

PETITION BY THE MAKUENI COUNTY ASSEMBLY COMMITTEE ON ENVIRONMENT AND CLIMATE CHANGE REGARDING THE ADVERSE EFFECTS OF ROCK BLASTING AT THE ONGOING CONSTRUCTION OF THE THWAKE MEGA DAM

Honourable Senators,

1. I hereby report to the Senate that a petition has been submitted, through the Clerk, by Mr. Robert Musyoka, Ag. Clerk, Makueni County Assembly, on behalf of the Sectoral Committee on Environment and Climate Change.

1. As you are aware, under Article 119(1) of the Constitution, and I quote:-*“Every person has a right to petition Parliament to consider any matter within its authority, including enacting, amending or repealing any legislation.”*

2. **Honourable Senators**, the salient issues raised in the said Petition are:-

- i) That, the Petitioners, Sectoral Committee on Environment and Climate Change, have concluded the matter of a request for a Statement regarding the adverse effects of rock blasting at the ongoing construction of Thwake Multipurpose Dam in Kalawa Ward, Makueni County and it has not been able to resolve the problem conclusively as the matter is affecting more than one county having been funded and implemented by the national government;
- ii) That, the construction of the dam involves amongst other activities, blasting of rocks which has adversely impacted on the lives of the residents of nearby villages such as houses and shops cracking thus posing danger to the occupants of such structures. Other adverse effects of rock blasting in the area include- noise pollution and respiratory problems to the residents;
- iii) That the affected areas include but not limited to- Ndindi, Syotuvali Market, Kamutinye, Kitoto, Unyeeo, Ngomano and Syongungi in Kathulumbi Location Ward and Kyusyuni, Miangeni, Kaseve, Katithi, Miksi and Mathangathi in Mavindini Ward;
- iv) That the Committee recommended corrective measures to the contractor but the matter has not been addressed by the relevant contractor and other agencies.

3. The Petitioner therefore prays that the Senate intervenes to ensure that the contractor safeguards the residents living in the affected areas from the devastating effects of the construction of the dam, not limited to the noise from the rock blasting.
4. **Honourable Senators**, pursuant to standing order 231, I shall now allow comments, observations or clarifications in relation to the petition for not more than **thirty** minutes.

[After comments by Senators]

5. **Honourable Senators**, pursuant to standing order 232(1), the Petition should be committed to the relevant standing committee for its consideration. In this case, I direct that the Petition be committed to the Standing Committee on Land, Environment and Natural Resources.
6. In terms of standing order 232(2), the Committee is required, in not more than sixty calendar days from the time of reading the Prayer, to respond to the Petitioner by way of a Report addressed to the Petitioner, and laid on the Table of the Senate.
7. I thank you.

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REPUBLIC OF KENYA

COUNTY GOVERNMENT OF MAKUENI

COUNTY ASSEMBLY OF MAKUENI

P.O. Box 572-90300 WOTE, MAKUENI

Tel: 020-2393005, 0714392799, 0731633505, 0731663505

Email: info@makueniassembly.go.ke Website: www.makueniassembly.go.ke



Office of the Clerk

County Assembly of Makueni

Our Ref: **MKN/CA/ADM/2020 VOL. 1(202)**

Monday, July 13th, 2020

The Clerk of the Senate,
Parliament Buildings,
P. O. Box 41842 – 00100,
Tel: (254-2) 2221291 or 2848000,
NAIROBI, KENYA
Email: csenate@parliament.go.ke
Website: www.parliament.go.ke

Dear Sir,

SUBJECT: PETITION BY THE MAKUENI COUNTY ASSEMBLY COMMITTEE ON ENVIRONMENT AND CLIMATE CHANGE REGARDING THE ADVERSE EFFECTS OF ROCK BLASTING AT THE ONGOING CONSTRUCTION OF THE THWAKE MEGA DAM

The above matter refers.

The Committee on Environment and Climate Change is a Sectoral Committee, established pursuant to the Makueni County Assembly Standing Order 216, and with the following mandate as contained in the 11th row of the second schedule of the Standing Orders:-

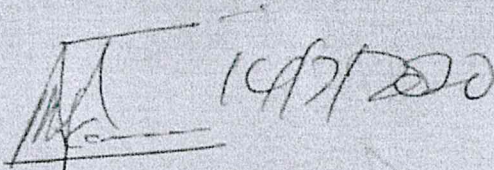
- i. To deal with matters related to natural resources, Environmental conservation including soil and water conservation, Climate Change, forestry and control of air pollution, sound pollution and other public nuisances and outdoor advertising, removal of refuse, refuse dumps and solid waste.
- ii. To oversee protection of rare and endangered species, preventing and controlling invasions of exotics, preserving old growth forests, restoring degraded ecosystems, and balancing the resource demands of industry and the public.

The Committee has concluded the matter of a request for a statement regarding the adverse effects of rock blasting at the ongoing construction of Thwake Multipurpose Dam in Kalawa Ward in Makueni County. The dam is being implemented by the National Government.

The Committee found out that the implementing contractor has not ensured the bodily and environmental safety of the people living near the project site. Efforts by the Committee and the Executive Department in the Government of Makueni County responsible for environment have not alleviated the affected people's suffering.

This is therefore to submit the Committee's petition to the Senate, in hope that the matters raised therein may be resolved at the National level, to reduce suffering among the affected residents.

Yours Faithfully,



Robert Musyoka,

Ag. CLERK OF THE COUNTY ASSEMBLY

- CC: 1. The Speaker of the County Assembly.
2. The Senator, Makueni County.

PUBLIC PETITION

A PETITION BY MEMBERS OF THE MAKUENI ASSEMBLY SECTORAL COMMITTEE ON ENVIRONMENT AND CLIMATE CHANGE REGARDING THE ADVERSE EFFECTS OF ROCK BLASTING AT THE ONGOING CONSTRUCTION OF THWAKE DAM IN KALAWA AND MAVINDINI WARDS IN MAKUENI COUNTY

We, the undersigned,

Citizens of Kenya and Members of the Makueni County Assembly Sectoral Committee on Environment and Climate Change,

DRAW the attention of the Senate of Kenya to the following:

1. **THAT**, pursuant to article 119 (1) of the Constitution of Kenya, 2010, "Every person has a right to petition Parliament to consider any matter within its authority, including to enact, amend or repeal any legislation".
2. **THAT**, the County Assembly Committee on Environment and Climate Change (hereinafter the Committee) has concluded the matter of a request for a statement regarding the adverse effects of rock blasting at the ongoing construction of Thwake Multipurpose Dam in Kalawa Ward in Makueni County.
3. **THAT**, the Committee has not been able to conclusively resolve the problem, since the project is funded and implemented by National Government affecting more than one County, hence the resolution to petition the Senate.
4. **THAT**, the construction of the dam involves a number of activities including rock blasting to obtain stones and rocks for construction use.
5. **THAT**, the construction activities at the dam, more so the rock blasting, have brought about a plethora of challenges and adverse impacts on the lives of the residents of the nearby villages.

A PETITION BY MEMBERS OF THE MAKUENI COUNTY ASSEMBLY SECTORAL COMMITTEE ON ENVIRONMENT AND CLIMATE CHANGE REGARDING THE ADVERSE EFFECTS OF ROCK BLASTING AT THE ONGOING CONSTRUCTION OF THWAKE DAM IN KALAWA AND MAVINDINI WARDS IN MAKUENI COUNTY

6. **THAT**, the noise arising from the rock blasting activities have caused houses and shops to crack hence weakening the structures and posing danger to the occupants of such structures.
7. **THAT**, flying rocks from blasting site end up hitting roofs of the nearby homesteads, a case in point is the house of Mary Mwikali Kyali who her homestead is located barely 200 metres from the site.
8. **THAT**, the affected areas include but not limited to; Ndindi, Syotuvali Market, Kamutonye, Kitoto, Unyeeo, Ngomano and Syongungi in Kathulumbi Location. Kalawa ward and Kyusyani, Miangeni, Kaseve, Katithi, Miksi and Mathangathi in Mavindini ward.
9. **THAT**, the Committee and the Department of Water, Sanitation, Environment and Climate Change of County Government of Makueni carried out site visits to the project and to the areas affected on separate occasions on a fact finding mission.
10. **THAT**, the contractor provided contradicting information from what was gathered during the said site visits by the two independent parties. For instance, the contractor indicated that rock blasting was never done at night and yet in actual sense it was done and the contractor did not have a license for night rock blasting.
11. **THAT**, the Committee, the Department of Water, Sanitation, Environment and Climate Change of County Government of Makueni, the Project Coordinator, Thwake Multipurpose Dam project, Community Liaison, (representatives of SMEC Kenya Ltd, the project supervisors) and representative of the people from the two wards, held a consultative meeting at the project site on 1st November, 2019 to deliberate on the matter in which corrective measures to the effects of rock blasting were resolved and given timelines mostly to be undertaken by the contractor and others by the SMEC

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Community Liaison officer. The latest timeline was set to be 8th November, 2019 which has long passed and no efforts have been shown to effect the resolutions.

12. **THAT**, this petition is not before any court of law.

THEREFORE, YOUR HUMBLE PETITIONERS PRAY:-

THAT, the Senate of Kenya do now intervene to ensure that the contractor safeguards the residents living in the affected areas from the devastating effects of the construction of the dam, not limited to the noise from the rock blasting.

And your **PETITIONERS** will ever pray:

Dated this:^{2nd}.....day of^{July}..... 2020

Counter signed by Hon. Eng. Joseph Muema, MCA, Chairperson of Sectoral Committee on Environment and Climate Change, County Assembly of Makueni.

.....^{JMP}.....

Hon. Eng Joseph Muema, MCA

Chairperson of Sectoral Committee on Environment and Climate Change,
COUNTY ASSEMBLY OF MAKUENI.

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PETITIONERS

NO.	NAME	FULL ADDRESS	NATIONAL ID. OR PASSPORT NO.	SIGNATURE/THUMB IMPRESSION
1	HON. KING MUMUSA	MKW ASSEMBLY	25895210	[Signature]
2	HON. ELIZABETH MUTINDI	MKW COUNTY ASSEMBLY	A040440	[Signature]
3	HON. JONATHAN KIMLONGO	MKW C.A.	12570902	[Signature]
4	HON. JANET KITUNGA	MAKUENI COUNTY ASSEMBLY	10004694	[Signature]
5	HON. JAMES KARUNDA	MAKUENI COUNTY ASSEMBLY	25379771	[Signature]
6	HON. FRANCIS MUTONGI		5067089	[Signature]
7	HON. JANET WAMBUA	MAKUENI C. ASSEMBLY	11647345	[Signature]
8	HON. ROSIE NDIBO	MAKUENI C. ASSEMBLY	3346440	[Signature]
9	HON. JOSEPH KIRINDA	MAKUENI ASSEMBLY	25617689	[Signature]