



**COUNTY GOVERNMENT OF KITUI**

**THE COUNTY ASSEMBLY**

**THIRD ASSEMBLY - (FIRST SESSION)**

**ORDERS OF THE DAY**

**WEDNESDAY 30<sup>TH</sup> NOVEMBER, 2022 AT 2.30 P.M.**

**PRAYERS**

1. Administration of Oath;
2. Communication from the Chair;
3. Messages;
4. Petitions;
5. Papers;
6. Notices of Motions;
7. Statements;
- i. Schedule of plenary business for the week Commencing on 5<sup>th</sup> December, 2022 and Ending on 7<sup>th</sup> December, 2022.  
*(Designated Member, County Assembly Business Committee)*

**COMMENCEMENT OF BUSINESS**

**8.\*. MOTION ON RESOLUTION TO PETITION THE NATIONAL ASSEMBLY ON COUNTY WARDS EQUITABLE DEVELOPMENT FUND.**

*(Chairperson, Committee on Justice and Legal Affairs)*

**THAT**, pursuant to Articles 37 and 119 of the Constitution of Kenya, this County Assembly resolves to petition the National Assembly individually and collectively as the County Assemblies Forum (CAF) vide

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the **annexed draft petition** for the National Assembly to intervene and ensure: -

1. **THAT**, the **COUNTY WARDS EQUITABLE DEVELOPMENT FUND** be incorporated in the proposed Constitutional Amendment Bill before the National Assembly by the **Hon. Stephen Mule, MP** and the **Hon. Gichimu Githinji, MP** alongside other proposed funds namely the National Government Constituencies Development Fund (NGCDF), National Government Affirmative Action Fund (NGAF), the Senate Oversight Fund and the Economic Stimulus and Empowerment Fund either prior to the publication of the said Bill or before it is referred to the Senate in accordance with rules of procedure of Parliament.
2. **THAT**, the proposed Constitutional Amendment Bill in amending Article 204 of the Constitution should provide for the following with respect to County Wards Equitable Development Fund: -
  - (i) That each County Government shall allocate funds comprising of a certain percentage of the respective total County's Annual Budget Estimates or as shall be advised by the Commission on Revenue Allocation (CRA) during the enactment of the County Allocation of Revenue Act to cater for County Wards Equitable Development Fund;
  - (ii) That all monies allocated to County Wards Equitable Development Fund shall be considered as funds allocated to Wards pursuant to Article 206 (2) (c) to be administered in accordance with the provisions of an Act of Parliament; and



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(iii) That Parliament shall enact a legislation to provide for the administration of the County Wards Equitable Development Fund.

*Hon. Cyrus Kisavi Musyoka- (M.C.A)*

**9.\*. MOTION ON THE PROPOSED CONSTRUCTION OF THE HIGH GRAND FALLS DAM IN THARAKA AND TSEIKURU WARDS, KITUI COUNTY-** *(M.C.A. Tharaka Ward)*

**AWARE THAT** the High Grand Falls Hydroelectric Power Station (popularly known as the High Grand Falls Dam) is one of the LAPSSET Corridor Projects under the Kenya Vision 2030 set to be located across Tana River to harness the energy of Kibuka Falls at the border of Kitui and Tharaka Nithi Counties;

**FURTHER AWARE THAT** the project, conceptualized in 2009, was recently revived during the United Nations 27<sup>th</sup> Annual Conference of the Parties (COP 27) held in November 2022 in Egypt whereby the United Kingdom (U.K.) and Kenyan Governments agreed that it will be one of the flagship projects under the UK- Kenya Strategic Partnership mainly targeting the agriculture and energy sectors, with the project set to officially commence in 2024 and projected to cost about Kshs. 425 billion, being Africa's second largest dam after Aswan High Dam in Egypt;

**NOTING THAT** Article 10 of the Constitution calls for participation of the people, human dignity, social justice, inclusiveness, protection of the marginalized, transparency and accountability;

**FURTHER NOTING THAT** the project will involve relocation,



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resettlement and compensation of displaced households and this calls for public participation and informed consent on their part and adequate compensation;

**RECOGNIZING THAT** feasibility studies were done in 2012 and there was no land adjudication, residents did not have title deeds, and monetary compensation per Hectare was Kshs. 8,000 which does not currently reflect the current market value of the land;

**FURTHER RECOGNIZING THAT** land adjudication has since been undertaken in many areas with the exception of Kamaindi Sub location in Tharaka Ward and some parts of Mwingi North;

**CONCERNED THAT** some of the residents to be affected by the project live in historically neglected areas and failure to consult and involve them will only further marginalize them leading to social exclusion;

**FURTHER CONCERNED THAT** previous projects of similar nature have had negative consequences on affected citizens including misuse of compensation funds, leading to negative impact such as loss of livelihoods and diminished standards of living;

**THAT** there seems to be general lack of information by the residents to be affected on what the project entails, relocation and compensation terms, timelines, etc, which is attributable to lack of meaningful involvement in the project;

**FURTHER COGNIZANT THAT** the project has the potential to benefit Kitui County through creation of over 5000 jobs, irrigation-based farming, Corporate Social Responsibility activities, climate change,

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amongst others, for socio- economic development;

**RECOGNIZING THAT** whereas road connectivity and accessibility is crucial in successful implementation of this mega project, the following roads/ bridges are currently in dilapidated state while they directly impact on the project:

National Government roads:

1. Kamuwongo- Kandwia- Gatoroni- Ciampiu
2. Twimyua- Tseikuru- Usueni
3. Nguuni- Kamayagi- Ciampiu
4. Ngalange- Kamali- Kaningo- Kamukunga
5. Kanzinwa -NthanganiMuvinge- Irira

County Government roads and bridges:

1. Kora- Kalambani- Kalalani- Kalwa- Nguni
2. Muvinge- Kanzinwa- Gatoroni- Ciampiu
3. Kakunguu-Musavani-Mutindwa-Kyamalutu-Kambwea-  
Wikithuki- Kyenini- Kithayoni-Kamali- Musavani
4. Mwanzingi- Kwa Musembi- Mataka- Ngomano- Ilamba-  
Miramba Ikamba- Kamayagi- Ciampiu
5. Kaivirya- Ngongoni- Mama Malia- Ciokereke- Nzanzeni
6. Usueni- Mutindwa- Musavani- Kwa Kiamba- Kithayoni-  
Kaningo
7. Kyuso- Maseki- Kivangwa- Itura Mura- Gatoloni
8. Kora- Manzuva- Karindi- Kalimbui- Tseikuru
9. Muguusi- Kairungu- Ivonya ngy'a



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10.Kwa Kiinga- Kathungu- Siveta

11.Kaningo-Nyamboni- Katangini- Katumbini

12.Muuna, Ciiri, Musavani/ Munyolini, Kanningo, Mataka and  
Kaiverya/ Muarageni road Bridges

**FURTHER RECOGNIZING THAT** Article 189 of the Constitution and Section 5 of the Intergovernmental Relations Act call for consultation and cooperation between the National and County Governments;

**NOW THEREFORE THIS HOUSE RESOLVES THAT:**

1. The Governor, should engage with and consult the National Government and its relevant Ministries or Agencies and other stakeholders to ensure that:
  - i) Public participation is conducted by the implementers to ensure that there is:
    - a) Sensitization of the public on the importance of the project which will play a key role in ownership and informed consent as far as the project is concerned;
    - b) Involvement of citizens in development planning;
  - ii) Expeditious land adjudication and title deed issuance is undertaken in areas where this was not done as it will be crucial for compensation purposes;
  - iii) Detailed information on the project is made public in furtherance of the constitutional right to information, including on the number of households to be affected, areas to be affected, terms and conditions of relocation/ resettlement and compensation of the affected locals,

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- amongst others;
- iv) New feasibility studies are undertaken examining all aspects of the project including environmental, economic, financial and legal impact amongst others;
  - v) The grading, rehabilitation or tarmacking of the following roads is expedited before commencement of the project to ensure good road accessibility and connectivity for ease of transportation:

National Government roads:

1. Kamuwongo- Kandwia- Gatoroni- Ciampiu
2. Twimyua- Tseikuru- Usueni
3. Nguuni- Kamayagi- Ciampiu
4. Ngalange- Kamali- Kaningo- Kamukunga
5. Kanzinwa-Nthangani- Muinge- Irira

County Government roads and bridges:

1. Kora- Kalambani- Kalalani- Kalwa- Nguni
2. Muinge- Kanzinwa- Gatoroni- Ciampiu
3. Kakunguu- Musavani- Mutindwa- Kyamalutu- Kambwea- Wikithuki- Kyenini- Kithayoni-Kamali- Musavani
4. Mwanzingi- Kwa Musembi- Mataka- Ngomano- Ilamba- Miramba Ikamba- Kamayagi- Ciampiu
5. Kaivirya- Ngongoni- Mama Malia- Ciokereke- Nzanzeni
6. Usueni- Mutindwa- Musavani- Kwa Kiamba- Kithayoni- Kaningo



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7. Kyuso- Maseki- Kivangwa- Itura Mura- Gatoloni
  8. Kora- Manzuva- Karindi- Kalimbui- Tseikuru
  9. Muguusi- Kairungu- Ivonya ngy'a
  10. Kwa Kiinga- Kathungu- Siveta
  11. Kaningo-Nyamboni- Katangini- Katumbini
  12. Muuna, Ciiri, Musavani/ Munyolini, Kaningo, Mataka and Kaiverya/ Muarageni road Bridges
- vi) The proposed project construction sites to cover both Kitui and Tharaka Nithi Counties;
- vii) The Members of the County Assembly of Kitui, local leaders and other stakeholders are fully involved in the project's decision-making process so as to ensure that citizens are fully consulted;
2. The Committee on Lands, Infrastructure and Urban Development in conjunction with the relevant Ministry should take up this matter to ensure expeditious implementation of the resolutions contained in this Motion;
3. The Committee on Implementation should update this House on implementation status of this Motion within 90 days of its approval.

*Hon Godfrey M. Ndagara- (M.C.A)*

***(Resumption of business differed during the afternoon sitting 29<sup>th</sup> November, 2022)***

***\*Denotes order of the day\****