

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Wednesday, 27th November, 2013

*The Senate met at the Kenyatta International
Conference Centre at 9.00 a.m.*

[The Speaker (Hon. Ethuro) in the Chair]

PRAYERS

QUORUM CALL AT COMMENCEMENT OF SITTING

The Speaker (Hon. Ethuro): Hon. Senators, let us determine if we have a quorum.

(The Speaker consulted with the Clerk-at-the-Table)

Hon. Senators, I am informed that we have no quorum. Therefore, I order that the Division Bell be rung.

(The Division Bell was rung)

Hon. Senators, I order that the Division Bell be rung for additional five minutes.

(The Division Bell was rung)

Order, Senators! We now have quorum, we may commence our business.

The Senate Majority Leader (Sen. (Prof.) Kindiki): On a point of order, Mr. Speaker, Sir.

The Speaker (Hon. Ethuro): What is it, Sen. (Prof.) Kindiki?

The Senate Majority Leader (Sen. (Prof.) Kindiki): Mr. Speaker, Sir, given the challenges we are having with raising quorum in this House especially on Wednesday morning, I want to seek your direction whether you can guide us especially with regard to meetings being held outside this House which are running concurrently with the sittings of the Senate. Yesterday, there was a meeting with the Executive; today, I understand that a number of women Senators are having another meeting outside the Chamber. If you can help us in this regard, maybe, it can solve some of the problems we are having of raising quorum especially on Wednesday mornings.

(Several Senators stood up in their places)

The Speaker (Hon. Ethuro): Sen. Karaba, which one comes first?

Sen. Karaba: Mine!

The Speaker (Hon. Ethuro): Proceed, but my observation was that you raised a point of order while you were still seated, then you rose after. You should have stood up first, then raised your point of order.

Sen. Karaba: We are all learning and some of these things are taking too long.

The Speaker (Hon. Ethuro): Order, Sen. Karaba! The Speaker is not learning and secondly, I know you better than you think. You are a teacher and rose to become a principal, a good one at that and you have been in Parliament before.

Sen. Karaba: I also become the President of African Confederation of Principals.

The Speaker (Hon. Ethuro): Absolutely.

(Applause)

Sen. Karaba: Mr. Speaker, Sir, sometimes it is time wasting to be here very early. For me I have been here every Wednesday. Therefore, I suggest that we make a tentative list of 15 or 20 Senators who will be here next Wednesday by 9.00 a.m. That would be a better thing. What is happening is that every person is waiting for the other person to come to raise quorum. If we can have a list of who will be next, they will be here earlier.

Sen. Ong'era: Mr. Speaker, Sir, I want to plead with my fellow distinguished Senators that these are matters over which you can call a *Kamukunji* and we discuss them. I really plead with my colleagues.

Sen. (Prof.) Lonyangapuo: Mr. Speaker, Sir, I concur with Sen. Janet that Sen. Karaba is not in order. Is he in order to almost imply that not all of us are supposed to be here, when we were elected to come here and should keep time? Everything else can be discussed in a *Kamukunji*.

The Speaker (Hon. Ethuro): I do not know to what extent you can declare somebody out of order for expressing an opinion. It depends on whether that opinion is not truthful, is demeaning or casting aspersions on somebody's character. I think that he is just a concerned Senator and I would not rule him out of order. What is, of course, very clear is that these matters can be discussed better in a *Kamukunji* than in Plenary. So, it is just a matter of where it is discussed, but the issues are still valid. It is just like asking: Should we discuss an issue in the Plenary or Committee? I think that, that is the question that Sen. Lonyangapuo and Sen. Ong'era are raising, and I am sure Sen. Karaba has taken counsel.

On the issue raised by Sen. Kindiki, first, we have a schedule of the Parliamentary calendar with its business. We sit on Tuesday afternoon, Wednesday morning and afternoon and on Thursday afternoon. Therefore, it is incumbent upon each and every Senator to know that as you leave on Tuesday evening, you need to be here on Wednesday morning. Have you ever noticed the Chair being absent? The Chair is always

here at the time that we are supposed to commence business. What is so difficult between the Chair and the rest of the Senators? So, the Chair expects every other Senator to ensure that they are here at the commencement of business. Therefore, it is not proper for Senators to be late.

Secondly, on whether that is on the basis of other commitments, indeed, I want to agree with him that we were a bit distressed yesterday afternoon, when the Executive called two Committees of the Senate to a meeting, which was impromptu and not planned or expected. They did so at a time when they knew that the Senate was in session. The law is very clear that it is actually Parliament – and the Senate being one House of Parliament - to summon the Executive. Even then, we usually allow a period of seven days and nobody else can fail to appear before a Parliamentary Committee unless with the express written permission of His Excellency the President. I am not aware of the rules to the converse, that the Executive can also summon a Parliamentary Committee and in a manner that does not respect notice and the need to prepare for the agenda.

But yesterday, given the nature of business that we were doing, and being critical to us, as the Senate, I approved that. But I am glad that the Senate Majority Leader has raised it, so that it is really on record. That should be extended to each and every other engagement. Senators, you need to appreciate and tell whoever is inviting you for meetings that you have also the core business, which is to attend the Senate business first. From there, you can now engage in others. That is why we never allow Committee work to continue at the same time that we have a Plenary, unless under extremely exceptional circumstances. So, to everybody else who wants to engage Parliament and the Senate, in particular, they must know our calendar and priorities. When you are invited, you may wish not to engage, unless the Speaker has approved. I hope that it is clear.

Let us proceed!

MOTION

DEVELOPMENT OF WASTE MANAGEMENT REGULATIONS AND FACILITIES

Sen. Mositet: Mr. Speaker, Sir, I beg to move the following Motion:-

THAT, aware that cities, towns and urban areas in Kenya are increasingly getting overpopulated leading to overstretching of services and amenities; concerned that improper management of waste has become a major cause of pollution of neighborhoods, water sources and other natural resources leading to rise of environment-related diseases which cause many deaths; further concerned that in most urban areas, waste is dumped in an uncontrolled manner posing a great challenge to the wellbeing of urban dwellers, particularly those living near dumpsites; acknowledging that the problem continues to rise despite the efforts made to mitigate the problem through various statutory bodies, private entities and communities; the Senate calls upon the national Government to take immediate steps to develop effective waste management regulations and

put in place proper disposal facilities, including for harmful waste and that this be done in consultation with all key stakeholders.

Mr. Speaker, Sir, I think that it is obvious in the whole country, that we are really facing a big challenge in our environment in the way that we dispose of waste. If I take, for example, the City of Nairobi that we are in, you will agree with me that it is a great problem. Waste management is a big problem to urban areas, particularly due to the increasing population which has been shifting from the rural areas to the urban areas. As a result, quite a number of services have been overstretched. We have also been lacking the enforcement of sanitation regulations.

If you look at the waste disposals sites that we have in Nairobi, you will be shocked to know that, for example, the Dandora dumpsite was just identified simply because it was a quarry site which had been left open. It was not even designed that, that was the area where dumping will be done. You will find that there are quite a number of people living near the dumpsite. The situation even in other parts of the country is the same, including my county where the dumpsites are located in quarry sites.

Mr. Speaker, Sir, if you look at the way the waste is collected and transported to the dumpsites, there is really need to come up with good regulations to manage this. This is an issue which is really not taken professionally. You will find that the vehicles which are collecting the waste are just open. Whenever waste is being transported in these vehicles, some of it is blown onto the road by the wind. This leads to a lot of waste being dumped along the way from the collection point to the dumpsite. This has a lot of effects on the environment and health of human beings. You will also find that the people who handle that process are unskilled and may not really be aware of what they are supposed to do. There is also a shortage of staff to handle this waste, maybe due to lack of resources.

Mr. Speaker, Sir, in some areas which are unplanned, like the slum areas, you will find even the so-called flying toilets, since there are no facilities like proper toilets which are supposed to be used by those people. Even in cases where there are some toilets, the residents cannot afford the cost of using those facilities. They will prefer to buy foodstuff and use the polythene papers as toilets and throw them into the trenches which carry rain water. Sometimes those polythene bags are thrown onto play fields and the children end up playing with them. Due to that, many lives have been lost. The very vulnerable are children and women. As we all know, unless we have proper disposal facilities, children will always be affected in one way or the other.

Mr. Speaker, Sir, in almost every centre or urban area, you will find ditches which are meant just to be storm water drains. You will find people selling goods and throwing all the waste into those ditches. As a result, when it rains, all the drains get blocked. I, therefore, call upon the national Government to come up with proper policies which will assist in regulating waste management.

Mr. Speaker, Sir, from the engineering point of view, if waste is very well---

Sen. Mutula Kilonzo Jnr.: On a point of order, Mr. Speaker, Sir.

The Speaker (Hon. Ethuro): What is it, Sen. Mutula Kilonzo Jnr.?

Sen. Mutula Kilonzo Jnr.: Mr. Speaker, Sir, I have been agonizing for the last few minutes as my good Senator was on his feet. He has mentioned that the national

Government should put in place policies, but the Motion before us talks about regulations. I have looked at parts 1 and 2 of the Fourth Schedule and my own reading of Part 2 on county governments is that waste disposal falls squarely under the purview of county governments, while the policy falls squarely under the national Government.

But, Mr. Speaker, Sir, the point of order is; is there not a problem in this Motion where the Senator is seeking that we pass this Motion for the national Government to pass regulations, while he is now talking about policies?

The Speaker (Hon. Ethuro): What is your take, Sen. Mositet?

Sen. Mositet: Mr. Speaker, Sir, I also looked at the Constitution, and if you check the same Schedule, at least you can see that the policies and the environmental policies are squarely the responsibility of the national Government. When I talk of waste and you look at the environment, it is really the duty of the national Government. That is why I feel that this Motion is correctly in the House, and I feel that the Senate needs to ask the national Government to come up with proper regulations of the same.

The Speaker (Hon. Ethuro): Maybe to support Sen. Mositet, the Motion is calling upon the national Government to develop regulations, and those regulations will be derived from the law; and the law is derived from policies. So, whoever does the policy will naturally have to deal with the same.

Proceed, Sen. Mositet.

Sen. Mositet: Thank you, Mr. Speaker, Sir. There are quite a lot of problems that we have been experiencing in the whole country due to the way we dispose of our waste. Something which is very common in every centre is the burning of plastics found in those centres. When plastics are burned, we end up getting the furrants and the dioxins, which really affect the climate, and that is why we have the greenhouse effect contributing to global climate change.

Mr. Speaker, Sir, as I had just indicated, if we could really manage waste properly the way it should be and the way it is done in other parts of the world, we could even create a lot of employment in the whole process. From the collection point after the waste is produced to the point where it is managed at the dumpsite, it is a big process and out of that, recycling can be done and as a result, a lot of employment can be created out of this whole process.

Mr. Speaker, Sir, I call upon this Senate to support this Motion and to debate it in a manner that, at least, will result in urging the national Government to come up with the best regulations and to enforce even the existing good laws on the same.

Mr. Speaker, Sir, I beg to move and I want to call upon the 'King' of West Pokot, Sen. (Prof.) Lonyangapuo, who lives on the hills of Mutolo, to come and second this Motion.

(Loud consultations)

The Speaker (Hon. Ethuro): Order! Order, Senators! If you are not listening, that should not be the Mover's problem. The Chair had already intervened and he moved.

Sen. (Prof.) Lonyangapuo, you may second.

Sen. (Prof.) Lonyangapuo: Mr. Speaker, Sir, as I stand to second this Motion, I do not know whether I am the one that my brother is describing as a 'King;' I am not. I am a servant of the people of Kenya here, and kings are not servants.

Mr. Speaker, Sir, I want to thank Senator---

The Speaker (Hon. Ethuro): Sen. (Prof.) Lonyangapuo, are you aware of servant leadership? Is a king capable of servant leadership?

Sen. (Prof.) Lonyangapuo: Yes, he is, Mr. Speaker, Sir; except that in the context, he went overboard.

(Laughter)

Mr. Speaker, Sir, I want to thank Sen. Mositet for pointing to us through this Motion this morning; that we need to address this very serious emerging problem that is affecting our people, particularly the health of the people of Kenya who live in the cities. You can already see that out of the devolution that has just been implemented, we are going to have almost 47 cities in the counties in the near future. There is normally a tendency for people to migrate towards where the seat or the throne is; or where the economic activity normally lies.

Mr. Speaker, Sir, indeed the problems that we have in the City of Nairobi, as an example, are immense. This is mainly due to the fact that the amount of solid waste generated daily is so huge that we need to turn our attention to it and urge the national Government to wake up and realize this emerging problem. There is data here indicating that we generate 1,500 tonnes of solid waste daily in Nairobi City. The County Government of Nairobi is only capable of disposing of 25 per cent of the same, which means that a staggering 75 per cent of this 1,500 tonnes of solid waste is just left where people are staying, particularly in the slum areas and in the low income estates of Nairobi.

Mr. Speaker, Sir, in the early 1970s, up to 90 per cent of this solid waste was successfully being disposed off, but later in the 1980s up to now; because of mismanagement in the department that was dealing with the collection and disposal of waste and the corruption that came in, this problem emerged. In addition, there was an attempt to privatize waste collection and disposal, where we have private companies coming to collect this solid waste. A lot of it now became impossible to control because a private company - because of these corruption issues - would come and declare that they had collected that waste, and they would be paid, yet no garbage had been collected.

Mr. Speaker, Sir, looking at the data coming from the dispensaries surrounding the areas where the dumpsites are, like Dandora Dumpsite, the diseases that are found there are mainly respiratory; people cannot breath well in the city because of the smoke and the smell. We also have recorded data showing that people are complaining of stomach problems in those areas –the Mathare and Kibera areas – a lot of this uncollected solid waste is found in those areas. It is also indicated here that most of this waste is only collected from high income areas; from people who are capable of paying. Although sometimes we pay some service charge through rent, but because of inability or due to

lack of effective policies, estates have come up with their own arrangements, where you pay some extra money outside what is known for this waste to be removed.

Mr. Speaker, Sir, there are so many uncontrolled dumpsites that have come up; we have a lot of broken glass; we have a lot of unhygienic areas and unless a policy is generated – and this can only be done, as it was indicated in the Fourth Schedule – by the national Government so that the implementers of the same, who are the county governments, have a document to rely on and follow, which is standardized across the whole country.

Mr. Speaker, Sir, it is a shame that so many Kenyans were allowed to migrate to Nairobi and other urban areas. I am hoping that with the introduction of counties, the reverse should happen. I do not know whether it is going to happen in the next five years, where people must now be contained in their small cities and county governments. If you look at where the people are coming from, you come from a very clean environment in the rural area, and then you come and stay in Kibera, for example, and yet you expect to survive. But because of a lot of this rubbish that has been deposited, it becomes very difficult indeed to move and to work. Nakuru is one such area; there is one very glaring dumping site in Nakuru Town. You just see it at a place called ‘London’ when you are going towards Kabarak. It is a shame that we can actually deposit such kinds of harmful materials right on the highway where every eye sees it.

Mr. Speaker, Sir, it is a high time that we put in place very firm policies that need to be followed. You will remember that four years or so ago, the late Minister, hon. Michuki, faced this problem head-on in the Nairobi River by leading a team of officers from the Ministry of Environment to clean the river. It is a pity that what they were removing from the river was actually as a result of this solid waste material that they were unable to remove. It is only last week when I tabled here a report on some of the scientific innovations and technologies that have been invented by Kenyans in our universities here; who have come up with noble ways of how to eliminate these solid waste materials. This can only be highlighted by the national Government and then the county governments are told to link up with those innovators to see how they can employ some of those techniques which they have come up with to remove this waste.

Mr. Speaker, Sir, when you remember what happens in the west, some of us who have visited there know that solid waste material is collected and it is ground on the spot by the truck that is carrying it. This means that there is technology now in the whole world where machines are available that can separate plastic waste from the solid waste, making it very easy to grind them and turn it to something else. A lot of this solid waste that comes from our homes can easily be separated if we tell the producers of this waste to separate plastic, glass and any other solid on one side, and anything else that can be biodegradable to be put on the side. I am saying this because I know that in the rural areas, we need a lot of fertilizer, and some of the counties that have huge cities, like Nairobi County, can actually produce their own organic fertilizer by coming up with a factory or a machine that is dedicated to grinding this solid waste that is biodegradable.

Mr. Speaker, Sir, it is the duty of all of us and particularly the Senate to point out the direction that the nation requires to move given that for the days we are in Senate, all of us stay in Nairobi. Since we are in Nairobi, it is proper that we deal with this problem

because the areas where we are staying in the city are affected by this waste management. If we do this, we would save a lot of money that we are using in treating our people in the hospitals. We are going to save a lot of money because this will make our people healthy and strong and capable to work.

The people that have come up with innovations and have any idea that can be useful to the national Government should go to the relevant Ministry and also to the county governments with these ideas. I know Kenyans are very brilliant and they have discovered some of these technologies and we must utilize them in order to remove all these tonnage of solid waste that is giving us problems.

I beg to second.

(Question proposed)

Sen. Mutula Kilonzo Jnr.: Thank you, Mr. Speaker, Sir. I rise to support this Motion. It is fair that I say that as a member of a very renown organization known as the Rotary Clubs and being a past President of my Rotary Club, I had the opportunity of visiting Mathare and Kibera slums. This issue is, in fact, a national disaster and it appears from the way we have handled it in the past that we are waiting for something to happen and yet the waste is increasing. The Dandora dumpsite is something that is always in the news but little has been done to deal with the issue of the young men and women who are making a living and carrying out very illegal activities at the Dandora dumpsite.

Recently in the print and electronic media, it was reported that there are factories that are disposing of waste into Lake Victoria. It is also not news that waste from our own Ruai dumpsite is being dumped into Nairobi River. There is also evidence that there are people who are dumping waste into Nairobi River and many other rivers. This has gone on with impunity. In the process of not dealing with this issue inspite of the fact that we have regulations and laws that govern the disposal of waste, we have let some people go and deal with this matter with impunity to the extent that they are a health hazard to very many Kenyans. Unfortunately, when you go to the Nairobi suburbs of Karen, Runda and many others, you do not find these dumpsites there. They are only found in places where the local *mwananchi* lives and then we allow them to live with that dump and yet we are not dealing with it.

Mr. Speaker, Sir, in developed countries it is an offence even to drop a chewing gum or even a piece of paper in the city. The Nairobi City is probably the dirtiest in the country and yet it is a place where all of us live and make a living. This is because we have ignored this issue. Unfortunately, although this is a problem, it can be turned into an income generating activity if it is properly managed. In my experience in the Rotary Club, there are people in Kibera who have turned this waste into usable energy and biogas. I am also aware of some places where they are collecting bottles and taking them for recycling.

But there appears to be no deliberate effort, at any level, particularly at the national level to address this issue. The last time there was an issue of disposal of plastic paper bags, it was opposed strongly by Parliament to the extent that the effort to deal with the disposal of these papers has not been addressed. The proposal to do away with plastic

paper bags has also not been addressed. In the end, these plastic paper bags end up on our roads and backyards and it is posing a huge problem.

In my experience, I had the privilege of getting US dollars 300,000 to do toilets and bathrooms in Kibera. We had ten feet high of waste to collect and remove from the site and as we were digging, there was four feet more underground of just paper bags and many things. It took us three weeks to dispose of this particular dump site so that we could create a toilet and a usable bathroom for the people of Kibera. This is, in fact, something that is replicated in all our urban dwellings and particularly the slums and it is something that we have to address as the Senate. It should also be addressed nationally.

Mr. Speaker, Sir, in addition to what Sen. Mositet has mentioned, the problems that are bedeviling this country particularly on waste are only in most urban cities because if you go to our rural areas, these things are not there. It is happening in the urban places where most people are living. This is where health issues have arisen. If a policy is adopted, and I would in my own contribution suggest that we get incinerators as proposed. We should also encourage the separation and recycling of the waste material so that then, other than having this waste treated as a negative issue, we can also find a method of getting employment for our young men and women and other people who are willing to make money out of the treatment and disposal of this waste.

There are several Kenyans who are collecting garbage from our urban dwellings and they are making money out of it. When I was growing up, the Nairobi City Council used to come and collect garbage every Friday and it was done in an orderly fashion. We used to remove our garbage bins outside and they used to come and collect the garbage. Now as the population of the city has grown, these activities have stopped, the waste has increased, diseases have increased and yet no action is being taken. So, a country that does not deal with waste and does not take the health of the citizens seriously is a country that is playing with a disaster. There was an experience while I was studying my degree that there was a very bad plague that started simply because England where I was studying law did not take into cognisance the fact that they were going to deal with waste. In the end, there was a very bad plague that ended up killing a lot of people.

So, I support this Motion and in conclusion, state that in order to prevent a disaster that might happen in future, it is fair that this Motion is passed and we follow it up with the Ministry of Environment, Water and Natural Resources so that we do not have a disaster in future.

Thank you.

Sen. Sijeny: Thank you very much, Mr. Speaker, Sir, for giving me the opportunity to contribute and support this Motion. It takes me back to memory lane when I was a little girl. I had the privilege of growing up in Nairobi and I remember when the First Daughter, Margret Kenyatta, was the Mayor of Nairobi, the city was extremely clean. I am not insisting that women leadership is excellent when it comes to neatness, but it could also be a major factor. By then, the Nairobi City Council had very strict rules and there was no careless littering of garbage everywhere. The department that was dealing with garbage collection worked 24 hours. From the estate where I was staying; that is, Nairobi South B, it overlooked Industrial Area where there were factories. There were very big lorries and garbage collectors that were working 24 hours to clear the

garbage. I do not know where that equipment went to. Those are the reasons I support this Motion and I believe the national Government is better placed to come up with these regulations and other ways of implementing this Motion in consultation with the other stakeholders. This collection of garbage was done countrywide, but especially for Nairobi; nothing was taken for granted.

The national Government can partner with the county Government, because I remember the other day my little girl asked me whether Dr. Evans Kidero is the Governor of Nairobi and when I answered in affirmative, she told me to inform him the Nairobi City is very filthy. I asked her how she came to that conclusion and she told me that every time their school bus goes around, they come across a lot of garbage. I was really shocked because if little children can notice this, why can adults not notice it? I told her that I would organize for a meeting between her and Dr. Evans Kidero, but it looks like they were like minded with Sen. Mositet who has also taken note of the filth around. It is not only in Nairobi County but in the whole country.

Mr. Speaker, Sir, as a national Government project, it shall also work very well because we have seen the best practices in very young nations – our neighbours in Rwanda and Burundi. There was a time that we had an international meeting in Burundi, but could not go on because for a while, the meeting coincided with the day set aside nationally for cleaning the country. The President was in the forefront and everybody came out to clean thoroughly. The day is observed very carefully and anyone who breaks the law stands to be arrested and charged accordingly. If you can take a few Kenyans to Rwanda, they will see that it is extremely clean. You cannot even throw chewing gum out through the window, because the rules are very strict and everything is in order. If others can do it, why can we also not do it?

I know for sure that Governor Kidero has set aside I think a day in a month, where they clean, and I have seen President Kenyatta join him in cleaning Nairobi City. If it is made a national project, even if on the same day, everybody including the President at the national level, Governors and Senators will come out and participate. That will keep our cities clean. It is very embarrassing when you come from the West and even South Africa, which is just next door; within the same continent. It is extremely clean and you will think that you are in Europe.

Mr. Speaker, Sir, painting and refurbishing buildings in Nairobi is not enough, because you still have to close the windows of buildings and vehicles because of the stench. If you cannot stand the air condition of the cars, like some of us, then you will suffer the stench that will hit you, because there is filth in almost every corner.

Mr. Speaker, Sir, Kibera is one of the largest slums in the world and we mingle with our citizens who are there. We visit and talk to them. They are really suffering because of lack of rules and regulations to manage harmful waste, leave alone the flying toilets. You cannot even cross the small drainage systems that they have put. Children run around and there is no space. They cook chips or whatever food they want to sell outside, with flies and other harmful things all over. This is a health hazard other than just being an eyesore. Our children, sisters and brothers living in the slum areas do get diseases which extend to even the people who are trying to keep themselves neat. This is because pipes burst and the clean water gets mixed up with the sewage.

Just the other day, the Senators in the Committee on Health, Labour and Social Welfare had to go and observe some serious damage which had happened in some parts of Dandora. Since you do not know what water you are drinking, this problem may extend even to you. It is an embarrassment to our visitors, yet we are civilized and highly-educated people who can take care of our health issues properly.

Mr. Speaker, Sir, with regard to the estates that are coming up, you will find that in Kileleshwa, for example, tall buildings are coming up and they are not expanding the drainage system. This will result in bursting of sewers all over. Not much is being put in place to help the citizens.

Mr. Speaker, Sir, for a while we have talked about the management of plastics, but somehow along the way, all those ideas are lost. Once regulations are put in place and Kenyans become serious, we will protect this beautiful nation and get the pride that we deserve. We cannot only be proud about our sports and when visitors come into the country, we dodge and find alternative routes to follow. Even when we also want to go and meet the people, we start wondering what we are going to wear. This is not in order. Therefore, coming up with this Motion, which can translate into a Bill, is the best way to go.

Mr. Speaker, Sir, with those few remarks, I support this Motion and thank the Mover for it.

Sen. Musila: Thank you, Mr. Speaker, Sir, for finally seeing me. I would like to support this Motion and also congratulate my good friend, Sen. Mositet, for bringing it to the Senate.

Mr. Speaker, Sir, since this Senate was created, we have addressed issues of environment very now and then. I remember only the other day there was the issue of pollution of Athi River by the sewers in Nairobi and the Committee had to get out there to make sure that this was repaired. I remember also that sometime ago, there was a Motion that talked about pollution of rivers. So, this Senate has been in the forefront of drawing the attention of the country, in particular the leadership, to the environmental concerns that we have in this country.

Mr. Speaker, Sir, we have an organization called the National Environment Management Authority (NEMA) which has completely failed Kenyans. If NEMA was doing its work properly, all the issues that we are raising would not be there. We have been unable to manage simple things like polythene bags. These polythene bags which cause serious environmental hazards are scattered all over the country and we are unable to manage this. Perhaps, the starting point should be ensuring that we do the simple environmental management. We should manage the polythene bags menace in the city and countryside. We have been given the example of our neighbouring nation of Rwanda. When you get into that country, they open your boot and search it. If you have a polythene bag in your boot, you have to remove it before you enter Kigali City. Kigali City is an example that we must all copy.

Mr. Speaker, Sir, dumpsites in this country are created or started without any consideration of the health of the surrounding population. One of my colleagues talked about the one in Nakuru, on the way to Kabarak. The other day when I had the opportunity to contribute here, I mentioned the dumpsite in Mombasa, which is seen as

you come from the airport. It is just at the seashore as you move and stinks, yet the authorities there do not seem to care. Every town has its own eyesore in as far as dumping of waste is concerned.

[The Speaker (Hon. Ethuro) left the Chair]

[The Temporary Speaker (Sen. Murkomen) took the Chair]

Mr. Temporary Speaker, Sir, I hope that this Motion, when passed, will be developed further and force the Governors and those who are in authority in devolved units, to ensure that their areas of jurisdiction are environmentally friendly. I say this because it looks like as a nation, we have failed. Probably, devolving this function will bring up some sort of competition between the 47 Governors, to see which county manages its waste in a better form.

Mr. Temporary Speaker, Sir, sewage is polluting our rivers. In this city solid waste is in all rivers. This waste goes all the way to Athi River and nobody seems to care. So, we need these regulations and policies. In addition, we need enforcement of these regulations and policies. Have we ever thought about the waste that is discharged into rivers by factories, yet we have laws against pollution of our rivers? Factories continue to pollute our rivers with impunity. Have we ever wondered where all those beach hotels at the coast take their waste? It is all dumped in the sea yet, again, we are all running to eat fish that is fed on the sewage from hotels. We do not seem to care.

Mr. Temporary Speaker, Sir, I want to very strongly urge that we support this Motion and even go further and possibly develop a Bill that we will ensure that we enforce the management of waste. This is because it does not help when one day the Governor goes to Kibera and takes a broom to clean, and forgets about it. Someone made reference to the big effort of the late hon. Michuki – may the good Lord rest his soul in eternal peace – who went out of his way and cleaned Nairobi River. He made a tremendous effort and the river was cleaned but now, that river is back to square one. The late hon. Michuki cleaned and even went to the extent of planting trees along the river. Now, the trees are there, but the river has gone back to its original form. If we have policies and regulations, we will ensure that once a river is cleaned, it remains clean.

Mr. Temporary Speaker, Sir, my last call is to NEMA. Let it wake up and justify the public funds that it spends. It should ensure that those regulations which are there, at least, for now are implemented, so that the lives of people may be safeguarded. In a few years to come, we will start seeing cancer and other diseases affecting our people. They will come from the industrial waste that is being thrown into rivers, burnt and inhaled by people. Even as we put these regulations in place, I want to call upon the NEMA to know that they have a responsibility to ensure that the people of this country are kept in an environmentally clean area, so that we can justify its existence.

Mr. Temporary Speaker, Sir, I beg to support.

The Temporary Speaker (Sen. Murkomen): Sen. G.G. Kariuki.

Sen. G.G. Kariuki: Thank you, Mr. Temporary Speaker, Sir. This is a very important Motion which came from my dear friend, Sen. Mositet. Looking at this Motion

as it is framed, I find that it is quite obvious that there is something that we need to do, and I do not think it has not been done. I am not so sure whether the law that created the NEMA included this menace and how to control it within the law or not. If such a law exists, it means that the law is not being implemented; or that it is not being supervised and managed according to what is expected to be done.

Therefore, what we need to find out here is this; now that we are dealing with a new phenomenon – that we do not have a Minister in the Chamber or even a civil servant in the gallery – I suggest that it will be important in future to have civil servants who are not Members of this House sitting in the public or our guests gallery where they can be consulted by Members who are discussing certain issues like this one – who would have been told by the guy in charge of the environment that things are done this way, or we have done A, B, C and D, so that when a Member is pursuing this issue, he is already aware of the existing law, and he is also aware of what steps the Government is planning to take.

Now, that way, we shall appear to be doing something important and useful. But, now, we are discussing this matter from a point of total darkness; we do not know for sure whether the law is really there for us to discuss and whether it is working well or not. So, this way, if there are no laws to control this dumping of waste, the important thing for this House is to come up with a law which will not only force---

Sen. Okong'o: On a point of information, Mr. Temporary Speaker, Sir. I would like to inform the senior Senator that if you look at the National Environment Management Authority (NEMA) Act, all these laws are there extensively. I think our good Senator had indicated that those laws are there and what is required now are the regulations and their implementation. So, my senior Senator, those laws are there; the only issue we have is about implementation.

Thank you, Mr. Temporary Speaker, Sir.

Sen. G.G. Kariuki: Thank you for that information, which I was not quite aware of. But if there is a law whose intention is to create rules and regulations to make the law operative; then that is what we should come here to demand. But if there are no rules and regulations which have been put in a place by the Government, it has to be done immediately; and, maybe, this way, this Motion will remind the Government that there is need for rules and regulations which make this law workable; because no law will work without the machinery to make it operate.

Therefore, Mr. Temporary Speaker, Sir, I think this problem is so big that sometimes we pride ourselves all the time that Kenya is a very good country, but there are things that we do not look at. You cannot attract a visitor or an international investor to your country when the first things that he is going to see are the children collecting food from dumping areas. It is a very serious matter and it is displayed by the media. You will see the children trying to look for food from this *takataka*; and yet we still believe that we are doing a very good job as Kenyans.

I think there is something terribly wrong. For example, if I was in charge and then I see the kids running to look for food from these dumping areas, I think I would be very sorry. I would just cry like Mahatma Gandhi did when he saw children playing outside naked, and he knew that those were good future scientists, Senators and

parliamentarians. But we see these children rotting and wasted; and none of us feels that it is a serious matter. Even in investment in terms of money, if I am sitting somewhere in New York and I want to invest money in Nakuru; if I send my technicians and health officers to find out whether that area is safe for investments, I will need to be told that the climate and the area is conducive to my investment. But when I am just told that even to find a passage in that place is a problem because of dumpsites, then I would think twice. I would go to another country where people are serious in terms of their health care.

But in this case, I think it is important for the Senate – and I am a Member of the Committee on Implementation and I want to assure my friend that when this Motion is passed, we will follow it up and find out why the implementation or the making of regulations has been delayed.

Therefore, Mr. Temporary Speaker, Sir, I think, again, it is a challenge to NEMA, and I hope this Motion had gone to NEMA before it came to this House. I think something there is missing; a Motion needs to go to the Ministry concerned before we debate it here for their comment to the Chairperson of that Committee. There is something; that we are not co-ordinated properly. It is my suggestion to you that---

Sen. Okong'o: Mr. Temporary Speaker, Sir, with all due respect to 'Senator One,' with the issue of---

The Temporary Speaker (Sen. Murkomen): Order, Sen. Mong'are! Who is 'Senator One'?

Sen. Okong'o: It is Sen. G.G. Kariuki.

(Laughter)

Mr. Temporary Speaker, Sir, my point of order is on this issue, that this Motion is not properly here and it could have gone to the relevant Ministries before it comes here. Is he in order to assert that the Motion is not properly before this House?

Sen. G.G. Kariuki: I do not know what happened this morning to this young man, the honorable Senator, because---

The Temporary Speaker (Sen. Murkomen): Order, Sen. G.G. Kariuki! There is no 'young' man in this House! There are only Senators.

(Laughter)

Sen. G.G. Kariuki: Thank you, Mr. Speaker, Sir, for your correction; and I take it very seriously. But what I am trying to say---

(Sen. Okong'o consulted other Senators)

I hope that my colleague Senator would listen without talking to others so that he can know what I am saying. What I am trying to say, my dear colleague is that, if this Motion had gone--- Do not try to correct me; none of you is capable of correcting me in terms of the procedure of this House; and that is a fact. We want to see something done; not just to come here and talk. If this Motion had gone to the Ministry concerned, then come back

through the Chairperson of the Committee concerned with this Motion, it would have come with the notes and information of what is actually there and what has been done, and what is being done. That way, we would appear effective; and that is all that I am demanding.

I am requesting that if I bring my Motion – like it is coming tomorrow or the day after tomorrow on security matters – I wish the Chairperson of the Committee on National Security and Foreign Relations, who is sitting close to my friend here, would have communicated with the authorities to ask them their position. That does not stop us from saying all the things that we want to say; but he should give us some inside information for us to know what is actually there before we condemn or arrogantly talk about any Ministry. Therefore, it is important that I was using this position to request the Speaker to communicate with his counterpart at the National Assembly to see how this thing can be done.

Otherwise, Mr. Speaker, Sir, I beg to support this Motion as it is; and I want to thank you once again for giving me this opportunity. I am proud of you.

Thank you very much, Mr. Temporary Speaker, Sir.

The Temporary Speaker (Sen. Murkomen): The Senate Majority Chief Whip; Sen. Beatrice Elachi.

Sen. Elachi: Thank you, Mr. Speaker, Sir. I also rise to support this Motion and, indeed, to thank the honorable Senator for Kajiado for moving it. When we talk about waste in this country, many people will remind us that, one, it is a place where many also have informal jobs; two, it is a business that has very serious cartels that we also need to look at as we deal with the issue at hand.

Mr. Temporary Speaker, Sir, I will start by giving an example of Nairobi County. That, indeed, we have had, for years, donors and even governments wanting to intervene and come up with a better way of managing our waste; ensuring that we have a better place to dump that waste and even recycle and use it so that it can also create employment for our young people. But what has happened is that even those who collect that waste belong to a cartel that you cannot just join and start the business; you will have to go through a process. Therefore, even if we would want to see the Dandora Dumpsite, for example, changed to become an institution that we can rely on and recycle our garbage or waste, you will find that you have to, first of all, look at what has been happening. Many are the times we have seen on our television people even killing each other. The other day, we had two gangs in Dandora who were fighting and all that brings up the issue of insecurity.

If you go to Mombasa, it is also a very sad situation; being a town where if you remember the former Member of Parliament for Mvita, now the Cabinet Secretary for Mining, Najib Balala, had done his best to give it a different look, and people used to admire Mombasa at that time. But today when you enter Mombasa County, they have come up with a proposal where they have different dumping sites where garbage is dumped and then it is collected. But then it has become even worse when you use that process. Therefore, it means that even at the moment, the counties do not even have that capacity to start managing the waste. They found waste and now they are confronted with

even more waste, and challenges of how to ensure that it is dumped in a proper manner that will ensure we bring back the different cities that we have.

When you walk in Mombasa on your way to Nyali, using the road in Bombolulu, you will find that there is a nice board that is put up; but when you look inside the field, you will be very surprised to see how people are dumping waste there. This is land that belonged to the Kenya Broadcasting Corporation (KBC); and I wonder if it is still theirs, because with the dumping that has been done there, you cannot say it is your land any more. I even do not know how you can salvage it to now become property of the national Government for it to be used. But what we are saying as the Senate is that it is important now to look at solutions, and we need to blame ourselves in some of these things as a country, because when you look at our numbers and when you look at the numbers in China and Europe, and they are able to---

(Sen. Haji and Sen. G.G. Kariuki consulted loudly)

The Temporary Speaker (Sen. Murkomen): Order! Order, Sen. Haji and Sen. G.G. Kariuki!

Sen. G.G. Kariuki: Our apologies, Mr. Temporary Speaker, Sir.

Sen. Elachi: You will find that they are able to manage their waste.

What we are faced with is how fast the counties will manage to deal with the cartels and to sit down in one room and agree that it is time we saw some sanity in the whole industry. Kenyans should be able to dump their waste responsibly because the plastic bags can still be used for something else. We mix all the waste in one lump. If you look at where the sewage waste of Embu is deposited, it is at a very open place. We even do not know how to recycle our water for other uses whereas there is technology to do that. In our country, whenever somebody starts something, they want to own it so that nobody else can venture into your turf.

It has become like the *matatu* industry where if you want to get into a certain route, you have to pay some money before the *matatu* is allowed on that route. That is what is happening in waste collection. If you want to bring sanity in the waste collection industry, there are some people you must consult or else it will never arrive at the Dandora dumpsite. As much as we want to see things moving, the Government must find a way of dealing with the gangs that block this waste. We should deal with the blocked sewers in Nairobi and the other big towns.

Mr. Speaker, Sir, one month ago we had a very good documentation on Citizen television on dumping sites. We saw women coming out and claiming that that is where they get their daily bread and that is why they were killing each other because one had refused to allow the other one to also scavenge. So, as Senate, we do not need to request the Government, but tell the Government that there is a problem and they should first deal with those gangs in this business. We should also appreciate that there is technology and we must use it to deal with waste and recycle our water so that it can be re-used. We saw how they do it so well in China. They are able to collect, recycle and redistribute the same water within a very small area. This is something we should really think about as Senate. We should give solutions to the Government. They should know how to manage

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

NEMA. There is corruption that has entered into many institutions and it should be dealt with.

The other day the Committee on Health, Labour and Social Welfare went to look at how waste is being deposited into our rivers and up to now, if you ask, we do not know what action was taken. Did NEMA make a follow up and close the sewers that were broken? We should bring a Bill so that this issue is also dealt with at the county level.

I support.

Sen. Mwakulegwa: Thank you Mr. Speaker, Sir, for giving me this opportunity to support this Motion. In supporting this Motion, we need to realize that dumping of waste is big business in all the urban centres. What we should do is to modernize it. When we talk about modernization, we must start by regulating the distance of the dump sites from the estates so that in the event that the county government cannot dispose of the waste, it does not affect the people who live near the dumpsite. Secondly, we must ensure that modern technology allows even households to destroy even their own waste. If you go to many countries, you will find dustbins crushing waste which becomes fertilizer which can be used for farming. Waste treatment plants are there but we need to regulate them and make sure that we bring a Bill here which will make sure that in all the county governments and all the sites, this machine is available so that whatever is taken there is separated so that plastics can be re-used. We should identify what can be used as fertilizer and biogas. The rest should be disposed of in a very scientific way.

As Sen. G.G. Kariuki said, if this Motion was given to the Committee on Agriculture, Land and Natural Resources, they would have referred it to NEMA and the concerned Ministries who would have given us some feedback. We would actually know what plans they have to make sure that they undertake this activity. It is just two weeks ago that we discussed about the discharge of waste into Nairobi River and the rest of the rivers. The Committee on Health, Labour and Social Welfare actually went to the field and I am sure some action is being taken. We do not know exactly what action they are taking.

This Motion has come at the right time. This situation does not only obtain in Nairobi, but if you go to Kisumu and the other urban centres, the dumping sites are very dangerous areas because the gangs have now made it a no go zone. They are charging fees just like in the *matatu* industry. Before you dispose of any waste in Mombasa, you must pay a certain group of people. These are illegal gangs who levy fees but do not pay any tax.

Mr. Speaker, Sir, this is a wake-up call to the county governments. They should take up these issues so that they can invest in waste disposal machineries that can actually crush the waste. The by-products range from fertilizer and recycled plastics. Therefore, I want to thank the Mover of this Motion. What we now need to do is bring a Bill to make sure that the county governments can enforce the rules.

Thank you.

Sen. Karaba: Thank you, Mr. Speaker, Sir, for the opportunity to contribute in support of this Motion. From the onset I would like to echo the sentiments of Sen. G.G. Kariuki who said that this Motion should not go unnoticed. It has come out that the Motions that are discussed and passed in this House are not attended to by the consumers

of those Motions. In this case, I mean the relevant Ministry officers who should be seated in the public gallery as we discuss these Motions. They should listen to the sentiments of the Senators with regard to these Motions. I am sure if officers of NEMA were here, they would have listened to the sentiments of the Senators and got to know their weaknesses. They should be allowed to be present in the public gallery. It should be law that when we are discussing these Motions, officers from the relevant Ministries should be present to listen to what we say. They should be given notice on time. This is for your consideration and it will be discussed further by your office.

We need not discuss Motions which address obvious issues. This is an environmentally friendly Motion and it should have come many years ago and its implementation should have taken place even before we came here. Since Sen. G.G. Kariuki, a Member of the Committee on Implementation has said that he will see to it that this is done, that is the confirmation we would like to hear from Members and from those people who listen to what we are saying. It is also important that apart from just being seen on television, other people should also know that we discuss some of these things in this Senate. I am wondering what happened to the popular radio programme; *Leo Katika Bunge* or *Leo Katika Seneti* so that people can get to hear what the Senators are talking about. There are times they imagine we are not working. We have done a lot of work by passing very many Motions. If this Senate does not discuss such Motions, where else would they be discussed? At least we are putting in the necessary input. We need to be captured as having told the Government that this is important because we should be living in clean environments.

Mr. Speaker, Sir, in Mombasa, moving from the airport to the Island, when you pass through Makupa Causeway, it is an eye sore. You have to close your ears, nose and mouth so that you quickly cross that area because of the stench. That is the area where you find people from all walks of life trying to scavenge on the dumpsite. That has been there for years. Why do we talk about things that have been happening for many years without remedy? If the people responsible cannot clear such dumpsites, why are they in those offices? We should find out whether the relevant Ministries are taking their work seriously.

Mr. Temporary Speaker, Sir, most of the sewerage systems that we have in Kenya are located in very open spaces. Like Sen. Elachi said, if you are going to Embu, you cross River Rupingazi and find a very big sewage system before you even get to the main town. So, the impression that one gets is that Embu and Mombasa are dirty towns. By good luck, Dandora is far from Mombasa Road and so, not very many visitors get to know how it looks like but it is worse than Makupa Causeway.

Mr. Temporary Speaker, Sir, this Motion calls upon the Government to move fast and make our country clean. Now that we have 47 counties, it should be mandatory that the 47 urban centres in those counties should come up with a clear-cut proposal of constructing a modern sewerage. A modern sewerage is clean and does not even have a stench. It should also be located far from the towns. If that does not happen, the associated diseases, which are serious, will come up. These are problems which emanate from our own careless way of handling our environment.

Mr. Temporary Speaker, Sir, also, we have people who are gone and we will remember them for their good work that they have done to the country. We remember the late hon. Michuki for the good work that he did. I wish that he was still alive so that he could proceed with his good work. Must we always be lamenting over people who have done well and not those who are there and not doing anything? If you are in charge of a Ministry, like the Ministry of Environment, Water and Natural Resources, we need to see Nairobi River clean, because that is where most of the sewage is disposed of. The filth is too much and thick and sometimes even the river does not flow because of the mess which is done on it. It should be a requirement, therefore, that rivers which flow through towns should be cleaned up by the people in the neighbourhood or employees engaged by the Ministry. We should even have trees planted, so that we can check soil erosion.

Mr. Temporary Speaker, Sir, I also realized that some of these rivers can be used for tourist attraction. It is through these rivers that we can have ships where people can even have meals in the evenings, like what happens in River Rhine, River Seine in Paris and River Mohawk in America. If you happen to go and see those places and compare with what we have here in Kenya--- Most of the Members who are not here have gone to visit such places. They should come back with information and ideas that they have borrowed from there. But, unfortunately, you will find that nothing will happen after that.

Mr. Temporary Speaker, Sir, this Motion should be taken seriously and from here, we need to find out whether Sen. G. G. Kariuki and the Mover will meet the NEMA officials and come up with what can be seen to be serious. We need not always to be making noise and lamenting. We have been to places and the other day we were in Kigali; a country which has come from nowhere, because it had so many problems. Now that is where we are going to compare notes. How do we compare notes with a country, which is even salvaging itself from war? But if you go there, you will be shocked. The genocide problems are there, but the towns and even the villages are clean.

Why can we not enact a law to be implemented through the chiefs or assistant chiefs, where every person or village should come up with a well done latrine or waste disposal system? If that happens, we will not see waste dumpsites like the one that we see in Dandora. We should come up with a well done plan that is going to be anchored in the mother Ministry, so that we do not go on lamenting about garbage collection. That can be done without any problem.

Mr. Temporary Speaker, Sir, efforts have been made in Nairobi to collect refuse. During the “dark” days when Nairobi was dirty, you could not even go to Eastleigh or River Road. Those areas were completely sealed off because of dirt and filth. If we could continue with the same spirit, I am sure that we will have a clean city. Let us not rest there, but include all other cities and towns. This is because we see quite a lot of waste dumped in towns.

Mr. Temporary Speaker, Sir, this is, therefore, an appeal to the Ministry of Environment, Water and Natural Resources and other Ministries which are concerned in various Motions that when we pass this Motion here, it should be implemented. Also, let there be a policy in the whole country that every town, village and home must be cleaned by its inhabitants. If we do not do that, we will complain of diseases like Cholera, Typhoid, Bilharzia and other waterborne diseases which will be rampant. That is the

reason why this Motion is coming at this time, but this is not the end. I hope that the Mover and other interested Senators, like Sen. G.G. Kariuki, will move to the relevant Ministry for further implementation.

Mr. Temporary Speaker, Sir, I beg to support.

Sen. Haji: Thank you very much, Mr. Temporary Speaker, Sir. I beg to support this very important Motion and thank Sen. Mositet for bringing it. This Motion affects the entire country and not only areas where individual Senators represent.

Mr. Temporary Speaker, Sir, the issue of garbage disposal is a very serious problem. It is a serious health hazard in this country. If something is not done as soon as possible, this country will suffer from different ailments, some of which cannot even be recognized by the doctors.

Mr. Temporary Speaker, Sir, we pride ourselves in Mombasa being the gateway to East Africa. So many tourists go to Mombasa and see all these things. Perhaps, we could get more tourists if we kept our country cleaner than it is now. I live along the Nairobi River Bank. We do not sleep at night and have to lock every open space, because of the stench that comes out of that river. I believe that maybe sewage is being discharged into that river. If you go to Donholm, the water in the river there is black like used engine oil and this is happening with the knowledge of all Government officers in this country.

Mr. Temporary Speaker, Sir, I disagree with the point that every Motion that we come up with should go to the Ministry concerned. If we cannot get even Statements, they will never give us any feedback to any Motion that we send to them. I think that this Motion is a wake-up call for them. Since so many Motions have been passed here, we want to request that this job should not be left only to the Clerk. There should be one specific clerk whose duty is to follow up on every Motion that is passed in this House to ensure that we get feedback from the Ministries concerned. This is because we have passed so many Motions here, but we are not getting any feedback. But this should not discourage us from articulating the problems in this country for the welfare of Kenyans.

Mr. Temporary Speaker, Sir, apart from dumping of waste, the issue of waste polythene papers is a problem affecting all the towns in this country. If you fly over some parts of North Eastern, Tana River, Samburu and other trading centres, you will see polythene bags hanging all over. When it rains, these plastic bags retain water and hence, breed mosquitoes. Is the Ministry of Environment, Water and Natural Resources and NEMA not seeing this? Why is it that when the late hon. Michuki was in charge, you could see even small fish because the rivers were kept very clean? The Ministry concerned should wake up and do something that will be seen by everybody in Kenya.

Mr. Temporary Speaker, Sir, with those few remarks, I beg to support.

Sen. Mugo: Thank you, Mr. Temporary Speaker, Sir, for the opportunity to contribute to this very important and timely Motion. I congratulate Sen. Mositet for bringing it to the House.

Mr. Temporary Speaker, Sir, indeed, like all those who have spoken before me, I would like to indicate that this Motion touches on a number of Ministries and not just one Ministry. I want to support Sen. G.G. Kariuki for suggesting that we should involve the Ministries when we prepare important Motions. This is because even if we come up with Bills and pass them without consulting the Ministries and getting their input,

implementation will be difficult. So, let us work with them, so that we can jointly own the Motions and Bills which we pass. I believe that this Motion will be developed into a Bill, so that it can be implementable.

Mr. Temporary Speaker, Sir, there is no way we will control diseases in this country, unless we address the environment very seriously, especially waste management. There is runaway disease in the country. There are waterborne diseases as a result of rivers being polluted. Many of our people still use rivers as sources of their water supply. Even in the townships, many pipes burst and somehow sewage seems to sip into the water. As a result, the water that people drink gets polluted and there is no way we can control Typhoid, Cholera and other waterborne diseases. Also, mosquitoes mainly breed in dams because they are wet. We also know where the breeding of mosquitoes takes place; it is mainly in those dumpsites because they are damp and it is also dirty; so, it is hard to control mosquitoes and malaria.

There are runaway diseases, like cancer and many others; in fact cancer is the biggest killer right now as we speak. When you speak with the experts, they tell you that a lot of these diseases, including cancer, apart from a few hereditary genes, are also environmentally connected. So, what are we going to do? Take any dumpsite; the worst one which Sen. Elachi addressed, we know that vegetables are being grown there. Those vegetables find their way to our markets. The vegetables look very good and leafy; and you think it is good or healthy; that you are going to be very healthy when you eat them, but you do not know that you are bringing to your table polluted vegetables. This happens all over. It does not really matter where you shop; we know that these vegetables find their way to the markets. We can use all the prevention measures – and we have tried, especially in the Ministry of Public Health and Sanitation, where very big prevention measures were undertaken; and I know the current Ministry is also incorporating them – but there are scenarios which we cannot prevent unless we address sanitation.

Mr. Temporary Speaker, Sir, the other area is that of hospital waste. We need to have plans to address hospital waste management because of radiation, which is a big cause of cancer. The other area is that of the vehicles which pollute our roads. You will see a vehicle emitting such terrible fumes – and I do not know why this is happening, because I think we have a law which is not being implemented. All those are the issues that we have to address; we need to come up with strategies on how we are going to control total pollution, be it from our vehicles; we need laws to make sure that those fumes from those big lorries and vehicles which pollute our roads are not allowed to do that. We have to control pollution in our rivers, oceans and lakes. We know there is a lot of pollution because raw sewage is discharged into the ocean and lakes. We are busy trying to control cholera, yet raw sewage is being discharged into Lake Victoria, the Indian Ocean and many rivers.

So, Mr. Temporary Speaker, Sir, what I would like to suggest here is what our Committee on Health, Labour and Social Welfare is asking the Government to do, instead of a blanket thing; we have the Ministry of Environment, Water and Natural Resources and there are Committees that deal with that, and any other line Ministry or Standing Committees, which are all channeled to certain Ministries; what is it that we are asking the national Government as well as the county governments to do? Because the

environment, by and large, is under county governments, and we know there are these independent feelings of 'we are doing it.' So, as the Senate, we are in charge of the county governments; what do we want to tell the county governments to do out of this Motion?

Mr. Temporary Speaker, Sir, I want to propose an amendment; maybe I have to write it - I do not even need to write - I do not know what the procedure is. In the past, we had to write down an amendment and bring it to the Clerk; I believe it is the same thing.

My amendment is that we include not only the national Government, but also the county governments to take immediate steps to develop effective waste management regulations, because if only the national Government develops these regulations, they will have now to get the counties to adopt their regulations, whereas we can have national regulation and the counties will also have to adopt them.

Mr. Temporary Speaker, Sir, on hospital waste management, there is a pit in Oloolua that was done to bring all the waste from hospitals there; I believe it must be completed now. The waste is put there for a while waiting to be transferred elsewhere. I do not know where this 'elsewhere' will be. Those are the areas we also have to ask the Government to check on; how we really treat waste management. Why am I sticking to hospital waste management? It is because of radioactive pollution; and maybe because I am a victim of cancer; I tend to dwell on that much more. But as I speak now, that is a major hazard for prevention of diseases; radioactive waste management.

Mr. Temporary Speaker, Sir, on the cartels, having been a Member of Parliament in Nairobi, I know that it is a major problem because many people look at it as their daily bread; it is a business. They do not see the side of diseases, the problem of cleaning the environment and, therefore, we need some kind of education for our people. Let us also include education alongside regulations, because unless the people understand the importance of a clean environment, it does not matter how many regulations we put in place; they will not obey them. So, the people need to understand this.

The counties must also develop a way that they will work with those people; not make it hazardous for the public, but to get benefits which do not bring diseases. I believe we can build big plants for waste management, like other countries do, and the country will benefit economically and it will use those people who are now getting their livelihoods from there to organize whatever needs to be organized, because when we recycle this waste, we know it becomes money now, and the county will get rich, and those people will also find jobs to do.

So, Mr. Temporary Speaker, Sir, I want to call upon all the stakeholders – the different Ministries of Environment, Water and Natural Resources, Health, Devolution and Planning – all those line Ministries should, maybe, come up with a task force to address this problem. That task force should work closely with our Committee which deals with the environment, which I believe is the one which will address this issue so that we do not just address this problem here, but we really see something coming out of it; something that will change how we deal with waste management.

Thank you, Mr. Temporary Speaker, Sir. I beg to support.

The Temporary Speaker (Sen. Murkomen): Sen. Daisy Kanainza.

Sen. Kanainza: Thank you, Mr. Temporary Speaker, Sir, for catching my eye after standing for a very long time. I actually stand to support the Motion; that the national Government should take immediate steps to ensure that these regulations are in place so that this policy can work. The reason being that at the moment, Kenya has an increased use of electronic products and we produce more than 3,000 tonnes of electronic waste. At the same time, when we are trying to use this new type of technology, there is improper dumping of old gadgets. This is posing particularly health and environmental risks because of the toxins found in it.

Looking at the way my colleagues have been talking, actually, the National Environment Management Authority (NEMA) has failed to perform its duty to some extent. As we grew up, we enjoyed the fresh air and the beauty of a clean environment; but at the moment, almost all our towns and cities are suffering because of the improper disposal of waste products. We see people suffering from all types of diseases which have come into being. Our children especially suffer the most because of the new breathing complications that have arisen because of having an environment that is not conducive as a result of pollution.

Mr. Temporary Speaker, Sir, just to give some examples, Muthurwa Market here, where people buy vegetables and fruits at an affordable price, is stinking. People are just crowded in the same place, but we still go there to get our food. At the same time, the sewerage has not been done well; vehicles pass there every day and nobody is taking the initiative to correct the mess there. Talking of Donholm River; it is not brown or white in colour. The water that passes through that river is black and greasy. This Motion is actually very important. It has come at the right time and actually, the necessary stakeholders need to take immediate action. At the same time, there is a lot of pollution, not only of the air, we also have land and water pollution. The people have just decided to be careless, and they have decided to form dumping sites everywhere and anywhere. They think that it is right for them to do this. That is why I may say that it is actually our responsibility; one, as Kenyans; and, two, as even leaders, to take up the initiative by, maybe, trying to find a way of creating awareness to our people on why they need to keep the environment clean and tidy. It is us, as Kenyans, to decide to use commonsense and to be self-driven to ensure that our environment is clean.

Mr. Temporary Speaker, Sir, I want to point out the example of Rwanda. Starting with the President and their leaders, including the citizens, every month from morning to midday, everyone is outside cleaning their villages, towns and everywhere. This has really created a good culture; that everyone is responsible. We actually visited the country; we went to Kigali and other places and we were really mesmerized by the way the place is clean. In their supermarkets, they do not use plastic polyethylene bags. That is something that we, as a country, need to emulate.

Mr. Temporary Speaker, Sir, when I travel home, I pass through Uasin Gishu County, and I find Eldoret Town to be very crowded with many vehicles, hawkers and all that. But the County Government of Uasin Gishu has tried to make sure that the town is clean by ensuring that everybody and everything is put at the right place. At the same time, I may talk proudly about Kakamega County Government, because when the county governments came into place, the Governor, with his executive committee, came up with

an initiative to ensure that they keep the environment clean. They even involve the youth groups to, once every month, move into town, clean it and make it enjoyable for other visitors to visit. At the same time, they have tried to install dust bins so that instead of you throwing litter on the ground, you dump it at the right place.

I would like to point out an experience now that I was a girl guide in school. We used to go and clean the towns and even install the bins but in the recent past, that culture has been dying slowly and we do not see our children being taught to keep their environment clean. That is why I am saying that it is our responsibility, as Kenyan leaders, to make sure that when these children grow up, they take it up upon themselves to clean the environment. This will really help. Lack of proper environmental waste management regulations will put our country in a big mess. It is important that the national Government acts on it immediately.

I support.

Sen. Nabwala: Mr. Temporary Speaker, Sir, I wish to support this Motion. This Motion is very important because it touches on the health of our people. Kenya has a growing population and we need proper legislation in place to ensure that proper dump sites, garbage collection and harmful wastes is attended to unlike what we see around us. In the past when the Nairobi City Council was being manned by the Mayor, the City was very clean and you could see that no rubbish was thrown anywhere. There were litter bins by the roadside where people could throw in rubbish. Today, people just throw rubbish anywhere. In slum areas when it rains, the situation is very terrible because the sewage overflows, rubbish is thrown all over the place and you can imagine our children walk through all these without shoes. They end up getting diseases like typhoid and even cancer because of the harmful waste. Even hospitals just dump their waste anywhere in the rural areas.

So, it is very important that our Government takes this very seriously and it becomes law. I am hoping that the Committee on Delegated Legislation will look at this so that they push the Government. We should not just sit there and wait for the feedback from the Government. We need to have serious follow up.

Mr. Temporary Speaker, Sir, when it rains, the rivers overflow and raw sewer flows into those rivers. This is the same water that our people actually drink. People catch diseases like cholera from this water. I think prevention is better than cure. The Government should find a way of diverting some of these rivers so that they do not overflow and cause danger to our people.

In Trans Nzoia where I come from, we have a slum called Kipsongor which does not have proper roads. It is the way it was during the colonial days. Some of the toilets are full and when it rains, the waste overflows and this causes very serious diseases to people because this contaminated water even flows into their houses. When you go to that area, you really feel sympathy for those people. You will wonder whether we really attained Independence 50 years ago. Fifty years after Independence, our people should have access to health and electricity because they live in mud houses and other temporary structures and so you cannot connect electricity to those houses. When somebody is paying rent of Kshs200, you cannot expect them to be connected to electricity.

I am urging the Government to take immediate steps to ensure effective management of the waste. When you see children playing in those dumpsites, in some cases, they play with used condoms and we really get worried because out of nowhere some of the children develop HIV. You wonder how they became HIV positive when the parents are free of the disease. There are also many other funny diseases which emanate from the dumpsites.

Mr. Temporary Speaker, Sir, this Motion is very important. I thank the Mover of the Motion for having brought it to the House and I just hope that our Government will take this seriously because I think NEMA is sleeping on the job. Previously, they used to be active when it came to controlling noise pollution, but I do not hear them anymore.

I support the Motion.

Sen. (Dr.) Machage: Thank you, Mr. Temporary Speaker, Sir. As I support the Motion, I take cognisance of the prayer that the Mover has so made to the national Government; “that the government takes immediate steps to develop effective waste management regulations and put in place proper disposal facilities including for harmful waste, and this be done in consultation with all key stakeholders.” Whereas that prayer, be it as it may, Kenya is really not operating in a legal lacuna or vacuum. We have legislation that has been in place in this country and the first one that I could get in literature was in 1996; The Waste Management Act, Cap.482. We had a review of this and we came out with a Solid Waste Management Act of 2001 and, thereafter we had a Waste Management Act of 2006 which was again reviewed in 2008.

Maybe the 2008 Act is not addressing our situation well in view of industrialization which has taken place if we were to compare to what there was at that time. We are really looking at the waste management of plastics, oils, electrical equipment, liquids, and so on and so forth. We are looking at an environmental management that will also include air pollution. We have to relook at this Act and see what our industrial development and accurate town development require; and then amend it appropriately.

So, as I support this Motion, it would be important to relook at amendments to the existing waste management laws. Today, waste is actually wealth. It is only that we do not know how to use our wealth properly. If you go to Europe, waste is a major producer of electricity. A lot of electricity is produced from the town waste. Fertilizer and paper are also produced out of waste. We shall recycle plastics to come up with new products that are even more expensive than the primary products. There is also employment that comes with this industrialization. What we are missing in Kenya is really to rethink on how to invest. One of the best places to invest in is waste management. If you look at how much waste we have in Mombasa, Kisumu and Nairobi, you wonder how much wealth we would create out of that. There are many industries that are ready to offer this technology.

Mr. Temporary Speaker, Sir, in 2010, I visited Slovakia and these people are ready even now to establish in this country an industry on solid waste management for the purpose of production of electricity. I presented these views to the necessary offices. The late Michuki was really interested in this programme, but God forbid, he is no longer with us. I beseech the authorities that it is now time to pick up from where the late

Michuki left and we begin looking at investing in waste management in this country. One month ago, we addressed the appalling situation in Nairobi where waste is directly discharged into our major rivers and, indeed, the Tana River through River Athi and the rest. If you go to the Fourteen Falls which is really a tourist attraction site, the stench that you find at that place is very appalling because raw waste is discharged directly into the river a few kilometres away.

It is true that the Committee on Health, Labour and Social Welfare visited that place and made several recommendations. But then we have to blame the Nairobi Water and Sewerage Company and the Athi River Water Services for taking us for a ride in the management of waste from the central part of Nairobi. The important issue to look at is how much poison is being poured into these major rivers of this country. Athi River is a primary water source downstream for many communities from the former Eastern and Coast provinces. The question is: Who will take responsibility of the number of deaths of both animals and people that will occur as a result of this negligence?

The primary idea is self-discipline even on waste management at the nuclear family level. How do you manage your waste even when you are driving to the Senate? How do you manage the papers that you read and discard in the car or the plastics from which you drink water along the road when you are driving to Mombasa? The responsibility of waste management does not only rest on the Government but it is something that has to be inbuilt into the systems of this country as a self-discipline issue. In Rwanda, if you are seen littering on the streets, you are arrested immediately and punished for that. In Kenya, apart from making noise with the City Council *askaris*, nothing else happens.

What has happened in Nairobi where a lot of corruption is implanted into the waste management process is not forgivable. We will cut down on the cost of medical services if we manage our waste properly. We will cut down on diseases that are associated with poor waste management, like diarrhoea which actually account for a higher percentage of deaths of our infants. This is due to poor waste management including not having toilets. In some parts of this country, you have up to 80 per cent of the population not having toilets at all. This is because of lack of resources. There is also the high cost of pollution of big water resources such as Lake Victoria. Why do we have hyacinth? It is because of poor waste management. If we were to take care of that, we would have one of the best water sources in the world. This is the second biggest fresh water lake in the world which would attract a lot of tourists, but now it is a disaster and not attracting anybody.

I support.

Sen. (Prof.) Lesan: Mr. Temporary Speaker, Sir, thank you for giving me the opportunity to ventilate on this Motion. First, I wish to state categorically that I support this Motion for various reasons, some of them touching on the important area of the health of our citizens.

Mr. Temporary Speaker, Sir, environment is a very important aspect of our lives and waste is one of those things that has the greatest impact on the environment. I think that it is very important that we pay attention on this aspect of waste. Unfortunately, waste does not build up rapidly. It is a slow process that we might not recognise but it is

continuous and might have very negative impact on the environment and the society at large.

Mr. Temporary Speaker, Sir, this morning, I just want to confine myself to what I would like to refer to as hazardous waste. This is the kind of waste that is going to threaten our lives in times to come and in fact, it has started to do so now as we continue to become urbanized and industrialization takes root. Hazardous waste is one of those things that will directly affect the health of individuals. These are the kind of wastes that are starting to be generated more and more. I have in mind plastic or synthetic material. Synthetic material is the kind of waste that is happening today as we carry on with our lives. According to a study which was done last year by KIPPRA, supermarkets in this country gave out 200,000 million plastic bags for carrying goods home. These plastic bags are made of thin synthetic material. This material may not be dangerous as it is but if it is burnt, it turns into fibre. It produces one of the chemicals that we know as the leading precursor for causing cancer in the country. That material is called dioxin which is a product of burning of synthetics.

It might just be better to dump these synthetics in the dumpsite and not burn them but what we know is that there is a lot of burning of synthetic material at the dumpsite. It would have been best if those things were left as they are but when they are burnt into fumes and fibre, it becomes a chemical called dioxin and it is a precursor which is well known and well documented at the moment as the greatest cause of cancer.

Mr. Temporary Speaker, Sir, we can manage the waste by controlling their output. This is one aspect where a simple policy or a simple circular from the Government can ban the use of plastic bags in the society. When we do this, we can completely eliminate and we will not be the first to do that. There are countries which have already banned the use of plastic bags as carrier bags in their various supermarkets. This has gone a long way in controlling the menace of light synthetic paper bags.

Mr. Temporary Speaker, Sir, there is also the issue of heavy metal. These are metals that are useful in the medical industry. In this particular case, I am thinking about mercury. Mercury is one of those heavy metals that we use in various ways in medicine or in homes. There is mercury in our fridges, in our cell-phones, in paint manufacturing industry and so on. Once this mercury is used as a by-product, it is not managed properly and it goes into the system. For these heavy metals, if they get into the food chain, they will end up on our tables and we know the serious consequences that can be brought by these heavy metals.

There are also increasing numbers of nuclear materials and nuclear waste. We now have MRIs in hospitals, we have scans, we have x-rays and all these have elements of nuclear material in them. We need to use a lot of technical know-how to handle these wastes because they are our present day challenges, unlike the cases of diarrhoea. These are challenges that are coming to us and we must deal with them.

There are things that we could do and recommend to handle this: The first one is that we must have a clear and updated futuristic policy in which we can handle these new challenges that are facing us. Therefore, it is very important that we work on a policy that addresses all these issues using the current knowledge which is available. The second thing is that it is important to educate our society using the new knowledge that is

available. They must be informed in order to protect themselves before the policy helps to protect them. The third thing that we need to do is to provide some penalties for this mischief of throwing out waste and influencing other people's lives. I am thinking of heavy deterrent penalties for those individuals who are going to generate the type of waste that I am talking about, particularly foreigners who dump waste in our coastline.

We are aware that countries have challenges of disposing of waste and they would usually dump them in coastlines of countries that are not awake to the reality of these issues. Therefore, we need to hand them heavy penalties. Last year, there was a container which was received in Mombasa which contained nothing but rubbish sent from the United Kingdom (UK) to Kenya and it was a Kenyan who had imported that waste, perhaps in full knowledge that it was waste. These are some of the ways in which foreign countries dump their waste. Lorries that are leaking chemicals along the highways may not be accidental; these are ways in which some countries are dumping waste that they could not dump in other countries. Therefore, we need a law and also get engaged in international treaties where we can participate with other countries to dispose of some of these materials. It is not enough to bury them in a hole somewhere because they will leak and get into the soil.

So, Mr. Temporary Speaker, Sir, this Motion is very important and appropriate. It is one of those Motions through which we can generate relevant Bills that can impact on our country. To support this a bit further, I would like to suggest an amendment to this Motion. The amendment is supported by the contents of our Constitution in the Fourth Schedule, Part II, Section 2(g) which requires the county governments to be participants in cleaning the environment.

Mr. Temporary Speaker, Sir, this is the amendment;

THAT the Motion be amended by inserting the words "working together with the national government"

Further, we also want to insert those words so that the national government is involved in capacity building for the county governments in order to effect the amendment that I have suggested. This again is supported by our Constitution in the Sixth Schedule, section 15 which requires the national Government to give some assistance to the county governments to be able to carry out their functions satisfactorily, more particularly in this case, the handling and management of waste. So, I would like to move that amendment and with your permission, I would like to ask my colleague, Sen. Lesuuda, to second the amendment.

The Temporary Speaker (Sen. Murkomen): Before Sen. Lesuuda comes, I wanted to find out because the Chair is not aware of the amendment and where it falls in the main Motion.

Sen. (Prof.) Lesan: This has not been indicated in what I have here but it falls under "the national Government to take immediate steps to build capacity." We will rewrite what we have here to coincide with what you have just said. The first part is ready and we can move it.

Mr. Temporary Speaker, Sir, I wish to amend this Motion by inserting the words "county government working together with the national Government," after the word "the." Further, we also need to insert the words "the national Government will also be

involved in capacity building for the county governments.” This will effect the amendment that we have suggested. This, again, is supported by the Constitution, which actually requires the national Government to give some assistance to the county governments to carry out their functions satisfactorily, in this case, the handling and management of waste.

Mr. Temporary Speaker, Sir, I beg to move that amendment and request my colleague, Sen. Naisula, to second it.

The Temporary Speaker (Sen. Murkomen): Before Sen. Naisula seconds the amendment, I would like to point out that the Chair is not aware about the part of the amendment related to capacity building. Where does it fall in the main Motion?

Sen. (Prof.) Lesan: Mr. Temporary Speaker, Sir, this has not been indicated in what I have here, but it falls under “the national Government to take immediate steps to build capacity and develop the effective--- I will write down what I have here. The first part is ready and it can be moved.

The Temporary Speaker (Sen. Murkomen): Okay.

Sen. Lesuuda: Thank you, Mr. Temporary Speaker, Sir. I rise to second this amendment. First, let me thank and congratulate my fellow colleague, Sen. Mositet, for coming up with this very important Motion. I would also like to thank my colleagues who have spoken before me and supported it.

Mr. Temporary Speaker, Sir, I think that it is important for us to include the county governments as we have said, because I know that various counties have a Ministry of Environment. This, definitely, shows that even at the county level, the Governors and the executive committee members really realize that importance of having a safe and clean environment.

Mr. Temporary Speaker, Sir, having said that, we have discussed here before about the planning of our counties. We will see structures and the county executive coming up with plans of their counties. I really hope that they will ensure that they have proper disposal facilities. I know that this Motion actually tackles it. I really hope that such facilities will come up first before buildings are put up.

Mr. Temporary Speaker, Sir, having said that, it is important to note that this is also an issue to do with culture and our norms and values. If we cannot value a clean environment even as the citizens of this country, what do we really value? When we dump wrappers and used tissue papers, it says a lot about us, as a people. In Nairobi City, for example, bins were put all over and the best we could do was to steal them or just drop waste next to them. So, I think that it also comes to our culture. When you pollute a river which you know at the end of the day will be used by somebody else downstream, it is something that touches on our values and culture.

Mr. Temporary Speaker, Sir, I like what Sen.(Dr.) Machage has said, that we are not short of laws in this country. We have an Act on waste management. Maybe what we need to do is to improve it. But most importantly, we need to even look at ourselves inwardly. We keep referring to the late hon. Michuki every other time when we speak. Is it just enough to keep referring to somebody or the best that we can do is emulate him? How come when he was in charge of the Ministry of Transport, the level of accidents went down? When he served in the Ministry of Environment and Natural Resources, the

river and city were cleaner. We keep referring to him every other time we speak, but we do not really emulate what he did when he was in that position. So, I really hope that the responsible Ministry and also our county governments will emulate him, to ensure that they actually implement some of the Motions that we pass here.

Mr. Temporary Speaker, Sir, on waste management, it is also important to note, as my colleague said, that we can actually recycle. Kenya is among the first countries which started experimenting on renewable energy. I do not know what happened in-between or where we lost the plot. But I think that it is something that we need to think about. Sometimes I wonder when I hear that we are very interested in nuclear energy as a country. If we cannot dispose just the normal waste that we have in our country, I do not know how we will be able to manage and dispose the waste that comes with nuclear energy. That is something that we need to think about.

Mr. Temporary Speaker, Sir, it is important to also include the counties because I remember that in the past years, there were towns in this country which were always rated the cleanest. Nakuru Town was one of them. You would go there and see that it was very clean. If you go there now, you will be shocked. I do not know what happened. I hope that matters of cleanliness will be one area that counties will want to compete in. This will include conservation of the environment and ensuring that the forests are protected and started. We will like to see which counties will uphold that cleanliness. There were smoking zones that were set up, but in some places, they are no longer being utilized. So, this still boils down to what I said earlier on about culture and sometimes, forgetting that you are also endangered when you actually do not take care of the environment.

Mr. Temporary Speaker, Sir, in pastoral areas, there is open defecation and when it rains, it goes down to the rivers and streams. Sometimes it is cultural and also a number of other issues. I know that the Ministry of Public Health and Sanitation in the past Government had really tried to address this issue. I know that the Ministry will also consider putting up pit latrines in the rural areas. I always also get fascinated about how we think that the environment is polluted in informal settlements only. So, every time there is a campaign to clean up the environment, we run to Mathare and other informal settlements, while the city itself is not clean as such. Thika Road is now a superhighway and is one of our main entrances to the city. There is a lot of dumping in Ngara. I do not know whether we want to make it a dumping site. Since Ngara is just within the City Centre, even a tourist would want to walk around there. Likewise, when you land in Mombasa, you see a lot of waste as you enter the city. So, we should stop thinking that this is only happening in the informal sectors because it is also happening in our cities and towns, and we need to work on this.

Mr. Temporary Speaker, Sir, today, His Excellency the President is opening a modern market in Gatundu. I just want to challenge the Kiambu County - I hope that waste management has been taken care of in that market. We saw it as a challenge in Muthurwa Market. The market was beautiful when it was opened, but if you go there now, you will be surprised. Waste is being dumped all over the place.

So that I can conclude, I know just as many other things; corruption, cartels, self interests that play a great role in waste management, which is something that is going to

help us. Whose lorries are collecting the waste? Who gets the tenders and what not; all those things? I think it is important that those who are in leadership now think beyond themselves; to think beyond their term to see to it that this issue of waste management is looked into. I think my colleagues have really dwelled on why; we know the issues, we know the health risks that are there; we know the food that we are eating – the spinach that looks very nice and you are even afraid because you do not know where it was grown – we know all those things. But I think it is important that we re-evaluate ourselves, our values and our culture to find out what we really stand for, and just have the interests of ourselves – because we will also be affected – and others at heart. There was a time we tried to ban the use of plastic bags in this country, and it was such a heated debate; and you wonder why. It is just for the self interests of a few people who would be pushed out of the market, while countries like Rwanda did it. Why can we not do it too? We are always said to be the most educated; the ones who know everything, but we cannot put in place basic things like what we are discussing.

So, Mr. Temporary Speaker, Sir, I would like to second this amendment; I think it is something which is important and which needs to be followed up. I also, once again, want to thank and congratulate my fellow Senator for coming up with this Motion.

Thank you very much. I beg to second.

The Temporary Speaker (Sen. Murkomen): Hon. Senators, I now want to propose the amendment.

(Question of the amendment proposed)

Sen. Omondi: Thank you, Mr. Temporary Speaker, Sir, for giving me an opportunity to contribute towards this very important Motion. The reason I say this Motion is very important is because it touches on the day to day life of the common *mwananchi* or citizens of Kenya.

First of all, we need to ask ourselves some questions; what do we mean by waste management? Do we understand; and if we understand, what message are we supposed to pass to our people or the public?

Mr. Temporary Speaker, Sir, there is much more to waste control than picking up rubbish and jettisoning it into a dumpsite. Although there is an urgent step in the midst, but there is more to it than we think about. Waste product management flows in a cycle of monitoring, collection, transport, processing, disposal and then, at the end of the day, it is recycled. This is supposed to be taken into account and everybody should understand these processes so that we keep our country clean.

Mr. Temporary Speaker, Sir, effective waste management is dependent upon achievement of informed consensus among interested parties. Public concerns and opposition present a challenge to this consensus, which must be tackled. There has been an understanding of the basis of public concerns about waste management activities and suggestions of some means for dealing with this issue. The national Government should make efforts to establish a better understanding of the complexity of concerns which are based not upon risk perceptions, but also a lack of trust and credibility in waste management.

In waste management, there is decision makers, decision processes and control mechanisms for waste facilities, settings and operations. Without proper waste management, contamination of land and underlying sources of commodities will continue to escalate beyond management levels. The next stages of contamination may also lead to various health related concerns and diseases. Proper disposal of waste should ideally begin in you and I, because it is an issue that is supposed to be handled by all of us. Households that practice proper disposal of waste help in preventing the occurrence and spreading of diseases, and in getting rid of accumulated and unsightly garbage in their storage bins.

Mr. Temporary Speaker, Sir, the issue of waste management is supposed to be dealt with the same way we deal with HIV/AIDS. First, we need to deal with behaviour change and communication, where the issue is supposed to be taken seriously, to be addressed at all levels right from the children, households, policy makers and implementers. We can have good policies but we, as good policy makers and policy implementers, go against it. I want to use an example where I managed to attend a two-month training programme in Japan, and I left the country a changed person because most of the time, people were on my back telling me: "O, Madam, can you pick your rubbish?" because I am used to throwing rubbish anyhowly in Kenya. In Japan, it is the concern of every citizen to keep the town clean. Even in hotels, you do not just eat carelessly and leave the table untidy; you leave the table the way you found it and you keep every place clean. Sometimes I fail to understand, especially we normally say the 'big offices' or the washrooms; especially we, the people with disabilities, fail to understand and it becomes a problem when you go to a washroom and you find that people have messed it up. You ask yourselves: "If they can do this in a public washroom, what about where they stay?" So, it is the business of everybody to keep the issue of management at their finger tips, and address it at every level.

Mr. Temporary Speaker, Sir, the issue of water catchments, natural resources and the water banks; when I was a young girl in our village, I used to see people keep some distance from the water banks, but nowadays, people build toilets at the river banks. You cannot even trust the water taps because the water system has been interfered with; and you fear the sewage mixing with the tap water. This contributes to the contamination of the soil, water and even causes air pollution. Last week, I visited a market when I had taken my car to a garage. I could not even come out of my car because the place was dirty and people were eating around there yet there was a lot of dirty water and mud. I asked myself whether we are safe with this kind of environment. I also want to say that we are not protecting the natural resources and we are denying the country the beauty that it deserves because we have destroyed every natural resource, be it stones, trees and everything else.

Mr. Temporary Speaker, Sir, I want to say that there is a lot that is supposed to be done and that is why I support this Motion because if it is well addressed, we are going to have a changed Kenya where every citizen or a visitor may feel at home.

With those remarks, I support the Motion as amended.

The Temporary Speaker (Sen. Murkomen): Hon. Members considering the time provision or this Motion, it is time for us to vote for the amendment and to allow the

Mover of the original Motion to move the amended Motion. Considering that the amendment we introduced affects counties, I have received a request that we defer both the voting for the amendment and the ultimate Motion to the next day as provided for under Standing Order No.51 (3) to the next day. That means that the Motion will be voted for in the next sitting. We should therefore move to the next Motion.

Sen. (Dr.) Machage: Mr. Temporary Speaker, Sir, in your communication, you indicated that it is time for the Mover to move the Motion and yet the Motion had already been moved. So, you could make the correction.

The Temporary Speaker (Sen. Murkomen): Thank you, Sen. (Dr.) Machage. It is actually time for us to vote for the amendment which we want to defer because of the request on the fact that it is affecting counties. Thereafter it will be time for the Mover to reply. Therefore, we suspend both until the next sitting.

(Putting of the Question on the Motion deferred)

Next Order!

ADOPTION OF REPORT ON FAMILIARIZATION TOUR OF GEOTHERMAL
POWER PLANTS IN OLKARIA – NAIVASHA, NAKURU COUNTY

Sen. Mwakulegwa: Mr. Speaker, Sir, I beg to move:-

THAT, this House adopts the Report of the Standing Committee on Energy, Roads and Transportation on the familiarization tour of the geothermal plant in Olkaria, Naivasha County on 12th August, 2013 laid on the table of the House on Tuesday, 26th November, 2013.

In furtherance to the mandate that this Committee has, they visited Olkaria Geothermal Plant on 12th August, 2013 to familiarize themselves with the operations of KenGen and the generation of electricity through geothermal. The Committee visited Olkaria I, Olkaria II and Olkaria IV and the well head generation plant with the capacity generation of Olkaria I, 45 megawatts, Olkaria II, 105 megawatts, Olkaria IV, 140 megawatts and the well head with 25 megawatts respectively. The Committee in making the familiarization tour wanted, first and foremost, to see and understand the challenges that KenGen is facing, understand the working of this State corporation and to also encourage them to develop and utilize the geothermal energy. We also visited to assist and facilitate any enactment and adoption of the appropriate legislation that they needed so that when the Committee comes back to this House, they can actually fast track that.

With provided them the platform to actually share information. When we visited, our findings were:-

1. KenGen produces 80 per cent of electricity in this country.
2. Kenya currently is ranked No.9 in the world in the geothermal development sector.

The Company uses various sources to generate electricity ranging from hydro, geothermal and wind. Hydro is leading and contributes about 60 per cent with 677 megawatts, and the remaining being shared between geothermal and wind and also diesel

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Hansard Editor, Senate.*

generated. The company is now operating in a liberalized market and is in direct competition with four other independent power producing companies (IPPs) which produce 20 per cent. KenGen has a workforce of 1, 600 employees in 20 different sites.

The target of the company is to produce affordable and clean energy although geothermal power in the initial stages is expensive, it is far cheaper in the long term. Therefore, our recommendations as a Committee were:-

1. KenGen to find ways of curbing the steam from the wells and use it as collateral to secure loans from finances as it explores various funding options for projects under the Asset Backed Security Programme (ABS).

2. The ways already identified to generate electricity should be put to immediate use to generate and sell electricity to the national grid at a competitive price.

3. KenGen to have a stakeholders' forum and to inform the counties where there is potential of geothermal generation so that the counties and the people could support their endeavours.

4. The Government moves with speed in the exploration and mining of coal and looks for natural gas so as to boost the energy security and lower the cost of power that is associated with fossil fuel.

5. KenGen to innovate alternative ways of raising funds and explore options of public finance initiatives or any other private/public partnership arrangement in order to generate more electricity which is dearly needed by this country because currently, Kenya produces 1,200 megawatts. For us to be an industrialized nation and deliver our Vision 2030, we need a minimum of 5,000 megawatts.

6. Legislation be developed to guide the community and the investors on the issuance of land compensation and revenue as generated from the investment especially the sharing mode between the company, the national Government and also the county governments.

Mr. Temporary Speaker, Sir, lastly, our recommendation is that the Government should compensate KenGen, especially for the roads developed within Naivasha and Olkaria, where they have undertaken a lot of development, due to what they have been doing.

Mr. Temporary Speaker, Sir, we visited Olkaria and were impressed by what we saw there. Kenya has the potential to produce up to 12,000 megawatts of geothermal energy. There is huge potential of geothermal energy in Nakuru County, Baringo County, West Pokot County and Turkana County. Therefore, the Committee recommends that we actually support KenGen and the Geothermal Development Company (GDC), so that we can focus on geothermal energy and develop it. If we explore and explore geothermal energy, Kenya will become the third-largest geothermal energy producer in the world.

Mr. Temporary Speaker, Sir, it is also worth noting that if we focus on reliable, clean and affordable energy, our industries will be competitive in this region. This is because one of the complaints by industries and manufacturers has been complained that power is very costly in this part of the world. Therefore, by encouraging KenGen and GDC to actually explore, develop and mine clean and affordable geothermal energy, we will make Kenya to be competitive because energy is one of the key components that manufacturers and industries rely on.

Mr. Temporary Speaker, Sir, in the energy sector, we have seen that the Government is focused. But we need to encourage more private investors to come in and take advantage, especially in wind and geothermal energy. But in this specific visit, our Committee learnt that Kenya has the expertise. In fact, in terms of people who are trained in geothermal energy, Kenya is ranked number five in the world. Therefore, I would like to commend the Government of Kenya and the Ministry of Energy and Petroleum for having seen early enough that they wanted to develop capacity in geothermal energy production and sponsored many graduates to study in the leading countries, including Iceland, New Zealand and many others. I think that in Africa, we lead in terms of capacity. There are five rigs which are owned by GDC, and KenGen also has a rig. Therefore, we need to encourage these companies and many more, so that we can develop more geothermal energy, which is clean and affordable. If we do that in the next 40 months, because the Government has an objective of developing 5,000 megawatts of electricity, geothermal energy will play a greater part, while looking at coal and maybe wind.

The Temporary Speaker (Sen. Murkomen): Order, Senator! You will still have 20 minutes next time the Motion will be on the Order Paper.

ADJOURNMENT

The Temporary Speaker (Sen. Murkomen): Hon. Senators, the House now stands adjourned until this afternoon, at 2.30 p.m.

The Senate rose at 12.30 p.m.