REPUBLIC OF KENYA

COUNTY ASSEMBLY OF LAIKIPIA

THE HANSARD

Tuesday, 14th September, 2021

The House met at the Assembly Chambers at 2.30 p.m.

[The Speaker (Hon. Patrick Waigwa) in the Chair]

PRAYERS

MOTION

LAIKIPIA COUNTY CLIMATE CHANGE BILL, 2021 PUBLIC PARTICIPATION REPORT

Hon. Simon Kanyutu: Thank you Mr. Speaker. I beg to move the following motion;

THAT, this Assembly adopts the Report on Public Participation for the Laikipia County Climate Change Bill, 2021 by the Agriculture, Environment and Natural Resources Committee dated 31st August, 2021.

Mr. Speaker, the committee comprises of;

1. Hon. Simon Kanyutu - Chairperson
2. Hon Patricia Muthoni - Vice Chairperson
3. Hon. Robert Maina - Member
4. Hon. Mutahi Muritu - Member
5. Hon. Wilson Wakahiu - Member

Mr. Speaker, on behalf of the Agriculture, Environment and Natural Resource committee, I wish to extend my gratitude to the Members of the Committee for their dedication and commitment to their legislative function. The committee also wishes to appreciate the Office of the Speaker and that of the Clerk of the County Assembly for the support continuously awarded to this committee in discharging its mandate.

Mr. Speaker, it is therefore my pleasant duty and privilege, on behalf of the Agriculture, Environment and Natural Resources Committee to table this report. As per the law, the notice to the public was done and all the avenues earmarked. As per the proposals by the public, we had a meeting in Nyahururu, Nanyuki Social Hall and no proposals were made. The public was satisfied with the current content of the bill.

On section 7, Establishment of the County Climate Change Planning Committee in Doldol, to reduce the number of chief officers to only four (Agriculture, Livestock and Fisheries; Finance and County Planning; Water, Environment and Natural Resources; and Health Services. The public was satisfied with the rest of the contents of the Bill.

In South Imenti in Ngobit, the residents declared that they did not require the bill. They even refused to sign the attendance sheet. On behalf of the committee because I presided over that meeting, it was hectic but we tried to contain them because they were a bit incited and could not even listen to what was entailed in the bill.

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Mr. Speaker, on the 2nd day, 10th July, 2021 in Nyahururu Town Hall, on Fund Administrator, the proposal was that there should be a specific criterion of choosing the fund administrator.

On Ward Planning Committee, the proposal was that;

1. There is need to include two youth, two people with disability and two women.
2. The area chief also need to be included and the community forest association.
3. To also include that the composition of the ward planning committee comply with the two third gender rule

Mr. Speaker, you can see the legal officer there presenting the same. On Steering Committee, the proposal was that there is need to include a representative of professional bodies with relevant expertise on climate and environment.

On Community consultation forums, the County should develop a forum where people will be educated on causes of pollution and how it can be avoided. The citizens feel that the climate Bill focuses so much on fund administration rather than climate changes that affects the common citizen.

In Rumuruti, the meeting was held in Rumuruti Social Hall and the proposal was that; a sign language interpreter should be availed during public meetings, the County Assembly to pass the Bill with no further delay.

On the 3rd day, meeting with the frontier counties development council (FCDC), The committee met with Frontier Counties Development Council at the Falcon Heights on 26th – 27th August, 2021 to discuss the Laikipia County Climate Change Bill, 2021 and came up with the following proposals: -

1. Establishment of the County Climate Change Planning Committee
2. Part II Section 4(3): To be amended by adding the words "and in compliance with the Public Finance Management Act, 2012" immediately after the word "committee"
3. Part 11 Section 5(a) - To amend by adding the words "being 2% of the annual development budget" immediately after the word "Assembly";
4. Section 7(b): To be amended by including only the most relevant chief Officers (Agriculture, Livestock and Fisheries; Finance and County Planning; Water, Environment and Natural Resources; and Health Services).

On Fund Administrator;

1. Section 10(3)(a): To be amended by adding the words "must be in good standing with Certified Public Accountants of Kenya (ICPAK) immediately after the word "university"
2. Section 10(4): To be amended by adding the words "subject to good work performance" immediately after the words "years"

On Ward Planning Committee;

1. That Section 13(2) be renumbered properly from the numbers immediately after the first (b) to read as (c), (d) (e) and (f).

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2. Section 13(2) (b): To be amended by adding 13(2) (b) to read as "One person representing the economic activity in the ward"

On Functions of the Ward Planning Committee;

1. To add a subsection 3 to include duration of service of the ward planning committee so that it reads; "Members of the Ward Planning Committee shall serve for a period of three years' renewable once only."
2. Section 16 – To amend the title by deleting the word **"**Secretariat" and replacing it therefore with the word "Staff"
3. Section 16: To amend by deleting the words "competitively recruit" and the replacing therefore with the word "second".

On Functions of the Steering Committee;

1. Manage the administrative costs of the fund including the costs of the meetings.

On Memorandum of reasons and objects

To amend the memorandum reasons and object so that it is more detailed as follows; The principal object of this Bill is to provide for a regulatory framework for enhanced response to climate change; to provide for mechanism and measures to achieve low carbon climate development; financial mechanism for implementation of climate change mitigation and adaptation activities and connected purposes.

The structure of the Bill is as follows: —

Part 1 of the Bill provides for preliminary matters. It provides for short title and commencement date, interpretation, objects and purpose of the Act.

Part II of the Bill provides for establishment and administration of the Fund. The fund will be known as the Laikipia County Climate Change Fund; sources of funds, climate finance framework, establishment of the county climate change planning committee, functions of the county climate change planning committee.

In the Committee's meeting with the Frontier Counties Development Council (FCDC) on 23rd and 24th, the following proposals were suggested: -

To delete the words "Public Health" appearing immediately the words "charge of" and replacing therefore with the words "responsible for Health".

The meeting also proposed that the Climate change funds should be protected to avoid reallocation by inserting a rider that all reallocations should be approved by the County Assembly.

Recommendations

1. Section 7(b): All chief officers to be members of the Technical Committee that approves the proposals for funding;
2. Section 16: To be amend by deleting the words "competitively recruit" and the replacing therefore with the word "second"
3. Part II Section 4(3): To be amended by adding the words "and in compliance with the Public Finance Management Act, 2012" immediately after the word "committee"

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4. Part 11 Section 5(a) - To be amended by adding the words "being 2% of the annual development budget" immediately after the word "Assembly";
5. Section 10(3)(a): To be amended by adding the words "must be in good standing with Certified Public Accountants of Kenya (ICPAK)' immediately after the word "university"
6. Section 10(4): To be amended by adding the words "subject to good work performance" immediately after the words "years"
7. That Section 13(2) be renumbered properly from the numbers immediately after the first (b) to read as (c), (d) (e) and (f).
8. Section 13(2)(b): To be amended by adding 13(2)(b) to read as "One person representing the economic activity in the ward"
9. To add a subsection 3 to include duration of service of the ward planning committee so that it reads; "Members of the Ward planning Committee shall serve for a period of three years renewable once only."
10. Section 16 – To amend the title by deleting the word "Secretariat" and replacing it therefore with the word "Staff"
11. Section 16: To amend by deleting the words "competitively recruit" and the replacing therefore with the word "second".
12. Section 17(1)(d) – To delete the words "Public Health" appearing immediately after the words "charge of" and replacing therefore with the words "responsible for Health"
13. Section 29(2): To be amended by inserting the words "shall then' between the words "who" and "submit"
14. Section 18(f): The subsection to be transferred to the Fund Administrator as the functions will be performed well at that level.

"Manage the administrative costs of the fund including the costs of the meetings and sitting of the Steering Committee and the Ward Planning Committee".

Section 18(f): The subsection to be transferred to the Fund Administrator as the functions will be performed well at that level;

"Manage the administrative costs of the fund including the costs of the meetings and sitting of the Steering Committee and the Ward Planning Committee."

15. Section 18(j): The subsection to be transferred to the County Climate Change Planning Committee;

"Prepare climate change awareness and advocacy Strategy for the County based on Fund activities."

Mr. Speaker, as per the Committee recommendations, we feel that this Climate Change Bill is one of the best that needs to be updated by the County Assembly, for the purpose of management of the climate change incidence that is happening. I urge my fellow Vice Chairperson, Hon. Patricia Muthoni, to second this motion.

Hon. Patricia Muthoni: Thank you, Hon. Speaker. I am rising to second this motion and to urge Hon. Members to support this it.

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(Question proposed)

Hon. Mutahi Muritu: Asante Sana, Mheshimiwa Spika. Huu mswada ni muhimu sana ukikumbuka kwamba kidogo vile dunia inavyoenda sana na tunapojizatiti kama Kaunti kuweza kuleta sheria. Kwa awamu hii ya pili, tutakuwa tumetoa msaada zaidi kwa wananchi wetu tutakapokuwa tunakusudia kuleta sheria za mabadiliko ya hali ya hewa na mazingira katika dunia.

Ukiangalia sana vile dunia inavyoenda, kumekuwa na uharibifu sana wa mazingira na maeneo mengi inaingiliwa sana na pia maendeleo ya utandawaji. Tumekuwa hata kiuchumi duniani, kumekuwa na mabadiliko kama vile magari sio kama vile ilikuwa sitini na tatu ama miaka kumi iliyopita.

Kuna maeneo ambayo ni muhimu sana kwa sababu nimekuwa nikihudhuria hafla nyingi sana, na zinazohusiana na washikadau ambao wamekuwa wa msaada kwetu. Nilitembelea sehemu moja kule Rumuruti ambapo tulikuwa tunasoma kuhusu sehemu moja inayojulikana kama Marura, lakini zaidi ya hapo sikuona pale tu.

Ukiangalia haswa mahali tunapotoka Mheshimiwa Spika, pia wewe utakuwa shahidi wangu tuko na zaidi ya mito tatu ama nne. Ukiangalia kama sasa hivi tusipochukua hatua ambazo ni mwafaka kuleta mabadiliko ama kuleta sheria, hatutakuwa tunafanyia wananchi wetu haki.

Hatutakuwa tumefanyia wananchi wetu haki ama hata taifa lenyewe, kwa sababu ukiangalia mazingira yanaendelea kubadilika, kile kitafanya zaidi niunge mkono ni kutokana na kwamba wale washikadau tuliokuwa nao mwanzo, walisema ya kwamba tutakosa vitu nyingi zaidi kutokana na kwamba hatuna sheria ambayo inatuwezesha kupata washirika ama waekezaji wengine ambao wana nia ya kusaidia hii sheria.

Mheshimiwa Spika tulipo kuwa tunaenda kwa wananchi, tumeangalia, nimekuwa katika ile mikutano, nimeona na pia mimi mwenyewe naguzwa zaidi, vita zingine zinatokea katika Kaunti yetu ni kwa sababu sisi tunatoka katika sehemu ambazo ni kame, na pia kwa sababu ya uharibifu wa misitu, mito na pia maeneo ambayo yanafaa kuwa hifadhi, inakuwa kana kwamba hatuwezi kuhifadhi hayo mazingira.

Mheshimiwa Spika, naunga mkono kwa sababu nimekuwa nikiona mzee mmoja ambaye ni *mokorino* ambaye anajulikana kwenye huu mji na suti. Unaona anafanya kitu kizuri na nikatafakari siku moja na kujiuliza kama baada ya kupata uhuru, kwa zaidi ya miti miwili tungekuwa tunapanda matunda tungekuwa tumesaidia kwa sababu nchi zingekuwa zikibadilika.

Mheshimiwa Spika, nashukuru na nadhani katika Kaunti ya Laikipia tunahitaji hii sheria kwa sababu maeneo ya Laikipia ni kame ambayo raslimali kama maji ni nadra sana na tunahitajika kuhifadhi zaidi. Mheshimiwa Spika naomba wajumbe wenzangu wairidhie na tuipitishe ili tuweze kusonga mbele. Nakushukuru Mheshimiwa Spika. Asante.

Hon. Daniel Mugweru: Thank you, Hon. Speaker for according me this chance to make my contributions in support of this motion. Mr. Speaker, as the motion states that it is public participation for the Laikipia County Climate Change, when it comes to public participation, we as the representatives of people are in one way entitled to listen to what the people we represent demand. That is why we are called their representatives.

Mr. Speaker, the public participation that was done and the committee coming with this report, I feel that these are the views of the people of Laikipia and that is the very best for them.

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Mr. Speaker, you know very well about the climate change. We are all affected in one way or the other and at the same time, we might find ourselves that we have also played part in the same. Mr. Speaker, you will find that there is deforestation all over and the rivers we used to call permanent rivers when we were in school, today they are seasonal rivers.

When you are trying to tell your kids that this is a permanent river, he intends to ask you why you tell me it is permanent yet two months ago, it was dry. Mr. Speaker, this bill has come at the right time where we are affected through air pollution and all this. We are part and parcel of this. So Mr. Speaker, when Hon. Members join hands and pass this report so that Climate Change Bill may come into place, it will be of help to us. I support, thank you.

Speaker: Hon. Members, if there are no more contributions on the same, this brings us to the end of that report. As we all know, we do not put a question on the same because these are the views of the public. As a House we can only be informed by the views of the public. We do not make a decision on the same.

ADJOURNMENT

Speaker: Hon. Members, this House now stands adjourned until tomorrow Wednesday, 15th September, 2021, at 9.00 a.m.

The House rose at 2.52 p.m.

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