

THE HANSARD

Tuesday, 27th August 2024

Assembly Building

The Assembly met at 2.30 p.m

[The Speaker (Hon. Mohamed Roba) in the Chair]

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PRAYER

MOTION

CONVERSION OF ISIOLO HOLDING GROUND FROM PUBLIC LAND TO COMMUNITY LAND

(Hon. Nicholas Lorot)

Hon. Nicholas Lorot (Burat): Mr. Speaker, that, aware that County planning and development is the function of County Government according to the Fourth Schedule of the Constitution of Kenya;

Further aware that land in Kenya is classified as public, community or private according to Article 61 (2) of the Constitution of Kenya;

Acknowledging that public land is vested and be held in trust by the County Government on behalf of the residents and administered on their behalf by the National Land Commission according to Article 62 of the Constitution of Kenya;

Appreciating that 124, 163ha Holding ground in Burat Ward is a Gazetted public land set aside by the Government for its intended usage; additionally, Oldonyiro and Garbatulla wards have also Gazetted holding grounds;

Concerned that these parcels of land were taken without the knowledge of the community;

This House resolves to recommend to the County Executive Committee for Land and Physical planning to initiate the process to revert back the Holding grounds in these wards to community land.

Bwana Spika, Katiba ya Kenya ya 2010, waliweza kupatia ardhi ya umma uwezo, na pia ilipatia Serikali ya Kaunti kuwa *custodian* wa hii ardhi. Ukiangalia ardhi ya Burat anbayo ni hekari 124,163 iko chini ya *holding ground*. Na hii ardhi iliweza kuwa *Gazetted* bila wananchi wa Burat kuelezwa. Hivi majuzi tumejua ya kwamba ardhi kubwa ya Burat, ni ya *holding ground*. Na ukiangali gazeti ta kwanza iliyochapishwa mwaka wa 1943 kabla Kenya kupata uhuru. Na *gazettement* ya pili ilifanyika mwaka wa 1952 wakati wafugaji walikuwa hapo. Na 1989 hakuna ufugaji iliyokuwa ikiendelea katika sehemu hiyo. Ardhi nyingine ilinyakuliwa hekari 16,900 ikaleta jumla ya 124,00 Sasa mimi kama Kiongozi ya Burat tungeomba hiyo ardhi iweze kurejeshwa kwa jamii kama ile ya Laikipia, Samburu, na LMD iliyorudishwa kwa raia. Kwa vile hakuna mahali ya kuita nyumbani, ya kulisha mifugo yetu na kwa vile hii ardhi ilipochukuliwa haijafuata utaratibu ambayo inapaswa kufanyika. Kama vile *public participation* watu wangeitwa na kuelezwa. Lakini ilipimwa huko Nairobi na watu wakaweza kufanya *Gazettement* huko. Watu wa Burat wanakaa kama *squatters*. Kwa hivyo ningeomba hii Nyumba Waheshimiwa waliokuwa hapa waweze kupitisha hii Hoja kwa vile itakapoingia katika ripoti ya Hansard itakuwa imepatia uwezo kwamba kama Kaunti ya Isiolo imeamua hii ardhi irudi katika mikono ya raia, kwa sababu hivi leo tinahitaji ardhi yetu ya malisho. Kwa vile sasa hatuna uwezo; watu wakiwa Nairobi wanajipangia ardhi ya Burat unasikia ardhi Fulani imepewa watu Fulani na ilhali sharia iliweza kufanya Serikali ya Kaunti iweze kuwa na uwezo wa kusimamia ardhi. Kwa hivyo kama Serikali ya Kaunti hatuna control ya ardhi ndivyo unaona kama sehemu ya Burat jeshi iliweza kuchukua na wamepelekana kotini na raia kwa sababu ya hiyo sehemu. Sehemu zingine imekaliwa na *holding ground*, nyingine ni resort city. Kwa hivyo hata sisi kama Kaunti inakuwa hatuna uwezo wa kupangia ardhi yetu vizuri. Ningeomba tuweze kupitisha Hoja hii tuweze kusaidia wakaaji wa Burat. Asante sana Mheshimiwa Spika.

Hon. Francisco Letimalo (Nominated): Seconded. Asante Mheshimiwa Spika. Nimesimama hii Hoja ambayo ni muhimu sana. Hii mambo ya LMD imetutuzia kwa muda. Hapo mbeleni ilikuwa ni shirika ambayo inaleta faida kubwa sana kwa

wenyeji wa LMD. Kwa sababu ng’ombe walikuwa wananunuliwa na kuletwa hiyo sehemu ya kuweka wanyama kwa muda ili iweze kuangaliwa na kupelekwa KMC. Iisaidia sana wafugaji kwa sababu mambo ya soko haikuwa, hakuna shida ya soko wakati huo. Wanyama wote walikuwa wanauzwa kwa bei nzuri. Kila sehemu ilikuwa na ratili, hapo LMD na Kipsing pia. Na wafugaji wote walikuwa wakileta mifugo hapo na kulipwa wakati huo, na iliwasaidia sana. Ardhi vile ilichukuliwa ili wafugaji waweze kuwekesha mifugo kwa muda na kuangalia magonjwa pia. Baadaye kidogo, hii LMD iliisha kwa sababu ya *mismanagement* na mipango haikuwa inaendelea vizuri na pia ukiangalia hiyo mijengo hapo ya hali ya juu inaliwa na mchwa hivi sasa. Sehemu yote ya Kipsing ambazo ni kubwa sana, hata nilikuwa nafikiria Gavana angefanya hiyo kuwa *camp* yake ingekuwa vizuri sana kwa vile kuna nyumba kubwa sana ambayo ni ya Serikali. Hapa kitu kubwa ni ya kuwa LMD imekufa, haifanyi kazi, hiyo ardhi imekaa bure kwa muda sana. Kuna hata wakati Mheshimwa Kuti alikuwa Waziri wa mifugo na tuliweza kwenda kwake ili afanye pale *Gazettement* hiyo ardhi irudi kwa jamii. Baadaye ikawa ni siasa, na hapo kuna mazuri na mabaya. Yeye alikubaliana na sisi lakini kidogo kuna wale wengine waliompata waliokuwa na nguvu kutuliko. Angeweza kufanya hivyo ingekuwa rahisi, lakini kwa sababu ya siasa alishindwa. Saa hii LMD yote, Burat, Kipsing watu wanakalia hiyo ardhi kwa wasiwasi kwa vile unajua sio yako. Hata shule tunajenga ilhali kuna wasiwasi. Katiba yetu ya 2010 ilipokuja tulifurahi sana kwa vile ilikuwa inasema hiyo ardhi yote irejeshwe kwa jamii. Kwa hivyo, tumejaribu kuonesha ya kwamba tumegeuza hiyo ardhi kutoka kwa Serikali na sasa ni ya jamii. Imekuwa ni ngumu kufanya hivi, sijui ni kwa nini. Pengine kuna jambo ambayo hatutekelezi na ndivyo sasa hii Hoja imekuja na imekuwa mzuri na tunataka itekelezwe kwa kutumia Waziri wetu hapa wa Kaunti kuhakikisha hii mambo ya ardhi imerudi kwa wananchi. Kwa hivyo mimi naunga hii Hoja mkono na tutahakikisha hii ardhi imerejeshwa. Asante sana Mheshimiwa Spika.

(Question Proposed)

Hon. Speaker: The floor is open for debate.

Hon. Salesio Kiambi (Wabera): Ahsante Mheshimiwa Spika. Kwanza nashukuru Mheshimiwa Lorot kwa kuleta hii Hoja nzuri ambayo inawaeza saidia jamii. Ya kwanza hiyo sehemu ya LMD ilifilisika na ilhali ilisaidia jamii, kwa sababu ile ardhi imebakia kidogo ambapo wananchi wanakaa, ni kidogo sana. Wakati ule

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LMD walitenga hiyo sehemu, walikuwa wachache lakini kwa sasa ni wengi sana. Tunaomba hiyo *Gazetted land* iwe *revoked* na raia warejeshewe hiyo ardhi ili waweze kuendeleza kazi zao ya kuchunga na pia kulima ili wajisaidie na chakula. Nafikiri kitambo ng'ombe walikuwa wananunuliwa huko vile Mheshimiwa Letimalo amesema, kulikuwa na *dip* ya ng'ombe, wakati huo walikuwa wakiendelea vizuri kwa vile walikuwa wachache. Saa hii hiyo ardhi ipewe jamii wa hiyo sehemu ili waweze kujisaidia. Asante.

Hon. Dekha Bonja (Nominated): Ahsante Mheshimiwa Spika. Pia mimi naunga hii Hoja mkono. Mheshimiwa Spika LMD ilikuwa ni mahali sisi pia tukiwa wadogo tulisikia ni sehemu iliyotengwa na ilikuwa inasaidia jamii. Lakini kwa saa hii, hiyo ardhi inakaa hivyo tu na kuna wale wanataka kuchukua. Kwa hivyo ni vizuri hiyo Gazette notice iliyowekwa kusema irudishwe kwa jamii itekelezwe ili jamii iweze kujisaidia. Isiolo inazidi kuwa kubwa na LMD saa hii watu ni wengi mpaka wanaishi chini ya milima, kwa kukosa nafasi. Ni vizuri kama viongozi tuweze kuangalia ili watu wetu waweze kupata mahali ya kuishi vizuri. Asante Mheshimiwa Spika.

Hon. David Waithaka (Bulapesa): Thank you Honorable Speaker. As, my predecessor said, Honorable Letimalo, when LMD was really working, you know it simply means Livestock Marketing Division; It was a department in the Ministry of Agriculture and Livestock, things were flowing so well. But before I continue contributing to the Motion, I was wondering whether there is any word by the name conversion, because I believe it is conversion. So, we need to change that. So, it really helped our people. A lot of my friends during those times, especially from this area, we used to call it Northern Frontier District, we used to be very rich people, because, Kenya Meat Commission used to buy those animals from LMD. And people used to get good money, as we are all aware; the land was taken from the communities that were living here. And it is important, now that LMD is dead and buried; it should revert to the indigenous communities, as it is in our 2010 Constitution. We don't need to talk much. We know how our people have been oppressed. They are in court even now, about their land where they have lived for so many years. It is good if the land reverts to the community, and if there are people who need to use that land, they should buy that land from the community so that they benefit. So this one is a very worthy Motion that needs our support as

Members of this Honorable House. I think I don't need to say much because it is obvious this land needs to revert to the people of Isiolo. With those few remarks, I beg to sit down. Thank you Honourable Speaker.

Hon. Speaker. I now put a question; that, aware that County planning and development is the function of County Government according to the Fourth Schedule of the Constitution of Kenya;

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Further aware that land in Kenya is classified as public, community or private according to Article 61 (2) of the Constitution of Kenya;

Acknowledging that public land is vested and be held in trust by the County Government on behalf of the residents and administered on their behalf by the National Land Commission according to Article 62 of the Constitution of Kenya;

Appreciating that 124, 163ha Holding ground in Burat Ward is a Gazetted public land set aside by the Government for its intended usage; additionally, Oldonyiro and Garbatulla wards have also Gazetted holding grounds;

Concerned that these parcels of land were taken without the knowledge of the community;

This House resolves to recommend to the County Executive Committee for Land and Physical Planning to initiate the process to revert back the Holding grounds in these wards to community land.

(Question Put and Agreed to)

MOTION

MANAGEMENT OF STORM WATER ACROSS THE COUNTY

(Hon. Dekha Bonja)

Hon. Dekha Bonja (Nominated): Mr. Speaker, THAT, Aware that County Public Works and Services, including storm water management systems is a function of the County Government according to the Fourth Schedule of the Constitution of Kenya 2010;

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Further Aware that Major towns within the County are experiencing swift economic development and population growth that is driven by the four pillars of vision 2030;

Acknowledging that, the ultimate goal of any drainage system is to drain excess rain and ground water from impervious surfaces to forestall flooding that may cause damage;

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Concerned that various towns within the County experiences flooding due to poor drainage system, resulting to loss of life and properties, displacement of people, destruction of roads and villages marooned during rainy season;

Further concerned that due to lack of proper drainage system, the past flooding experienced affected most businesses in Isiolo town and other major towns within the County;

This Assembly urges the County Executive Committee Member for County Roads, Public Works, and Lands, Physical Planning and Urban Development and the municipal administration to;

- i. Urgently put measures in place to improve the drainage systems of Isiolo town and other major towns within the County;
- ii. Introduce use of natural processes such as construction of dams and gabions to control flooding and harvest water; and
- iii. Use the modern means of storm water management that aims at draining of urban runoff with the help of channels and pipes.

Hon. Dekha Bonja (Nominated): Ahsante Mheshimiwa. Nikijaribu kuongezea hii Hoja, mvua ikinyesha hapa Isiolo huwa kuna shida, tunapata mafuriko ya maji kutoka upande wa Meru na inasumbua wale wafanyibiashara wako mji wa Isiolo. Duka zote maji inaingia na kuharibu vitu na wanabiashara wanapata hasara sana. Ndio maana sasa tunataka *drainage* na *channel* ya maji itengenezwe, ili tuweze kuishi vizuri na kuendelea mbele. Isiolo inaendelea kupanuka na pia *Vision 2030* na *Resort City* inakuja. Ni vizuri tuanze kujipanga mapema tukijaribu kusaidia ili hayo maji yasiweze kutosumbua. Ahsante Mheshimiwa Spika.

Hon. Francisco Letimalo (Nominated): Thank you, Mr. Speaker. I stand to second the Motion. The Motion is a very important one and I want to say something little. According to me, I don't know what's happening with this Government of ours. Because the other day we had floods and all over this town, water was flowing; a lot of water actually submerged whole of Ngaremara Center, and yet we are not seeing any actions taking place, it is absurd. I don't know. Because, these are very urgent issues which should be harnessed and taken care of as quickly as possible. It rained again the other day and the same happened. I don't know, the concerned people, whether they don't want this or whether, the Ministry is not funded. But Isiolo town really needs urgent measure in controlling this water. Because this water is so disastrous when it rains in this town, like several people actually were killed by this water, and yet nothing has taken place up to now. So what are we doing really? The Ngaremara community and these other communities in this town, what are they asking us? What are they saying about these Government? The National and the County Government, It's as if we don't care about them. The other day, there were several of them who were killed and nothing; even food was a problem, those who were actually displaced by this water. It was a big problem. The same in places like Merti. What happened? Although there are long term measures, like the Crocodile Jaw. I'm sure if its constructed, actually it will control that water only for those people under the downstream. There is also another dam, in planning, which is going to take long again to be constructed, because these are mega dams, which needs a lot of funding and it will take long. And, since there's this issue of the climate change, whereby rain patterns are not predictable, we are experiencing rains all the time, without our planning, without us knowing that the rain is coming. So the best thing actually for short term, I think Isiolo town needs a short term strategy, at least this for the drainage to be constructed, to divert this water into these channels, instead of going into people's houses, which is dangerous. The same with Ngaremara, which needs a small dam to be constructed somewhere, not really far, just within Meru to control that water. But even that is not being undertaken. So ours now is that we need this to be taken urgently, planning before these other rains. We know the short rains as per the usual program that short rains start in October, we are actually in September. There is October and November and their will be rains. So do we still, just stay like that until that time when the rains will come again and kill

so many people? I think it's the high time now that some planning should take place and I require that this issue if you leave it to the Members to go to that office. And bring the Minister and people in charge of all this to come and tell us what's happening because we can't wait. It is of urgent measure, which should be taken to ensure that at least something is done before the coming rains. So, I'm requesting, the Committee to ensure that an urgent measure is taken as soon as possible. Thank you Mr. Speaker.

(Question Proposed)

Hon. Speaker: The floor is open for debate.

Hon. David Waithaka (Bulapesa): Mr. Speaker Sir. I am poignant to the fact that we have talked about this Motion many times, about storm water in Isiolo County that has really affected our people, especially we people of Bulapesa Ward. This storm water has been a menace. We have talked about it, even in this House; and it seems that anything that we say here, it is never taken seriously. But, this time as Honorable Speaker, you have given us time to be taught. We need to follow our Motions. Sometimes we just say things here and a Committee does not follow, so that we can know the problem possibly the Executive is facing, not implementing what we say here. This is about climate change, and as we are all aware, we have been funded with almost 136 million. If this money was put to storm management, I think this County could change. It has been done elsewhere, so you are not inventing the wheel, So we can do it. And, make sure that our people who are poor, they don't get losses every now and then. I pity my people of Bulapesa, because any time that it rains, they expect people to die because of storm water. I wish we could take this Motion seriously and make sure that there are some drainages, even where there are some sewer lines, storm water mixes with the sewer line, and you find that most of the time when it rains our people becomes sick. If you look at a place like Merti, Ngaremara, Sericho for that matter, whenever it rains, people instead of being happy, they are sad. Because they don't know what will happen next. You know, Kenya is a wonderful Country with a lot of resources as some of us who have been able to go to other Countries can attest to. But, we have not been able to manage our resources to benefit our people. I'll keep mentioning my brother Hon. Letimalo who has talked of the crocodile Jaw. You know, last time we lost a lot of animals. If you are able to control that water

and make sure that we use it for Agriculture and Livestock. Those losses our people faced, we could not face them. But you're anticipating any time that the climate changes. Our people expect whatever little they have. Why there is this cycle all the time? You know God has given us brains to make sure that we can mitigate even against calamities. So we need to think critically and make sure if you want to make this Country of ours a first World Country, we need to up our game. Think how you can help our people because we should not be seen to celebrate when our people are suffering. Even God in Heaven one day will ask Waithaka you were in that House, what did you say about the people that I gave you to lead them during that particular time? So we need to be serious and make sure that, this storm water is controlled. We lobby even the National Government, and they said it, it is true. they want to build those dams. And, just saying it, we need also to follow with action. We need to remind them, because any time a Statement is made and we don't follow, people think that we are comfortable, and we are not. So, His Excellency, the President of the Republic of Kenya, came here and told us he will build the Crocodile Jaw. Can we remind him that, it is an urgent matter that needs to be taken care of; we need to build those dams so that our people can be happy and we enjoy life like any other part of this Country. So with those few comments, Honorable Speaker, I really thank Honorable Dekha Bonja for bringing this Motion because it was in my mind, but when people are generating those Motions I happened not to be here, I was representing Isiolo in CAF. So I really like what you did. But still we said for us to be able to give meaningful contributions, we need to be seeing this at least 12 hours before, so that we can send even our researchers to do research for us, so that anything that we do here, it will not be shallow Honorable Speaker. So with those a few remarks, it really saddens me when I see the potential that we have here and still remaining Third Class Country. God bless us. Thank you.

Hon. Salesio Kiambi (Wabera): Ahsante Mheshimiwa Spika kwa kunipea hii nafasi kuchangia hii Ajenda ambayo ni mzuri sana. Isiolo inakuwa na shida wakati wa mvua, maji ikija inakaribia hat kubeba magari. Vitu ya watu wa soko inabebwa na maji na watu wanaenda hasara. Pia sijui hii Wizara kwa saa hii huu msimu wa mvua, kuanzia mwezi wa kumi wanapanga aje kuhusu hii maji. Waamshwe wafanye kazi, waangalie mahali maji inaweza fanyiwa *drainage*. Kama 2013 tulifanya kwa hii barabara kutoka Muriri tukaelekeza upande wa 78. Lakini hiyo

drainage imeharibika na ingepata watu wa kutengeneza tena itazuia maji kuingia mjini, hapo Bomen na Kithe, hayo maji yote huwa inatoka upande wa uwanja wa ndege. Pia mengine yanatoka hapa Maili tatu, hayo ndio yanabomoa Bula pesa yote. Kwa hivyo ni jukumu ya Serikali kufanya mpango kuzuia hiyo maji isije kuharibia watu mali yao na pia huwa inavunja milango na kuingia kwa nyumba za watu. Pia watu waambiwe wasijenge kwa njia ya maji. Kama hapa upande wa Ngaremara vile Mheshimiwa Letimalo amesema, hiyo ni sehemu maji inaweza zuiwa isiharibu barabara, kwa sababu wanaweza tafuta mahali ya kujenga *dams* na itasaidia watu mvua ikiisha. Kwa hivyo sasa hii Wizara ichukue hatua kwa vile mvua inataka kunyesha tuna wasiwasi. Mvua saa hii imerudi kama zamani, ni nyingi sana. Kwanza town huwa inaharibika inakuwa kama mto, pengine katika mpangilio wa zamani town ilijengwa mahali mbaya. Na zamani hakkukuwa na watu wengi. Sehemu zingine hazikuwa zimejengwa, maji yalikuwa na pahali ya kupitia, lakini saa hii kila sehemu imejengwa kwa vile watu ni wengi; hivyo basi maji yanaelekea upande mmoja. Kwa maoni yangu hata sisi kama Viongozi hapa Isiolo, tunaweza kupanga siku ya kutembelea hawa watu kwa ofisi zao waamke. Tusiangalie watu wetu wapate hasara ya maji. Pia nahimiza Serikali Kuu na ya Kaunti iweze kusaidiana kwa pamoja, kwa sababu hii ni kazi inayotumia pesa nyingi; kujenga hiyo *dams* na *drainage*. Sijui hii planning ya town imefanywa vipi kwa vile ni ile ya zamani kabla ya sisi kuzaliwa, ndio unaona maji yanajaa hii town na kuharibu vitu sana. Kwa hivyo nahimiza hawa Wizara ifanye kazi nzuri tuweze kusaidia watu. Kwa hayo machache naunga hii Hoja mkono. Asante.

Hon. Speaker: Honorable Members I now put a question; THAT, Aware that County Public Works and Services, including storm water management systems is a function of the County Government according to the Fourth Schedule of the Constitution of Kenya 2010;

Further Aware that Major towns within the County are experiencing swift economic development and population growth that is driven by the four pillars of vision 2030;

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- iii. Use the modern means of storm water management that aims at draining of urban runoff with the help of channels and pipes.

(Question Put and Agreed to)

ADJOURNMENT

Hon. Speaker: Honorable Members, the House now stands adjourned until tomorrow 28th August, 2024 at 9.00 a. m.

The House rose at 3.35 p.m.