REPUBLIC OF KENYA

COUNTY ASSEMBLY OF LAIKIPIA

THE HANSARD

Tuesday, 8th June, 2021

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

[The Speaker (Hon. Patrick Waigwa) in the Chair]

PRAYERS

PETITION

REPORT ON PETITION BY RESIDENTS OF MOUWARAK CENTRE

Hon. Mary Samken: Thank you, Mr. Speaker, Sir. This is a report by the committee on Finance and County Planning on the petition by residents of Mouwarak centre in Sosian ward on allotment of plots at the area. On page 3 is Membership of the Finance and County Planning Committee

The Committee as currently constituted, comprises of the following members:

1. Hon. Mary Samken -Chairperson
2. Hon. George Karuiru -Vice Chairperson
3. Hon. Joseph Kiguru -Member
4. Hon. Chalumbo Kaparo -Member
5. Hon. Joseph Suge -Member

Mr. Speaker, Sir, on behalf of the Finance and County Planning Committee, I wish to extend my gratitude to the Members of the Committee for their dedication and commitment to their work.

The committee also extends its appreciation to the Office of the Speaker and Office of the Clerk of the County Assembly of Laikipia for their support that has enabled the committee to participate in this duty and steer it on the path to accomplish its mandate.

The Right to Petition

The right of Kenyan citizens to petition public authorities and Parliament is a right conferred by the Constitution under Articles 37 and 119, the Laikipia County Petition to County Assembly Act, 2014 and by standing order 194 of the Laikipia County Assembly. The right to petition is an essential citizen participatory tool that allows for direct intervention by the Assembly on issues relating to the promotion and protection of the rights of citizens.

Committal of the Petition

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Mr. Speaker Sir, on behalf of the Members of Finance and County Planning and as required under the Laikipia County Standing Orders, I hereby present to this House, the Committee's Report on the Petition by residents of Mouwarak area in Sosian Ward concerning allocation of plots in the area.

The Petition was received by the Clerk in his office and was forwarded to the Finance and County Planning Committee for further consideration with a view to responding to the issues raised in the Petition.

Mr. Speaker Sir, Pursuant to provisions of Article 119 of the Constitution of Kenya and Standing Orders 198, the petitioners sought that the County Assembly through the Departmental Committee on Land, Infrastructure and Urban Development;

1. Revokes the previous allotment of the said plots at Mouwark the same having been done in an opaque and illegal manner.
2. Intervenes through the relevant department with a view to causing the plots in Mouwarak Centre allocated afresh by the Committee with the authority of the community which was duly elected by the community.

In that regard, the Committee Report gives a detailed summary of the issues and the responses by the County Government as well as the petitioners. The written and oral submissions, therefore, formed the basis of the Committee's observations and the requisite interventions towards the Prayers sought.

Mr. Speaker Sir, it is significant to mention that County Government should appreciate that every person has a right to petition Parliament to consider any matter within its authority, including enacting, amending or repealing any legislation.

The Petitioners' Submissions

Mr. Speaker, Sir, the petitioners were invited to attend a Committee meeting and to give their submissions. They were represented by the Chairman of the group as well as some other Community Members who attended the Committee meeting held in the County Assembly Boardroom. They were given an opportunity to present their petition and they informed the Members that:

i. The previous Committee was in place for seven years, however the area MCA did not agree with the Committee.

ii. They had previously met with the County Executive Committee Member for Infrastructure, Lands and Physical Planning and they had agreed to hold another meeting on 5th October 2018 at Posta area so as to be briefed on the way forward.

iii. They had held a meeting on 5th September 2018 where a new Committee was formed and officially elected. Rev. Francis Lekula was elected as the Chairperson and his officially elected Secretary was Simeon Letoole. In the next meeting which was held after the election of new elected committee, the residents who attended the meeting included very few community members.

iv. County Government ought to have done a comprehensive survey so as to verify on the 130 plots where 30 plots were taken by the Government and 100 allocated to the

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local Community members. They were distributed as Pokot (10 plots) Samburu (70 plots), Kikuyu (10 plots) and Turkana (10 plots).

v. They registered an association after elections and the anomalies concerning the allotments were realised through the elected Committee.

vi. Eight business men met with the chairman of the Committee as well as with the Governor so as to make a proposal for development at Posta which included putting up a slaughter house and market in the area.

vii. When the plots were being subdivided, public participation was not done and engagement of the community members was not done in the proper manner.

viii. Most residents in the area were not involved in the allocation as it was done illegally.

ix. The area is not properly surveyed and it is not clear on the area set aside for public utilities like schools and market.

x. The area is prone to conflicts; therefore the residents would appreciate if the matter is resolved amicably.

xi. There are other communities that live in the area (Posta) that were not allotted plots. They were also involved in setting up Posta area in 2014.

xii. There are some companies like Jeci Developers and Fadhili Developers who are selling plots in the area at a price that most area residents cannot afford while some residents are living in a school compound. Mouwarak Primary school was registered recently and beacons were set up, the school wants to fence and develop but the residents do not have anywhere else to set up their houses.

xiii. Development projects are at Magadi area and not at Posta Area.

xiv. The cartels that took plots at Kandutura area now also want to take these plots in Mouwarak area.

xv. The plots were divided verbally and the people whose names were drafted in a closed meeting are the ones who were given plots.

xvi. The County Government has been working with the previous Committee which the Community does not approve of as they want to work with the current Committee that is recognised by the residents to represent their interests.

xvii. The new committee members attended a meeting with the County Executive Committee Member on 30th September, 2019 where they were informed that there was a list that was to be used to issue allotment letters. The previous committee had accepted to resign but were brought back by the County Executive Committee Member.

xviii. Survey of the area should be done by the County Government and the officers from National Lands Commission so at to get the allotment letters.

Hon. Mary Samken: Mr. Speaker Sir, the Committee also invited the County Executive Committee Member for Infrastructure, Lands and Physical Planning severally to get a response

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from his office before the Committee finalizes its report on the matter. On 5th May 2021, the County Assembly received a letter from the County Executive Committee Member for Lands, infrastructure and Urban Development Ref: CGL/INFR/CECM/County Ass/Vol.1/98 dated 4th May, 2021.

In his response the CECM informed the Committee that the request from the petitioners was not to revoke allotment of the plots in Mouwarak Center, however, the plots were not allocated… Sorry, Mr. Speaker, may I repeat: In his response the CECM informed the Committee that the request from the petitioners was to revoke allotment of the plots in Mouwarak Center, however, the plots were not allocated as alleged, but rather it was a regularization process which was conducted by the National Land Commission Coordinator, the Registrar of Lands Laikipia County, County Surveyor, County Planner, in consultation with his office. In addition, the meeting was also attended by the area Member of the County Assembly, all residents led by their Committee, Deputy County Commissioner representing the National Government and the County Government of Laikipia responsible officers.

Mr. Speaker Sir, the matter on allocation was discussed and unanimously agreed in a consultative meeting attended by the above mentioned stakeholders on 17th August 2018 and a list of the residents was populated by Mouwarak Committee and the same forwarded to his office for regularization. The CECM informed the committee Members that due process was followed in regularization process in line with allocation of public land, The Land Act 2012 section 12(1) (b) and The Constitution of Kenya 2010.

Committee's Observations

Mr. Speaker, Sir, the following are the Committee's observations:-

1. Due process was followed in the allocation process and the matter was discussed in unanimously agreed in a consultative meeting populated by Mouwarak Committee and the list was forwarded to the County Executive Committee Member for Lands, infrastructure and Urban Development.
2. The plots were not allotted as alleged by the petitioners but rather it was a regularization process which was conducted by the relevant officials in the presence of the area residents as well as their Committee.
3. There were some residents who were living in a school compound whereas beacons have been set up and the school wants to fence and develop their compound.
4. The individuals who own the plots in Mouwarak area have already started developing their plots while others have already sold their plots.

Committee Recommendations

Mr. Speaker Sir, on Committee recommendations, having considered the Petition made by the Petitioners who are residents of Mouwarak area in Sosian Ward, Finance and County Planning Committee made the following recommendations that: -

1. The County Government should always ensure that they always follow the due process in issuance of relevant documents pertaining to land matters.

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2. The County Government to ensure that they continuously engage the Community in distribution of plots so as to ensure that there is no injustice in the allotments.

3. The residents who are living in school compound to be reallocated so as to ensure Mouwarak Primary school is able fence and carry out their development projects.

4. The owners of the plots are given an opportunity to develop their properties in peace.

Speaker: Thank you Hon. Samken Chair for Finance, Hon. Members Standing Order No 202 (1) *Every petition presented or reported pursuant to this part, shall stand committed to the relevant Sectoral Committee*. Which we have already done and Standing Order No. 202 (2) *Whenever a petition is committed to a Sectoral Committee, the Committee shall, in not more than sixty calendar days from the time of reading the prayer, respond to petitioners by way of a report addressed to the petitioner or petitioners and laid on the Table of the Assembly and no debate on or in relation to the report shall be allowed, but the Speaker may, in exceptional circumstances, allow comments or observations in relation to the petitioners for not more than twenty Minutes.*

Therefore, it is my hope that as you also brought that report to this House we have forwarded to the Clerk the same report so that he can as well forward through your Committee Clerk for the Clerk to forward to the Petitioners. This should be addressed to them directly and Clerk will be doing that, within fifteen days that is as per Standing Order No 202 (3) *The Clerk shall, within fifteen days of the decision of the Assembly, in writing, notify the petitioner of the decision of the Assembly on the petition.*

Therefore, since this Petition has been handled by this Assembly, the Clerk will write to the Petitioner so they are the residents of Mouwarak center in Sosian Ward, within fifteen days the Clerk will communicate to them, unless there is someone who has an observation or a comment which amounts or which creates exceptional circumstances. Anyone with a comment or observation? Hon. Kanyutu?

Hon. Simon Kanyutu: Thank you, Mr. Speaker. I have a comment on the same report because once you touch on matters pertaining to soil, it raises so many concerns. In the report, the Hon. Member read that there were some 30 plots which were taken by the government. On the same, we need a lot of clarification because I don't know how the government can take the plots and even if it is the government there must be some beneficiaries. Are plots owned for governments purposes or it is the government officers?

Hon. Jacob Endom: Asante Sana, Bwana Spika. Nataka kushukuru kamati ambayo iliweza kuketi chini na kuangalia hii ripoti. Kwa ukweli kabisa, wale ambao walikuja katika hili Bunge, mmoja alikuwa Diwani wa Sosian hapo awali na yeye mwenyewe alihama kutoka Kaunti ya Samburu. Huyo mwingine alikuwa anasema ya kwamba ni kiongozi wao alikuwa anaishi Maundu Meri.

Kwa hivyo wale watu ambao walileta hili ombi hapa Bwana Spika, sio wakaaji wa Posta. Ile *public participation* pia ambayo wanasema ya kwamba haikufanyika, iko na hata kumbukumbu ziko. Wanasema ya kwamba tulifanya na hao uchaguzi lakini walikuja kudanganya kamati. Kwa hivyo ile ripoti ambayo imetolewa na kamati ni ya ukweli kwa sababu watu wa Mouwarak walikuwa wanaishi kwa shule. Kwa sasa Mouwarak watu wametoka shule na wanaishi kwa ploti zao na wale wachache bado wako huko ni wale ambao wanajenga.

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Bwana Spika, wale watu ambao wamebaki ni wachache na wale ambao hawakupata, kamati ilikaa chini na wakasema ya kwamba watapatiwa nafasi ya kioski. Kwa hivyo hakuna mtu ambaye amebaki huko na wote ni watu ambao wamepata makao mahali wanaishi. Nashukuru kamati kwa sababu wametoa ripoti ya ukweli.

Speaker: Hon. Members, as I had said the decision by the Assembly will be communicated by the Clerk within 15 days. I don't want us to raise a debate on the same but only comments and observation at times which does not take us more than 40 minutes and therefore we finalize there.

PAPERS

Hon. Joseph Kiguru: Thank you, Mr. Speaker, Sir. I have a paper to lay on the Laikipia County 1st Supplementary Budget Estimates for the year 2020/2021.

(Hon. Joseph Kiguru laid the paper on the table)

Speaker: The paper is committed to the Budget and Appropriations Committee. I would really wish to urge the committee to try and look at the same very quickly. Today is the 8th, June and the year is ending on 30th June, 2021. Therefore, that supplementary will be very important to help the people of Laikipia in the remaining part of the year. It is therefore important that the committee try to speed up so that they can report in this House soonest possible.

ADJOURNMENT

Speaker: This House now stands adjourned until tomorrow Wednesday, 9th June, 2021 at 9.00 a.m.

The House rose at 2.54 p.m.

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