

REPUBLIC OF KENYA



THE NATIONAL ASSEMBLY

12<sup>TH</sup> PARLIAMENT –FOURTH SESSION - 2020

DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

REPORT ON A PETITION REGARDING EFFECTS OF FLOODING AND ITS  
MITIGATION ALONG RIVER SONDU MIRIU

THE NATIONAL ASSEMBLY  
PAPERS LAID

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THURSDAY

TABLED  
BY:

HON. CHACHU GANYA, MP  
(MEMBER)

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THE TABLE:

SUSAN MARITIM

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CLERK'S CHAMBERS,  
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NAIROBI

DECEMBER, 2020

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## **CHAIRPERSON'S FOREWORD**

The petition regarding perennial flooding of River Sondu Miriu was presented to the House the Hon. Speaker, on behalf of Mr. Fredrick Gaya, on 12<sup>th</sup> August, 2020. Mr. Fredrick Gaya was acting on behalf of residents from Osodo Kobala, Kobuya, West Koguta and West Nyakach areas of Rachuonyo North and Nyakach Sub-counties of Homa Bay and Kisumu Counties.

Pursuant to Standing Order 227 (1), the petition was committed to the Departmental Committee on Environment and Natural Resources for consideration and reporting to both the House and the petitioners according to Standing Order 227 (2).

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

- a) Dispenses with the petition immediately in view of the urgency of the matters canvassed therein.
- b) Investigates and makes recommendations with regard to: number of those affected, number of deaths and rate of diseases, cumulative funds used in disaster response during floods, social-economic audit on losses incurred by residents in terms of destroyed farms, livestock deaths, and marooned grazing lands, and water and sanitation facilities affected.
- c) Enacts the National Disaster Management Bill and consider compensating affected families.
- d) Ensure sufficient mobilization, allocation and accountability of funds for the permanent mitigation of floods and their effects along Sondu Miriu River through the FY 2020/2021 budget.

The Committee consequently got seized of the matters canvassed in the Petition and processed it, pursuant to Standing Order 227, through deliberative meetings with: the petitioners, the Ministry of Water, Sanitation and Irrigation and its various SAGAs, the County Governments of Homabay and Kisumu and conducted an inspection visit to the Sondu Miriu River with a view to responding to the prayers sought.

After an analysis of the oral and written submissions made, the Committee observed as follows:

1. Sondu Miriu River drains into Lake Victoria from the slopes of Mau Escarpment. During heavy rains, it causes intense flooding in parts of Kisumu and Homabay Counties particularly the low-lying areas where it drains into the Lake. It breaks its banks hence flooding occurs in adjoining settlements causing displacement and loss of property. Rising lake levels also cause flooding in areas bordering the shores of Lake Victoria. This perennial problem needs a lasting solution. Apart from the heavy rains in the catchment area, degradation of upstream vegetation as a result of poor land use practices causes flooding.
2. An inspection visit to the area revealed that flooding in the region had led to disruption of power supply due to falling electricity posts, destruction of the road network in the area and water borne diseases among the locals.

3. Whereas floods are natural disasters, the impacts on residents depend very much on community land use practices, adherence to early warning systems and quick implementation of advisories.
4. The Water Resources Authority has installed a Telemetry Station in the flood plain at Nyakwere Village to monitor the water levels. The station provides near real time data for early warnings. During the periods approaching the two main rain seasons that cause floods in the area, Water Resources Authority, based on the data collected from the station, issues flood warnings to alert communities living in the flood plain to vacate.
5. The National Water Harvesting and Storage Authority conducted a flood situation assessment in the L. Victoria basin during the March-April-May, 2020 long rains which established that the long rains were heavier compared to the previous years. This led to more destruction and disruption of livelihood of the communities living within the Lower lake region that is usually affected by floods.
6. In 2020, apart from the high flows that broke the river banks, the water levels in L. Victoria had increased significantly leading to a backflow that submerged over 700 Acres of farmland and homes, causing much destruction of property and other livelihoods, displacing about 2,268 people in the area. Other infrastructure damaged include; roads, bridges, beaches, electric poles, sand harvesting mines, gabion boxes, destruction of the Awach-Kimila Irrigation infrastructure and blockage of the river delta.
7. Dredging the river and unblocking the river delta would go a long way in easing the flow of water to the lake. However, it is a major environmental activity requiring major investment and integrated approach by the government, and would form part of long-term strategy for controlling floods on River Sondu Miriu. This would be coupled by construction of dams upstream to store water and control flood flows during heavy rains, establishment of a modern early warning system based on a functional telemetric network and identification of permanent evacuation centers. The sediment load of rivers in the whole lake basin are very high due to deforestation upstream, causing serious sedimentation and forming deltas at the river mouths. This is a major cause of floods.
8. The Ministry was considering a proposal to construct a 2-kilometer dyke on the left bank of River Sondu Miriu from Sang'oro power station and a 5-kilometer dyke on either side of the river after Kendu Bay-Katito road towards the lake. The works are estimated to cost about Ksh 360 million.
9. In order to increase area under irrigation and boost food security in the region, the Government through National Irrigation Authority had planned a major project called Great Wang'cheing' Irrigation Project in Rachuonyo North Sub-County, Homa Bay County. The project is estimated to cost Ksh 879 million and will bring 1,820 acres of land under irrigation to grow maize and other high value horticultural crops. It will benefit about 1,000 farmers, thereby boosting socio-economic development of the community. Feasibility study and detailed design are completed and government was seeking funds for implementation.

10. The Ministry of Water, Sanitation and Irrigation intended to assess and determine suitable sites for construction of water pans, small dams and boreholes to assist the communities' access safe water for domestic use. The projects will then be prioritized for implementation under the various programs targeting improvement of rural water supply.
11. The Ministry of Water, Sanitation and Irrigation was further addressing water and sanitation challenges in Homabay County through implementation of the following projects:
  - a) Homa Bay Cluster Water Supply and Sanitation Project at a total cost of Ksh 1.14 billion. The project commenced in January, 2019 and is expected to be completed in June, 2021.
  - b) Kendu Bay Water and Sanitation Project at a total cost of Ksh 690 million. The project commenced in April, 2019 and is expected to be completed in October, 2021.
  - c) Oyugis Water Supply and Sanitation Project at a total cost of Ksh 716.6 million. The project commenced in April 2019 and is expected to be completed by October 2021.
12. There are no flood mitigation works that have been done along the Sondu Miriu River. Mitigation of flooding along the river requires a multi-sectoral approach from the energy, transport, water & sanitation sectors among others.
13. The County governments of Homabay and Kisumu counties have major roles to play in flood mitigation in their respective jurisdictions in conjunction with other counties in the upstream areas of River Sondu Miriu.
14. The fishing community had suffered repercussions of the flooding both from the river and Lake Victoria backflow. For instance, Sango Rota Beach Management Unit avers that the landing bay has been destroyed, shore land reduced by the back flow from Lake Victoria, beach latrines flooded and destroyed, beach tree and aquatic plants planted dried, beach fish ponds destroyed.
15. The education sector was adversely affected by the flooding of River Sondu Miriu. There was destruction of school infrastructure (classrooms, fences, playing grounds, toilets), loss of books and other learning materials, students being affected by water borne diseases, being used as evacuation centres hence stalling of educational activities, school dropouts by students, increase in promiscuity during times of disaster that result in early pregnancies, increase in cases of child labour, loss of valuable education man hours due to displacements, increase in cases of delinquency and absenteeism, and compromised health of learners during floods.
16. Although the petitioners had prayed that the Committee establishes facts with respect to the following aspects, the Committee did not access comprehensive data on them: number of those affected, number of deaths and rate of diseases, cumulative funds used in disaster response during floods, and social-economic audit on losses incurred by residents.

17. There was need for the National Assembly to consider prioritizing the consideration and passing of the National Disaster Management Authority Bill, 2019 by Hon Kimani Ichungwa currently awaiting Committee Stage consideration.
18. There was need for the National Assembly to consider urgent mobilization, allocation and accountability of funds for the permanent mitigation of floods and their effects along Sondu Miriu River through the FY 2021/2022 budget.

Consequent to the foregoing submissions and observations, the Committee made the following recommendations:

1. **The Ministry of Water, Sanitation and Irrigation** as a matter of policy adopt and implement the following, namely:
  - a) expedite the construction of a 2-kilometer dyke on the left bank of River Sondu Miriu from Sang'oro power station and a 5-kilometer dyke on either side of the river after Kendu Bay-Katito road towards the lake in the 2021/2022 Financial Year.
  - b) issue necessary guidelines to ensure the River Sondu Miriu bank is preserved and the catchment area is protected since it has the mandate of regulation of the river by demarcating the riparian area.
  - c) conduct emergency response during floods and particularly at the evacuation centers by digging or desilting in the natural drains to unblock the water ways, unblock or rehabilitate culverts, supply and install water tanks in learning institutions being used as evacuation centers, build pit latrines and mobile toilets, supply water treatment chemicals and household filters, and supply hand wash facilities.
  - d) expedite implementation of the Great Wang'cheing' Irrigation Project in Rachuonyo North Sub-County, Homa Bay County to boost food security in the region.
  - e) expedite the assessment of suitable sites for construction of water pans, small dams and boreholes to assist the communities' access to safe water for domestic use. It should then prioritize the projects for implementation under the various programs targeting improvement of rural water supply.
  - f) ensure timely completion of the following ongoing projects to address water and sanitation challenges in Homabay County: Homa Bay Cluster Water Supply and Sanitation Project, and Kendu Bay Water and Sanitation Project, Oyugis Water Supply and Sanitation Project.
  - g) in conjunction with other stakeholders, spearhead the dredging of River Sondu Miriu and unblocking the river delta to ease the flow of water to the lake. A multi sectoral engagement should then ensure construction of dams upstream to store water and control flood flows during heavy rains, establishment of a modern early warning system based on a functional telemetric network and identification of permanent evacuation centers, construction of water pans and check dams to control water velocity.

2. **The County Governments of Homabay and Kisumu counties**, as a matter of policy, in conjunction with other stakeholders, should undertake the following to forestall human suffering during floods:
  - a) Immediate measures: mapping and identification of affected areas and people, supply of water to the affected, providing food and non-food items to the affected, evacuating the affected, and conducting public health outreaches, having trenches dug around schools to prevent water from flooding them, and by carrying out desilting, dredging and opening up of canals, drainages, streams and water channels, construction of fish landing areas, construct toilet to improve sanitation at the beach, construct gabions along the beach to reduce siltation and finance aquaculture along the beach.
  - a) Medium term interventions: develop a flood management strategy, building evacuation centres for nearby communities to avoid usage of schools as evacuation centres, institute reforestation programs, river training, and sustainable land use practices in the upstream area of Sondu Miriu River to reduce erosion and consequent sedimentation of rivers in the lake basin which is a major cause of floods, engage in inter-sectoral collaborations, and revise existing policy or formulate county level policy, if none exists, on engagements during flooding events.
  - b) Long term interventions: enter into public private partnership with the possible investors/donors to assist in projects such as: tree planting; rain water harvesting in each home. The County Government should also engage with the national government for the construction of Koru-Soin Multi-Purpose Dam, construction of several water pans and rehabilitation of water catchment areas within the region, and capacity building local communities to change behavior for better adaptation.
3. The National Assembly prioritizes the consideration and passing of the National Disaster Management Authority Bill, 2019 by Hon Kimani Ichungwa currently awaiting Committee Stage consideration.
4. The National Assembly ensures sufficient mobilization, allocation and accountability of funds for the permanent mitigation of floods and their effects along Sondu Miriu River through the FY 2021/2022 budget.
5. The National Government Ministries responsible for education, roads, health, energy and disaster management should take measures to address the devastation and destruction wrought by floods along Sondu Miriu River particularly in Rachuonyo North and Nyakach Sub Counties.

**The Hon. Kareke Mbiuki, M.P**



## **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**

Hon. Kareke Mbiuki, M.P.  
MP for Maara Constituency

#### **Jubilee Party**

#### **Vice-Chairperson**

Hon. Sophia Abdi Noor, M.P.  
MP for Ijaara Constituency

#### **Party of Development and Reforms (PDR)**

#### **Members**

Hon. David Kangogo Bowen, MP for  
Marakwet East Constituency

#### **Jubilee Party**

Hon. Francis Chachu Ganya, MP for North  
Horr Constituency

#### **Frontier Alliance Party (FAP)**

Hon. Benard Shinali, M.P. for Ikolomani  
Constituency

#### **Jubilee Party**

Hon. Ali Wario Guyo, MP for Garsen  
Constituency

#### **Wiper Party**

Hon. George Macharia Kariuki, MP for  
Ndia Constituency

#### **Jubilee Party**

Hon. Charity K. Chepkwony, MP for Njoro  
Constituency

#### **Jubilee Party**

Hon. Kingara, Simon Nganga, MP for Ruiru  
Constituency

#### **Jubilee Party**

Hon. Peter Kimari Kihara, MP for Mathioya  
Constituency

#### **Jubilee Party**

Hon. Benjamin Dalu Tayari, MP for  
Kinango Constituency

#### **Orange Democratic Movement (ODM)**

Hon. Charles Ong'ondo Were, MP for  
Kasipul Constituency

#### **Orange Democratic Movement (Odm)**

Hon. Nasri Sahal Ibrahim, MP - Nominated  
**Forum for Restoration of Democracy-K**

Hon. Rozaah Buyu. MP for Kisumu County  
**Orange Democratic Movement (ODM)**

Hon. Hassan Oda Hulufu, MP for Isiolo  
North Constituency

#### **Kenya Patriots' Party (KPP)**

Hon. Amin Deddy Mohamed Ali, MP for  
Laikipia East Constituency

#### **Jubilee Party**

Hon. Said Hiribae, MP for Galole  
Constituency

#### **Forum for Restoration of Democracy- K**

Hon. Rehema Hassan, MP for Tana River  
County

**Maendeleo Chap Chap Party (MCC)**

Hon. (Eng.) Paul M. Nzengu, MP for  
Mwingi North Constituency

**Wiper Party**

#### **1.4 Secretariat**

The Committee is serviced by the following Members of Staff:

Ms. Esther Nginyo  
Second Clerk Assistant  
**Lead Clerk**

Mr. Dennis Mogare Ogechi  
**Second Clerk Assistant**

Mr. Fredrick Muthengi  
**Chief Fiscal Analyst**

Mr. Sydney Lugaga  
**Legal Counsel I**

Mr. Eugene Apaa  
**Research Officer**

## 2.0 INTRODUCTION

5. The petition regarding perennial flooding of River Sondu Miriu was presented to the House the Hon. Speaker, on behalf of Mr. Fredrick Gaya, on 12<sup>th</sup> August, 2020. Mr. Fredrick Gaya was acting on behalf of residents from Osodo Kobala, Kobuya, West Koguta and West Nyakach areas of Rachuonyo North and Nyakach Sub-counties of Homa Bay and Kisumu Counties.
6. Pursuant to Standing Order 227 (1), the petition was committed to the Departmental Committee on Environment and Natural Resources for consideration and reporting to both the House and the petitioners according to Standing Order 227 (2).
7. The petitioners drew the attention of the House to the following: -
  - i) **THAT** due to the persistent perennial floods along River Sondu Miriu in Rachuonyo North and Nyakach Sub counties which continues to havoc Osodo Kobala, Kobuya, West Koguta and West Nyakach areas since 1963.
  - ii) **THAT** the residents have bone the far-reaching effects of floods which has never been permanently mitigated by the Kenyan government as per its mandate by the laws governing our country.
  - iii) **THAT** this abdication of responsibility has therefore denied, violated, infringed and threatened the people's rights as stipulated in Chapter Four, Part 2 of the Kenyan constitution.
  - iv) **THAT** the residents have made several efforts to have the perennial disaster addressed permanently by both County and National Government and no satisfactory response have been affected.
  - v) **THAT** on 12/05/2018, the community presented their requests for permanent mitigation to CS Devolution Hon. Eugene Wamalwa when he visited victims of floods at Osodo Primary school in Kobala Sub location Wangieng Location in the presence of several local leaders but no satisfactory feedback to the resident have been communicated.
  - vi) **THAT** currently over 3000 people are displaced since early April and the government is yet to give a permanent solution as requested above.
  - vii) **THAT** in respect of our prayer for a lasting solution to mitigation of floods and its effects along River Sondu Miriu, they were not aware of any such case pending before any court of law or other constitutional or legal body.
8. In recognition of Powers, Responsibilities and Privileges of the National Assembly delegated to the Standing Committee on Environment and Natural Resources, and in view of this escalating humanitarian and human rights situation, the petitioners called on the

National Assembly to recommend to the Government of Kenya to urgently undertake the following in order to permanently mitigate flooding and its effect in the region:

- i) Dredging/desiltation of the River Sondu Miriu and opening' the blocked deltas in Adera, Nyalmera and Chuowe around Winam Gulf.
  - ii) Construction of standard Dykes along the banks of River Sondu Miriu.
  - iii) Implementation of the Great Wang'chieng' Integrated Irrigation and Water project which had been designed and only awaits procurement at the NIB. This will address food, nutrition & water security plus floods control.
  - iv) Addressing the sanitation challenges and building water secure institutions e.g. Schools, health facilities, churches, homes, markets. Provision of complete WASH facilities e.g. toilets/latrines, water harvesting, treatment and storage, tanks for the roof catchment, community water pans, dams, channels plus hand washing equipment/materials.
  - v) Promoting tree growing (fruit farming) alongside the river bank and its basin catchment plus reclamation of sand mines in Kobala Sub location which highly supported the government with levy collection. These are mosquito breeding zones and environmentally disastrous.
  - vi) Provide alternative source of livelihood i.e. fish farming, dairy horticulture, poultry, bee keeping to the youths and women.
  - vii) Construct two bridges and roads; Chuowe - Sanda Bridge at Udhi area to link and open the over 700 acres of fertile, arable land for agribusiness, food security and eco-tourism; Nyadho-Nyadina Bridge at Akoko Beach that links Kisumu and Homabay Counties; Chuowe – Nyakwere Road that is eroded; Kobala – Osodo-Nyadho Road that is damaged by erosion.
  - viii) Last mile power connection to all homes, schools, churches, markets, and health facilities.
  - ix) Improving, equipping and staffing of learning institutions and health facilities.
10. The Petitioners therefore prayed that the Departmental Committee on Environment and Natural Resources pursuant to Standing Order 216 (5) (a):
- a) Dispenses with the petition immediately in view of the urgency of the matters canvassed therein.
  - b) Investigates and makes recommendations with regard to: number of those affected, number of deaths and rate of diseases, cumulative funds used in disaster response during floods, social-economic audit on losses incurred by residents in terms of destroyed farms, livestock deaths, and marooned grazing lands, and water and sanitation facilities affected.

- c) Enacts the National Disaster Management Bill and consider compensating affected families.
- d) Ensure sufficient mobilization, allocation and accountability of funds for the permanent mitigation of floods and their effects along Sondu Miriu River through the FY 2020/2021 budget.

### **3.0 SUBMISSIONS**

11. The Committee consequently got seized of the matters raised in the Petition and processed it, pursuant to Standing Order 227, through deliberative meetings with: the petitioners, the Ministry of Water, Sanitation and Irrigation and its various SAGAs, the County Governments of Homabay and Kisumu and conducted an inspection visit to the Sondu Miriu River in a bid to deliberate on the matters canvassed in the Petition with a view to responding to the prayers sought. The evidence adduced is recorded hereunder:

#### **3.1 Submission by the Petitioners**

12. Mr. Fredrick Gaya, the petitioner, appeared before the Committee on Monday 28<sup>th</sup> September, 2020 and briefed it that he was acting on behalf of citizens of Kenya residing in Kobala Sub Location, Wang'chieng' Location of Homa - Bay County, directly and indirectly affected by floods.
13. They drew the attention of the House to the fact that there were persistent perennial floods along River Sondu Miriu in Rachuonyo North and Nyakach Sub counties which continues to wreak havoc on Osodo Kobala, Kobuya, West Koguta and West Nyakach areas since 1963.
14. The Kenyan government had essentially abdicated its responsibility and in the process has denied, violated, infringed and threatened the people's rights as stipulated in Chapter Four, Part 2 of the Kenyan constitution.
  - a) Article 26: Right to Life has been deprived by deaths occasioned by drowning in floods water, water & vector borne diseases.
  - b) Article 27: Equity and Freedom from Discrimination the government's success in the Budalang'i floods menace affirms its ability to mitigate the River Sondu Miriu floods disaster which has been unjustifiably delayed for over 57 years.
  - c) Article 28: Human Dignity the continuous displacement of these residents by uncontrolled perennial floods has forced them to lead undignified lifestyle of begging for food relief and nonfood items to survive in the overcrowded camps. They are subjected to psychological torture, treated in an inhuman and degrading manner by the floods.
  - d) Article 29: Freedom and Security of the Person the people's freedom have always been deprived arbitrarily since they can't live, move, and socialize normally. Rampant thefts and robberies, snake bites hippo attacks and invasion has precariously risked the security of the people's lives and property.
  - e) Article 31: Privacy of the Families private affairs has been unnecessarily revealed and privacy of their communications infringed through eavesdropping by subjecting them to crowded camping classrooms & tents during floods.



- f) Article 42: Environment every person has the right to a clean and healthy environment unlike to residents of these areas whose environment get contaminated by the affluent from latrines washed by flood water into their River Sondu Miriu and Lake Victoria. There is high rate of open defecation. Sand mines are mosquito breeding zones which are environmentally disastrous.
  - g) Article 43: Economic and Social Rights during the floods: the people cannot access the highest attainable standard of health, the people cannot access adequate housing and reasonable standard of sanitation as depicted in the camping sites; the people have inadequate food of unacceptable quality since floods affect their farms, grain stores and have to survive on relief food supplements from the government and other non-state actors. Equally, the people have no access to clean and safe water.
15. Learners at Osodo, Kobuya, Daraja, Kobala, Konyach, Burlum, Nyamanyinga, Nyong'ong'a, Obange, Sang'oro, Sango Buru, Nyawalo and Nyadina schools never get quality education since their classrooms are used to accommodate the displaced families thereby disrupting learning & hindering provision of free basic education by the government.
16. The residents have made several efforts to have the perennial disaster addressed permanently by both County and National Government without any satisfactory response.
17. A lasting solution to mitigation of floods and their effects along River Sondu Miriu be found through:
- a) Dredging/desiltation of the River Sondu Miriu and opening' the blocked deltas in Adera, Nyalmera and Chuowe around Winam Gulf.
  - b) Construction of standard Dykes along the banks of River Sondu Miriu.
  - c) Implementation of the Great Wang'chieng' Integrated Irrigation and Water project which had been designed and only awaits procurement at the NIB. This will address food, nutrition & water security plus floods control.
  - d) Addressing the sanitation challenges and building water secure institutions e.g. Schools, health facilities, churches, homes, markets. Provision of complete WASH facilities e.g. toilets/latrines, water harvesting, treatment and storage, tanks for the roof catchment, community water pans, dams, channels plus hand washing equipment/materials.
  - e) Promoting tree growing (fruit farming) alongside the river bank and its basin catchment plus reclamation of sand mines in Kobala Sub location which highly supported the government with levy collection. These are mosquito breeding zones and environmentally disastrous.
  - f) Provide alternative source of livelihood i.e. fish farming, dairy horticulture, poultry, bee keeping to the youths and women.

- g) Bridge and Road Network: construct two bridges and roads;
    - Chuowe - Sanda Bridge at Udhi area to link and open the over 700 acres of fertile, arable land for agribusiness, food security and eco- tourism.
    - Nyadho-Nyadina Bridge at Akoko Beach that links Kisumu and Homabay Counties.
    - Chuowe – Nyakwere Road that is eroded
    - Kobala – Osodo-Nyadho Road that is damaged by erosion
  - h) Last mile power connection to all homes, schools, churches, markets, and health facilities.
  - i) Improving, equipping and staffing of learning institutions and health facilities.
18. They petitioner prayed that the National Assembly:
- a) Dispenses with the petition immediately in view of the urgency of the matters canvassed therein.
  - b) Investigates and makes recommendations with regard to: number of those affected, number of deaths and rate of diseases, cumulative funds used in disaster response during floods, social-economic audit on losses incurred by residents in terms of destroyed farms, livestock deaths, and marooned grazing lands, and water and sanitation facilities affected.
  - c) Enacts the National Disaster Management Bill and consider compensating affected families.
  - d) Ensure sufficient mobilization, allocation and accountability of funds for the permanent mitigation of floods and their effects along Sondu Miriu River through the FY 2020/2021 budget.

### **3.2 Submissions by the Cabinet Secretary, Ministry of Water, Sanitation and Irrigation.**

19. Dr. Andrew Tuimur, Chief Administrative Secretary in the Ministry appeared before the Committee, on behalf of the Cabinet Secretary, on Wednesday 4<sup>th</sup> November, 2020 and briefed it as follows.
20. Sondu Miriu River is one of the six major rivers in the Lake Victoria basin. It is the fourth largest river in Kenya, originating from the western slopes of Mau Escarpment and flowing through Nakuru, Bomet, Kericho, Nyamira, Homa Bay and Kisumu Counties before discharging into Lake Victoria.
21. The perennial flooding in the flood plain occurs due to heavy rains in the catchment as well as degradation of upstream vegetation as a result of poor land use practices. In the recent past however, flooding is also occurring due to backflow of the lake waters, which scientists are yet to satisfactorily explain, but is attributed to climate change. Whereas floods are natural disasters, the impacts on residents depend very much on community land use practices, adherence to early warning systems and quick implementation of advisories.

22. Water Resources Authority, an institution of the Ministry has installed a Telemetry Station in the flood plain at Nyakwere Village to monitor the water levels. The station provides near real time data for early warnings. During the periods approaching the two main rain seasons that cause floods in the area, Water Resources Authority, based on the data collected from the station, issues flood warnings to alert communities living in the flood plain to vacate. In this year, five (5) flood warning have been issued.
23. The Ministry through National Water Harvesting and Storage Authority conducted a flood situation assessment in the L. Victoria basin during the March-April-May, 2020 long rains with a view to establishing the flood situation in the basin, effectiveness of the structures constructed and proposal of new interventions. The assessment study established that the long rains were heavier compared to the previous years and led to more destruction and disruption of livelihood of the communities living within the Lower lake region that is usually affected by floods.
24. Apart from the high flows that broke the river banks, the water levels in L. Victoria had increased significantly leading to a backflow that submerged over 700 Acres of farmland and homes, causing much destruction of property and other livelihoods, displacing about 2,268 people in the area. Other infrastructure damaged include; roads, bridges, beaches, electric poles, sand harvesting mines, gabion boxes, destruction of the Awach-Kimila Irrigation infrastructure and blockage of the river delta.
25. The recommendation to dredge the river and unblock the river delta would go a long way in easing the flow of water to the lake. However, it is a major environmental activity requiring major investment and integrated approach by the government, and would form part of long-term strategy for controlling floods on River Sondu Miriu. This would be coupled by construction of dams upstream to store water and control flood flows during heavy rains, establishment of a modern early warning system based on a functional telemetric network and identification of permanent evacuation centers. The sediment load of rivers in the whole lake basin are very high due to deforestation upstream, causing serious sedimentation and forming deltas at the river mouths. This is a major cause of floods. Reforestation programs and sustainable land use practices in the upstream to reduce erosion and sedimentation must therefore be initiated and sustained at the County level.
26. The construction of flood control measures such as earth dykes, river training, planting bamboo to protect the river banks from erosion and construction of gabions can be implemented to reduce flooding in the area. The Ministry was considering a proposal to construct a 2-kilometer dyke on the left bank of River Sondu Miriu from Sang'oro power station and a 5-kilometer dyke on either side of the river after Kendu Bay-Katito road towards the lake. The works are estimated to cost about Ksh 360 million. Considering the urgency of the matter, the Ministry will seek funding from National Treasury in 2021/2022 financial year for implementation.
27. In order to increase area under irrigation and boost food security in the region, the Government through National Irrigation Authority had planned a major project called Great Wang'cheing' Irrigation Project in Rachuonyo North Sub-County, Homa Bay County. The project is estimated to cost Ksh 879 million and will bring 1,820 acres of land under irrigation to grow maize and other high value horticultural crops. It will benefit about 1,000

- farmers, thereby boosting socio-economic development of the community. Feasibility study and detailed design are completed and government is seeking funds for implementation.
28. The ministry will assess and determine suitable sites for construction of water pans, small dams and boreholes to assist the communities' access safe water for domestic use. The projects will then be prioritized for implementation under the various programs targeting improvement of rural water supply. The Ministry was further addressing water and sanitation challenges in Homabay County through implementation of projects key among which are;
- a) Homa Bay Cluster Water Supply and Sanitation Project at a total cost of Ksh 1.14 billion. The project will increase the water supply capacity of Homa Bay Town from the existing 1,200 cubic meters of water per day to 4,800 cubic meters and improve the reticulation system in the town. A population of 120,000 people will benefit. The project commenced in January, 2019 and is expected to be completed in June, 2021. It is currently at 55% completion.
  - b) Kendu Bay Water and Sanitation Project at a total cost of Ksh 690 million. On completion, the project will add 5,000 cubic meters per day of water for Kendu Bay Town. It also includes construction of ablution blocks to improve sanitation. About 70,000 people will benefit from improved water & sanitation services in the town going forward. The project commenced in April, 2019 and is expected to be completed in October, 2021. It is currently at 40% completion.
  - c) Oyugis Water Supply and Sanitation Project at a total cost of Ksh 716.6 million. Once completed the project will add 5,700 cubic meters of water per day to Oyugis Town and will include ablution blocks to improve sanitation. The project commenced in April 2019 and is expected to be completed by October 2021. It is currently at 20% completion.
29. The Ministry has a role in the regulation of the river by demarcating the riparian area to ensure protection of the river and its catchment. The Ministry will therefore, through Water Resources Authority, issue necessary guidelines to ensure the river bank is preserved and the catchment area is protected.
30. The other concerns of the petitioner fall within the mandate of either the county government or other government MDAs.

### **3.3 Inspection Visit to River Sondu Miriu**

31. The Committee conducted an inspection visit to Sondu Miriu River on Saturday 10<sup>th</sup> October, 2020. During the visit, the Committee made a courtesy call to the Deputy County Commissioner for Rachuonyo North Sub County then visited the following sites: Osodo Primary School, Chuowe Beach, Kobuya Secondary School, Sangoro Primary School, Rota Beach, Nyadina Primary School, and Nyongonga Primary School.
32. During the inspection visit, the Committee observed that there was a back flow of River Sondu Miriu at Chuowe Beach due to siltation.

33. The Committee also noted that the flooding menace requires a multi sectoral approach to handle. The sectors to be involved include energy, water, roads and emergency relief (disaster management) services.
34. It was also noted that the schools in the area had suffered damages to their infrastructure – buildings, latrines etc. and there was need for repairs to ensure normal learning continued.
35. It was further observed that there was extensive damage to the road network and electricity supply networks (posts) in the area.

#### **3.4 Public Baraza at Nyakwere Market**

36. After the inspection visit, the committee held a Public Baraza at Nyakwere Market on Saturday 10<sup>th</sup> October, 2020 and received both written and oral submissions as recorded hereunder:

##### **3.4.1 Submission by Lake Victoria South Water Works Development Authority**

37. The Lake Victoria South Water Works Development Authority made its submission as follows.
38. During heavy rains, intense flooding is experienced in parts of Siaya and Homa Bay Counties particularly the low-lying areas at the estuary of main rivers draining onto Lake Victoria. Rivers Nzoia and Sondu Miriu break their banks hence flooding occurs in adjoining settlements causing displacement and loss of property. Rising lake levels also cause flooding in areas bordering the shores of Lake Victoria.
39. As an emergency response, affected people are evacuated and temporarily accommodated in designated camps, schools and churches while other flood affected persons join relatives and friends leaving on higher grounds. There are eight pronounced evacuation centers in Siaya County while Homa Bay County has seven. Some of the effects of floods include displacement of families, and loss of life, properties and livelihoods.
40. The proposed long-term intervention measures include construction of dykes along the river banks and desilting/excavation of earth dams and earth pans.
41. As an emergency response during floods and particularly at the evacuation centers, the authority plans to intervene by digging or desilting in the natural drains to unblock the water ways, unblock or rehabilitate culverts, supply and install water tanks in learning institutions being used as evacuation centers, build pit latrines and mobile toilets, supply water treatment chemicals and household filters, and supply hand wash facilities. Although there are a number of identified evacuation camps, intervention should focus on the main centers Osodo Primary and Secondary Schools. The proposed budget for immediate interventions covering various items is about Ksh. 8,900,000.

### **3.4.2 Submission by National Water Harvesting and Storage Authority**

42. The National Water Harvesting and Storage Authority submitted that Sondu Miriu River is one of the main rivers draining its waters into Lake Victoria in from the slopes of Mau Escarpment and is located in the Western Flank of the Rift Valley.
43. The Authority conducted a flood situation assessment in the Lake Victoria basin during the March-May, 2020 long rains with a view to establish the flood situation in the basin, effectiveness of the structures constructed and proposal of new structures where needed.
44. It was established that the March-April/May 2020 rains were especially heavier compared to the previous years and led to more destruction and disruption of livelihood of the communities living within the Lower lake region that is usually affected by floods. It is noteworthy that besides the river flows that broke the banks there were reports of increased water levels in the L. Victoria leading to backflows and therefore a double effect of the floods to the communities. River Sondu-Miriu was noted as one of the rivers that floods especially at the delta as it joins the lake.
45. The flood destruction along the area of interest require multi-sectoral approach i.e. energy, transport and water & sanitation among others. There are no flood mitigation works that have been done along the river.
46. The proposed long-term solutions to mitigating the effects of floods in the area include building new dykes, river draining and dredging, building gabions, will cost about Ksh. 430,000,000.
47. All of the mitigation measures are urgent and significant to mitigate floods in the affected villages and are therefore proposed to be implemented wholesomely. However, the work can be phased and implemented from upstream towards Lake Victoria by starting with 2 Km from Sang'oro Power Station to Katito—Kendu Bay Road costing approximately Kshs. 30 Million.

### **3.4.3 Submission by the County Government of Kisumu**

48. A representative of the County Government of Kisumu submitted that there had been floods in parts of the County in the recent past leading to lose of lives and properties, displacement of people and contamination of some water supplies which has highly disrupted the economic and social activities in the affected areas leading to negative impact on human lives.
49. In 2020, approximately 15 lives have been lost, with another 13,021 households displaced in 70 evacuation centers, major rural roads and major water supply schemes in the county, have also been destroyed.
50. Nyakach sub county is one of the Sub Counties that usually experience floods with two of its wards mostly affected, North Nyakach and West Nyakach Wards which the major cause of flooding being rising of water levels of River Miriu and backflow of water from Lake Victoria.

51. In an effort to alleviate the effect of floods on the citizenry of Kisumu, the Department of Water, Environment, Climate Change and Natural resources conducted assessment with an aim of establishing a strategy for management of floods and storm water. The assessment identified areas within the county that are susceptible to flooding which included the two wards of Nyakach Sub-County and area specific activities that could help in managing floods and storm water.
52. The key activities identified for managing floods and storm water includes construction of water pans, construction of check dams within major water ways to control water velocity, damming of small size rivers, desilting of streams and, canals, construction of drainage culverts across the roads, diking of major rivers, dredging and desilting of major rivers and opening up of blocked water ways and channels.
53. In response to the flooding challenge, coupled by the COVID-19 19 Pandemic, the County Government of Kisumu, through its Department of Water, Climate Change, Environment and Natural Resources in Collaboration with Special Programme Unit, Department of Health and Sanitation, Roads, Transport and Public Works, other Government Agencies, Development Partners, the private sector and well-wishers has put in the following:
54. Immediate measures include: mapping and identification of affected areas and people, supply of water to the affected, providing food and non-food items to the affected, evacuating affected families, disinfection of public areas, conducting health outreaches, desilting, dredging and opening up of canals, drainages, streams and water channels.
55. Medium term interventions include: setting up a team of experts to develop a Flood Management Strategy that will be based on reliable climatic and hydrogeological data. The data will be analyzed and solution for different climatic scenarios designed/ modelled for use as scenarios arise. In the era of climate change, flooding will occur in different ways and solutions must be tailor made through modelling of the different scenarios.
56. The County has already capacity built relevant staff on climate resilient water safety planning that will ensure climate change is factored in, in designing and planning for new water infrastructure. Inter-sectoral collaborations and planning for future events that brings on board all the relevant stakeholders; at local, regional and international levels, governmental and non-governmental. Policy revision and formulations, at county and national levels; that will address and define the terms of engagement and actions during flooding events.
57. The long-term solutions require massive investments in green infrastructure, capacity building of experts and communities to better adapt to the changing scenarios; this calls for a major donor involvement to finance the implementation. The county government will ensure this through proposal writing to the possible investors/ donors. In the meantime, the County is encouraging tree planting; more so in the flood prone low-lying zones, rain water harvesting in each home, green infrastructure. The County also intends to work with neighboring Counties through LREB, for collective action since the challenge is transboundary. In the long term, the county government should engage with the national government for

the construction of Koru-Soin Multi-Purpose Dam, construction of several water pans and rehabilitation of water catchment areas within the region, and capacity building local communities to change behavior for better adaptation; will ensure reduced flood incidents in the region.

#### **4.4.4 Submission by Sango Rota Beach Management Unit**

57. The Sango Rota Beach Management Unit (BMU) submitted that the Unit was registered in the year 2006 and its main activities include fishing, Aquaculture, issuing of license to fishermen, boat owners and traders, protection of fish breeding areas, protection of all BMU assets and any other duties that may be assigned to them by the department and any other government ministry.
58. In the previous years the beach had a wide space for boat landing of more than 50 meters wide by 2,000 meters long away from the shore up to the year 2019, which was finally eroded by the lake overflow and the river reducing the beach shore land to its current state.
59. The beach had 10 fish ponds with 1500 finger links each ready for harvest, the beach had well maintained pit latrines, good floor of the fish Banda and office over 2500 trees planted along the shore and several aquatic plants providing good habitat for fish.
60. Currently the landing bay has been destroyed, shore land reduced by the lake wave to less than 10 meters by 2,000 meters long, beach latrines flooded and destroyed, beach tree and aquatic plants planted dried, beach fish ponds destroyed and finger links swept away, and lake water is contaminated due to pollution by hyacinth pollution and industrial waste.
61. They proposed that the government to help finance the construction of fish landing, provision of water tanks to harvest rain water for drinking and other domestic use by fishermen and the entire community, construct toilet to improve sanitation at the beach, construct gabions along the beach to reduce siltation of the lake by controlling soil erosion of the shore land, and finance aquaculture in the beach.
62. In case the proposals are implemented fully, the potential impacts will include a well conserved environment and increased lake shore vegetation, increased fish catch in the lake, controlled erosion, improved health, easy access to the beach landing site, and improved livelihoods to members of the BMU and the community at large.

#### **4.4.5. Submission by Sango Rota Business Community**

63. Sango Rota Business Community submitted that floods have affected the people of West Nyakach for the past many years. That, recently, one of the worst floods have hit West Nyakach which caused the level of water in the River Sondu Miriu and Lake Victoria rose. The incessant rains further deteriorated the flood situation.



64. Floods posed major problem to the business fraternity and community at large that include damage of business premises, staff absenteeism, poor power supply, destruction of roads, delayed deliveries, loss of income, and job losses.
65. The government should intervene and put in place flood control measures to avert the next disaster and provide starter funds to the business fraternity which suffered losses during the flooding periods.

#### **4.4.6 Submission by Kadiang'a Development Group**

66. Kadiang'a Development group, submitted that it is a Community Based Development Organization established through local initiative with the aim of furthering the Developmental and Welfare needs of Kadiang'a Clan.
67. In recognition of importance of networking and collaboration for efficient and effective delivery of services, they have always collaborated with Nyakach Constituency Office and Strategic Nyakach, (a Sub-county Wide Community Based Organization (CBO) established by local professionals).
68. In 2020, the affected communities in Sango were faced by unprecedented sufferings occasioned by flooding from two different fronts of the Lake Victoria and Miriu River.
69. Some immediate mitigation opportunities for sustainable solutions are to provide Proper Shelter to the displaced families, upgrade Rota Dispensary to a fully-fledged Health Center (Level 3) with requisite Staffing and basic drugs, reconstruction of destroyed infrastructures like electricity lines, Roads and bridges, include the affected families in the special Government Income Support programmes including Cash Transfers for at least 1 Year to cushion them against inevitable livelihood challenges, intensive community sensitization to collaborate with anticipated Flood mitigation plans, restructuring the Disaster Committee Governance Structure and strengthening their operations, and provide financial support to Learning Institutions used as temporary camps to enable them undertake requisite repairs since significant damages were recorded in some of the institutions.
70. Some of the long term solutions include turning the disaster into opportunity aimed at transforming flood disaster into an Economic Development and food Security, implementation of Nyakach Plains Irrigation Infrastructure, provision of agronomic extension services, construction of water canals channeling excess dam water into the Lake, construction of Dykes and Canals at strategic locations, reclamation of Lake front, and extend support to include solutions for Wasare and Gem Rae Areas.

#### 4.4.7 Submission by Education Sector Stakeholders

71. **Nyawalo Primary School** submitted that it is public school situated in Nyong'onga, Nyakach Sub-County in Kisumu County.
72. The school is usually affected by floods twice or even thrice every year which can interrupt learning, lead to destruction of school infrastructure, loss of books and other learning materials, and may lead to students being affected by water borne diseases.
73. The school can be assisted by having a trench dug around the school to prevent water from flooding the school and by controlling the flooding by river Sondu Miriu.
74. A lot of funds are required to rebuild the school infrastructure and buy lost books.
75. **Nyong'ong'a Primary School** submitted that it serves as an evacuation Centre to about 300 families during the floods.
76. During flooding, water passes through the school and destroys the school fence and this makes fencing poles fall. The poles are used as fire wood by the surrounding community.
77. The school has 10 classes and their floors are depleted and destroyed leaving them with trenches and in a deplorable state because of inhabitation by evacuees.
78. The school playing grounds are destroyed by domestic animals that graze all over while classroom, windows/doors and walls, desks, cupboards, paints are peeled off due to effects of floods.
79. Some of the proposed solutions include construction of concrete chain fence to keep the school facilities out of interference by outsiders, repair of classrooms floor, building evacuation centre for nearby communities so that they don't interfere with the school facilities during the rainy seasons, building of new toilets before schools resume full learning, and buying additional desks to replace those which were destroyed during the floods.
80. **KNUT West Nyakach** branch submitted that West Nyakach location has experienced floods for the last over sixty (60) years which are experienced during the long and short rains. During these periods, there are movements of the people and their animals.
81. The floods have caused havoc in the entire location with the human-animal conflict becomes a normal and daily occurrence due to hippos that move freely in the villages.
82. The floods ravage the area, the schools are destroyed by both the flood victims and their animals. This destruction causes a lot of untold problems to the learners. The floods always cut the transport and communication in the location.
83. Some of the effects on education include school dropouts by students, lack of enough food and proper nutrition for students, destruction of school infrastructure, increase in immorality and promiscuity during times of disaster that result in early pregnancies, increase in cases of

child labour, loss of valuable education man hours due to movements due to displacements, increase in cases of delinquency and absenteeism, and the health of the learners during the floods is seriously affected.

84. The government needs to bring the floods in the area to an end by either building dykes or water dams. Once the floods are brought to an end, learning will improve, so that our children can equally compete with those in other areas. The end to floods will improve economic activities that will impact positively on the area residents.

#### 4.0 COMMITTEE OBSERVATIONS

85. After an analysis of the submissions received, the Committee made the following observations:
86. Sondu Miriu River drains into Lake Victoria from the slopes of Mau Escarpment. During heavy rains, it causes intense flooding in parts of Kisumu and Homabay Counties particularly the low-lying areas where it drains into the Lake. It breaks its banks hence flooding occurs in adjoining settlements causing displacement and loss of property. Rising lake levels also cause flooding in areas bordering the shores of Lake Victoria. This perennial problem needs a lasting solution. Apart from the heavy rains in the catchment area, degradation of upstream vegetation as a result of poor land use practices causes flooding.
87. An inspection visit to the area revealed that flooding in the region had led to disruption of power supply due to falling electricity posts, destruction of the road network in the area and water borne diseases among the locals.
88. Whereas floods are natural disasters, the impacts on residents depend very much on community land use practices, adherence to early warning systems and quick implementation of advisories.
89. The Water Resources Authority has installed a Telemetry Station in the flood plain at Nyakwere Village to monitor the water levels. The station provides near real time data for early warnings. During the periods approaching the two main rain seasons that cause floods in the area, Water Resources Authority, based on the data collected from the station, issues flood warnings to alert communities living in the flood plain to vacate.
90. The National Water Harvesting and Storage Authority conducted a flood situation assessment in the L. Victoria basin during the March-April-May, 2020 long rains which established that the long rains were heavier compared to the previous years. This led to more destruction and disruption of livelihood of the communities living within the Lower lake region that is usually affected by floods.
91. In 2020, apart from the high flows that broke the river banks, the water levels in L. Victoria had increased significantly leading to a backflow that submerged over 700 Acres of farmland and homes, causing much destruction of property and other livelihoods, displacing about 2,268 people in the area. Other infrastructure damaged include; roads, bridges, beaches, electric poles, sand harvesting mines, gabion boxes, destruction of the Awach-Kimila Irrigation infrastructure and blockage of the river delta.
92. Dredging the river and unblocking the river delta would go a long way in easing the flow of water to the lake. However, it is a major environmental activity requiring major investment and integrated approach by the government, and would form part of long-term strategy for controlling floods on River Sondu Miriu. This would be coupled by construction of dams upstream to store water and control flood flows during heavy rains, establishment of a modern early warning system based on a functional telemetric network and identification of

permanent evacuation centers. The sediment load of rivers in the whole lake basin are very high due to deforestation upstream, causing serious sedimentation and forming deltas at the river mouths. This is a major cause of floods.

93. The Ministry was considering a proposal to construct a 2-kilometer dyke on the left bank of River Sondu Miriu from Sang'oro power station and a 5-kilometer dyke on either side of the river after Kendu Bay-Katito road towards the lake. The works are estimated to cost about Ksh 360 million.
94. In order to increase area under irrigation and boost food security in the region, the Government through National Irrigation Authority had planned a major project called Great Wang'cheing' Irrigation Project in Rachuonyo North Sub-County, Homa Bay County. The project is estimated to cost Ksh 879 million and will bring 1,820 acres of land under irrigation to grow maize and other high value horticultural crops. It will benefit about 1,000 farmers, thereby boosting socio-economic development of the community. Feasibility study and detailed design are completed and government was seeking funds for implementation.
95. The Ministry of Water, Sanitation and Irrigation intended to assess and determine suitable sites for construction of water pans, small dams and boreholes to assist the communities' access safe water for domestic use. The projects will then be prioritized for implementation under the various programs targeting improvement of rural water supply.
96. The Ministry of Water, Sanitation and Irrigation was further addressing water and sanitation challenges in Homabay County through implementation of the following projects:
  - a) Homa Bay Cluster Water Supply and Sanitation Project at a total cost of Ksh 1.14 billion. The project commenced in January, 2019 and is expected to be completed in June, 2021.
  - b) Kendu Bay Water and Sanitation Project at a total cost of Ksh 690 million. The project commenced in April, 2019 and is expected to be completed in October, 2021.
  - c) Oyugis Water Supply and Sanitation Project at a total cost of Ksh 716.6 million. The project commenced in April 2019 and is expected to be completed by October 2021.
97. There are no flood mitigation works that have been done along the Sondu Miriu River. Mitigation of flooding along the river requires a multi-sectoral approach from the energy, transport, water & sanitation sectors among others.
98. The County governments of Homabay and Kisumu counties have major roles to play in flood mitigation in their respective jurisdictions in conjunction with other counties in the upstream areas of River Sondu Miriu.
99. The fishing community had suffered repercussions of the flooding both from the river and Lake Victoria backflow. For instance, Sango Rota Beach Management Unit avers that the landing bay has been destroyed, shore land reduced by the back flow from Lake Victoria,

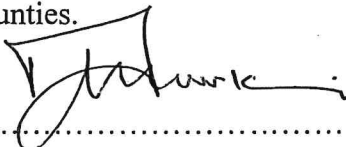
beach latrines flooded and destroyed, beach tree and aquatic plants planted dried, beach fish ponds destroyed.

100. The education sector was adversely affected by the flooding of River Sondu Miriu. There was destruction of school infrastructure (classrooms, fences, playing grounds, toilets), loss of books and other learning materials, students being affected by water borne diseases, being used as evacuation centres hence stalling of educational activities, school dropouts by students, increase in promiscuity during times of disaster that result in early pregnancies, increase in cases of child labour, loss of valuable education man hours due to displacements, increase in cases of delinquency and absenteeism, and compromised health of learners during floods.
101. Although the petitioners had prayed that the Committee establishes facts with respect to the following aspects, the Committee did not access comprehensive data on them: number of those affected, number of deaths and rate of diseases, cumulative funds used in disaster response during floods, and social-economic audit on losses incurred by residents.
102. There was need for the National Assembly to consider prioritizing the consideration and passing of the National Disaster Management Authority Bill, 2019 by Hon Kimani Ichungwa currently awaiting Committee Stage consideration.
103. There was need for the National Assembly to consider urgent mobilization, allocation and accountability of funds for the permanent mitigation of floods and their effects along Sondu Miriu River through the FY 2021/2022 budget.

## 5.0 COMMITTEE RECOMMENDATIONS

104. Pursuant to the prayers in the Petition, submissions tabled and observations, the Committee resolves to recommend and urges that:
105. **The Ministry of Water, Sanitation and Irrigation** as a matter of policy adopt and implement the following, namely:
- a) expedite the construction of a 2-kilometer dyke on the left bank of River Sondu Miriu from Sang'oro power station and a 5-kilometer dyke on either side of the river after Kendu Bay-Katito road towards the lake in the 2021/2022 Financial Year.
  - b) issue necessary guidelines to ensure the River Sondu Miriu bank is preserved and the catchment area is protected since it has the mandate of regulation of the river by demarcating the riparian area.
  - c) conduct emergency response during floods and particularly at the evacuation centers by digging or desilting in the natural drains to unblock the water ways, unblock or rehabilitate culverts, supply and install water tanks in learning institutions being used as evacuation centers, build pit latrines and mobile toilets, supply water treatment chemicals and household filters, and supply hand wash facilities.
  - d) expedite implementation of the Great Wang'cheing' Irrigation Project in Rachuonyo North Sub-County, Homa Bay County to boost food security in the region.
  - e) expedite the assessment of suitable sites for construction of water pans, small dams and boreholes to assist the communities' access to safe water for domestic use. It should then prioritize the projects for implementation under the various programs targeting improvement of rural water supply.
  - f) ensure timely completion of the following ongoing projects to address water and sanitation challenges in Homabay County: Homa Bay Cluster Water Supply and Sanitation Project, and Kendu Bay Water and Sanitation Project, Oyugis Water Supply and Sanitation Project.
  - g) in conjunction with other stakeholders, spearhead the dredging of River Sondu Miriu and unblocking the river delta to ease the flow of water to the lake. A multi sectoral engagement should then ensure construction of dams upstream to store water and control flood flows during heavy rains, establishment of a modern early warning system based on a functional telemetric network and identification of permanent evacuation centers, construction of water pans and check dams to control water velocity.
106. **The County Governments of Homabay and Kisumu counties**, in conjunction with other stakeholders, as a matter of policy should undertake the following to forestall human suffering due to floods:

- a) Immediate measures: mapping and identification of affected areas and people, supply of water to the affected, providing food and non-food items to the affected, evacuating the affected, and conducting public health outreaches, having trenches dug around schools to prevent water from flooding them, and by carrying out desilting, dredging and opening up of canals, drainages, streams and water channels, construction of fish landing areas, construct toilet to improve sanitation at the beach, construct gabions along the beach to reduce siltation and finance aquaculture along the beach.
  - c) Medium term interventions: develop a flood management strategy, building evacuation centres for nearby communities to avoid usage of schools as evacuation centres, institute reforestation programs, river training, and sustainable land use practices in the upstream area of Sondu Miriu River to reduce erosion and consequent sedimentation of rivers in the lake basin which is a major cause of floods, engage in inter-sectoral collaborations, and revise existing policy or formulate county level policy, if none exists, on engagements during flooding events.
  - d) Long term interventions: enter into public private partnership with the possible investors/donors to assist in projects such as: tree planting; rain water harvesting in each home. The County Government should also engage with the national government for the construction of Koru-Soin Multi-Purpose Dam, construction of several water pans and rehabilitation of water catchment areas within the region, and capacity building local communities to change behavior for better adaptation.
107. The National Assembly prioritizes the consideration and passing of the National Disaster Management Authority Bill, 2019 by Hon Kimani Ichungwa currently awaiting Committee Stage consideration.
108. The National Assembly ensures sufficient mobilization, allocation and accountability of funds for the permanent mitigation of floods and their effects along Sondu Miriu River through the FY 2021/2022 budget.
109. The National Government Ministries responsible for education, roads, health, energy and disaster management should take measures to address the devastation and destruction wrought by floods along Sondu Miriu River particularly in Rachuonyo North and Nyakach Sub Counties.

Signed:  Date: 03/12/2020

**HON. KAREKE MBIUKI, MP**  
**CHAIRPERSON, DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND**  
**NATURAL RESOURCES**



# Committee Minutes



**MINUTES OF THE 58<sup>TH</sup> SITTING OF THE DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES HELD ON WEDNESDAY 2<sup>ND</sup> DECEMBER, 2020 IN TSAVO HALL A, KICC AT 11 AM.**

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**PRESENT**

- |   |             |
|---|-------------|
| 1. The Hon. Kareke Mbiuki, M.P.         | Chairperson |
| 2. The Hon. Benjamin Dalu Tayari, M.P   |             |
| 3. The Hon. Peter Kimari Kihara, M. P   |             |
| 4. The Hon. Nasri Sahal Ibrahim, M.P.   |             |
| 5. The Hon. Hassan Oda Hulufu, M.P      |             |
| 6. The Hon. Francis Chachu Ganya, M.P.  |             |
| 7. The Hon. Charles Ong'ondo Were, M.P. |             |
| 8. The Hon. Simon Nganga King'ara, M.P. |             |
| 9. The Hon. Ali Wario Guyo, M.P.        |             |
| 10. The Hon. Said Hiribae, M.P.         |             |

**APOLOGIES**

- |  |                  |
|--|------------------|
| 1. The Hon. Sophia Abdi Noor, M.P.           | Vice Chairperson |
| 2. The Hon. David Kangogo Bowen, M.P         |                  |
| 3. The Hon. Rozaah Buyu. M.P.                |                  |
| 4. The Hon. Bernard Shinali, M.P.            |                  |
| 5. The Hon. George Kariuki, M. P.            |                  |
| 6. The Hon. Rehema Hassan, M.P               |                  |
| 7. The Hon. Amin Deddy Mohamed Ali, M.P      |                  |
| 8. The Hon. Charity Kathambi Chepkwony, M.P  |                  |
| 9. The Hon. (Eng.) Paul Musyimi Nzengu, M.P. |                  |

**IN ATTENDANCE**

**THE NATIONAL ASSEMBLY**

- |                         |   |                            |
|-------------------------|---|----------------------------|
| 1. Ms. Esther Nginyo    | - | Clerk Assistant II         |
| 2. Mr. Dennis M. Ogechi | - | Clerk Assistant II         |
| 3. Mr. Sydney Lugaga    | - | Legal Counsel              |
| 4. Mr. Stanley Lagat    | - | Senior Serjeant At Arms II |
| 5. Mr. Stephen Nyakuti  | - | Audio Officer              |

**AGENDA**

- i) Prayers
- ii) Confirmation of Minutes
- iii) Matters Arising
- iv) Consideration and adoption of the following reports:
  - Report On a Petition Regarding Effects of Flooding and their Mitigation Along River Sondu Miriu



- **Report on Sessional Paper No. 1 Of 2020 on Wildlife Policy**
- v) AOB
- vi) Date of the next Sitting

**MIN.NO. DC/ENR/296/2020: - PRELIMINARIES**

The meeting was called to order at 11.15 a.m. after which prayers were said. The Acting Chairperson then stated that the main agenda of the meeting was Consideration and adoption of the following reports:

- Report On a Petition Regarding Effects of Flooding and their Mitigation Along River Sondu Miriu
- Report on Sessional Paper No. 1 Of 2020 on Wildlife Policy

The Members adopted the agenda of the meeting.

**MIN.NO.DC/ENR/297/2020: - CONFIRMATION OF MINUTES**

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

**MIN.NO. DC/ENR/298/2020: - CONSIDERATION AND ADOPTION OF A REPORT ON A PETITION REGARDING EFFECTS OF FLOODING AND THEIR MITIGATION ALONG RIVER SONDU MIRIU**

The Report on a Petition Regarding Effects of Flooding and their Mitigation Along River Sondu Miriu was considered and adopted after being proposed and seconded by Hon. Charles Ong'ondo Were, M.P. and Hon. Francis Chachu Ganya, M.P. respectively.

It was adopted with the following recommendations:

1. **The Ministry of Water, Sanitation and Irrigation** as a matter of policy adopt and implement the following, namely:
  - a) expedite the construction of a 2-kilometer dyke on the left bank of River Sondu Miriu from Sang'oro power station and a 5-kilometer dyke on either side of the river after Kendu Bay-Katito road towards the lake in the 2021/2022 Financial Year.
  - b) issue necessary guidelines to ensure the River Sondu Miriu bank is preserved and the catchment area is protected since it has the mandate of regulation of the river by demarcating the riparian area.
  - c) conduct emergency response during floods and particularly at the evacuation centers by digging or desilting in the natural drains to unblock the water ways, unblock or rehabilitate culverts, supply and install water tanks in learning institutions being used as evacuation centers, build pit latrines and mobile toilets, supply water treatment chemicals and household filters, and supply hand wash facilities.



- d) expedite implementation of the Great Wang'cheing' Irrigation Project in Rachuonyo North Sub-County, Homa Bay County to boost food security in the region.
  - e) expedite the assessment of suitable sites for construction of water pans, small dams and boreholes to assist the communities' access to safe water for domestic use. It should then prioritize the projects for implementation under the various programs targeting improvement of rural water supply.
  - f) ensure timely completion of the following ongoing projects to address water and sanitation challenges in Homabay County: Homa Bay Cluster Water Supply and Sanitation Project, and Kendu Bay Water and Sanitation Project, Oyugis Water Supply and Sanitation Project.
  - g) in conjunction with other stakeholders, spearhead the dredging of River Sondu Miriu and unblocking the river delta to ease the flow of water to the lake. A multi sectoral engagement should then ensure construction of dams upstream to store water and control flood flows during heavy rains, establishment of a modern early warning system based on a functional telemetric network and identification of permanent evacuation centers, construction of water pans and check dams to control water velocity.
2. **The County Governments of Homabay and Kisumu counties**, in conjunction with other stakeholders, as a matter of policy should undertake the following to forestall human suffering due to floods:
- a) Immediate measures: mapping and identification of affected areas and people, supply of water to the affected, providing food and non-food items to the affected, evacuating the affected, and conducting public health outreaches, having trenches dug around schools to prevent water from flooding them, and by carrying out desilting, dredging and opening up of canals, drainages, streams and water channels, construction of fish landing areas, construct toilet to improve sanitation at the beach, construct gabions along the beach to reduce siltation and finance aquaculture along the beach.
  - a) Medium term interventions: develop a flood management strategy, building evacuation centres for nearby communities to avoid usage of schools as evacuation centres, institute reforestation programs, river training, and sustainable land use practices in the upstream area of Sondu Miriu River to reduce erosion and consequent sedimentation of rivers in the lake basin which is a major cause of floods, engage in inter-sectoral collaborations, and revise existing policy or formulate county level policy, if none exists, on engagements during flooding events.
  - b) Long term interventions: enter into public private partnership with the possible investors/donors to assist in projects such as: tree planting; rain water harvesting in each home. The County Government should also engage with the national government for the construction of Koru-Soin Multi-Purpose Dam, construction of several water pans and rehabilitation of water catchment areas within the region, and capacity building local communities to change behavior for better adaptation.





3. The National Assembly prioritizes the consideration and passing of the National Disaster Management Authority Bill, 2019 by Hon Kimani Ichungwa currently awaiting Committee Stage consideration.
4. The National Assembly ensures sufficient mobilization, allocation and accountability of funds for the permanent mitigation of floods and their effects along Sondu Miriu River through the FY 2021/2022 budget.
5. The National Government Ministries responsible for education, roads, health, energy and disaster management should take measures to address the devastation and destruction wrought by floods along Sondu Miriu River particularly in Rachuonyo North and Nyakach Sub Counties.

**MIN.NO. DC/ENR/299/2020: - CONSIDERATION AND ADOPTION OF A REPORT ON SESSIONAL PAPER NO. 1 OF 2020 ON WILDLIFE POLICY**

The report on Sessional Paper No. 1 Of 2020 on Wildlife Policy was considered and adopted after being proposed and seconded by Hon. Francis Chachu Ganya, M.P. and Hon. Charles Ong'ondo Were, M.P. respectively.

It was adopted with the following observations and recommendations:

**Committee's Observation**

1. Upon studying the Sessional Paper No. 01 of 2020 on Wildlife Policy, the Committee made the following observations-
  - (i) Kenya is well endowed with diverse wildlife resources. These resources are critical to the growth of the country's economy, raking about 10% to the GDP through tourism. However, the wildlife sector is being governed through Sessional Paper No. 3 of 1975. The sector has been dynamic and therefore the need for a more contemporary and effective conservation policy;
  - (ii) The Wildlife Conservation and Management Act, 2013 was enacted without a preceding policy to guide its implementation, hence the need to pass the sessional paper No. 01 of 2020 on Wildlife Policy;
  - (iii) The Sessional Paper No. 01 of 2020 on Wildlife Policy envisages the enactment of a legislation that enables better conservation and management of wildlife. However, the Wildlife Conservation and Management Act, 2013 has barely been implemented since its enactment in 2013. There is therefore need to ensure that policies preceding legislation enactment;
  - (iv) The Sessional Paper No. 01 of 2020 on Wildlife Policy seeks to address factors such as increased human-wildlife conflict; economic aspect of the nature-based tourism; escalating new threats and challenges through sophisticated poaching, effects of climate change as well as pressures on wildlife due to encroachment by human population, rapid economic development and intensified resource use.



**Committee Recommendations**

1. The House adopts this Report on Sessional Paper No. 01 of 2020 on Wildlife Policy;
2. Following the adoption of this Policy, all proposed legislations on Wildlife related matters should be guided by the provisions of the Wildlife Policy.

**MIN.NO. DC/ENR/300/2020:**

**ADJOURNMENT**

There being no other business the meeting was adjourned at 1.03 pm.

**SIGNED:** .....

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

**CHAIRPERSON,**

**DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES**

**DATE:** .....

3/12/2020



**MINUTES OF THE 53<sup>RD</sup> SITTING OF THE DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES HELD ON WEDNESDAY 4<sup>TH</sup> NOVEMBER, 2020 IN THE COMMITTEE ROOM ON 2<sup>ND</sup> FLOOR, CONTINENTAL HOUSE AT 2:30 PM.**

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**PRESENT**

1. **The Hon. Sophia Abdi Noor, M.P.** Vice Chairperson
2. The Hon. Nasri Sahal Ibrahim, M.P.
3. The Hon. Rozaah Buyu. M.P.
4. The Hon. Ali Wario Guyo, M.P.
5. The Hon. Charles Ong'ondo Were, M.P.
6. The Hon. Bernard Shinali, M.P.
7. The Hon. Benjamin Dalu Tayari, M.P
8. The Hon. George Kariuki, M. P.
9. The Hon. Rehema Hassan, M.P
10. The Hon. Amin Deddy Mohamed Ali, M.P

**APOLOGIES**

1. **The Hon. Kareke Mbiuki, M.P.** Chairperson
2. The Hon. Francis Chachu Ganya, M.P.
3. The Hon. Charity Kathambi Chepkwony, M.P
4. The Hon. Hassan Oda Hulufo, M.P
5. The Hon. Peter Kimari Kihara, M. P.
6. The Hon. Simon Nganga King'ara, M.P.
7. The Hon. Said Hiribae, M.P.
8. The Hon. David Kangogo Bowen, M.P
9. The Hon. (Eng.) Paul Musyimi Nzengu, M.P.

**FRIENDS TO THE COMMITTEE**

1. The Hon. Samuel Atandi, MP
2. Hon. Daniel Wanyama Sitati, M.P.

**IN ATTENDANCE**

**MINISTRY OF WATER, SANITATION AND IRRIGATION**

- |    |                     |   |                                |
|----|---------------------|---|--------------------------------|
| 1. | Dr. Andrew Tuimur   | - | Chief Administrative Secretary |
| 2. | Eng. S.A.O. Alima   | - | Water Secretary                |
| 3. | Aboud Moeva         | - | Irrigation Secretary           |
| 4. | Eng. Charles Muasya | - | National Irrigation Authority  |

**THE NATIONAL ASSEMBLY**

1. Ms. Esther Nginyo - Clerk Assistant II
2. Mr. Dennis M. Ogechi - Clerk Assistant II
3. Mr. Stephen Nyakuti - Audio Officer

### AGENDA

- i) Prayers
- ii) Confirmation of Minutes
- iii) Matters Arising
- iv) **Meeting with The Cabinet Secretary for Water, Sanitation and Irrigation On Response to: A Petition On Perennial Flooding of Along Sondu Miriu River; Questions by Hon. Aisha Jumwa, MP, Hon. Gichimu Githinji, MP, Hon. Samuel Atandi, MP, Hon. Eric Muchangi, MP, Hon. Daniel Wanyama, MP**
- v) AOB
- vi) Date of the next Sitting

### MIN.NO. DC/ENR/276/2020: - PRELIMINARIES

The meeting was called to order at 2.48 p.m. after which prayers were said. The Vice Chairperson then asked all those present to introduce themselves. She then stated that the main agenda of the meeting was meeting with the Cabinet Secretary for Water, Sanitation and Irrigation on Response to: A Petition On Perennial Flooding of Along Sondu Miriu River; Questions by Hon. Aisha Jumwa, MP, Hon. Gichimu Githinji, MP, Hon. Samuel Atandi, MP, Hon. Eric Muchangi, MP, Hon. Daniel Wanyama, MP

The Members adopted the agenda of the meeting.

### MIN.NO.DC/ENR/277/2020: - CONFIRMATION OF MINUTES

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

### MIN.NO. DC/ENR/278/2020: - MEETING WITH THE CABINET SECRETARY FOR WATER, SANITATION AND IRRIGATION ON RESPONSE A QUESTION BY HON. SAMUEL ATANDI, MP.

The Hon. Samuel Atandi, MP (Member for Alego Usonga) posed his question (No. 269/2020) as follows:

- a) What has caused the construction of Pap Kalein Development Sewerage Project in Mulala Sub-location in Alego Usonga Constituency to stall despite the project been fully funded, how much money has been paid to the contractor for the project so far and when will it be fully completed.
- b) Could the cabinet secretary explain under which circumstances the project's contractor was allowed to hand over the project before its completion?

- c) Could the cabinet secretary also explain how the sewerage project was opened up for use by the public thereby exposing the environment to pollution arising from discharge of untreated waste along the roads and open areas?
- d) Could the cabinet secretary consider immediately discontinuing the use of the sewerage system by the public to allow the construction to be fully completed?

Dr. Andrew Tuimur, Chief Administrative Secretary in the Ministry appeared before the Committee on behalf of the Cabinet Secretary, and responded as follows:

1. The project commenced in November 2013 and all works completed by 31<sup>st</sup> October, 2017 and handed over to Siaya –Bondo Water and Sanitation Company for operations. The contract sum of Ksh. 632,682,899.49 for the sewerage component was fully settled by the closure of the project. According to schedule 4 of the constitution, water and sanitation services is a devolved function, once the National Government has completed construction of water and sanitation systems, as Siaya Bondo Water Project, the County government provides operation and maintenance of the system and undertakes last mile connectivity to connect more people into the system.
2. It is not true that the contractor handed over unfinished work. Lake Victoria South Water Works Development Agency, the employer discharged the contractor upon verification and certification of the completion of works in accordance with the contract. The project was then handed over to the Water Service Provider in working condition.
3. At the time the project was handed over to the water service provider in 2017, it was in good working condition. However, with time services have deteriorated due to insufficient capacity of the Water Service Provider to undertake proper maintenance of the sewer network resulting in blockage in several locations within the service area. Blockage of the sewer lines is the reason for the overflows of waste water from sewers, which is being observed along the road sides and open areas.
4. The project was successfully completed and initially operated efficiently. The current deplorable state of the sewer system is due to challenges in operations and maintenance. There is also rampant vandalism of manhole covers. The situation has been worsened by very low revenue collection during COVID-19 period occasioned by consumers being unable to pay for water and sanitation services. Therefore, rather than closing the system there is need to address the operational challenges in order to restore the system to its originally intended purpose of safe waste water disposal for the resident of Siaya and Bondo towns. Operations and maintenance is a function of the County Government.
5. The County Government of Siaya ought to support Siaya-Bondo Water and Sanitation Company in the development of its human and technical capacity. This will lead to improved maintenance capability and enhancement of service delivery.

## **OBSERVATIONS**

Members observed as follows:

1. The problem bedeviling the project was one of operation and maintenance which is a county function.
2. There was vandalism at the project site by locals which curtailed enjoyment of the finished project.
3. There were also technical problems with the project's turbines.

## RESOLUTION

It was resolved that:

1. The Ministry of Water, Sanitation and Irrigation should:
  - a) initiate discussions with the county government of Siaya to ensure it takes up its responsibility of operations and maintenance.
  - b) Seek funding to complete incomplete aspects of the project.
2. The Committee secretariat should schedule a visit to the project site to assess progress and chart the way forward.

**MIN.NO. DC/ENR/280/2020:**

- **MEETING WITH THE CABINET  
SECRETARY FOR WATER,  
SANITATION AND IRRIGATION ON  
RESPONSE TO A QUESTION BY HON.  
DANIEL WANYAMA, MP**

Member for Webuye West (Hon. Daniel Wanyama Sitati, M.P.) posed his question (No. 260/2020) as follows:

- a) Could the Cabinet Secretary provide a progress report on the call for tender for design and construction of Kakamega Bungoma Bulk Water and Sanitation Project considering that a list of firms who had expressed interest on the project was published in March 2020?
- b) When will the construction of the said project commence, indicating stages and timelines of implementation of the various phases of construction?
- c) What measures will the Ministry put in place to ensure that the said project is constructed to the required standard and completed within stipulated time so as to expeditiously assist thousands of households in the Counties of Bungoma and Kakamega to access clean water?

Dr. Andrew Tuimur, Chief Administrative Secretary in the Ministry appeared before the Committee on behalf of the Cabinet Secretary, and responded as follows:

1. Kakamega and Bungoma Towns are the two fastest growing towns in the western region, especially with the advent of devolution. Access to safe water for domestic use and for economic development has however remained low due to limited capital investment and lack of sufficient and suitable local water sources. Access to sewerage services is even more dire with coverage in major towns of Bungoma, Kakamega and Webuye being much lower than the national average.
2. Kakamega Bulk Water and Sanitation Project is a cross-county project proposal aimed at solving the water and sanitation problems in the two counties. It targets to ultimately serve over 4 million people in both counties by the year 2036. The project is still at the proposal stage and is estimated to cost Ksh 23 billion. The main scope of the project is;
  - a) Water supply component, which includes the construction of new intake works on River Nzoia upstream of Webuye Town, construction of treatment plant with a capacity of 55,000m<sup>3</sup>/day, construction of water storage tanks of various sizes with a combined capacity of 30,000 cubic meters and construction of approximately 384-kilometers of transmission and distribution pipelines of various sizes.



- b) Sewerage component, which include rehabilitation of approximately 15 kilometers of the existing sewerage collection pipeline network, construction and expansion of a new 60 kilometer long sewer trunk line for Kakamega and 52 kilometers long for Bungoma, new main wastewater treatment plants with a capacity of 14,000 cubic meters per day and 13,000 cubic meters per day for Kakamega and Bungoma Towns respectively, 2,500 cubic meters for Webuye Town and construction of 3 smaller decentralized wastewater treatment plants of between 250 – 1,000 cubic meters per day to serve the peri-urban areas in the two counties.
3. Lake Victoria North Water Works Development Agency, advertised for Expression of Interest (EoI) for Funding, Design and Build of Kakamega Bungoma Bulk Water Supply and Sanitation Project on 11<sup>th</sup> March 2020. Eleven bids were received and opened on 15<sup>th</sup> May 2020. The EoI was evaluated and seven firms were shortlisted on 23<sup>rd</sup> July 2020. Communication of the same was done to all the seven firms on 24<sup>th</sup> July 2020. The Lake Victoria North Water Works Development Agency is in the process of finalizing the request for proposal documents to be issued to the seven shortlisted firms by December 2020.
4. The project is still at the procurement stage. The successful firm from the shortlisted firms will be awarded a conditional contract which will be subjected to the normal clearance process by the National Treasury, Attorney General before approval by the Cabinet. This will be followed by negotiations of a financing agreement between the Government of Kenya and the identified financier. Construction of the project will commence after conclusion and execution of the financing agreement. It is therefore not possible to put any timelines to the construction of the project at this early stage.
5. Like any other water project in the country, the project will be well supervised to ensure quality of works, construction timeliness and value for money. This will ensure the project is implemented to the required standards and specifications so as to serve the intended purpose.

## **OBSERVATIONS**

Members observed as follows:

1. The procurement process was taking too long to conclude and there was need for the Ministry to be specific with timelines.

## **RESOLUTION**

It was resolved that:

The Ministry should respond to a letter from the Lake Victoria North Water Development Agency in order to jump start the procurement process for the project which was stalled.

**MIN.NO. DC/ENR/281/2020:**

- **MEETING WITH THE CABINET  
SECRETARY FOR WATER,  
SANITATION AND IRRIGATION ON  
RESPONSE A QUESTION BY HON.  
AISHA JUMWA, MP.**

The Hon. Ali Wario posed the question (No. 186/2020), on behalf of Hon. Aisha Jumwa, as follows:

- a) With regard to the conceptualization and development of the Galana- Kulalu Irrigation Project which cuts across Kilifi and Tana River Counties, why did the Government proceed to lease land from residents without undertaking public participation and stakeholder engagements as provided for in the Articles 118 and 232 of the constitution?
- b) In which aspects has the National Government engaged the Kilifi and Tana River Counties in the project especially with regard to the employment opportunities, research and infrastructure development?
- c) Could the National Government consider handing over the implementation of the project to the two County Governments considering that Agriculture is a devolved function?
- d) Could the cabinet Secretary provide a report on the status of the project with regards to its viability, funds spent from inception to date, trials and actual production of crops, any feasibility and related studies conducted so far including the involvement of Green Arava Limited company from Israel?

Dr. Andrew Tuimur, Chief Administrative Secretary in the Ministry appeared before the Committee on behalf of the Cabinet Secretary, and responded as follows:

1. Galana Kulalu Food Security Project was conceived as a national food security project in the year 2013 after Pre-feasibility and pre-investment studies covering 1.7 million acres of land in the Galana and Kulalu Government ranches within Tana River and Kilifi Counties. The current phase of the project targeted to pilot 10,000 acres under irrigation using high technology drip and centre pivot Irrigation systems. The construction contract was awarded to Green Arava Company Limited of Israel in November 2014 at a sum of **Ksh 7.2 billion**.
2. The project scope included the construction of intake works on River Tana, installation of pumping equipment, water conveyance channel and installation of drip irrigation system and associated supportive infrastructure covering 6,000 acres and supply of assorted machinery and plant equipment and operation and maintenance.
3. The works commenced in November 2014 for a contract period of 30 calendar months, expected to be completed by March 2017. The contract was extended to a new completion date of January 2018 but the contractor failed to complete the project and the employer terminated the contract on May 2018 and recalled the performance bond.
4. By the time of termination of the contract, the following had been achieved; construction of the intake works and installation of pumping equipment, installation of 20 center pivots covering 3,300 acres, installation of drip irrigation systems covering 1,800 acres; the overall progress is 85% completion.
5. The constitution requires public participation and stakeholder engagement before leasing or even acquiring private land for public use. However, in the case of Galana Kulalu Irrigation Project, all the land belongs to Agricultural Development Corporation, a Government institution under the Ministry of Agriculture and therefore no land is leased from the community.
6. The Galana Kulalu Irrigation Project is fully compliant with the government labour regulations requiring public projects to provide employment to local people first before outsourcing. Apart from the highly skilled staff (engineers, technicians, senior supervisors)

who are directly deployed by National Irrigation Authority, the rest of the staff working in the farm, numbering about 500 are locally employed.

7. Crop production and marketing is a function to be left to the private sector in a market economy such as ours. Galana Kulalu Irrigation is a Vision 2030 project mooted to boost food security in the country. It is still under the pilot phase, where apart from development of the infrastructure and research into the various agricultural and production models meant to optimize the benefits, programs for capacity development are also being undertaken targeting the local people within the counties. This will enable them to acquire sufficient knowledge to provide skilled labour to support irrigated farming in the area. The ultimate goal of the government is to hand over a viable and sustainable venture to the private sector to invest and expand for continued food production and support national food security for many years to come.
8. During the time the farm has been in production, it has been found to be viable because as regards maize production, the average maize yields on the farm is 28 bags (90kgs) compared to the national average of 17 bags. It has also shown high potential for production of cotton, cashew nuts, high quality tropical fruits and indigenous vegetables.
9. With regard to the flow of funds in the implementation of the project, **Kshs 5.9 billion** has been used to service the contract. In order to complete the project and realize its intended objective, the Government has allocated **Ksh 600 million** this financial year. The National Irrigation Authority has the capacity to complete the remaining works inhouse. It is expected that the project will be completed by June, 2021.

#### **OBSERVATIONS**

Members observed as follows:

1. There was being organized a stakeholders' forum and local MPs were invited to participate.
2. The government would only carry out infrastructural development then hand over to the private investors to carry out production.
3. There was need to prioritize locals especially on the Tana River side when employment opportunities came up within the project.

#### **RESOLUTION**

It was resolved that the Committee would schedule a visit to the project to assess progress and chart the way forward.

**MIN.NO. DC/ENR/282/2020:**

- **MEETING WITH THE CABINET  
SECRETARY FOR WATER,  
SANITATION AND IRRIGATION ON  
RESPONSE TO A PETITION ON  
PERENNIAL FLOODING OF ALONG  
SONDU MIRIU RIVER.**

Dr. Andrew Tuimur, Chief Administrative Secretary in the Ministry appeared before the Committee on behalf of the Cabinet Secretary, and briefed it as follows:

1. Sondu Miriu River is one of the six major rivers in the Lake Victoria basin. It is the fourth largest river in Kenya, originating from the western slopes of Mau Escarpment and flowing

- through Nakuru, Bomet, Kericho, Nyamira, Homa Bay and Kisumu Counties before discharging into Lake Victoria.
2. The perennial flooding in the flood plain occurs due to heavy rains in the catchment as well as degradation of upstream vegetation as a result of poor land use practices. In the recent past however, flooding is also occurring due to backflow of the lake waters, which scientists are yet to satisfactorily explain, but is attributed to climate change. Whereas floods are natural disasters, the impacts on residents depend very much on community land use practices, adherence to early warning systems and quick implementation of advisories.
  3. Water Resources Authority, an institution of the Ministry has installed a Telemetry Station in the flood plain at Nyakwere Village to monitor the water levels. The station provides near real time data for early warnings. During the periods approaching the two main rain seasons that cause floods in the area, Water Resources Authority, based on the data collected from the station, issues flood warnings to alert communities living in the flood plain to vacate. In this year, five (5) flood warning have been issued.
  4. The Ministry through National Water Harvesting and Storage Authority conducted a flood situation assessment in the L. Victoria basin during the March-April-May, 2020 long rains with a view to establishing the flood situation in the basin, effectiveness of the structures constructed and proposal of new interventions. The assessment study established that the long rains were heavier compared to the previous years and led to more destruction and disruption of livelihood of the communities living within the Lower lake region that is usually affected by floods.
  5. Apart from the high flows that broke the river banks, the water levels in L. Victoria had increased significantly leading to a backflow that submerged over 700 Acres of farmland and homes, causing much destruction of property and other livelihoods, displacing about 2,268 people in the area. Other infrastructure damaged include; roads, bridges, beaches, electric poles, sand harvesting mines, gabion boxes, destruction of the Awach-Kimila Irrigation infrastructure and blockage of the river delta.
  6. The recommendation to dredge the river and unblock the river delta would go a long way in easing the flow of water to the lake. However, it is a major environmental activity requiring major investment and integrated approach by the government, and would form part of long-term strategy for controlling floods on River Sondu Miriu. This would be coupled by construction of dams upstream to store water and control flood flows during heavy rains, establishment of a modern early warning system based on a functional telemetric network and identification of permanent evacuation centers. The sediment load of rivers in the whole lake basin are very high due to deforestation upstream, causing serious sedimentation and forming deltas at the river mouths. This is a major cause of floods. Reforestation programs and sustainable land use practices in the upstream to reduce erosion and sedimentation must therefore be initiated and sustained at the County level.
  7. The construction of flood control measures such as earth dykes, river training, planting bamboo to protect the river banks from erosion and construction of gabions can be implemented to reduce flooding in the area. The Ministry was considering a proposal to construct a 2-kilometer dyke on the left bank of River Sondu Miriu from Sang'oro power station and a 5-kilometer dyke on either side of the river after Kendu Bay-Katito road towards the lake. The works are estimated to cost about Ksh 360 million. Considering the urgency of the matter, the Ministry will seek funding from National Treasury in 2021/2022 financial year for implementation.

8. In order to increase area under irrigation and boost food security in the region, the Government through National Irrigation Authority had planned a major project called Great Wang'cheing' Irrigation Project in Rachuonyo North Sub-County, Homa Bay County. The project is estimated to cost Ksh 879 million and will bring 1,820 acres of land under irrigation to grow maize and other high value horticultural crops. It will benefit about 1,000 farmers, thereby boosting socio-economic development of the community. Feasibility study and detailed design are completed and government is seeking funds for implementation.
9. The ministry will assess and determine suitable sites for construction of water pans, small dams and boreholes to assist the communities' access safe water for domestic use. The projects will then be prioritized for implementation under the various programs targeting improvement of rural water supply. The Ministry was further addressing water and sanitation challenges in Homabay County through implementation of projects key among which are;
  - a) Homa Bay Cluster Water Supply and Sanitation Project at a total cost of Ksh 1.14 billion. The project will increase the water supply capacity of Homa Bay Town from the existing 1,200 cubic meters of water per day to 4,800 cubic meters and improve the reticulation system in the town. A population of 120,000 people will benefit. The project commenced in January, 2019 and is expected to be completed in June, 2021. It is currently at 55% completion.
  - b) Kendu Bay Water and Sanitation Project at a total cost of Ksh 690 million. On completion, the project will add 5,000 cubic meters per day of water for Kendu Bay Town. It also includes construction of ablution blocks to improve sanitation. About 70,000 people will benefit from improved water & sanitation services in the town going forward. The project commenced in April, 2019 and is expected to be completed in October, 2021. It is currently at 40% completion.
  - c) Oyugis Water Supply and Sanitation Project at a total cost of Ksh 716.6 million. Once completed the project will add 5,700 cubic meters of water per day to Oyugis Town and will include ablution blocks to improve sanitation. The project commenced in April 2019 and is expected to be completed by October 2021. It is currently at 20% completion.
10. The Ministry has a role in the regulation of the river by demarcating the riparian area to ensure protection of the river and its catchment. The Ministry will therefore, through Water Resources Authority, issue necessary guidelines to ensure the river bank is preserved and the catchment area is protected.
11. The other concerns of the petitioner fall within the mandate of either the county government or other government MDAs.

**MIN.NO. DC/ENR/284/2020:**

- **MEETING WITH THE CABINET  
SECRETARY FOR WATER,  
SANITATION AND IRRIGATION ON  
THE STATUS OF CONSTRUCTION OF  
PEACE DAMS ACROSS THE  
COUNTRY**

Dr. Andrew Tuimur, Chief Administrative Secretary in the Ministry appeared before the Committee on behalf of the Cabinet Secretary, and briefed it as follows:

1. The Governments of Kenya and Uganda in September 2019 embarked on the Cross-Border - Peace and Development Programme that seeks to end hostilities and resource-based conflicts among the neighbouring communities leaving at the border to enhance sustainable development in the regions by promoting non-violent interactions, collaborations and prosperity. After the signing of the Agreement aimed at promoting this sustainable peace and development among the Turkana, Pokot, and Karamojong communities on 19<sup>th</sup> September 2019, three (3) peace dams were prioritized for implementation to actualize the program. The dams are Kases dam in West Pokot County, Naku'etum in Turkana County and Forole in Marsabit County.
2. Kases dam site is located in Kases Village, Kases Location, Kiwawa Ward, Kacheliba Constituency, Pokot North Sub-County in West Pokot County. It is about 0.7 Km from Kases Centre towards Alale and about 1km downstream of the Kases-Alale road. The contract for the construction of the dam was awarded to Machine Center Limited Nairobi, on 16<sup>th</sup> June, 2020 at a sum of **Ksh. 249,754,411.50**. Construction works commenced on 23<sup>rd</sup> July, 2020 and is expected to be completed by April 2021. The dam will provide water to over 8,235 people and their livestock in Kases, Malee and Pcholio. The project scope involves site clearance, construction of 12.5 meter-high earth embankment and spillway to impound 1,000,000 cubic meters of water, draw off system and auxiliary works and fencing. The contractor has fully mobilized to site and geological and geophysical survey of the dam have been done. Environmental Social Impact Assessment (ESIA) has been concluded. Samples of materials for the embankment and core trench have been tested and necessary approvals obtained on the suitability of the material. The contractor has excavated 95,115 cubic meters of material and core trenching of 3,360 cubic meters. The overall work progress is at 28 % and the total amount paid to the contractor inclusive of advance payment is **Kshs. 82,426,508.63**. The Principal Secretary inspected these works on 27<sup>th</sup> October, 2020 and the contractor advised to mobilize two excavators and two tippers to speed up the work.
3. Forole dam is located at Forole Location in Marsabit North Sub-County, Marsabit County. The contract for the construction of the dam was awarded to Mibasa Ltd. on 6<sup>th</sup> February, 2020 at a sum of **Ksh 229,652,629.50** with a construction period of 6 months. The dam is aimed at providing water to 31,000 people and 65,000 livestock units in Marsabit North Sub-County, which experiences acute water shortages. Construction works commenced on 20<sup>th</sup> March, 2020 and project was expected to be completed by September, 2020. The scope of the project involves the construction of the main reservoir to impound 647,664 cubic meters of water, construction of silt trap with a capacity of 11,304 cubic meters, inlet works, spillway, offtake gravity pipeline auxiliary works and fencing. The project was supposed to be completed by September 2020, however it has delayed due to unforeseen challenges, key among which are lack of water for compaction activities and security issues. To date, 63% progress has been achieved comprising of excavation works at the main dam, silt trap and the inlet channels. The contractor has been paid **Ksh 109,831,667** for work done. The contractor has requested for an extension of time upto 31<sup>st</sup> December, 2020 to complete the work. In the meantime, the Government through another program has drilled and equipped three (3) boreholes in the area to supply water to residents. The Contractor will now be able to access enough water from the boreholes for compaction, which was earlier causing delays. The project is expected to be completed by 31<sup>st</sup> December, 2020 for commissioning in April 2020 after it is filled by the long rains. An evaluation team will inspect the project by November, 2020 to ensure the project is completed as scheduled.

4. Naku'Etum Dam, proposed dam is located in Turkana County at an area called Urum location in West Turkana Sub-County, an area at the border of Kenya and Uganda. For a long time, there has been conflicts at the border because of grazing pastures and water for livestock. As the name suggest, it was aimed at bringing peace to the two warring border communities by providing adequate and reliable water for use. The dam is to impound 890,650 cubic meters of water to serve a population of 27,000 people and 242,000 livestock. The Scope of the project involves construction of the main earth fill dam, spillway, intake tower, draw off and auxiliary works. An access road measuring 2 kilometers will also be constructed. The construction contract was awarded to M/S J&K Investment Kenya Limited on 18<sup>th</sup> March, 2020 at a sum of Kshs. 231,114,402.64. The contractor commenced works at the project site on 12<sup>th</sup> May 2020. However, work slowed down due to a minor procurement challenge, which is under investigation by EACC. Construction work has resumed, while investigations continue and the dam is expected to be completed by December, 2020.

**MIN.NO. DC/ENR/285/2020:**

- **MEETING WITH THE CABINET SECRETARY FOR WATER, SANITATION AND IRRIGATION ON RESPONSE TO QUESTIONS BY HON. GICHIMU GITHINJI, MP, AND HON. ERIC MUCHANGI, MP.**

The Questions by Hon. Gichimu Githinji, MP, and Hon. Eric Muchangi, MP were dropped since the Members did not attend the meeting. However, written answers were provided.

**MIN.NO. DC/ENR/286/2020:**

- **ADJOURNMENT**

There being no other business the meeting was adjourned at 5.55 pm.

SIGNED: ..... 

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

**CHAIRPERSON,**

**DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES**

DATE: ..... 01/12/2020 .....





**MINUTES OF THE 37<sup>TH</sup> SITTING OF THE DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES HELD ON MONDAY 28<sup>TH</sup> SEPTEMBER, 2020 IN THE MINI CHAMBER, COUNTY HALL, PARLIAMENT BUILDINGS AT 2:30 PM.**

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**PRESENT**

1. **The Hon. Hassan Oda Hulufu, M.P** - **Acting Chairperson**
2. The Hon. Bernard Shinali, M.P.
3. The Hon. Nasri Sahal Ibrahim, M.P.
4. The Hon. Peter Kimari Kihara, M. P.
5. The Hon. Ali Wario Guyo, M.P.
6. The Hon. Simon Nganga King'ara, M.P.
7. The Hon. Rozaah Buyu. M.P.
8. The Hon. Said Hiribae, M.P.
9. The Hon. Amin Deddy Mohamed Ali, M.P
10. The Hon. Charles Ong'ondo Were, M.P.
11. The Hon. George Kariuki, M. P.

**APOLOGIES**

1. **The Hon. Kareke Mbiuki, M.P.** **Chairperson**
2. **The Hon. Sophia Abdi Noor, M.P.** **Vice Chairperson**
3. The Hon. Rehema Hassan, M.P.
4. The Hon. Benjamin Dalu Tayari, M.P.
5. The Hon. Charity Kathambi Chepkwony, M.P
6. The Hon. Francis Chachu Ganya, M.P.
7. The Hon. David Kangogo Bowen, M.P
8. The Hon. (Eng.) Paul Musyimi Nzengu, M.P.

**IN ATTENDANCE**

**PETITIONERS**

1. Mr. Frederick Gaya - Director YEBO Africa
2. Ms. Emily Achieng Owiti - Water Consultant, YEBO Africa
3. Mr. Willys Okeyo Omullo - Aluora Makare CBO

**THE NATIONAL ASSEMBLY**

1. Ms. Esther Nginyo - Clerk Assistant II
2. Mr. Dennis M. Ogechi - Clerk Assistant II
3. Mr. Sydney Lugaga - Legal Counsel I
4. Mr. Stephen Nyakuti - Audio Recording

**AGENDA**

- i) Prayers

- ii) Confirmation of Minutes
- iii) Matters Arising
- iv) **Meeting with the Cabinet Secretary for Water, Sanitation and Irrigation and Petitioners on a Petition Regarding the perennial flooding by River Sondu Miriu in Homa Bay and Kisumu Counties.**
- v) AOB
- vi) Date of the next Sitting

**MIN.NO. DC/ENR/195/2020: - PRELIMINARIES**

The meeting was called to order at 2.55 pm after which prayers were said. The Chairperson then asked all those present to introduce themselves. Thereafter, he stated that the main agenda of the meeting was meeting with the Cabinet Secretary for Water, Sanitation and Irrigation and Petitioners on a Petition Regarding the perennial flooding by River Sondu Miriu in Homa Bay and Kisumu Counties.

The Members adopted the agenda of the meeting.

**MIN.NO.DC/ENR/196/2020: - CONFIRMATION OF MINUTES**

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

**MIN.NO.DC/ENR/197/2020: - MEETING WITH THE CABINET SECRETARY FOR WATER, SANITATION AND IRRIGATION AND PETITIONERS ON A PETITION REGARDING THE PERENNIAL FLOODING BY RIVER SONDU MIRIU IN HOMA BAY AND KISUMU COUNTIES.**

Correspondence was received to the effect that the Cabinet Secretary for Water, Sanitation and Irrigation could not make it to attend the meeting. He had requested for rescheduling which was acceded to by the committee. However, the meeting with the petitioner was held.

**PRESENTATION BY THE PETITIONERS**

Mr. Fredrick Gaya, the petitioner, appeared before the Committee and briefed it that:

1. Petitioners were citizens of Kenya and residents of Kobala Sub Location, Wang'chieng' Location of Homa - Bay County, directly and indirectly affected by floods.
2. They drew the attention of the House to the fact that there were persistent perennial floods along River Sondu Miriu in Rachuonyo North and Nyakach Sub counties.
3. The flooding continues to wreak havoc on Osodo Kobala, Kobuya, West Koguta and West Nyakach areas since 1963.
4. The Kenyan government had essentially abdicated its responsibility has therefore denied, violated, infringed and threatened the people's rights as stipulated in Chapter Four, Part 2 of the Kenyan constitution.

- a) Article 26: Right to Life has been deprived by deaths occasioned by drowning in floods water, water & vector borne diseases.
  - b) Article 27: Equity and Freedom from Discrimination the government's success in the Budalang'i floods menace affirms its ability to mitigate the River Sondu Miriu floods disaster which has been unjustifiably delayed for over 57 years.
  - c) Article 28: Human Dignity the continuous displacement of these residents by uncontrolled perennial floods has forced them to lead undignified lifestyle of begging for food relief and nonfood items to survive in the overcrowded camps. They are subjected to psychological torture, treated in an inhuman and degrading manner by the floods.
  - d) Article 29: Freedom and Security of the Person the people's freedom have always been deprived arbitrarily since they can't live, move, and socialize normally. Rampant thefts and robberies, snake bites hippo attacks and invasion has precariously risked the security of the people's lives and property.
  - e) Article 31: Privacy of the Families private affairs has been unnecessarily revealed and privacy of their communications infringed through eavesdropping by subjecting them to crowded camping classrooms & tents during floods.
  - f) Article 42: Environment every person has the right to a clean and healthy environment unlike to residents of these areas whose environment get contaminated by the affluent from latrines washed by flood water into their River Sondu Miriu and Lake Victoria. There is high rate of open defecation. Sand mines are mosquito breeding zones which are environmentally disastrous.
  - g) Article 43: Economic and Social Rights during the floods:
    - The people cannot access the highest attainable standard of health i.e. health care services at Miriu, Chuowe, Kobuya and Nyakach Health facilities are challenged by less or no drugs and few medical staff to address the high disease outbreaks and health checks.
    - The people cannot access adequate housing and reasonable standard of sanitation depicted in the camping sites. The houses are damaged during floods hence perennial reconstruction and repair cost to their shelter is unattainable by the poor residents.
    - The people are not free from hunger and have inadequate food of unacceptable quality which are affected by floods in the farms, grain stores at home there by surviving on relief food supplements from the government and other non-state actors
    - The people have no access to clean and safe water which is ever inadequate.
5. Learners at Osodo, Kobuya, Daraja, Kobala, Konyach, Burlum, Nyamanyinga, Nyong'ong'a, Obange, Sang'oro, Sango Buru, Nyawalo and Nyadina schools never get quality education since their classrooms are used to accommodate the displaced families there by disrupting learning & hindering provision of free basic education by the government.
  6. The residents have made several efforts to have the perennial disaster addressed permanently by both County and National Government and no satisfactory response has been seen.
  7. A lasting solution to mitigation of floods and their effects along River Sondu Miriu be found through:

- a) Dredging/desiltation of the River Sondu Miriu and opening' the blocked deltas in Adera, Nyalmera and Chuowe around Winam Gulf.
  - b) Construction of standard Dykes along the banks of River Sondu Miriu.
  - c) Implementation of the Great Wang'chieng' Integrated Irrigation and Water project which had been designed and only awaits procurement at the NIB. This will address food, nutrition & water security plus floods control.
  - d) Addressing the sanitation challenges and building water secure institutions e.g. Schools, health facilities, churches, homes, markets. Provision of complete WASH facilities e.g. toilets/latrines, water harvesting, treatment and storage, tanks for the roof catchment, community water pans, dams, channels plus hand washing equipment/materials.
  - e) Promoting tree growing (fruit farming) alongside the river bank and its basin catchment plus reclamation of sand mines in Kobala Sub location which highly supported the government with levy collection. These are mosquito breeding zones and environmentally disastrous.
  - f) Provide alternative source of livelihood i.e. fish farming, dairy horticulture, poultry, bee keeping to the youths and women.
  - g) Bridge and Road Network: construct two bridges and roads;
    - Chuowe - Sanda Bridge at Udhi area to link and open the over 700 acres of fertile, arable land for agribusiness, food security and eco- tourism.
    - Nyadho-Nyadina Bridge at Akoko Beach that links Kisumu and Homabay Counties.
    - Chuowe – Nyakwere Road that is eroded
    - Kobala – Osodo-Nyadho Road that is damaged by erosion
  - h) Last mile power connection to all homes, schools, churches, markets, and health facilities.
8. Improving, equipping and staffing of learning institutions and health facilities.

#### **PETITIONERS' PRAYERS**

They petitioner prayed that the National Assembly:

1. Dispenses with the petition immediately in view of the urgency of the matters canvassed therein.
2. Investigates and makes recommendations with regard to: number of those affected, number of deaths and rate of diseases, cumulative funds used in disaster response during floods, social-economic audit on losses incurred by residents in terms of destroyed farms, livestock deaths, and marooned grazing lands, and water and sanitation facilities affected.
3. Enacts the National Disaster Management Bill and consider compensating affected families.
4. Ensure sufficient mobilization, allocation and accountability of funds for the permanent mitigation of floods and their effects along Sondu Miriu River through the FY 2020/2021 budget.

#### **MEMBERS' OBSERVATIONS**

Members observed that:

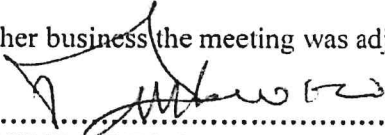
1. Flooding in the area had been a perennial problem and there was need to find a lasting solution to the concerns raised by the petitioner.
2. There have been attempts to dam the river to generate power. If scaled up, this may offer part of the solution to the floods menace.

3. There was need for the Committee to visit the area and acquit with the suffering the area residents were undergoing.
4. The county governments of Kisumu and Homabay should be part of the solution to alleviate the suffering of the residents as much as the national government.
5. The Koru-Soin Dam that had been tendered may not offer a solution to the flooding in the area. The dam may only resolve the flooding experienced along Sondu River. There was however need to establish the scope of works of the dam to see if it addresses the concerns of the petition or not.

**MIN.NO. DC/ENR/198/2020:**

**- ADJOURNMENT**

There being no other business the meeting was adjourned at 5.15 pm.

SIGNED: ..... 

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

**CHAIRPERSON,**

**DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES**

DATE: ..... 01/12/2020 .....

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**MINUTES OF THE 44<sup>TH</sup> SITTING OF THE DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES HELD ON SATURDAY 10<sup>TH</sup> OCTOBER, 2020 IN KENDUBAY, RACHUONYO DCC'S OFFICE, HOMABAY COUNTY AT 10:00 AM.**

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**PRESENT**

1. **The Hon. Sophia Abdi Noor, M.P.** Vice Chairperson
2. The Hon. Francis Chachu Ganya, M.P.
3. The Hon. Nasri Sahal Ibrahim, M.P.
4. The Hon. Rozaah Buyu. M.P.
5. The Hon. Charles Ong'ondo Were, M.P.
6. The Hon. Simon Nganga King'ara, M.P.

**APOLOGIES**

1. **The Hon. Kareke Mbiuki, M.P.** Chairperson
2. The Hon. Bernard Shinali, M.P.
3. The Hon. Hassan Oda Hulufu, M.P
4. The Hon. Rehema Hassan, M.P
5. The Hon. Benjamin Dalu Tayari, M.P.
6. The Hon. Charity Kathambi Chepkwony, M.P
7. The Hon. (Eng.) Paul Musyimi Nzengu, M.P.
8. The Hon. David Kangogo Bowen, M.P
9. The Hon. Peter Kimari Kihara, M. P.
10. The Hon. Ali Wario Guyo, M.P.
11. The Hon. Said Hiribae, M.P.
12. The Hon. Amin Deddy Mohamed Ali, M.P
13. The Hon. George Kariuki, M. P.

**FRIEND TO THE COMMITTEE**

Hon. Andrew Okuome Adipo - Karachuonyo Constituency

**IN ATTENDANCE**

**NATIONAL GOVERNMENT ADMINISTRATION**

1. Aaron Koross - DCC, Rachuonyo North
2. A.W. Ndiso - DCC, Nyakach
3. Jonathan Koech - OCPD, Nyakach
4. Tobias Polo - Chief, Nyakach
5. Cosmas Odipo - Assistant Chief





# Adoption List



**ENVIRONMENT AND NATURAL RESOURCES COMMITTEE ATTENDANCE REGISTER**

DATE: 2/12/2020

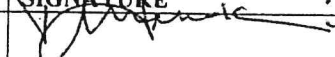
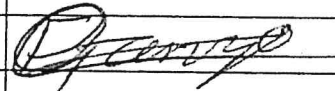
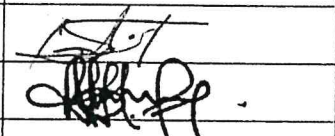

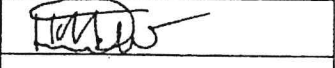
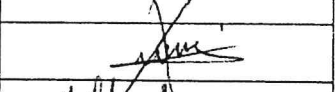
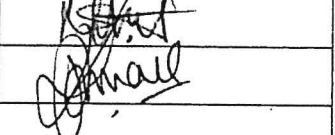
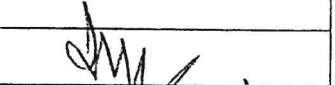
VENUE: Teaw Hall A, KICC

STARTING TIME: 11.00 AM

ENDING TIME: 1.00 PM

AGENDA: Consideration and Adoption of the following Reports:

Report on a Petition Regarding effects of Flooding & Its Mitigation along Sng'endo M'ru River; Report on sessional Paper no. 1 of 2020 on wildlife policy.

	NAME	SIGNATURE
1.	The Hon. Japhet Kareke Mbiuki, M.P., Chairperson	
2.	The Hon. Sophia Abdi Noor, 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. Benjamin Dalu Tayari, MP.	
8.	The Hon. Charity Kathambi Chepkwony, M.P	
9.	The Hon. Charles Ong'ondo Were, M.P.	
10.	The Hon. Amin Deddy Mohamed Ali, M.P.	
11.	The Hon. Hassan Oda Hulufo, M.P.	
12.	The Hon. George Kariuki, M.P.	
13.	The Hon. Ali Wario Guyo, M.P.	
14.	The Hon. Nasri Sahal Ibrahim, M.P.	
15.	The Hon. Peter Kimari Kihara, M.P	
16.	The Hon. Eng. Paul Musyimi Nzengu, M.P.	
17.	The Hon. Rehema Hassan, M.P.	
18.	The Hon. Rozaah Buyu, M.P.	
19.	The Hon. Said Hiribae, M.P.	

Committee Clerk: Dennis M. Ogedhi

Signature: 

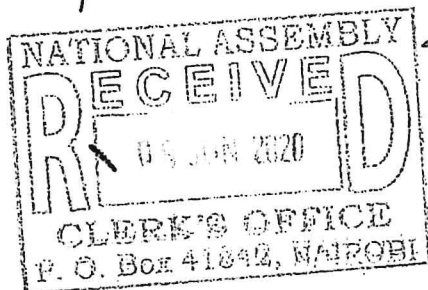


# Copy of the Petition



THE NATIONAL ASSEMBLY  
C/O THE CLERK  
KENYA NATIONAL ASSEMBLY  
PARLIAMENT BUILDING'  
P.OBOX 41842-00100  
NAIROBI  
KENYA  
EMAIL:clerk@parliament.go.ke

*QDLSP*  
*2 advise*  
*CNA*  
*9/6/20*  
*2010 LSP*  
*3 Petitioners*  
*1/22*  
*MAY 2020*  
*Arif Kuni*  
*15/6*



CC: The Chairperson, Standing' Committee on Environment and Natural Resources

RE:PETITION TO THE NATIONAL ASSEMBLY ON EFFECTS OF FLOODS AND ITS MITIGATION IN OSODO KOBALA,KOBUYA, WEST KOGUTA AND WEST NYAKACH AREAS OF RACHUONYO NORTH AND NYAKACH SUB-COUNTIES(HOMA BAY AND KISUMU COUNTIES) AS PER ARTICLE 37 AND 119 OF THE CONSTITUTION ,PETITION TO PARLIAMENT(PROCEDURE) ACT (2012) AND STANDING ORDER NO 219 OF THE NATIONAL ASSEMBLY.

We the undersigned:

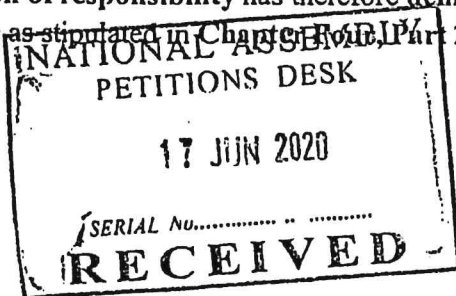
Petitioners as citizens of Kenya and residents of Kobala Sub Location, Wang'chieng' Location of Homa - Bay County, directly and indirectly affected by floods.

We humbly DRAW attention of the House to the following:

Due to the persistent perennial floods along River Sondu Miriu in Rachuonyo North and Nyakach Sub counties which continues to havoc Osodo Kobala,Kobuya, West Koguta and West Nyakach areas since 1963.

The residents have bone the far reaching effects of floods which has never been permanently mitigated by the Kenyan government as per its mandate by the laws governing our country.

This abdication of responsibility has therefore denied, violated, infringed and threatened the people's rights as stipulated in Chapter II, Part 2 of the Kenyan constitution :



*077 2070850*  
*Frederick Bayo*

*PETITION TO NATIONAL ASSEMBLY ON EFFECTS OF FLOODS AND ITS MITIGATION ALONG RIVER SONDU MIRIU*

**Article 26: Right to Life** has been deprived by deaths occasioned by drowning in floods water, water & vector borne diseases.

**Article 27: Equity and Freedom From Discrimination** the government's success in typical Budalang'i floods menace affirms its ability to mitigate the River Sondu Miriu floods disaster which has been unjustifiably delayed for over 57 years.

**Article 28: Human Dignity** the continuous displacement of these residents by uncontrolled perennial floods has forced them to lead undignified lifestyle of begging for food relief and nonfood items to survive in the overcrowded camps. They are subjected to psychological torture, treated in an inhuman and degrading manner by the floods.

**Article 29: Freedom and Security of the Person** the people's freedom have always been deprived arbitrarily since they can't live, move, and socialize normally. Rampant thefts and robberies, snake bites hippo attacks and invasion has precariously risked the security of the people's lives and property.

**Article 31: Privacy of the Families** private affairs has been unnecessarily revealed and privacy of their communications infringed through eavesdropping by subjecting them to crowded camping classrooms & tents during floods.

**Article 42: Environment** every person has the right to a clean and healthy environment unlike to residents of these areas whose environment get contaminated by the affluent from latrines washed by flood water into their River Sondu Miriu and Lake Victoria. There is high rate of open defecation. Sand mines are mosquito breeding zones which are environmentally disastrous.

**Article 43: Economic and Social Rights during the floods:**

- a) The people cannot access the highest attainable standard of health i.e. health care services at Miriu, Chuowe, Kobuya and Nyakach Health facilities are challenged by less or no drugs and few medical staff to address the high disease outbreaks and health checks.
- b) The people cannot access adequate housing and reasonable standard of sanitation depicted in the camping sites. The houses are damaged during floods hence perennial reconstruction and repair cost to their shelter is unattainable by the poor residents.
- c) The people are not free from hunger and have inadequate food of unacceptable quality which are affected by floods in the farms, grain stores at home there by surviving on relief food supplements from the government and other non state actors
- d) The people have no access to clean and safe water which is ever inadequate.



*PETITION TO NATIONAL ASSEMBLY ON EFFECTS OF FLOODS AND ITS MITIGATION ALONG RIVER SONDU MIRIU*

- e) The learners at Osodo, Kobuya, Daraja, Kobala, Konyach, Burlum, Nyamanyinga, Nyong'onga', Obange, Sang'oro, Sango Buru, Nyawalo and Nyadina schools never get **quality education** since their classrooms are used to accommodate the displaced families there by **disrupting learning & hindering provision of free basic education** by the government .

**THAT** the residents have made several efforts to have the perennial disaster addressed permanently by both **County and National Government** and **no satisfactory response** have been effected.

On **12/05/2018** the community presented their requests for permanent mitigation to **CS Devolution – Hon. Eugene Wamalwa** when he visited victims of floods at **Osodo Primary school in Kobala Sublocation Wangieng Location**.

The memorandum was read publicly on behalf of the community by **Mr. Fredrick Gaya** (now petitioning) in the presence of:

- i) Affected flood victims of Osodo Kobala and Kobuya
- ii) Homa-Bay County Commissioner(2018) –Macharia Irungu  
Deputy County Commissioner ,ACC ,Chiefs-Wang'chieng' and Kobuya  
Locations & Assistant Chief Kobala.
- iii) MCA Wang'chieng' Ward –Hon. Peter Kaula .
- iv) MP Karachuonyo - Hon. Andrew Adipo Okuome .
- v) County Women Representative - Hon .Gladys Wanga
- vi) Governor Homa Bay County –H.E. Cyprian Otieno Awiti

All the above leaders witnessed and received a copy each, but no satisfactory feedback to the resident have been communicated.

On **18/02/2020** we visited the office of **CS Devolution & ASALs, Hon. Eugene Wamalwa** to follow up on the matter after **1 year 9 months** and we were referred to the **Ministry of Water, Sanitation and Irrigation**.

After in depth consultation with the **Water Secretary Eng. Sao Alima**, he advised we write a **letter to the PS**.

LIST OF PETITIONERS TO THE NATIONAL ASSEMBLY OF KENYA ON EFFECTS OF FLOODS AND ITS MITIGATION IN OSODO KOBALA, KOBUYA, WEST KOGUTA AND WEST NYAKACH OF RACHUONYO NORTH (HOMA BAY) AND NYAKACH (KISUMU) SUB COUNTIES ALONG RIVER SONDU MIRIU AS PER ARTICLE 37 AND 119 OF THE CONSTITUTION, PETITION TO PARLIAMENT (PROCEDURE) ACT (2012) AND STANDING ORDER NO 219 OF THE NATIONAL ASSEMBLY.

NO	NAME	GENDER	ADDRESS	ID or Passport No	SIGNATURE or THUMB IMPRESSION
1	DOMINIC ODHAMBO ODHAMBO	M	0701870543	22034299	
2	EDWARD OKOYA OSANG	M	0703741796	6371595	
3	JAEEL XPIENS ODHAMBO	F	0714797634	0993381	
4	WOLLY OKEYO OMYULO	M	0704835782	20401885	
5	DORIS ADEYO OMOLO	F	0707687212	6432417	
6	PETERLIS OMYULO	M	811keed4by	0846604	
7	KENNETH OLIENO ODHAMBO	M	0714301186	23191556	
8	GRACE NDIENO	F	0720747492	23301449	
9	MARIKO OKYANGO ADERO	M	0703455700	1540201	
10	SARAME OMONDI JUMA	F	0717096946	30639061	
11	PAMELA AKOTH	F	0792560848	34289314	
12	GEORGE ALUACH	M	0727673174	23191402	
13	JUEL OMONDHO WAISA	M	81 K/BXY	0478619	
14	HEDRAE OMLI OCHOLA	M	0711132206	259570824	
15	MOURICE SODE	M	0712121410	26434736	

And your PETITIONER(S) will ever pray.

Name: GARY FREDRICK Signature: Date: 12/05/2020

LIST OF PETITIONERS TO THE NATIONAL ASSEMBLY OF KENYA ON EFFECTS OF FLOODS AND ITS MITIGATION IN OSODO KOBALA, KOBUYA, WEST KOGLITA AND WEST NYAKACH OF RACHUONYO NORTH (HOMA BAY) AND NYAKACH (KISUMU) SUB COUNTIES ALONG RIVER SONDU MIRIU AS PER ARTICLE 37 AND 119, OF THE CONSTITUTION, PETITION TO PARLIAMENT (PROCEDURE) ACT (2012) AND STANDING ORDER NO 219 OF THE NATIONAL ASSEMBLY.

NO	NAME	GENDER	ADDRESS	ID or Passport No	SIGNATURE or THUMB IMPRESSION
1	GAYA FREDRICK	MALE	P.O. BOX 10, KENDU BAY	22729580	
2	Remigias Nyarika	MARE	11, 11	84621109	
3	SAMSON O. OUNGUS	MALE	Box 57 KENDU BAY	BT-1529245	
4	MABUCE SPENDO ANUNOMI	MALE	Box 241 - KENDU BAY	12460191	
5	ISAACK GRI ANUNOR	MALE	Box 241 K. BAY	9123843	
6	PETER YOXA DVUKU	MALE	75 KOBAY	80572610	
7	FREDRICK ANUNOR	M	241 - K. BAY	29030457	
8	WILLYS OKEYS OBUKLES	M	81-40301-K.B	20401810	
9	JOHN OUDIER GAYA	M	81-40301-K.B	16075590	
10	ELISHA GAYA	M	81-40301 K.B	1544017	
11	JOE KEMWEN OTHOLA	M	81-40301 K.B	13384550	
12	Henry Juma Onger	M	Box 10 K.B	1544084	
13					
14					
15					

And your PETITIONER(S) will ever pray.

Name: GAYA FREDRICK Signature: Date: 12/05/2020

LIST OF PETITIONERS TO THE NATIONAL ASSEMBLY OF KENYA ON EFFECTS OF FLOODS AND ITS MITIGATION IN OSODO KOBALA, KOBUYA, WEST KOGUTA AND WEST NYAKACH OF RACHUONYO NORTH (HOMA BAY) AND NYAKACH (KISUMU) SUB COUNTIES ALONG RIVER SONDU MIRIU AS PER ARTICLE 37 AND 119 OF THE CONSTITUTION, PETITION TO PARLIAMENT (PROCEDURE) ACT (2012) AND STANDING ORDER NO 219 OF THE NATIONAL ASSEMBLY.

NO	NAME	GENDER	ADDRESS	ID of Passport No	SIGNATURE OF THUMB IMPRESSION
1	MARY KNYANGO ODEDE	F	81 K/BAY	26306399	
2	CHARLES OILLILU OBUYA	M	0701790900	26321560	
3	EVANCE OTIENO OBUYA	M	074310549	30011952	
4	JOEL ORINDA KASERA	M	0717257993	10256160	
5	LUCIA AKUMU KASERA	F	81 K/BAY	5892398	
6	FLORENCE KATHINGO KAMUOM	F	0741606815	23202688	
7	WILLIAM OMTANGA ARDUSM	M	0743379576	6372074	
8	EDWIN OTIENO OMOLE	M	0799063196	34790696	
9	CALEB OGO BELE	M	0768764421	5954373	
10	ERKA ACHIENG	F	0711311071	82738911	
11	RICHARD ABOK NDA-RO	M	0725908121	9794475	
12	GEORGE OBOBGO	M	0718019705	4013281	
13	JOHN ODHIAMBO NDAWO	M	0710590267	13243078	
14	LAWYENS OSON	M	0769377124	3472466	
15	BERNARD JUMA CUKUR	M	0718305643	21068039	

And your PETITIONER(S) will ever pray.

Name: GAYA FRADRICK Signature: Date: 12/05/2020