REPUBLIC OF KENYA

COUNTY ASSEMBLY OF LAIKIPIA

THE HANSARD

Tuesday, 24th October, 2023

The House met at the Assembly Chambers at 2.30 p.m.

[The Speaker (Hon. Lantano Nabaala) in the Chair]

PRAYERS

COMMUNICATION FROM THE CHAIR

DELAY OF SESSION

Speaker: Hon. Members, I wish to communicate an apology. As you all know that we have a lot of microphones in front of you. There has been a lot of transition between the old and new systems and so it was a bit slower putting our paperless system in to place. We apologize for the delay. Thank you.

NOTICE OF MOTION

IDENTIFICATION, DEMARCATION & PROTECTION OF PUBLIC LAND

Hon. Stephen Ndiritu: Thank you Mr. Speaker. I want to thank you for that information because it was very sensitive. I beg to give notice of the following motion.

THAT, Aware that land is critical to the economic, social, and cultural development of Kenya;

AWARE that in order to secure tenure to public land, the Government shall Identify and keep an inventory of all public land and place it under the National Land Commission (NLC) to hold and manage in trust for the people of Kenya;

FURTHER AWARE of rampant grabbing of public land in Kenya, a case in instance, the grabbing of part of Nanyuki old Market and Nanyuki Stadium in Thingithu Ward;

This house URGES the County Government to liaise with County Land Management Board in order to:

1. Identify, demarcate and reclaim the grabbed public land in Nanyuki old market and Nanyuki Stadium in Thingithu Ward and revoke all the issued Titles under the said lands.
2. Identify all public land that belongs to the County Government.
3. Reclaim already grabbed public land.
4. Speed up the issuing of ownership documents to the aforementioned identified lands.
5. Demarcate by fitting signboards or beacons and fence the said lands.

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

Hon. Parleto Lekopien: Before I make my statement, I have a concern. In this Assembly, we have issues with internet time and again. It only works during the session time and before that it doesn't. My concern is why is it happening like this? Is it the failure of the ICT Department or the Assembly? We want to know.

Secondly, I have also learnt there are a lot of last-minute things happening here in this Assembly. Today, most of these gadgets are not charged. I think as we try to go to the paperless system time and again, we've had issues of no gadgets charged and no internet. Does it mean we have a department that is not working on issues?

Mr. Speaker, I am grateful you've given communication on these many microphones. It is also another concern that it has taken long. I mean it's long overdue that we have microphones on the table that don't work. I don't see the reason of having them out here ready and not working. I will urge the people concerned, specifically the ICT Department where we have bad laxity in that department. Thank you.

STATEMENT

THE IMPLEMENTATION OF THE ASSEMBLY RESOLUTIONS

Hon. Parleto Lekopien: Honourable Speaker, pursuant to the provisions of the Standing Order No.45 (2) c, I wish to seek a statement from the Chairperson of the Committee on Implementation regarding the above-mentioned subject.

Honourable Speaker, Standing Orders189(2) (a) and (b)stipulates that; the implementation committee shall scrutinize the resolution of the Assembly including adopted reports, petitions and the undertakings given by the County Executive Committee and examine;

1. Whether or not such decisions and undertaking have been implemented and where implemented, the extent to which they have been implemented and whether such implementation has taken place within the minimum time necessary;

2. Whether or not legislation passed by the Assembly has been operationalized and where operationalized, the extent to which such operationalization has taken place within the minimum time necessary.

Honourable Speaker, several resolutions and recommendations have been made in this House since inception of the Third Assembly. I request the Chairperson of the Implementation Committee to inform this House on the implementation status of all the House resolutions. I have a whole book on the motions we have passed in this Assembly. It will be so sad that we will all come here and make noise, pass bills and nothing happens.

We have a few reports, one done by the majority leader about the PWDs, another by the Member from Umande about school feeding program. It was passed and nothing happened. There is also another brought by Hon. Salim from Segera about the Wild smoke. I would urge the Chair to look in to these motions so that we can follow up and see all the motions passed are implemented. Thank you.

Speaker: Thank you, perhaps I will ask the Chairperson of the implementation Committee, when do you think it will be possible for you to respond?

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

Hon. Paul Leshuel: Thank you, Mr. Speaker and I want to thank the mover of the statement for his concerns. It is a big document but we will be responding in a week but only a few because it is probably hard to respond to all of them. We will be responding according to the time Members have moved the motion. We have few which are ready especially the water reports and several other things. We will give the response to the statement and also the report of the Committee. Thank you.

Speaker: Perhaps, I need to bring to your attention that there is a higher likelihood if we will not have altered our calendar, we might be on recess if you say next week. Let me give you two weeks so that you ae able to respond when we are back. Thank you.

MOTION

CPAIC AUDIT REPORT ON LCDA FOR YEAR ENDED 2021

Hon. Parleto Lekopien: Thank you Mr. Speaker. I would like to move the following motion;

> THAT, this Assembly adopts the report of the County Public Accounts and Investments Committee (CPAIC) on the report of the Auditor General on Laikipia County Development Authority for the year ended 30th June, 2021 dated 7th September, 2023.

Mr. Speaker Sir, on behalf of the Laikipia County Public Accounts and Investments Committee (CPAIC) and pursuant to the provisions of the Standing Order 185(2), it is my pleasure and privilege to present to the House the report of the CPAIC's findings on the report of the Auditor General on Laikipia County Development Authority for the year ended 30th June, 2021.

The main objective of the County Public Accounts and Investments Committee is to ensure that public funds are well utilized and the public realizes value for money in all government expenditure. The basis of the committee's execution of its mandate is annual and a special audit prepared by the Auditor General.

The County Public Accounts and Investments Committee consists of the following Members:

1. Hon. Parleto Lekopien - Chairman
2. Hon. Simon Kanyutu - Vice-Chairman
3. Hon. Caroline Kihika - Member
4. Hon. Catherine Kibue - Member
5. Hon. Catherine Umija - Member
6. Hon. George Karuiru - Member
7. Hon. Joseph Gitahi - Member

The report of the Auditor General on Laikipia County Development Authority for the year ended 30th June 2020 and subsequently committed to CPAIC for interrogation, reporting and propose necessary recommendations for tabling in the Assembly. Article 229 (8) of the C.O.K, provides that within 3 (three) months after receiving an audit report, Parliament or the

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

County Assembly shall debate and consider the report and take appropriate action. Article 226(2) of the C.O.K vests accountability of public funds to the National Assembly in case of a National Public Entity and County Assembly in case of a County Public Entity.

It is against this background that the Committee set out to inquire and scrutinize the audit report with a view of establishing whether the matters raised were within the law, efficient and effectively done as per the PFM Act, 2012 and the provisions of the Laikipia County Development Authority Board Act, 2014.

On Objectives;

1. To inquire, investigate and examine the queries raised by the Auditor General in his report of the Laikipia County Development Authority for the year ended 30 June 2021.
2. Consider the responses provided by the Authority on each of the issues raised by the Auditor General and other matters raised by the Committee with a view of verifying whether the expenditure incurred was done lawfully, effectively and efficiently and report to the County Assembly.
3. To make recommendations for adoption by the County Assembly.

The Committee appreciates the Office of the Speaker and the Office of the Clerk of the County Assembly, the Office of the Auditor General and the Committee secretariat for the services, advice, and contribution they rendered to the Committee in their various capacities.

Further, the Committee also wishes to record its appreciation to the Laikipia County Development Authority officers who appeared and adduced evidence before it. On behalf of the Committee, I now wish to table this report and urge the House to adopt it and the recommendation therein.

On Committee Findings, Observation and Recommendation. The interrogation and examination of the report of the Auditor General on Laikipia County Development Authority for Financial Year 2020/2021 saw the Committee hold a sitting on 10th August, 2023. In the said sitting, the invited witnesses were given an opportunity to respond to the audit issue raised by the Auditor General and other matters that the Committee had sought clarification and explanation on.

On Submission by the representatives of the Laikipia County Development Authority. The following members appeared before the committee and made the following presentation and submissions on behalf of the Authority;

1. James Mugambi - CEO - LCDA
2. Caleb Mwangi - LCDA - Accountant
3. Angela Wahome - LCDA – Accountant

The members provided clarification as sought by members on the following issue as raised by the Auditor;

On Ethnic Diversity of the Authority. Laikipia County Development Authority Board has ten (10) Board members, out of which seven members or 70% of the total number of the Board members were from the dominant ethnic community in the country. This is contrary to Section

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

7(1) and (2) of the National Cohesion and Integration Act, 2008 which states that all public establishments shall seek to represent the diversity of the people of Kenya in the employment of staff and no public establishment shall have more than one third of its staff from the same ethnic community. In the circumstances, the Authority was in breach of the Law.

Management Response;

We acknowledge the audit query and the Authority is committed to comply with the National Cohesion and Integration Act, 2008 while the new board will be constituted since the term of the existing board has expired.

On Committee's Observation;

that, the term of the previous Board members had already expired since their appointment was on a three-year contract.

Committee Recommendation;

During constitution of the new Board, the Authority should adhere to Section 7(1) and (2) of the National Cohesion and Integration Act, 2008 so as to ensure proper ethnic diversity and representation of the people of Kenya.

Thank you, Mr. Speaker. First, I would like to congratulate and thank the CPAIC Committee for going through and scrutinizing the issues raised in the report and making sure that Laikipians and the Assembly get a proper report on how public funds have been used. I would also like to congratulate the LCDA. We have only done two reports and from the look of things, these reports look clean compared to other reports.

The Auditor General only raised one issue and the issue is about ethnicity. I thank the LCDA for doing a good job apart from one. We would like to ask the appointing authority to please reconsider ethnic diversity now and the near future. The report says that board Members are 70% from one tribe. Laikipia being a cosmopolitan county should make sure that ethnic balance is done on their board members.

Otherwise, I urge the Assembly to adopt the report. As you have seen, the report is clean because it had one issue of ethnicity. I ask the Governor and the Executive to please consider that issue and make sure that in the near future, we will have a well balanced LCDA Board. Thank you CPAIC for doing a good job. On behalf of the Committee, I urge Hon. Karuiru to second the report. Thank you.

Hon. George Karuiru: Thank you, Mr. Speaker and the whole House at large. Mr. Speaker, I rise to second the LCDA report. First of all, I would like to congratulate the Chairman, Hon. Lekopien for the good work. This is the third report in a span of two weeks. As a Member of the Committee, I must say that the committee has strained because as it is outlined, CPAIC Committee had sittings which were compulsory with the people in question and the Auditor General.

Mr. Speaker, we have as well gone to the Senate to follow on the same. I commend the whole committee, I included and that is why I second the report. I beg this honourable House to adopt the report. Mr. Speaker, as you have seen and as the Chair has said, the committee involvement engages the Auditor General and the department at hand. Mr. Speaker, this is actually

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

a hard task. Mr. Speaker, one of the things outlined as you have seen in this report is the current board which is not yet fully constituted. I am hoping that the few errors are solved.

I know we had a similar report about a week ago. The CPAIC Committee and the Implementation Committee will follow up on the composition of the board that is coming because it seems to be the only mistake. Mr. Speaker, I said that through the will of the people of Laikipia and through the ability of the Governor, I know part of the board is currently fair. The current board is going to bring all the riches from this world. The other time I said that the current budget cannot be able to sustain the development for us to do according to the people who elected us.

I am hoping that the board that will come will be constituted with ethnic balancing and we are going to have the best board in Laikipia County Development Authority. Thank you, Mr. Speaker. I second.

(Question proposed)

Hon. Joseph Gitahi: Thank you, Mr. Speaker for this opportunity this afternoon. Before I say many words, I support the adoption of this report. Hon. Speaker, by that extension, I want to thank the entire composition of the members of CPAIC Committee. Hon. Speaker, I am seated next to the Leader of the Minority Party and this is good optic for diversity. The report has pointed to the issue of ethnic diversity and I will come to that shortly.

Hon. Speaker, as people and population of Laikipia County, we are proud of the LCDA. It is very rare for us to have institutions or organisations with such a clean bill of health. We sat down with the experts and auditors from the office of the Auditor General and we were able to identify that the institution had tried all the issues that we had recommended in the past. We are now happy that on the remaining issue, they gave a management response and the remaining issue will be addressed because they are committed towards ensuring that important aspect of diversity.

Hon. Speaker, our diversity in this country is our strength. The fact that people come from different perspectives, feeds to the wisdom that will wave the whole organisation. Hon. Speaker, this morning I was reading a piece by a writer called Vincent Aguero. The title of that paper was critical thinking beyond feelings. He was saying that the more we have different backgrounds, the more we see things from different points of view and the more wisdom we bring to the issues we are dealing with.

We would like to urge the LCDA not to be ashamed of portraying the diversity that is in Laikipia. Hon. Speaker, you will realize that the operations of LCDA are above limits. LCDA will go to all parts of this world in terms of mobilisation of funds. We would want them to portray this kind of diversity so that even as development stakeholders engage us, let them understand that Laikipia does not have only one community. It is a cosmopolitan community where we are living with people from different cultures.

Let there be an inclusion so that we can have different enrolments that different backgrounds come with. Having said that Hon. Speaker, I wish that this diversity should not only be ethnic. Let the diversity be in terms of other demographic aspects like issues of age so that we have youthful voices in these boards for them to accommodate young viewpoints. Hon. Speaker, I understand that there are other senior Members in this House who are wishing to say something. Hon. Kanyutu wants to say something and I should not waste this precious time. Thank you, Hon. Speaker. I support the adoption of this report.

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

Hon. Simon Kanyutu: Thank you, Mr. Speaker. I support the report from the committee. As I support, the issue of ethnicity is a concern. On the other side, we have Hon. Umija who has a pyrethrum on the head or something conversant to that. I do not know whether she is advertising pyrethrum. Because she is among the committee members, I do not know whether…

Speaker: Order Hon. Kanyutu! What is it Hon. Umija?

Hon. Catherine Umija: Mr. Speaker, I want to you to protect me from Hon. Simon Kanyutu, Member for Marmanet Ward. This is part of my attire which I think it is allowed that I can wear anything as long as it is appropriate. I do not think it is in order for Hon. Kanyutu to say that I am wearing pyrethrum. He should come I tell him he should get these types of flowers so that he can take them to his wife. Thank you.

Speaker: Thank you, Hon. Umija. Hon. Kanyutu, I can confirm that Hon. Umija is decently dressed so you can proceed. Thank you.

Hon. Simon Kanyutu: Thank you, Mr. Speaker. If it is a flower, in my area I am conversant with seeing pyrethrum. I am a farmer and the picture I got is of pyrethrum. This is a cash crop that is giving us a lot of money. I thought she wants to encourage all the Members of this House to start pyrethrum farming even within the locality of this Assembly. If it is a flower, mentally I focus on getting cash so whenever I see something that can bring cash to my pocket, I think there is no way a flower can bring cash to my pocket but pyrethrum is very rich. So Mr. Speaker, on the issue of…

Speaker: Hon. Lekopien, do you have an issue?

Hon. Parleto Lekopien: I am just in support of Hon. Umija. From the look of things, we are celebrating that this is the first time we are having a clean LCDA report. So that is part of her celebration and that is why she is having flowers on her head. Thank you, Mr. Speaker.

Speaker: Thank you, Hon. Lekopien. Hon. Umija, make a comment so that I let the Hon. Member on the floor finish up.

Hon. Catherine Umija: Thank you, Mr. Speaker. I would like to tell Hon. Kanyutu that I am not a cash crop. What he is insinuating that I am a cash crop, is not so. Hon. Kanyutu we can go to the side bench and I will tell you where to get them. You can take some roses and good flowers to your lovely home. Thank you.

Speaker: Thank you. The Member is economically inclined. So, we understand. Proceed Hon. Member.

Hon. Simon Kanyutu: I had not insinuated that she is a cash crop. It is only that whatever she had placed on the head seems to be one of the cash crops that I do good farming. It is very economical and has profit. Whenever I see it, I think about money. Mr. Speaker, on ethnic diversity, the report was very clear that among ten people, seven are from the same community but three come from others.

I have been talking about this issue now and then not only in the committees but if you visit our morgue in Nanyuki, the same issue is there and there is no way you can kill people to balance the equation because we are many. That is why diversity may not fit in all areas. So let us stretch to some extent that we will be willing to ensure that we balance though we are many. Thank you, Mr. Speaker. I support the report.

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

Hon. Catherine Umija: Mr. Speaker, I want to contribute to the motion. This is among the best reports that so far had no issues especially with the Auditor General. Just as you have said, we wish that other departments being audited by the Auditor General, their reports will be as clean as this. This will make our work easier. I just want to make some clarifications to what Hon. Kanyutu has added. I thank him for supporting this report.

On the issue of diversification, Section 7(1) of the Constitution is very clear that we need to have diversification while constituting bodies of this Country. So, having 70% of Members being from one community is not a true representation of what is on the ground. Laikipia County is a cosmopolitan county. Me being one of them, I might be more of a Laikipian than you. Telling other people that there are no other people who could have sat in this board is wrong.

It means that the appointing body who is the government or the Governor did not go to the ground to get these people. If you open their eyes, they are there. The Minority Group is there. Telling us that 70% is only constituting one community, you are lying to the people of Laikipia.

The minority group is there; they are telling us that 70% only constitutes one community, you are lying to the people of Laikipia. People are more than 70%. So, we need to stick to the 35% of one minority group and the rest should be for the other minority groups. I think that is very clear in the constitution. I hope that going forward… this has been raised in a lot of reports in terms of ethnic diversity, not just in the LCDA report. This is an issue so I hope most of the authorities or bodies will ensure that they adhere to Section 7 (1) and (2) of the National Cohesion and Integration Act of 2008.

Speaker: Hon. Umija, are you through?

Hon. Catherine Umija: Yes, I am through. Thank you.

Speaker: Okay. Honourable, did you want to ask something? You have spoken.

Hon. Simon Kanyutu: I wanted to speak on a point of clarification. I had stated that even the almighty God, when He is picking us here on earth, he does not follow the constitution. That is why you find that we are many and there is no diversification. It happens, but because it has ended, let me do away with it.

Speaker: Thank you for doing away with it. Hon. Members, the floor is still open. Looking at the mood, I will now invite the mover of the motion to reply.

Hon. Parleto Lekopien: Thank you, Hon. Speaker. I also want to take this opportunity to thank the Members, and especially Hon. Kanyutu for giving some points. At some point, I thought… the last point he made makes me wonder if he is really a Christian or not. Anyway, I want to thank all the Members for supporting the report and I want to urge them to support and adapt it. Thank you.

Speaker: Thank you, Hon. Lekopien.

(Question put and agreed to)

MOTION

IDENTIFICATION, DEMARCATION & PROTECTION OF PUBLIC LAND

Hon. Stephen Ndiritu: Thank you, Hon. Speaker. I beg to move the following motion;

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

THAT, Aware that land is critical to the economic, social, and cultural development of Kenya;

AWARE that in order to secure tenure to public land, the Government shall Identify and keep an inventory of all public land and place it under the National Land Commission (NLC) to hold and manage in trust for the people of Kenya;

FURTHER AWARE of rampant grabbing of public land in Kenya, a case in instance, the grabbing of part of Nanyuki old Market and Nanyuki Stadium in Thingithu Ward;

This house URGES the County Government to liaise with County Land Management Board in order to:

1. Identify, demarcate and reclaim the grabbed public land in Nanyuki old market and Nanyuki Stadium in Thingithu Ward and revoke all the issued Titles under the said lands.
2. Identify all public land that belongs to the County Government.
3. Reclaim already grabbed public land.
4. Speed up the issuing of ownership documents to the aforementioned identified lands.
5. Demarcate by fitting signboards or beacons and fence the said lands.

Mheshimiwa Spika, huu ni mswada ambao nimeuleta hapa kwa sababu ya yale mambo ambayo yanaendelea katika Nanyuki Old Market na Nanyuki Stadium. Mahali pale kuna wizi wa mashamba. Ni kama wezi wakuu wa mashamba wameweza kuvamia Nanyuki Old Market na Nanyuki Stadium na kupata hati miliki isiyo halali. Mimi naomba serikali pamoja na NLC waungane na kuhakikisha kuwa hayo mashamba yote yamerudishwa kwa serikali.

Wale ambao wamechukua hayo mashamba na wana hati miliki ghushi wachukuliwe hatua na washtakiwe. Hawa magaidi wanaweza kuchukua hiyo nafasi kuchukua hiyo hati miliki na kuenda kotini ama mahali pengine popote waanze kudai hiyo ardhi. Ndiposa nimesema nilete huu mswada. Mimi nimechaguliwa kwenye wadi ya Thingithu na najua kile watu wamenituma kufanya. Wameniambia nikifika hapa niwatetee, na hiyo ni njia moja ya kuwatetea.

Juzi tu kuna mahali tulikoenda kufukuza wanyakuzi wa ardhi. Walitokomea lakini bado kuna wale wamebaki na wana vyeti. Ndiyo maana nasema ni vizuri serikali iungane na NLC kufutilia mbali hatimiliki ambazo hao wanyakuzi wako nazo. Sisi tunazaa na watu wa Laikipia wanazaa, na tukiwa wengi tunahitaji mahali pa kwenda kupumzika, kucheza, kukutana na mambo kama hayo. Tunahitaji pia mahali pa soko ambapo tutaenda kununua nyanya, vitunguu na kadhalika. Tukiruhusu matajiri na mabwanyenye kunyakua hio ardhi tutakuwa tunawanyima haki walio wanyonge na wasioweza kufika hapa kujitetea.

Mheshimiwa Spika, kuna uwanja mwingine ulio kwenye mtaa wa Thingithu. Nafikiri bado nitakuja na mswada kuhusu huo uwanja ili tuhakikishe kuwa tumeweka soko hapo na kuwapa wananchi walio kwenye eneo hilo nafasi ya kufanya biashara hapo. Hatutaki kupata eti kuna mahali ambapo shamba limeibwa. Mimi nazungumza hivi kwa sababu kuna wakati nilikuwa mwathiriwa. Kuna wakati nilienda kuwafurusha kwa nguvu na wakatoka. Nilipelekwa kotini lakini nilijitetea na jaji aliona sina hatia. Niliachiliwa huru na kuambiwa niende kuwafukuza wengine nitakaowapata.

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

Ndiposa nimeona nilete huu mswada tuupitishe na kuendelea na kazi iliyobaki na kuzuia hao magaidi kuenda kujitafutia ama kwenye mikono ya sheria kuomba fidia. Kama kuna mmoja ameenda kutafuta fidia, tunataka serikali iingilie na isiruhusu gaidi yeyote kulipwa. Huwezi kunyakua shamba ya serikali kisha udai malipo. Hayo ndiyo mambo tunayokataa na najua kama yako Thingithu huenda yako kwenye wadi zingine pia.

Huenda ikawa Rumuruti, Nyahururu na kule kwingine. Tusipowazuia, na hayo mashamba yapeanwe, tutakuwa tumepoteza. Nikisoma hali ya Jumba hili, kwa sababu tumefanya kazi tangu asubuhi hadi saa hizi, sitaki kuzungumza sana. Ninamwomba Mheshimiwa kutoka upande wa Ol Moran, ambaye ni shujaa, mtu hodari anayekabiliana na wezi wa ng'ombe sisi tukikabiliana na wezi wa mashamba, asimame kuunga mkono huu mswada ili kukiharibika tumsaidie ili tuweze kuleta taifa letu pamoja. Kwa hayo machache namwomba Mheshimiwa Karuiru kuuafiki huu mswada.

Hon. George Karuiru: Thank you, Mr. Speaker. I rise to second the motion, but plots and livestock bandits are not the same. I would first like to congratulate Hon. Stephen, the MCA for Thingithu for, as he has said, this thing comes from his heart. I remember, because God granted me a chance to be in the Second Assembly, we were almost going to court because we heard that one us had been arrested.

It is very noble, and I tried to enquire because he is a close friend of mine and thought maybe he had some vested interests in the aforesaid grabbed land; I found out that he is fighting for his people. Through you, Mr. Speaker, I must congratulate him for he won his seat for a second time. It means that if we fight for our people God will always stand with us.

Mr. Speaker, I happened to be in the Finance Committee, and we went around these towns. I found that whatever Hon. Ndiritu has brought to this Assembly is very true. The aforesaid grabbers are there, and I must add what he did not mention here, that some of the documents being made by the aforesaid grabbers are almost real because some of them are coming from our offices.

It is a clear indicator that this is not something that somebody just wakes up and thinks of making papers. They are purported thugs. I know of Hon. Members who manage their local towns. There are grabbers who want you to just show them a naked plot and they will start claiming because they know this person who has not built is somebody who is not financially well. So, they come and grab.

That is why I would beg… because I know the government has that position. The other day we saw what is still going on in Machakos, at Mavoko in Athi River. Big buildings are being brought down by excavators. So, I should think that those who are taking the lead in grabbing these pieces of land should be held accountable. If a particular office of a planner purported to be a government worker, or even the National Land Commission. In fact, it should not even be what the former or current government is doing, removing people from work due to incompetence. If it is in the law, they should go home the same morning if they are found doing that.

Mr. Speaker, I think the last point says it all – demarcating by putting up signboards or beacons and fencing the said pieces of land. That is also key. You may not be in a position to know what these guys do, but they first come and do just anything in that piece of bare land. They can even dig a latrine of about five or ten feet to test waters, then on the next day you start seeing

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

people pouring building materials. So, if at least there are good signboards or beacons, it may not stop the whole thing but they will not come with the same force that they are coming with currently.

Mr. Speaker, Hon. Ndiritu is only speaking of the Old Market in Nanyuki but it is all over. On Sunday we had a function by the Chief Officer for Planning, Mr. Kibaara. Then the other day we saw on social media how people are happy with him for claiming grabbed land. Our towns are growing. The other day we formulated Nanyuki to be a municipality. We will need extra social amenities but will have no place to put them in if public land is being grabbed. So, I second and hope that the Honourable House will join hands with me. Thank you.

Speaker: Thank you, Hon. Stephen and Hon. George.

(Question proposed)

Hon. Joseph Gitahi: Asante sana, Mheshimiwa Spika. Nasimama kuunga mkono mswada ambao umeletwa na Mwakilishi wa Thingithu, Mheshimiwa Stephen Ndiritu. Ni kweli kwamba swala la ardhi katika nchi yetu ya Kenya lina dosari kubwa. Sisi sote tumetazama runinga kwa majuma mawili yaliyopita na kuona umuhimu wa kuweka ua katika mashamba yote ya serikali ili wanyakuzi wasipate nafasi ya kufanya hivyo. Mheshimiwa kutoka wadi ya Thingithu alipokuwa anaongea, nimepata mambo ambayo ni muhimu sana.

Kitu cha kwanza kinachofanya niunge mkono huu mswada, anasema kuwe na ushirikiano kati ya Tume ya Kitaifa ya Ardhi na serikali yetu ya Jimbo la Laikipia. Anaposema mambo yanayohusiana na huu mswada nataka kusema kwamba hili jambo limetanda kote kwenye Kaunti ya Laikipia. Sio Thingithu tu bali pia kwenye wadi zingine kuna unyakuzi mkubwa wa ardhi. Ardhi inaponyakuliwa inamaanisha kuwa mambo mengi hayatawezekana.

Kuna mashamba ambayo ni ya soko, kuna mashamba katika wadi zetu ambayo sisi ambao hatuko karibu na miji ambayo ilikuwa yangejengwa, hospitali ama mahali wafugaji wangeleta mifugo yao. Haya yote tunataka yafichuliwe na wakimaliza tupate hati miliki ambazo ni za ukweli.

Bwana Spika, utakuwa shahidi wangu ya kwamba kuna hati miliki nyingi ambazo ni ghushi katika Kaunti yetu ya Laikipia. Kwa hivyo, tunasema ya kwamba hizi miji zote ambazo ziko katika Jimbo letu la Laikipia, tuweze kupata mahali shamba za serikali zipo na pia tuweze kujulishwa matumizi ya kila shamba ili wananchi wakae wakijua. Tusipofanya hivyo, tunatazamia mambo ambayo tunayaona huko Machakos au mengine. Kwa hivyo, ningetaka kushukuru Mheshimiwa Ndiritu kwa sababu Waswahili husema, 'usipozimba ufa utajenga ukuta'. Kwa hivyo, tusipotengeneza hii sheria, tutakuja kujenga ukuta kwa miaka ijayo. Asante.

Hon. Salima Edung: Bwana Spika, nakushukuru kwa kunipatia hii nafasi. Kwanza ni pongezi wa Mbunge ambaye ameleta hili hoja katika hili Bunge kuhusu mambo ya mashamba. Kulikuwa na utafiti mwaka wa 2014. Kuna kamati ambayo ilikuwa imetembea hapa na pale katika Laikipia yetu na kuangalia shida ambazo ziko katika eneo tofauti kuhusu mashamba. Ninashukuru Mheshimiwa kutoka Marmanet kwa kusema ya kwamba juzi katika runinga tuliona sehemu za Lamu na Mavoko zikibomolewa.

Hao watu wamekaa huko kwa miaka mingi sana kutoka mwaka wa 1990. Wamekaa hiyo miaka yote mpaka juzi wakati walitolewa. Inamaanisha ya kwamba katika ofisi ya kitaifa, ardhi hadi hapa mashinani, kuna dosari kubwa sana. Siku moja nilitembea katika *Survey Offices* Nairobi

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

na nikaambiwa ya kwamba kama kuna unyakuzi wa ardhi wa hali ya juu ni katika Kaunti ya Laikipia.

Nilianza kushtuka na kushindwa ni shida gani. Wakanihesabia na kuniambia ya kwamba katika mashamba za serikali kama mbuga ya Solio, Borana, Olpajeta, msitu wa Loniek na huwa zinanyakuliwa. Nimesema ya kwamba watafiti walianza kufanya utafiti mwaka wa 2014 na nikiangalia katika rununu, nimepata mashamba kubwa kubwa kama Solio, Olpajeta, Borana, Segera na Oljogi, zilikuwa LMD **(Livestock Market division).** Hizi zote zilikuwa mashamba za serikali ambazo zimenyakuliwa na hizo mbuga ambazo ziko katika kaunti yetu.

Hao watu waliokuwa wakifanya utafiti kutoka mwaka wa 2014 hadi sasa, bado hawajatatua hiyo shida hadi sasa ambapo imeletwa na Mheshimiwa kutoka Thingithu? Bado yale mambo yako katika hii dunia. Sana sana tunahitaji kuangalia kwa makini upande wa mashule, soko na uwanja za mahospitali katika Kaunti yetu. Kamati ambayo iliyochaguliwa ilifanya kazi ipi? Ukiangalia hiyo miaka kutoka 2014 hadi sasa hivi ni miaka tisa na ni miaka mingi sana.

Inamaanisha ya kwamba kuna uzembe ambao unaendelea katika ofisi fulani kwa sababu ukienda Nairobi kufuatilia hati miliki ya shamba lako, inaonekana pale Nairobi lakini ukija hapa Nanyuki haipatikani. Dakika ya mwisho unapata ya kwamba kuna watu wawili ambao wako na hati miliki ya hiyo shamba. Utakuta ya kwamba ingine inatoka hapa Nairobi upande wa River Road. Sasa kama ukora unaendelea namna hiyo, je, kuna mashamba ambayo itabaki katika Kaunti yetu ya Laikipia?

Inafaa tuwe makini tunapopitisha ripoti katika hili Bunge. Inafaa iwe na wakati ambapo imewekewa ya kushughulikiwa. Kama hazitashughulikiwa kama hii ya kutoka 2014 hadi sasa, hakuna mahali ambapo sisi tutaenda. Tutaacha ardhi ikinyakuliwa na mabwanyenye katika nchi yetu ya Kenya. Mimi naunga mkono hii ripoti nikisema ya kwamba ni vizuri iangaliwe kwa makini sana ndiposa watu wa Laikipia wakae kwa amani na wasikae kama watu kutoka Mavoko, ambao wameadhirika na sasa hivi hakuna mahali wanaweza enda. Wanaendelea kuhangaika ilhali wako na cheti kwa sababu waliuziwa. Nitasimamia hapo nikisema asante.

Hon. Simon Kanyutu: Thank you, Mr. Speaker. I stand to support the motion by the Hon. Member and I also congratulate him because the issue of grabbing public lands, I am sure he has not used the word grabbing but that is what that has been going on the ground. Not only here in Nanyuki but in each and every corner. About a month ago, I was following up on place where we had built a police post in my area just to find out that somebody had grabbed and had a title deed for the same. I had to move at a higher speed until I got a revocation.

It is very unfortunate because previously, it was a coffee tree nursery but the person was able to change, but after proper follow up and involvement of security apparatus, we were able to revert it. So, we need a law that can safeguard any public land. We have got that taste of land and let us attest to it because whenever you want me to attend your meeting early before any other person has arrived, just let me know that I can attain a small piece of land within maybe the area you are calling me to visit. But now, we have to ensure that we safeguard all the public lands and make sure that even the generations that will come after us will get ample land that they can utilize.

Mr. Speaker, I come from a region whereby when our people were re-allocating land never involved the issue of safeguarding those pieces of land. When I was a councillor, I was forced by circumstances to organize our people to purchase a piece of land for a purpose of initiating a

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

secondary school. Now we are a bit lucky because we were able to purchase the land but if the land had been demarcated and left for the purpose of the public, we would not have sourced for the funding or even seeking for our people to fundraise. So, we need to safeguard whatever is available and the grabbers are not allowed to continue with the trend.

Mr. Speaker, if you get a chance to visit Ardhi House in Nairobi, that is when you will realize how people utilize such moments. There are people who just capitalize on where an open piece of land has been left and they use all the resources available and all modes of acquiring that piece of land. Immediately they get a small documentation, they just dispose it. At the end of the day maybe the legal owner of that piece of land buys the same land from a certain broker.

It is a challenge but we need to have a bill on how to safeguard land so that even if you try to go to the land offices, there is no way you will be able to change the land use or get documentation for the same. So, I support the Hon. Member and let us not just capitalize within Nanyuki Town but also in the whole county. Thank you.

Hon. Benson Kuria: Bwana Spika, nakushukuru kwa nafasi ambayo umeweza kunikabidhi. Nikiunga mswada wa Mheshimiwa Ndiritu, ninajua ya kwamba hili ni janga kubwa katika jimbo letu la Laikipia. Ninajua ya kwamba hati miliki ambazo ziko na watu wengi, ni vyema tukiunga ile sheria na tena tufuatilie mambo ya ramani. *Survey* ambaye ameweza kugawa mashamba hivi karibuni kutoka miaka ya 90's, kuna ramani ambazo zilikuwa pale mbeleni na ikifuatiliwa utapata ya kwamba *public utilities* zimenyakuliwa.

Kama sasa mahali ambapo nimetoka, utapata ya kwamba kuna sehemu kama nne ama tano ambazo zilikuwa *centres* lakini sasa ni watu wamenyakua, zingine zimeuzwa na hivyo hakuna *centre* ambayo iko karibu.

Kuna mambo ya minanda labda watu walikuwa wanatumia mahali walikuwa wanaoshea mifugo yao. Kumaanisha ya kwamba Mzungu alikuwa ameona kitambo lakini wajuaji wakajitokeza ambao ni wengi sana katika jimbo letu la Laikipia. Ni vyema liweze kuangaliwa kwa makini ili mswada huu uwe sheria ambayo itaweza kuzingatia utaratibu na mikakati katika mambo ya ardhi. Naunga mkono na nashukuru Mheshimiwa Ndiritu kwa sababu ya kuwa mwangalifu katika ile shida ambayo imetupata kuhusu mambo ya ardhi.

Hon. Parleto Lekopien: Thank you, Mr. Speaker. I rise in support of the motion. I would like to take this opportunity to thank the Member for bringing the motion because it is timely and also in good faith. I am also glad that the Hon. Member from Marmanet is in support of the motion. I hear him most of the time talking of plots *'maguta maguta'* because he can easily fall into the trap of being conned by these criminals. As you know, even the ECDE that was built in Sosian, we just rescued it from the same cartels who wanted to grab the land.

As we speak, you are aware that there is a settlement scheme that was given to the people of Sosian by the former President, the late Daniel Arap Moi and there is a lot of issues on that land. There are a lot of cartels who make fake title deeds and people are being conned. My biggest worry is when you come to the county headquarters in Rumuruti because each and every day you will see people travelling from Nairobi and coming from all over hoping to get land. So that is where the land cartels and fake title deeds might be produced. I am in support of the motion and we need to move quickly to ensure that these cartels have got no place in Laikipia County and I hope that at some point it will spread all over to other parts of the country. Thank you.

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

Speaker: Thank you. I now call upon the mover of the motion to reply.

Hon. Stephen Ndiritu: Asante, Bwana Spika. Nataka kushukuru kwa vile Wajumbe wameweza kujadili huu mswada kwa maana ni mswada wa maana hasa wakati huu ambapo wezi wanatumia kila njia kuhakikisha ya kwamba wamegandamiza wananchi. Ndio maana tunauliza serikali Pamoja na NLC wafanye kazi Pamoja na pia mahakama zetu kuhakikisha ya kwamba tumelinda mali ya mwananchi.

Afadhali tuumize yule mwizi na tuhakikishe ya kwamba mwananchi amepata haki yake. Sisi kama Bunge Pamoja na Serikali ya Kaunti na pia mahakama tuko na kazi ya kufanya mbele ya watu na pia Mwenyezi Mungu. Yeyote atakayeenda kinyume na hayo matakwa ya mwananchi, hata mbinguni sioni akiipata.

(Question put and agreed to)

ADJOURNMENT

Speaker: The sittings of this House now stand adjourned until tomorrow Wednesday, 25th October, 2023 at 9.00 a.m.

The House rose at 4.00 p.m.

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