

COUNTY ASSEMBLY OF KITUI



FIRST ASSEMBLY

(SECOND SESSION)

REPORT ON THE PROPOSED GUIDELINES FOR ESTABLISHING LIAISON COMMITTEES FOR MINERALS AND OTHER NATURAL RESOURCES IN KITUI COUNTY

**PREPARED BY THE ENVIRONMENT, ENERGY, MINING,
NATURAL RESOURCES AND TOURSIM COMMITTEE**

(Tuesday, 25th November, 2014)

PREFACE

Mr. Speaker, the Constitution of Kenya (2010), Fourth Schedule, Part 2, Function no.14 of the County Governments, mandates the County Government to ensure and coordinate the participation of communities and locations in governance at the local level. In addition, assist communities and locations to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level.

Mr. Speaker, most countries have recognized the potential of the mineral sector as a key driver of economic and social development and has taken appropriate action to tap this potential. Kenya vision 2030 has set out long term economic development goals for the country. In line with this, the minerals and mining sector is recognized as one of the drivers of economic development.

Mr. Speaker, according to the devolved system of governance and in line with the County Government Act 2012, Part VIII, Section (87), the community is expected to participate in all aspects of governance. In areas of prospecting and mining and the exploitation of other Natural resources, the community will form liaison committees to effectively safeguard the interests of the community.

Committee Membership

Mr. Speaker, the committee on Environment, Energy, Mining, Natural Resources and Tourism is comprised of the following members;

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|----------------------------|------------------|
| 1. Hon. Stanislaus Mulongo | Chairperson |
| 2. Hon. James Munuve | Vice Chairperson |
| 3. Hon. Mwendwa Munyoki | Member |
| 4. Hon. Antony Muthui | Member |
| 5. Hon. Felix Kauvi | Member |
| 6. Hon. Titus Kasinga | Member |
| 7. Hon. Titus Mbiti | Member |
| 8. Hon. Allan Kavindi | Member |
| 9. Hon. Johnray Ngava | Member |
| 10. Hon. Kalovo Musau | Member |
| 11. Hon. Ruth Kinyumu | Member |
| 12. Hon. Boniface Katumbi | Member |

Committee’s Mandate

Mr. Speaker, Standing Order 191(1) establishes for every County Assembly, Sectoral Committees with specific mandates. Under Standing Order 191 (5), the Sectoral Committees are charged with the distinct responsibilities which include;

To;

- i) investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments;
- ii) study the program and policy objectives of departments and the effectiveness of the implementation;
- iii) study and review all county legislations referred to it;
- iv) study, assess and analyze the relative success of the departments as measured by the results obtained as compared with their stated objectives;
- v) investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the County Assembly;
- vi) to vet and report on all appointments where the Constitution or any law requires the County Assembly to approve, except those under Standing Order 185 (Committee on Appointments) ; and
- vii) make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation.

Mr. Speaker, on behalf of members of the Environment, Energy, Mining, Natural Resources and Tourism Committee, I wish to present to the House the report of the committee on the Proposed Guidelines for Establishing Liaison Committees for Minerals and other Natural Resources in Kitui County, for further consideration and subsequent adoption by the house.

Signed_____

Hon. Stanislaus Mulongo, Chairperson
Environment, Energy, Mining, Natural Resources and Tourism Committee

Date.....

Proposed Guidelines for Establishing Liaison Committees for Minerals and Other Natural Resources in Kitui County

COMMITTEE PROCEEDINGS

Mr. Speaker, pursuant to the Constitution of Kenya (2010), Fourth Schedule, Part 2, County Government function no. 14, the Executive Committee Member in charge of Environment, Energy and Mineral Investment Development devised and proposed the guidelines for electing members to community liaison committees.

Mr. Speaker, the proposed guidelines for establishing community liaison committees for minerals and other natural resources in Kitui County were committed to the committee on Environment, Energy, Mining, Natural Resources and Tourism on Wednesday, 19th November, 2014 during the afternoon session.

Mr. Speaker, the committee held an urgent meeting on Thursday, 20th November, 2014 to discuss the guidelines. The committee further held two (2) committee sittings to review the guidelines and made their recommendations.

OVERVIEW OF THE PROPOSED GUIDELINES FOR ESTABLISHING LIAISON COMMITTEES FOR MINERALS AND OTHER NATURAL RESOURCES IN KITUI COUNTY

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

Mr. Speaker, 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, 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, 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, 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 duly gazzetted community liaison committee.

Mr. Speaker, 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.

COMMITTEE RECOMMENDATIONS

Mr. Speaker, Standing Order (180), (6) provides for the laying on the Table of the County Assembly by the Chairperson of the select committee its report. The following are the recommendations of the Committee;

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 and replaced thereof with the following; **“Minimum qualification for all members should be a post secondary qualification”**.

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.

We, honourable members of the Environment, Energy, Mining, Natural Resources and Tourism Committee, do hereby affix our signatures to this report to affirm our approval and confirm its accuracy, validity and authenticity:-

Members

Signature

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| 1. Hon. Stanislaus Mulongo | |
| 2. Hon. James Munuve | |
| 3. Hon. Mwendwa Munyoki | |
| 4. Hon. Antony Muthui | |
| 5. Hon. Felix Kinuva | |
| 6. Hon. Titus Kasinga | |
| 7. Hon. Titus Mbiti | |
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