

# Kitui County Assembly

## THE HANSARD

First County Assembly- Second Session

Tuesday 2<sup>nd</sup> December, 2014

The County Assembly met at 2.59 (PM)

(The Speaker {Hon. George Ndotto} entered the Chamber at one minutes to three O'clock accompanied by the Mace)

### {PRAYER}

**The Speaker** (Hon. George Ndotto): Sorry honourable members for the delay. We were sorting out an urgent matter about our people who are in Mandera and Wajir. The matter is a bit serious and it may cause at one stage to discuss it in this house. There are people who are stranded there and are not destined in any way I am told. I may perhaps in the interest of you knowing what is going on and may be what we were doing and what we can start thinking of. Is honourable Ngwele here or Kauthi?

**The Members:** No

**The Speaker:** They are not here. I have asked them to go and discuss the matter with the commissioner and the Governor to see how better we can assist our people who are stranded there, because their families are crying, the buses are refusing them, because they say they fear for them being attacked on the way. It is a grave situation but hope we can discuss it in our own free time. Next order.

**The County Assembly Clerk** (Mr Mutambuki): Order No. 1, Administration of Oath.

**The Speaker:** Next Order

**The County Assembly Clerk:** Order No. 2, Communication from the Chair.

**The Speaker:** Honourable members I would like us to have a *Kamukunji* immediately after this session. So remain seated, I will come back and discuss a few issues. Next Order.

**The County Assembly Clerk:** Order No. 3, Messages.

**The Speaker:** Next Order.

**The County Assembly Clerk:** Order No. 4, Petitions.

**The Speaker:** Next Order.

**The County Assembly Clerk:** Order No. 5, Papers;-

i) The Committee report on the Kitui County Flags, Symbols and Names Bill, 2014(Assembly Bill No.14, 2014). Chairperson Committee on Administration and Coordination of County Affairs.

**The Speaker:** Is honourable Mwove ready?

**Hon. Mwove Kinyala:** Thank you Mr Speaker Sir. The committee has completed the report. We had to go though it this morning Mr Speaker in our committee meeting. It has been

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forwarded to our legal counsel for a few issues that need to be looked into. But Mr Speaker I can promise the house that tomorrow morning the report will be laid on the table of the house and also I shall give the notice of motion. Thank you Mr Speaker Sir.

**The Speaker:** We were expecting this report this afternoon, so we have to push to tomorrow morning. Honourable members, can we have it laid in the morning and discuss it in the afternoon? Will that be in order for you?

**The Members:** Yes

**The Speaker:** We can have it laid in the morning and have it discussed in the afternoon? Is that acceptable?

**The Members:** Yes

**The Speaker:** Okay, thank you.

**The County Assembly Clerk:** (ii) The Committee report on Guidelines for the operation of the Youth Local Infrastructure, Savings and Investment Programme. Chairperson Committee on Culture, Youth, Sports and Social Services.

**The Speaker:** Honourable members, this one is very urgent and we have to do it before we go for recess. The committee is sitting right now. I have authorised them to sit while the house is sitting because of the urgency of the matter. You realize that if we don't sort out this one before we go, there will be a lot of problems. So I have asked the committee to sit over lunch hour with the legal counsel to see whether they can lay the paper by tomorrow morning.

**The County Assembly Clerk:** (iii) The Committee report on County Project Inspection Tour. Chairperson, Committee on Lands, infrastructure and Urban Development.

**The Speaker:** Honourable Kililiku

**Hon. George Kililiku:** Thank you Mr Speaker. Following the inspection tour on road projects funded by the County Government, under the 2013/2014 budget provisions, Mr Speaker Sir, Pursuant to standing order No. 191(5), I beg to lay the following paper on the table of the Assembly today the Tuesday 2<sup>nd</sup> December 2014 in this afternoon sitting. The Committee report on the consideration of the road projects inspection tour. I beg to lay.

*(Hon Kililiku laid the paper on the table)*

**The Speaker:** Very well, can I have the paper?

*(The County Assembly Clerk handed over the paper to the Speaker)*

**The Speaker:** Mr Clerk, this paper should be circulated to the members, because I believe it is coming for discussion probably tomorrow. So it should be circulated to members so that they can read it before they debate. Next.

**The County Assembly Clerk:** (iv) The Committee report on Foreign Educational Tour to Turkey. Chairperson Committee on Trade, Industry, ICT and Cooperatives.

**The Speaker:** Is honourable Ngoima around?

**Hon. Daniel Ngoima:** Thank you Mr Speaker sir. I want to take this opportunity to apologise for not bringing to this house the report on the tour of Turkey as I had promised last week due to unavoidable circumstances. This report, I beg to state that it will be ready by next session since we are departing for recess. Thank you.

**The Speaker:** Next

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**The County Assembly Clerk:** (v) The Committee report on consideration and vetting of Members of the Kitui County Land Management Board- Member, Committee on Appointment.

**The Speaker:** Honourable Kasinga.

**Hon. Titus Kasinga:** Thank you Mr Speaker Sir. I beg to lay the following paper on the consideration and vetting of members of the Kitui County Land Management Board.

Mr Speaker Sir, pursuant to the standing order No. 185(4) I beg to lay the following paper on the table of the Assembly today the Tuesday, 2<sup>nd</sup> December 2014 this afternoon. The Committee report on consideration and vetting of Members of the Kitui County Land Management Board, thank you, I beg to lay.

*(Hon Kasinga laid the paper on the table)*

**The Speaker:** Next Order

**The County Assembly Clerk:** Order No. 6, Notices of motions;-

(i) *Chairperson Committee on Administration and Coordination of County Affairs*

**The Speaker:** I think he has already said he would do it tomorrow morning. Next.

**The County Assembly Clerk:** Thank you Chair. Then we exempt (i) and (ii) and move to (iii)- Chairperson, Committee on Lands, infrastructure and Urban Development. Notice of motion.

**Hon. George Kililiku:** Thank you Mr Speaker Sir. I beg to give notice of the following motion: motion on approval of committee report on Kitui County Projects inspection tour.

That, pursuant to the provisions of the standing order No.191 (5)(g), this Assembly hereby approves the committee report on Kitui County projects inspection trip undertaken on 30<sup>th</sup> October 2014 to 3<sup>rd</sup> November, 2014. Thank you Mr Speaker.

**The Speaker:** Thank you honourable Kililiku, we will skip number four bwana Clerk. We go to which Number?

**The County Assembly Clerk:** (v) Member, Committee on Appointment- Honourable Titus Kasinga. Notice of motion.

**Hon. Titus Kasinga:** Thank you Mr Speaker Sir. I beg to give notice of the following motion: Motion on approval of the committee report on consideration and vetting of the members of the Kitui County Land Management Board.

That, pursuant to the provisions of the section 18(6) of the National Land Commission Act, 2012 and standing Order No. 185 (4), this Assembly hereby approves the committee report on consideration and vetting of the members of the Kitui County Land Management Board. Thank you Mr Speaker Sir, I beg to give the notice.

**The Speaker:** Next order

**The County Assembly Clerk:** Order No. 7, Statements.

**The Speaker:** Next Order

**The County Assembly Clerk:** Order No. 8, Motions and Bills. Motion On Approval Of Committee Report On Consideration Of Guidelines For Establishing The Community Liaison Committee For Mineral And Other Natural Resources In Kitui County-*Chairperson, Committee on Environment, Energy, Mining, Natural Resources and Tourism.*

**The Speaker:** Honourable Mulongo.

**Hon. Stanslous Mulongo:** Thank you Mr. Speaker sir. I seek leave to move the following motion:

**THAT,** Pursuant to the provisions of the County Assembly Interim Standing Order No 191(5)(c) and (g), this house hereby approves the report of the committee on Environment,

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Energy, Mining, Natural Resources and Tourism on consideration of the Guidelines for Establishing the Community Liaison Committee for Mineral and Other Natural Resources in Kitui County.

Mr. Speaker sir, if you allow me, I wish to go through the overview of the guidelines, which I am very much aware that they were distributed to members and I believe they have gone through them. As the concerned committee, we went through the same guidelines and came up with the following overview as well as a number of recommendations.

Mr. Speaker sir, the justification for the guidelines for establishing liaison committees for minerals and other natural resources in Kitui County is borne out of the need to mobilize communities to effectively participate in activities relating to minerals prospecting, mining and utilization of other natural resources.

Mr. Speaker sir, in the recent past, several prospective investors have shown interest in prospecting for various mineral resources in the county.

Mr. Speaker sir, some of the notable prospective investors in the mineral sector include Dangote Quarries Mining Company in Kanziko ward in Kitui south sub county, ARM Cement Company in Kyuso ward in Mwingi north Sub County and Fenxi mining company in Mui ward in Mwingi central sub county.

Mr. Speaker sir, there has been uncoordinated and unregulated production, use, transportation and trade in charcoal in various parts of the county especially in Kitui South, Kitui East and Kitui rural sub counties and the larger Mwingi.

Mr. Speaker sir, sand harvesting especially in many rivers of the county has also been a major economic activity for many residents but has hitherto not been regulated.

Mr. Speaker sir, despite all these mineral prospecting activities, the exploitation of other natural resources, there has not been a structured mechanism to ensure proper coordination and administration of the participation of local communities for effective participation, coordination and administration of the participation of local communities. At this juncture, only Mui coal basin blocks C and D have a duly gazetted community liaison committee.

Mr. Speaker sir, it is against this background that there is need to formulate robust guidelines for electing members of community liaison committees to mobilize communities for effective participation, coordination and administration in governance issues relating to the exploitation, utilization and use of minerals and all natural resources in the county in accordance with the Fourth Schedule of the constitution, function 14 as part of the mandate of the county government.

Mr. Speaker sir, the committee came up with the following recommendations:

#### 4.1 QUALIFICATION AND CHARACTERISTICS OF MEMBERS

That, in paragraph (i) of 4.1, the words "...other areas" appearing at the end of the paragraph be defined clearly to show the procedure/order of sourcing such as; from Village, Sub Location, Location, Ward, Sub County, e.t.c.

That, paragraph (ii) is contradictory and should be removed/deleted.

#### 4.2 METHODOLOGY FOR ELECTING MEMBERS TO THE LIAISON COMMITTEE.

That in paragraph (f) of 4.2, the words "...and two alternate runners up" appearing at the end of the paragraph deleted/removed.

That paragraph (g) of 4.2, is irrelevant and should be deleted/removed.

That paragraph (h) of 4.2, is irrelevant and should be deleted/removed.

That paragraph (j) of 4.2, be deleted.

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That in paragraph (k) of 4.2, before a member is elected in absentia, he/she to be requested in order to rule out his/her interest.

#### 4.3 COMPOSITION OF THE COMMITTEE

That in paragraph (b) of 4.3, the treasurer and the organizing secretary to be included and be part of the office bearers.

That in paragraph (e) of 4.3, the word “adequate” that appears after the word “have” and before the word “representation” be removed.

That in paragraph (g) of 4.3, part (iii) be deleted and replaced thereof with the following; “The right candidate should be dedicated to serve the community”

#### 4.5 CODE OF CONDUCT

That in paragraph (vii) of 4.5, members agreed that where need be, the Chairperson to delegate to the Vice Chairperson or any of the other office bearers.

Mr. Speaker sir, it is on these grounds that I persuade the honourable members of this house to pass this motion on guidelines since this will assist us as a county to avoid some conflicts which arise out of interest which occur on areas where minerals are found. It will also prepare our community residents prior to the effects of extraction minerals, both the positive and the negative effects.

Mr. Speaker sir, with your permission, I would like to request honourable Munuve, the outgoing vice chair to this committee to second this motion. Thank you Mr. Speaker sir.

*(Hon. James Munuve reserved his right to speak and seconded the motion by rising and bowing)*

**The Speaker:** Hon. Members I wish to propose the following;

THAT, Pursuant to the provisions of the County Assembly Interim Standing Order No 191(5) (c) and (g), this house hereby approves the report of the committee on Environment, Energy, Mining, Natural Resources and Tourism on consideration of the Guidelines for Establishing the Community Liaison Committee for Mineral and Other Natural Resources in Kitui County.

The matter is now officially before the house for debate and approval or otherwise. Anybody with something to say? Yes honourable Kasinga.

**Hon. Titus Kasinga:** Thank you Mr. Speaker sir for the opportunity. I rise to support the motion and support the report by the committee on environment.

Mr. Speaker the upshot of this is that these guidelines will be able to provide sanity in the mining industry in our county. Basically as the chair has said, it has been a free for all and as we know, mining is a process. It is not an event that happens once. To mine, you have to begin from somewhere. It has been the conduct of many who actually acquire licenses from Nairobi, they invade this county through all manner of operations and they begin to mine. Beginning with even not caring for those who reside in those places.

What has happened even before is that many people have lost their land to land grabbers in the name of investors and it is high time Mr. Speaker we do hope these guidelines will provide a better foundation, a better process whereby, when it comes even to composition, our people will be guided accordingly because they are the ones who know what it involves.

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Mr. Speaker I think it is the duty of this assembly to ensure that we do protect our people whose land at times is not able to generate what they think of. Many are now squatters actually in some areas because they gave out their land for a song and they are not even able to comprehend. Now that when people come around talking about big money, this land acquired, later on it is sold exorbitantly to those who know the value of mining. With those few remarks Mr. Speaker, I beg to support. Thank you.

**The Speaker:** Anybody else who wants to say something. Yes honourable Munuve.

**Hon. James Munuve:** Thank you Mr Speaker sir for giving me this opportunity to support the motion on the guidelines which will be used in composing the liaison committee.

Mr Speaker sir, as we are aware that our county is endowed with different minerals, we have limestone deposits in my ward; Kanziku ward, and parts of Mutha ward. We are also aware of the iron ore in Athi ward, and the core in Mui basin. Over the past period, we have an experience of our community being conned by the so called investors. Residents from my ward have suffered, they sold the land at a throw away price and with this committee which will comprise of legal experts who will be able to engage the investor, I think the system will be now well structured and the community will be able to fully participate and be informed on what will be happening.

I therefore Mr Speaker sir, urge my fellow hon. Members to support the guidelines as we are also aware that in my area, there is already an investor who is waiting for these guidelines to be passed so that we can now elect community representatives to be in the liaison committee. Thank you Mr Speaker sir.

**The Speaker:** Honourable Ndemwa.

**Hon. Mbiti Ndemwa:** Thank you Mr Speaker sir for this opportunity you have accorded to me to say a few things about this liaison committee.

Mr Speaker sir I will start by thanking the honourable chair and his members for seeing it a good idea to come up with this report the shortest time possible Mr speaker. I happen to be a member of that committee and I should thank them I included because it is the only committee working up and down to ensure the work of the county government and particularly this assembly is moving on well.

Mr speaker sir, I wish also to thank whoever who ensured that these guidelines are brought into this house because I happen to come from Ngutani ward where you will find the highway from the northern part of Kenya and big lorries pass by their carrying a lot of soil and sand and I have been wondering where these people get these materials from. I have discovered from this house that those people were indeed ferrying some minerals. I am very happy because this committee has come up with this report so that we can approve the formation of this liaison committee. I have come to understand that the work of this committee will be to sensitize people of the county on the importance of the minerals around here, the environment from here and whatever which comes out from here Mr Speaker.

Mr Speaker I want to request this house to approve these guidelines so that we can bring order and good management of minerals and good management in our county. In the constitution Mr speaker we have the responsibility as a county government to come up with the laws and guidelines on management of minerals and the environment Mr speaker. I therefore request the assembly to approve this so that we will have done part of our work.

The other issue Mr Speaker which I should touch on, is to congratulate the committee which came up with these guidelines.

We know very well that Kitui County has suffered poverty and I have to discover that the county has a lot of minerals and natural resources that can be used to fight the poverty in

our county. If we manage these minerals and the environment through this liaison committee, we will be doing a good service to our county.

We should also support and approve this so that we can give these people the leeway to have the constitutional mandate of managing our minerals because what these people are doing, for instance if you go to Mui basin, and I am requesting my honourable members to educate our people because minerals are not only found in Mui basin.

Whenever we talk of mineral exploitation, everybody is thinking of Mui basin. There are other areas in the county with minerals for example we have Kanziku ward which has deposits of limestone.

I had a meeting with some members from a place called Ngaie and I was so much in pity because there were very old ladies from that area who are being exploited by people telling them we have minerals here and we will buy you this land and such other stories.

I then thought we should come up with these guidelines so that we can have committees of people who understand the meaning of minerals and who will guide our people and cover them from exploiters.

So I request this house to approve these guidelines to save not only people from Ngaie, Kanziku, Ngutani or Mutha but all the people of our county so that they can be informed and be in a position to use the minerals we have around to better our lives. Mr Speaker even those people from Mui who say that they have an official or an officially recognised committee, I don't know who approved that. That is a story for another day but you will find that even in that area of MUI basin, exploitation is going on and they are being told that when they carry these they are going test and you will find that Mr Speaker whatever they are carrying is a precious commodity. They have started the mining and they are not telling the people that this commodity is precious because probably the liaison committee which is there is not informed about these things.

After we come up with these guidelines, those people who are in Mui will know what they are supposed to do to make sure that even those materials they are carrying there trying to say they are going to test.....

*(Hon. Mulongo rose on a point of information)*

**The Speaker:** Do you need the information honourable Ndemwa?

**Hon. Mbiti Ndemwa:** Yes Mr Speaker.

**Hon. Stanislaus Mulongo:** Thank you Mr Speaker sir. I would like to thank the contributor, *Mheshimiwa* Ndemwa from Ngutani. I just wanted to add some information on what he was saying, that the liaison committee from Mui is fully aware on the minerals which have already been discovered in Mui and there has not been transportation of the same minerals.

The minerals which is much spoken in Mui is coal which is bulky, they cannot carry coal in a lorry and become economically profitable to the community or to wherever they are taking it. So as far the situation is concerned in Mui, the liaison committee is completely in charge and nothing has been transported from the area lesser than the alumina clay which falls under different management but not the one under the Mui coal liaison committee.

Thank you Mr Speaker sir.

**Hon. Ndemwa Mbiti:** Mr Speaker I will take the information, but I think the honourable member is giving contradicting information.

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Mr Speaker I have not said that coal is being carried from Mui, what I have said is that we have a lot of precious materials which are being carried from those areas in the name of they are going to test. There is evidence Mr. Speaker of Lorries carrying those materials.

Well he has given that information but I think that committee needs to be informed more that is not only the coal which is precious Mr speaker even the soil they are carrying from there, and he has said it very clearly that there is an alumina clay which is very precious. I was very good in sciences when I was in collage Mr Speaker and I was doing pure science and I know very well when you talk of alumina clay, that commodity is very expensive. If you try to analyse it economically, you will find that even before those people from Mui happen to get the actual coal, the present generation will start tasting the importance of coal even before we start mining it. This is because coal mining is a process which may even take another 20 years before the actual mineral is seen.

Mr Speaker sir, I am saying that the liaison committees we are forming will be guided and well informed through the guidelines we are giving them.

They will know the importance of the water from Mui basin, the importance of clay from Mui basin, and even know the importance of every stone which is from that area Mr speaker.

I therefore urge this house to approve these guidelines so that we will have an informed liaison committee that can protect and inform our people accordingly.

With those very remarks Mr speaker, I beg this house to approve these guidelines so that we can move forward. Thank you.

**The Speaker:** Honourable Nganga.

**Hon. Alex Nganga:** Thank you Mr Speaker. Mr Speaker sir, I rise to support the motion. As I support this motion, I also want to say that we have a very active committee which has worked very hard under chairmanship of honourable Mulongo to bring sanity on to the way our natural wealth is exploited in this county.

Mr Speaker as I say this, I also want to thank the committee for having been the first committee to bring a motion successfully to petition the County Government to regulate charcoal burning in this county. Indeed, it is another milestone achieved by the committee for making sure that these guidelines find their time in this house and indeed, I support the approval by this house.

Mr Speaker sir I want to say this; minerals especially in our African continent have been a curse. In areas bestowed with minerals, from the Democratic republic of Congo, to Nigeria, to southern Sudan among other areas, the results of this God given wealth is fighting and wars but Mr speaker I want to say that as a county, which is leading other counties in this country in terms of minerals wealth, we are taking the right steps. I listened to the chairman very carefully, he came up with the composition of a committee and recommendations. They have not just adopted all the proposals from the executive because they considered public views.

Mr speaker sir, the people in this county, from areas which are bestowed with minerals, they really need to thank this committee by making sure members elected to these liaison committees really merit being there.

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I am saying this because it is an open secret in this county, some people have come out, others are masquerading as owners of minerals in Kitui County, and others are seriously busy mortgaging these minerals.

It is just this year Mr speaker, when some people came from Nairobi, assembled somewhere in Mwingi, and signed a coal mining deal, whereas everybody knew that, in this country the mining Act we had at that time, was a colonial mining Act of 1940. Indeed, the national assembly although they have got wrangles with the senate, it is in the process of enacting a new law to regulate mining Mr Speaker.

Mr Speaker sir, minerals are classified as a property of the national government but, that is just but a classification. These minerals must benefit the people of Kitui County because it is their God given wealth.

Mr Speaker sir, the coffee and tea in central province is never classified as a property of the national government. God created us in our unique way, He placed us wherever we are for a reason and if we are placed in Kitui County and blessed with minerals, these minerals must benefit the people of Kitui County.

Mr Speaker sir, with those few remarks I beg to support. Thank you.

**The speaker:** Well, I think we can now dispose of the motion because it appears you are very comfortable with it. I will now put the question;

THAT, pursuant to the provision of the county of the County Assembly interim standing order No. 191 (5) c and (g) this house hereby approves the report of the committee on environment, energy, Mining, Natural Resources and Tourism on the considerations on the guidelines for establishing liaison committee for minerals and other natural resources in Kitui County.

*As many as are of that opinion say AYE!*

**Members: AYE!**

*As many as are of contrary opinion say NO*

*[Silence]*

The AYES have it.

*(Applause)*

**The Speaker:** I also want to add a word to this committee; these regulations came to us a bit late, they were urgent and Mulongo committee had a problem on how to sort out this report. They had a lot of difficulties, but I am grateful to the committee they were able to handle the challenges and produce a good report. I think I want to add my word of congratulation to this committee.

As I said earlier, I want to meet the members alone briefly after this session. So please remain for one or two minutes I will come back and we say something, with those few remarks can we be upstanding to adjourn the house.

*(Members rose in their places)*

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**The Speaker:** Honourable members the house now stands adjourned until tomorrow morning at 9:00 AM

***The County Assembly rose at 3:45 PM***

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