

REPUBLIC OF KENYA
MACHAKOS COUNTY ASSEMBLY

OFFICIAL REPORT

Wednesday, 25th July, 2018

The House met at 10.10 a.m.

[The Deputy Speaker (Hon. Museku) in the Chair]

Hon. Deputy Speaker: Good morning, Members. Mr. Clerk, do we have quorum? Could the quorum bell be rung for 10 minutes please?

(Quorum Bell rung)

Good morning, Hon. Members. Welcome to today's sitting. One thing which I would like to do before we start on the issues for the day and I think I will handle it under communication from the chair. So, Clerk, proceed.

COMMUNICATION FROM THE CHAIR
QUORUM HITCHES

Hon. Deputy Speaker: Hon. Members, this morning the bell had to be rung for almost 15 minutes to make quorum in the House and it is important for me to remind the Members that if the session begins at 10 a.m. in the morning, we have duty of representation of our people and that means being in the Assembly at the stipulated times.

So, I would request the Whips from both sides to ensure that Members are advised accordingly to enhance representation. It is not fair for other Members to be in the House and we are waiting endlessly for quorum while we have been elected to come and serve our people.

PAPER LAID

Hon. Deputy Speaker: Under this Order, we have one Paper to be laid by Hon. Christine Koki.

REPORT ON STATUS AND BENEFITS OF KATUNGA FOREST

Hon. (Ms.) C. Koki: Thank you, Mr. Speaker. I am standing in for the chairperson Hon. Kisini. Hon. Speaker, pursuant to Standing Order 190(5), I wish to lay the following paper on the table of the Assembly today 25th July, 2018; report on Katunga forest and its benefits to the neighboring community. Thank you, Hon. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Christine.

NOTICE OF MOTION

Hon. Deputy Speaker: Under this order we also have one notice of motion; Hon. Christine Koki.

REPORT ON STATUS AND BENEFITS OF KATUNGA FOREST

Hon. (Ms.) C. Koki: Once again, Mr. Speaker, I am standing in for Hon. Kisini the chairperson of this committee.

Hon. Speaker, that aware that the Fourth Schedule of the Constitution of Kenya, 2010 bestows the County Government with matters of implementation of specific national resources and environmental conservation, including forestry;

Aware that Section 8 of the Forest Conservation and Management Act, 2016 establishes the Kenya Forest Service whose function amongst others is to conserve, protect and manage all public forests in accordance with the provisions of the Act;

Further aware that Katunga forest is gazetted as a public forest pursuant to section 31 of the Forest Conservation and Management Act, 2016;

Aware that section 45(2)(f) of the same act stipulates that the Kenya forest service should extend any benefits to the local community;

Hon. Speaker, acknowledging that there is need for the Kenya Forest Service to coordinate with the neighboring community as it conserves Katunga Forest for mutual benefit of the forest and the residents;

Hon. Speaker, I wish to give notice of motion that this motion that this House discusses and approves the Environment, Lands and Natural Resources Committee report on status of Katunga forest and its benefits to the neighboring community.

Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Christine.

MOTION

Hon. Deputy Speaker: Hon. Members, under this Order we have one motion to be moved by the chairperson Environment, Lands and Natural Resources Committee.

REPORT ON STATUS AND BENEFITS OF KATUNGA FOREST

Hon. (Ms.) C. Koki: Thank you, Mr. Speaker.

Hon. Speaker, that aware that the Fourth Schedule of the Constitution of Kenya, 2010 bestows the County Government with matters of implementation of specific national resources and environmental conservation, including forestry;

Aware that section 8 of the Forest Conservation and Management Act, 2016 establishes the Kenya Forest Service whose function amongst others is to

conserve, protect and manage all public forests in accordance with the provisions of the Act;

Further aware that Katunga forest is gazetted as a public forest pursuant to section 31 of the Forest Conservation and Management Act, 2016;

Aware that Section 45(2)(f) of the same act stipulates that the Kenya Forest Service should extend any benefits to the local community;

Hon. Speaker, acknowledging that there is need for the Kenya Forest Service to coordinate with the neighboring Community as it conserves Katunga Forest for mutual benefit of the forest and the residents;

Hon. Speaker, I wish to move the motion that this house discusses and approves the Environment, Lands and Natural Resources Committee report on status of Katunga forest and its benefits to the neighboring community.

Thank you, Mr. Speaker. I wish to call upon the Minority Leader, Hon. Kamitu to second the motion.

Hon. Kamitu: Thank you, Hon. Speaker. I second the motion.

Hon. Deputy Speaker: Thank you, Hon. Christine and Hon. Kamitu for that. Hon Christine, could you please read the report.

Hon. (Ms.) C. Koki: Thank you, Mr. Speaker. I am here to read the report on a task that was given to the Environment, Lands and Natural Resources Committee on the status of Katunga forest and its benefits to the neighboring community.

PREAMBLE

Mr. Speaker, the Fourth Schedule of the Constitution of Kenya, 2010 bestows County Government with matters of implementation of specific national government policies on natural resources and environmental conservation including forestry. The national Government is also mandated with protection of the environment and natural resources with a view of establishing a durable and sustainable system of development including, in particular, water protection.

Further Article 174(d) stipulates that one of the objects of devolution is to recognize the right of communities to manage their own affairs and to further their development. Hon. Speaker, Section 7 of the Forest Conservation and Management Act, 2016 establishes Kenya Forest Service whose functions includes the following as set out in section 8(e), (g),(i),(n) and (o) of the Act.

- a) Assist county governments to build capacity in forestry and forest management in the counties;
- b) Promote forestry education and training;
- c) Collaborate with relevant persons in identifying research needs and applying research findings in relation to forests and forestry;
- d) Establish forest conservancy areas for purposes of conservation and management;
- e) Approve the provision of credit facilities and technical training for community-based forest industries and the provision of incentives to persons for the sustainable utilization of wood and non-wood forest products.

The Kenya's forest cover is about 7 per cent and that of Machakos County is 3.4 per cent. This is below the recommended global standards which is 10 per cent.

BACKGROUND

Mr. Speaker, on 19th December, 2017 a Motion seeking to ensure that the local community in Mumbuni North Ward was involved in the forest conservation programmes from tree planting, nurturing and awarding contracts to harvest mature trees in the forest was moved in the House by the area member of County Assembly. The motion was referred to the Committee on Environment, Lands, Energy and Natural Resources for investigation and reporting back.

This motion was based on the provision of Section 45(2)(f) of the Forest Conservation and Management Act, 2016 which stipulates that the Kenya Forest Service should extend any benefits to the local community.

MANDATE OF THE COMMITTEE

Mr. Speaker, the Committee on Environment, Lands and Natural resources is a sectorial Committee established under Standing Order 190 and the Second Schedule with specific mandate to all matters related to the implementation of specific national government policies on natural resources and environmental conservation, including soil and water conservation and forestry and control of air pollution, noise pollution, other public nuisance and outdoor advertising; land survey and mapping; boundaries and fencing; electricity and gas reticulation; energy regulation; water management systems in built up areas and water sanitation services.

COMMITTEE MEMBERSHIP

Mr. Speaker, the membership of the committee is as follows:

- | | | |
|---------------------------|---|---------------|
| 1. Hon. Robert Kisini | - | Chairperson |
| 2. Hon. Christine Koki | - | V/Chairperson |
| 3. Hon. Alex Kamitu | - | Member |
| 4. Hon. Brian Kisila | - | “ |
| 5. Hon. Cosmas Kieti Muia | - | “ |
| 6. Hon. Dominic Ndambuki | - | “ |
| 7. Hon. George King’ori | - | “ |
| 8. Hon. Hellen Ndeti | - | “ |
| 9. Hon. Jacqueline Nziva | - | “ |
| 10. Hon. Jane Nyawira | - | “ |
| 11. Hon. Joseph Musau | - | “ |
| 12. Hon. Mark Muendo | - | “ |
| 13. Hon. Michael Mutiso | - | “ |

COMMITTEE FINDINGS

MEETING WITH THE STATION FOREST MANAGER

Hon. Speaker, the Committee conducted an impromptu visit to the Kenya Forest Service offices in Machakos Town Sub-County on 19th March, 2018.

From the discussion with the station forest manager, the committee noted the following;

1. There are Kenya Forest Service offices in all the eight Sub-counties of Machakos County.
2. Forests in Machakos County are categorized as follows;
 - a) Gazetted forests which include;
 - i. Iveti forest in Machakos and Kathiani Sub Counties.
 - ii. Muumandu forest in Machakos Town Sub County.

iii. Kiteta forest in Mwala Sub-County.

iv. Uuni forest in Mwala Sub-County.

The above forests are managed by Kenya Forest Service.

b) Trust lands with forest cover which include;

i. Kalimanzalu in Machakos town Sub-County.

ii. Mango in Mwala Sub-County.

iii. Kibauni in Mwala Sub-County.

The trust lands are managed by the County Government of Machakos.

c) Crown lands with forest cover which include;

i. Matetani Hill in Kangundo Sub-County

ii. Kaseve Hill in Machakos Sub-County

The Crown lands are managed by both the Kenya Forest Service and the County Government of Machakos.

3. Clear felling which is also known as logging in Katunga forest which is a subset of the large Iveti forest was being done since 2014. The clear felling was being done by pre-qualified saw millers authorized by the Kenya Forest Service.
4. The Kenya Forest Service had pre-qualified three saw millers namely; Kisasi saw millers, Ramson Entrepreneurs and Kathuli timber Company. These saw millers were responsible for clear felling of trees in the forest but were working under Kenya Forest Service instructions. The saw millers were pre-qualified in 2013 and their contract will expire in 2019.
5. 22 hectares of land had been clear felled since 2014 and most these areas had since been replanted except for the area whose logging was recently stopped by the three month national ban on logging which started on 24th February, 2018.
6. Pursuant to the provisions of section 48(1) of the Forest Conservation and Management Act, 2016 there exists the Iveti Association which is registered under the Societies Act (Cap. 108). The Association has 156 members who live within 5km radius around the forest. The association benefits from the forest by collecting firewood, grazing cattle and fetching water from springs in the forest. The association in exchange protects the forest from fire outbreaks, illegal poaching and logging. Firewood collectors from the forests are issued with licenses by the Service. Only members of the Community Forest Association can collect firewood from the Forest.
7. Devolution of Activities of the Kenya Forest Service had not been fully done since the Transition Implementation Plan (TIPs) was yet to be signed by the Governor. The County Environment Committee had also not been formed since there was no substantive Executive Committee member to deal with Environmental matters.

COMMITTEE OBSERVATIONS

Hon. Speaker, the Committee made the following observations;

1. The Kenya Forest Service could not provide evidence of public participation on its activities as stipulated in Article 10 of the Constitution of Kenya, 2010.
2. Currently no logging is being done in the forest following the National ban on forest clear felling.

3. The Kenya Forest Service was not ploughing resources back to the Community which had nurtured these forests. The expectation of the Kenya Forest Service was for the Community Forest Association to have a signed agreement with the Service to allow ploughing back. However this had been implemented in other Counties like Kakamega.
4. There were plans to have the entire Iveti Forest to be gazetted as a water tower. This means logging of trees in the forest will be completely inhibited. Alternatively, indigenous trees will be re-planted in the forest and the existing exotic ones be allowed to fall off by themselves.
5. Most of the resources from the National Government meant for Forestry were currently being channeled to the Counties since devolution hence the deficit felt in the Kenya Forest Service.
6. Currently the Kenya Forest Service was not able to raise seedlings for use by the public despite having nurseries in Athi River, Miondoni, Yatta, Kangundo and Mwala. This was attributed to inadequate funding.
7. The Kenya Forest Service has ensured that all the public land meant for forest has tree cover. This means that further efforts of planting trees can only be done on private and community land.
8. There seemed to have no coordination between the Kenya Forest Service and the County Government of Machakos.

COMMITTEE RECOMMENDATIONS

Hon. Speaker, based on the submissions the committee recommends the following;

1. The Kenya Forest Service should in future ensure that proper public participation is conducted on all forest activities. This can be done by engaging the Members of County Assembly and the residents themselves.
2. The Department of Environment and Natural Resources should move with speed and advise H.E the Governor on importance of signing the Transition Implementation Plan (TIPs). This will ensure that there is smooth coordination between the Kenya Forest Service and the County Government for better service delivery to the local Mwananchi.
3. The Kenya Forest Service should start projects which benefit the residents bordering the forest as a way of giving back to the community.
4. The Kenya Forest Service in consultation with the relevant Department in the County Government should conduct civic education to the community neighboring the forest with a view of enlightening them on the requirements to qualify as a saw miller.
5. The County Government and the Kenya Forest Service should partner with Kenya Water Tower Agency (KWTA) whose core function is to co-ordinate and oversees the protection, rehabilitation, conservation and sustainable management of water towers. The Agency also co-ordinates and oversees the recovery and restoration of forest lands, wetlands and biodiversity hotspots. It has the responsibility of promoting the implementation of livelihood programs in the water towers in accordance with natural resource conservation laws. These partnership efforts will be aimed at gazettelement of Iveti Forest as a water tower.

6. The Kenya Forest Service should consider planting the indigenous trees and purpose to clear all the eucalyptus and blue gum trees which are known to transpire a lot of water hence drying up water springs in catchment areas.
7. The Department of Environment and Natural Resources should work hand in hand with Kenya Forest Service to ensure that tree nurseries are revived and seedlings availed for planting during the recent set Annual County Tree Planting Week. This will help increase the County's tree cover.

CONCLUSION AND ACKNOWLEDGEMENT

Mr. Speaker, Kenya is endowed with some of the most pristine forest ecosystems in the world. We are blessed with some of the most diverse forest ecosystems around from the moorlands to rain forests. This is an important national treasure that citizens have the sole responsibility of conserving.

Kenyans must never lose sight of the important roles that these forests play in their daily lives no matter where they live. In some years back, our forests were more expansive and ultimately more diverse. But with population growth and demand for wood from industries, forests have continued to shrink sometimes at an alarming rate hence the need to be attentive on matters relating to environmental protection.

Mr. Speaker, it is therefore my privilege, on behalf of the Environment, Lands and Natural Resources Committee to table this report and recommend it to this Hon. House for adoption. Thank you, Mr. Speaker.

(Applause)

Hon. Deputy Speaker: Thank you, Hon. Christine Koki for a report well put.

(Question proposed)

You may debate on the motion, Members. Hon. Kieti.

Hon. Kieti: Thank you, Mr. Speaker. I stand to support the motion or the report from the environment committee; this is a very important report as it concerns our environment. We depend a lot on our environment and having compromising our environment means also compromising our lives. So, I want to support the recommendations that the committee came up with; 1.

This area called the Katunga forest is an area that has benefited the communities that are living around it and also the neighboring areas like the Machakos town, Kathiani and also some sides of lower Mbooni because this place has acted as a water tower for many years, the forest has been attracting rains as it has always been said through science.

So, this forest that has benefitted us also with firewood, timber and such products and also it provides adequate beauty to the hills to the Iveti hills. So, having the forest being cleared will mean that the community that benefits from this forest will lose a lot and therefore I support the recommendation that this forest be gazetted as a water tower.

Gazetting it will mean that felling of trees will cease and therefore it will improve the eco system of the forest and therefore it will also attract other.....it will also attract animals to act as a home for some animals, it will also assist in retaining the water table within the neighboring

areas and at the same time, it will ensure that the environment is not affected due to deforestation and soil erosion will not take place even the neighboring areas.

The eucalyptus that have been planted or which are existing in one part of the hill called Miti Mwanza at the junction have acted or have made the stream called Mutungoni to dry up. This is a stream that has been serving the Muooni dam which serves Kathiani and its environs with water.

So, those of us who come from that area know how important that Mutungoni stream is because all along the stream had water throughout the year; farmers used to get water through canals and plant vegetables and even crops throughout the year but a visit the place during August and you find that the stream is drying up just because those eucalyptus when they were planted way back sometimes 1980s, the amount of water that was flowing down stream in that river reduced year after a year and as we speak, just visit the place in August and you will notice what I am saying.

Those of us who have seen the eucalyptus when they were being cut down, you could notice the amount of water which the tree one tree was releasing after it has been fallen down meaning those eucalyptus and blue gum trees have been affecting the amount of water which was flowing down stream.

So, I strongly support that doing away with the eucalyptus and coming up with indigenous trees which are able to retain the amount of water within the hill and also trees that do not affect the amount of water that is flowing or which is serving the community, I strongly support that they can be cleared and the we have trees that will sustain the water table.

The other thing is that I also support that the forest department comes up with ways of involving the community because we have seen so many times activities are going on in the forest and the communities that are surrounding the forest are not involved.

So, I strongly support that and at the same time I request that the department of forest comes up with ideas new ideas of partnering with the other organizations that are concerned with environmental conservation so that they involve the people who are living within the community in coming up with projects that are environmentally friendly like tree nurseries because if there are groups of women or of the youth and they come up with tree nurseries, the tree seedlings will be sold and then money will be ploughed back to the groups and therefore, it will be a benefit to the community.

We have seen the activities that are going on in Karura. I happened to visit one of the areas called AFEW which is African Fund for Endangered Wildlife Species which is somewhere in Lang'ata. I cannot remember the full definition but this is an organization that protects the endangered species like the giraffes and they have partnered with Karura Forest and the neighboring and they have come up with projects that are supporting groups even schools have benefited from that kind of an organization.

We are not an exception in Machakos; our Forest Department can partner with such kind of organizations. We even have international organizations that support environment very much and so that we may come up with projects that will be able to benefit our Community. So, I strongly support the report from the Environment Committee and I request that this Department of Environment and Natural Resources moves fast so that they can save our environment. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Hon. Hellen.

Hon. (Ms.) Ndeti: Thank you, Mr. Speaker. I stand also to support this report with only one comment. I see our County's forest cover is 3.4 per cent which is quite low; what I would recommend is that, in future, we ensure that there is enough funding of this forest so that we can come up with seedlings that can be given to schools, families, to ensure that we have increased the forest cover in our County. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you. Hon. Mutinda.

Hon. Mutinda: Thank you, Mr. Speaker. I stand to support the report and I want to thank the Committee for a good report which has been done and brought to this House and I would request the House to support and approve the report. Mr. Speaker, the issue of forest should be taken seriously and I think the Katunga Forest and Iveti also in general have been from long time in 1970s, I remember there were water towers because that time when I was a young man in primary school, I could see River Thwake flowing all the year round and that was because the forest had not been interfered with.

Now today, you pass through River Thwake and you find just immediately the rains go, there is no water and it is because the water tower has been interfered with. So, it is the high time we see to it that, as this Hon. House, we support the forest and I think we will be back to where we were environmentally.

It is important that the tree cover for Machakos at 3.4 per cent is worrying when you consider that the World's standard is 10 percent and the Kenyan standard or level is 7 percent. So, I think Mr. Speaker, I request this House, we support this report so that we may start somewhere and we have our forest cover improved and also we support our people.

The other thing is the locals; these forests have been supported by the locals and the locals have been involved in planting the trees and taking care of the forest in case of fire, in case of any problem, they have been called upon to support but when we come to the harvesting, you have seen for yourselves here, some firms do not look local and I think it is important that the locals are also involved and they are also consulted whether there is need to sell the trees or there is no need because they are also the beneficiaries, that has been land for those people from long time ago and it is worrying when we come to the selling, when the felling starts the people are not consulted mostly, a tender is just floated and the people see trees just being felled.

I know if locals are involved in the harvesting, they will not harvest to that extent that they are wasting and also the County Government should have standards on how to come up with the felling of the trees during the harvesting because of course when a tree matures, it is obvious that it has to be harvested. The problem we have with our forest is those who harvest these trees, once they pay the money which should be paid like Ksh. 100,000 or Ksh. 50,000, they end up felling trees worth millions of shillings and we end up with deserts while we had forests.

So, Mr. Speaker, I think there should be clear ways of how these forests should be managed, how harvesting of trees will be done so that we save our forests, Mr. Speaker.

The other thing is the signing of the Transition Implementation Plan which was to be signed by His Excellency the Governor and I think there is need for this House to engage the Governor and the relevant Department so that that Transition Implementation Plans is signed and we ask the relevant bodies to run these forests. So, with those few remarks Mr. Speaker, I beg to support. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you. Hon. Tariq Mulatya.

Hon. Mulatya: Thank you, Mr. Speaker, Sir. Mr. Speaker, I think it is the high time that the Kenya Forest and all these Departments responsible for taking care of these forests got serious. If you look at the committee's observations and you go to recommendations on page four and five where the Committee is very clear Hon. House and Mr. Speaker, Sir. You can see that Kenya Forest Service is totally doing nothing there; you can see there is no public participation, they are really reluctant on it Mr. Speaker and it is my wish.....I think when I was in school, I can remember, there used to be good regulations of rainfall seasons and all that and I think it is because of the vegetation cover that time but after destruction of all these forests and even at the back of our yards, I think it has really contributed to starvation, no rain, even grazing cattle and all that is quite difficult.

So, I was just requesting if the County Government, the Kenya Forest Service, all these Departments, can just get serious because holding public participation is very easy and creating awareness, educating people because there are a lot things that can come out of these forests Mr. Speaker and out of this negligence, I do not think we are going very far because our rivers will dry up, like those of us who come from Yatta, can bear me witness that there is a very big difference between when we were young and now.

People have cut down all trees for charcoal and it is has really left our land as a disaster. So, I really recommend the good observations and recommendations made by the Committee, it is a commendable report and I really support it. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you. Hon. Mueni.

Hon. (Ms.) Mueni: Thank you, Mr. Speaker. I support the report and ask the Assembly to give the people who are in the forest civic education so that they can be knowing that, they are the first users and even the person who is signing the contract of cutting the trees not to be doing so but first to be talking to the people around and find out whether there is someone around who can do the job so that he can give the youth the work and they get money and for them to know that it is there forest, they are the ones who benefit and when you cut a tree you plant another one and even to be having nurseries for trees around the forest so that the people can be knowing the use of the trees and not to be planting the trees using a lot of water and instead call the experts to give them the best knowledge of not planting the trees and fetching water from the rivers. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you. Hon. Musyimi.

Hon. Musyimi: Thank you, Mr. Speaker. I stand to support the report but Mr. Speaker, before the adoption of the report in this House, I request the Committee of Environment, Energy, Lands and Natural Resources to include the forest within Kangundo North on Kanzalu ranges which I have not heard of it being read during the report.

Hon. Deputy Speaker: Point of order Hon. Tariq Mulatya.

Hon. Mulatya: Yes. Point of order. I wanted kindly to request the Hon. Member, that because there is a Standing Order on the same to amend the report that it can be included so that

at least the House can be in order. I think he is trying to make an amendment to the report. I think it is also good if we can inquire from our Clerk Assistants the exact Standing Order to amend that report to read the way he wants it to be. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Just a minute, let me just consult a bit.

(The Deputy Speaker consulted the Clerk at the Table)

Okay. I think I will guide the Hon. Member accordingly. I think this report is based on a specific forest and you can see it is written that it is a report on Katunga Forest. So, what we will be requesting is that, this report of course is for a specific area, goes through and then what you will be doing is requesting the Environment Committee to visit Kangundo and do a report on both the Kanzalu Range and the Matatani area and do one report for that area and bring it before the Assembly with recommendations on what needs to be done on that area because I think this is specific to Katunga Forest.

The issues that they have mentioned here of other forests is just part of the report; it is when you do a research and you just mention other parts of the report. So, I would request the Environment Committee to ensure they visit Kangundo, your area and do a report for the entire area. Thank you.

Hon. Musyimi: Thank you, Mr. Speaker for that advice but still there is contradiction between the two because the forest also has the same name with Katunga. It is also known as Katunga Forest within Kanzalu Ranges in Kangundo North shared by Kangundo North and Matungulu West wards. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Okay, I think what I am trying to say is this, that the report was done on Katunga forest in Iveti hills and specific for that. You have Katunga forest in Kanzalu range; we will do a report on Kanzalu range and call it Katunga forest, Kanzalu range. Thank you.

Hon. Musyimi: Thank you, Mr. Speaker.

Hon. Deputy Speaker: Hon. Johana.

Hon. Munyao: Thank you, Mr. Speaker. I stand to support this report from the environment lands, water and natural resources committee and specifically for Katunga forest. I would like to say that the recommendations are quite in order but I would request that we try to focus on whether we would wish to have Katunga forest either gazetted as a water tower and focus on all the activities which go along with the management of a water tower or would wish to have it double also as a gazetted forest then from there I am sure we will now settle to manage the said land as a water tower.

At the same time, going by the committees observations, I have also realized that it was not possible the seventh observation on devolution of activities of the Kenya Forest Service had not fully being done since Transition Implementation Plans (TIPs) was not yet signed by the Governor, the County Environmental Committee had also not been formed which would also form a basis of now who are supposed to do all the plans to ensure that whatever decision is made by this House can also be implemented and the reason given is that there lacked a

substantive executive committee member to deal with environmental matters and now that we have one in place, I am sure now this is going to be easy for us as per the committees observations---

Hon. Deputy Speaker: Just a minute is it a point of correction or a point of information.

Hon. (Ms.) Mutua: Point of information.

Hon. Deputy Speaker: Just a minute Hon. Johanna.

Hon. (Ms.) Mutua: The County Assembly is not aware if we have a CEC in place. I beg your pardon.

Hon. Deputy Speaker: You may continue Hon. Johanna with your submissions.

Hon. Munyao: Thank you, Mr. Speaker. Point noted and also driven home. Mr. Speaker, I would also say that as per the fourth observation 'there were plans to have the Iveti gazetted as a water tower.' That was my point that we need to be very clear whether we want to have the same also being managed as a forest land because such activities could also be transferred to other areas which are classified as trust lands or crown lands and preserve Katunga forest to just stand out as a water tower so that we can be able to rely on it to feed our county and the surrounding areas with water.

The other comment is that when we settle to enrich that area, involvement of the people who surround the area I would also request that we have plans set so that we can have groups encouraged also women groups, youth groups to establish nursery trees which can also be used to empower the groups so that they can sell to such areas so that as we also increase the forest cover, we can also be able to empower our people and we also ensure that we have enough water for our people.

So, I wish to support this report highly and encourage the team to move with speed and implement the report as given. Thank you

Hon. Deputy Speaker: Thank you, Hon. Johanna. Hon. Nziva.

Hon. (Ms.) Nziva: Thank you, Hon. Speaker, Hon. Members present. I wish to applaud the committee's recommendations whereby they have said Kenya Forest Service should partner with Kenya Water Tower Agency and the County Government to make sure forest conservation is done very well. As you know, forest conservation has several benefits in that it does purification of atmospheric air that we breathe in. We also get timber, fuel even food through those forests and even if we discourage exotic trees like blue gum because study has it that blue gum has stomata on both sides of the roots which consumes 20 liters in a day so if we encourage planting of indigenous trees I think our forest conservation will be very much okay.

It also regulates hydrological cycle therefore purifying water so I want to commend the good work of the committee and encourage members to even as we partner with Forest Service, Kenya Water Tower Agency to encourage the non-governmental organizations in our areas because if trees are planted, plenty of them, I think the above aforementioned benefits will benefit our people and even will benefit our environs. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Kamitu.

Hon. Kamitu: Thank you, very much Mr. Speaker, Sir. I am member of this strong committee, it is one of the committees that is sincerely working hard and Mr. Speaker, I will tell you at the end of the awards, I think environmental committee will be one among the committees that is---

(Applause)

I am saying this because as a member, we are really doing it and Mr. Speaker, Sir, in our report, you see you have noted that we made an impromptu visit to the forest in Iveti that is the enclosure of Katunga forest and without wasting a lot of time, Mr. Speaker, Sir, coming to the committee findings, we have seen in page four that on paragraph six that is 'there is an association of 156 members who live within the five kilometers radius around the forest and the association benefits from the forest by collecting firewood, grazing and such activities.

In page seven, Mr. Speaker, Sir, it is clearly stated that devolution of activities of Kenya Forest Service had not being fully done since the Transition Implementation Plan (TIP) was yet to be signed by the Governor and Mr. Speaker, I know in your summary, it is very clear that the committee and the Assembly should make some good moves so that these findings by the committee should be implemented and again in regard to also the committees observations, it is also important to see number three under the committees observation the Kenya Forest Service was not ploughing resources back to the community whereby in this regard and to add value for the community to be seen to be active the Kenya Forest Service together with the County Government should come up with now the policies as per the recommendations so that other members apart from the 156 who are association members can also benefit from that partnership.

So, without much ado Mr. Speaker, you will also agree with me that as I said the committee really did the best they could in regard to the observation and their recommendation so it is on that strength that I would kindly request Mr. Speaker, Sir, without wasting time we adopt this report for us to ensure that the report, the recommendation are actually put down as an activity that is going to benefit the communit.

Then I will not say I am wondering but as I said yesterday, we should be very innovative to our community by ensuring the CECs are in the offices so that whatever recommendations and observations, whatever is carried out in this House there is someone in the office; in case we go there, we shall meet somebody who in any case the policies made by this House will be implemented because we are the representatives---

Hon. Deputy Speaker: Point of information from Hon. Mueni.

Hon. (Ms.) Mueni: Thank you, Mr. Speaker. I think the Minority Leader is taking us back that we have finished with it yesterday. So---

Hon. Deputy Speaker: Hon. Kamitu, just have your seat please.

Hon. (Ms.) Mueni: So, I think there is no need of repeating to us what has no sense to us so I think he has to concentrate with the report.

Hon. Deputy Speaker: Okay, Hon. Mueni. A Hon. Member does not talk issues without sense so maybe I would request you retract that and the Hon. Member. Retract that please before I continue.

Hon. (Ms.) Mueni: Thank you, Mr. Speaker. But you have heard.

(Laughter)

Hon. Deputy Speaker: I said Hon. Mueni you---

Hon. (Ms.) Mueni: I withdraw.

Hon. Deputy Speaker: Thank you. Hon. Kamitu, you may proceed.

Hon. Kamitu: Thank you, Mr. Speaker, for protecting me and it is just my appeal because it is very relevant to what the Assembly is doing otherwise Mr. Speaker, as I said I really put my foot forward for this committee for a well done job and as I sit down, I am saying as a team, this is exactly where we are supposed to go. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Kamitu. Hon. Kamulu.

Hon. Kamulu: Thank you, Mr. Speaker. My concern as far as Katunga forest is concerned is insecurity. Mr. Speaker, with all the importance of the forest as indicated by the committee which we all support, Katunga forest has been a dumping place for killers. So, I am recommending that we have patrol in that forest throughout during the day and also during the night. Many people have been killed there, many people have been dumped in that forest and it has turned to be a threat to the people.

Again, Mr. Speaker, I am also recommending the bush near the roads be cleared within that section by the Kenya Forest Service because it is making the area prone to accidents. Also, Mr. Speaker, I am happy to see the observation of the committee that the logging had been done by people who had been pre-qualified and authorized by the Kenya Forest Service.

Mr. Speaker, this is good but before the ban which was done there were contractors who were working on the same and it is my hope that they never lost their money because they were doing it in the right way. Mr. Speaker, there is a section which was mentioned by Hon. Kieti near Miti Mwanza near the forest, it is a section which these contractors have pile of trees they are just rotting there and the area has not been re-planted because the ban stopped it.

In fact, Mr. Speaker, if that was cleared and planted with indigenous trees as it is recommended by this committee, the rivers within that area as we speak could be having water. Mr. Speaker, I am also happy because I see the people around there have been involved through an association of 156 members who will leave between a radius given or noted by the committee.

Mr. Speaker, this involvement is very important because the community around will ensure that outbreaks of fire, illegal poaching and logging is controlled but we should also note that those people who care for the forest had been doing making unnecessary arrest of the people

surrounding the region. Mr. Speaker, there is need for education, involvement of people, guide them on the importance of trees and at least listen to people whose cattle roamed around the forest instead of arresting them and getting money from them in order to be released.

Mr. Speaker, it is important that the county gets involved as far as the forest is concerned by ensuring that we have this committee which has been recommended that the substantive CEC member who is actually not in place, Mr. Speaker. If this is done in the right way and the Transition Implementation Plan is actually signed and put in place, the county will now be involved in matters involving the forest and it would be a very important issue as far as the county is concerned.

Otherwise, Mr. Speaker, there is need to work together with the community as far as the seedlings are concerned as per the request or the sentiments brought in this Hon. House by Hon. Johanna; that the forest service involves the communities surrounding the region by giving the groups the necessary seedlings so that they can this nursery and buy from them instead of actually centralizing within the forest sector. By so doing, they will be ploughing back to the community. Otherwise, Mr. Speaker, I support the report.

Hon. Deputy Speaker: Hon. Dominic.

Hon. Ndambuki: Thank you, Mr. Speaker for allowing me to contribute to this motion. Mr. Speaker, I am a neighbor to Katunga Forest which is in Iveti Hills and I wish to applaud the committee for visiting that area and for coming up with this report which has good recommendations. Hon. Speaker, from the report, we note that there is a recommendation to plant more trees and I support this in that for a very long time, the forest has acted to attract rainfall and we have experiencing micro climate in the area and we can see I am heavily dressed today because the place is cold.

Mr. Speaker, as we plant more trees to increase our forest cover, it is my request that we also put some recommendations to the forest service that they involve the people around the forest. Public participation that we are speaking about does not only entail getting views from the public when logging is done but in my thinking, public participation should also involve members of public living near the forest and should be giving the first opportunity to work in the forest when we are planting new seedlings.

This way, we shall be creating opportunities for the youth that are not employed and have young families and they need to feed them. That way they will feel they own the forest and they will protect it.

Mr. Speaker, I support the point that we totally ban logging of trees in the forest and I wish to add my voice by saying areas that are along or that cut across the forest, we should come up with a policy to ensure that we do not plant trees closer to the roads. Mr. Speaker, I have been a victim of trees having fallen on the road and blocked the roads thereby hindering the access of the other side of Machakos town and we have been forced to use other routes.

If that can be done where we leave some room so that if the trees fall, they will not block the roads, this will help the people who live around the forest.

Hon. Speaker, in the event that the National Government allows logging to be done in all forest in the country, it is my prayer that the pre-qualification should be open and competitive and should involve everyone even the community that lives around the forest so that if we also give these people an opportunity to make something for their living then they will also appreciate and get some rewards for their efforts in conserving the forest. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Almasi, Hon. Agatha.

Hon. (Ms.) Mutunga: Thank you, Mr. Speaker. I am Hon. Agatha, special elect member for Wiper but on the same note standing member for Mua.

Hon. Deputy Speaker: Hon. Member, could you clarify what you have said please.

Hon. (Ms.) Mutunga: I said, a Standing Member for Mua not sitting, Mr. Speaker.

Hon. Deputy Speaker: Hon. Member, I think we have a Hon. Member for that area and I would request you to withdraw that statement please.

Hon. (Ms.) Mutunga: Mr. Speaker, I said standing; I did not say sitting but I withdraw for the convenience.

Hon. Deputy Speaker: Thank you. You may continue

Hon. (Ms.) Mutunga: I support this motion and say nature is very unforgiving. My concern is in page five and six, number two; it say the department of Environment and Natural Resources should move with speed to advise the H.E. the Governor on importance of signing the Transition Implementation Plan.

Mr. Speaker, I wish for the day these Cobra Squad movies will end in this County. You are not told what to do when you know what you are supposed to do. So, I wish it would have happened as soon as yesterday for the sake of those people who surround that place. But on another note, Mr. Speaker, I hear everyone saying that we should give seedlings to the people surrounding the forests; it is a bit difficult when you are given a cow, you feed the cow but instead of being given the meat, milk and fat you are given the hoofs.

So, I do not know the method that should be used by this County Assembly to make sure that the people surrounding this forest are given something better than seedlings. I think seedlings is like peanuts, is like a drop of water in the ocean. They should be given something better so that they can take care of the forests and feel that they are part and parcel of that forest.

The last but not the least, as I support this report is that we should as one Member said, we should totally ban the logging of trees in this County to make sure that all forests and water catchment areas in the County is preserved for the sake of the people of Machakos County. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Agatha. Hon. Cosmus Masesi.

Hon. Masesi: Thank you, Mr. Speaker for giving an opportunity to air my views on the motion. Mr. Speaker, I stand to support the work of the committee; in fact, the committee on Monday was on my ward trying to traverse across the ward to see the dangers caused by gullies which are 20 feet deep.

Mr. Speaker, we need to support the recommendations of this committee of the whole House bearing in mind that when it comes to matters of the forest, Mr. Speaker they play a very vital role in preventing global warming and also building sustainable societies.

Mr. Speaker, I want to emphasize on committee observations which are on page 4 where by as a House we need to put up measures which shows clearly what percentage should go back to the society as it is being done in Turkana where we are harvesting crude oil. So, we also have to put and draw well what percent should go a particular community when it comes to the county harvesting raw material from the same area.

Mr. Speaker, when it comes to matters of environment, I want to say in my ward we have two Katunga Forests which have been encroached on by the community; how I would wish the committee again to visit that area and give us the exact size and area of those Katunga forest. Mr. Speaker, we have noted that there some resources on the National Government which are meant for the forest that are channeled through the County Government.

As a House we need to make sure that the money meant for the forest directly do the purpose they are meant for and not re-channeling the same to some other areas, Mr. Speaker. Otherwise, it is a well done job. I wish to rest my case. Thank you.

Hon. Deputy Speaker: I want to request Hon. Christine Koki, the Mover of the Motion to respond to the motion please.

Hon. (Ms.) C. Koki: Thank you, Mr. Speaker for this opportunity. I would like to first congratulate the Hon. House for adopting this report.

Hon. Deputy Speaker: Hon. Koki, the House has not adopted the report yet. Please thank the Members, for their contributions.

Hon. (Ms.) C. Koki: Thank you, Mr. Speaker for the correction but I hope we are heading there to adopt the report. All in all, I would like thank the Members for their contributions and the debate and I would also like thank the Hon. Member for Mumbuni North who brought this motion to the House. Indeed, that is what oversight is all about; that is what representation is all about. The people of Mumbuni North now know that they are well represented in this House and their grievances have been had in this Hon. House and measures are going to be effected.

I would also like to thank the Deputy President, who imposed a ban on the felling of trees or logging because if it were not for the ban, I suppose there would not be a forest in Katunga. All trees would have been felled down so I also thank him for the ban.

I would like to urge, the Kenya Forest Service to allow members of the public around the forest to participate fully from the first stage of establishing nurseries, planting the trees, harvesting if any and all other measures that are going to be undertaken in the forest because what the community is getting it is not enough; grazing cattle, collecting firewood that is not enough and as many Hon. Members have contributed that should there should be a way a proper way or a policy on how the Kenya Forest Service are going to plough back to the community.

Thank you, Mr. Speaker and I would also like to say, for us to achieve the recommended forest cover that is the 10 per cent, we have to participate in planting trees in forest and in private lands. I am urging the community or the Members of Machakos County, wherever you are, just plant a tree. Thank you, Mr. Speaker.

Hon. Deputy Speaker: Thank you, Hon. Christine.

(Question put and agreed to)

Now that the report has been adopted by the House, I want to make some few comments being the Hon. Member for that area. I think the key issue that has been raised here is firstly, the issue of the forest cover; we have heard that we are only at 3 per cent as Hon. Hellen pointed it out. The recommended 10 per cent as Hon. Mutinda pointed out and discussion in Kenya Forest Service say that they have planted forest in the areas that were gazetted for the Forest.

What they are trying to say is that all the land that were gazetted for forest land, Kenya Forest Service are saying they have said they have planted those trees; if you look at the report, it talks about other areas which are crown lands. There is need for both the Kenya Forestry Service and County Government Machakos to move with speed and afforest all those crown lands which have not been planted trees in an effort to achieve the 10 per cent.

We also need to include institutions like schools; to do that, you have seen there is shortage of funds and I am surprised because if you look at the budget made year in, year out, provisions have been made in the environment sector for funds to be availed to the forest.

We will not be able to achieve forest cover unless we get, well-equipped nurseries distributed throughout the County which we will be able to feed our people with the necessary seedlings to protect our land.

Most of the trees we see today go back to the Moi era and you remember during the Moi era the motto was *ukikata moja, panda mbili* and it was during that time most of the trees you are seeing today were actually planted. We need to continue with the same spirit for as to achieve this.

Public participation, especially Mumbuni North we cannot have forest being taken care by a community for over 80 years and when it comes to the benefit of them, contracts or tenders are given to two or three firms and most of the profits are taken by those people and the local benefits nothing from there. There is a need to review the Kenya Forest Act so that we can be able to ensure that the locals benefit more from the resources within their area.

When you look at resources, I think we are looking at resources as if we are taking about crude oil; a member mentioned about crude oil in Turkana but our crude oil here is forest, sand and quarries and the locals need to benefit much on that.

It is a good report and on my side, the advice I would give the committee is to ensure the recommendation made are well implemented

ADJOURNMENT

Hon. Deputy Speaker: This House stands adjourned to Wednesday, 25th of July, 2018 at 2.30 p.m.

The House rose at 11.44 a.m.

