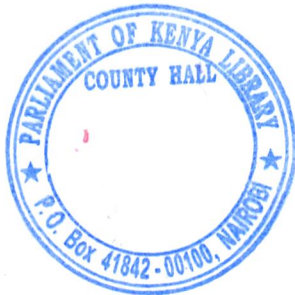


Approved for tabling in the House.

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8/6/2022



THE NATIONAL ASSEMBLY	
DATE: 09 JUN 2022	
DAY: Thursday	
TABLED BY:	Vice chairperson DC on Environment & Natural Resources
CLERK-AT-THE-TABLE:	G. Chebet

REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY

12TH PARLIAMENT –SIXTH SESSION - 2022

DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

REPORT ON A PETITION REGARDING DISPLACEMENT OF KIHOTO HOMEOWNERS SELF-HELP GROUP, KIHOTO ESTATE BY THE RISING WATER LEVELS OF LAKE NAIVASHA, NAKURU COUNTY.

DIRECTORATE OF DEPARTMENTAL COMMITTEES,
CLERK'S CHAMBERS,
PARLIAMENT BUILDINGS,
NAIROBI

JUNE, 2022

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CHAIRPERSON'S FOREWORD

The Petition (No. 002 of 2021) regarding displacement of Kihoto Homeowners Self-help Group, Kihoto Estate by the rising water levels of lake Naivasha in Nakuru County was presented to the House by the Hon. Speaker, on behalf of the petitioners on 4th March, 2021 and subsequently committed to the Committee on 8th March, 2021 for consideration pursuant to Standing Order 227. The Committee consequently seized the matters raised in the Petition and processed it through deliberative meetings and written submissions from the petitioners, the Ministry of Environment and Forestry, the Ministry of Water, Sanitation and Irrigation, and that of Tourism and Wildlife all with a view to responding to the prayers sought by the petitioners. The Committee also conducted an inspection visit of the site on 10th September, 2021.

The petitioners drew the attention of the House to the following:

- a) The residents of Kihoto estate Naivasha number about 500 and were displaced from their homes by raging floods and rising water levels of Lake Naivasha in early 2020.
- b) Despite the abating of rain induced floods, the lake water levels are still rising and which according to the Water Resources Authority (WRA), the rising lake levels are attributed to tectonic activities and the effects of climatic changes.
- c) The residents were left at the mercy of factors which are beyond their control making it impossible to re-occupy their houses now and in future.
- d) The affected families appreciated support from the government and other well-wishers. However, there was need to find a permanent solution.
- e) The destruction of properties, homes and livelihoods had left residents with psycho-social related ailments leading to high stress levels and deaths of 3 members of the group and hospitalizations of many others.
- f) Affected home owners had title deeds to their land and others were at advanced stages of processing theirs.
- g) The group had petitioned the National Government and the County Government to consider resettling the affected home owners in alternative lands in a Land-Trade-In (exchange formula. However, no feedback had been received after numerous visits to respective government offices.
- h) The flooding had caused wild animals like Hippos and Buffalos to stray away from their usual grazing grounds to the affected field and homes in the rest of the estate causing fear and anxiety among residents,
- i) The matters canvassed in the petition were not pending before any court law or constitutional body.

The Petitioners therefore prayed that the Departmental Committee on Environment and Natural Resources pursuant to Standing Order 216 (5) (a):

- a) Recommends for resettlement of the affected home owners.
- b) Recommends that the Government repossesses the affected flooded lands and compensate the home owners with alternative land equivalent in value to their repossessed lands.
- c) Intervenes to ensure a buffer zone is erected to minimize cases of Human Wildlife Conflict and hasten compensations to any individual falling prey to wildlife attack.

d) Make any other order or direction that It deems fit in the circumstance of the case.

Having received and analyzed oral and written submissions, the Committee observed as follows:

1. The rising water levels was not unique to Lake Naivasha, it was a phenomenon affecting the Rift Valley Lakes, Lake Victoria and the Turkwel Gorge Dam. The phenomena had raised concerns that prompted the Cabinet through the advice of the National Security Advisory Committee (NSAC) to direct the Ministry of Environment and Forestry to set up a Multi-Agency Technical Team to embark on a scoping mission of the affected water bodies. The objective was to establish the causes, the socio-economic impacts and to recommend interventions for cushioning the affected communities.
2. A myriad of explanations has been advanced to explain these rising water levels, chief of which being hydro-meteorological variables due to climate change that have led to increased moisture availability as seen in the rainfall data and discharge of the rivers feeding the lakes. There is also increased siltation caused by increasing amounts of soil in runoff, occasioned by changes in land use.
3. The rising lake water levels and accompanying flooding had stirred panic and anxiety among the community in Kihoto Estate, Naivasha where the floodwaters had left trails of destruction and rendering many families homeless. There was consequential loss of businesses and rental income and other livelihoods.
4. The destruction of tourism infrastructure including lodges, roads, campsites, visitor gates and the game proof fences had been recorded in most of the lakes. These destructions resulted to great loss properties, financial investments, employment opportunities and community livelihoods. In particular, Lake Naivasha had experienced huge wildlife habitat and economic loss with respect to the tourism facilities. The effect of the loss of wildlife habitats was human-wildlife conflict as wildlife encroached into human habitations.
5. The water table in the Kihoto Estate area was shallow yet pit latrines coexist side by side with the wells. This polluted the underground water which was still being used by residents exposing themselves to a myriad of water borne diseases. Indeed, there was a frequent outbreak of cholera in the area due to sanitation challenges. Equally, the flooding was a breeding ground for mosquitoes that were a menace to the community.
6. There was an urgent need for remarking of the riparian area around Lake Naivasha and consequently chart a way forward for those to be found within the remarked riparian areas.
7. The Ministry of Water, Sanitation and Irrigation through The Water Resources Authority in the year 2012 Gazetted the lake Naivasha Protection Rules that includes the lake Naivasha Catchment Area Protection Order,2012, Lake Naivasha Ground Water Conservation Area Order, 2012 and the determination of Lake Naivasha Water reserve. These rules are meant to prevent encroachment of the lake reserve and create the buffer zone as this area is within a riparian land.

Consequently, the Committee recommends as follows:

1. On the first prayer that a recommendation, be made for resettlement of the affected home owners, the Committee recommends that after remarking of the riparian area around Lake Naivasha, the **Chairman of the National Land Commission** and the **Cabinet Secretary for Lands and Physical Planning** should ensure expeditious resettlement of those found to be in possession of genuine land ownership documents and are found to be within the confines of the remarked riparian area.
2. On the second prayer that a recommendation be made that the Government repossesses the affected flooded lands and compensate the home owners with alternative land equivalent in value to their repossessed lands, the Committee recommends that the **Ministry Cabinet Secretary for Water, Sanitation and Irrigation**, the **Chairman of the National Land Commission** and the **Cabinet Secretary For Lands and Physical Planning** should urgently spearhead the remarking of the riparian area around Lake Naivasha and consequently chart a way forward for those to be found within the remarked riparian areas.
3. On the third prayer that the National Assembly intervenes to ensure a buffer zone is erected to minimize cases of Human Wildlife Conflict and hasten compensations to any individual falling prey to wildlife attack, the Committee recommends that:
 - a) **The Cabinet Secretary for Water, Sanitation and Irrigation** should ensure robust implementation of the lake Naivasha Protection Rules that were gazette in 2012 which include the lake Naivasha Catchment Area Protection Order,2012, Lake Naivasha Ground Water Conservation Area Order, 2012 and the determination of Lake Naivasha Water reserve.
 - b) **The Cabinet Secretary for Tourism and Wildlife** should fast track the compensation of claims emanating from the Human-Wildlife Conflict in Kihoto Estate, Naivasha.
4. On the fourth prayer that the National Assembly makes any other order or direction that it deems fit in the circumstance of the case, the Committee recommends that:
 - a) **The Cabinet Secretary for Devolution** should:
 - I. spearhead provision of nets to curb mosquito infestation and deal with clean water provision and the waterborne diseases emanating from the poor sanitation in the Kihoto Estate area since health was a largely devolved function.
 - II. institute a rehabilitation programme to rehabilitate, relocate, and restore damaged infrastructure such as water supplies, sewerage plants, fish handling facilities, among others.
 - b) **The Cabinet Secretary for Water, Sanitation and Irrigation** should ensure finalization and implementation of the National Lake Basin Management Strategy

which will provide an integrated framework for the sustainable management and use of Lake Basin resources.

- c) **The Cabinet Secretaries for Environment and Forestry, that for Water, Sanitation and Irrigation, that for Lands and Physical Planning and the Chairman of the National Land Commission** should spearhead efforts to support all the 47 Counties to prepare Climate Resilient County Spatial Plans that will anticipate such challenges in a more predictive manner. The plans should clearly delineate the new proposed high-water marks and provide clear land use and physical planning guidelines that will avert the continued encroachment of developments in areas considered as riparian areas, under the relevant laws.

Hon. Sophia Noor Abdi, M.P

Chairperson, Departmental Committee on Environment and Natural Resources

1.0 PREFACE

1.1 Committee Mandate

1. The Departmental Committee on Environment and Natural Resources is established under the National Assembly Standing Orders No. 216 (1). The functions and mandate of the Committee are also contained under the National Assembly Standing Orders, No. 216(5) as:
 - a) **Investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments;**
 - b) Study the program and policy objectives of the Ministries and departments and the effectiveness of the implementation;
 - c) Study and review all legislation referred to it;
 - d) Study, access and analyze the relative success of the Ministries and Departments as measured by the results obtained as compared with its stated objectives;
 - e) Investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House;
 - f) Vet and report on all appointments where the constitution or any law requires the National Assembly to approve, except those under Standing Order 204; and
 - g) Make reports and recommendations to the House as often as possible, including recommendation of proposed legislation.
2. The subject matter of the Departmental Committee on Environment and Natural Resources are stated in the Second Schedule of the National Assembly Standing Orders No. 216 (f) as follows: climate change, environment management and conservation, forestry, water resource management, wildlife, mining and natural resources, pollution and waste management.

1.2 Oversight

3. In executing its mandate, the Committee oversees the following Government Ministries and Departments namely: The Ministry of Environment and Forestry; The Ministry of Water & Sanitation and Irrigation; The State Department for Wildlife; and The State Department for Mining.

1.3 Members of the Committee

4. The Committee comprises the following Members:

Chairperson

The Hon. Sophia Abdi Noor, M.P.

MP for Ijaara Constituency

Party of Development and Reforms (PDR)

Vice-Chairperson

The (Eng.) Paul M. Nzengu, M.P.

MP for Mwingi North Constituency

Wiper Party

The Hon. David Kangogo Bowen, M.P.

Marakwet East Constituency

Jubilee Party

The Hon. Francis Chachu Ganya, M.P.

North Horr Constituency

Frontier Alliance Party (FAP)

The Hon. David Gikaria, M.P.

Nakuru West Constituency

Nakuru Town West Party

The Hon. Bernard Masaka Shinali, M.P.

Ikolomani Constituency

Jubilee Party

The Hon. George Macharia Kariuki, M.P.,

Ndia Constituency

Jubilee Party

The Hon. Charity K. Chepkwony, M.P.

Njoro Constituency

Jubilee Party

The Hon. Simon Ng'ang'a King'ara, M.P.

Ruiru Constituency

Jubilee Party

The Hon. Peter Kimari Kihara, M. P.

Mathioya Constituency

Jubilee Party

The Hon. Janet Ong'era, MP.

MP for Kisii County

Orange Democratic Movement (ODM)

The Hon. Charles Ong'ondo Were, M.P.

Kasipul Constituency

Orange Democratic Movement (ODM)

The Hon. Nasri Sahal Ibrahim, M.P.

Nominated

Forum for Restoration of Democracy-K

The Hon. Rozaah Buyu, M.P.

Kisumu County

Orange Democratic Movement (ODM)

The Hon. Said Hiribae, M.P.

Galole Constituency

Forum for Restoration of Democracy- K

The Hon. Hassan Oda Hulufu, M.P.

Isiolo North Constituency

Kenya Patriots' Party (KPP)

The Hon. Amin Deddy Mohamed Ali, M.P.

Laikipia East Constituency

Jubilee Party

The Hon. Rehema Hassan, M.P.

Tana River County

Maendeleo Chap Party (MCC)

The Hon. Hon. Ali Wario Guyo, M.P.

Garsen Constituency

Wiper Party

1.4 Secretariat

5. The Committee is serviced by the following Members of Staff:

Ms. Esther Nginyo
Clerk Assistant I
Lead Clerk

Mr. Dennis Mogare Ogechi
Clerk Assistant II

Mr. Benjamin Ngimor
Senior Fiscal Analyst

Ms. Lynette Otieno
Legal Counsel I

Mr. Eugene Apaa
Research Officer

II

2.0 INTRODUCTION

6. The Petition (No. 002 of 2021) regarding displacement of Kihoto Homeowners Self-help Group, Kihoto Estate by the rising water levels of lake Naivasha in Nakuru County was presented to the House by the Hon. Speaker, on behalf of the petitioners on 4th March, 2021.
7. The petitioners drew the attention of the House to the following:
 - a) The residents of Kihoto estate Naivasha number about 500 and were displaced from their homes by raging floods and rising water levels of Lake Naivasha in early 2020.
 - b) Despite the abating of rain induced floods, the lake water levels are still rising and which according to the Water Resources Authority (WRA), the rising lake levels are attributed to tectonic activities and the effects of climatic changes.
 - c) The residents were left at the mercy of factors which are beyond their control making it impossible to re-occupy their houses now and in future.
 - d) The affected families appreciated support from the government and other well-wishers. However, there was need to find a permanent solution.
 - e) The destruction of properties, homes and livelihoods had left residents with psychosocial related ailments leading to high stress levels and deaths of 3 members of the group and hospitalizations of many others.
 - f) Affected home owners had title deeds to their land and others were at advanced stages of processing theirs.
 - g) The group had petitioned the National Government and the County Government to consider resettling the affected home owners in alternative lands in a Land-Trade-In (exchange formula. However, no feedback had been received after numerous visits to respective government offices.
 - h) The flooding had caused wild animals like Hippos and Buffalos to stray away from their usual grazing grounds to the affected field and homes in the rest of the estate causing fear and anxiety among residents,
 - i) The matters canvassed in the petition were not pending before any court law or constitutional body.
8. The Petitioners therefore prayed that the Departmental Committee on Environment and Natural Resources pursuant to Standing Order 216 (5) (a):
 - a) Recommends for resettlement of the affected home owners.
 - b) Recommends that the Government repossesses the affected flooded lands and compensate the home owners with alternative land equivalent in value to their repossessed lands.
 - c) Intervenes to ensure a buffer zone is erected to minimize cases of Human Wildlife Conflict and hasten compensations to any individual falling prey to wildlife attack.
 - d) Make any other order or direction that It deems fit in the circumstance of the case.

3.0 SUBMISSIONS

9. The Petition (No. 002 of 2021) regarding displacement of Kihoto Homeowners Self-help Group, Kihoto Estate by the rising water levels of lake Naivasha in Nakuru County was presented to the House by the Hon. Speaker, on behalf of the petitioners on 4th March, 2021 and subsequently committed to the Committee on 8th March, 2021 for consideration pursuant to Standing Order 227. The Committee consequently seized the matters raised in the Petition and processed it through deliberative meetings and/or receiving of written submissions from the petitioners, the Ministry of Environment and Forestry, the Ministry of Water, Sanitation and Irrigation, and that of Tourism and Wildlife all with a view to responding to the prayers sought by the petitioners. The Committee also conducted an inspection visit of the site on 10th September, 2021. The evidence adduced is recorded hereunder:

3.1 Submission by the Petitioners

10. Mr. Zachary Kamau Githuki, Chairperson of the Self-Help Group accompanied by other officials appeared before the Committee on Wednesday 30th June, 2021 and briefed it that:
11. They presented the petition on behalf of Kihoto Home Owners Self-Help Group, a registered self-help group. The members have homes situated in Kihoto Estate West of Kenya Oil Pipeline and bordering Lake Naivasha, Naivasha Constituency, Naivasha Sub-County of Nakuru County.
12. The residents of Kihoto estate Naivasha number about 500 and were displaced from their homes by raging floods and rising water levels of Lake Naivasha in early 2020.
13. The displaced are evenly distributed on both genders. Majority were previously flower farm workers who now are small scale traders in the markets, *boda boda* riders, skilled and unskilled. Laborers in various economic sectors. In terms of age, majority fall within .30-45 age bracket and have school going children.
14. What is being referred to as Kihoto estate is part of what is known in the survey maps as Naivasha Municipal Block I. During colonial period and after independence the land was one parcel owned by a settler family then trading as Alfa Alfa company LTD. In 1967, a group of the company employees numbering 30 and then known as members of Kihoto self-help group bought the land from Alfa Alfa Co Ltd and subdivided the land among themselves. It is these new owners who embarked on subdivisions of their individual land into smaller plots which they sold to members of the public. Arising from these subdivisions. Kihoto estate was born.
15. The home owners living west of the Kenya Oil Pipeline in the area are perennial casualties of what experts refer to as climate change effects. Before 2020, some members had vacated their homes more than six times due to rain induced floods and subsequent rise in Lake Naivasha water levels.

16. The worst came in early 2020 when there was total displacement for all the 500 home owners. The evacuation was so haphazard that most of the members lost all their properties. The vandalism that took place thereafter left most buildings without doors, windows and iron sheets. Some members reoccupied their houses after massive repairs when floods abated but were again forced to move out after the second wave of flooding occurred.
17. Despite the abating of rain induced floods, the lake water levels are still rising and which according to the Water Resources Authority (WRA), the rising lake levels are attributed to tectonic activities and the effects of climatic changes.
18. The residents were left at the mercy of factors which are beyond their control making it impossible to re-occupy their houses now and in future.
19. The affected families appreciated support from the government and other well-wishers. However, there was need to find a permanent solution.
20. The destruction of properties, homes and livelihoods had left residents with psychosocial related ailments leading to high stress levels and deaths of 3 members of the group and hospitalizations of many others.
21. Affected home owners had title deeds to their land and others were at advanced stages of processing theirs.
22. The group had petitioned the National Government and the County Government to consider resettling the affected home owners in alternative lands in a Land-Trade-In (exchange formula. However, no feedback had been received after numerous visits to respective government offices.
23. The flooding had caused wild animals like Hippos and Buffalos to stray away from their usual grazing grounds to the affected field and homes in the rest of the estate causing fear and anxiety among residents.
24. The matters canvassed in the petition were not pending before any court law or constitutional body.
25. The Petitioners therefore prayed that the Departmental Committee on Environment and Natural Resources pursuant to Standing Order 216 (5) (a):
 - a) Recommends for resettlement of the affected home owners.
 - b) Recommends that the Government to repossess the affected flooded lands and compensate the home owners with alternative land equivalent in value to their repossessed lands.
 - c) Intervenes to ensure a buffer zone is erected to minimize cases of human wildlife conflict and hasten compensations to any individual falling prey to wildlife attack.
 - d) Make any other order or direction that It deems fit in the circumstance of the case.

3.2 Submission by the Cabinet Secretary, Ministry of Environment and Forestry.

26. Mr. Keriako Tobiko, CBS, SC, Cabinet Secretary, Ministry of Environment and Forestry through Letter Ref. NA/DDC/ENR/2021(064) dated 6th September, 2021 by the Clerk of the National Assembly was requested to respond to the Committee regarding a Public Petition on displacement of members of Kihoto Home Owners Self-help group, Kihoto Estate, Naivasha as a result of rise in Lake Naivasha water levels.
27. In response, the Cabinet Secretary stated that the issues raised in the Petition fell outside the mandate of the Ministry of Environment and Forestry as constituted then. However, the rising water levels was a phenomenon that affected all the Great Rift Valley lakes, Lake Victoria and the Turkwel Gorge dam.
28. He further stated that the rising water levels had raised concerns that prompted the Cabinet through the advice of the National Security Advisory committee (NSAC) to direct that the Ministry of Environment and Forestry assesses the social and economic impacts of the rising water levels.
29. Following the directive, The Ministry of Environment and Forestry constituted a multi-agency technical team to interrogate the extent of the impacts occasioned by the rising water levels through a field scoping activity. The Scoping report had been produced which provides recommendations as well as intervention measures that need to be undertaken in addressing the impacts of the rising water levels. The details of the said report are recorded hereunder in summary.

3.2.1. Report on Rising Water Levels in Kenya's Rift Valley Lakes

30. The rising water levels of the Rift Valley Lakes, Lake Victoria and the Turkwel Gorge Dam raised concerns that prompted the Cabinet through the advice of the National Security Advisory Committee (NSAC) to direct the Ministry of Environment and Forestry to set up a Multi-Agency Technical Team to embark on a scoping mission of the affected water bodies. The objective was to try and establish the causes, the socio-economic impacts and to recommend interventions for cushioning the affected communities.
31. It is to be appreciated that the rising lake water levels and accompanying flooding had stirred panic and anxiety among the surrounding communities where the floodwaters had left trails of destruction and rendering hundreds of families homeless. There was consequential loss of crops, farmland and pasture. The wildlife was not spared either as the loss of grazing land drove them to higher grounds where displaced families had also sought refuge and hence leading to human-wildlife conflict.
32. The Ministry of Environment and Forestry brought on board partners that included United Nations Development Programme (UNDP), United States Agency for International Development (USAID) and United Nations Educational, Science and Cultural Organization (UNESCO) who supported the formulation of roadmap for the lakes scoping mission and also provided the much-needed financial support.

33. The comprehensive scoping mission covered all the affected lakes and areas of the Rift Valley Lakes of Naivasha, Turkana, Logipi, Baringo, Bogoria, Nakuru, Solai, Elmenteita, Ol-Bolossat, Magadi, including Turkwel Gorge Dam and the flood plains of Ewaso Ngiro South.
34. The resultant report critically captured the voices of the affected stakeholders and provided the necessary evidence on the psycho-social impacts on the communities. It also presented a way forward on short, medium and long-term strategies that can assist in the management of the impact.
35. Different explanations have been advanced to explain these rising water levels, chief of which is hydro-meteorological variables due to climate change that have led to increased moisture availability as seen in the rainfall data and discharge of the rivers feeding the lakes. There is also increased siltation caused by increasing amounts of soil in runoff, occasioned by changes in land use.
36. The key findings of the scoping mission fall into six categories that span socio-economic aspects; the emerging legal issues; impacts on biodiversity; impacts on the catchment hydrology; geological controls and emerging security issues.
37. The Report recommended the following:
 - a) immediate intervention measures: humanitarian assistance, intensify public engagements in order to assure the people of the government's commitment to supporting them, climate change awareness campaign, closely monitoring of the rising lake levels in order to avert hazards before their occurrence in the future, closely monitoring meteorological patterns and conducting rapid assessment of the impacts of rising lake levels on biodiversity and food security in the affected areas.
 - b) short-term intervention measures: instituting a rehabilitation programme to rehabilitate, relocate, and restore damaged infrastructure such as water supplies, sewerage plants, fish handling facilities, among others; carrying out flood control and conservation practices in catchment areas; carrying out a study on the hydrochemistry of the lakes to understand the dynamics of each lake and the associated hazards due to swelling.
 - c) medium-term intervention measures: broader range of land use, land cover (LULC) studies should be conducted, and water balance on all the lakes and their respective basins to inform establishment of the highest water mark under the worst-case scenarios in the history of the lakes. This will help in clearly defining and demarcating boundaries around the lakes; the national government should consider buying off the affected areas in order to create a buffer zone; and drilling of ground water monitoring boreholes and research on tectonic movements should be conducted in order to determine the likelihood of episodic recharge within the aquifers during heavy rains.
 - d) long-term intervention measures: The government must prioritize, finalize and implement the National Lake Basin Management Strategy which will provide an integrated framework for the sustainable management and use of Lake Basin resources; The Government should re-dedicate efforts to support all the 47 Counties to prepare Climate

Resilient County Spatial Plans that will anticipate such challenges in a more predictive manner. The plans should clearly delineate the new proposed high-water marks and provide clear land use and physical planning guidelines that will avert the continued developments in areas considered as riparian areas, under the relevant laws.

38. The matter of rising water levels in the lakes was under discussion then at the National Development Implementation and Communication Committee (NDICC) and the full Cabinet level. It was anticipated that the Government would address the issue and pronounce the way forward.

3.3 Submission by the Cabinet Secretary, Ministry Tourism and Wildlife

39. The Cabinet Secretary, Ministry Tourism and Wildlife made a written submission and informed the Committee that:
40. The matter was addressed by an Inter-Agency Technical Team in which the Ministry of Tourism & Wildlife was represented. The Team was led by the Ministry of Environment and Forestry, and the consequent report was submitted to the National Development Implementation Technical Committee (NDITC).
41. The report noted that the key impacts of the rising lake levels within protected areas include loss of habitat available for wildlife especially large mammals, change in water chemistry of the saline lakes as well as loss of riparian land and increased cases of Human-Wildlife Conflicts.
42. The destruction of tourism infrastructure including lodges, roads, campsites, visitor gates and the game proof fences has been recorded in most of the lakes. These destructions resulted to great loss properties, financial investments, employment opportunities and community livelihoods. In addition, lakes such as Baringo and Naivasha have experienced huge wildlife habitat and economic loss with respect to the tourism facilities.
43. The proposed interventions in the report include the rebuilding of the tourism infrastructures, rehabilitation of fences, marking and pegging of riparian land that will help in the mitigation of the impacts of the rising lake levels on the protected areas. Further, the review and gazettement of Integrated Management Plans in the protected areas will go a long way in the mitigation of the impacts of the rising lake levels. He further expressed optimism that the implementation of the report's recommendations will support mitigation of the identified impacts on the wildlife and tourism sub-sectors.

3.4 Inspection Visit to Kihoto Estate along Lake Naivasha in Nakuru County

44. The Committee conducted an Inspection Visit to Kihoto Estate along Lake Naivasha in Nakuru County on Friday 10th September, 2021. The Committee made a courtesy call to the office of the local Deputy County Commissioner where it was received by Mr. Fidelis Babu, an Administration Officer I. The Committee then proceeded to conduct an inspection tour of the affected area and thereafter held a meeting on site with residents and relevant government officials. The following sentiments were expressed in the meeting:
45. The Petitioners, led by Mr. Zachary Kamau, pointed out that:

- a) The water levels at Lake Naivasha had since resided and some residents had gone back to their houses because they had no alternatives. However, the houses were a danger to stay in since their structural integrity was compromised having been flooded.
- b) The water table in the area was shallow and residents use pit latrines. This pollutes the underground water which was still being used by residents exposing themselves to a myriad of water borne diseases.
- c) There was an advent of serious infestation of the area by mosquitoes due to the stagnant flood waters. This called for provision of nets by concerned authorities to aid curb related diseases among local residents.
- d) There was need to erect an electric fence in the area to curb human-wildlife conflict as wild animal roam into human settlements due to the flooding.
- e) Those who were landlords in the area suffered permanent financial loss as tenants fled the area for good due to the flooding menace.

46. Ministry of Environment and Forestry, represented by Mr. Erick Akotsi, indicated as follows:

- a) A multi-agency team had prepared a report on rising water levels of lakes across the country and part of the findings included that the phenomena had led to loss of livelihoods, jobs and damage to infrastructure.
- b) The salient recommendations in the report included that: There was need for humanitarian assistance to aid the affected communities to meet their daily subsistence needs; There was need for closer monitoring of water levels in the affected lakes; There was need for a massive program to rehabilitated dilapidated infrastructure; There was need to engage in fresh remarking of riparian area and the attendant charting the way forward for those to be found within the remarked riparian areas.

47. Kenya Wildlife Service, represented by Esther Wangechi, the Warden in Charge, Naivasha pointed out that Human-Wildlife Conflict had existed for long in the area since there was competition within the riparian area among wild animals, hotels, livestock, farming activities, and residences. There was need for remarking the riparian area and erection of an electric fence to curb the incessant human-wildlife conflict.

48. The Youth sentiment was presented by their representative, Mr. Bernard Shihanya. He pointed out that Lake Naivasha was being handled like a preserve of few individuals who had licenses to access it at the detriment of local youth who faced challenges in accessing it and benefiting from its resources. The local youth at Kihoto estate had been rendered destitute by the flooding from rising water levels at the estate and some had resorted to petty crime and poaching in order to survive.

49. At the conclusion of the Inspection Visit, the Committee observed that:

- a) There was need for the Committee to engage the KWS and its parent Ministry with respect to the need to erect an electric fence in the area to curb human-wildlife conflict.
- b) The water table in the area was shallow yet pit latrines coexist side by side with wells This pollutes the underground water which was still being used by residents exposing themselves

to a myriad of water borne diseases. Indeed, there was a frequent outbreak of cholera in the area due to sanitation challenges.

- c) Health was a largely devolved function and the Country Government of Nakuru ought to take the lead in provision of nets to curb mosquito infestation and deal with clean water provision and the waterborne diseases emanating from the poor sanitation in the area.
- d) There was need to engage the National Land Commission with respect to remarking of riparian area and the attendant charting of the way forward for those to be found within the remarked riparian areas.

3.5 Submission by the Cabinet Secretary, Ministry of Water, Sanitation and Irrigation

- 50. The then Cabinet Secretary, Ministry of Water, Sanitation and Irrigation, Mrs. Sicily K. Kariuki, EGH made a written submission to the Committee and indicated as follows:
 - 51. Lake Naivasha is a fresh water lake located at 1,884 Meters above sea level with a surface area of about 139km². Apart from seasonal streams, the lake is fed by the perennial Malewa, Gilgil and Karati rivers. The lake has no visible outlets but has an underground outflow, which keeps it fresh.
 - 52. Long term data dating back to the year 1880 show the lake levels fluctuating depending on local weather conditions and in fact it dried up sometime in the 1950s. However, in the last decade, since the advent of climate change, the lake levels have risen unabated to reach the highest level in history.
 - 53. From the year 2020, to date the high-water level caused expansion of the lake area into settled areas around the lake causing serious damage to property and lose of farmlands. Experts have attributed the abnormal rise in water level in the lake to climate change impact and tectonic movements. Significant degradation of the catchment area may have also increased direct surface runoff into the lake causing further rising of the water level.
 - 54. On the prayers for resettlement of the affected home owners and that the Government repossesses the affected flooded lands and compensate the home owners with alternative land equivalent in value to their repossessed lands, she stated that resettlement and repossession of the flooded lands and the attendant compensation are issues that call for a one Government approach and undoubtedly require the involvement of the Ministry of Interior and National Coordination, National Lands Commission, The Ministry of Lands, National Environmental Management Authority, Kenya Wildlife Service and the Water Resources authority among other agencies.
 - 55. Through a Cabinet Memorandum of October 2020, the Cabinet directed the formation of Inter Agency Committee to address all the challenges with respect to rising water levels and come up with recommendations. The Cabinet further directed relief assistance through cash transfer framework to the affected households as an immediate intervention to mitigate the effects of the floods.

56. Regarding the prayer on ensuring a buffer zone is erected to minimize cases of human wildlife conflict and compensations to any individual falling prey to wildlife attack, she stated that the Ministry of Water, Sanitation and Irrigation through The Water Resources Authority in the year 2012 Gazetted the lake Naivasha Protection Rules that includes the lake Naivasha Catchment Area Protection Order, 2012, Lake Naivasha Ground Water Conservation Area Order, 2012 and the determination of Lake Naivasha Water reserve. These rules are meant to prevent encroachment of the lake reserve and create the buffer zone as this area is within a riparian land.
57. The issue of flooding of lakes is not unique to Lake Naivasha. Other lakes in the country such as Lake Victoria, Lake Baringo, Lake Turkana and others have experienced the same fate. This therefore being a natural event, calls upon the people to adapt the new norm prescribed by climate change and learn to live with it. It also means that human settlement may have encroached into the natural lake reserves.

3.5 Submission by the Chairperson, National Land Commission

58. The National Land Commission was requested, vide a letter Reference Number NA/DDC/ENR/2021(076) dated 13th October, 2021, to provide the Committee with a detailed written response to the issues raised in the Petition. However, the Committee never received any information in response to the letter despite confirming receipt of the letter at the Commission.

4.0 COMMITTEE OBSERVATIONS

Having received and analyzed the submissions tabled, the Committee observed as follows.

59. The rising water levels was not unique to Lake Naivasha, it was a phenomenon affecting the Rift Valley Lakes, Lake Victoria and the Turkwel Gorge Dam. The phenomena had raised concerns that prompted the Cabinet through the advice of the National Security Advisory Committee (NSAC) to direct the Ministry of Environment and Forestry to set up a Multi-Agency Technical Team to embark on a scoping mission of the affected water bodies. The objective was to establish the causes, the socio-economic impacts and to recommend interventions for cushioning the affected communities.
60. A myriad of explanations has been advanced to explain these rising water levels, chief of which being hydro-meteorological variables due to climate change that have led to increased moisture availability as seen in the rainfall data and discharge of the rivers feeding the lakes. There is also increased siltation caused by increasing amounts of soil in runoff, occasioned by changes in land use.
61. The rising lake water levels and accompanying flooding had stirred panic and anxiety among the community in Kihoto Estate, Naivasha where the floodwaters had left trails of destruction and rendering many families homeless. There was consequential loss of businesses and rental income and other livelihoods.
62. The destruction of tourism infrastructure including lodges, roads, campsites, visitor gates and the game proof fences has been recorded in most of the lakes. These destructions resulted to great loss properties, financial investments, employment opportunities and community livelihoods. In particular, Lake Naivasha had experienced huge wildlife habitat and economic loss with respect to the tourism facilities. The effect of the loss of wildlife habitats was human-wildlife conflict as wildlife encroached into human habitations.
63. The water table in the Kihoto Estate area was shallow yet pit latrines coexist side by side with wells. This pollutes the underground water which was still being used by residents exposing themselves to a myriad of water borne diseases. Indeed, there was a frequent outbreak of cholera in the area due to sanitation challenges. Equally, the flooding was a breeding ground for mosquitoes that were a menace to the community.
64. There was an urgent need for remarking of the riparian area around Lake Naivasha and consequently chart a way forward for those to be found within the remarked riparian areas.
65. The Ministry of Water, Sanitation and Irrigation through The Water Resources Authority in the year 2012 Gazetted the lake Naivasha Protection Rules that includes the lake Naivasha Catchment Area Protection Order, 2012, Lake Naivasha Ground Water Conservation Area Order, 2012 and the determination of Lake Naivasha Water reserve. These rules are meant to prevent encroachment of the lake reserve and create the buffer zone as this area is within a riparian land.

5.0 COMMITTEE RECOMMENDATIONS

66. The Committee recommends as follows:

- (i) On the first prayer that a recommendation, be made for resettlement of the affected home owners, the Committee recommends that after remarking of the riparian area around Lake Naivasha, the **Chairman of the National Land Commission** and the **Cabinet Secretary for Lands and Physical Planning** should ensure expeditious resettlement of those found to be in possession of genuine land ownership documents and are found to be within the confines of the remarked riparian area.
- (ii) On the second prayer that a recommendation be made that the Government repossesses the affected flooded lands and compensate the home owners with alternative land equivalent in value to their repossessed lands, the Committee recommends that the **Ministry Cabinet Secretary for Water, Sanitation and Irrigation**, the **Chairman of the National Land Commission** and the **Cabinet Secretary For Lands and Physical Planning** should urgently spearhead the remarking of the riparian area around Lake Naivasha and consequently chart a way forward for those to be found within the remarked riparian areas.
- (iii) On the third prayer that the National Assembly intervenes to ensure a buffer zone is erected to minimize cases of Human Wildlife Conflict and hasten compensations to any individual falling prey to wildlife attack, the Committee recommends that:
 - a) **The Cabinet Secretary for Water, Sanitation and Irrigation** should ensure robust implementation of the lake Naivasha Protection Rules that were gazette in 2012 which include the lake Naivasha Catchment Area Protection Order,2012, Lake Naivasha Ground Water Conservation Area Order, 2012 and the determination of Lake Naivasha Water reserve.
 - b) **The Cabinet Secretary for Tourism and Wildlife** should fast track the compensation of claims emanating from the Human-Wildlife Conflict in Kihoto Estate, Naivasha.
- (iv) On the fourth prayer that the National Assembly makes any other order or direction that it deems fit in the circumstance of the case, the Committee recommends that:
 - a) **The Cabinet Secretary for Devolution** should:
 - i. spearhead provision of nets to curb mosquito infestation and deal with clean water provision and the waterborne diseases emanating from the poor sanitation in the Kihoto Estate area since health was a largely devolved function.
 - ii. institute a rehabilitation programme to rehabilitate, relocate, and restore damaged infrastructure such as water supplies, sewerage plants, fish handling facilities, among others.
 - b) **The Cabinet Secretary for Water, Sanitation and Irrigation** should ensure finalization and implementation of the National Lake Basin Management Strategy which will provide

an integrated framework for the sustainable management and use of Lake Basin resources.

- a) **The Cabinet Secretaries for Environment and Forestry, that for Water, Sanitation and Irrigation, that for Lands and Physical Planning and the Chairman of the National Land Commission** should spearhead efforts to support all the 47 Counties to prepare Climate Resilient County Spatial Plans that will anticipate such challenges in a more predictive manner. The plans should clearly delineate the new proposed high-water marks and provide clear land use and physical planning guidelines that will avert the continued encroachment of developments in areas considered as riparian areas, under the relevant laws.

Signed: 

 **HON. SOPHIA ABDI NOOR, MP**
CHAIRPERSON, DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

Date: 






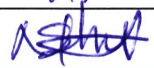
ADOPTION LIST

**DC-ENR: DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL
RESOURCES**

ADOPTION LIST

**REPORT ON A PETITION REGARDING EFFECTS OF RISING WATER
LEVELS ON THE RESIDENTS OF KIHOTO ESTATE, NAIVASHA**

We, the Members of the Departmental Committee on Environment and Natural Resources, have pursuant to Standing Order 199, adopted this Report and affix our signatures to affirm our approval and confirm its accuracy, validity and authenticity today, **Friday 3rd June, 2022.**

	NAME	SIGNATURE
1.	The Hon. Sophia Abdi Noor, M.P., Chairperson	
2.	The Hon. Eng. Paul Musyimi Nzengu, M.P., Vice Chairperson	
3.	The Hon. Francis Chachu Ganya, M.P.	
4.	The Hon. Bernard Shinali, M.P.	
5.	The David Kangogo Bowen, M.P.	
6.	The Hon. Simon King'ara, M.P.	
7.	The Hon. Janet Ong'era, MP.	
8.	The Hon. David Gikaria, M.P.	
9.	The Hon. Charles Ong'ondo Were, M.P.	
10.	The Hon. Amin Deddy Mohamed Ali, M.P.	Virtual
11.	The Hon. Hassan Oda Hulufu, M.P.	
12.	The Hon. George Kariuki, M.P.	Virtual
13.	The Hon. Ali Wario Guyo, M.P.	Virtual
14.	The Hon. Nasri Sahal Ibrahim, M.P.	
15.	The Hon. Peter Kimari Kihara, M.P	
16.	The Hon. Charity Kathambi Chepkwony, M.P	Virtual
17.	The Hon. Rehema Hassan, M.P.	
18.	The Hon. Rozaah Buyu. M.P.	
19.	The Hon. Said Hiribae, M.P.	

COPY OF THE
PETITION



REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY (FIFTH SESSION)

CONVEYANCE OF PUBLIC PETITION

(No. 002 of 2021)

REGARDING DISPLACEMENT OF RESIDENTS OF KIHOTO HOMEOWNERS SELF HELP GROUP, KIHOTO ESTATE BY RISING WATER LEVELS IN LAKE NAIVASHA, NAKURU COUNTY

Honorable Members, Standing Order 225(2)(b) requires the Speaker to report to the House any Petition, other than those presented by a Member. I wish to report to the House that my Office has received a Petition from Mr. Zachary Kamau Githiki, Mr. Robert Waititu Ndirangu and Ms. Lydia Wanjiru Ndungu, who are representatives of *Kihoto Homeowners Self Help Group* in *Kihoto Estate*, bordering Lake Naivasha, Nakuru County.

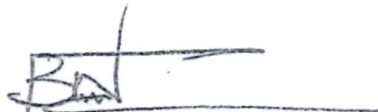
Honourable Members, the Petitioners claim that, following the rising water levels of Lake Naivasha and the resultant raging floods of early 2020, over 500 homeowners have been displaced from their homes. The water levels at the Lake are still rising despite the abatement of rain induced floods, a situation that the Water Resources Authority has attributed to tectonic activities and effects of climate change.

Honourable Members, the Petitioners aver that the flooding has also affected wildlife habitat that has made wildlife such as hippopotamus and buffalos among others to stray from their habitats to the fields and homes within *Kihoto Estate*, causing destruction of crops, property and livelihoods; fear, anxiety and psycho-social related ailments among the residents of the said estate and surrounding areas. The Petitioners state that, while they appreciate the efforts by various Government agencies to mitigate the situation, recurrence of this phenomenal calls for urgent and permanent action.

Honourable Members, the Petitioners therefore pray that this House intervenes on the issues raised in the Petition with a view to recommending that the Government repossesses affected flooded land as part of the Lake and compensates or resettles the affected home and landowners on alternative land perhaps on higher grounds; and further create a buffer between the Lake and residential areas so as to avert human-wildlife conflicts.

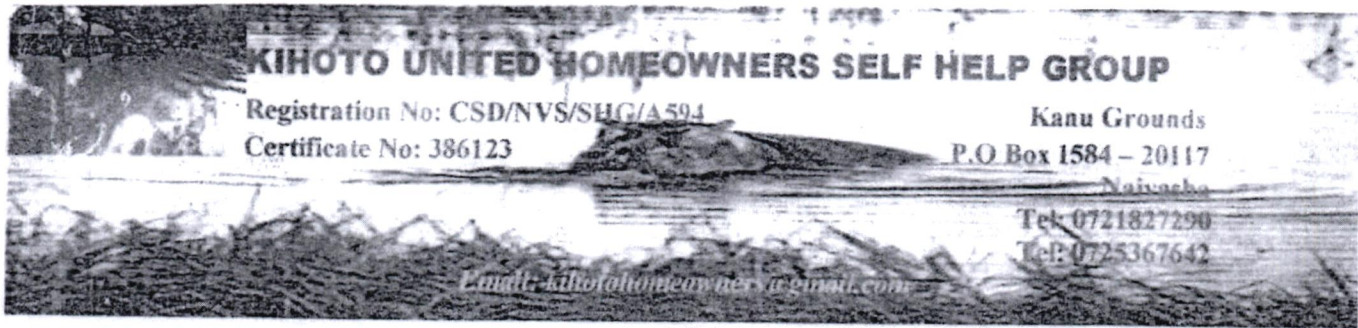
Honourable Members, pursuant to the provisions of Standing Order 227, this Petition stands committed to the Departmental Committee on Environment and Natural Resources for consideration. The Committee is at liberty to engage or work in collaboration with the Departmental Committee on Lands while considering applicable prayers sought in the Petition. The Committee is required to consider the Petition and report its findings to the House and the Petitioners in accordance with Standing Order 227(2).

I thank you!



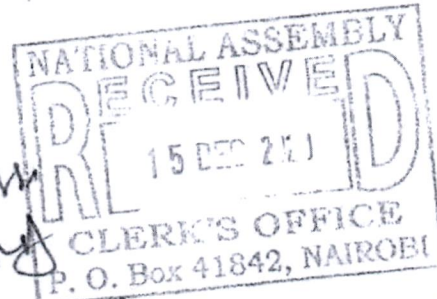
THE HON. JUSTIN B.N. MUTURI, EGH, MP
SPEAKER OF THE NATIONAL ASSEMBLY

Monday, March 01, 2021



Date: 14th December, 2020

THE CLERK,
KENYA NATIONAL ASSEMBLY
P.O BOX 41842-00100,
NAIROBI.



DLS
PSE Mwachiti
and

16/12/20

PUBLIC PETITION

ON

DISPLACEMENT BY RISING LAKE NAIVASHA WATER LEVELS.

WE, the **UNDERSIGNED** on behalf of Kihoto Home Owners group, whose homes are situated in Kihoto Estate West of Kenya Oil Pipeline and bordering Lake Naivasha, Naivasha Constituency, Naivasha Sub-County of Nakuru County and being citizens of the Republic Kenya **DRAW** the attention of the House to the following:-

- (i) **THAT**, we are residents of Kihoto estate Naivasha numbering about 500 home owners and who were displaced from their homes by raging floods and rising water levels of Lake Naivasha early this year (2020).
- (ii) **THAT**, despite the abating of rain induced floods the lake water levels are still rising and which according to **THE WATER RESOURCES AUTHORITY (WRA)** the rising lake levels are attributed to tectonic activities and the effects of climatic changes in rainfall patterns.

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16/12/2020

- (iii) **THAT**, arising from the above we are left at the mercy of factors which are beyond our control rendering the re-occupation of our houses untenable, now and in future.
- (iv) **THAT**, while the affected families appreciate the support received from various Government agencies and well wishers, the need for a permanent solution to mitigate this disaster and the recurring of this natural cycle in future need to be addressed as a matter of urgency.
- (v) **THAT**, other than destruction of properties, homes and livelihoods, the displacement has caused a lot of psycho-social related ailments culminating in rising stress levels and the unfortunate deaths of three of our members and hospitalization of many others.

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you on
16/12/2020

- (vi) **THAT**, the affected home owners have **Title Deeds** to their plots while others are at an advanced stage of acquiring the deeds to their lands.

Mrs Jennifer Mwachiti

PUBLIC PETITION

ON

DISPLACEMENT BY RISING LAKE NAIVASHA WATER LEVELS.



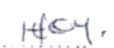
- (vii) **THAT**, we have petitioned the National Government and the County Government to consider resettling the affected home owners in alternative lands in a Land-Trade-In (exchange) formular.
- (viii) **THAT**, as at the time of writing this petition, we have received no answer to our request from the Government despite our several visits to various Government offices.
- (ix) **THAT**, the flooding has caused wild animals i.e. Hippos and Buffalos to stray away from their usual grazing grounds to the unaffected fields and homes in the rest of the estate causing fear and anxiety among residents.
- (x) **THAT**, the matter in respect of which this petition is made is not pending before any Court of Law or Constitutional body.

HEREFORE, your humble petitioners **PRAY** that the Parliament,

- (i) Recommends for resettlement of the affected home owners.
- (ii) Recommend the Government to repossess the affected flooded lands and compensate the home owners with alternative land equivalent in value to their repossessed lands.
- (iii) Intervene to ensure a buffer zone is erected to minimize cases of human wildlife conflict and hasten compensations to any individual falling prey to wildlife attack.
- (iv) Make any other order or direction that it deems fit in the circumstance of the case.

And your **PETITIONERS** will ever pray.

PRESENTED BY:

Name of Petitioner	Full Address	ID	Sign
Zachary Kamau Githuki	1584 NAIVASHA	7151528	
Robert Waititu Ndirangu	1584 NAIVASHA	21252249	
Lydia Wanjiru Ndungu	1584 NAIVASHA	21743687	

COMMITTEE MINUTES

MINUTES OF THE 27TH SITTING OF THE DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES HELD AT THE TRADEMARK HOTEL, KIAMBU COUNTY ON FRIDAY 3RD JUNE, 2022 AT 9.30 AM.

PRESENT

- | | |
|--|------------------|
| 1. The Hon. Sophia Abdi Noor, M.P., | Chairperson |
| 2. The Hon. Eng. Paul Musyimi Nzengu, M.P. | Vice Chairperson |
| 3. The Hon. Simon King'ara, M.P. | |
| 4. The Hon. Nasri Sahal Ibrahim, M.P. | |
| 5. The Hon. Bernard Shinali, M.P. | |
| 6. The Hon. Ali Wario Guyo, M.P. | |
| 7. The Hon. Charity Kathambi Chepkwony, M.P. | |
| 8. The Hon. George Kariuki, M.P. | |
| 9. The Hon. Amin Deddy Mohamed Ali, M.P. | |
| 10. The Hon. Charles Ong'ondo Were, M.P. | |

APOLOGIES

1. The Hon. Francis Chachu Ganya, M.P.
2. The Hon. David Gikaria, M.P.
3. The Hon. Janet Ong'era, M.P.
4. The Hon. Said Hiribae, M.P.
5. The Hon. Peter Kimari Kihara, M.P.
6. The Hon. David Kangogo Bowen, M.P.
7. The Hon. Hassan Oda Hulufu, M.P.
8. The Hon. Rozaah Buyu. M.P.
9. The Hon. Rehema Hassan, M.P.

IN ATTENDANCE

THE NATIONAL ASSEMBLY

- | | | |
|----------------------|---|---------------------|
| 1. Ms. Esther Nginyo | - | Clerk Assistant I |
| 2. Mr. Dennis Mogare | - | Clerk Assistant II |
| 3. Mr. Eugene Apaa | - | Research Officer II |
| 4. Mr. Richard sang | - | Serjeant-At-Arms |
| 5. Mr. Mark Mbuthia | - | Audio Officer |

AGENDA

- i) Prayers
- ii) Confirmation of Minutes
- iii) Matters Arising
- iv) **Consideration and adoption of a report on a public petition regarding effects of rising water levels on the residents of Kihoto Estate, Naivasha.**

v) Date of the next Sitting

MIN.NO. DC/ENR/126/2022:

- **PRELIMINARIES**

The meeting was called to order at 9.45 am after which prayers were said. The Acting Chairperson then stated that the main agenda of the day was Consideration and adoption of a report on a public petition regarding effects of rising water levels on the residents of Kihoto Estate, Naivasha.

The Members adopted the agenda of the meeting.

MIN.NO. DC/ENR/127/2022:

- **CONFIRMATION OF MINUTES**

Confirmation of minutes of the previous sitting was deferred to the next meeting.

MIN.NO. DC/ENR/128/2022:

- **CONSIDERATION AND ADOPTION OF A REPORT ON A PUBLIC PETITION REGARDING EFFECTS OF RISING WATER LEVELS ON THE RESIDENTS OF KIHOTO ESTATE, NAIVASHA.**

The report on a public petition regarding effects of rising water levels on the residents of Kihoto Estate, Naivasha was considered and adopted after being proposed by Hon. Eng. Paul Musyimi Nzengu, M.P. and seconded by Hon. Nasri Sahal Ibrahim, M.P.

It was adopted with the following recommendations:

1. On the first prayer that a recommendation be made for resettlement of the affected home owners, the Committee recommends that after remarking of the riparian area around Lake Naivasha, the **Chairman of the National Land Commission** and the **Cabinet Secretary for Lands and Physical Planning** should ensure expeditious resettlement of those found to be in possession of genuine land ownership documents and are found to be within the confines of the remarked riparian area.
2. On the second prayer that a recommendation be made that the Government repossesses the affected flooded lands and compensate the home owners with alternative land equivalent in value to their repossessed lands, the Committee recommends that the **Cabinet Secretary for Water, Sanitation and Irrigation**, the **Chairman of the National Land Commission** and the **Cabinet Secretary For Lands and Physical Planning** should urgently spearhead the remarking of the riparian area around Lake Naivasha and consequently chart a way forward for those to be found within the remarked riparian areas.
3. On the third prayer that the National Assembly intervenes to ensure a buffer zone is erected to minimize cases of Human Wildlife Conflict and hasten compensations to any individual falling prey to wildlife attack, the Committee recommends that:
 - a) **The Cabinet Secretary for Water, Sanitation and Irrigation** should ensure robust implementation of the lake Naivasha Protection Rules that were gazette in 2012 which include the lake Naivasha Catchment Area Protection Order, 2012, Lake Naivasha

Ground Water Conservation Area Order, 2012 and the determination of Lake Naivasha Water reserve.

- b) **The Cabinet Secretary for Tourism and Wildlife** should fast track the compensation of claims emanating from the Human-Wildlife Conflict in Kihoto Estate, Naivasha.
4. On the fourth prayer that the National Assembly makes any other order or direction that it deems fit in the circumstance of the case, the Committee recommends that:
- a) **The Ministry of Devolution** should urge the Country Government of Nakuru to:
 - I. spearhead provision of nets to curb mosquito infestation and deal with clean water provision and the waterborne diseases emanating from the poor sanitation in the Kihoto Estate area since health was a largely devolved function.
 - II. institute a rehabilitation programme to rehabilitate, relocate, and restore damaged infrastructure such as water supplies, sewerage plants, fish handling facilities, among others.
 - b) **The Cabinet Secretary for Water, Sanitation and Irrigation** should ensure finalization and implementation of the National Lake Basin Management Strategy which will provide an integrated framework for the sustainable management and use of Lake Basin resources.
 - c) **The Cabinet Secretaries for Environment and Forestry**, that for **Water, Sanitation and Irrigation**, that for **Lands and Physical Planning** and the **Chairman of the National Land Commission** should spearhead efforts to support all the 47 Counties to prepare Climate Resilient County Spatial Plans that will anticipate such challenges in a more predictive manner. The plans should clearly delineate the new proposed high-water marks and provide clear land use and physical planning guidelines that will avert the continued encroachment of developments in areas considered as riparian areas, under the relevant laws.

MIN.NO. DC/ENR/129/2022:

- **ADJOURNMENT**

There being no other business the meeting was adjourned at 12.15 pm.

SIGNED: 

THE HON. HON. SOPHIA ABDI NOOR, M.P.

CHAIRPERSON,

DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

DATE: 08/06/2022

MINUTES OF THE 65TH SITTING OF THE DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES HELD VIRTUALLY ON THURSDAY, 14TH OCTOBER, 2021 AT 10.00 A.M.

PRESENT

- | | |
|---|-------------------------|
| 1. The Hon. Japhet Kareke Mbiuki, CBS, M.P., | Chairperson |
| 2. The Hon. Sophia Abdi Noor, M.P., | Vice Chairperson |
| 3. The Hon. Bernard Shinali, M.P. | |
| 4. The Hon. Charles Ong'ondo Were, M.P | |
| 5. The Hon. Ali Wario Guyo, M.P. | |
| 6. The Hon. Rehema Hassan, M.P. | |
| 7. The Hon. Rozaah Buyu. M.P. | |
| 8. The Hon. Peter Kimari Kihara, M. P | |
| 9. The Hon. Simon King'ara, M.P. | |
| 10. The Hon. Eng. Paul Musyimi Nzengu, M.P. | |
| 11. The Hon. Nasri Sahal Ibrahim, M.P. | |

APOLOGIES

1. The Hon. Francis Chachu Ganya, MP
2. The Hon. Hassan Oda Hulufu, M.P
3. The Hon. David Kangogo Bowen, M.P.
4. The Hon. Janet Ong'era, MP
5. The Hon. Charity Kathambi Chepkwony, M.P.
6. The Hon. George Kariuki, M.P.
7. The Hon. Amin Deddy Mohamed Ali, M.P.
8. The Hon. Said Hiribae, M.P.

MINISTRY OF PETROLEUM AND MINING

- | | |
|-----------------------------------|--------------------------------|
| 1. Dr. (Eng.) John Mosonik, CBS - | Chief Administrative Secretary |
| 2. Mr. Raymond Mutiso - | Director, Mines |
| 3. Mr. Albert Omondi - | Ministry official |

THE NATIONAL ASSEMBLY

- | | |
|--------------------|--------------------|
| 1. Esther Nginyo - | Clerk Assistant II |
|--------------------|--------------------|

2. Lynette Otieno - Legal Counsel I
3. Mark Mbuthia - Audio Recording Officer

AGENDA

- i) Prayers
- ii) Confirmation of Minutes
- iii) Matters Arising
- iv) **Meeting with the Cabinet Secretary for Petroleum and Mining to respond to Question No. 368/2021 by Hon. Charles Were, M.P., on Quarry Mining in Kasipul Constituency.**
- v) Date of the next Sitting

MIN.NO. DC/ENR/290/2021: - PRELIMINARIES

The Meeting was called to order at 10.22 a.m. after which prayers were said. The Chairperson stated that the main agenda of the day was Meeting with the Cabinet Secretary for Petroleum and Mining to respond to Question No.368/2021 by Hon. Charles Were, M.P., on Quarry Mining in Kasipul Constituency.

The Members adopted the agenda of the meeting.

MIN.NO. DC/ENR/291/2021: - CONFIRMATION OF MINUTES

Confirmation of Minutes of the previous Sitting was deferred to the next meeting.

MIN.NO. DC/ENR/292/2021: - MEETING WITH THE CABINET SECRETARY FOR PETROLEUM AND MINING TO RESPOND TO QUESTION NO. 368/2021 BY HON. CHARLES WERE, M.P., ON QUARRY MINING IN KASIPUL CONSTITUENCY.

The Hon. Charles Were, MP, Kasipul Constituency asked his Question No. 368/2021 to the Cabinet Secretary for Petroleum and Mining as follows:

- i. Could the Cabinet Secretary confirm whether Environmental Impact Assessment was carried out prior to the licensing of quarry mining activities by M/s China City Construction Company with respect to quarry activities taking place at Akech Village in Kasipul Constituency, and if so, indicate whether the company has been operating within the National Environment Management Authority's guidelines?
- ii. What action was the Ministry taking against the said company for using heavy blasting equipment which has destroyed houses and caused structural weaknesses in others including at Katangá village where many houses have developed cracks on floors and walls?

- iii. What action was the Ministry taking against the company for the resultant noise pollution and tremors particularly at Akech and Katanga villages?

Dr. (Eng.) John Mosonik, CBS, Chief Administrative Secretary, Ministry of Petroleum and Mining appeared before the Committee and responded as follows in relation to the Question:

- i. **Could the Cabinet Secretary confirm whether Environmental Impact Assessment was carried out prior to the licensing of quarry mining activities by M/s China City Construction Company with respect to quarry activities taking place at Akech Village in Kasipul Constituency, and if so, indicate whether the company has been operating within the National Environment Management Authority's guidelines?**

1. The Third Engineering Bureau of China City Construction Company was awarded a tender for the construction of Kisii- Ahero Road, Lot 2 of the larger Isibania Kisii – Ahero Road Project.
2. The Company had entered into an agreement with Mr. Wilkista Amuomo Ogendo of ID No. 2733754 and Mr. Bob Rodgers Odhiambo Okeyo of ID No 33901458, the joint land owners for land parcel No. WEST KASIPUL/KONUONGÁ/448 in Bonge area, Konuongá Location, Rachuonyo Sub-County, Homa Bay County, for the quarrying activities.
3. In a letter dated 24th August 2017, the Company requested the Ministry for authority to carry out blasting at the above piece of land. The Company also forwarded a copy of the agreement land owners and a copy of Environmental Impact Assessment Licence Reg. 0044976 dated 30th August 2017 issued to Third Engineering Bureau of China City Construction, “for Proposed Quarry, Crusher & Asphalt Plant for the Construction of Lot2; Kisii-Ahero Road (A1) by CCCC ”.
4. The site was inspected on 30th August 2017 and authority to carry out blasting activities at the site was granted on 31st August, 2017.
5. The Ministry confirmed that Environmental Impact Assessment was carried out prior to the licensing of quarry mining activities by M/s China City Construction Company with respect to quarry activities at Akech Village in Kasipul Constituency.
6. The methods of conducting blasting operations were approved and all the commercial explosives materials used at the quarry were regulated through permitting by the Ministry.
7. The Ministry noted that any quarry operator is required to adhere to the National Environmental Management Authority's guidelines as provided in the Environmental Impact Assessment Licence and the subsequent Environmental Annual Audits which are undertaken to ensure compliance with the originally approved environmental management plan.
8. The Environmental Impact Assessment, the Environmental Management Plan and the Annual Environmental Audits are normally approved and regulated under the

Environmental Management Act (EMCA) by the National Environmental Management Authority.

9. The Ministry noted that the road project in question was complete, and the mining operations associated with excavation and blasting works had ended in July, 2021.

ii. **What action was the Ministry taking against the said company for using heavy blasting equipment which has destroyed houses and caused structural weaknesses in others including at Katangá Village where many houses have developed cracks on floors and walls?**

10. The CAS noted that the Ministry had not received any formal, written or verbal reports / complaints on structural destruction of buildings (cracks in building walls and floors) linked to the blasting operations of the company during the period of its operations.

11. He however indicated that, based on the question by the Honourable Member, the Ministry would invite the relevant government agencies, (State Department for Infrastructure, NEMA and the Ministry of Interior and Co-ordination of National Government), to jointly investigate any destruction of houses as a result of operations at the quarry. If any such destruction would be linked to the blasting operations conducted by the said Company, then it would be compelled to fully compensate the affected persons.

iii. **What action was the Ministry taking against the company for the resultant noise pollution and tremors particularly at Akech and Katanga villages?**

12. The CAS asserted that, the road project was complete and the mining operations associated with quarrying and blasting had been stopped. As such, there was no noise pollution nor tremors since the quarrying operations had ceased.

Observations

The Committee made the following observations from the response by the Chief Administrative Officer, that:

1. There were extensive damages of houses arising from the quarry blasting and negative health impact on the residents in Akech Village. There were therefore concerns on the inspectorate role of the Ministry of Petroleum and Mining on continuous monitoring of adherence to mining licensing conditions.

2. The Ministry of Petroleum and Mining had assertions that the road works that were consuming the ballast from the quarry in question had been completed. However, a contradictory report from the Ministry of Transport, Public Works and Housing indicated that the road was still under construction and was at 60% complete as per the scope of works.

It was recommended that the Ministry of Petroleum and Mining to visit the site to assess the situation with a view to engaging other relevant Ministries and State Agencies to

commence compensating the residents of Akech Village for the damages caused by the quarry blasting.

Resolutions

The Committee made the following resolutions, that:

- 1) The Ministry of Petroleum and Mining to visit the blasting site in Akech Village and report back its finds to the Committee within two weeks from the date of this meeting;
- 2) The Committee to conduct an inspection visit in Akech Village, Kasipul Constituency to assess the extent of the damage caused by the quarry blasting. The Secretariat was tasked to make the necessary arrangements for the visit.

MIN.NO. DC/ENR/293/2021:

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ADJOURNMENT

There being no other business the meeting was adjourned at 11.01 a.m.

SIGNED: 

THE HON. KAREKE MBIUKI, CBS, M.P.

CHAIRPERSON,

DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

DATE: 8/12/2021

MINUTES OF THE 57TH SITTING OF THE DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES HELD VIRTUALLY ON WEDNESDAY 15TH SEPTEMBER, 2021 AT 10.00 AM.

PRESENT

1. **The Hon. Sophia Abdi Noor, M.P.,** Vice Chairperson
2. The Hon. Francis Chachu Ganya, MP
3. The Hon. Hassan Oda Hulufu, M.P
4. The Hon. Simon King'ara, M.P.
5. The Hon. Eng. Paul Musyimi Nzengu, M.P.
6. The Hon. Charity Kathambi Chepkwony, M.P.
7. The Hon. Ali Wario Guyo, M.P.
8. The Hon. Peter Kimari Kihara, M. P
9. The Hon. Nasri Sahal Ibrahim, M.P.

APOLOGIES

1. **The Hon. Japhet Kareke Mbiuki, CBS, M.P.,** Chairperson
2. The Hon. Bernard Shinali, M.P.
3. The Hon. David Kangogo Bowen, M.P.
4. The Hon. Janet Ong'era, MP
5. The Hon. George Kariuki, M.P.
6. The Hon. Amin Deddy Mohamed Ali, M.P.
7. The Hon. Charles Ong'ondo Were, M.P
8. The Hon. Rehema Hassan, M.P.
9. The Hon. Rozaah Buyu. M.P.
10. The Hon. Said Hiribae, M.P.

FRIENDS TO THE COMMITTEE

1. The Hon. Ronald Tonui, M.P
2. The Hon. Bady Twalib, MP.

MINISTRY OF WATER, SANITATION AND IRRIGATION

1. Dr. Andrew Tuimur - Chief Administrative Secretary

- | | | | |
|----|---------------|---|---|
| 2. | Sharon Obonyo | - | Acting CEO, National Water Harvesting and Storage Authority |
| 3. | Festus Mutuku | | |
| 4. | Derrick Ojuku | | |
| 5. | Festus Gakuo | | |
| 6. | David Musyoki | | |

THE NATIONAL ASSEMBLY

- | | | | |
|----|-------------------|---|-------------------------|
| 1. | Ms. Esther Nginyo | - | Clerk Assistant II |
| 2. | Mr. Dennis Mogare | - | Clerk Assistant II |
| 3. | Mr. Mark Mbuthia | - | Audio Recording Officer |

AGENDA

- i) Prayers
- ii) Confirmation of Minutes
- iii) Matters Arising
- iv) **Meeting with the Cabinet Secretary for Water, Sanitation and Irrigation to respond to the following: 1. Question No. 316/2021 by Hon. William Chepkut, MP. on the implementation of the TotKalowa Irrigation Scheme. 2. Question No. 342/2021 by Hon. Ronald Tonui, MP. on construction of Bosto Dam in Bomet County. 3. Question No. 219/2021 by Hon. Ferdinand Wanyonyi, MP. on the Construction of dams and water pans in Kwanza Constituency. 4. Statement by Hon. Bady Twalib, MP. regarding water provision crisis in Jomvu Constituency.**
- v) Date of the next Sitting

MIN.NO. DC/ENR/253/2021: - PRELIMINARIES

The Meeting was called to order at 10.20 am after which prayers were said. The Chairperson stated that the main agenda of the day was meeting with the Cabinet Secretary for Water, Sanitation and Irrigation to respond to the following: 1. Question No. 316/2021 by Hon. William Chepkut, MP. on the implementation of the TotKalowa Irrigation Scheme. 2. Question No. 342/2021 by Hon. Ronald Tonui, MP. on construction of Bosta Dam in Bomet County. 3. Question No. 219/2021 by Hon. Ferdinand Wanyonyi, MP. on the Construction of dams and water pans in Kwanza Constituency. 4. Statement by Hon. Bady Twalib, MP. regarding water provision crisis in Jomvu Constituency.

The Members adopted the agenda of the meeting.

MIN.NO. DC/ENR/254/2021: - CONFIRMATION OF MINUTES

Confirmation of minutes of the previous sitting was deferred to the next meeting.

- moratorium on logging activities in public and community forests, KFS has not granted the Implementing Agency access to the construction site.
5. A Joint Inter-Ministerial Technical Committee comprising Ministry of Water, Sanitation and Irrigation the and the Ministry of Environment and Forestry was at work to look into the issues of concern to KFS and make recommendations on the way forward.
 6. The contract was to be executed based on the Finance, Design and Built (FDB) model at approximately Kshs. 20.4 billion. The mode of the financing is that 85% of the project cost comes from Exim Bank of China while 15% of the cost is provided by the Government of Kenya. Since the Contract has not become effective, funding has not been allocated on the budget.

It was observed that:

1. The area in question was under bamboo forest which ought not be a major concern with respect to logging ban. The moratorium would therefore be an excuse to sabotage implementation of the project. Further, being a government project, exemptions to the moratorium on logging should be given.
2. Chinese funding was available for roll out of the project but a counterpart funding of 15% of the project cost was not available.

It was resolved that a joint meeting between the Ministry of Water, Sanitation and Irrigation and the Ministry of Environment and Forestry to deliberate on the matter of access to forests for dam project implementers especially where loan funding is already committed for the projects in question.

MIN.NO. DC/ENR/256/2021: - MEETING WITH THE CABINET SECRETARY FOR WATER, SANITATION AND IRRIGATION TO RESPOND TO THE FOLLOWING: 1. QUESTION NO. 316/2021 BY HON. WILLIAM CHEPKUT, MP. ON THE IMPLEMENTATION OF THE TOTKALOWA IRRIGATION SCHEME. 2. QUESTION NO. 219/2021 BY HON. FERDINAND WANYONYI, MP. ON THE CONSTRUCTION OF DAMS AND WATER PANS IN KWANZA CONSTITUENCY. 3. STATEMENT BY HON. BADY TWALIB, MP. REGARDING WATER PROVISION CRISIS IN JOMVU CONSTITUENCY.

Question No. 316/2021 by Hon. William Chepkut, MP. on the implementation of the TotKalowa Irrigation Scheme.

The Member never attended the meeting and consequently a written response was tabled for transmission to him.

MIN.NO. DC/ENR/255/2021: - MEETING WITH THE CABINET SECRETARY FOR WATER, SANITATION AND IRRIGATION ON QUESTION NO. 342/2021 BY HON. RONALD TONUI, MP. ON CONSTRUCTION OF BOSTO DAM IN BOMET COUNTY.

Hon. Ronald Tonui, M.P., asked his question as follows:

- a) Could the Cabinet Secretary provide the status of the construction of the Bosto Dam in Bomet County which is meant to serve the people of Bomet, Kericho and part of Narok Counties?
- b) Could the Cabinet Secretary explain what has caused the inordinate delays in its construction and provide measures the Ministry put in place to fast-track its completion?
- c) Could the Cabinet Secretary state the total amount of money allocated towards the implementation of this project.

Dr. Andrew Tuimur, the Chief Administrative Secretary, Ministry of Water, Sanitation and Irrigation, responded as follows:

1. The proposed Bosto Dam Water Project is located along the Kipsonoi River within the South West Mau Forest Reserve in Bomet County. The project targets to supply water to parts of Bomet and Kericho Counties and will serve approximately a population of 709,000 in an estimated area of 1052km². The proposed dam is a zoned earth fill/rockfill dam of 45m high and 345m long. The indicative dam impoundment is 29.5 million cubic meters of water out of which 8.4 million cubic meters per day will be utilized for domestic and livestock use. The total flood area was about 252Ha while the catchment area is approximately 124km². Water from the dam will be transmitted to a treatment plant at Bosto Hill through gravity.
2. Contract Agreement for the implementation of Bosto Dam Water Project was signed between National Water Harvesting and Storage Authority (The Implementing Agency) and a Joint Venture formed by; China Geo-Engineering Corporation International Ltd, (CGCINT) & Hunan Construction Engineering Group Corporation (HCEG) – (The Contractor) in September 2017. The contract was to be executed under the Finance, Design and Built (FDB) model. Three Conditions were to be met before the contract comes into full force and effect. These conditions included: Fully executed Commercial Contract; Signed Loan Agreement between The National Treasury and China Exim Bank; Approvals granted by all relevant authorities of both Kenya and Chinese Governments.
3. The first two conditions had been achieved while the third condition was yet to be achieved by the Implementing Agency due to the insistence of KFS that the dam be located at a site outside the forest reserve.
4. Bosto dam project site is located in South West Mau Forest Reserve in Bomet County which is under the jurisdiction of Kenya Forest Service (KFS). The Implementing Agency engaged KFS with a view of obtaining clearance to access the site. However, due to the government

Question No. 219/2021 by Hon. Ferdinand Wanyonyi, MP. on the Construction of dams and water pans in Kwanza Constituency.

The Member never attended the meeting and consequently a written response was tabled for transmission to him.

Statement by Hon. Bady Twalib, MP. regarding water provision crisis in Jomvu Constituency.

The Ministry asked for at least 1 week to prepare a comprehensive response and then present it to the Committee. The request was acceded to.

MIN.NO. DC/ENR/257/2021: - RESPONSE TO A PUBLIC PETITION REGARDING DISPLACEMENT OF RESIDENTS OF KIHOTO HOME OWNER SELF-HELP GROUP, KIHOTO ESTATE IN NAIVASHA AS A RESULT OF LAKE NAIVASHA'S RISING WATER LEVELS.

Dr. Andrew Tuimur, the Chief Administrative Secretary, Ministry of Water, Sanitation and Irrigation, responded as follows:

1. Lake Naivasha is a fresh water lake located at 1,884 Meters above sea level with a surface area of about 139km². Apart from seasonal streams, the lake is fed by the perennial Malewa, Gilgil and Karati rivers. The lake has no visible outlets but has an underground outflow, which keeps it fresh.
2. Long term data dating back to the year 1880 show the lake levels fluctuating depending on local weather conditions and in fact dried up sometime in the 1950s. However, in the last decade, since the advent of climate change, the lake levels have risen unabated to reach the highest level in history. From the year 2020, to date the high-water level caused expansion of the lake area into settled areas around the lake causing serious damage to property and loss of farmlands. Experts have attributed the abnormal rise in water level in the lake to climate change impact and tectonic movements. Significant degradation of the catchment may have also increased direct surface runoff into the lake causing further raising of the water level.
3. Resettlement and repossession of the flooded lands and the attendant compensation are issues that call for a one Government approach and undoubtedly require the involvement of the Ministry of Interior and National Coordination, National Lands Commission, The Ministry of Lands, National Environmental Management Authority, Kenya Wildlife Service and Water Resources Authority among other agencies.
4. Through Cabinet Memorandum of October 2020, the Cabinet directed the formation of Inter Agency committee to address all the challenges and come up with recommendations; the Inter Agency committee was ongoing with its work; the Cabinet also directed relief

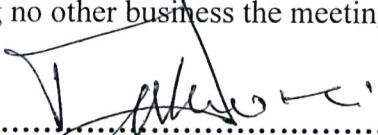
assistance through cash transfer framework to the affected households as an immediate intervention to mitigate the effects of the floods.

5. The Ministry of Water, Sanitation and Irrigation through the Water Resources Authority in the year 2012 Gazetted the lake Naivasha Protection Rules that includes the lake Naivasha Catchment Area Protection Order, 2012, Lake Naivasha Ground Water Conservation Area Order, 2012 and the determination of Lake Naivasha Water reserve. These rules are meant to prevent encroachment of the lake reserve and create the buffer zone as this area is within a riparian land.
6. The issue of flooding of lakes was not unique to lake Naivasha. Other lakes in the country such as Lake Victoria, Lake Baringo, Lake Turkana and others have experienced the same fate. This therefore being a natural event, calls upon the people to adapt the new norm prescribed by climate change and learn to live with it. It also means that human settlement may have encroached into the natural lake reserves.

MIN.NO. DC/ENR/258/2021:

- **ADJOURNMENT**

There being no other business the meeting was adjourned at 1.05 pm.


SIGNED:
THE HON. KAREKE MBIUKI, CBS, M.P.
CHAIRPERSON,
DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

DATE: 8/12/2021

MINUTES OF THE 33RD SITTING OF THE DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES HELD IN THE COMMITTEE ROOM ON 2ND FLOOR, CONTINENTAL HOUSE AND VIRTUALLY ON WEDNESDAY 30TH JUNE, 2021 AT 10.00 AM.

PRESENT

- | | |
|---|-----------------|
| 1. The Hon. Francis Chachu Ganya, M.P. | Chairing |
| 2. The Hon. Janet Ong'era, MP. | |
| 3. The Hon. Peter Kimari Kihara, M. P | |
| 4. The Hon. Charles Ong'ondo Were, M.P. | |
| 5. The Hon. Eng. Paul Musyimi Nzengu, M.P. | |
| 6. The Hon. Charity Kathambi Chepkwony, M.P | |
| 7. The Hon. Simon King'ara, M.P. | |
| 8. The Hon. Nasri Sahal Ibrahim, M.P. | |

APOLOGIES

- | | |
|--|-------------------------|
| 1. The Hon. Japhet Kareke Mbiuki, M.P., | Chairperson |
| 2. The Hon. Sophia Abdi Noor, M.P., | Vice Chairperson |
| 3. The Hon. David Kangogo Bowen, M.P. | |
| 4. The Hon. Bernard Shinali, M.P. | |
| 5. The Hon. Hassan Oda Hulufu, M.P. | |
| 6. The Hon. Amin Deddy Mohamed Ali, M.P. | |
| 7. The Hon. Ali Wario Guyo, M.P. | |
| 8. The Hon. Rozaah Buyu. M.P. | |
| 9. The Hon. Said Hiribae, M.P. | |
| 10. The Hon. George Kariuki, M.P. | |
| 11. The Hon. Rehema Hassan, M.P. | |

IN ATTENDANCE

PETITIONERS (KIHOTO SELF-HELP GROUP)

- | | | |
|----------------------------|---|---------------|
| 1. Zachary Kamau Githuki | - | Chairman |
| 2. Robert Waititu Ndirangu | - | Vice-Chairman |
| 3. Lydia Wanjiru Ndungu | - | Secretary |
| 4. Peter Ngugi Mwaura | - | Coordinator |
| 5. Joseph Ileri Nyaga | - | Member |

THE NATIONAL ASSEMBLY

- | | | |
|-------------------------|---|--------------------|
| 1. Ms. Esther Nginyo | - | Clerk Assistant II |
| 2. Mr. Dennis M. Ogechi | - | Clerk Assistant II |

3. Mr. Boniface Mugambi - Serjeant-At-Arms
4. Mr. Mark Mbuthia - Audio Recording Officer

AGENDA

- i) Prayers
- ii) Confirmation of Minutes
- iii) Matters Arising
- iv) **Meeting with the Petitioners on the Petition regarding displacement of Kihoto Homeowners Self-help Group, Kihoto Estate by the rising water levels of lake Naivasha.**
- v) AOB
- vi) Date of the next Sitting

MIN.NO. DC/ENR/139/2021: - PRELIMINARIES

The Meeting was called to order at 10.28 am after which prayers were said. The Acting Chairperson then stated that the main agenda of the meeting was meeting with the Petitioners on the Petition regarding displacement of Kihoto Homeowners Self-help Group, Kihoto Estate by the rising water levels of lake Naivasha.

The Members adopted the agenda of the meeting.

MIN.NO. DC/ENR/140/2021: - CONFIRMATION OF MINUTES

Confirmation of Minutes of the previous Sitting was deferred to the next meeting.

MIN.NO. DC/ENR/141/2021: - MEETING WITH THE PETITIONERS ON THE PETITION REGARDING DISPLACEMENT OF KIHOTO HOMEOWNERS SELF-HELP GROUP, KIHOTO ESTATE BY THE RISING WATER LEVELS OF LAKE NAIVASHA.

Mr. Zachary Kamau Githuki, Chairperson of the Self-Help Group accompanied by other officials appeared before the Committee and briefed it that:

1. They presented the petition on behalf of Kihoto Home Owners Self-Help Group, a registered self-help group. The members have homes situated in Kihoto Estate West of Kenya Oil Pipeline and bordering Lake Naivasha, Naivasha Constituency, Naivasha Sub-County of Nakuru County.
2. The residents of Kihoto estate Naivasha number about 500 and were displaced from their homes by raging floods and rising water levels of Lake Naivasha in early 2020.
3. The displaced are evenly distributed on both genders. Majority were previously flower farm workers who now are small scale traders in the markets, *boda boda* riders, skilled and unskilled. Laborers in various economic sectors. In terms of age, majority fall within .30-45 age bracket and have school going children.
4. What is being referred to as Kihoto estate is part of what is known in the survey maps as Naivasha Municipal Block I. During colonial period and after independence the land was one

parcel owned by a settler family then trading as Alfa Alfa company LTD. In 1967, a group of the company employees numbering 30 and then known as members of Kihoto self-help group bought the land from Alfa Alfa Co Ltd and subdivided the land among themselves. It is these new owners who embarked on subdivisions of their individual land into smaller plots which they sold to members of the public. Arising from these subdivisions. Kihoto estate was born.

5. The home owners living west of the Kenya Oil Pipeline in the area are perennial casualties of what experts refer to as climate change effects. Before 2020, some members had vacated their homes more than six times due to rain induced floods and subsequent rise in Lake Naivasha water levels.
6. The worst came in early 2020 when there was total displacement for all the 500 home owners. The evacuation was so haphazard that most of the members lost all their properties. The vandalism that took place thereafter left most buildings without doors, windows and iron sheets. Some members reoccupied their houses after massive repairs when floods abated but were again forced to move out after the second wave of flooding occurred.
7. Despite the abating of rain induced floods, the lake water levels are still rising and which according to the Water Resources Authority (WRA), the rising lake levels are attributed to tectonic activities and the effects of climatic changes.
8. The residents were left at the mercy of factors which are beyond their control making it impossible to re-occupy their houses now and in future.
9. The affected families appreciated support from the government and other well-wishers. However, there was need to find a permanent solution.
10. The destruction of properties, homes and livelihoods had left residents with psychosocial related ailments leading to high stress levels and deaths of 3 members of the group and hospitalizations of many others.
11. Affected home owners had title deeds to their land and others were at advanced stages of processing theirs.
12. The group had petitioned the National Government and the County Government to consider resettling the affected home owners in alternative lands in a Land-Trade-In (exchange formula. However, no feedback had been received after numerous visits to respective government offices.
13. The flooding had caused wild animals like Hippos and Buffalos to stray away from their usual grazing grounds to the affected field and homes in the rest of the estate causing fear and anxiety among residents,
14. The matters canvassed in the petition were not pending before any court law or constitutional body.
15. The petitioners prayed that Parliament:
 - a) Recommends for resettlement of the affected home owners.
 - b) Recommends that the Government to repossess the affected flooded lands and compensate the home owners with alternative land equivalent in value to their repossessed lands.
 - c) Intervenes to ensure a buffer zone is erected to minimize cases of human wildlife conflict and hasten compensations to any individual falling prey to wildlife attack.
 - d) Make any other order or direction that It deems fit in the circumstance of the case.

OBSERVATIONS

Members observed that:

1. There was need to establish if there are other affected areas in the vicinity other than Kihoto Estate in order to make a comprehensive resolution of the matter and avoid the committee being swamped by generic petitions from the surrounding areas.
2. The Committee ought to visit the area bordering the entire Lake Naivasha and assess the situation comprehensively before responding to the petitioners' prayers.
3. There was need to engage experts at NEMA and other relevant agencies to conduct a comprehensive environmental and social impact assessment to get to the full breath and depth of the matter of rising water levels of not just Lake Naivasha but all affected lakes across the country.
4. There was need to ascertain the following claims:
 - a) That 3 deaths occurred due to the flooding
 - b) That 5 schools stopped operations due to the flooding
 - c) The extent of loss of property and incomes by residents
5. There was need to engage the following agencies in seeking to respond to the petitioners' prayers: The Ministry of Interior and Coordination of National Government, The Water Resources Authority, NEMA.
6. There is need for the Committee Researcher to prepare a brief on the best practices being deployed by Small Island Developing States (SIDS) in mitigating the effects of climate change, particularly rising sea levels.

MIN.NO. DC/ENR/142/2021:

ADJOURNMENT

There being no other business the meeting was adjourned at 12.28 pm.

SIGNED: 

**THE HON. KAREKE MBIUKI, CBS, M.P.
CHAIRPERSON,
DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES**

DATE: 25/09/2021

MINUTES OF THE 30TH SITTING OF THE DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES HELD VIRTUALLY ON TUESDAY, 22ND JUNE 2021 AT 10.00 AM.

PRESENT

1. The Hon. Peter Kimari Kihara, MP - Chairing
2. The Hon. Francis Chachu Ganya, M.P.
3. The Hon. Ali Wario Guyo, M.P.
4. The Hon. Nasri Sahal Ibrahim, M.P.
5. The Hon. Amin Deddy Mohamed Ali, M.P.
6. The Hon. Sen. Janet Ong'era, MP.
7. The Hon. Rehema Hassan, M.P.
8. The Hon. Rozaah Buyu. M.P.
9. The Hon. Charles Ong'ondo Were, M.P.
10. The Hon. Hassan Oda Hulufu, M.P.

APOLOGIES

1. **The Hon. Japhet Kareke Mbiuki, CBS, M.P.**
2. **The Hon. Sophia Abdi Noor, M.P.,**
3. The Hon. David Kangogo Bowen, M.P.
4. The Hon. Charity Kathambi Chepkwony, M.P
5. The Hon. George Kariuki, M.P.
6. The Hon. Eng. Paul Musyimi Nzengu, M.P.
7. The Hon. Bernard Shinali, M.P.
8. The Hon. Said Hiribae, M.P.
9. The Hon. Simon King'ara, M.P.

Chairperson
Vice Chairperson

IN ATTENDANCE

THE NATIONAL ASSEMBLY

- | | | |
|----------------------|---|--------------------|
| 1. Ms. Esther Nginyo | - | Clerk Assistant II |
| 2. Ms. Linet Otieno | - | Legal Counsel |
| 3. Mr. Mark Mbutia | - | Audio Officer |

AGENDA

- i) Prayers
- ii) Confirmation of Minutes
- iii) Matters Arising
- iv) **Briefing on the Petition regarding safeguarding on public interest in climate change awareness campaign to increase the forest cover and fight deforestation and petition regarding Human Wildlife Conflict in Kibwezi East Constituency.**
- v) AOB
- vi) Date of the next Sitting

MIN.NO. DC/ENR/125/2021:

- PRELIMINARIES

The meeting was called to order at 10.15 a.m. after which prayers were said. In accordance with the provision of Standing Order 188, Hon. Ali Wario Guyo, MP proposed that the Hon. Peter Kimari Kihara, MP be the Acting Chairperson for the meeting. The proposal was seconded by the Hon. Sen. Janet Ongéra, MP.

The Acting Chairperson then stated that the main agenda of the meeting was briefing on the Petition regarding safeguarding on public interest in climate change awareness campaign to increase the forest cover and fight deforestation and petition regarding Human Wildlife Conflict in Kibwezi East Constituency.

The Members adopted the agenda of the meeting.

MIN.NO. DC/ENR/126/2021:

- CONFIRMATION OF MINUTES

Confirmation of minutes of the previous sitting was deferred to the next meeting.

MIN.NO. DC/ENR/127/2021:

**BRIEFING ON THE PETITION REGARDING
SAFEGUARDING ON PUBLIC INTEREST IN
CLIMATE CHANGE AWARENESS
CAMPAIGN TO INCREASE THE FOREST
COVER AND FIGHT DEFORESTATION AND
PETITION REGARDING HUMAN WILDLIFE
CONFLICT IN KIBWEZI EAST
CONSTITUENCY**

The Legal Counsel made a presentation on the petitions as follows:

- i. **Public Petition Regarding the Safeguarding of Public Interest in the Climate Action Awareness Campaign to Increase Forest Cover and Fight Against Deforestation**
 1. A public petition was submitted by Hon. William Chepkut, MP regarding the erratic climate conditions globally caused by significant changes in the concentrations of greenhouse gas as consequence of human activities and in addition to natural weather change.
 2. The Petition also raised the low observance of statutory obligations conferred on public and private entities to maintain climate change actions consistent with national and interventional goals of low carbon climate resilient development. In this regard the Petitioners prays for the Committee to-
 - i. Enquire into possibilities of putting in place measures in consultation with relevant ministries, for the elimination of climate including reduction of greenhouse emissions and use of renewable energies, including wanton destruction of trees;

The Committee resolved to invite the Hon. Jessica Mbalu, MP Kibwezi East to brief the Committee on the content of petition, which was similar to the previous one whose report was tabled in the House.

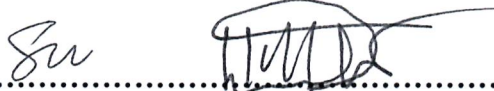
MIN.NO. DC/ENR/128/2021: - ANY OTHER BUSINESS

The following matters arose under this agenda item:

1. It was observed that the visit to Galana Kulalu Irrigation project had failed to take place due various reasons, including the country partial lockdown due to COVID 19 pandemic. Being that this is an important project under the purview of the Committee, the Secretariat was tasked to prioritize the visit in the Financial Year 2021/2022.
2. It was noted that there was a risk of losing a lot of wildlife through illegal bush meat hunting especially in the Tana River County. Consequently, the Committee resolved to invite the Cabinet Secretary for Tourism and Wildlife to brief it on the status of illegal bush meat hunting in the country.

MIN.NO. DC/ENR/129/2021: - ADJOURNMENT

There being no other business the meeting was adjourned at 10.57 am.

SIGNED: 

THE HON. KAREKE MBIUKI, CBS, M.P.
CHAIRPERSON, DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

DATE: 25/09/2021