation of the allegations and prosecution of any persons found culpable.

Waste Management in the Counties

15. The county governments, which are vested with the mandate of waste management, including the Kisumu County Government, should adhere to the National Solid Waste Management Strategy, 2015 and the Best Practice Guidelines on Rehabilitation of

disused/abandoned Quarries using Semi-Inert Wastes have been published to guide County Governments towards sound waste management and disposal that were developed by the National Environment Management Authority.

The Report was adopted after having been proposed by Sen. Ndwiga Peter Njeru, EGH, MP and seconded by Sen. Boy Issa Juma, MP

(c) Report of the Committee on the Petition regarding the National Housing Policy (Residents of Lumumba and Kibuye Estates in Kisumu County)

The Committee adopted its report with the following recommendations;

- (i) Exercise its constitutional obligation under Articles 94 and 96 of the Constitution to enact the National Housing Law that will give effect to all relevant articles in the Constitution with regards to right to housing in terms of availability, affordability, accessibility and adequacy

The Committee recommends that the Cabinet Secretary, Ministry of Ministry of Transport, Infrastructure, Housing, Urban Development and Public Works finalizes the development of the Housing Bill and submits to the Committee the Bill or a status update on the development of the Bill within three months of the tabling of this Report, and in any case not later than 28th February, 2021.

- (ii) Causes public and private partnerships between the national and county Governments on affordable housing to be put on hold pending the enactment of a National Housing Policy.

The Committee recommends that the County Executive Committee member responsible for housing in Kisumu County Government forthwith ensures that it collects rent from people residing in its properties and takes enforcement measures available to them to ensure that the County Government receives monies due to it to enable the County Government offer services to all the people of Kisumu County.

The Committee further recommends that the Senate Business Committee comes up with criteria for consideration of Petitions before they referred to Committees to ensure that the use of the time and resources of the Senate and its Committees are used prudently to protect public interests as opposed to protection of private interests of honest and dishonest people alike.

The Report was adopted after having been proposed by Sen. Ndwiga Peter Njeru, EGH, MP and seconded by Sen. Boy Issa Juma, MP

(d) Report of the Committee on the Petition regarding the Siltation of Lake Magadi

The Committee adopted its report with the following recommendations;

- a) Ensuring that siltation to the lake is prevented;

The Committee recommends that the Cabinet Secretary for the National

Treasury and Planning forthwith allocates the Ministry of Environment and Forestry funds for the prevention of siltation to Lake Magadi and submit to the Committee a status update on the allocation of the funds within six months of the tabling of this Report, and in any case not later than 31st May, 2021.

The Committee further recommends that the Cabinet Secretary, Ministry of Environment and Forestry, immediately funds are allocated, undertakes the prevention of siltation to Lake Magadi and submit to the Committee a status update on the prevention exercise within nine months of the tabling of this Report, and in any case not later than 31st August, 2021.

- b) Ensuring that appropriate interventions, regulations and guidelines are put in place to ensure and promote sustainable land use practices and prevent soil and water degradation upstream of Lake Magadi.

The Committee recommends that the Cabinet Secretary, Ministry of Environment and Forestry, in collaboration with NEMA, collate information on charcoal burning in the water catchment areas of Lake Magadi with a view to ensuring that the same is done sustainably and in compliance with environment law and submit to the Committee a status update on its progress within three months of the tabling of this Report, and in any case not later than 9th February, 2021.

The Committee further recommends that the Cabinet Secretary, Ministry of Environment and Forestry carries out a comprehensive tree planting exercise in the water catchment areas of Lake Magadi and submit to the Committee a status update on its progress within three months of the tabling of this Report, and in any case not later than 9th February, 2021.

The Committee also recommends that the Cabinet Secretary, Ministry of Agriculture, Livestock, Fisheries and Co-operatives formulates and implements sustainable and environmentally efficient crop cultivation and livestock grazing practices in the water catchment areas of Lake Magadi and submit to the Committee a status update on its progress within nine months of the tabling of this Report, and in any case not later than 31st August, 2021.

The Committee recommends that the Cabinet Secretary, Ministry of Transport, Infrastructure, Housing, Urban Development and Public Works surveys infrastructure projects undertaken by the National Executive and submit to the Committee a report on the measures it has taken to dispose of debris, excavated and other remains from the projects within six months of the tabling of this Report, and in any case not later than 30th June, 2021.

The Committee further recommends that the County Executive Committee member responsible for public works in Narok County surveys infrastructure projects undertaken by the County Government and submit to the Narok County Assembly a report on the measures it has taken to dispose of debris, excavated and other remains from the projects within six months of the tabling of this Report, and in any case not later than 30th June, 2021.

The Committee further recommends that the County Executive Committee member responsible for public works in Kajiado County surveys infrastructure projects undertaken by the County Government and submit to the Kajiado County Assembly a report on the measures it has taken to dispose of debris, excavated and other remains from the projects within six months of the tabling of this Report, and in any case not later than 30th June, 2021.

The Report was adopted after having been proposed by Sen. Ndwiga Peter Njeru, EGH, MP and seconded by Sen. Boy Issa Juma, MP

(e) Report of the Committee on the Petition regarding the Unlawful encroachment and forceful occupation of Barwaqo plots within Bulla Mpya Ward, Mandera East Constituency - Mandera County (Residents of Barwaqo Area)

The Committee resolved to await the submissions from the Ministry of Interior and Coordination of National Government before it makes its final recommendation on the matter.

MINUTE SEN/SCLNR/301/2020: ANY OTHER BUSINESS;

The Committee discussed the following invitations and resolved that a letter be done to the Speaker seeking for exemption from the ruling against physical sittings of committees.

- i). Request for a Breakfast Dialogue with the Kenya Land Alliance(KLA) on land matters under the Land Sector and registration of Communally held Lands on Wednesday, 18th November, 2020 7.00am – 10.00am;
- ii). Working Retreat on the Consideration of the Intended Nationally Determined Contribution (INDC) to the United Nations Framework Convention on Climate Change, UNFCCC hosted by the Ministry of Environment and Forestry in Naivasha, on 20th and 21st November, 2020; and
- iii). Stakeholder consultations on the Water Sector Regulations and National Water Policy hosted by the Ministry of Water, Sanitation and Irrigation on 27th and 28th November, 2020.

MINUTE SEN/SCLENR/302/2020: DATE OF NEXT MEETING;

The meeting was adjourned at 1.00 pm and the next meeting was scheduled for 18th November, 2020.

Signed:



Date: 19 /11/2020

SEN. PHILIP MPAAYEI, MP
VICE CHAIRPERSON

STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL
RESOURCES

ANNEX II: SUBMISSIONS BY KEY STAKEHOLDERS

(Attached separately)