

COUNTY GOVERNMENT OF KITUI



THE COUNTY ASSEMBLY

THIRD ASSEMBLY – (THIRD SESSION)

**COMMITTEE ON ENVIRONMENT, ENERGY AND MINERAL INVESTMENTS
DEVELOPMENT**

**REPORT ON THE STUDY VISIT TO KAJIADO AND MAKUENI COUNTIES ON
SUSTAINABLE SAND HARVESTING.**

Clerks Chambers,
County Assembly Buildings,
Kitui, Kenya

February, 2024

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ABBREVIATIONS

CECM – County Executive Committee Member

ECDE – Early Childhood Development Education

EIA – Environment Impact Assessment

EMCA – Environmental Management and Coordination Act

KeHNA – Kenya National Highways Authority

NEMA – National Environment Management Authority

SACCOs – Savings and Credit Cooperative Organizations

SDGs – Sustainable Development Goals

WRUA – Water Resource User Association

ANNEXURES

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1.0 PREFACE

Mr. Speaker,

On behalf of the members of the Committee on Environment, Energy and Mineral Investments Development, and pursuant to the provisions of Standing Order No. 179 (6) and 190(5), I beg to present before the house, the committee's report on the study visit to Kajiado and Makueni counties on sustainable sand harvesting.

Mr. Speaker,

Aware that there are pertinent issues and disputes surrounding the management and exploitation of sand in our County, the Committee was concerned with the nature of these challenges. The committee under Standing Order 190 (5) as well as the Second Schedule is mandated to investigate and inquire into all matters related to environment and natural resources, so as to:

1. Develop policies on natural resources and environmental conservation,
2. Create awareness on issues relating to natural resources exploitation

Mr. Speaker,

In the spirit of the above concerns, this committee resolved to visit Kajiado and Makueni Counties who are among the big players in sand trade in the Country. Notably, Makueni County has implemented legislation pertaining to Sand Conservation and Utilization, along with other regulatory measures.

The study visit was carried out from 5th to 9th June, 2023, with the sole purpose of learning the best practices of effectively controlling and regulating sand trade within the county with a view of elevating it to a notable source of revenue and subsequently uplifting the economic status of our people, as well as to share experiences and challenges associated with sand harvesting activities.

Mr. Speaker,

This report documents the committee's deliberations and findings on the same.

1.1 Committee Membership

Mr. Speaker,

The Committee on Environment, Energy and Mineral Investments Development is currently constituted of the following members;

1. Hon. Daniel Kimanzi Muange	Chairperson
2. Hon. Rose Kasyoka Kathoka	Vice- Chairperson
3. Hon. Jeremiah Musee Mutua	Member
4. Hon. David Masaku Munyau	Member
5. Hon. Bernard Mwangangi Munyasya	Member
6. Hon. Dominic Isumail Mwamisi	Member
7. Hon. Anthony Musyimi Musyoka	Member
8. Hon. Cornelius Kiteme Muthami	Member
9. Hon. Fastina Mwendu Solomon	Member
10.Hon. Charity Mwangangi	Member
11. Hon. Deborah Katungwa Mutuku	Member

1.2 Committee's Mandate

Mr. Speaker,

Standing Order 190(1) establishes for every County Assembly, Sectoral Committees with specific mandates. Under Standing Order 190 (5), the Sectoral Committees are charged with the distinct responsibilities which include;

To;

- i. investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments;
- ii. study the program and policy objectives of departments and the effectiveness of the implementation;
- iii. study and review all county legislations referred to it;

- iv. study, assess and analyse the relative success of the departments as measured by the results obtained as compared with their stated objectives;
- v. investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the County Assembly;
- vi. to vet and report on all appointments where the Constitution or any law requires the County Assembly to approve, except those under Standing Order 185 (Committee on Appointments); and
- vii. Make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation.

1.3 Acknowledgement

Mr. Speaker,

The Committee wishes to sincerely thank the offices of the Speaker and the Clerk of the County Assembly for the Support extended during this exercise. I also wish to thank the members of the committee for their utmost co-operation and dedication which enabled the successive completion of this exercise. The committee also wishes to thank the committee secretariat for their continued dedication to duty and service to the committee.


Mr. Speaker,

The Committee further extends her gratitude to the Speaker of Kajiado County Assembly Hon. Justus Ngossor, the Clerk of Kajiado County Assembly, Mr. Leboo Saisa, Hon. Amos Sholoi, the Chairperson Environment Committee Kajiado County Assembly, the Makueni County Assembly Committee on Environment Chairperson, Hon. Joseph Muema, and Managing Director, Makueni sand Harvesting and Utilization Authority, Mr. Andrew Nyamu in ensuring that the objectives of this study visit were met.

Report on the study visit to Kajiado and Makueni counties on sustainable sand harvesting

Mr. Speaker,

On behalf of the Committee, I now have the honour and pleasure to present the committee's report on the study visit to Kajiado and Makueni counties on sustainable sand harvesting.



Signed: _____

Date: 17/02/2024

Hon. Daniel Kimanzi Muange

**Chairperson, Committee on Environment, Energy and Mineral Investments
Development**

2.0 INTRODUCTION

Mr. Speaker,

Sand trade in Kenya is an important component for urbanization as it is instrumental in the achievement of Sustainable Development Goals (SDGs). Despite the advantage the trade has been marred with a myriad of challenges for communities and the environment. The demand for housing especially in urban areas being propelled by rural urban migration and the advent of devolution has seen a rising demand in sand and thus the trade is gaining track.

Mr. Speaker,

Unfortunately, this rising demand has caused tremendous harm to the environment and conflicts among communities including social and moral harm. Unregulated harvest of the sand has caused led to dried water sources, deforestation and soil erosion which in turn affects human health.

To fix this, we need better planning, legislation and well-established institutions in place to manage sand trade and protect nature while still letting people use sand for day-to-day construction needs. It is important to make sure everyone benefits from sand without hurting the environment and human socio-economic activities.

Mr. Speaker,

The county government of Kitui in the period running from 2017- 2022, under the leadership of the former Governor H.E. Charity Kaluki Ngilu issued a ban on selling sand outside County borders. The ban also revoked all existing licenses and permits related to sand trade beyond the County.

This move was necessitated by concerns raised by environmentalists and local residents about the harmful effects of unsustainable sand extraction on the environment. Unfortunately, instead of curbing the trade, the ban led to a rise in illegal sand trade, benefiting only a few corrupt individuals.

Mr. Speaker,

Kitui County loses millions of shillings in revenue due to this illicit trade, whereas if properly regulated, it could significantly contribute growth in the County's own source revenue. It is disheartening that despite the potential for job creation, income generation and county revenue gain, the county is not benefitting from its own natural resource.

It is important to note that these negative consequences stem from unsustainable sand harvesting methods and unregulated trade. Without proper oversight, such practices not only harm the environment but also undermine the well-being of local communities and the county government.

Mr. Speaker,

There is need to legislate and ensure strict implementation, monitoring and regulation of the sand trade. This will help in curbing exploitation of our people, land and resources by a few individuals' "cartels" denying the County the general benefit in the sand trade.

3.0 COMMITTEE'S FINDINGS AND OBSERVATIONS DURING THE STUDY VISIT TO KAJIADO AND MAKUENI COUNTIES ON SUSTAINABLE SAND HARVESTING.

3.1 SAND TRADE IN MAKUENI

Mr. Speaker,

The Committee engaged in consultative talks with the County Executive Committee Member (CECM) for Environment in Makueni County, along with other Ministry Officials. During these discussions, Makueni County Ministry Officials shared their achievements in sand conservation and utilization.

Mr. Speaker,

It became evident from these discussions that the journey towards regulating the sand trade in Makueni County has been challenging. There were conflicts between locals and the government regarding sand harvesting and sale. In 2014, former Governor Prof. Kivutha Kibwana established a task force to involve the community and relevant stakeholders in drafting regulations to manage sand harvesting and sale. The task force conducted numerous community sensitization meetings before compiling a report on their findings.

The success of the task force led to the enactment of several statutes:

- i. Makueni Sand Conservation and Utilisation Act, 2015
- ii. Public Finance Management (Makueni County Sand Conservation and Utilisation (Establishment and functions of Ward Sand Management Committees, Revenue, Sand Rates and Administrative Procedures) Regulations, 2015.
- iii. Public Finance Management (Makueni County Sand Conservation and Utilisation (Composition of Sub- County Sand Management Committees,

License Application Fees and Forms, Guidelines and Rehabilitation) Regulations, 2015.

These legislations brought much-needed order to the harvesting and sale of sand, allowing the county government to regulate the process effectively.

Mr. Speaker,

The Makueni Sand Conservation and Utilisation Act of 2015 established the Makueni County Sand Conservation and Utilisation Authority as the primary body responsible for implementing all policies concerning sand as a natural resource. This authority also oversees and coordinates all matters related to sand conservation and utilisation within the county.

The Authority promotes sustainable sand use by assessing the value of untapped sand and other resources in terms of watershed protection. Sand extraction from riverbeds is conducted in a manner that ensures sufficient reserves are maintained to preserve water retention.

Mr. Speaker,

The Authority collaborates closely with local communities, who are represented in sub-county and ward sand management committees. Sand harvesting is only permitted in areas recommended by these committees to the sand authority. Individuals, registered groups, or companies interested in sand harvesting and transportation must obtain the necessary licenses before proceeding.

The authority is a corporate body capable of;

- a) Suing and being sued;
- b) Taking, purchasing, charging and disposing of movable and immovable property;
- c) Borrowing money
- d) Entering into contracts; and

- e) Doing or performing all such other things or acts for the proper administration of the Act, which may be lawfully be performed by a body corporate.

3.1.1 The functions of Sand Conservation and Utilization Authority

The functions of the Authority are to;

- a) coordinate the various sand management activities undertaken by agencies and promote the integration of sand related environmental consideration into development policies, plans, programmes and projects with a view to ensuring the conservation and rational utilization of the resource on a sustainable yield basis for the improvement of the quality of human life in the County
- b) Establish and review in consultation with the relevant agencies, sand conservation and utilization guidelines;
- c) Undertake and co-ordinate research, investigation and surveys in the field of Sand Conservation and utilization, and collect, collate and disseminate information about the findings of such research, investigation or survey;
- d) Monitor and assess activities, including activities being carried out by relevant agencies, in order to ensure that the environment is not degraded by such activities, Sand conservation objectives are adhered to and adequate early warning on impending sand related environmental emergencies is given.
- e) Mobilize and monitor the use of financial and human resources for sand conservation and utilization management
- f) Oversee and supervise the Sub-County Committee and Water Resource User Associations (WRUAs) to ensure that the activities they undertake and or allow to be undertaken in sand utilization conforms to the conservation objectives of the Authority and this Act;
- g) Provide technical assistance to the Sub-County Committees and WRUAs as and when is necessary to ensure effective management of Sand utilization and conservation of sites;

- h) Ensure that before sand utilization activities are commenced, Environmental Impact Assessment is undertaken in accordance with the provisions of Environmental Management and Coordination Act (EMCA), 1999;
- i) Recommend to the Executive Committee Member sites that need conservation, formulate regulations for gazettelement by the Executive Committee Member on sand utilization and conservation taking into consideration the policies and legislations of both the County Government and National Government;
- j) Ensure rehabilitation of the sand harvested sites and other environmental damage associated with harvesting and transportation of sand within the County.

3.1.2 Composition of the Authority.

Mr. Speaker,

The Authority consists of a board responsible for governance and a secretariat headed by a Managing Director responsible for the day today execution of the affairs of the Authority.

The board consists of-

- (a) A Chairperson appointed by the Governor
- (b) The Chief Officer of the department for the time being responsible for matters relating to the Environment or an officer of that department designated in writing by the Chief Officer.
- (c) Four members, not being public officers competitively appointed
- (d) One member of the County Environment Committee
- (e) One representative of WRUAs.
- (f) One representative from the department of trade appointed by the Executive Committee Member in charge of trade.

(g) One representative from the department of youth, gender and social services appointed by the Executive Committee Member in charge of youth, gender and social services;

(h) The County Commissioner or his/ her representative

(i) The Managing Director appointed competitively

Mr. Speaker,

The Authority's Board has the powers to co-opt additional members as it may deem necessary from time to time. The Managing Director, who leads the secretariat, is competitively selected by the Board from a pool of three candidates shortlisted by the County Public Service Board. The County Executive Committee Member in charge of environmental affairs prescribes the terms of reference and procedural rules for the Authority's Board.

Mr. Speaker,

The Board of the Authority serves for a term of three years renewable once provided that by the end of the first term one third of the members retire and new ones appointed in order to ensure continuity at the end of the second term.

Authority also elects a Vice-Chairman from its members. Meetings are held at least four times per financial year.

Mr. Speaker,

The Chairman presides at every meeting of the Authority at which he is present, but in his absence the Vice-Chairman presides over, and in his absence, the members present elects one of them who, in respect to that meeting and the business transacted thereat has all the powers of the Chairman.

The members of the Authority are paid such salaries and allowances as may, from time to time, be determined by the Executive Committee Member on the recommendation of the Salaries and Remuneration Commission.

3.1.3 The Sand Conservation Fund

Mr. Speaker,

There is established a fund known as the County Sand Conservation Fund that consist of;

- (a) Proportion of fees or deposit bonds determined by the Authority from time to time;
- (b) Sums donated or levied from industries and other projects proponents as a contribution towards the Conservation Fund.
- (c) The object of the Conservation Fund as supplementary insurance for the mitigation of environmental degradation where the perpetrator is not identifiable or where exceptional circumstances require the Authority to intervene towards the control or mitigation of environmental degradation.

3.1.4 Sub-County Sand Management Committees

Mr. Speaker,

The Authority establishes Sub-County Sand Management Committees in every Sub-County. The membership of the Sub-County Sand Management Committees is constituted in accordance to regulations to be formulated by the Executive Committee Member for the County Department in-charge of Environmental matters provides a secretariat to the Sub-County Committees.

Mr. Speaker,

The Sub-County Committee serves for a term of three years renewable. It is responsible for the proper and sustainable conservation and utilization of all sand related activities within the Sub County in respect of which it is constituted.

The Sub-County Sand Management Committee constitutes such number of local Sand Resource Users Associations as is necessary which are registered by the County Social Services office.

Each Sand Resource User Association so established and registered is responsible for sustainable management of sand conservation and utilization activities in its area of operation.

In establishing the Sand Resource User Associations the Committee has due regard to;

- (a) Viability and sustainability of the Association
- (b) Inclusion of interested groups
- (c) Drainage network of the river, lakeshore or other designated sites along which sand conservation and utilization activities are carried out.

Each Sand Resource User Association is composed of;

- (a) Three riparian land owners
- (b) Two women representatives who are not riparian land owners
- (c) Two youth representatives who are not riparian land owners
- (d) One elders who are not riparian land owners
- (e) One religious leader

3.1.5 Functions of the Sand Resource User Association.

Mr. Speaker,

The Sand Resource User Associations is charged with the following responsibilities among others;

- (a) Ensuring sustainable management of sand utilization along riverbeds and other designated sites.
- (b) Educating the public and or sand users on conservation and utilization of sand
- (c) Utilization of allocated revenue for community projects.
- (d) Co-ordinating the rehabilitation of the sand utilization sites and other environmental damage associated with utilization and transportation within its area of operation.
- (e) Perform any other functions as may be given by the Sub County Committees

3.1.6 Licensing

Mr. Speaker,

In Makueni County, no individual can extract or sell sand from rivers, farms, or any land, public or private, without a valid license issued under the Sand Conservation and Management Act. Those intending to engage in commercial sand harvesting, transportation, sale, or distribution must submit a formal application to the Authority and pay the required fee as stipulated by the Act. The Authority reviews each application and decides on issuing a license within thirty (30) days. Once granted, the license is published in the County Gazette.

Additionally, every license application requires a non-refundable fee determined by the Authority's guidelines.

It is important to note that, the Authority grants a license to any person who;

- (a) Proves through relevant authentic documents that he or she is of good conduct and;
- (b) Is a law-abiding citizen with no criminal record resulting from a conviction under this Act.
- (c) Gives an undertaking that he will take full responsibility for contravention of the provisions of this Act by himself, his assignees and or his employees and;
- (d) Conforms to any other condition stipulated in the license application form or set out by the Authority in their guidelines.

3.1.7 Sand utilization

Mr. Speaker,

The Authority collaborates with Sub County Committees and Sand Resource User Associations to designate and publish sand utilization and conservation sites in the County Gazette periodically. It is prohibited for anyone to harvest sand from areas not specified as sand utilization sites by the Committee. Each designated sand-

utilization site is equipped with a management plan aimed at guiding site rehabilitation efforts.

On-farm sand utilization shall be carried out as follows;

- (a) Scooping or harvesting of sand should not exceed six (6) feet in depth.
- (b) Designated sand collection sites are to be at least 50 metres from the riverbanks or dykes for on farm sand harvesting.
- (c) Scooping or harvesting is done concurrently with restoration of areas previously harvested. Such restoration is undertaken with guidance from the Committee.
- (d) Sand harvesting on-farm is only undertaken by open-cast harvesting method and no underground tunnelling or extraction of sand is to be undertaken.
- (e) Loading of sand is done in the designated utilization sites through controlled access points. No sand harvesting takes place within one hundred metres of either side of any physical infrastructure including bridges, roads, railway lines, dykes, among others.

Mr. Speaker,

Persons are allowed to harvest, extract, scoop or transport sand between the hours of 6am to 6pm. Any person who undertakes the activity not within the specified time is liable of an offence, and is upon conviction, liable to imprisonment for a term of two years or a fine of 200,000 shillings or both.

Mr. Speaker,

The Authority registers all sand loaders, drivers and conductors working within the County as per regulations. The Authority devises and provides identification tags which are given to each and every driver, conductor and loader which they are required to have with them throughout the time when they are undertaking such activities, performing or undertaking such tasks as licensed and or assigned to them.

The display tags and or license documents is produced upon demand by the Committee or its staff or any state officer.

Mr. Speaker,

The Authority establishes minimum pricing guidelines for sand sales within the county, considering both the Restrictive Trade Practices Act and current market conditions. Anyone authorized to sell sand must provide purchasers with a receipt and maintain records of these transactions for inspection by the county revenue collector or relevant authorities at regular intervals.

Mr. Speaker,

Payments for sand sales are accepted in the form of either banker's cheque or cash deposit into the Authority's bank account. Individuals wishing to purchase sand must provide proof of payment, such as a banker's cheque or cash deposit receipt, in order to be authorized to carry the sand.

Mr. Speaker,

The Authority mandates that all sand transportation occurs via designated roads to access approved sites. Individuals involved in sand scooping, harvesting, or transportation must utilize these designated roads to reach sand selling points or approved sites. Violation of this provision constitutes an offense under the Act, and those convicted are subject to penalties as provided under the Act.

Mr. Speaker,

Revenue raised from the sale of sand is shared among the County, the Authority and the sand loaders in the following proportion-

- (a) 50% of all revenue collected goes to the Conservation fund;
- (b) 25% is given to the Authority for the day to day running of its activities;
- (c) 20% goes to the County Government as revenue;
- (d) 5% shall go to the local community.

Mr. Speaker,

Sand harvesting within the county is categorised into three;

i. Sand for domestic use.

This is sand weighing below two tonnes. This category is free of charge but one is restricted from stock piling it for commercial use.

ii. Sand for local use.

This is sand weighing above two tonnes. They have to pay cess to the county government as follows;

a) 2-5 tonnes - Kshs. 200 per trip

b) 5-6 tonnes - Kshs. 500 per trip

c) 6-8 tonnes - Kshs. 2000 per trip

d) 8 and above tonnes - Kshs. 4000 per trip

iii. Sand for commercial use outside Makueni County.

The sale of sand outside the county is banned and thus not applicable at the moment.

Other than the payment of cess, all sand transportation vehicles must pay a license fee of Kshs. 10,000 every 6 months in accordance with the county government's finance Act.

Mr. Speaker,

The Authority monitors the rehabilitation of all designated Sand harvesting sites and their adjacent Environment (access roads, riverbanks, catchment areas among others) to ensure environmental sustainability.

Mr. Speaker,

The County Executive Committee member responsible for environmental matters made regulations generally for the better carrying out the Provisions of the Act. These regulations provide for the —

(a) Guidelines for sand harvesting and other related activities;

Report on the study visit to Kajiado and Makueni counties on sustainable sand harvesting

- (b) Criteria for determining the number of Ward Committees approve under the Act;
- (c) Variation of the terms and conditions of license issued under the Act;
- (d) Requirements for different types of Sand harvesting;
- (e) Forms required under the Act;
- (f) Rehabilitation of closed sites;
- (g) Registration of sand loaders and formation of unions; and
- (h) Such other matters as the as may be necessary for full implementation of the Act.

3.2 SAND TRADE IN KAJIADO COUNTY

Mr. Speaker,

The committee conducted a visit to Kajiado County to gain insights into sand harvesting and utilization practices. During the visit, we held a roundtable meeting with the CECM for Irrigation, Water, Environment, and Natural Resources, as well as officials from the National Environment Management Authority (NEMA), Kajiado County.

Mr. Speaker,

Kajiado County has an existing policy that regulates the sand trade with the County Ministry for Irrigation, Water, Environment, and Natural Resources being in charge of the harvesting and sale of sand within the County. The county has not yet approved a substantive law to manage the business but it has put deliberate measure to control the business.

The County enforcement department plays a significant role in ensuring compliance by working closely with the local community.

Regular and sensitization of the local communities on management and conservation of water sources has yielded fruits by ensuring that sand harvesting and sale is well managed.

Mr. Speaker,

The county has put measures to ensure that all lorries transporting sand from the region are registered under Savings and Credit Cooperative Organizations (SACCOs), while sand proprietors are mandated to be members of societies. Currently, there are over 500,000 loaders in the region, employed by lorry operators thus creating employment locally. Further, it is a compulsory requirement for sand loaders to have medical insurance cover before being allowed to work. Sand business is strictly conducted within limited hours which is between 6 am and 6 pm.

Additionally, loaders are organized into groups based on designated routes, restricting them from working in areas other than their assigned routes. This measure is in place to prevent conflicts with loaders operating in different areas.

Mr. Speaker,

Sand collection sites have been designated, with each lorry assigned to ferry sand from a specific location. Lorry owners are required to pay a monthly fee of Kshs. 50,000 for large lorries (trailers) and Kshs. 25,000 for small lorries by the 5th of every month. This fee is deposited into the county government's bank account, and upon payment, the lorry owner receives a receipt to be presented to the county revenue office.

After verifying the bank receipt, the county revenue office issues a sticker to be displayed on the lorry, indicating compliance with payment and permission to transport sand both within and outside the county. Only lorries with a valid monthly sticker are permitted to transport sand.

Mr. Speaker,

Kajiado county government has established specific routes for sand transportation by lorries. Any lorry found deviating from these designated routes faces hefty fines imposed by the county. Additionally, numerous checkpoints have been set up along each route to ensure compliance with transportation regulations.

Furthermore, the county collaborates with the Kenya National Highways Authority (KENHA) to install weigh bridges along the routes. Lorries exceeding the prescribed load weight are fined Kshs. 50,000 by the county, in addition to fines levied by KENHA. Moreover, lorries found stockpiling along the routes are subject to fines as well.

Mr. Speaker,

The county government allocates 2% of all revenue generated from sand trade back to the community. In return, the community submits project proposals, which the county government then implements.

So far, the county has utilized these funds to construct several pre-schools early Childhood Development Education (ECDE) Classes in sand harvesting areas and to rehabilitate roads along sand harvesting routes that require regular maintenance. However, the county's primary focus revolves around sand utilization and trade, with limited emphasis on conservation. This has resulted in deteriorating river conditions, with decreased water retention due to overexploitation of sand. Consequently, the community lacks shallow wells for accessing water. Nevertheless, a bill has been drafted to address the adverse effects of sand trade, and it is expected to be enacted soon.

Mr. Speaker,

Despite the many achievements, the county government has also experienced several challenges in the management of sand trade such as;

- i. Increase of school drop outs since the youth are attracted to the quick cash from the loading of sand trucks.
- ii. Increased prostitution near the sand harvesting sites.
- iii. Frequent road damages due to the over loading trucks.
- iv. Increase in hit and run accidents caused by the sand trucks.
- v. Interference by the cartels who collude with those manning the road blocks so as to evade payment of county government fees

4.0 COMMITTEE RECOMMENDATIONS.

Mr. Speaker,

With the exposure and shared interactions with the two Counties, the committee makes the following recommendations:

1. Implementation of regulatory framework:

The County should expedite the process of enacting substantive laws to regulate sand harvesting and trade within Kitui County, similar to the models observed in Makueni and Kajiado counties. This legislation should encompass comprehensive guidelines for sustainable sand extraction, transportation, and trade, along with clear penalties for non-compliance.

2. Community awareness and engagement:

The Ministry of Environment and Natural Resources should prioritize comprehensive community engagement programs, targeting residents residing in close proximity to sand harvesting sites. These initiatives should prioritize educating communities on the significance of adopting sustainable sand harvesting practices and raise awareness about the detrimental environmental impacts of unregulated extraction. Furthermore, it is imperative to actively involve local communities in decision-making processes concerning sand management to instil a sense of ownership and ensure their active compliance with regulatory measures.

3. Revenue sharing mechanism:

The County should develop a transparent revenue-sharing mechanism for income generated from sand trade within Kitui County. A portion of the revenue should be allocated towards community development projects, environmental conservation initiatives, and infrastructure maintenance in sand harvesting areas, ensuring equitable distribution of benefits to foster sustainable socio-economic growth.

4. Capacity building and enforcement:

The Committee strongly advocates for substantial investment in comprehensive capacity-building initiatives for empowering County enforcement officers responsible for regulating the sand trade. They should be equipped with the necessary resources, training, and tools to enforce regulations effectively and combat illegal sand trade.

5. Partnerships and collaboration:

The County should foster partnerships with relevant stakeholders, including government agencies, non-governmental organizations, and community-based organizations, to enhance capacity-building initiatives, share best practices, and leverage resources for effective sand management and conservation efforts. A good example is a collaboration between the County and Kenya National Highways Authority (KeHNA) to establish weighbridges at strategic locations to effectively monitor and control overloading by sand trucks, consequently promoting road safety and preserving infrastructure integrity.

6. Environmental monitoring and rehabilitation:

The County should establish mechanisms for ongoing environmental monitoring of sand harvesting sites to assess the impact on water sources, soil erosion, and ecosystem health. It should implement rehabilitation programs for degraded sites, with a focus on restoring natural habitats and mitigating environmental degradation caused by sand extraction activities.

7. Establishment of transparent taskforce:

The County should establish a transparent and inclusive taskforce tasked with engaging key stakeholders across the sand value chain. This initiative aims to foster transparency and accountability in all operations related to sand trade, thereby promoting trust and cooperation among stakeholders.

8. Mandatory registration through SACCOs:

It is imperative that all lorries engaged in the sand trade within Kitui County are mandated to be affiliated with a registered SACCO. This measure serves a dual purpose: promoting accountability and enforcing a standardized code of conduct for all lorry operators, thereby enhancing professionalism and integrity within the industry.

9. Structuring and operationalization of County courts:

The Committee recommends establishment and operationalization of specialized County Courts dedicated to handling a spectrum of cases, including those pertaining to sand trade offenses. This expedited judicial process is essential for ensuring timely adjudication, upholding order, and holding accountable individuals involved in unethical sand trade practices.

10. Designated transport routes and revenue control:

The County should allocate specific and designated transport routes for sand transporters to streamline revenue collection processes effectively. Additionally, stringent monitoring and regulation of alternative routes is necessary to minimize revenue evasion, ensuring fair and equitable revenue collection practices.

11. Continuous review and adaptation:

The Committee recommends establishment of a framework for regular review and evaluation of emerging sand harvesting policies, regulations, and management practices to address emerging challenges and incorporate lessons learned. This will ensure flexibility in adapting strategies based on evolving socio-economic and environmental dynamics.

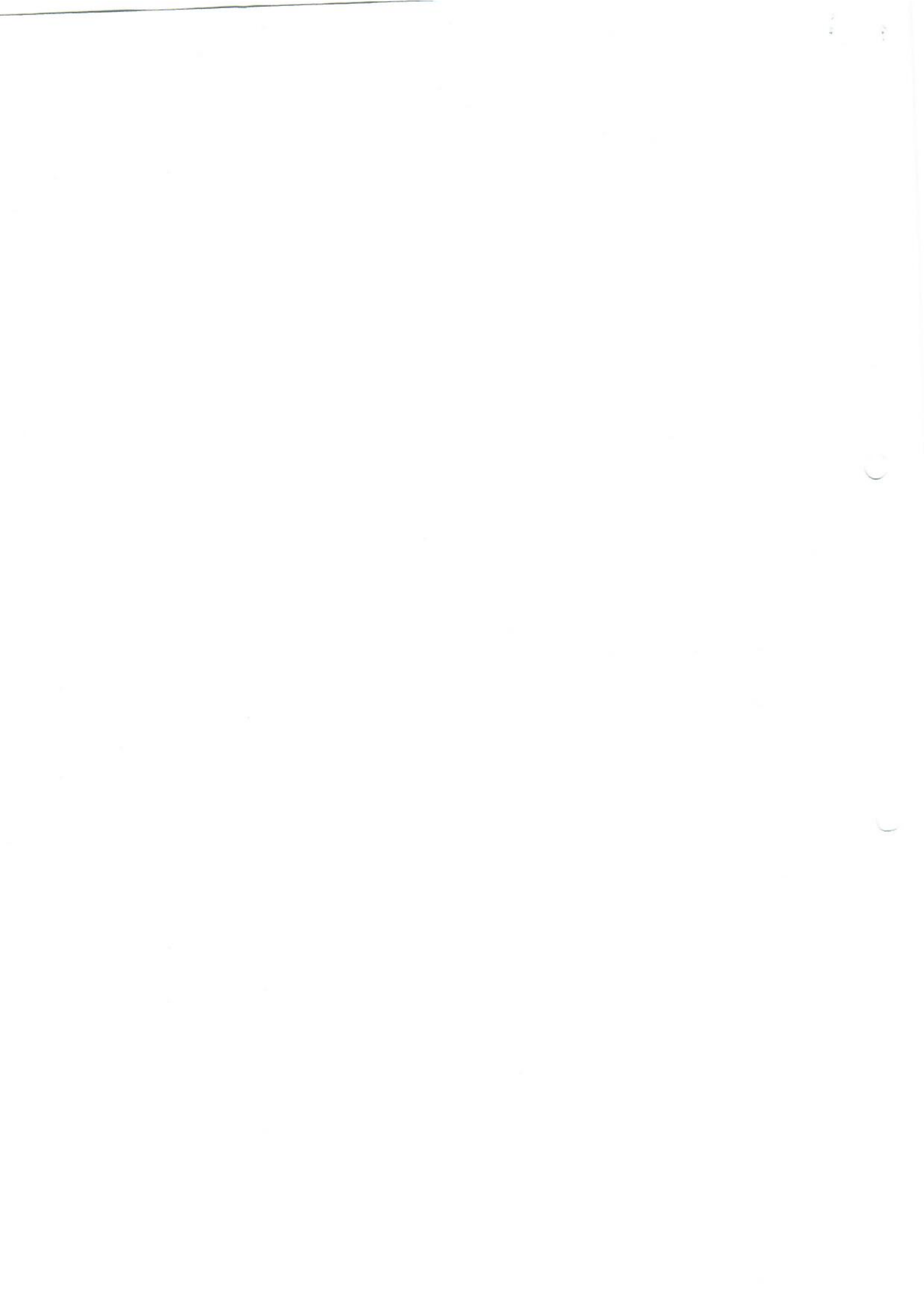
5.0 CONCLUSION

Mr. Speaker,

In conclusion, the study visit conducted by the committee was successful in achieving its intended outcomes. It is paramount for Kitui County to prioritize raising awareness on environmental protection and conservation, while concurrently establishing a robust legal framework to safeguard our invaluable natural resources, including sand.

Mr. Speaker,

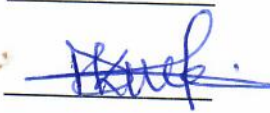

The County Government must remain steadfast in its commitment to environmental preservation and the implementation of development projects geared towards enhancing climate change resilience. This duty extends beyond the realm of sand harvesting to encompass all sectors, ensuring a holistic approach to sustainable development within our County. By embracing these responsibilities with unwavering dedication, Kitui County can pave the way for a brighter, greener future for generations to come.



ANNEX I

ADOPTION OF THE REPORT BY THE COMMITTEE ON ENVIRONMENT, ENERGY AND MINERAL INVESTMENTS DEVELOPMENT ON A BENCHMARKING EXERCISE TO KAJIADO AND MAKUENI COUNTIES ON SUSTAINABLE SAND HARVESTING.

We, the Honourable Members of the Committee on Environment, Energy and Minerals Investments Development do hereby affix our signatures to this report to affirm its accuracy, validity and authenticity; -

- | | | |
|------------------------------------|------------------|---|
| 1. Hon. Daniel Kimanzi Muange | Chairperson |  |
| 2. Hon. Rose Kasyoka Kathoka | Vice Chairperson |  |
| 3. Hon. Jeremiah Musee Mutua | Member |  |
| 4. Hon. David Masaku Munyau | " |  |
| 5. Hon. Dominic Isumail Mwamisi | " |  |
| 6. Hon. Bernard Mwangangi Munyasya | " |  |
| 7. Hon. Anthony Musyimi Musyoka | " |  |
| 8. Hon. Cornelius Muthami | " |  |
| 9. Hon. Fastina Mwende Solomon | " |  |
| 10. Hon. Deborah Katungwa Mutuku | " |  |
| 11. Hon. Charity Mwangangi | " | |

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