

COUNTY GOVERNMENT OF BUNGOMA

COUNTY ASSEMBLY OF BUNGOMA

COUNTY ASSEMBLY DEBATES

THE DAILY HANSARD

WEDNESDAY, NOVEMBER 1ST, 2023

Afternoon Sitting

Third County Assembly

Second Session

1

Disclaimer: The electronic version of the Official Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor.

COUNTY ASSEMBLY OF BUNGOMA
THE HANSARD- OFFICIAL REPORT
WEDNESDAY, NOVEMBER 1ST, 2023

The House met at the County Assembly Chamber at 2:30 p.m.

(The Speaker [Hon. Emmanuel Situma] in the Chair)

PRAYER

PAPERS

1. REPORT BY THE COMMITTEE ON JUSTICE COHESION AND
LEGAL AFFAIRS ON THE SCRUTINY OF THE NATIONAL COHESION
INTEGRATION ACT, NO. 12 OF 2008

Mr. Speaker: Chair, Hon. Psero!

Hon. Jacob Psero (*Chairperson, Committee on Justice Cohesion and Legal Affairs*): Thank Mr. Speaker Sir. I rise to table a report of the Committee on Justice, Cohesion and Legal Affairs on the scrutiny of the National Cohesion and Integration Act, No. 12 of 2008.

Mr. Speaker: Honourable Members, the report by the Committee on Justice, Cohesion and Legal Affairs is hereby tabled accordingly and it forms the record of the House.

2. REPORT BY THE HOUSE BUSINESS COMMITTEE ON THE PLENARY REVIEW FOR THE PERIOD
COMMENCING FEBRUARY TO SEPTEMBER, 2023

Mr. Speaker: Honourable Member of the HBC, Hon. Deputy Speaker, Stephen Wamalwa!

Hon. Stephen Wamalwa: Thank you Hon. Speaker. I am on my feet and request that you allow me to table a report by the House Business Committee on the plenary review for the period commencing February to September, 2023.

Mr. Speaker: Honourable Members, the report by the House Business Committee is hereby tabled and becomes the property of the House.

NOTICES OF MOTIONS

1. NOTICE BY COMMITTEE ON JUSTICE, COHESION AND LEGAL AFFAIRS

Hon. Jacob Psero: Thank you very much Mr. Speaker Sir. I stand to issue a notice of motion that this House adopts the report by the Committee on Justice, Cohesion and Legal Affairs on the scrutiny of the National Cohesion and Integration Act No. 12 of 2008.

Mr. Speaker: Honourable Members, a notice of motion having been duly issued by the committee on Justice, Cohesion and Legal Affairs, I do direct the Clerks- at- the- Table to share the report with the Honourable MCAs. The same will form Business on our Order Paper in the course of the week or once it is scheduled.

2. NOTICE BY THE HOUSE BUSINESS COMMITTEE

Hon. Stephen Wamalwa: Thank you Hon. Speaker. I stand to issue a notice of motion that this House adopts the report by the House Business Committee on the plenary review for the period commencing February to September, 2023.

Mr. Speaker: Honourable Members, equally the House Business Committee hereby having issued a notice of motion, I hereby ask the Clerks- at- the- Table to share the report with Honourable MCAs. The same will form Business on our Order Paper in the course of the week or once the same is scheduled.

MOTIONS

1. REPORT BY THE POWERS AND PRIVILEGES COMMITTEE ON THE COMPLIANCE WITH WEALTH DECLARATION BY HONOURABLE MEMBERS

Resumption of interrupted Business

Mr. Speaker: Honourable Members, as well quoted under Standing Order No. 35, we resume where we had reached on the motion. Hon. Katasi, proceed!

Hon. Brigid Katasi: Thank you Hon. Speaker. I rise to continue with the motion .We were on Section 33.

Administration procedures

Mr. Speaker: Proceed!

Hon. Brigid Katasi: Section 33: Administrative procedures

(1) Each Commission shall establish procedures for the administration of Part IV of the POEA with respect to the public officers for which it is the responsible Commission.

(2) The administrative procedures shall be established and published in the Gazette within ninety days after the commencement of the Act.

(3) In relation to a Commission that is prescribed by regulation under section 3(10) to be a responsible Commission, subsection (2) shall apply as though the reference in that subsection to the commencement of this Act were a reference to the commencement of the regulation.

(4) Nothing in section 27 requires a public officer to submit a declaration before publication, under this section, of the relevant administrative procedures by the responsible Commission.

2.2.6 The Public Officer Ethics Regulations, 2003

The Regulations were developed pursuant to section 42 of the Public Officer Ethics Act, 2003. It provides for additional public officers covered by the Act, additional responsible commissions and Regulations relating to the code of conduct and ethics and its enforcement.

2.2.7 The Public Officer Ethics (Management, Verification and Access to Financial Declarations) Regulations, 2011

The Regulations provide the mechanisms for the management, verification, and access to financial declarations. It outlines the procedures for storage and access to information in declarations of income, assets and liabilities; management of declarations and general provisions for responsible commissions to establish a committee responsible to its chief executive, to oversee the management, verification, and access to declarations. These Regulations were established pursuant to Section 42 of the Public Officer Ethics Act, 2003.

The responsible commissions are required to undertake the following functions with regard to the financial declarations: receive and keep custody of declarations, verify and seek clarifications on the declarations, investigate breaches, take administrative action on breaches, develop and implement administrative procedures for management of the declaration process, and monitor compliance on the declarations by public officers.

2.2.8 National Ethics and Anti-Corruption Policy, 2018

The National Ethics and Anti-Corruption Policy, sessional paper No. 2 of 2018, is anchored on the Political Pillar of Kenya Vision 2030. The development of the Policy is also informed by the historical developments in the fight against corruption. The policy proposes the development of mechanisms and legal framework for conducting lifestyle audit and enhances management of DIALs by public officers.

CHAPTER THREE

3.1 STATUS OF COMPLIANCE WITH PART IV OF THE POEA ON DIALS FOR THE INITIAL DECLARATION

The declaration of income, assets and liabilities (DIALs) by public officers is one of the fundamental strategies employed by many countries that is geared towards promotion of ethics and integrity through lifestyle audits. As a result, it is a major tool employed in the fight against corruption.

Part IV of POEA which was enacted to enhance ethical standards provides for declaration of income, assets and liabilities by public officers. Each public officer is required to make an initial declaration within thirty (30) days of assuming public office, a biennial declaration after every two years and a final declaration within 30 days of ceasing to be a public officer. Declarations are to be submitted to a designated responsible commission as provided under Section 3 of POEA. Further, responsible commissions are expected to identify any breaches of the declaration requirements and take appropriate action, including administrative sanctions and submit to EACC a report on the status of compliance with the law relating to DIALS.

Public officers are required to make a declaration of income, assets and liabilities for themselves, their spouse(s) and dependent children under the age of 18. These declarations are submitted to a designated responsible commission.

3.2 Mandate of Responsible Commission

Section 3 of POEA designates various public entities as responsible commissions for the management of DIALs by state and public officers under their jurisdiction. The mandate of the responsible commission under POEA in relation to part IV on DIALs includes the following:

- a) Verify and keep custody of declarations;
- b) Investigate and take administrative sanctions on breaches;
- c) Develop and implement administrative procedures for management of the declaration process;
- d) Monitor compliance on declarations made by public officers; and
- e) Seek clarification of the declarations within six months from the date of submission by public officers.

Regulation 30 of the Leadership and Integrity Regulations, 2015, provides that where there has been a violation of the code of conduct and ethics for public officers, the commission or a public entity may recommend a warning, suspension, dismissal or any other appropriate action against

such officer. Responsible commissions and public entities are also empowered to integrate the wealth declaration requirements as part of their codes of conduct and ethics.

In this regard, the Committee gathered secondary data from the submission on the declaration of income, assets and liabilities by Members of the County Assembly. The secondary details from the Human Resource Department on the status of compliance which has culminated into this report encompassed a total of sixty three (63) Members of the County Assembly.

CHAPTER FOUR

OBSERVATION AND RECOMMENDATION

4.1 OBSERVATION

1. The Committee established that during the initial declaration, all Members of the County Assembly declared their income, assets and liabilities within the provided time frame. This means there was 100 per cent compliance level with the law.

4.2 RECOMMENDATION

1. To continue enhancing compliance, the responsible commission should monitor compliance, including issuance of timely notifications when the declarations are due.

We have the adoption schedule signed by all 11 members. I call upon Hon. Tony Barasa MCA Lwandanyi Ward to second the motion.

(Applause)

Mr. Speaker: Thank you Hon. Tony Barasa. You have the honor of seconding the motion by the Vice Chair.

Hon. Tony Barasa: Thank you Hon. Speaker. This is Tony Khaoya Barasa of Lwandanyi privileged to second a motion on Wealth declaration for state officers.

I wish first to thank the mover of the motion that indeed he is just reminding us as public and state officers on core duty and mandate a public and state officers on duties that we need to do. I am seconding on basis of Leadership and Integrity Act (LIA) 2012, section 19 of 2012 that states that any state and public officer must respect the values and principles of the constitution. The LIA gave rise to the Public Officers Ethics Act of 203 (POEA).

The Public Officer Ethics Act of 2003 reminds us that as public officers we must declare our income, assets, liabilities and sustainability declaration at least once every two years to responsible commission. It does not settle there.

It reminds us as state officers and Public officers that it's our duty also besides declaring yourself you must also declare for your spouses, dependents, that is children under 18.

It is also telling us that the first day of November after every two years, this is the date of declaration so standing here is the duty and I want to applaud the committee of Powers and Privileges for having come up with this motion so that it keeps reminding Honourable members about the duty of our wealth declaration. It is also reminding us that if you cease to be a public or state officer you also have a duty within 30 days after your exit you are required further to submit a final declaration of your wealth within 30 days so that this commission will sit with information for five years and maybe to put you on check.

I want to support so that this motion is just like an eye opener, a reminder to us, our families and spouses that we have to equip and comply with the Constitution of Kenya that was promulgated 2010. I second the motion.

Mr. Speaker: Thank you Hon. Tony Khaoya for seconding the motion.

Honourable Members, allow me now propose a motion for debate.

(Question proposed)

Hon. Stephen Wamalwa: Thank you Hon. Speaker. I actually stand to support first the report which is very straight. It is an open reminder to us as Honourable Members. At the same time as I congratulate the Committee for undertaking to bring that report to this House. I have filled my forms when I came here because this was my first working station officially and I was required to fill these forms, but I want to admit and I am not ashamed that it goes on Hansard that in the initial stages, I was not taking that very seriously.

I actually was taking it very casually and I am afraid because I am speaking from experience; that not all these Honourable Members have really known exactly how and the effects of filling those forms. I remember the first time I filled the forms, I just filled and sometimes even I used estimations, but when I went to check the Principal Human Resource when I was filling my last form I discovered that this is an area that we have to take extremely caution because it's going to affect us in some way.

I want to support this motion but call upon my colleague Honourable Members. In fact, it is important that we compare notes and share actually how to fill this because we have to fill it to detail.

You remember maybe sometimes you take the form and you are estimating your land and you assume that this one I cannot fill and that estimation of this income from these products from farming is this much. Assumptions are not true. We just have to take this very seriously and I am sorry, I believe I will not be out of order to request that Honourable Members that we have to

have a sitting amongst ourselves and try to look at this. How do we fill this form so that tomorrow when we leave this place we will not be visitors and guests or clients of the investigative agencies in this country based on just an act of casual approach?

I want to support this motion and call upon my colleagues each one of us that let us go out there and look at how we fill these forms. If possible, compare what you filled last time and ask yourself is it true so that it informs again what you will have to fill going forward.

Hon. Johnston Ipara: Hon. Speaker let me begin by thanking Hon. Katasi in the systematic way she has presented this very important report on the Public Officers Ethics Act of 2003. This is one of the pillars that the Honourable Members of this Honourable House need to identify with because actually most of the time the accused persons are usually Honourable Members. People think that we divert, misuse, misappropriate money and acquire wealth in a wrong way.

Today, I wish to say this; this report informs and has created awareness in most of us. The Honourable Members may think why it was necessary for this report to be presented at this particular moment? I want to say this report helps us to build public sector integrity that is transparent and gives a source for the members of the public to know who we were when we entered this Honourable House and who we are when we leave this House.

It also promotes public trust and most of the time; you know the people that are not trusted are Honourable members and with this it will assist the Honourable Members have somewhere where to refer and respond to issues raised by the members of the public.

This particular report will also make Honourable Members be accountable on everything that they do around and away from their work station and more particularly when you are roaming around the ward; you can without any fear make the public understand that you are who you are and what you are saying is the whole truth.

This as Hon. Khaoya the respected member from Lwandanyi did say; you declare what you have at the beginning when you were elected the asset you had by the time, how much they were, the liabilities if any and this report clearly tells us all those details and you will find that it is necessary and particularly we say if you have the evidence you will have nothing to worry about and this one is part of the evidence that you will have available at the County Assembly registry.

This particular declaration will form part of the documents that you will be holding in case of any person who wants to make any reference you will not even call the Honourable Member, you will just go to where this particular copy of the declaration is, get the details of what those particular persons want then you clear the issue before even the officer is called; and that will clear any doubts some people had anywhere along the way.

The report did clearly spell out the penalties. If you allow yourself to be misused or to be used or to assist those who want to commit a crime you know the penalties that acquire and when we are aware of such penalties, it helps us run away and make sure we stick on the right way of what the law requires around.

Lastly, this particular report has informed and it will become a source for reference for today, tomorrow, the day after tomorrow and the days to come in future. With that I want to identify myself with this report and support it totally.

Mr. Speaker: Thank you Hon. Ipara. Hon. Chikati!

Hon. Tim Chikati: Thank you Mr. Speaker. Allow me also to thank Hon. Katasi for the nice presentation. It was a polite but very powerful. As much as I also support the report, the self-declaration forms some of us I think have to declare what we have after two years. How I wish that that could be extended to five years because some of us have nothing and the little that we have, we have inherited from our parents. I even do not have the title deed for the land that Chikati left with me so how I could have wished that we are just new to this Assembly and if they could give us like at least five years to declare because even after two years what am I going to declare.

I only have chicken and dogs and they are not even mine they are for my neighbors. Some of us have got nothing to declare on those forms so at least five years maybe we could have acquired something. Otherwise, I support the report.

Hon. James Mukhongo: Hon. Speaker, I also join hands with my colleagues who have contributed before the motion in this Honourable House. First, I want also to laud the mover of the motion that is Hon. Brigid Katasi.

I had only some information to share with the Honourable Members. Arising from what Hon. Chikati is saying, our hands are tied. This is a Government requirement. With us, we cannot do anything. We cannot propose anything but we are forced to declare our wealth. I joined this Honourable House in the second regime under your able leadership and I failed to declare so I was reminded by the records office then. I rushed to pick the forms. How I wish, we want also our officers to be very smart.

When I was picking that form I signed and when I was returning it back I also signed but all of a sudden a communication came from the EACC that there were some members who failed to declare their wealth. If it were not the Powers and Privileges Committee, I do not know what could have happened to me, but I thank God because it was there. You defended us as Powers and Privileges Committee; so it is very necessary Honourable Members.

We are not just saying it and I want to laud your able leadership for coming up with a motion of this kind because it will put us in a position that every after two years we must. I rest my case as I support the motion.

Mr. Speaker: Thank you. Hon. Chemion, you will be closing. Hon. Katasi you prepare to reply. There is nothing to reply on but you will have to say something especially the one for Hon. Chikati. It is important that he only owns dogs and cats of the neighbors.

Hon. Francis Chemion: Thank you Mr. Speaker. I support the motion before us. In that wealth declaration form you declare very many things and one of them which is very critical for us is you declare even your dependents; and there is a reason why but I know being Africans sometimes we do not declare all of them.

(Laughter)

Others are declared during the funeral. That is a common feature around the African continent but we are supposed to declare all of them as per the form. In fact failure to declare I remember vividly our members the last regime were supposed to appear before EACC there were more than 10 Honourable Members. In fact in other parts of the civil service, salary is stopped, you do not earn until they ascertain the reason why you did not declare your wealth. It is a very important tool that I would not urge any member to miss to make a declaration and make an honest declaration.

You exaggerate or underestimate, it has its implications so just do an honest declaration, it will help you and if you do something honestly, you will not forget the following time you are filling, but if you do a lot of forgeries in the first one you tend to forget what you had filled in that form after two years unless you make a copy so that you refer to it when you are filling for the second time. Otherwise you will forget and you will give contradicting information and so it is better if you fill, make a copy and keep it but it is a very necessary thing to be filled.

Mr. Speaker: Thank you. Hon. Katasi! Sorry, you can come back and reply from here.

Hon. Brigid Katasi (Mover to Reply): Thank you Hon. Speaker. I will just make a few remarks on the issue of Hon. Chikati. You can do additional information because we understand that succession is a problem so you can do an additional note to attach to your form giving information that you have land given by your father and is awaiting succession.

My next remark is, I just want to congratulate Honourable Members for exercising a hundred percent compliance. Each and every member of this House filled their forms and submitted them on time.

Lastly, thank you for supporting our report of Powers and Privileges on compliance with wealth declaration by Honourable members.

Mr. Speaker: Thank you Hon. Katasi.

(Applause)

Members, allow me proceed and put a question to the said motion for the House to make its decision.

(Question put and agreed to)

The ayes have it!

(Applause)

Members, before they read the next item, I will just make this remark for all of us; I do not want to stress on what has been said by members. In the last Assembly as put by Hon. James Barasa Mukhongo, some members' forms were brought back somehow late and the EACC did ask the Speaker who is the Chair of the Committee to summon those members and punish them. So members were summoned before the Committee and they were given punishment by the committee and that report was sent to EACC for them to be cleared.

The punishment varies, fines, severe warning; which we did. Ours was a severe warning which is also a punishment. You can declare what you want to declare, but make sure you do. I do not want any of you to become my clients that I have been told summon you to appear before and give punishment. I do not want!

BILLS

1. THE BUNGOMA COUNTY WEIGHTS AND MEASURES BILL, 2023

Mr. Speaker: Hon. Ipara, yes please, Proceed!

Hon. Johnston Ipara (*Chairperson, Committee on Trade*): Hon. Speaker, pursuant to Standing Order No. 152(2), I move a motion that Bungoma County Weights and Measures Bill, 2023, be read a third time and I call upon Hon. Brigid Katasi to second.

Mr. Speaker: Hon. Katasi, you have the honor of seconding the motion.

Hon. Brigid Katasi: Thank you Hon. Speaker, I second the motion.

Mr. Speaker: Honourable members, a motion has been moved and seconded that Bungoma County Weights and Measures Bil,1 2023 be read for the third time.

(Question put and agreed to)

The ayes have it.

Now the Bill be read for the third time in the long title.

A Bill for an Act of the County Assembly of Bungoma to establish a Legal Framework to develop structures of operations to provide a mechanism for the imposition of certain fees and charges for weights and measures, related activities and related purposes - Third reading.

Mr. Speaker: Honourable Members, the Bungoma County Weights and Measures Bill, 2023 is now deemed to have been passed as an Act of the County Assembly of Bungoma. Subsequently, Section 24 of the County Government Act is hereby invoked; the same be forwarded to the Governor for assent as required by the law.

MOTION

1. REPORT ON THE ASSESSMENT OF APPLICATION OF LAWS GUIDING THE IMPLEMENTATION OF PROGRAMS BY THE DEPARTMENT OF GENDER AND CULTURE

Mr. Speaker: Hon. Maureen Wafula, you have the honor to move the report on behalf of the Committee!

Hon. Maureen Katila: Thank you Hon. Speaker. It is an honor to be given this golden opportunity to move a motion of the committee on Gender, Culture and Social Welfare on the assessment of application of laws governing the implementation of programs by the department of Gender and Culture.

I seek to skip the table of contents, the preface. I will start with the committee membership

COMMITTEE MEMBERSHIP

The Committee on Gender, Culture and Social Welfare as currently constituted comprises the following Members:

- | | |
|-----------------------|------------------|
| 1. Hon. Jack Kawa | Chairperson |
| 2. Hon. Abraham Obama | Vice Chairperson |

3. Hon. Joseph	Juma	Member
4. Hon. James Mukhongo		Member
5. Hon. Godfrey Mukhwana		Member
6. Hon. George	Kwemoi	Member
7. Hon. Jeremiah	Kuloba	Member
8. Hon. Alfred Mukhanya		Member
9. Hon. Metrine Nangalama		Member
10. Hon. Eunice	Kirui	Member
11. Hon. Florence	Juma	Member
12. Hon. John Wanyama		Member
13. Hon. Moureen Wafula		Member
14. Hon. Sheila	Sifuma	Member
15. Hon. Mildred	Barasa	Member

Acknowledgement

Mr. Speaker Sir, the Committee wishes to thank the Offices of the Speaker and the Clerk of the County Assembly of Bungoma for the support extended to it that culminated to this report. Further, the committee is grateful to the Members of the Committee, for their Commitment before and during the retreat which contributed immensely to the success of this report. The Committee also wishes to thank the secretariat for the support extended to it.

On behalf of the Committee on Gender, Culture and Social Welfare I now have the honor to present this report on assessment of application of laws in guiding the implementation of programmes in the Department of Gender and Culture before this Honorable House.

Signed by the Chair Hon. Jack Kawa

Mr. Speaker: Honourable, what I am seeing is not signed by Hon. Kawa. Read what is there. Whoever signed, there is nothing wrong to sign for your Chair but when you say signed by the Chair which is not the true position, I will say no.

Hon. Moureen Katila: Signed for Hon. Jack Kawa. There is no name, it is only a signature so I cannot identify if it is for the Chair or...

Mr. Speaker: Just proceed!

Hon. Maureen Katila: Chapter Two; BACKGROUND

Addressing the programs being undertaken and the application of the law is essential to ensure that they are effective and aligned with legal requirements. Regular and comprehensive assessment of programs in light of legal requirements helps to ensure that they serve the intended purpose while upholding the rule of law and respecting the rights of the individuals involved. Identified legal issues or gaps should be addressed promptly to maintain program integrity and legality.

The Department of Gender and Culture is divided into two directorates namely: Gender and Culture. Liquor licensing programmes are run under the directorate of Culture. These directorates have distinct objectives but work in sync with the departmental objective. The sector aims to promote and preserve Culture and Heritage and to promote equity and empowerment of vulnerable groups.

The purpose of this report

The purpose of this report was;

1. To establish whether programmes implemented by the Department are done in accordance with the relevant laws.
2. To establish the status of formulation of Disability Policy, Child Protection Policy, Gender Mainstreaming Policy and Culture and Heritage Policy.

Legal framework

The promulgation of the Kenyan Constitution, 2010 introduced new concepts key among them devolved system of governance. Under Chapter 11; national values and principles of governance, under Article 10 which includes democracy and participation of the people, transparency, inclusiveness and accountability.

The object of devolution under Article 174 of the Constitution is to make sure that through public participation, communities not only manage their own affairs and development but also contribute to decision making. This ensures that their rights are not only protected but promoted as well. It also seeks to decentralize government services from the capital and bring it closer to the people.

Thus, the object of devolution is to bring services closer to the people and create a platform for which women, marginalized communities and minorities can participate more effectively in decisions that affect their economic, social and political well-being.

The County Government consists of two arms: the County Assembly which exercises the representative, legislative and oversight functions of the County Government and the County Executive which exercises the implementation functions of the County Government.

The legislative authority of a County is vested in the County Assembly pursuant to Article 185 of the Constitution

The County Assembly makes laws and exercises oversight authority over the County Executive. It also approves plans and policies received from the County Executive.

Article 183 of the Constitution spells out the executive functions of the County Government.

The County Executive committee is required to:

- (a) implement County legislation;
- (b) implement, within the County, national legislation to the extent that the legislation so requires;
- (c) manage and coordinate the functions of the County administration and its departments; and
- (d) perform any other function conferred to it by the constitution or national legislation;

a County Executive Committee

- (2) may prepare proposed legislation for consideration by the County Assembly;

- (3) shall provide the county assembly with full and regular reports on matters relating to the county.

The Fourth Schedule of the Constitution outlines 14 functions of the County Government. Among the functions are cultural activities, public amenities and public entertainment, control of drugs and pornography. These services include developing and collecting rates for liquor licensing, maintenance of parks and recreation facilities and developing and maintaining libraries and museums at the county; prevention of harm related to alcohol and drug abuse and activities that aim at prevention of drug abuse behaviour, treatment and rehabilitation and policies on alcohol and drug abuse.

The County Governments have a constitutional mandate to raise revenue and to develop and implement budget plans, Policies and legislation in order to ensure effective delivery of services to the citizens thus improving their living standards.

Kenya vision 2030, the Medium-Term Plans (MTPS) form the basis for the preparation of Sectoral Annual Work Plans and Budgets at the County level hence the main guiding tools in formulation of the policies and legislation.

Section 108 of the County Governments Act obligates the Counties to develop a five-year County Integrated Development Plan that includes both mid-term and long-term priorities to be met by the County. In addition, County Governments are expected to prepare annual development plans to track on development progress in each financial year.

Section 104 of the County Governments Act provides that no public funds shall be appropriated outside a County's planning framework.

Nexus between legal framework and service delivery

Legal framework significantly enhances service delivery in devolved system. There is need to entrench the implementation of the departmental programmes in legislation so as to realize the full implementation of the Constitution 2010 in particular, Chapters 11 &12 on devolved governance and public finance respectively. The County Government should align their programs with policy and legal frameworks in order to achieve optimal service delivery hence realizing the objective of devolved Government under Article 174 of the Constitution and adherence to the principles of public finance as stipulated under Article 201 of the Constitution which among other provisions requires openness and accountability on financial matters, prudent and responsible use of public funds and responsible financial management.

When the County Executive adequately implements County legislation and national legislation required to be implemented at the County level as stipulated under Article 183 of the Constitution, promotion of socio-economic development and the provision of proximate, easily accessible government services up-to the local level will be achieved.

Gender equality, inclusion and Disability mainstreaming

Treaties, Conventions and Protocols

Article 2(6) of the Constitution states that; any treaty or convention ratified by Kenya shall form part of the laws of Kenya.

Kenya has ratified and domesticated both its international and regional obligations on protecting the rights of special interest groups including; women, children and persons with disabilities. These includes the Convention on Elimination of all forms of Discrimination Against Women (CEDAW), African Union Agenda 2063, Sustainable Development Goals (SDGs), convention on Economic and Socio-Cultural rights (ECOSOC), convention on children rights, the protocol to the African Charter on Human

and People's Rights (ACHPR) and the United Nations Convention on the rights of people living with disabilities.

Constitution of Kenya

The Constitution of Kenya contains important commitments to gender equality and women empowerment and provides the national values and principles that binds all Kenyans in implementing public policies including those that relate to marginalized groups.

Article 10 on national values and principles of governance includes; human dignity, equity, inclusiveness, equality, non-discrimination and the protection of the marginalized. The constitution makes provisions on the Bill of Rights which includes extensive provisions on economic, social and cultural rights and envisages enhanced institutional systems for the respect, protection and promotion of human rights including the right to gender equality and freedom from gender-based discrimination.

Implementation of rights and fundamental freedom

Article 21(3) provides that all state organs and public officers have the duty to address the needs of the vulnerable groups within the society including women, older members of society, and Persons with Disabilities, children, youth members of minority or marginalized communities and members of particular ethnic, religious or cultural communities.

Equality and freedom from Discrimination

Article 27 provides that:

- (1) Every person is equal before the law and has the right to equal protection and equal benefit of the law.
- (2) The state shall not discriminate directly or indirectly against any person on any ground, including race, sex, pregnancy, marital status, health status, ethnic or social origin, colour, age, disability, religion, conscience, belief, culture, dress, language or birth.

Economic and social rights

Article 43(1) states that every person has the right;

- a) To the highest attainable standard of health, which includes the right to health care services including reproductive health care;
- b) To accessible and adequate housing and reasonable standard of sanitation;
- c) To be free from hunger, and to have adequate food of acceptable quality;

- d) To clean and safe water in adequate quantities;
- e) To social security; and
- f) To education

Rights of children

Article 53(1) every child has the right:

- a) To a name and nationality from birth;
- b) To free and compulsory basic education;
- c) To basic nutrition, shelter and health care;
- d) To be protected from abuse, neglect, harmful cultural practices, all forms of violence, inhumane treatment and punishment and hazardous or exploitative labour
- e) To parental care and protection which includes equal responsibility of the mother and father to provide, whether they are married to each other or not;
- f) Not to be detained, except as a measure of last resort and when detained, to be held
 - (i) For the shortest appropriate period of time
 - (ii) Separate from adults in conditions that take account of the child's sex and age.

Rights of persons with disabilities

Article 54 provides that a person with any disability is entitled;to be treated with dignity and respect and to be addressed and referred to in amanner that is not demeaning

- a) to access educational institutions and facilities for persons with disabilities that are integrated into society to the extent compatible with the interest of the person;
- b) to reasonable access to all places, public transport and information
- c) to use sign language, Braille or other appropriate means of communication and;
- d) to access materials and devices to overcome constraints arising from the person's disability.

Right of minorities and marginalized groups

Article 56 outlines affirmative action programmes designed to ensure that minorities and marginalized groups;

- a) participate in political, social, economic and other spheres of life;

- b) are provided special opportunities for access to employment;
- c) develop their cultural values, languages and practices; and
- d) have reasonable access to water, health services and infrastructure.

Rights of older members of society

Article 57 outlines the rights of older members of the society;

- a) to fully participate in the affairs of society;
- b) to pursue their personal development;
- c) to live in dignity and respect and be free from abuse and;
- d) to receive reasonable care and assistance from their family and state.

National policies and legislation

National legislation

The National Government has enacted various laws to implement the constitutional provisions on gender equality and freedom from discrimination of marginalized groups. This includes the Matrimonial Property Act 2013, which safeguards women property rights during and upon dissolution of marriage. Marriage Act, 2014 gives effect to constitutional provisions on equality between parties to a marriage and the Land Act and Land registration Act which secures women rights to land.

The counter trafficking in persons Act,2010, the prohibition of female genital mutilation Act,2011 and the sexual offence Act,2006 outlaws specific forms of violence against women and the girl child.

The persons with disabilities Act, 2003 provides for the rights and rehabilitation of persons with disabilities and to achieve equalization of opportunities for persons living with disabilities.

Policy framework

National policy on gender and development

The policy aims at ensuring gender equality and women empowerment in the social-economic, political and cultural spheres as envisaged in the constitution.

The policy outlines the roles and responsibilities of County Government in the implementation of the policy as follows:

- Integrate national standards and gender indicators in the County Integrated Development Plan (CIDP).

- Formulate and ensure implementation of County specific gender policies
- Ensure allocation of adequate resources for implementation of gender equality and women's empowerment programmes.
- Ensure gender responsive budget is adopted in the budget cycle.
- Identify and implement programmes targeting gender equality and women empowerment.
- Collect, collate and disseminate County gender data; and
- Report on policy implementation and county gender activities.

The National Government has put up catalytic funds dedicated to women, persons with disabilities and youth for development programmes. These are:

- a. Women Enterprise Fund (WEF) that provides credit and other financial support for women
- b. Youth Enterprise Development Fund (YEDF) that provides credit for young women and men to enable them establish businesses to earn a living aimed at reducing unemployment.
- c. The Uwezo Fund that empowers women, persons with disabilities and youth that give seed money to the special interest groups as startup capital.
- d. 30% procurement reservation affirmative action to special interest groups that include women, persons with disabilities and youth.
- e. The National Affirmative Action Fund. Established in 2015 administered through female members of parliament to run programs targeting socio- empowerment of women, youth, and persons with disabilities, children and elderly persons.

The County executive is thus obligated to promote gender equality and freedom from discrimination at the County level. The County Executive should integrate the principle of gender equality and freedom from discrimination in all administrative procedures, policies, laws and programmes.

Culture

International Conventions

Kenya adheres to the UNESCO definition of culture as “that whole complex of distinctive spiritual material, intellectual and emotional features characterizing a society or social group. This definition encompasses art and literature, lifestyles, ways of living together, value accepted systems, traditions and believe.

UNESCO has underscored the role of culture as an integral part of development of any nation.

Article 13 of the UNESCO Convention on the protection and promotion of the diversity of cultural expression (CPPDCE) enjoins state parties to integrate culture in their development policies, in particular, to achieve poverty eradication

Further, Article 2.6 of the same Convention provides that cultural diversity, protection, promotion and maintenance of cultural diversity are essential requirements for sustainable development for the benefit and future

The Constitution

The preamble to the Constitution states that we the people of Kenya-

Are proud of our ethnic, cultural and religious diversity and are determined to live in peace and unity as one indivisible sovereign nation;

Are respectful of the environment, which is our heritage; and determined to sustain it for the benefit of future generations.

Article 11 of the Constitution on culture:

(1) recognizes culture as the foundation of the nation and as a cumulative civilization of the Kenyan people and nation.

(2) The state shall-

(a) promote all forms of national and cultural expression through literature, the arts, traditional celebrations, science, communication, information, mass media, publications, libraries and other cultural heritage;

(b) recognize the role of science and indigenous technologies in the development of the nation; and

(d) promote the intellectual rights of the people of Kenya.

Part 2 of the fourth schedule to the Constitution of Kenya provides for cultural activities as one of the functions of the County Governments.

The objects of the devolution of Government in chapter 11 of the Constitution includes fostering of national unity by recognizing diversity, recognizing the right of communities to manage their own affairs and to further development, protecting and promoting the interests and rights of the minority and marginalized communities and promotion of social and economic development and the provision of proximate, easily accessible services throughout the country.

Protection of Traditional Knowledge and Cultural expressions Act Section 4 of the Act stipulates the responsibilities of County Governments on matters culture;

(1) a County Government shall through the County Executive Committee Member

responsible for matters relating to culture, be responsible for:

- (a) in relation to the repository and for the purpose of collecting and compiling information relating to traditional knowledge and cultural expression;
- (b) the preservation and conservation of traditional knowledge and cultural expressions;
- (c) the protection and promotion of the traditional knowledge and cultural expressions of communities within a county.
- (d) the facilitation of collaboration, access to or the sharing of information and data relating traditional knowledge and cultural expression between County Governments;
- (e) the allocation of financial resources for the promotion of cultural activities;
- (f) subject to the Act or any other law, the establishment of mechanism for using culture as a tool for conflict resolution and promotion of cohesion.

The National Policy on Culture & Heritage and the Kenya Heroes Act, 2014

The National Policy on Culture and Heritage is anchored on the Constitution and the vision 2030. The policy provides for the implementation of cultural programmes at the county. It requires the County Governments to put in place legislation and institutional framework to support matters of culture at the County level such as promotion and protection of cultural heritage including cultural industries.

Further, it requires the County to put in place policy, legislative and institutional framework for honouring heroes and heroines. Section 16 of the Kenya Heroes Act, 2014 mandates the County Executive Committee Member to be responsible for the administration of the heroes' honours systems in their respective Counties in accordance with the provisions of the Act.

However, there is need for a means through which the County Government can honour persons who may not necessarily be recognized at the national level but are heroes and heroines within the County.

The Bungoma County Cultural Heritage Act, 2023

On Wednesday 1st March, 2023, the County Assembly of Bungoma enacted the Bungoma County Cultural Heritage Act, 2023.

The Act provides for a legislative framework for purposes of promoting and protecting culture and cultural heritage in the County.

In particular, Section 3 of the Act outlines the objects of the Act which are to:

- (a) regulate, protect and promote cultural sites and cultural activities for the interest and enjoyment of the community and persons visiting the County
- (b) ensure respect for and safeguard the culture and cultural heritage of the communities, groups and individuals in the County.
- (c) create awareness of the culture and cultural heritage in the County.
- (d) protect and promote the diversity of culture and cultural heritage in the County.
- (e) encourage dialogue among persons of different cultures and cultural heritage to promote inter-cultural respect and mutual benefits.
- (f) recognize, promote and protect the distinctive nature of the different cultures, cultural heritage and the distinctive activities, goods and services for them.
- (g) uphold the constitutional provisions to preserve the dignity of individuals, groups and communities irrespective of their cultural beliefs; and
- (h) provide a framework under which communities and groups within the County will receive compensation, royalties or other benefits from the 'activities, goods, services and use of their culture and cultural heritage in consultation with the National Government.

The Act further outlines the responsibilities of the department responsible for cultural heritage with regard to administration, protection and regulation of cultural activities and heritage at the county level under part II of the Act.

Liquor licensing

The liquor licensing function was devolved to the County Governments after the promulgation of the 2010 constitution. This function was previously performed by the national government under National Campaign against Drug Abuse Authority (NACADA).

The Alcoholic Drinks Control Act, 2010

This is an Act of parliament that provides for the regulation of the production, sale and consumption of alcoholic drinks.

In the Act, relevant agency means the National Campaign against Drug Abuse Authority or its successor in law as the public body or department responsible for matters relating to alcoholic drinks.

Section 3 outlines the functions of the relevant agency which includes keeping statistics on the level of alcoholic drinks consumption and related deaths and carry out research,

documentation and dissemination of all relevant information on alcoholic drinks. In addition, the agency is required to promote national treatment and rehabilitation programmes.

The Bungoma County Alcoholic Drinks Control Act, 2015

This is an Act of the County Assembly of Bungoma to provide for the licensing and regulation of the production, sale, distribution, consumption and outdoor advertising of alcoholic drinks and for connected purposes.

Section 4 of the Act establishes the Alcoholic Drinks Control Directorate. The functions of the Directorate includes: support and facilitate sub-county committees in carrying out their functions; monitoring and evaluating the implementation of the Act including the operations of the sub-county committees and advising the executive member on the measures to be adopted; in collaboration with other relevant county departments, prepare and submit an alcoholic drinks status bi-annually in the prescribed manner to the executive committee member which shall be transmitted to the County Executive Committee, the county assembly and the authority.

The Directorate shall be headed by a Director who shall be appointed by the County Public Service Board.

In collaboration with other relevant county and national government agencies, the directorate is mandated to establish rehabilitation facilities and programmes in the county.

Section 9 of the Act establishes in every sub-county the sub-county alcoholic drinks regulation committee whose function is to issue licenses in accordance with the Act.

Section 10 of the Act requires an application for a license to the sub-county committee to be in a prescribed form.

Further, section 74 of the Act requires the County Executive Committee Member to make Regulations prescribing the forms of applications, notices, licenses and other documents for use under the Act and prescribe the fees payable

CHAPTER THREE

Oral submission

Mr. Speaker Sir,

The Committee invited the County Executive Committee Member for Gender, Culture Youth and Sports to appear before it on 19th September, 2023 where the Committee extensively discussed about the programmes run in the department and the relevant laws guiding the implementation of the same.

The Department submitted that the Alcoholic Drinks control Directorate has never been established despite the department making two intents and one reminder to the County Public Service Board to have the position filled.

Further, the Committee was informed that the Sub-County Liquor Licensing Regulation committees appointed in 2016, ceased to operate in 2019 due to lack of budgetary allocations.

The Department also submitted that it has finalized working on draft policies on disability mainstreaming, child protection, Gender mainstreaming and Culture and Heritage and draft liquor licensing regulations 2016 awaiting cabinet approval and onward forwarding to the County Assembly for consideration and approval.

Hon. Speaker if you can allow me to jump the written submission so that I can go to the Committee's observation.

Mr. Deputy Speaker: It is okay.

CHAPTER FOUR

Committee Observations

The Committee made the following observations:

1. The Alcoholic Drinks Control Directorate is in operational.
2. The department established the Sub-County Alcoholic Drinks Control Regulation committee pursuant to section 9 of the Act. However, the committees ceased operations in 2019 due to lack of budgetary allocation.
3. The department has not enacted the Liquor Licensing Regulations and Regulations prescribing the forms of applications and prescribing the fees payable pursuant to Section 10 and 74 of the Act. The department only submitted a draft Alcoholic Drinks Control and Licensing Regulations 2016; being a draft it cannot be enforced.
4. The department submitted draft County policies that cannot be enforced namely: Child Protection, Gender Mainstreaming, Disability Mainstreaming and Cultural Heritage and Protection.
5. The department did not explain how they carry out empowerment programmes and the administration of honouring of heroes and heroines as stipulated in section 16 of the Kenya Heroes Act, 2014.
6. Although the department stated that they have programmes for women economic empowerment, disability mainstreaming, and programmes for the elderly persons, details were not provided to the committee on the implementation of the programmes and the beneficiaries.

7. Despite the fact that the department has programmes for recognition of heroes and heroines in the County, it never provided any information on the criteria used.

Committee's Recommendations

The Committee made the following recommendations:

1. THAT the County Public Service Board should ensure that the Directorate of Liquor licensing is fully operational in compliance with Section 4 of the Bungoma County Drinks Control Act, 2015.
2. THAT the directorate once fully operational, must ensure that the Act is fully implemented including the development of subsidiary legislations referred to under Sections 10 and 74 of the Bungoma County Alcoholic Drinks Control Act, 2015.
3. THAT the department should ensure budgetary allocation for Sub-County Liquor Licensing committees in the subsequent budgets.
4. THAT the department should fast track the submission of the draft policies on child protection, Cultural Heritage and Protection, Gender mainstreaming and Disability Mainstreaming to the County Assembly for processing and approval within 60 days after the approval of this report.
5. THAT the department should use the legal and policy frameworks in implementing its programmes e.g., recognizing heroes and heroines in the County in order to ensure transparency, openness, accountability and prudent use of public funds/resources.

The report was adopted by the members of the Committee.

Mr. Deputy Speaker: Hon. Katila, kindly call the seconder

Hon. Maureen Katila: I call upon the Leader of Majority Hon. Joseph Juma to second

(Applause)

Mr. Deputy Speaker: Hon. Leader, just hold on a little there is a hitch with the Hansard system; there is something like a virus or uninstall.

Hon. Joseph Juma: Thank you Mr. Speaker. First let me appreciate the mover of the report Hon. Katila for fluently moving the report and again members also thank the members for keenly listening. As you are aware this report is from Gender Committee and in fact nowadays, the able Leadership of Hon. Kawa things are moving well. I second.

(Applause)

Mr. Deputy Speaker: Thank you Hon. Leader of Majority for seconding the motion.

(Question proposed)

Now Honourable Members looking at the silence I believe that ...ooh sorry the Hon. Florence. I should put my glasses on.

Hon. Florence Juma: Yes Hon. Speaker. Maybe I am too short.

Mr. Deputy Speaker: And tiny...

Hon. Florence Juma: Thank you Hon. Speaker for the opportunity to say something and I should begin by applauding the mover of this motion who has presented it eloquently, very clear and audible. As a Committee we were able to have this assessment of the application of law guiding the implementation of programmes by the Department of Gender and Culture and we simply wanted to establish whether the programmes implemented by the Department are done in accordance with the relevant laws.

So many issues have come out and we will realize that the Executive who are the policy makers and regulation making authority have quite a lot to do because even if we had programmes without regulations in place we cannot get anywhere.

Looking at the policies all of them are actually in draft form and whenever you ask them they will always tell you we are finalizing or we do not have allocation of funds or we have not been able to present to the Cabinet or we are actually finalizing. So they need to up there game.

From the recommendation that we have made, there are just many and we have been able to go through them and not say much about it, but as a House, I think we need to really press them. I don't know if that is the right word; just to make sure that this, whatever we discuss here and maybe to the Committee on Implementation it is also a task ahead of you, that we need to be up so that most of these policies and implementations can come to yeah...thank you

Mr. Deputy Speaker: Can come to yeah, I didn't get it well

(Laughter)

Come to what? You know Honourable Member you just said can come to yeah so

Hon. Florence Juma: Can be implemented Hon. Speaker

Mr. Deputy Speaker: Very well Hon. Florence Juma. Hon. Members I now call upon the mover of the motion to reply.

Hon. Maureen Katila (Mover to Reply): Thank you Hon. Speaker again for giving me this opportunity to reply to the motion. I wish to thank Hon. Florence for the contribution she has added to the motion. I just want to thank everybody for supporting the motion on the Floor by the Committee on Gender, Culture and Social Welfare on the assessment of the application of law guiding the implementation of programmes by the Department of Gender and Culture.

(Applause)

Mr. Deputy Speaker: Thank You Hon. Maureen Khanjira Wafula specially elected member for the reply.

(Loud consultations)

Honorable Member you are out of order yourself, kindly resume your seat! A reply has been made, be orderly Honourable Members.

(Question put and agreed to)

The Clerks- at- the- Table will forward the same to the relevant Department for action going forward.

2. REPORT ON THE STATUS AND IMPACT OF DAMS, IRRIGATION SCHEMES AND WATER PANS IN
THE COUNTY

Mr. Deputy Speaker: Yes this is a motion, we have members of Agriculture led by the chairperson, Hon. Waiti Wafula Waiti who is not very white, yes, proceed.

Hon. Waiti Wafula (Chairperson, Committee On Agriculture): Thank you Mr. Speaker I rise to move a motion on a report on the Committee on Agriculture, Livestock, Fisheries, Irrigation and Cooperative Development on the status and impact of dams, irrigation schemes and water pans in the county.

Allow me skip page two which is the table of contents so that I read page three on chapter one.

CHAPTER ONE

CHAIRPERSONS FORWARD

The sectoral Committee on Agriculture, Livestock, Fisheries, Irrigation and Cooperative Development pursuant to the provisions of Standing Order 217(5) (a) embarked on inquiring into the status and impact of Dams, Irrigation Schemes and water pans across the County. This was necessitated by the fact that there were various dams across the county that were neglected and

posed a risk to human life, other environmental and health risks to the residents. Also the committee noted that there has been little effort to rehabilitate the dams

In the course of its inquiry, the committee held meetings with the CECM Agriculture, Livestock, Fisheries, Irrigation and Cooperative Development and also sought for written submissions on all dams across the County to ascertain their status. The committee also tasked the Research Department to conduct inspection visits to various dam projects and Irrigation schemes across the County with a view of assessing their status and impact.

PREFACE

Mr. Speaker allow me skip this because it states the Committee mandate that refers to the Standing Orders

Mr. Deputy Speaker: Hon. Waiti as you jump or skip whichever, but then you kindly make a reference of the same

Hon. Waiti Wafula: Mr. Speaker, it refers to the Committee mandate and it is provided for in Standing Order No. 217 (5)

Mr. Deputy Speaker: Very well you can proceed

Hon. Waiti Wafula: Page four

COMMITTEE MEMBERSHIP

The Committee on Agriculture, Livestock, Fisheries, Irrigation and Cooperative Development as currently constituted comprises the following Members:

- | | |
|---------------------------|----------------|
| 1. Hon. Wafula Waiti | Chairperson |
| 2. Hon. Idd Owongo | V. Chairperson |
| 3. Hon. Busolo Sudi | Member |
| 4. Hon. Everlyne Mutiembu | Member |
| 5. Hon. Simotwo Franklin | Member |
| 6. Hon. Jerusa Aleu | Member |
| 7. Hon. Alfred Mukhanya | Member |
| 8. Hon. Caleb Wanjala | Member |
| 9. Hon. Edwin Opwora | Member |

10. Hon. George Tendet	Member
11. Hon. Benard Kikechi	Member
12. Hon. Martin Chemorion	Member
13. Hon. Metrine Wilson	Member
14. Hon. Allan Nyongesa	Member
15. Hon. Alice Kibaba	Member

ACKNOWLEDGEMENT

The Committee wishes to thank the offices of the Speaker and Clerk of the County Assembly for the support and services extended to it to enable members undertake the activity.

I am grateful to the Honorable Members of the Committee and the Committee secretariat whose support enabled the committee to accomplish this task.

Finally, the Committee is grateful to the County Executive Committee Member for Agriculture, Livestock, Fisheries, Irrigation and Cooperative Development and her technical staff who appeared before the committee and gave valuable input to this report.

On behalf of the Committee, I now have the honor and pleasure to present this report on the Status and impact of Dams, Irrigation schemes and water pans across the County.

CHAPTER TWO

BACKGROUND

The development of dams for different purposes is important for the socio-economic development of the County. Dams in the County are developed for different functions including water supply for domestic purposes, Irrigation, Fish farming and ecotourism.

The Committee was directed by the House to undertake the inquiry into Dams, Irrigation Schemes and water pans across the County following statements requested by Hon. Members on the floor of the house on the status of several dams in the county including a statement on Makemo Dam by Hon. Alfred Mukhanya.

In quest to respond on the statements, the CECM, Agriculture, Livestock, Fisheries, Irrigation and Cooperative Development appeared on the Floor of the House on Tuesday, 4th April, 2023. The CECM responded on several issues raised by Hon. Alfred Mukhanya on the statement regarding the status of Makemo dam. Several supplementary questions were raised in relation to the status and impact of dams, Irrigation schemes and water pans across the county. Members were concerned about the mechanism the department has put in place to rehabilitate the dams and water pans across the County. The response by the CECM was unsatisfactory and therefore the Speaker directed the committee to carry out an inquiry into the status and impact of dams, Irrigation schemes and water pans in the County and report back to the House.

LEGAL FRAMEWORK

Article 43(1) (d) the Constitution of Kenya, 2010 gives Kenyans the right to clean, safe and adequate water.

Further, Article 42 of the Constitution of Kenya provides that:-

42: Every person has the right to a clean and healthy environment, which includes the right

a) to have the environment protected for the benefit of present and future generations through legislative and other measures, particularly those contemplated in Article 69; and

(b) to have obligations relating to the environment fulfilled under Article 70

Article 69 of the constitution reiterates that:-

69. (1) The State shall—

(a) ensure sustainable exploitation, utilization, management and conservation of the environment and natural resources, and ensure the equitable sharing of the accruing benefits;

(b) work to achieve and maintain a tree cover of at least ten per cent of the land area of Kenya;

(c) protect and enhance intellectual property in, and indigenous knowledge of, biodiversity and the genetic resources of the communities;

(d) encourage public participation in the management, protection and conservation of the environment;

- (e) protect genetic resources and biological diversity;
 - (f) establish systems of environmental impact assessment, environmental audit and monitoring of the environment;
 - (g) eliminate processes and activities that are likely to endanger the environment; and
 - (h) utilize the environment and natural resources for the benefit of the people of Kenya.
- (2) Every person has a duty to cooperate with State organs and other persons to protect and conserve the environment and ensure ecologically sustainable development and use of natural resources.

The role of the Department of Irrigation is to facilitate the development of water conservation structures that are safe, robust, economic, environmentally and legally compliant and which support the goals of sustainable economic and social development as envisaged in the Vision 2030 plan to transform Kenya into a middle income economy. However the framework of County Governments to implement national policies to dams is not in place.

The National Water Master Plan (NWMP) 2030 addresses the water resource management challenges in Kenya and sets out plans to support the realization of Vision 2030. The Bungoma County Integrated Plan (CIDP) 2017-2022 in the Department of Agriculture and Irrigation envisioned ensuring agricultural water storage and management through construction and rehabilitation of dams and irrigation schemes.

THE TERMS OF REFERENCE (TOR'S)

In carrying out the inquiry into the status of dams, irrigation schemes and water pans across the county the committee was guided by the following terms of reference.

1. To conduct physical inspection visits to various dams, Irrigation schemes and water pans across the county with a view of assessing their status
2. Identifying any discrepancies that may be notable between the paper reports and actual physical situation.
3. To establish the reason for the slow progress in the construction of dams in the County.
4. Propose recommendations to the department for effective implementation strategies for the construction and management of dams, Irrigation schemes and water pans.

5. Highlight whether the dams are posing a risk to human life, health risks and other environmental risks to the residents.
6. To establish from the locals/residents/ward administrator/village administrator if the dams have active management committees.
7. To establish the economic viability of each particular dam, Irrigation Scheme and water pan and the economic impact it has on the residents.
8. Find out from the residents the challenges facing the construction/rehabilitation, management of Dams, Irrigation schemes and water pans and the possible remedies thereof.

SUBMISSIONS BY THE DEPARTMENT

The CECM appeared before the committee on 4th September, 2023 and made submissions on various issues affecting the department but also to touch on the status of dams, water pans and irrigation schemes in the county. The CECM submitted that:

1. The department has allocated KShs12M on Makemo dam in the 2023/24 Financial Year. A public participation barasa to be held with all stakeholders to prepare a work plan for the dam (Makemo dam) in July 2023.
2. The department needed help from the National government and also donors as the department is only allowed to rehabilitate water pans and small dams of capacity of less than 20000m³.
3. The project on rehabilitation of dams and water pans in the county targets about 20000 farmers neighboring the small dams who are expected to benefit directly/indirectly from the project and that the rehabilitation project is estimated at KShs575.5M.
4. The department in the CIDP 2023-2027 has planned to rehabilitate dams across the county to increase water storage capacity to foster Agricultural productivity through irrigation.
5. Under NARIGP two dams have been constructed/ rehabilitated; Kabkara at a cost of KShs50M and Wabukhonyi dam in Siboti ward at a cost of KShs25M.
6. The CECM provided a draft report on the status of dams, Water pans and irrigation schemes in Bungoma County also outlining the existing dams and irrigation schemes across the county, the observations that the department made and recommendations. **(as annexed)**

CHAPTER THREE

FINDINGS FROM THE VISIT TO THE VARIOUS DAMS, IRRIGATION SCHEMES AND WATERPANS ACROSS THE COUNTY

Physical inspection of dams

Physical inspection visits were conducted across the county on various dams and Water pans. The dams were grouped per sub-county and observations made as follows.

Bumula Sub- County

Bumula Sub- County has a total of eleven (11) dams that were identified as outlined below:

Ward	Name of Dam	Number
Bumula	Khayo	1
West Bukusu	Namuningie	1
Siboti	Sitabicha	7
	Kimwanga	
	Bosio	
	Nangili	
	Kisawayi	
	Wabukhonyi	
	Napara	
Kimaeti	Bitobo	2
	Manani	
	Total	11

Khayo Dam

There is a photo showing the Khayo dam as per the feasibility study



- i. The dam has a concrete embankment to prevent overflow.
- ii. The dam is not fenced and the piece of land where the dam sits is approximately 0.8 Ha. The land has been heavily encroached as can be evidenced by the maize plantations.
- iii. Sanitation facilities available are vandalized
- iv. The local community harvest fish from the dam for local consumption and sale.
- v. As at the time of the visit, there was no management committee in place.

Namuningie Dam



- i. According to the locals, the land in which the dam sits is approximately 17 acres of land but has been heavily encroached.
- ii. Structurally, there was an embankment that was stable and the dam was fenced; however the dam was silting up and bushy.
- iii. The local community harvests fish from the dam and use it as source of water for humans and animals. The dam was stocked with approximately 55,000 fingerlings from the Department of Fisheries.
- iv. As at the time of the visit, there was an inactive management committee in place.

Kimwanga dam

- i. According to the local community, the dam is estimated to be 27 acres.
- ii. As at the time of the visit, the dam was completely silted, abandoned with no fence, no auxiliary facilities and no economic activity.
- iii. Additionally, the land was heavily encroached and utilized for food production.
- iv. There was no management committee in place.

Bosio Dam

- i. The local community approximates the land to be 14 acres; however it has been heavily encroached.
- ii. The water is relatively dirty and the area around the dam is bushy and not fenced. The dam requires run off water control.
- iii. As at the time of the visit, the team was informed that fish farming of approximately
- iv. 30,000 fingerlings were on going in the dam. However, there was no fishing activity taking place.
- v. The available toilets and drinking troughs had been vandalized
- vi. There was a management committee in place.

Nangili dam

- i. The local community approximates the dam acreage to be about nine acres but is heavily encroached.
- ii. The embankment is constructed using concrete, but it's partially broken.
- iii. The dam does not have a fence and is bushy.
- iv. There is no fishing activity on going, has no inlet or outlet and is silting up. It is rain fed and dries up during dry seasons. Generally, the dam is deserted.
- v. There is no management committee in place.

Kisawayi dam

- i. The dam embankment is stable.
- ii. Sanitation facilities are available and in good working condition.
- iii. The dam however is not fenced and has been encroached.

- iv. Fishing is done by the locals and there is a tree nursery nearby. Additionally the locals use the water for washing and household purposes.
- v. As at the time of the visit, the management committee was in place.

Bitobo Dam

- i. The dam is completely encroached where a larger part of the land is used to grow maize.
- ii. There is no fence, no auxiliary services and no economic activity. However, there is a water point around the dam that serves the water needs of the community
- iii. The acreage is not verified.
- iv. There is a management committee in place.

Wabukhonyi dam

- i. The dam is situated in Siboti Ward. It is currently under construction/rehabilitation.
- ii. There is a management committee in place
- iii. The dam has strong concrete barriers and embankment
- iv. The exact acreage of the land is not verified.

Sitabicha dam

- i. The dam was established in 1959.
- ii. According to the locals, the dam sits on approximately 14 acres of land that is heavily encroached.
- iii. There is a management committee in place.
- iv. The dam is not fenced but the embankment is stable.
- v. Fish farming done by the locals and approximately 40,000 fingerlings have been placed in the dam; however, fish harvesting is not controlled.
- vi. Sanitation facilities are available.
- vii. The dam is used as a source of drinking water for animals
- viii. The management requires fish ponds for easy production of fingerlings

Napara dam

- i. The dam has been covered by reeds making it not beneficial to the community.
- ii. The land for the dam is intact since no encroachment has been undertaken.
- iii. The dam has no fence, no auxiliary facilities and is bushy.
- iv. The acreage not verified

Manani dam

- i. The dam is completed silted and encroached.
- ii. A large section of the dam is under maize plantation.
- iii. There is no embankment and no economic production of the dam

- iv. There is no management committee in place.

General Findings in the Sub-County

1. Musole dam indicated in the submitted report could not be traced during the site visit activity.
2. Out of the eleven dams in the sub- County, seven were located in Siboti Ward.
3. All the dams in the sub-county have no economic impact.
4. There was notable encroachment of most of the dams.
5. Most of the dams have inactive management committees which have over stayed beyond their tenure.
6. The dams that lacked embankment pose a risk to the human life.
7. Dams without fences are prone to encroachment.

SIRISIA SUB-COUNTY

The dams identified were twelve (12) dams and one (1) water pan

Ward	Name of Dam	Number
Namwela	Mutonyi	4
	Nabumukoya	
	Menu	
	Namwela Coffee Research Centre	
Malakisi/S.Kulisiru	Bukokholo	7
	Butonge	
	Bitonge	
	Sirisia	
	Tunyu	
	Bisunu	
	Tembua Water Pan	1
Lwandanyi	Wamono	2
	Kabkara	
Total		13

Mutonyi Dam

- i. The local community approximate acreage to be 13.6 Ha and is partially encroached.
- ii. Fish harvesting done by the locals, but with no economic impact.
- iii. The embankment is unstable.
- iv. There is a management committee in place

- v. The dam is not fenced; there are no sanitation facilities and no community water point.

Nabumukoya Dam

- i. The approximate acreage is 11 Ha as per the information gathered, but is encroached.
- ii. The embankment is unstable and the dam is not fenced.
- iii. A Community Based Organization has a greenhouse for farming, bee keeping and tree nursery.
- iv. Sanitation facilities were identified, but there was no community water point.
- v. There is a management committee.
- vi. The dam is silting up.

Wamono Dam

- i. The acreage of the dam is not verified, however it's completely encroached as evidenced from the photo.
- ii. It was noted that the dam was constructed during the colonial era; hence community sensitization was not done.
- iii. There was no evidence of a fence, sanitation facilities, and community water point.
- iv. The available cattle trough is dilapidated and the dam is completely neglected.
- v. As at the time of the visit, there was no management committee.
- vi. In its current state, the dam does not provide any economic value to the community. There is need for construction of a new dam and formation of a management committee.

Kabkara Dam

- i. As at the time of the visit, the dam was under rehabilitation by NARIGP
- ii. The approximate acreage is 11 Ha.

Bukokholo dam

- i. The local resident approximates the dam to be 3.15 Ha, but heavily encroached; and does not have a fence.
- ii. Sanitation facilities and the cattle dip is not operational.
- iii. There is a management committee in place
- iv. As at the time if the visit, the dam was bushy and had become a hub for thieves
- v. There is no fish harvesting, the dam is silted hence no economic impact.
- vi. Its recommend that the community plants more trees to act as catchment for more water

Butonge Dam

- i. The dam is about 2.6. Ha is encroached.
- ii. It's not fenced, has no sanitation facilities and the embankment is unstable.
- iii. Currently, there is no economic value from the dam.

- iv. There is no management committee in place.

Sirisia dam

- i. The dam is a source of water for the community for domestic purposes and the locals also harvest fish from it.
- ii. The dam is rain fed but is silting up.
- iii. It does not have a community water point.
- iv. It's relatively bushy and has no auxiliary facilities, no fence and the embankment is unstable.
- v. The dam has been encroached.
- vi. There is a management committee that has over stayed.

Bitonge dam/ Lukala Dam

- i. The dam is operational and is about 1.6 Ha but has been encroached.
- ii. The dam is fenced, has a concrete embankment, and the inlets and outlets are active.
- iii. There is a spring adjacent to the dam that's used as a source of drinking water.
- iv. Drinking water troughs are available
- v. There is a management committee
- vi. Currently, there is no economic activity on-going in the dam.

Tunyu Dam

- i. According to the local community, the dam sits on 12 acres of land that is encroached.
- ii. It's not fenced, has no outlet, and only sustained by rains and run offs; hence it dries up during dry seasons.
- iii. There is no management committee
- iv. The dam was a source of drinking water for humans and animals, but currently silted.

Bisunu Dam

- i. The local communities approximate the dam to be about 2.5 acres.
- ii. It's not fenced and the embankment is unstable
- iii. It does not have sanitation facilities. There is a cattle drinking trough that's dilapidated.
- iv. It's a source of drinking water for animals and fish harvesting is done for local consumption.

Tembua water pan

- i. The water pan dried up, is completely encroached and not fenced.

- ii. Originally the place was a cattle leak (Silongo)
- iii. Sand harvesting takes place at the pan
- iv. The management committee is in place but has over lived its tenure

Menu dam

- i. The dam is heavily silted and has no economic impact.
- ii. The area surrounding the dam is bushy and the available water is very dirty due to erosion.
- iii. There is no management committee
- iv. It's not fenced, no sanitation facilities and embankment is broken.

Namwela CRF (coffee research farm) dam

- i. The land is about 2 Ha and management by Namwela Coffee Research Centre.
- ii. The dam purely used as a source of water for establishment of coffee nurseries by the farm.
- iii. The dam is not fenced, however the embankment is stable and sanitation facilities are available.
- iv. The dam is silted and notably covered by reeds.

General Findings in the Sub-County

- 1. The total dams identified were 12 and a water pan
- 2. Most of the dams had inactive management committees in place most of which had over lived their tenure.
- 3. Most of the dams lacked fences, hence a prone to encroachment.
- 4. Most of the pieces of land in which the dams sit had been encroached.
- 5. Most of the dams were bushy, silted and not maintained, hence a hiding hub for thieves.
- 6. The dams are a source of water for human and animal consumption,
- 7. There were few instances of sand harvesting, tree nurseries and bee hives adjacent to some dams.

KANDUYI SUB-COUNTY

The dams visited in the sub-county were, namely:

Ward	Name of the Dam	Number
West Sang'alo	Kisochele	1
Tuuti-Marakaru	Mayanja	2
	Khalaba "B"	
Musikoma	Namasanda	1

	Total	4
--	-------	---

Kisochele dam

- i. There is no management committee in place
- ii. The dam is heavily encroached and farming activities were identified in the surrounding area.
- iii. The dam is not fenced and the sanitation facilities have been vandalized
- iv. The dam is completely silted and the embankment broken.
- v. Trees have been planted adjacent to the dam
- vi. The dam currently has no economic impact to the community

Mayanja dam

- i. The acreage of the land is not verified, but encroached.
- ii. The embankment is stable
- iii. The dam is not fenced and auxiliary facilities were not seen.
- iv. Locals harvest fish from the dam. Additionally, the dam is a source of water for human and animal consumption.
- v. There is a management committee in place

Khalaba “B”

- i. The team was informed that the dam was established during colonial period .The dam is totally encroached and is used for farming activities.
- ii. There is no economic production currently, hence no impact to the community
- iii. The dam is not fenced. The facilities available are totally vandalized
- iv. The spillway is eroded and wall broken.

Namasanda dam

- i. The dam was established in year 1967 by the colonial government
- ii. There is a management committee in place
- iii. The dam is fenced but vandalized and the land surrounding the dam has been encroached.
- iv. The embankment is not stable and the spillway has been eroded
- v. Sanitation facilities are totally vandalized.

General Findings in the Sub-County

1. Four(4) dams were identified in the sub-county;
2. Only Mayanja dam was actively in use and had a management committee. The other three dams are abandoned and the facilities had been vandalized.
3. In their current situation, most of the dams have no economic impact to the communities.

4. Most of the dams had been encroached.

KABUCHAI SUB COUNTY

The dams identified were six (6) dams and one (1) water pan.

Ward	Name of Dam	Number
Chwele Kabuchai	Khalaba “A”	6
	Wabukhonyi	
	Chwele	
	Muyundo	
	Makhonge	
	Matibo Water Pan	
West Nalondo	Muyayi	1
	Total	7

Khalaba “A”

- i. The acreage of the land is about 11.2. Ha.
- ii. There is no management committee in place.
- iii. The dam is not fenced, embankment is unstable and silted.
- iv. There are sanitation facilities
- v. There is no community water point.

Wabukhonyi dam

- i. The water is very dirty due to pollution from pigs’ wastes deposited by adjacent residents.
- ii. The dam is not fenced, embankment is unstable, the spillways are eroded and there are no sanitation facilities
- iii. The acreage not verified
- iv. As at the time of the visit, there was no management committee in place.
- v. The dam has no economic impact.

Chwele Dam

- i. The dam has an inactive management committee
- ii. It’s not fenced, embankments are unstable and there are no auxiliary facilities available.
- iii. The land is encroached
- iv. Water from the dam is used by the nearby coffee factory.

Muyundo Dam

- i. The dam has an estimated acreage of 3.14Ha.
- ii. There is a management committee.
- iii. The dam land is encroached and used for farming activities.
- iv. The dam has no economic value to the community
- v. The dam is not fenced however the embankment is stable.
- vi. The sanitary facilities and cattle trough available are totally vandalized.

Makhonge dam

- i. Estimated acreage is 1.2Ha.
- ii. The dam has no management committee.
- iii. The dam land is encroached and used for farming activities.
- iv. There is no economic impact to the community
- v. The dam is not fenced
- vi. There are no sanitary facilities and cattle trough.
- vii. The dam has no source and hence relies on rain water.

Matibo water pan

- i. The acreage of the pan is not verified.
- ii. There is no management committee in place.
- iii. The pan land is not fenced and heavily encroached.
- iv. The pan has no economic impact to the community
- v. The pan embankments are unstable.
- vi. There are no sanitary facilities and cattle trough.

Muyayi dam

- i. The dam has no fence and encroachment on the dam land was evidenced by the adjacent maize plantations.
- ii. Spillway is poorly managed and embankments are unstable.
- iii. There is a management committee.
- iv. Locals use the dam water for domestic purposes.

General Information on the Sub-county

1. The sub-county has six water dams and one water pan.
2. Most dams in Kabuchai sub-county had inactive management committees.
3. The dams are affected by farming activities of the adjacent communities, in some instances leading pollution of the reservoirs.
4. There was evident encroachment and lack of maintenance in all the dams.
5. Most of the land is encroached as was evidenced by maize plantation.
6. All auxiliary facilities were vandalized

7. There were no activities taking place in the dam areas hence not benefitting the community.

WEBUYE WEST SUB COUNTY

The sub-county has a total of two dams.

Ward	Name of Dam	Number
	Misikhu A	1
	Misikhu B	1
	Total	2

Misikhu (A)

- i. The land is encroached as evidenced by the adjacent maize plantation.
- ii. The dam is silting up and spillway is eroding.
- iii. The dam fence and auxiliary facilities were vandalized.
- iv. Fishing harvesting is done by locals.
- v. There is management committee.

Misikhu (B)

- i. The land estimate is more than 2.4 Ha.
- ii. Management committee available
- iii. The land is not fenced and encroachment is evident.
- iv. The sanitary facilities vandalized and water trough not in operation.
- v. Locals use the water for domestic purposes however the dam has no economic impact to the community.

General Information on the sub county dams

1. The sub county has two dams.
2. Management committees exist in both dams however they had overstayed their tenure.
3. The dam land had been encroached and auxiliary facilities vandalized.
4. The dams were a source of drinking water for animals and locals.
5. Bilongo dam indicated in the paper report was not identified.

KIMILILI SUB COUNTY

The dams visited in the sub county are;

Ward	Name of Dam	Number
Kimilili	Lutonyi	3
	Matili	
	Chebukwabi	

Lutonyi dam

- i. The Dam land is heavily encroached as evident by the adjacent tree plantations.
- ii. The dam is silting and the embankment is eroded.
- iii. Fish harvesting is done by the locals.
- iv. There is a management committee.
- v. The dam is not fenced, has no sanitation facilities and cattle trough.

Matili dam

- i. The dam has estimate acreage of 7 Ha.
- ii. Fishing is done by the locals.
- iii. There is a management committee in place.
- iv. Embankment is unstable and there are no sanitation facilities.
- v. The dam is not fenced and encroached.

Chebukwabi dam

- i. The dam is not fenced, has no sanitation facilities and is partly encroached by locals.
- ii. There is a management committee.
- iii. There is no community water point however the dam water is used by the locals for domestic use ,crop irrigation and fish harvesting.
- iv. The dam spillway is poorly managed.

General Findings in the Sub-County

1. The sub-county has three dams.
2. All the dams have management committees.
3. The dam land has been encroached by the locals.
4. All sanitation facilities in the sub-county had been vandalized.
5. The dams were a source of drinking water for animals and locals.
6. All the dams had no economic value to the community

WEBUYE EAST SUB-COUNTY

The dams visited in the sub- county are;

Ward	Name of the dam	Number
Ndivisi	Magemo	3
	Wabukhonyi	
	Sirende	

	Total	3
--	-------	---

Magemo dam

- i. The dam was established during the colonial period in 1954 due to flood faced by the community in the area.
- ii. The estimated acreage of the dam is 13Ha.
- iii. There is a management committee.
- iv. The dam land is not fenced and is partly encroached.
- v. The embankment of the dam is unstable and the spillway washed away due to erosion.
- vi. Auxiliary facilities have been vandalized and the dam is silting.
- vii. Fishing is done by the locals.

Wabukhonyi dam

- i. The dam has an estimate of 2.4 Ha of land.
- ii. There is no management committee.
- iii. The dam has no fence and the land is encroached.
- iv. There are no sanitation facilities and cattle trough.
- v. The dam is silting up and the spillway is eroding.

Sirende dam

- i. The Land is approximated to be 1 Ha.
- ii. The Dam is not fenced and partly encroached by the locals.
- iii. The dam is completely silted and covered by reeds.
- iv. Sanitation facilities are not available.
- v. There is no management committee in place.

General Findings in the Sub-County

1. Whereas Makemo dam had a management committee, Sirende and Wabukhonyi dams lacked management committees.
2. Encroachment of land was evident in the entire sub county.
3. The land was not secured hence posing a risk to human life and animals.
4. No economic activities took place in the dams hence not beneficial to the community.

TONGAREN SUB-COUNTY

The dams visited in the sub -county are;

Ward	Name of the Dam	Number
Mbakalo	Lutukai(Karima)	2

	Mbakalo Keyari	
Milima	Maliki A	9
	Maliki	
	Bilibili	
	Ambula	
	Welime(Apili)	
	Lukhokhwe	
	Nabing'eng'e	
	Naitiri	
	Kwa Area	
Ndalu	Kwa Rasto	3
	Bunambo	
	Ndalu(Kwa Tenge)	
SoySambu Mitua	Makololwe	3
	Brigadier B	
	Akola	
Tongaren	Lunyu	6
	Mwambu	
	Binyenya (Kwa Julius)	
	Binyenya (Kwa Grace)	
	Pwani	
	Sirakaru	
	Total	23

Mr. Speaker, I think there is a mix up here, I come from those sides and whoever that typed this mixed up Pwani and Sirakaru; they are located in Naitiri/Kabuyefwe, so they must not be mentioned as being Tongareni Ward. So in Tongareni Ward there shall be Lunyu, Mwambu, Binyenya kwa Julius and Binyenya kwa Grace.

Mr. Speaker: Yes Honourable Leader of Majority.

Hon. Joseph Nyongesa: Thank you Speaker, you know I am getting surprised. Does it mean that our chair is also seeing the report today?

Mr. Speaker: Hon. Waiti when you come across such anomalies, they should have been rectified at your level as a Committee or as you prepare so it doesn't augur well; what can you say.

Hon. Waiti Wafula: Thank you Mr. Speaker, you know they are being lined up so when I read I can read as though they come from the Ward but these are different Wards so it is better if I correct it here for the HANSARD if you can allow.

Mr. Speaker: you are allowed to correct it so you can advise the House accordingly that the Tongaren Ward is up to which and from which dam is Naitiri/Kabuyefwe

Hon. Wafula Waiti: Mr. Speaker as the table is showing, Tongaren ward starts from Lunyu and it has to end to Binyenya kwa Grace, those are four, then Pwani and Sirakaru move to Naitiri/Kabuyefwe.

Allow me to continue Mr. Speaker.

Lutukai (Karima) dam

- i. The dam no longer exists and as at the time of visit there was a road/bridge constructed on the said land.

Kibisi dam

- i. There is an active management committee.
- ii. The dam is fenced, has a stable embankment and its sanitation facilities were intact.
- iii. Water from the dam is pumped and supplied to the community at a fee.
- iv. The community benefits through water supply and fishing activity
- v. The dam was silting up and could dry up in the near future.

Maliki (A) dam

- i. The acreage is not verified
- ii. The dam is not fenced and encroachment is evident.
- iii. There was no management committee and auxiliary facilities had been vandalized.
- iv. The dam is silting up hence not economically viable to the community.

Maliki Dam

- i. The dam is completely encroached as can be evidenced by the structures and plantations. The 15 acre land is alleged to have been sold to an Assistant County Commissioner.

Bilibili Dam

- i. The dam sits on approximately 1.8 ha of land.
- ii. The dam has no management committee, is bushy and silting up
- iii. The land has been encroached and there were no auxiliary facilities.
- iv. The dam has no economic value to the locals.

Ambula Dam

- i. The acreage is not verified. The land had been grabbed with structures in place.

- ii. The dam had no management committee, was silting up and thus had no economic impact to the residents.

Welime dam

- i. The dam is completely silted and has been encroached as evidenced by the maize plantation.
- ii. There was no management committee in place.

Lukhokwe dam

- i. The dam was established during the colonial period and sits on 8 acres.
- ii. The dam is not fenced, has no auxiliary facilities and has been totally encroached.

Nabing'eng'e

- i. The approximate acreage for the dam is 5.5 Ha, but has been encroached.
- ii. There is no management committee, auxiliary facilities had been vandalized and the embankment had been destroyed.
- iii. The team was informed that there were recorded deaths in the dam.

Naitiri dam

- i. The dam did not have a management committee, had been completely encroached with maize plantation, houses and a mosque in the vicinity.
- ii. The approximate acreage for the dam is four acres.
- iii. The embankment is unstable and the dam is not fenced.
- iv. The auxiliary facilities and fence were vandalized
- v. The embankment was destroyed and spill way washed away.

Kwa Area dam

- i. The acreage is not verified.
- ii. The dam is managed by a Community based organization but has been encroached.
- iii. The land is not fenced and auxiliary facilities are not in place.
- iv. Fish harvesting done by the locals but not for commercial purposes.

Kwa rasto dam

- i. The land is completely encroached and part of the dam is currently used as a road.
- ii. There is no management committee; auxiliary facilities could not be traced.

- iii. Currently, the dam is completely silted and is used by the community for farming activities.

Bunambo dam

- i. The land is not fenced, has been encroached partially and has no auxiliary facilities.
- ii. There is no management committee thus no economic activity that is beneficial to the community.

Ndalu (*kwa tenge*) dam

- i. The dam is partially fenced and has been encroached as evidenced by the maize plantation adjacent to the dam.
- ii. There is no management committee and sanitation facilities could not be traced.

Makololwe dam

- i. The Land was encroached as part of Makololwe primary, secondary and a playground is within the land.
- ii. There is no management committee and sanitation facilities were non-existent.

Brigadier (B) dam

- i. The dam occupies approximately 2 Ha and has no management committee.
- ii. There is no fence, auxiliary facilities were vandalized and heavy encroachment was witnessed.
- iii. The embankment was unstable posing a risk to the locals.

Pwani dam

- i. The dam is still under construction and has a stable embankment.
- ii. The area is not fenced and has no auxiliary facilities.
- iii. No economic activity takes place other than fishing that is done by the locals.

Sirakaru dam

There is a photograph.

- i. The acreage is not verified.
- ii. The land was not fenced and there was evidence of encroachment.
- iii. The spill way was in poor condition and auxiliary facilities were non-existent.

Lunyu dam

There is a photograph

- i. The dam had completely silted and encroachment was evident.
- ii. There was no management committee and auxiliary facilities could not be traced.

Mwambu dam

There is a photograph

- i. The dam had completely silted up but auxiliary facilities were intact.
- ii. There was no fence and the land had been partially encroached.

Akola dam

A photograph has been attached

- i. The dam is heavily encroached as maize, banana and vegetables plantation could be seen.
- ii. The land wasn't fenced and had an unstable embankment.
- iii. There was no management committee and auxiliary facilities couldn't be traced.

Mbakalo Keyari dam

There is a photograph.

- i. The land was bare, the dam and water spring dried up and the area was majorly used for grazing cattle.
- ii. There was no management committee and sanitation facilities were destroyed.

Binyenya dam (Kwa Julius)

There is a photograph for the dam

- i. The land had been encroached as part of it hosts the PCU church.
- ii. The dam is silting up and is notably covered by reeds.
- iii. There is no management committee and auxiliary facilities were nonexistent.
- iv. The community uses the water for domestic purposes and fish harvesting.

Binyenya dam (kwa grace)

You can see the photograph for it.

- i. The dam lacks a management committee and had been encroached.
- ii. The dam is silting and the available water is used domestically by locals.
- iii. Other than grazing, no activity takes place to empower the community economically.

Additional Dams in Tongaren Sub- County

Namanjalala

- i. The dam is situated in Naitiri Kabuyefwe ward and occupies 0.7 ha of land.
- ii. The dam has no management committee
- iii. Has completely silted and has no auxiliary facilities.
- iv. The land has been encroached and the embankment is being used as a road.

Laini Moja/Wanyonyi Chami

- i. It is located in Milima ward and sits on three ha of land.
- ii. The dam is currently silting up, has been encroached and lacks auxiliary facilities
- iii. There is no management committee in place and has no economic value to the locals.

Kwa Wakwabubi

- i. The area has two dams occupying one acre and 2 acres respectively. They are situated in Naitiri Kabuyefwe ward
- ii. It is completely silted, lacks auxiliary facilities and has no management committee.

Makunga.

- i. The dam is situated in Milima ward
- ii. The dam has silted up and the area encroached.
- iii. The area is not fenced and has no auxiliary facilities.

Muchongo Nyange:

- i. This dam is located in Naitiri Kabuyefwe ward and sits on 1.21 ha of land.
- ii. It has completely silted up and the land encroached.

Mukite

- i. The dam is situated in Mbakalo ward and sits 1.6 ha of land
- ii. The dam lacks auxiliary facilities
- iii. The embankment is broken and has been totally encroached.

Lutukayi/Karima Ward

- i. The dam is situated in Mbakalo ward. It sits on 2.8 ha of land.
- ii. It has completely silted up and is encroached.
- iii. It also lacks a community water point.

General Information on the sub-county

1. Twenty four (24) dam sites were identified.

2. The sub-county has the highest number of highlighted dams in the county. However, only half of them contained water and were silting up, probably due to the intense agricultural activities in the region.
3. There is evident encroachment of dam land in the with most of it being converted to homelands.

MT. ELGON SUB-COUNTY

Three dams were identified in the sub-county as follows:

Ward	Name of Dam	Number
	Labaa	1
	Kitaban	1
	Sosio	1
	Total	3

Labaa dam

There are photographs for it.

- i. The dam is located inside Mt. Elgon Forest and is estimated to be 5 acres without a fence
- ii. The dam land is intact but heavily raided by reeds and wild shrubs.
- iii. As at the time of the visit, there was a management committee in place.
- iv. The water is used by animals, both domestic and wild for drinking. It is also the source of water supply for Kibuk, Kimobo and other Elgon ward villages.
- v. Embankment of the dam is concrete but there are no sanitation facilities.
- vi. The roads leading to the dam are poorly accessed.
- vii. Fish harvesting is done by locals.

Kitaban dam

There is a photograph for it

- i. The dam land is approximately 4 acres and is seriously encroached by residents
- ii. There was no management committee as at the time of the visit
- iii. The dam is not fenced and the water spillway is poorly damaged.
- iv. The dam is a source of drinking water for animals and humans and is the major source of water supply for Kibuk residents and Kibuk High School.

Sosio dam

There is a photo for that.

- i. The dam has an estimated area of 3 acres that's largely intact but covered by reeds and shrubs.
- ii. As at the time of the exercise, there was a management committee in charge of the dam
- iii. It's the main source of water used by both wild and domestic animals in the forest
- iv. The dam is a major source of water supply in Kaptama, Kongit, Chepkoyar and Kaboron regions.
- v. The dam is not fenced and lacks sanitation amenities.

General Findings in Mt. Elgon Sub County

1. Three dams were identified in the sub county;
2. Sosio and Labaa Dams are actively in use and had management committee while Kitaban dam is seriously encroached and in a silting state;
3. The three dams are main source of piped water being supplied at Mt Elgon and Kaptama Wards;
4. The dams are bushy, not well maintained, lack fences and sanitary amenities;
5. The dams are source of water for human ,domestic and wild animals in the forest;
6. The three Dams have stable concrete embankments.
7. The two dams Labaa and Sosio are poorly accessible due to location and terrain.

3.2 FINDINGS

Progress of Works in the Dams

Construction and rehabilitation works were noted only in Kabkara Dam in Lwandanyi Ward and Wabukhonyi dam in Siboti Ward. It was recorded that the rehabilitation was being undertaken by the National Agricultural and Rural Inclusive Growth Project (NARIGP)

Notably, some of the dams were completely silted, vandalized and encroached; a sign of lack of renovations and proper management over a prolonged period.

Existence of management committees

The committee noted that most of the dams had no management committees. It was however evident from the deteriorating conditions of the dams that the committees were inactive and did not participate in the management of the dams. Details of the existence of management committees per dam are provided under the physical inspection section.

Discrepancies between submitted report and actual findings

A number of discrepancies were noted as follows:

- i. The economic activities highlighted across all the dams were not a reflection of what was on the ground. The paper report indicated that all the dams were involved in greenhouse irrigation, fish farming, bee keeping, Ecotourism and tree nursery establishment, yet upon physical verification it was noted that most of the dams did not have any economic benefit.
- ii. The acreage indicated on paper reports submitted by the department did not tally the findings on the ground during site visit.

Community participation in dams

Collected information from the general public and residents living around the dams shows that there are no specific existing guidelines to address community participation in dam management. The community was not involved during dams' conceptualization, construction and commissioning.

It was also noted that there was no Community participation in dam management, safety and awareness on issues to do with dam failure/disaster preparedness and response at community level. The community was not sensitized on the benefit sharing from dams, dam encroachment, silting and demarcation.

Health and Environmental risks of the dams

The Practice Manual for Small Dams, Pans and Other Water Conservation Structures in Kenya (2015) provides the required information to support proper planning, design and construction of safe, economically viable and environmentally friendly dams and pans.

It is required under the approved plans that dams are constructed in line with the stipulated specifications in order to guard human life and prevent environmental hazards.

Dam being an open water source is generally of poor quality with respect to drinking water standards and should not be used for domestic purposes without treatment. Measures must be put in place to minimize contamination from agricultural, livestock or human pollution by minimizing direct livestock and human access to the dams and providing water drawing facilities and treatment facilities.

During the exercise, it was noted that most of the dams did not have barriers for access by livestock and humans hence liable to contamination. Additionally, the available animal drinking troughs and treatment facilities had been vandalized and were no longer in use, thus both humans and livestock had uncontrolled access to the water points leading to contamination.

Additionally, dam embankments structurally support the edges of the dam and prevent sediments from run-offs and overflows from silting up and polluting the dams. The verification exercise however revealed that most of the dams had unstable and in some instances damaged embankments. As a result, the dams were heavily silted and polluted from farm residues hence harmful for livestock and human use.

Challenges

The committee noted the following as challenges facing the construction/rehabilitation, management of Dams, Irrigation schemes and water pans:

- a) Complete/heavy silting of most dams. Notably, most of the dams were completely silted to the extent that their original locations could not be traced since they had been covered in reeds and some converted to homesteads and roads.
- b) Most of the dam management committees were nonexistent, and the available ones were inactive. Additionally, the village administrators lacked adequate information on the dams hence could not be relied on for authentic information.
- c) Most of the roads/ pathways leading to the dams were in deplorable conditions hence inaccessible.
- d) Heavy encroachment of the dam lands by the adjacent communities. This was evident in all the dams.

- e) Lack of periodic maintenance leading to silting up, breakages of the embankments and vandalism of the sanitation facilities. This could be attributed to lack of active management committees.
- f) Some of the dams had challenges of pollution from animal wastes especially in cases where animal farming was undertaken near the dams. The dams were used as disposal points for the animal wastes.

CHAPTER FOUR

4.1 COMMITTEE OBSERVATIONS

The Committee having considered submissions from the executive and finding from site visit to various dams, irrigation schemes and water pans across the county made the following observations:

1. Records on Dams and Irrigation schemes in the County are still at the former Municipal Council, the Department is yet to transfer the records to the County Department.
2. That the construction/rehabilitation of various dams across the county is funded by the County government and development partners such as (NARIGP).
3. That most dams are silting up and the long rains in the county had a toll on some dams, as their embankments were damaged, spillway swept away which increased dam siltation.
4. That vandalism and destruction of the facilities such as cattle drinking troughs, Community toilets/bathroom and fences were rampant.
5. That most dams did not have management committees in place and where they existed, they were inactive and not capacity built.
6. Communities around the dams are not aware of the economic potential that could be derived from the dams and the Department has not capacity built the residents.
7. The acreage of all the dams in the county could not be accurately ascertained during the visit

8. That maintenance and rehabilitation has not been undertaken for a while in most of the dams and where undertaken there was poor workmanship for instance Makemo Dam.
9. That the Department has not been implementing national government policies on environmental conservation of dams.
10. That water in some dams was very dirty due to pollution and was not fit for human consumption for instance Wabukhonyi Dam.
11. That Maliki Dam in Milima Ward Tongaren Sub County is completely encroached as can be evidenced by the structures and plantations. The 15 acre land is alleged to have been sold to an Assistant County Commissioner.
12. That most of the roads/ pathways leading to the dams were in deplorable conditions hence inaccessible.

4.2 COMMITTEE RECOMMENDATIONS

1. That the Department should immediately transfer the land ownership of dams and irrigation schemes from the name of the defunct local authorities to the County Government of Bungoma and develop a comprehensive inventory.
2. That the Department is implored to lobby for funding through donors/partners to rehabilitate dams across the County.
3. That the Department should develop a mechanism to rehabilitate all the dams in the County in phases.
4. That the Department should put in place security measures to avoid vandalism also sensitize the community to own the projects
5. That the Department should expedite on the formation and training of dam management committees for sustainability of the dams.
6. That the Department and area leaders should sensitize the community on the potential economic activities that could be realized from the dams and irrigation schemes.
7. The department in liaison with the Department of Lands, Urban and Physical Planning undertake a land survey of all the dams and determine the acreage, establish boundaries, beacon the dams and reclaim the encroached lands.
8. That the Committee reiterates that the department should do due diligence/proper background check on contractors before awarding the contracts to build/rehabilitate dams

in the County. Further the Department should carry out proper supervision of the projects during rehabilitation to avoid poor workmanship.

9. The framework for county governments to implement national policies on environmental conservation relating to dams should be developed.
10. That the Department should address the pollution menace at Wabukhonyi dam in Kabuchai Sub County and any other dam that is posing a risk to human and animal life.
11. The department should liaise with the County attorney and institute legal action on the person who Grabbed land belonging to Maliki Dam in Milima Ward and any other grabbed land and ensure that the same is recovered, fenced and title deed transferred to the County Government Bungoma.
12. The CECM for Department of Roads and Infrastructure to prioritize rehabilitation of roads leading to the dams and Irrigation schemes across the county.

ANNEXURES

1. Adoption Minutes
2. Response by the CECM on Makemo Dam
3. Statement sought by Hon. Alfred Mukhanya on Makemo Dam.
4. Report by the department on the Identification and status assessment of Dams and water pans in Bungoma County.

Mr. Speaker, allow me at this point pick on Hon. Alfred Wekesa Mukhanya to second the motion.

Hon. Alfred Mukhanya: Mr. Speaker, I stand to second the motion and laud my friend Hon. Wafula Waiti our able chairman for reading the long report so well. Just to say that Tongaren is one the largest sub county with many dams; in fact it has the highest in Bungoma County. Most of these dams are poorly managed and if there is any management on the dams; some of them have elapsed. About the fencing, you realize that most of the dams in the county are not properly fenced which encourages the encroachment and also dangerous to human life.

Another issue is on the embankment which cause risk to human life and which has been so much repeated; which means it is not properly done. There is also the issue of some dams like Musolo and Bilongo that during the visit by the Committee the dams were not seen. Looking at the issue

of the community, these dams are meant to be an economic enabler to the community. With those few remarks, I second the motion.

Question proposed

Hon. Alice Kbaba: Thank you Mr. Speaker. First allow me applaud the chairperson of Agriculture and mover of the motion. I support the motion particularly the recommendations that will help revive the dams across the county which have turned out to be of no value to the residents of the county as a whole. Without active and well capacity build management team, the dams will always be neglected and therefore, there must be sensitization by the Department to the local residents on the optimal use of dams for economic gain. I support the motion.

(Applause)

Hon. Joseph Nyongesa: Thank you Mr. Speaker. First, I appreciate the members of Agriculture Committee which has shown us that indeed they went for fact finding because we have seen the photos. The critical issue is that through the Committee, the Department could see sense in this especially on the issue of encroachment and lack of management of the dams. This is the work of the Executive. It appears they are not serious with the issues to do with the dams.

My concern is that there is a dam at Chwele where a tycoon is using it in an abnormal way by dumping all the waste in the said dam. I was waiting to see and here if at all the Committee had a comment on it or not. Hon. Speaker, during the colonial period, the British had to ensure that we have water through conservation of dams. Right now, we are governing ourselves but we are unable to manage our dams, yet we have that it takes. Through the chairperson, we urge the Committee to move with speed and ensure that what they have recommended is implemented to improve on the management of our dams. Otherwise, I support the report.

(Applause)

Hon. Martin Cheseto: Thank you Mr. Speaker Sir for giving me this chance. First of all I want to thank my able chairperson the Honorable Member representing Naitiri/Kabuyefwe Ward where he is conversant with the number of dams and the names of the dams within Tongaren region.

While going through the report and the field visits, we discovered that Tongaren has quite number dams which have not even been captured. It is worth noting that the Executive do not have the right inventory of all these dams. It was therefore, the effort of the members and the secretariat that had to conduct the field visits and came up with the findings and the recommendations towards this.

First I wish to note that most common factor that debilitation of dams is the catchment of erosion. Whenever there are heavy rains, erosion from the upstream to downstream interfere with these dams causing siltation, accumulation of agrochemicals and even fertilizers from the nearby lands. It is worth noting that the surrounding farmers should be educated on proper land use to protect these dams. We also know that the Water Resource Users Associations (WRUA) are the people that most of the time supervise and oversight these dams. If you have a dam like in Mt. Elgon the Sosio region, the Community Forest Associations (CFA) is also stakeholders with a role to play in oversighting these dams. It is also proper for them to be made aware or educated in order to control the catchment erosion.

Whenever I go home, there is a dam around Mayanja market that can be seen from afar...

Mr. Deputy Speaker: Hon. Cheseto we have different Mayanjas, which one?

Hon. Martin Cheseto: Mayanja Vitunguu in Tuuti/Marakaru where there is a dam that is visible with clear water. Its safety, I don't know if it is okay because it is near the market. Being near the market its water quality should be ascertained because it could be harmful to the people. That is to say there is a risk of negative water quality that can impact on the people's lives and even the forests where we get water from. There is the risk of wildlife trampling upon the water when going to drink the water; making the quality of the water wanting.

On the institutions, the key thing is that without proper management of these water dams, its sustainability cannot be guaranteed. If we don't have effective, well capacity build management, there is a likelihood that these dams can be damaged and left unused and even the lands grabbed. If we strengthen the community institutions by reconstituting or form committees for the dams in the regions; and we as MCAs should also take a proactive role in ensuring that the management is put in place and is working.

There is also the issue of income generating activities, the Mayanja one, if I had one in Cheptais Ward, a picnic site could have been initiated in that place. It is a challenge to the leaders to be proactive together with the communities; to come up with projects or income generating activities for their livelihoods. If there is a dam of more four acres, you can have a camp site, Eco lodge and this water boats; definitely our people can generate income for their use.

Finally, I think now that you have known the status of our dams within our county. It is incumbent on the Executive through the department in charge to assess the effectiveness and the sustainability of this water to ensure water security and resilience within our county. With those remarks, I support the motion.

(Applause)

Hon. Orize Kundu: Asante Ndugu Spika kwa kunipa hii nafasi niweze kuchangia hii hoja kuhusu Mabwawa katika Kaunti ya Bungoma. Namshkuru Mwenyekiti wa Kamati ya Kilimo kwa kazi nzuri. Ningependa kujulisha jumba hili kwamba mlienda hadi maeneo ambayo Mabwawa haya yanapatikana na mkajionea kabla ya kutayarisha hii repoti. Tunaona hali ya kuchanganya kwa mfano kwangu Siboti; kuna mabwawa manane wala sio saba. Kuna moja kwa jina la Namuninge ambalo limeorodheshwa katika wadi ya...

Mr. Deputy Speaker: Mheshimiwa Orize unasema kwako kuna moja kwa jina la Namuninge. Ningeomba utamke vizuri jinsi msomaji alivyokuwa akitamka.

Hon. Orize Kundu: Bwawa kwa jina Namuninge ambalo liko katika Wadi ya Siboti wala sio Wadi ya West Bukusu. Naomba mfanye marekebisho lakini kazi mliofanya ni nzuri. Ijapokuwa wasimamizi wa mabwawa wako na kazi ngumu; kwa sababu wale wanaoishi karibu na mabwawa wamechukua hayo mashamba kuwa mali yao kiasi kwamba wamefunga hadi njia. Hivyo inakuwa vigumu kwa wale wanaopeleka mifugo wao kunywa maji kwenye mabwawa hayo. Kwa hivyo mko na kazi ngumu ya kuhakikisha kwamba kamati ya kusimamia mabwawa ipewe nguvu za kusimamia. Wapewe uwezo wa kumzuia mtu yeyote anayetaka kuvamia mabwawa na mashamba ya serikali. Tukiendelea kuyaacha jinsi yalivyo kwa sasa bila mikakati ya kulinda hayo mashamba ya mabwawa ambayo mengi yaliwekwa na wazungu, inafaa kuyalinda ili wajukuu wetu pia wakija wapate maji safi na sababu ya kuanzisha mabwawa hayo na yaendelezwe na vizazi vijavyo. Ngugu Spika naunga mkono hoja hii.

(Applause)

Hon. Edwin Opwora: Thank you Mr. Speaker. First of all I would like to laud my able chairperson Hon. Waiti for standing for many minutes going through the report. It was not an easy affair and if there any omission or a few mistakes, kindly forgive him due to his age and experience. Otherwise, the report was good...

Mr. Deputy Speaker: There was no omission. The report was eloquent.

Hon. Edwin Opwora: I agree. Mr. Speaker from the report we note that there is no proper ownership of these dams and I want to concur with Hon. Orize that most of these dams were established by the colonialists. Since those days, proper ownership from previous defunct local governments to county government has not been there, leading to collapse of management committees. I wish that we push that the County Government should take it up quickly and ensure that the transfer of land and ownership of the land for the dams is done, so that we can have proper management. Right now, with more of the *El Nino* period, these dams could be handy to harvest water that is just flowing along our rivers and even destroying our crops and

roads. I urge the County Government to fast track the rehabilitation of these dams and ensure that we have proper contractors who will know what they are doing. Come up with proper demarcation and have all the dams fenced so that we can protect not only human beings; but also animals that might fall in the dams. Otherwise, I support the motion.

(Applause)

Hon. Violet Makhanu: Thank you Hon. Speaker for allowing me say something despite the fact that I did not use my card again, but I am sure by tomorrow I will have it. First, I wish to appreciate the mover of the motion Hon. Waiti for commendable job. It was a huge document but he tried to ensure that he goes through it a nice way that all of us were able to follow and understand what he was talking about.

To speak about a dam that is in Webuye East in Ndivisi Ward- Makemo Dam; I remember we visited this dam sometimes back together with the chairperson and the Member of the Assembly representing the Ward Hon. Mukhanya and what we found out was wanting. According to the report that has been read on this Floor, it means that all the dams within the County are in the same shape and as such, something needs to be done. While at Makemo Dam, we realized that water was flowing anyhow and people were crisscrossing. We also had a building that was constructed that has no door and there no security. A building is put up and thieves take advantage for lack of security to cart away the doors and windows. I confirm that there was no management at this dam Hon. Speaker.

I concur with my colleagues that there must be proper management of these dams and this can only happen when the Department pulls up its socks to ensure the dams are well managed. This cannot happen without funding. Even the management committees that we want to put in place to ensure the dams are well managed cannot do all that management work without something in their pockets. The Department needs to ensure that the dams belong to the County Government and allocate funds towards the management committees so that as the management work is being done, at the end of the month and the committees are able to earn something out of what they are doing on behalf of the community.

Secondly, you look at the way people were behaving. When we tried to interrogate them, most of community members around the dams don't understand the importance of the dams to the community; hence sensitization has to be done so that the community, including area MCAs to understand the significance of a dam in a community where we come from and their benefits.

It is high time the CECM for Agriculture comes up to ensure that some funds are allocated towards dam management within Bungoma County. We have lost lives in the Dams and it is high time the Department did something to ensure they secured, protected and managed in a

proper way. That we don't lose lives instead we benefit from the dams as a County. I support the report as a comment the Committee for good work well done.

(Applause)

Hon. Allan Nyongesa: Thank Hon. Speaker. First allow me appreciate my able chairperson for work well done. I concur with all speakers who have spoken before and not to repeat what they have already spoken, there is only one thing I noted while the report was being moved; I realized that most of the dams that we have in our regions; some wards have more than enough dams at the expense of other wards. My proposal is that we need to have a policy on fair distribution of dams across the county; a policy or guidelines to help the Department to revive some of these dams so that they can be active to stir up economic activities in our regions entirely. I thank Hon. Speaker as I support the motion.

(Applause)

Mr. Deputy Speaker: I now call upon Hon. Wafula Waiti to reply.

Hon. Wafula Waiti (Mover to Reply): Thank you Mr. Speaker. I take this opportunity to thank my colleague Honourable Members who have managed to stay up to this hour with you to enable the motion to be moved. Secondly, as you may realize, water is life; I want to urge Honourable Members that from the areas that we come from, we should be vigilant and at the same time be ambassadors in our areas so that we can make sure that we have protected those dams from bad people who encroach and destroy the same water bodies.

As the Majority Leader indicated in his observations, we shall make sure as a Committee we do our oversight role effectively to make sure that the department implements the recommendations we made.

Just to finalize, I wish to bring to the attention of the House that Makemo Dam is now at procurement stage and hopefully any time the advertisement will be made for the award of the contract. As a Committee on Makemo we don't have issues because money was allocated and any time the implementation will start. Otherwise, I want to repeat and urge Honourable Members that the Department must come up with an inventory and when they carry out that exercise assisted by the Lands Office, we urge that the inventory must show the number of dams in every ward; including the Khasoko Ward where the Honourable Chairperson, Education Committee comes from, so that he may also realize the number of dams in his Ward. I urge Honourable Members to adopt this report so that in future we can now task our department to work for the good people of Bungoma. Thank you.

(Applause)

Question put and agreed to.

The ayes have it and the report is adopted.

(Applause)

Our Clerks- at- the- Table will ensure that transmission of the same is given to the relevant authorities and offices for action.

ADJOURNMENT

Honourable Members, that being our last item on the Order Paper, I therefore wish to thank those of you who sat through and ensured that we dispense with the Business of the day. May we keep up the spirit because God is after those who work hard. We adjourn this sitting and resume tomorrow at 2:30 p.m.

(House adjourns)