

COUNTY ASSEMBLY OF SAMBURU



THE HANSARD

Thursday, 17th February, 2016

The Assembly met at the County Assembly chambers at 2:30 p.m.

Temporary Speaker (hon. Benjamin Leitore) on the chair

PRAYER

PAPERS

Report of the Auditor General for Samburu Water and Sanitation Company for 2012 and Special audit report of Samburu County Government 2014.

MCA Ndoto Ward, (hon. Raisy Letura): Thank you hon. Speaker. I wish to lay the following papers before the House. The report of the Auditor General on the financial operations of Maralal Water and Sanitation Company for the period ended 30th June, 2012, that was done by the Samburu County Assembly's Select Committee on Public Investments and Accounts.

I also wish to lay a special report of the Auditor General on the financial operations of the Samburu County Government and its local defunct authority for the period between 1st of January to 30th June, 2014.

I wish to table a report of the Auditor General on the financial operations of Maralal Water and Sanitation Company (MAWASCO) for the period ended 30th June, 2013.

NOTICES OF MOTION

MCA Ndoto Ward, (hon. Raisy Letura): Thank you hon. Speaker, pursuant to Standing Order No. 44, I wish to give a notice of motion that this House debates and approves the report of the Select Committee on Public Investment and Accounts on the Auditor General's report of the financial operations of Maralal Water and Sanitation Company (MAWASCO) for the period ended 30th June, 2013.

Hon. Speaker, pursuant to Standing Order No. 44, I wish to give a notice of motion that this House debates and approves the report of the Select Committee on Public Investment and Accounts on the Auditor General's report on the financial operations of the Samburu County Government and its local defunct authorities for the period of January 1st to 30th June, 2014.

MOTION

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MCA Ndoto Ward, (hon. Raisy Letura): Thank you hon. Speaker, pursuant to Standing Order No. 47 part (1), I wish to move a motion that this House debates and approves the report of the Committee on Physical Planning, Housing and Urban Development on request for approval and consent for declaration of adjudication sections tabled on 23rd February, 2016. I wish to call upon hon. Ltipilisa Moses Lekupe to second.

(Hon. Lekupe bows in seconding the motion)

Temporary Speaker, (hon. Leitore): Hon. Members, I now propose the question that pursuant to Standing Order No. 47 part (1), this House debates and approves the report of the Committee of Physical Planning, Housing and Urban Development on request for approval and consent for declaration of adjudication sections tabled on 23rd, February 2016.

MCA Ndoto Ward, (hon. Raisy Letura): Thank you hon. Speaker, the sectoral Committee on County Planning was established by resolution of the County Assembly on 30th April, 2013 pursuant to Standing Orders No. 154, 155 and 156. It is mandated, among other things, to investigate, inquire into and report on matters relating to county physical planning including land survey, mapping, boundaries and fencing.

As a sectoral committee, the Committee on County Planning is mandated to:

- a. Investigate into and report on all matters relating to the mandate, management, activities, administration, operations and estimates of assigned departments.
- b. Study programs o policy objectives of departments and the effectiveness of the implementation.
- c. Study and review all county legislation referred to it
- d. Study, assess and analyze the relative success of departments as measured by the results obtained as compared with the stated objectives.
- e. Investigate and inquire into all matters relating to assigned departments as may be necessary and as may be referred to them by the county assembly as it may be referred to them by the County Assembly.
- f. To vet and report on all appointments where the constitution or any other law requires the County Assembly to approve except those under Standing Order number 185.

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- g. Make reports and recommendations to the County Assemblies as often as possible including the recommendations of proposed legislation.

The Committee on Planning, Housing and Urban Development comprise of the following Members:

1. Hon. Raisy Letura-Chair.
2. Hon. Fabian Lolosoli-Vice Chair.
3. Hon. Christopher Lentukunyei
4. Hon. Pius Lobuk
5. Hon. Elly Loldepe
6. Hon. Josephine Statian
7. Hon. Grace Muthoni
8. Hon. Jackson Lelenkeju
9. Hon. Sophia Leajore

The Committee wishes to acknowledge the Office of the Speaker and the Clerk of the County Assembly of Samburu for the support extended in the execution of its obligation. The Committee also wishes to acknowledge its Members who participated in the process and gave the Committee invaluable support and advice.

It is therefore my pleasant obligation and honour, on behalf of the Sectoral Committee on Physical Planning, Housing and Urban Development, to table the report on request for approval and consent for declaration of adjudication sections tabled on 23rd February, 2016 and recommend it to the Assembly for approval and adoption according to Standing Order number 185.

Having gone through the requests from the County Lands, Adjudication and Settlement office, the Committee made the following observations:

- ❖ The Samburu North has the least number of incorporated group ranches, only five, while Samburu East has 10 group ranches.
- ❖ The Committee attributed insecurity, in the past, in the Northern and slightly in the Eastern parts of the County which affected the adjudication process.

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❖ Inadequate financing by the National Government has made the operation difficult.

After careful considerations and in light of the above mentioned observations, the Committee recommends that the County Assembly approves the request for approval and consent for declaration of adjudication sections in Ng'iro, Lolkineji, Ngurnit, Arsim and Nkare Narok.

This report was generated by this Committee after a long deliberation and interacting with Members of the Lands Committee who felt the community pressure as most of the areas in the Northern and Eastern parts were not marked and adjudicated for the last 54 years, since the country gained independence. The Committee found time to sit for several days to deliberate on the same and agreed unanimously that we need to make sure that our land is titled and marked so that the community can have full ownership of the land.

There are several reasons for this. The first is: If you look at areas like Tudei, Tulo and Turkana, where oil was recently found, they have been under trust land. Some people went behind and brought papers and they are rumours that those places with precious stones and oil fields are already titled in the name of individuals. As a County Government, for the people of Samburu, we need to move with speed and secure these lands for the communities that have stayed in those areas since birth.

In Samburu County, we may also have places with oil like Ng'iro, Arsim, Ngurnit and Nkare Narok. If we are not careful and title these areas, we can be assured that people in this country can move and acquire those title deeds and get the right to lease or sell these lands to international companies and individuals hence the community of Samburu may be rendered landless. As representatives of the people, we are the one to guide our communities and to push for the titling of these lands so that they are secure for future generations.

With these few remarks, I wish to ask the House to agree with the report unanimously since it is the only right way of securing our own land in this era and in the future generations. Thank you.

Temporary Speaker, (Hon. Benjamin Leitore): Thank you Hon. Letura and now the floor is open for the Members to give their views on the report.

Special Elected MCA, (Hon. Ltipilisa Lekupe): Asante Mheshimiwa Speaker. Naunga mkono ripoti ya kamati ya Ardhi. Huu ni wakati wa kuwasaidia watu wetu. Tunajua ya kwamba, tusipowasaidia wakati huu basi ardhi hiyo itachukuliwa na watu kutoka nje ya Kaunti. Kuna ripoti kuwa, mafuta katika eneo la Ngamia 1 lina mafuta ambayo itafika hadi eneo la Ng'iro. Ninaomba, kwa heshima, nyumba hii iunge mkono. Asante.

MCA Elbarta ward, (hon. Romano Leakono): Thank you hon. Speaker. I would like to praise the hon. Member for this wonderful work which has been awaited for long. However, before we approve the report, I have some reservations on the proposed adjudications which are not descriptive. If you take, for example, a place like Lolgilegi, you are only told that it is located in Samburu North covering an expansive area. Nobody in this House can sincerely pin-point which section of Samburu North this is. It would not be prudent for the hon. House to pass the land adjudication section which has not been described and which we cannot visualize. Samburu North is diverse.

The report is good but this point has to be amended for it to be descriptive so that when we talk of Lolgilegi, we should be able to know in which part of Samburu North it is lying. It is just a small area and we know it should be in a certain location, sub-location or village. It would be wise for us to know before we pass the report as it is. Thank you.

MCA Maralal ward, (hon. Elly Loldepe): Thank you Mr. Speaker. I support the report by the committee, which I am also a member of. I want to bring to the attention of the members that recently, most newspaper adverts and notices had most of the land in Samburu registered as '*the land owners are not known*' since most of our lands are not registered. Approving this report will enhance the registration and ownership of land which will be known to our people and owned by them as opposed to how it is at the moment.

I would request that this House agrees that the department goes ahead in supporting communities in doing land registration and the necessary adjudication.

I wish to allay the fears of the hon. Member for Elbarta that despite the fact that Lolkilegi is not widely described here, none of the other areas have descriptive boundaries as they are at the moment. If you go to page 7 of the appendix 7.0, which has a stamp just after the program of

activities on the process to be followed, the process is very clear and nothing can go unnoticed because:

1. There would be issuing of notice of declaration which will be highly publicized to enhance public participation.
2. Public *barazas* would be held for sensitization of communities on commencement of the program.
3. Establishment and beaconing of perimeter boundaries so that the exact areas are known.
4. Demarcation and beaconing of public utilities.
5. Enumeration of members which will include registration of the members.
6. Preparation of AR and continuation of schedule. I think these are legal jargons and most of us will just report as it is.
7. Hearing and determination of land committees and arbitration bodies. In case there will be issues, they will still be addressed as the process moves on.

All these processes will help allay the fears and I ask the hon. Members, especially from the North, to support the process. If you look at page 9 of this report on the challenges that the department raised, political interference could be a major hindrance and should it come up, the Office of the CEC should help ensure that this does not occur by holding regular meetings. We request members from the North to fully participate in the process. Let them also be attending public *barazas*, community meetings so that we sensitize our communities and issues that affect our communities be addressed. Let us not go there to politicize.

Just recently, we were in a public participation on Finance Bill and we had issues on group ranch registration where people raised concerns on group ranches in the North being established. They feared that some of them would be locked out as some group ranches would go deeper into other areas.

For us to avert any community crisis from coming up, all of us as leaders should participate in the process, dissemination of information to the community and be ambassadors. It is even more difficult to compensate on the lines that are passing through our county because of land ownership.

We wish members from the North to note that, if you go to page 2 of the appendix on registered group ranches that requested for declaration of adjudication sections, on the first page where we have 8 group ranches, only one is from North, one from East and the rest from Central. On page 3, where it goes up to number 30, the only ones from North are Marti which is number 10, Elbarta and Masikita group ranches.

Let us support this and in case of any issues and fears; we should address them at the community level so that the process is fast-tracked and the community do not end up missing the land because of other arising issues.

Mr. Speaker, I also emphasize, as we approve this, that if you go to page 4 on the adjudicated areas with very little left to be done. On the same page, we have Shabaa, Suguta Marmar and Lower Lpartuk in Central all with only 1% of the work left to be done. We ask the same department that, as we approve the report, let them finalize the 1% that is remaining so that we increase the coverage area registered in our County. Thank you.

Speacial Elected MCA, (Hon. Osman Dube): Asante sana Bwana Speaker. Ninaunga mkono kamati ya Ardhi. Mmefanya kazi nzuri na muendeleo hivyo. Tunawapongeza. Pili ni kuwa, Kamati ya Ardhi wajaribu vilivyo kwa kuwa mahitaji ya wananchi ni mengi. Hapo mbeleni niliomba ofisi ya walemavu lakini hadi sasa bado ninangoja. Tujaribu kwa sababu tunajua kuwa kuna shida nyingi sana hapa Kenya katika mambo ya ardhi. Naomba wajaribu wawezavyo ili kila kitu kiwe sawa kabla mwaka wa 2017 haujafika, asante.

Temporary Speaker, (Hon. Benjamin Leitore): Thank you Hon. Dube. Hon. Letura, give your last contributions as the motion mover.

MCA Ndoto Ward, (Hon. Raisy Letura): Thank you very much Mr. Speaker. I do not have much but I want to address the fears of Hon. Leakono. The department intends to do the adjudication but it is not described. It is just as Hon. Loldepe has put it as it is in page 7 of the appendix. We have seen the steps that the ministry is going to follow to arrive at the boundaries. This is for the good of our community. As we engage and start all the legal processes, the fears of Hon. Leakono will be addressed.

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The department will undertake the activities by following the rule of law and that is why the notices were given before the declaration. So, if anyone has an issue and feels that they are not satisfied, then they can engage the department. If one is not satisfied, then there is still room to go to court and see that justice is done. I believe that we will not reach there. We will sort all our issues concerning the boundaries.

Group ranches may go into other wards without considering the administrative boundaries. We only need to be careful in terms of membership. If Members of your ward are in a particular group ranch, it does not mean that they are not within your ward. It is always good to support the fact that they are members of that group and they are legally there and registered to make sure that they benefit from that land.

With these few remarks, I sincerely wish to thank my Committee for the good work that they have done in three days to generate this report. I urge the Members to support the report and move forward on the issue of communities that have never been issued with title deeds in Samburu North and Samburu East. Thank you.

Temporary Speaker, (Hon. Benjamin Leitore): Thank you Hon. Members. Hon. Leakono, the Chair has already given the last chance the mover of the motion. Contribution time is over.

MCA Elbarta Ward, (Hon. Romano Leakono): I want to state something on one issue.

Temporary Speaker, (Hon. Benjamin Leitore): What is it Hon. Leakono?

MCA Elbarta Ward, (Hon. Romano Leakono): Thank you Hon. Speaker Sir. I want to put this on record that we have not seen any documentation supporting it. There should have been documents attached so that in the application, you can easily get what it says. For example, we know that Ng'iro is a mountain area but if we had an application attached here then we would have had a document to back this adjudicated area. However, I urge the Chair not to be so lenient but to append these applications in future. Right now there is just a letter written by the CEC. We do not know whether these are the views of our people or the views of the CEC.

MCA Ndoto Ward, (Hon. Raisy Letura): Once again I want to allay the fears of the Hon. Leakono by informing the Hon. House that these are the interests of the CEC which trickles

down to the interests of the common citizen. I want to assure you that there is an application from the Members of Ng'iro and the name of the CEC community which is duly signed. Only that we did not bring auditors to this House.

I am very sure that if Hon. Leakono needs to get more information on this, he can. For example, in Arsim and Nguronit, it is the representative from those places, Hon. Sophia Lekuiye and I, as the Chair, who actually declared the interest of the community to have a group ranch.

I want to tell Hon. Leakono that he can bring the interest of his community to this House without the community themselves bringing a petition regarding why he has not taken any interest of the community to the County Assembly of Samburu. You do not have to worry; the interests are of the community and the people of Samburu and not of the CEC. Thank you Mr. Speaker

Temporary Speaker, (Hon. Benjamin Leitore): Thank you Hon. Letura. I am confused that there are some documents that could not be attached. I think the Member for Elbarta does not have anything to fear. This is a Government document and the Government that wants to benefit its people.

I now proceed to put the question that pursuant to Standing Order number 47/1, this House debates and approves the report of the sectoral Committee on Physical Planning, Housing and Urban Development on the request for approval and consent for declaration of adjudication sections tabled on 23rd February, 2016.

(The question was put and motion passed)

Thank you Hon. Members. The time being five minutes past 4 o'clock and there being no other business, this Assembly stands adjourned until Tuesday afternoon, the 22nd March, 2016, at 2:30 pm. Thank you.