



REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY



THIRTEENTH PARLIAMENT (SECOND SESSION)

PUBLIC PETITIONS COMMITTEE

REPORT ON –

(PUBLIC PETITION NO. 12 OF 2023)

BY HON. EDITH NYENZE REGARDING THE DESILTATION OF MATINGA DAM

 THE NATIONAL ASSEMBLY JULY, 2023	
DATE: 21 JUL 2023	
DAY: THURSDAY	
TABLED BY:	HON. JANET SITIENEI, MP VICE-CHAIRPERSON
CLERK-AT-THE-TABLE:	

CLERK'S CHAMBERS
DIRECTORATE OF LEGISLATIVE AND PROCEDURAL SERVICES
PARLIAMENT BUILDINGS
NAIROBI

CHAIRPERSON'S FOREWORD

On behalf of the Public Petitions Committee and pursuant to provisions of Standing Order 227, it is my pleasant privilege and honour to present to this House the Report of the Committee on the Public Petition Regarding Desiltation of Matinga Dam. The petition was presented to the House pursuant to Standing Order No. 225 (2) (a) by the Hon. Edith Nyenze, M.P, Member for Kitui West Constituency on behalf of the residents of Kitui West Constituency.

The Petitioner prayed that the House uses its authority to intervene to ensure that the desiltation of Matinga Dam in Kitui West Constituency is carried out by the Ministry of Water, Sanitation, and Irrigation to provide water to the residents around the dam and its environs. The Committee considered the Petition and made various observations regarding the issues arising from the Petition including the state of the dam and other colonial dams, the efforts to desilt the dam and the costs involved.

In response to the prayers sought in the Petition, the Committee made various recommendations including audit of all colonial dams and feasibility studies on those that can be rehabilitated and maintained to ensure access to water for all Kenyans. The Committee further recommends that Tanathi Water Works Development Agency submits to the Departmental Committee on Blue Economy and Irrigation the feasibility studies such as engineering studies & surveys and detailed technical designs, for the rehabilitation of Matinga Dam.

The Committee appreciates the Offices of the Speaker and Clerk of the National Assembly for providing guidance and necessary technical support without which its work would not have been possible. The Chairperson expresses gratitude to the Committee Members for their devotion and commitment to duty during the consideration of this Petition.

On behalf of the Committee and pursuant to the provisions of Standing Order 199, I now wish to lay the Report on the Table of the House.



for.

HON. NIMROD MBITHUKA MBAI, M.P.
CHAIRPERSON, PUBLIC PETITIONS COMMITTEE

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LIST OF ACRONYMS

ADB	-	Africa Development Bank
ASALs	-	Arid and Semi-Arid Lands
DIMALG	-	Desiltation of Matinga Dam Lobby Group
ESIA	-	Environmental and Social Impact Assessment
NGO	-	Non-Governmental Organisation
NWHSa	-	National Water Harvesting and Storage Authority
PPP	-	Public Private Partnership
SEKU	-	South Eastern Kenya University
TARDA	-	Tana and Athi Rivers Development Authority
TAWWDA	-	Tanathi Water Works Development Agency
WRA	-	Water Resource Authority
WSTF	-	Water Sector Trust Fund

PART ONE

1. PREFACE

1.1 ESTABLISHMENT AND MANDATE OF THE COMMITTEE

The Public Petitions Committee is established under the provisions of Standing Order 208A with the following terms of reference:

- a) considering all public petitions tabled in the House;
- b) making such recommendations as may be appropriate with respect to the prayers sought in the petitions;
- c) recommending whether the findings arising from consideration of a petition should be debated; and
- d) advising the House and reporting on all public petitions committed to it.

1.2 COMMITTEE MEMBERSHIP

The Public Petitions Committee was constituted in October 2022 and comprises of the following Members:

Chairperson

Hon. Nimrod Mbithuka Mbai, M.P.
Kitui East Constituency

United Democratic Alliance (UDA)

Vice Chairperson

Hon. Janet Jepkemboi Sitienei, M.P.
Turbo Constituency

United Democratic Alliance (UDA)

Hon. Patrick Makau King'ola, M.P.
Mavoko Constituency

Wiper Democratic Movement-Kenya (WDM-K)

Hon. Edith Vethi Nyenze, M.P.
Kitui West Constituency

Wiper Democratic Movement-Kenya (WDM-K)

Hon. Ernest Kivai Ogesi Kagesi, M.P.
Vihiga Constituency

Amani National Congress (ANC)

Hon. Maisori Marwa Kitayama, M.P.
Kuria East Constituency

United Democratic Alliance (UDA)

Hon. Joshua Chepyegon Kandie, M.P.
Baringo Central Constituency

United Democratic Alliance (UDA)

Hon. John Walter Owino, M.P.
Awendo Constituency

Orange Democratic Movement (ODM)

Hon. Bernard Muriuki Nebart, M.P.
Mbeere North Constituency

Independent

Hon. Bidu Mohamed Tubi, M.P.
Isiolo South

Jubilee Party (JP)

Hon. Caleb Mutiso Mule, M.P.
Machakos Town Constituency

Maendeleo Chap Chap Party (MCCP)

Hon. John Bwire Okano, M.P.
Taveta Constituency

Wiper Democratic Movement-Kenya (WDM-K)

Hon. Peter Mbogho Shake, M.P.
Mwatate Constituency

Jubilee Party (JP)

Hon. Sloya Clement Logova, M.P.
Sabatia Constituency

United Democratic Alliance (UDA)

Hon. Suzanne Ndunge Kiamba, M.P.
Makueni Constituency

Wiper Democratic Movement-Kenya (WDM-K)

1.3 COMMITTEE SECRETARIAT

The Public Petitions Committee is facilitated by the following secretariat:

Lead Clerk
Mr. Samuel Kalama
Principal Clerk Assistant

Ms. Anne Shibuko
First Clerk Assistant

Ms. Miriam Modo
First Clerk Assistant

Mr. Willis Obiero
Clerk Assistant III

Mr. Shadrach Omondi
Legal Counsel II

Ms. Patricia Gichane
Legal Counsel II

Mr. Martin Sigei
Research Officer III

Mr. Andrew Shangirai
Principal Sergeant at Arms

Mr. Yezel Jilo
Sergeant at Arms

Ms. Lilian Mburugu
Media Relations Officer

Ms. Rahab Chepkilim
Audio Officer

PART TWO

2. PETITION NO. 12 OF 2023 REGARDING DESILTATION OF MATINGA DAM

2.1 INTRODUCTION

1. Public Petition No. 12 of 2023 regarding Desiltation of Matinga Dam in Kitui West Constituency was presented to the House by the Member for Kitui West Constituency, Hon. Edith Nyenze, M.P., on behalf of the residents of Kitui West Constituency on Thursday, 16th March, 2023.
2. The Petitioners from Kauwi, Mutongoni, Matinyani, Kithimula/Kwa Muthonga Wards in Kitui West Constituency utilise the dam as a water supply for household use and watering their livestock.
3. Matinga Dam was a pre-colonial era constructed in 1954 and had been in operation until 1981. The Constituency is in an arid and semi-arid area and therefore experienced dry spells and lack of water and pastures throughout the year.
4. The Petitioners are of the view that de-siltation of the dam would renew the freshwater reservoir for the residents and allow for sand harvesting as an economic activity during the desiltation of the dam.

2.2 PETITIONER'S PRAYERS

The Petitioners prayed that the National Assembly through the Public Petitions Committee—

- i. Ensure that, the desiltation of Matinga Dam in Kitui West Constituency is carried out by the Ministry of Water, Sanitation, and Irrigation to provide water for the residents around the dam and its environs; and,
- ii. Makes any other necessary recommendations the Committee deems fit to address the issues raised in the Petition.

PART THREE

3. SUBMISSIONS BY STAKEHOLDERS ON THE PETITION

3.1 THE PETITIONER

The Hon. Edith Nyenze, MP, appeared before the Committee on Tuesday, 3rd May 2023 and submitted as follows—

5. The residents of Kitui West Constituency; Kauwi, Mutonguni, Matinyani, Kithumula/Kwa Muthonga Wards in Kitui Constituency had for a long time been facing difficulties in acquisition of water for their livestock and household.
6. For over 42 years, the residents have suffered lack of water for domestic use and watering of livestock due to siltation of Matinga Dam which is about 154 acres with a capacity of one billion cubic meters of water.
7. The community dam has a title deed with marker boundaries and is free from permanent human encroachment.
8. The dam is a potentially productive water catchment and ecosystem supporting a human population of excess of 180,000 people and livestock. Currently, residents obtained fresh water from Machakos County, which was far, resulting into them petitioning for desiltation of Matinga Dam in Kitui County for them to have a close water supply.
9. The residents through a group called Desiltation of Matinga Dam Lobby Group (DIMALG) had persistently sought assistance from government and NGOs for desiltation of the dam but had not succeeded.
10. Desiltation of the dam would realize greater benefits including utilization of sand by local community, afforestation around the dam, supply of water for irrigation, other income generating activities such as tourist attraction, water sports etc.
11. The desiltation process could be implemented through the Public Private Partnership (PPP) approach to ensure efficiency and sustainability.

3.2 The National Water Harvesting and Storage Authority

The Chief Executive Officer of the National Water Harvesting and Storage Authority vide a letter Ref No. NWHSA/CEO/00/90/VOL.VII/ (11) date 24th June 2023 forwarded a written submission on the deliberations and recommendations following a joint site visit to the dam with the Committee. In the submission, the CEO indicated as follows:

3.2.1 Background

12. Kitui County was categorised as an ASAL area thus water projects are considered crucial in the County Development Plan. Therefore, in a bid to address the water challenge in Kitui County, and specifically Kitui West Constituency, desiltation of Matinga Dam was crucial.
13. The dam was constructed during colonial times (1950's) and silted up in the 1980's. Several efforts have been made by Kitui County Government in partnership with World Bank, Africa Development Bank (ADB) and Tana and Athi River Development Authority (TARDA) on conservation of water catchment by planting of bamboo trees and educating farmers living next to the dam to carryout good farming practices, for instance, terracing on slopes. Desiltation of the dam has not been done, making the residents trek long distances in search of water for both domestic and livestock use.

3.2.2 Preliminary studies on Matinga Dam

That from the previous studies done, National Water Harvesting and Storage Authority (NWSHA) submitted as follows—

14. The proposed project components required to rehabilitate the dam and water catchment area are proposed to include desilting of the earth dam to accommodate 3,108,000 cubic metres of water; construction of embankment draw off, scour culvert, spillway and treatment works; surveying and laying of water pipeline network; provision of 33,700 cubic metres per day of safe clean water to serve a population of 521,126 people and for small scale irrigation; and catchment, protection and conservation activities of approximately 302 km² with a run-off dependability of 80%.
15. The preliminary proposed project cost includes the initial investment at Kshs. 1,134,639,513.86; dam rehabilitation (main embankment, draw-off, scour culvert and spillway) at Kshs. 701,154,886.86; water distribution infrastructure at Kshs. 173,214,627; catchment rehabilitation and conservation at Kshs. 185,750,000; supporting infrastructure at Kshs. 38,500,000; and administrative costs at Kshs. 20,000,000.

3.2.3 Proposed Recommendations

After the joint site visit with the Public Petitions Committee to Matinga Dam and perusing through the available documentation provided, NWHSA recommended as follows:

16. In conjunction with other stakeholders, a through feasibility study should be undertaken to determine the target population to be served, the capacity of the dam and reservoir area, and viable project components.
17. A further investigation should be conducted to determine the tributaries and establish why there is no flow towards the dam and how to improve on the flow as well as a hydrological investigation of the water sources should be undertaken to determine the inflow into the dam.
18. There is need for a full report on catchment rehabilitation measures to be undertaken and a geological survey of the dam embankment are to determine downstream seepage/aquifer formation.
19. The Water Resource Authority (WRA) should be engaged on catchment conservation measures within the dam catchment and water catchment management plan with appropriate cost be prepared. Further, the County Government of Kitui should assist in lobbying for funds to carry out the studies.

3.2.4 Detailed Feasibility Study Report

20. Survey and Design Team

S/No	Name	Role	Rate	No of days	Amount (Kshs)
1	Engineer	Team Leader	10,500	30	315,000.00
2	Engineer	Design Team- Come upwith Feasibility Study Report with cost estimates	10,500	30	315,000.00
3	Engineer	Design Team- Come upwith Feasibility Study Report with cost estimates	10,500	30	315,000.00
4	Surveyor	Topographical Survey of Dam embankment and reservoir	10,500	30	315,000.00
5	Driver 1	Driver	4,900	30	147,000.00
6	Driver 2	Driver	4,900	30	147,000.00
7	Casuals for bush clearing	3No. × Kshs.500× 25days			37,500.00
8	Test pits at the reservoir area	4No. × Kshs.300× 10ft			12,000.00
9	Survey tools and equipment for beaconing				10,000.00
10	Fuel and Maintenance for 2 vehicles				100,000
	TOTAL COST TAKEN TO SUMMARY				1,713,500.00

Table 1. *Estimated cost for survey and design team*

21. Geophysical Survey step is important to determine the soil strata along the dam axis and downstream underground seepage.

S/No	Name	Role	Rate	No. of Days	Amount (Kshs)
1.	Geologist	To do the geophysicalSurvey	10,500	10	105,000.00
2.	Assistant	Work Assistant	4,900	10	49,000.00
3.	Driver 1	Driver	4,900	10	49,000.00
4.	Fuel and Maintenance for vehicle				40,000.00
5.	Casuals for bush clearing	2No. \times kshs.500 \times 10 days			10,000.00
6.	Hiring of Equipment for the geotechnical Survey	6,000 per day \times 10 days			60,000.00
TOTAL COST TAKEN TO SUMMARY					313,000.00

Table 2. *Estimated cost of geophysical survey*

22. Hydrological study is very important in the determination of availability of water to be impounded by the dam.

S/No.	Name	Role	Rate	No. of days	Amount (Kshs)
1.	Hydrologist	Hydrological Studies	10,500	10	105,000.00
2.	Miscellaneous cost				5,000.00
TOTAL COST TAKEN TO SUMMARY					110,000.00

Table 3. *Estimated cost of hydrological study*

23. Environmental and Social Impact Assessment (ESIA) with a baseline ESIA Report

S/No	Name	Role	Rate	No. of days	Amount
1.	ESIA Expert	Prepare Baseline Report	10,500	10	105,000.00
2.	Miscellaneous Cost				10,000.00
TOTAL COST TAKEN TO SUMMARY					115,000.00

Table 4. *Estimated cost of Environmental and Social Impact Assessment*

24. Summary of Costs for Detailed Feasibility Study

1.	Survey and Design Team	1,713,500.00
2.	Geophysical Survey	313,000.00
3.	Hydrological Studies	110,000.00
4.	Environmental and Social Impact Assessment (ESIA)	115,000.00
GRAND TOTAL EXPENDITURE TO COMPLETE DETAILED FEASIBILITY STUDIES		2,251,500.00

Table 5. *Summary of costs for detailed feasibility study*

3.3 The County Government of Kitui

The County Government of Kitui through the County Executive Committee on Water and Irrigation submitted as follows:

25. The dam was allocated 154 acres and its design storage capacity was one million cubic metres and had the potential to serve a population of 200,000 people in Kivani, Nzawa, Nguutani, Mutonguni, Katheka, Katutu, and Kauwi Wards, with water for domestic and irrigation use.
26. The dam was the main source of water for both domestic and livestock up to the early 1980s when siltation reached to the levels that it could no longer hold water. It was first desilted in 1972 and has been accumulating silt since then. Currently, the dam reservoir is entirely silted, and all components of the dam are in a dilapidated state and therefore cannot be utilized by the beneficiary community.
27. Further, the dam site is unfenced and unprotected with encroachment activities especially farmers who use the wetland for agricultural activities.
28. The dam has an aquifer called, “*Kamelya andu*” which never dries up and currently acts as the only source of water for domestic use during the dry seasons.
29. Efforts to desilt the dam included resource mobilization by the local professionals who appealed to Water Sector Trust Fund (WSTF) through WRA.
30. The County Government of Kitui approached the World Bank to consider financing the rehabilitation of the dam through Public Private Partnership (PPP). TARDA was identified as a partner in the project but due to lack of resources to facilitate the technical consultative meetings, nothing much was realised.
31. TARDA had agreed to partner with the County Government in rehabilitation of the dam. An initial feasibility study was done, and a concept proposal submitted to the PPP Secretariat at the National Treasury.

3.4 The Ministry of Water, Sanitation, and Irrigation

The Cabinet Secretary, Hon. Alice Wahome appeared before the Committee on Thursday, 6th July 2023 and submitted as follows—

32. Matinga Dam is in Kitui West Constituency in Kitui County and was constructed in 1955. The design storage capacity of the dam is one million cubic metres and serves a

population of 200,000 people in Nguutani, Mutonguni and Kauwi wards, with water for domestic and irrigation use.

33. The Dam was first desilted in 1972 and has been accumulating silt since then. Currently, the dam reservoir is entirely silted, and all components of the dam are in a dilapidated state and therefore cannot be utilized by the beneficiary community.
34. Tanathi Water Works Development Agency (TAWWDA) has been directed to undertake comprehensive engineering studies & surveys and prepare detailed technical designs for the rehabilitation of Matinga Dam.
35. The studies and survey conducted will be for the desilting of the dam, rehabilitation of the dam embankment, spillway and fencing of the dam reservoir area. The Agency will conclude these studies and submit them to the Ministry of Water, Sanitation, and Irrigation by 31st July 2023 for funding consideration.

3.5 SITE VISIT

The Committee conducted a site visit to Matinga Dam on Monday, 29th May, 2023 to make observations and interact with community members. During the visit, the Committee engaged various stakeholders—

1. The County Government of Kitui represented by the Governor, H.E (Dr.) Julius Malombe, EGH.
2. The County Commissioner, Mr. Erastus Mbui;
3. The National Water Harvesting and Storage Authority represented by Eng. Rispah Achieng' and Mr. Joseph Gitonga;
4. The Water Resource Authority represented by Mr. Philip Munyua, the Principal Water Resource Safety Officer; and
5. Community Members (Petitioners).

The Committee made the following observations—

3.5.1 *The state of Matinga Dam*

36. The County Commissioner stated that, despite Kitui County being an Arid and Semi-Arid Lands (ASAL) region, which is water-scarce, many economic activities, including crop cultivation and animal husbandry, significantly rely on water from dams.
37. There is a glaring evidence of the Matinga Dam's urgent need for desiltation. Lack of funding was the main obstacle to desilting the Matinga Dam. If provided it would allow for the restoration of the dam.

38. Matinga Dam was one of the many dams across the country established during colonial times that had neither been maintained nor properly utilised. The design of the dam was ideal, but it lacked allocation of funds to follow up on the maintenance and utilization of the colonial dams.
39. The silt in Matinga Dam had accumulated for over 42 years and could be used to fertilize farms if the dam was desilted.

3.5.2 Funding challenges by the County Government of Kitui

40. The desiltation of Matinga dam had been prioritized during the public participation exercise for the budget but the project cost was too high for the county government to meet.
41. Matinga Dam was factored in the County Integrated Development Plan. The budget for water in the county government was too little for the amount required for the project. The County Government had canvassed the matter and made a request for assistance in the project with various donors such as the World Bank and Water Sector Trust Fund (WSTF).

3.5.3 Efforts made towards the management of water resources

42. Kitui County Government had established a management committee to conduct follow ups and maintenance of water resources such as dams and boreholes. The county had invested in machinery to drill boreholes.
43. With regards to Matinga Dam, the county undertook to put structures in place to manage erosion which was the major cause of siltation including planting of trees in collaboration with community members.

3.5.4 The cost of desiltation of Matinga Dam

44. The National Water Harvesting and Storage Authority (NWHSA) stated that it would be costlier to desilt the dam than constructing a new dam because the desiltation would require complex machinery as there could be a lot of water underneath.
45. NWHSA stated that desiltation of Matinga Dam was feasible but required further technical studies to establish the cost. Further, the public private partnership approach needed a comprehensive feasibility report, which could be conducted by NWHSA. The further feasibility analysis and research included establishing possibility of seepage and treatment works.

46. The previous survey conducted on the dam on treatment works was inadequate. Therefore, there was need for further study to establish the project components and detailed final design.
47. The County had also partnered with South Eastern Kenya University (SEKU) to map various sand dams. The exercise had revealed that about 154 ha area of the Matinga Dam had been encroached by the community who were utilising the area for farming, but they would be relocated.
48. Maintenance of environmental and catchment areas such as Matinga Dam was an expensive exercise that required continuous efforts on controlling erosion and siltation.
49. After the deliberations with different stakeholders, it was proposed that the NWHSA provides a comprehensive budget for feasibility study on the dam.

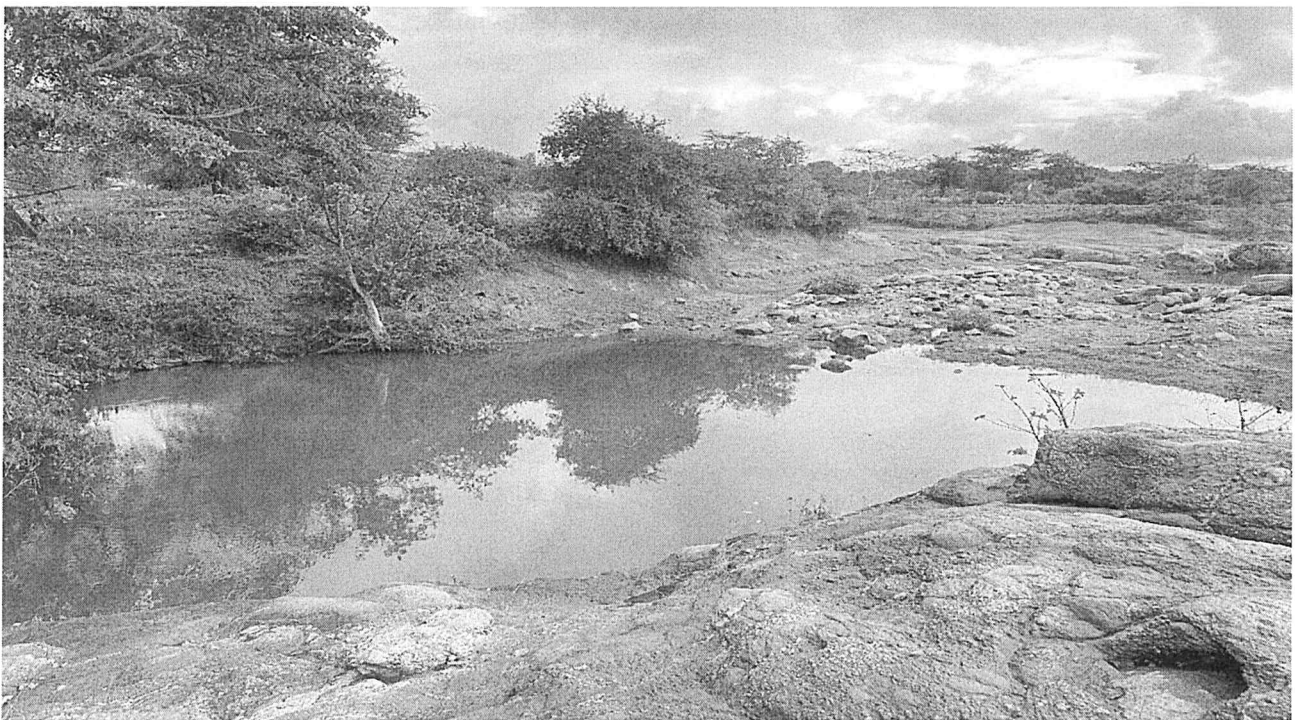


Figure 1. *An aquifer at the Matinga Dam referred by the locals as “Kamelya andu”*

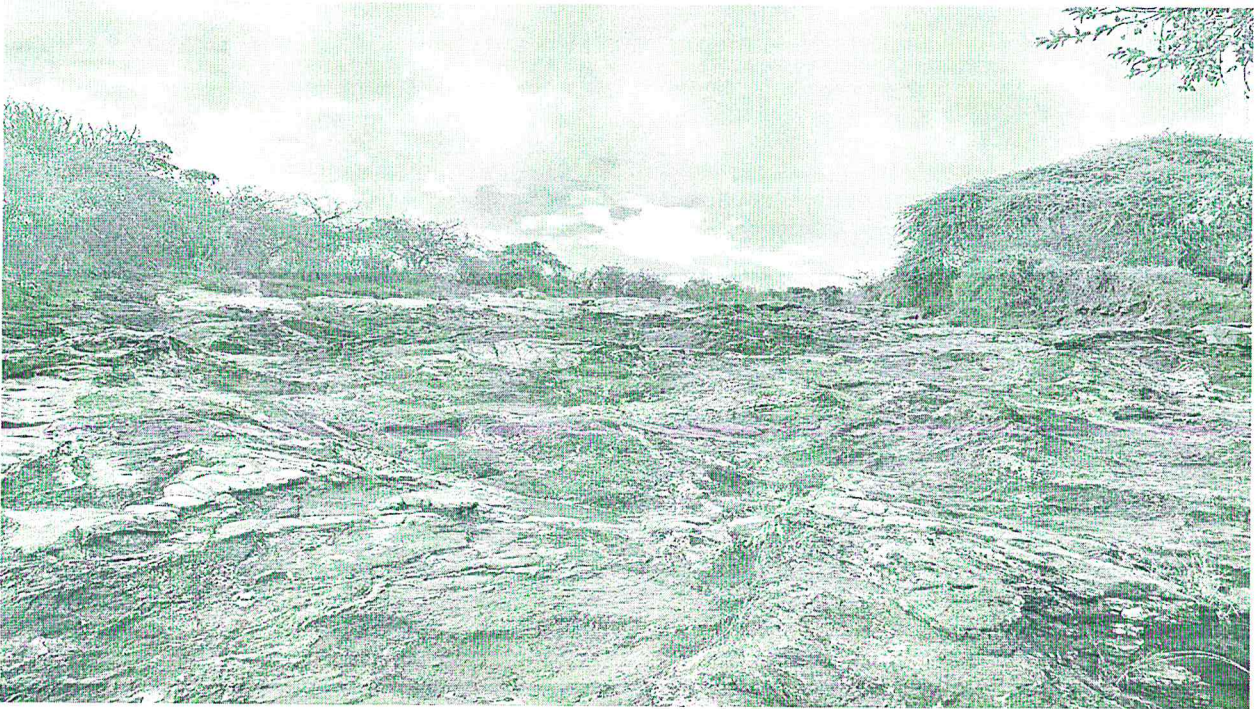


Figure 2. *A section of rocks holding water next to the aquifer at Matinga Dam*



Figure 3. *The vast silted Matinga Dam*

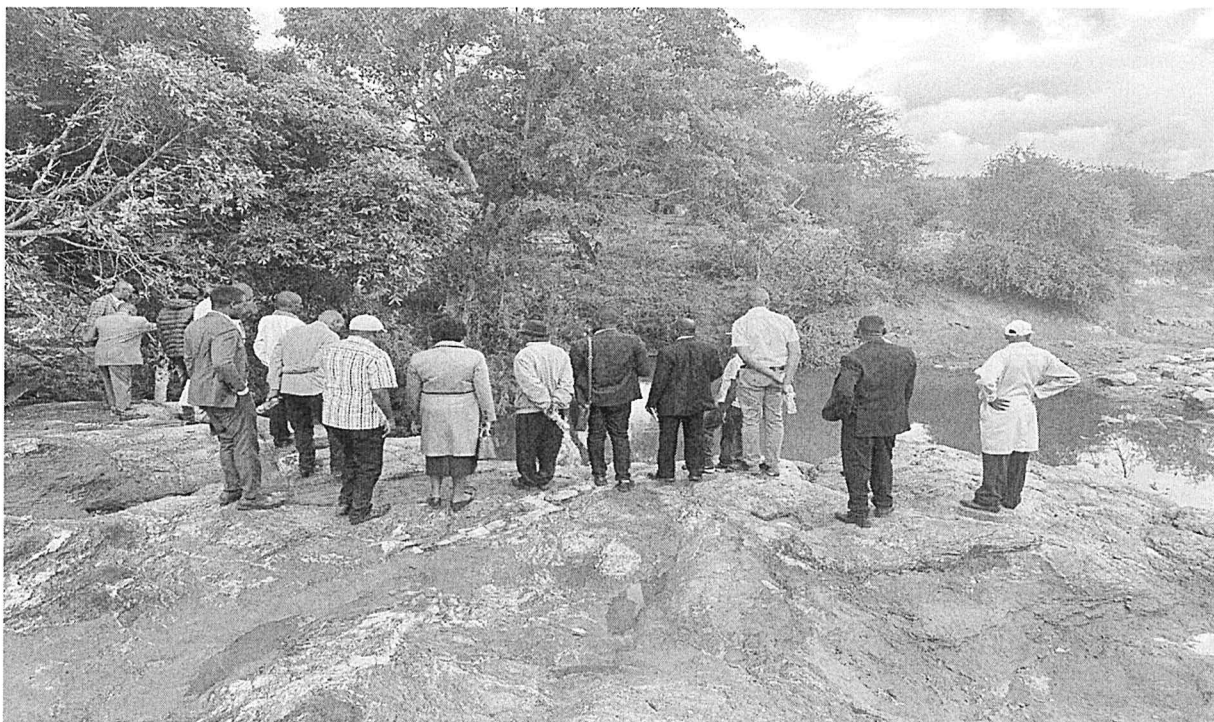


Figure 4. *Members of the Public Petitions Committee with various stakeholders during the site visit at Matinga Dam*



Figure 5. *A section of the residents of Kitui West Constituency during the meeting with the Committee at the Matinga Dam Site*

PART FOUR

4. COMMITTEE OBSERVATIONS

Following the submissions by the petitioners and various stakeholders, the Committee observed that—

50. Matinga Dam is silted and there is only one aquifer with water which rarely dries up. However, the dam is also unprotected, and residents have encroached the wetland areas to undertake farming activities.
51. Lack of rehabilitation of the dam has been primarily due to funding challenges and the lack of stakeholder collaboration between County and National Government on the project.
52. There are about four hundred and eight (408) colonial dams across the country that need to be desilted and rehabilitated to ensure access to water.
53. Maintenance of water sources such as dams is a costly endeavour requiring periodic budgetary allocation to ensure long-term and sustainable use of these water sources.
54. Desiltation of the dam would have several benefits for the residents of Kitui West Constituency including sand harvesting, afforestation of the area, supply of water for irrigation and other income generating activities.
55. Despite the encroachment into the dam's wetlands by farmers, they were aware of the land being a public land allocated for the dam and were only utilizing it temporarily; hence were ready to cease their activities upon commencement of the desiltation project.
56. The Ministry of Water, Sanitation and Irrigation was committed to rehabilitating Matinga Dam, but were awaiting results from various feasibility and technical review of the project to ascertain the funding required.

PART FIVE

5. ISSUES FOR DETERMINATION AS PER THE PRAYERS IN THE PETITION

Upon hearing from the Petitioners and other witnesses, the Committee makes determination on prayers sought in the Petition as follows—

Prayer No. 1: Desiltation of Matinga Dam in Kitui West Constituency by the Ministry of Water, Sanitation, and Irrigation to provide water for the residents around the dam and its environs.

57. The Committee—

- i. Notes that the residents of Kitui West Constituency are dependent on the water from Matinga Dam, even though the dam is silted to the brim, the residents can still access the water through mudholes.
- ii. Notes that the rehabilitation of the dam will improve the economic and social welfare of the residents of Kitui West Constituency and the County.
- iii. Notes the rehabilitation will involve various water sector stakeholders and agencies of the National Government such as the National Water Harvesting Authority, the Water Resources Authority, and the Tanathi Water Works Development Agency.
- iv. Notes that the National Government and County Government were collaborating in the water development works project to rehabilitate the dam, in funding and technical support through a joint technical committee.
- v. Concurs with the stakeholder submissions that a public private partnership approach may be considered following extensive public participation, to circumvent the funding challenges that have overwhelmed previous rehabilitation efforts.
- vi. Notes that the main challenge in the rehabilitation of Matinga Dam was the huge budgetary allocations required for such a project.
- vii. Notes the undertaking of the Cabinet Secretary for the Ministry of Water, Sanitation, and Irrigation to rehabilitate the Matinga Dam through the Tana Athi Water Works Development Agency.

PART SIX

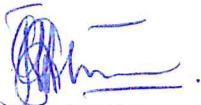
6. COMMITTEE RECOMMENDATIONS

Pursuant to the provisions of Standing Order 227, the Committee recommends that—

The Committee also recommends that—

- i. The Cabinet Secretary, Ministry of Water, Sanitation, and Irrigation initiates audit of all colonial dams across the country and conducts feasibility studies on those that can be rehabilitated and maintained to ensure access to water;
- ii. The Ministry of Water, Sanitation and Irrigation to submit to the National Assembly Departmental Committee on Blue Economy and Irrigation, the budget estimates for the project and any potential donor funding options on the project or public private partnerships proposals for consideration within three months;
- iii. The Tanathi Water Works Development Agency to submit to the National Assembly Departmental Committee on Blue Economy and Irrigation the feasibility studies such as engineering studies and surveys and detailed technical designs, for the rehabilitation of Matinga Dam within two months;
- iv. Both the National and County Governments should source for funding for the project through budgetary allocation and donor funding from various donors such as the World Bank and Water Sector Trust Fund (WSTF) and ensure accountability systems are set up in the project; and
- v. The Ministry of Water, Sanitation, and Irrigation to submit a report on the rehabilitation of the Matinga Dam upon completion of the project.

SIGNED:



DATE:

26/07/2023

for

THE HON. NIMROD MITHUKA MBAI, M.P.
CHAIRPERSON, PUBLIC PETITIONS COMMITTEE



THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT – SECOND SESSION – 2023
PUBLIC PETITIONS COMMITTEE

**ADOPTION SCHEDULE OF THE REPORT ON CONSIDERATION OF PUBLIC
PETITION NO. 12 of 2023 REGARDING THE DESILTATION OF MATINGA DAM IN
KITUI WEST CONSTITUENCY**

DATE.....26/07/2023.....

We the undersigned Honourable Members of the Public Petitions Committee, do hereby affix our signatures to this Report on the Consideration of Public Petition No. 12 of 2023 **Desiltation of Matinga Dam in Kitui West Constituency** to confirm our approval and confirm its accuracy, validity, and authenticity—

	NAME	DESIGNATION	SIGNATURE
1.	Hon. Nimrod Mbithuka Mbai, M.P.	Chairperson	
2.	Hon. Janet Jepkemboi Sitienei, M.P.	Vice Chairperson	
3.	Hon. Patrick Makau King'ola, M.P.	Member	
4.	Hon. Edith Vethi Nyenze, M.P.	Member	
5.	Hon. Ernest Ogesi Kivai, M.P.	Member	
6.	Hon. John Walter Owino, M.P.	Member	
7.	Hon. Joshua Chepyegon Kandie, M.P.	Member	
8.	Hon. Maisori Marwa Kitayama, M.P.	Member	
9.	Hon. (Eng.) Bernard Muriuki Nebart, M.P.	Member	
10.	Hon. Bidu Mohamed Tubi, M.P.	Member	
11.	Hon. Caleb Mutiso Mule, M.P.	Member	
12.	Hon. John Bwire Okano, M.P.	Member	
13.	Hon. Peter Mbogho Shake, M.P.	Member	
14.	Hon. Sloya Clement Logova, M.P.	Member	
15.	Hon. Suzanne Ndunge Kiamba, M.P.	Member	



REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT (SECOND SESSION)

PUBLIC PETITION

(No. 12 of 2023)

REGARDING DESILTATION OF MATINGA DAM IN KITUI WEST
CONSTITUENCY

I, the **UNDERSIGNED**, on behalf of the residents of Kitui West Constituency;
DRAW the attention of the House to the following:

1. **THAT**, Article 69 of the Constitution provides that the State shall ensure sustainable exploitation, utilization, management and conservation of the environment and natural resources, and ensure the equitable sharing of the accruing benefits;
2. **THAT**, water is a key natural resource which is essential for the wellbeing of every individual;
3. **THAT**, Kitui West Constituency is arid and semi-arid area and as a result experiences dry spells and lack of water and pastures throughout the year;
4. **THAT**, the Kitui West residents main economic activity is livestock farming and therefore it is crucial to have adequate water for livestock use;
5. **THAT**, in the recent past the residents of Kitui West and in particular *Kauwi, Mutonguni, Matinyani, Kithumula/Kwa Muthonga Wards* in Kitui West Constituency have been facing difficulties in regard to provision of water for their livestock and household;
6. **CONCERNED THAT**, for more than 42 years, Kitui West residents have suffered due to lack of basic necessities such as water for both domestic use and for livestock due to silted Matinga Dam;

**PUBLIC PETITION REGARDING DESILTATION OF MATINGA DAM IN
KITUI WEST CONSTITUENCY**

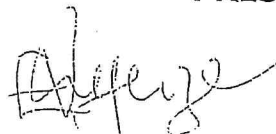
7. **THAT**, the residents have persistently sought assistance from the government and non-governmental organization for desiltation of Matinga Dam to provide water to the residents with no avail;
8. **THAT**, efforts to resolve this matter with the relevant government levels and agencies have been futile; and
9. **THAT**, the matter presented in this petition is not pending before any tribunal, court of law or Independent body.

THEREFORE, your humble Petitioners pray that the National Assembly through the Public Petitions Committee makes an inquiry into all matters raised in this Petition with a view to:

-
- (i) ~~Ensure that, the desiltation of Matinga Dam in Kitui West Constituency is~~ carried out by the Ministry of Water, Sanitation and Irrigation to provide water to the residents around the dam and its environs; and,
 - (ii) Make any other necessary recommendation the Committee deems fit to address the issues raised in this Petition.

And your Petitioners will ever pray.

PRESENTED BY:



THE HON. EDITH VETHI NYENZE, MP
MEMBER FOR KITUI WEST CONSTITUENCY

Date:.....



REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY

MINUTES OF THE 27TH SITTING OF THE PUBLIC PETITIONS COMMITTEE HELD ON TUESDAY, MAY 03, 2023, IN THE COMMITTEE ROOM ON 4TH FLOOR, CONTINENTAL HOUSE AT 11:00 AM

PRESENT

- | | | |
|--|---|------------------|
| 1. Hon. Janet Jepkemboi Sitienei, M.P. | - | Vice Chairperson |
| 2. Hon. Joshua Chepyegon Kandie, M.P. | | |
| 3. Hon. John Walter Owino, M.P. | | |
| 4. Hon. Maisori Marwa Kitayama, M.P. | | |
| 5. Hon. Edith Vethi Nyenze, M.P. | | |
| 6. Hon. Suzanne Ndunge Kiamba, M.P. | | |
| 7. Hon. John Bwire Okano, M.P. | | |

APOLOGIES

- | | | |
|---|---|-------------|
| 1. Hon. Nimrod Mbithuka Mbai, M.P. | - | Chairperson |
| 2. Hon. Patrick Makau King'ola, M.P. | | |
| 3. Hon. Ernest Ogesi Kivai, M.P. | | |
| 4. Hon. (Eng.) Bernard Muriuki Nebart, M.P. | | |
| 5. Hon. Caleb Mutiso Mule, M.P. | | |
| 6. Hon. Bidu Mohamed Tubi, M.P. | | |
| 7. Hon. Peter Mbogho Shake, M.P. | | |
| 8. Hon. Sloya Clement Logova, M.P. | | |

INATTENDANCE

The Hon. James Opiyo Wandayi, CBS - The Leader of the Minority Party

SECRETARIAT

- | | | |
|-------------------------|---|------------------------------|
| 1. Mr. Samuel Kalama | - | Principal Clerk Assistant II |
| 2. Mr. Willis Obiero | - | Clerk Assistant III |
| 3. Ms. Patricia Gichane | - | Legal Counsel II |
| 4. Mr. Martin Sigei | - | Research Officer III |
| 5. Ms. Lilian Mburugu | - | Media Relations Officer III |
| 6. Ms. Rahab Chepkilim | - | Audio Officer |
| 7. Ms. Libbie Muringi | - | Media Relations Attaché |

MIN./PPETC/2023/174: PRELIMINARIES

The Vice Chairperson called the meeting to order at 11.00 a.m. and Hon. John Walter Owino, M.P. said the prayers.

MIN./PPETC/2023/175: ADOPTION OF AGENDA

1. Prayer
2. Adoption of the Agenda
3. Confirmation of minutes of Previous Sitings
4. Matters Arising
5. **Consideration of Public Petition regarding desiltation of Matinga dam in Kitui West Constituency**
-Meeting with the Petitioner, the Hon. Edith Nyenze, MP
6. **Consideration of Public Petition regarding the Amendment of the Constitution to provide for the Office of the Prime Minister, Deputy Prime Minister, and the Leader of Oppositions**
-Meeting with the Leader of Majority Party
-Meeting with the Leader of Minority Party
7. Any other Business
8. Adjournment & Date of Next Meeting

Thereafter, the proposed Agenda of the Meeting was adopted to constitute business of the Meeting having been proposed by the Hon. Joshua Chepyegon Kandie, M.P and seconded by the Hon. Edith Vethi Nyenze, M.P.

MIN./PPETC/2023/176: CONFIRMATION OF MINUTES OF PREVIOUS SITTING

The Agenda was deferred.

MIN./PPETC/2023/177: CONSIDERATION OF PUBLIC PETITION REGARDING DESILTATION OF MATINGA DAM IN KITUI WEST CONSTITUENCY

Meeting with the Petitioner, the Hon. Edith Nyenze, MP

The Petitioner made submissions on the petition before the Committee as follows:

- i. That the residents of Kitui West Constituency; Kauwi, Mutonguni, Matinyani, Kithumula/Kwa Muthonga Wards have been facing difficulties in provision of water for their livestock and household.
- ii. That for over 42 years, the residents have suffered lack of water for domestic and livestock due to siltation of Matinga Dam which is about 154 acres with capacity of one billion cubic meters of water.
- iii. The community dam has a title deed with marked boundaries and free from permanent human encroachment.
- iv. Currently the residents get fresh water from Masinga Dam which is in Machakos County but it would be more convenient for them to get water from Matinga Dam in Kitui.

- v. That the dam is a potentially productive water catchment and ecosystem supporting a human population in excess of 180,000 people and livestock.
- vi. That the residents through a group called Desiltation of Matinga Dam Lobby Group (DIMALG) have persistently sought assistance from government and NGOs for desiltation of the dam in vain.
- vii. Desiltation of the dam will realize greater benefits including utilization of sand by local community, afforestation exercise around the dam, supply of water for irrigation, other income generating activities such as tourist attraction, water sports etc.
- viii. Desiltation can take the Private Public Partnership (PPP) approach to ensure efficiency and sustainability.
- ix. That the Committee intervenes to ensure the desiltation of Matinga Dam in Kitu West Constituency by the National Government.

Committees' Concerns

County government's role in water management

The Committee inquired on whether the desiltation of the dam is a county government function and whether the magnitude of the desiltation could only be done by the national government. The Petitioner indicated that assistance from county government has not been possible because the project requires a lot of resources which can only be provided by the national government.

MIN./PPETC/2023/178: CONSIDERATION OF PUBLIC PETITION REGARDING THE AMENDMENT OF THE CONSTITUTION TO PROVIDE FOR THE OFFICE OF THE PRIME MINISTER, DEPUTY PRIME MINISTER, AND THE LEADER OF OPPOSITION

Meeting with the Leader of the Minority Party, the Hon. James Opiyo Wandayi, CBS.

The Leader of the Minority Party, Hon. James Opiyo Wandayi, CBS submitted as follows:

- i. With regards to the Petitioner's proposal of creation of the Offices of Prime Minister, Deputy Prime Minister, and Leader of Official Opposition to cure what he termed the curse of winner-takes-it all, there was no clarity as to how the creation of the three offices will cure the problem.
- ii. The Minority side was of the view that a parliamentary system as proposed in the Bomas Draft, Naivasha Draft and Building Bridges Initiative (BBI) was best for Kenya because of the unique cultural, social, and political orientation as a nascent democracy instead of a pure presidential or a hybrid system.
- iii. Therefore, in the parliamentary system, a Prime Minister as the head of government would be the leader of party of coalition of parties that form government as a result of the numbers of seats of Parliament in the election. Consequently, the Leader of Opposition

would lead opposition in Parliament by providing alternative viewpoints with a shadow Cabinet.

- iv. That contrary to the proposal in the Petition, the Offices of Prime Minister and Deputy Prime Minister were not necessary with a President who is the Head of State and Head of Government in place. Likewise, in the current presidential system, there was no place for the Office of the Leader of Opposition.
- v. That even if the creation of the said offices was necessitated by our unique challenges, consensus building and need for a hybrid system especially Leader of Opposition, it will have to be done correctly as provided for in the Constitution on matters that can only be amended through a referendum.
- vi. That an amendment with far reaching ramifications as the creation of the said offices would have to be taken to the people in a referendum and any other route would be akin to amending the Constitution through the backdoor which the Minority side will not be party to.

Committee Concerns

Creation of the offices through amendment of Articles 130 and 132

The Committee sought the views of the Leader of Minority on amendment of Articles 130 and 132 to create the said offices. The Leader of Minority Party indicated that the amendment of such magnitude would still require a referendum.

Official Opposition Leader taking up the position of the Leader of Minority Party

The Committee sought the opinion of the Leader of Minority regarding the Office of the Official Opposition taking up the position of the Leader of Minority. The Leader of Minority stated that if the people in a referendum agree that the runners up in the presidential elections become the Opposition Leader, then that is what is expected in a parliamentary system. Therefore, that was a justification for not having the Leader of Opposition in a presidential system.

Why such proposals keep on coming

The Committee sought the opinion of the Leader as to why the proposal and idea for a parliamentary system kept on resurfacing in parliament. The Leader stated that it was a concern that there could be a possibility of mischief in the process of amending the Constitution to establish the said offices. That it was clear that such amendments related to the functions of Parliament either directly or indirectly hence required a referendum.

Ways of selecting the Leader of Opposition

The Committee sought the opinion of the Leader regarding the proposed manner of establishing the office of the Leader of Opposition. The Leader indicated that while it was premature to think about that now, there could be various methods including the proposal of the runners up in a credible presidential election becoming the office bearers or nomination by the second largest party or coalition of parties.

Where the Leader of Opposition will be domiciled

The Committee sought the opinion of the Leader of Minority on where the Leader of Opposition would be domiciled. The Leader stated that the Leader of Opposition should sit in Parliament, but a choice will be made as to whether it's the National Assembly or Senate.

MIN./PPETC/2023/179: ADJOURNMENT AND DATE OF THE NEXT MEETING

There being no other business, the Vice Chairperson adjourned the meeting at 12:40 p.m. The next meeting would be held on Tuesday, 09th May 2023.

Sign: 

(CHAIRPERSON)

Date... 13. 06. 2023



REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY

**MINUTES OF THE 36TH SITTING OF THE PUBLIC PETITIONS COMMITTEE HELD
ON THURSDAY, JULY 6, 2023, IN THE MAIN CHAMBER, PARLIMANET
BUILDINGS AT 11:00 AM**

PRESENT

- | | | |
|--|---|------------------|
| 1. Hon. Janet Jepkemboi Sitienei, M.P. | - | Vice Chairperson |
| 2. Hon. Joshua Chepyegon Kandie, M.P. | | |
| 3. Hon. John Walter Owino, M.P. | | |
| 4. Hon. Maisori Marwa Kitayama, M.P. | | |
| 5. Hon. Bidu Mohamed Tubi, M.P. | | |
| 6. Hon. Edith Vethi Nyenze, M.P. | | |
| 7. Hon. Suzanne Ndunge Kiamba, M.P. | | |
| 8. Hon. John Bwire Okano, M.P. | | |

APOLOGIES

- | | | |
|---|---|-------------|
| 1. Hon. Nimrod Mbithuka Mbai, M.P. | - | Chairperson |
| 2. Hon. Patrick Makau King'ola, M.P. | | |
| 3. Hon. Ernest Ogesi Kivai, M.P. | | |
| 4. Hon. Caleb Mutiso Mule, M.P. | | |
| 5. Hon. (Eng.) Bernard Muriuki Nebart, M.P. | | |
| 6. Hon. Peter Mbogho Shake, M.P. | | |
| 7. Hon. Sloya Clement Logova, M.P. | | |

IN ATTENDANCE

MINISTRY OF WATER, SANITATION AND IRRIGATION

- | | | |
|------------------------|---|------------------------------|
| 1. Hon. Alice Wahome | - | Cabinet Secretary |
| 2. Eng. Patricia Kiane | - | Deputy Director |
| 3. Eng. Samuel Alima | - | Secretary |
| 4. Mr. Ismail Chemjor | - | Advisor |
| 5. Ms. Stella Muthungu | - | Personal Assistant to the CS |

SECRETARIAT

- | | | |
|-------------------------|---|-----------------------------|
| 1. Ms. Miriam Modo | - | First Clerk Assistant |
| 2. Mr. Willis Obiero | - | Clerk Assistant III |
| 3. Mr. Shadrack Omondi | - | Legal Counsel II |
| 4. Ms. Patricia Gichane | - | Legal Counsel II |
| 5. Mr. Martin Sigei | - | Research Officer III |
| 6. Ms. Lilian Mburugu | - | Media Relations Officer III |

MIN./PPETC/2023/233: PRELIMINARIES

The Chairperson called the meeting to order at 11.00 a.m. and Hon. Edith Vethi Nyenze, M.P. said the prayers.

MIN./PPETC/2023/234: ADOPTION OF AGENDA

AGENDA

1. Prayer
2. Adoption of the Agenda
3. Confirmation of minutes of Previous Sittings
4. Matters Arising
5. **Meeting with CS, Ministry of Water, Sanitation and Irrigation on the following Petitions regarding:**
 - a) *Ward Based Solution as a long-term remedy to perennial water shortage in Kenya*
 - b) *Pollution of River Athi*
 - c) *Desiltation of Matinga Dam in Kitui West Constituency*
6. Any Other Business
7. Adjournment

The proposed Agenda of the Meeting was adopted to constitute business having been proposed by Hon. Bidu Mohamed Tubi, M.P. and seconded by Hon. Maisori Marwa Kitayama, M.P.

MIN./PPETC/2023/235: CONFIRMATION OF MINUTES OF PREVIOUS SITTINGS

The Agenda was deferred.

MIN./PPETC/2023/236: MEETING WITH CS, MINISTRY OF WATER, SANITATION AND IRRIGATION ON THE FOLLOWING PETITIONS REGARDING

Consideration of a Public Petition Regarding Ward Based Solution as a long-term remedy to perennial water shortage in Kenya

The CS appeared before the Committee and submitted as follows—

Introduction

The CS indicated that with regards to the Petition, domestic water access was at 71% across the country while sanitation coverage was at 32% in the urban and 22% in rural areas. However, some areas faced the challenge of climate change leading to lack of natural water sources. That the proposal by the Petitioner was a little bit complicated as the reticulation of water from storage sources was a responsibility of the county governments. Further, many areas did not have systems in place such as piping.

The role of the Ministry in water provision

That the Ministry had undertaken various programs and projects in partnership with different stakeholders to ensure every citizen access safe water. The Ministry often conducted detailed

feasibility studies of a project to determine water source availability, economic feasibility and use of appropriate technology. The need analysis undertaken is based on the area to be served and the population expected to benefit. The solutions adopted must address the problem for the particular locality. The ministry concurred with the Petitioner that in some cases ground water offered solution to water challenges.

The efforts by the Ministry in water provision

That the Ministry was undertaking measures to ensure ground water development projects including—

- a) *Water for schools:* The National Water Harvesting and Groundwater Exploitation Program and Water for Schools Program targeted provision of water in schools and surrounding communities countrywide. In the last two years, the project had enabled drilling of 81 boreholes for small irrigation schemes and service about 35,000 people.
- b) *Kenya Ground Water Mapping Program:* The Ministry had signed a memorandum of understanding with the Kenya National Groundwater Mapping Program to cover the entire country. The program was being implemented in phases in conjunction with county governments, state corporations, development partners and academia among other stakeholders. Currently, the project had covered Southern Turkana and Marsabit County and was in the process of undertaking groundwater mapping of Athi and Tana River Basins.
- c) *The Horn of Africa Groundwater for Resilience Project:* The project was seeking interventions in aquifer systems within regional and trans-boundary implications in ASAL areas. The project was targeting the rehabilitation of 400 rural water schemes and drilling borehole where necessary. Further, it was seeking to develop the stakeholder's capacity and strengthening of enabling environment for sustainable management, access and use of groundwater.
- d) *Integrated Water Resources Assessment in Nairobi Metropolis for Sustainable Use and Management of Groundwater Resources:* The project was targeting integration of water resources assessment within Nairobi Metropolis and to establish the impacts of development within the area on groundwater and surface water resources.
- e) Other programs include borehole drilling by county governments, National Water Harvesting and Storage Authority, Water Works Development Agencies and Development Partners.

Conclusion

The CS stated that—

- i. County governments need to pull up efforts in water provision through mobilization of funds, awareness creation and collaborating with community projects to reticulate water from the available sources despite the maintenance and sustainability.

- ii. The development of water resources and storage of water was squarely within the mandate of the Ministry. However, the Ministry could not achieve the proposals in the Petition without the participation of county governments.

Committee Concerns

- i. On the best methods of realizing the proposal for the county governments to engage with stakeholders such as local community projects, the CS proposed that the county governments could engage and support local community water projects. Further, the counties could collaborate to maintain water projects done by various stakeholders e.g., CDF, Development Partners to avoid bureaucracies experienced at different levels of service provision.
- ii. On the question as to whether the Ministry jointly support CDF water projects by matching the allocated budget, the CS indicated that such an arrangement was possible and had worked out in other projects. However, the Members could amend the NG CDF Act to allow for administration of ward-based solutions to address perennial water challenges.
- iii. On the issue as to why the efforts done by the Ministry or other stakeholders were not getting to the villages, the CS responded that the right to clean water was entrenched and was progressively being realized. Further, the main challenges included low water levels due to climate change.
- iv. The Committee urged the CS to engage the Petitioner as he was seeking to contribute from his expertise to assist the Ministry come up with better ideas. The CS undertook to reach out to the Petitioner to discuss the proposals in the Petition.

Consideration of a Public Petition Regarding Pollution of River Athi

The CS submitted a written submission on the subject matter and further stated that the pollution of River Athi was a concern and the Ministry was aware of the situation and were mobilizing resources to establish huge water treatment plants especially prioritizing the Tana and Athi Rivers.

Committee Concerns

- i. On the status of EPZA sewer system, the CS indicated that the sewer system was old and was constructed in 1993 and needed upgrading. Further, EPZA had continued to provide water services without being controlled by Water Services Regulatory Board (WASREB). Therefore, there were discussions ongoing for EPZA to get out of water provision.
- ii. On the ramifications of the River Athi pollution on the Thwake Dam project, the CS noted that the dam had a capacity of 688 million cubic meters and was at 83% completion with final completion expected by 6th February 2024. Therefore, the Ministry was constantly monitoring activities upstream and water quality for bacteria and chemical analysis.

- iii. Regarding the solutions to addressing the pollution challenges upstream, the CS stated that there were investments going on to provide total sewer correction in Nairobi and its environs. The CS further stated that Nairobi had the capacity of 192,000 cubic meters of sewer yet it produced about 400,000 cubic meters of sewer thus becoming a major source of upstream pollutants into the River Athi.

Consideration of a Public Petition Regarding Desiltation of Matinga Dam in Kitui West Constituency

The CS submitted as follows—

- i. Matinga Dam is in Kitui West Constituency in Kitui County and was constructed in 1955. The design storage capacity of the dam is one million cubic metres and serves a population of 200,000 people in Nguutani, Mutonguni and Kauwi wards, with water for domestic and irrigation use.
- ii. The Dam was first desilted in 1972 and has been accumulating silt since then. Currently, the dam reservoir is entirely silted, and all components of the dam are in a dilapidated state and therefore cannot be utilized by the beneficiary community.
- iii. Tanathi Water Works Development Agency (TAWWDA) has been directed to undertake comprehensive engineering studies & surveys and prepare detailed technical designs for the rehabilitation of Matinga Dam.
- iv. The studies and survey conducted will be for the desilting of the dam, rehabilitation of the dam embankment, spillway and fencing of the dam reservoir area. The Agency will conclude these studies and submit them to the Ministry of Water, Sanitation, and Irrigation by 31st July 2023 for funding consideration.

Committee Concerns

On the status of colonial dams across the country, the CS indicated that there was need for auditing and mapping of all the colonial dams to establish their status. Further, there were about 408 such dams and the Ministry had begun working on some of them using new designs like establishing check dams to arrest the silt before it gets into the main dams. The CS also noted that despite encroachment of the lands allocated for various dams, some of them were strategically located and land was already set aside for them.

MIN./PPETC/2023/237: ANY OTHER BUSINESS AND ADJOURNMENT

There being any other business, the Chairperson adjourned the meeting at 1:15 p.m. The next meeting would be held on Thursday, 6th July, 2023 at 3.00 p.m.

Sign: 

(CHAIRPERSON)

Date: 27/07/2023



REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY

MINUTES OF THE 41ST SITTING OF THE PUBLIC PETITIONS COMMITTEE HELD ON SATURDAY, JULY 22, 2023 AT 02.00 P.M IN MADUNGUNI CONFERENCE ROOM, PRIDE INN HOTEL, MOMBASA

PRESENT

- | | | |
|---|---|------------------|
| 1. Hon. Nimrod Mbithuka Mbai, M.P. | - | Chairperson |
| 2. Hon. Janet Jepkemboi Sitienei, M.P. | - | Vice Chairperson |
| 3. Hon. Joshua Chepyegon Kandie, M.P. | | |
| 4. Hon. Ernest Ogesi Kivai, M.P. | | |
| 5. Hon. Edith Vethi Nyenze, M.P. | | |
| 6. Hon. Maisori Marwa Kitayama, M.P. | | |
| 7. Hon. (Eng.) Bernard Muriuki Nebart, M.P. | | |
| 8. Hon. Caleb Mutiso Mule, M.P. | | |
| 9. Hon. Sloya Clement Logova, M.P. | | |
| 10. Hon. John Bwire Okano, M.P. | | |

APOLOGIES

1. Hon. Patrick Makau King'ola, M.P.
2. Hon. John Walter Owino, M.P.
3. Hon. Bidu Mohamed Tubi, M.P.
4. Hon. Peter Mbogho Shake, M.P.
5. Hon. Suzanne Ndunge Kiamba, M.P.

SECRETARIAT

- | | | |
|------------------------|---|------------------------------|
| 1. Mr. Samuel Kalama | - | Principal Clerk Assistant II |
| 2. Ms. Miriam Modo | - | Clerk Assistant I |
| 3. Ms. Anne Shibuko | - | Clerk Assistant I |
| 4. Mr. Willis Obiero | - | Clerk Assistant III |
| 5. Mr. Shadrack Omondi | - | Legal Counsel II |
| 6. Ms. Lilian Mburugu | - | Media Relations Officer III |

MIN./PPETC/2023/262: PRELIMINARIES

The Chairperson called the meeting to order at 10.00 a.m. and Hon. Caleb Mutiso Mule, M.P. said the prayers.

MIN./PPETC/2023/263: ADOPTION OF AGENDA

1. Prayer
2. Adoption of the Agenda
3. Confirmation of minutes of Previous Sitzings
4. Matters Arising
5. **Consideration of Report on Public Petition No. 12 of 2023 Regarding Desiltation of Matinga Dam in Kitui West Constituency.**
6. Any other Business
7. Adjournment & Date of Next Meeting

Thereafter, the proposed Agenda of the Meeting was adopted to constitute business having been proposed by the Hon. (Eng.) Bernard Muriuki Nebart, M.P. and seconded by the Hon. Maisori Marwa Kitayama, M.P.

MIN./PPETC/2023/264: CONSIDERATION OF REPORT ON PETITION REGARDING DESILTATION OF MATINGA DAM IN KITUI WEST CONSTITUENCY

The Committee considered the Petition regarding Desiltation of Matinga Dam in Kitui West Constituency. The Petitioners prayed that the National Assembly through the Public Petitions Committee—

- i. ensure that, the desiltation of Matinga Dam in Kitui West Constituency is carried out by the Ministry of Water, Sanitation, and Irrigation to provide water for the residents around the dam and its environs; and,
- ii. makes any other necessary recommendations the Committee deems fit to address the issues raised in the Petition.

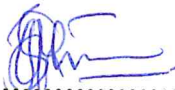
The Committee made various observations key among them being that:

- i. Matinga Dam is silted and there is only one aquifer with water which rarely dries up. However, the dam is also unprotected, and residents have encroached the wetland areas to undertake farming activities.
- ii. lack of rehabilitation of the dam has been primarily due to funding challenges and the lack of stakeholder collaboration between County and National Government on the project.
- iii. desiltation of the dam would have several benefits for the residents of Kitui West Constituency including sand harvesting, afforestation of the area, supply of water for irrigation and other income generating activities.

- iv. both the National and County Governments should lobby for funding for the project through budgetary allocation and donor funding from various donors such as the World Bank and Water Sector Trust Fund (WSTF) and ensure accountability systems are set up in the project.
- v. the Ministry of Water, Sanitation and Irrigation was committed to rehabilitating Matinga Dam, but were awaiting results from various feasibility and technical review of the project to ascertain the funding required.

MIN./PPETC/2023/265: ADJOURNMENT AND DATE OF THE NEXT MEETING

There being no other business, the Chairperson adjourned the meeting at 5:05 p.m. The next meeting would be held on Wednesday, 26th July 2023 at 10.00 a.m.

Sign: 

 (CHAIRPERSON)

Date.....



REPUBLIC OF KENYA
THE NATIONAL ASSEMBLY

**MINUTES OF THE 42ND SITTING OF THE PUBLIC PETITIONS COMMITTEE HELD
ON WEDNESDAY, JULY 26, 2023 AT 10.00 A.M IN COMMITTEE ROOM 12, MAIN
PARLIAMENT BUILDINGS**

PRESENT

- | | | |
|---|---|------------------|
| 1. Hon. Janet Jepkemboi Sitienei, M.P. | - | Vice Chairperson |
| 2. Hon. Joshua Chepyegon Kandie, M.P. | | |
| 3. Hon. John Walter Owino, M.P. | | |
| 4. Hon. Ernest Ogesi Kivai, M.P. | | |
| 5. Hon. Maisori Marwa Kitayama, M.P. | | |
| 6. Hon. Edith Vethi Nyenze, M.P. | | |
| 7. Hon. (Eng.) Bernard Muriuki Nebart, M.P. | | |
| 8. Hon. John Bwire Okano, M.P. | | |
| 9. Hon. Peter Mbogho Shake, M.P. | | |

APOLOGIES

- | | | |
|--------------------------------------|---|-------------|
| 1. Hon. Nimrod Mbithuka Mbai, M.P. | - | Chairperson |
| 2. Hon. Patrick Makau King'ola, M.P. | | |
| 3. Hon. Bidu Mohamed Tubi, M.P. | | |
| 4. Hon. Suzanne Ndunge Kiamba, M.P. | | |
| 5. Hon. Caleb Mutiso Mule, M.P. | | |
| 6. Hon. Sloya Clement Logova, M.P. | | |

SECRETARIAT

- | | | |
|------------------------|---|------------------------------|
| 1. Mr. Samuel Kalama | - | Principal Clerk Assistant II |
| 2. Ms. Miriam Modo | - | Clerk Assistant I |
| 3. Ms. Anne Shibuko | - | Clerk Assistant I |
| 4. Mr. Willis Obiero | - | Clerk Assistant III |
| 5. Mr. Shadrack Omondi | - | Legal Counsel II |
| 6. Ms. Lilian Mburugu | - | Media Relations Officer III |

MIN./PPETC/2023/266: PRELIMINARIES

The Chairperson called the meeting to order at 10.00 a.m. and Hon. (Eng.) Bernard Muriuki Nebart, M.P.

MIN./PPETC/2023/267: ADOPTION OF AGENDA

1. Prayer
2. Adoption of the Agenda
3. Confirmation of minutes of Previous Sitzings
4. Matters Arising
5. **Adoption of Reports on:**
 - i. *Public Petition No. 12 of 2023 regarding Desiltation of Matinga Dam in Kitui West Constituency; and*
 - ii. *Public Petition No. 6 of 2022 regarding Compensation of the Nyanza Western Caucus of IDPs*
6. Any other Business
7. Adjournment & Date of Next Meeting

Thereafter, the proposed Agenda of the Meeting was adopted to constitute business having been proposed by the Hon. Ernest Ogesi Kivai, M.P. and seconded by the Hon. Joshua Chepyegon Kandie, M.P.

MIN./PPETC/2023/268: CONFIRMATION OF MINUTES OF PREVIOUS SITTING

The Agenda was deferred.

MIN./PPETC/2023/269: MATTERS ARISING

There were no matters arising.

**MIN./PPETC/2023/270: ADOPTION OF REPORT ON PETITION REGARDING
COMPENSATION OF THE NYANZA WESTERN CAUCUS
OF IDPS**

Upon review of the submissions in the report, the Committee recommended that:

- a) the Ministry of Interior and National Administration fast tracks the process of addressing the plight of Nyanza-Western Caucus of IDPs with a view of compensating all the genuine and deserving IDPs in the said caucus in the Financial Year 2024/2025;
- b) the Cabinet Secretary for the Ministry of Interior and National Administration must fully comply with national values and principle of governance as provided for in Article 10 of the Constitution, in particular Clause (2)(b) on human dignity, equity, social justice, inclusiveness, non-discrimination, and perception of the marginalized; and
- c) the government should recognize all categories of IDPs including reviewing upwards the amount of money paid to the integrated IDPs;

The Report on Report on Petition Regarding Compensation of the Nyanza Western Caucus of IDPs was adopted by the Committee having been proposed by Hon. Peter Mbogho Shake, M.P. and seconded by Hon. Edith Vethi Nyenze, M.P.

**MIN./PPETC/2023/271: ADPTION OF REPORT ON PETITION REGARDING
DESILTATION OF MATINGA DAM IN KITUI WEST
CONSTITUENCY**

Upon review of the submissions in the report, the Committee recommended that—

- a) the Ministry of Water, Sanitation and Irrigation submit to the National Assembly Departmental Committee on Blue Economy and Irrigation, the budget estimates for the project and any potential donor funding on the project or public private partnerships proposals for consideration within three months;
- b) the Cabinet Secretary, Ministry of Water, Sanitation, and Irrigation initiates audit of all colonial dams across the country and conduct feasibility studies on those that can be rehabilitated and maintained to ensure access to water;
- c) the Tanathi Water Works Development Agency to submit to the Departmental Committee on Blue Economy and Irrigation the feasibility studies such as engineering studies & surveys and detailed technical designs, for the rehabilitation of Matinga Dam within two months; and
- d) the Ministry of Water, Sanitation, and Irrigation to submit a report on the rehabilitation of the Matinga Dam upon completion of the project.

The Report on Petition Regarding Desiltation of Matinga Dam in Kitui West Constituency was adopted by the Committee having been proposed by Hon. (Eng.) Bernard Muriuki Nebart, M.P., and seconded by Hon. Peter Mbogho Shake, M.P.

MIN./PPETC/2023/272: ADJOURNMENT AND DATE OF THE NEXT MEETING

There being no other business, the Chairperson adjourned the meeting at 1:00 p.m. The next meeting would be held on Thursday, 27th July 2023 at 10.00 a.m.

Sign:


 (CHAIRPERSON)

Date.....