

**REPUBLIC OF KENYA**  
**COUNTY ASSEMBLY OF LAIKIPIA**  
**THE HANSARD**

**Wednesday, 26<sup>th</sup> August, 2020**

*The House met at the Assembly Chambers at 9.00 a.m.*

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

**PRAYERS**

**NOTICE OF MOTION**

INVENTORY OF HOLDING GROUNDS AND COMMUNITY LAND

**Hon. Peter Matunge:** Mr. Speaker, Sir, I beg to give notice of the following motion;

THAT, AWARE THAT county planning and development including land survey and mapping and that agriculture, including crops and animal husbandry, livestock sale yards, county abattoirs, plant and animal disease control and fisheries are functions of the County Government as stipulated in Part 2 of the Constitution of Kenya 2010;

FURTHER AWARE THAT Article 67(2) (a) stipulates the National Land Commission is established in order to manage public land on behalf of the National and County Governments;

CONCERNED THAT there exists a number of a known and unknown holding grounds and livestock routes in the county which might have been acquired by private developers or any other entity;

NOTING THAT good infrastructure (roads, livestock holding grounds, stock routes for livestock, outspans, livestock sale yards, slaughter houses, abattoirs, collection centres, cooling facilities, marketing information systems, tanneries and processing plants) ensures efficient market and trade performance and positively affects producer prices;

This House urges the County Government to;

1. Prepare an inventory of all holding grounds and their status of existence
2. Prepare an inventory of livestock routes and their status if they are available for public use

3. Ensure protection of holding grounds, outspans, and livestock stock routes and develop strategies for economic utilization
4. Create awareness of the community land act 2016 to the community in order for them to understand what is required of them

Thank you

**Speaker:** Hon. Robert Maina and Hon. Catherine are somehow not observing the guidelines of MOH as far as COVID-19 is concerned. I believe what we made clear last time is that any Member on a first come basis can sit anywhere for the marked seats apart from the seats for the Leader of Majority, Leader of Minority, the Deputy Speaker and the Members of the Speaker's Panel that are permanently marked. The entire Assembly, so that we do not have Members who are seen to be on the other side and others on this side, if someone came earlier and said I will sit where Hon. Kanyutu sits there is no seat earmarked for that Hon. Member. It is on a first come first serve basis so I hope Members do remember that. Hon. Maina, you have something to say. I found that Hon. Maina had to leave the seat and go elsewhere and I wanted to say that for us Members, we changed that. There is a time that we said that this place is for this Hon. Member and that is for that Hon. Member. We changed that and said whoever comes first you can easily and quickly sit apart from the permanently designated seats that have got permanent tags.

**Hon. Daniel Nyausi:** Thank you, Hon. Speaker. I think we agree on that, then probably we need to remove those papers written on the chairs of names of Members so that they can be free to sit where they feel as long as they are the first persons to get into the chamber.

**Speaker:** Yes, in fact what should happen would be that we remove all those tags written the names of people and have a permanent tag for Deputy Speaker. Of course, the center one instead of Majority Whip it can be Majority Leader then the other one will be the Majority whip, the one for the Speaker's panel there. The first row here will have the Leader of Minority then the Speaker's Panel. Those are three Members of the Speaker's panel; then we must allow the other one that Hon. Nyawira has still for the Speaker's Panel. I think that is quite okay for the Assembly leadership. The rest anyone can sit wherever without any order. I think that is okay.

## STATEMENTS

**Hon. Stephen Ndiritu:** Asante Bwana Spika. Niko na taarifa ninafaa kutoa leo lakini kabla sijasoma hii nimesikia vile umetangaza. Ninataka kusema ya kwamba Korona iko na mahali ninaketi ninafikiria ningetaka kukaa na ulinzi wa kutosha kwa sababu tumeambiwa na MOH kwamba Korona inaweza kukaa mahali kwa siku kumi na nne. Kama Mheshimiwa Robert atatoka pale aje hapa na huenda ametoka Kaunti ya Nairobi ambapo Korona imesambaa, huenda mimi mwenyewe nikagonjekea hapa kwa hivyo ningekosa kuungana na naibu...

**Hon. Robert Maina:** Mheshimiwa Spika ninataka kumkosoa Mheshimiwa wa Thingithu. Mheshimiwa Robert ametoka Kaunti ya Laikipia na anakaa Ngobit. Huko Nairobi ananiambia na

tuko kwa kumbukumbu ya Bunge aseme ni wapi na anipeleke. Mtu anaongea kulingana na vile anavyojua sio kupayuka maneno. Amesema nimetoka Kaunti gani? Nimetoka Ngobit na asirudie hilo tena.

**Hon. Stephen Ndiritu:** Asante Bwana Spika. Kwa ajili ya kumbukumbu na kuweka mambo wazi na kwa kuwa Mheshimiwa Robert ni kiongozi amechaguliwa Ngobit nilikuwa ninasema hivyo kwa sababu ninajua yuko na nyumba huko. Mimi ni shahidi, yuko na nyumba Nairobi lakini yeye ni mwakilishi wa wadi ya Ngobit. Huenda wakati anatembea Nairobi kwa hiyo nyumba yake...

**Hon. Joseph Kiguru:** Okay, I think Mr. Speaker Sir, I want to agree with Hon. Ndiritu that this issue of where and when to sit created more confusion than order. I am a hundred percent sure through your Chair should leave this thing about sitting pattern for Members please. That is my plea please because since you said that there was order in this House, separation will arise and I do not have an issue with that but it is good that a Member sits where he is used to because someone will sleep wherever they will and come and infect you with Corona. Sit wherever you are seated, this place is secured and I pray for it. I will not go and sit where it has not been prayed for. I will sit here because there is no Corona here or around me. Someone else will come from wherever they come from with their evil spirits and bring to you in your seat. There is no changing the sitting arrangement.

**Hon. Robert Maina:** Bwana Spika, unajua watu wengine wanajifanya hapa ni kama wametoka Mbinguni. Hakuna mahali huwezi kupata Korona. Kama wewe ni askofu, kasisi ama unaitwa nani Korona inaweza kushika kila mtu na imejaa hapa Nanyuki. Mtu anaweza kutoka hapa asubuhi aende katika kituo cha magari na atuletee Korona. Kwa hivyo tusijifanye watakatifu sana na hatuwezi kugonjeka. Tulikuwa kwa hiki kikao na tukasema majina yatolewe. Majina yatolewe na ule mwelekeo umetoa ya hao viongozi kutoka Naibu wa Spika, kiongozi wa walio wengi, kiranja wa walio wengi na wale wa jopo la Spika ni sawa. Majina yatolewe kwa sababu hili Bunge silo la watu wa Igwamiti ama kule Kaskazini.

Jambo lingine ni kuwa katika Bunge hili kunao watu walio na nyumba Nakuru, Nairobi na wengine kule Kaskazini. Hii hoja ya nyumba inatokea wapi? Amekosa nidhamu! Hatuwezi kuja hapa kuongea matope, mtu aongee kile kitu kilichomleta hapa. Mambo ya mtu kuwa na nyumba Meru ama kwingine hayaibuki hapa. Tuwache huu mchezo wa kuchezeana hapa. Asante.

**Hon. Irene Wachuka John:** Asante Mheshimiwa Spika. Nilikuwa nimetoka kidogo lakini wiki iliyopita ulinena mambo ya viti na mahali mtu anaketi. Nikiingia leo mapema na kukuta mahali Mheshimiwa Ndiritu ameketi hayuko na niketi hapo hakuna shida. Tusilete kama siasa hapa ama mambo mengine. Sisi ni viongozi na mambo mengine siyo mazuri kuongea katika nyumba hii. Ni kama tunatafutana na tuko hapa kama nyumba yenye utaratibu. Kile kitu kimefanya niseme hivyo ni kwa kuwa ni vibaya sana watu wengine wanaonekana kama ndio kusema hapa. Hata kama niliingilia choo ama dirisha nililetwa kwa hii nyumba na chama cha Jubilee. Niko hapa

kutetea Wanjiku wa wadi kumi na tano kama ongezeko la jinsia kwa hivyo nitasema kama umetoa amri kama Spika wa Bunge la Laikipia tutii sheria.

Hata nimemwuliza ndugu yangu hapa Mheshimiwa Matunge kesho nitarudi kwa kiti changu na hizi karatasi ziondolewe. Sitauliza mtu na nitaketi pale nikikuja. Mimi sio wa upinzani ili kila wakati ninachukua hiki kipaza sauti kama mwanafunzi. Sitafanya hivyo na kutoka kesho, sio leo saa nane, asubuhi nikiingia kwa hiki kiti sitatoka hadi siku itakayofuata. Ni kweli vile ulivyosema...

**Speaker:** For guidance Hon. Irene John, that seat is marked for the Speaker's Panel so you can only go to another but not that one marked for the Speaker's Panel, the Leader of Majority and Minority Leader. You will be contradicting yourself because you are saying there is no sitting place belonging to a specific person yet you are claiming that to be your seat. I think that would contradict what you are saying.

**Hon. Irene Wachuka John:** Asante Bwana Spika kwa kunionesha mwelekeo lakini wale watu walivipanga hivi kunaye mtu aliwaambia. Sasa hata hakuna Korona. Sijui mnasema Korona iko wapi? Hakuna katika jina la Yesu! Korona imeanza kuisha. Ninataka kusema hivi, Mheshimiwa Ndiritu nipe muda tafadhali, sisi tunaamini kunaye Mungu mbinguni na yule Mungu tunayemuomba anaona nchi yetu mahali iko. Sasa imeanza kuanguka chini na inamaanisha Mungu amesikia kilio chetu. Tunajua ifikapo mwisho wa Septemba hatutakuwa na Korona. Tunaendelea kumwomba Mwenyezi Mungu kwa hivyo ninataka kusema ni vyema tukiingia katika nyumba hii usidharau mwenzako. Kama kuna kitu umeona sicho kizuri subiri tuongee kwa utaratibu hata tumheshimu Rais wa Jamhuri ya Kenya. Tusiongee mambo mengine kama mimi niko na haja sana na Mheshimiwa Matunge. Hoja tuiweke kwa utaratibu na kama umesema hiki kimeandikwa kiongozi wa walio wengi na jopo la Spika sitakikalia lakini kama sio hivyo utuwekee vitu vyetu vya kuongea. Tusiwe kila wakati tukiinua mikono kama wanafunzi, kwa upande wangu sitakubali.

**Hon. Salma Zamzam:** Asante Bwana Spika kwa kunipa nafasi kuchangia ama kutilia mkazo vile dada yangu Mheshimiwa Irene, Mheshimiwa Robert na vile Mheshimiwa Chris Mark anavyotaka kusema. Tumesikia pale ndugu yangu Mheshimiwa Ndiritu, na unipe nafasi niweze kutilia mchango wangu, unasema mtu anatoka mahali ametoka. Hata wewe hatujui mahali unalala ni wapi. Hakuna mtu anajua...

**Hon. Stephen Ndiritu:** Mheshimiwa Spika ningependa mwongozo wako. Ninafikiria Mheshimiwa Kiguru alisimama katika hoja ya nidhamu na ni mimi nilikuwa nikiendelea. Ninaona sasa kumeanza kuwa na michango ilhali ni mimi nilikuwa nikiendelea na haya mambo ya taarifa. Mheshimiwa Kiguru alisimama katika hoja ya nidhamu. Sasa ninaona ni kama hawa watu wako na nia ya kuvuruga hii biashara yangu kwa sababu ilikuwa hoja ya nidhamu. Ninataka mwongozo wako kwa maana tuko kwa biashara.

**Speaker:** Hon. Ndiritu, I will give you time. It is good for Members to express themselves on this sitting issue then I will be able to give directive and you will continue.

**Hon. Salma Zamzam:** Bwana Spika, umeweza kutuambia ya kwamba mahali palipotengwa pa Kiongozi wa Walio Wengi na Speaker's Panel hatuwezi keti lakini tuko na haki ya kuketi hizi viti vingine kwa sababu hauwezi shinda kuinua hiki kipasa sauti kila wakati. Mpaka kuna wakati mwingine hautaki kuchangia mswada. Hata wewe mwenyewe huwa haunioni nikiinua mkono na leo tu ndio umeniona na sasa imebidi niwe nikikaa nyuma. Kusema ukweli niko lakini ukiangalia hapa nilikuwa na Mugweru lakini naona alihamu.

Bwana Spika, sisi sote ni Wajumbe na sote ni waakilishi katika hili Bunge na kwa hivyo hakuna kubagua ama kugandamisha wengine. Ukiwa kiongozi wa Bunge fanya ukweli na haki hata mbele ya Mungu na kwa hivyo kugandamizana tuache nje. Asanteni.

**Hon. Chris Mark:** Thank you, Mr. Speaker. I just wanted to put my two sense into this matter. It is good that you have clarified that the seats which have been written certain leadership positions should retain that way. I heard someone say that this corona can stay for 14 days. I don't know because that one worries me. I thought that this House is fumigated every day when we leave here and that one should be brought out clearly so that we may know. You know Corona is not about where you sit but it is also in the environment. If it is fumigated at the end of every sitting in the evening then it does not matter about the new day because you can sit anywhere and that corona will not be there.

The other issue that should be an eye opener is that when certain arrangements are made into this House, even how it was arrived at should always be brought to people so that they may understand. Apart from the leadership position, these other people never knew how it was arrived at. That is why my sister Zamzam there who is already marginalized from the community she comes from and even after coming into this House she feels more marginalized because she is put near the door. Maybe if there was an explanation she wouldn't be feeling marginalized.

Mr. Speaker, I know that there is a looming recess. I hope that when recess comes, I am comfortable wherever I am and maybe it is these gadgets that should be placed everywhere and Members will feel comfortable. I hope that in those two weeks recess because we were told that such a thing requires time to fix, it will be sorted then and we can be having our sittings without getting out of the agenda of the House and start debating about seats. Thank you.

**Hon. Daniel Mugweru:** Thank you, Mr. Speaker. I came a little bit late and I don't know whether it is a motion going on but I remembered once upon a time when Hon. Raila was complaining that there was no carpet, toilet, etc. It is quite unfortunate that in the House of order where people are elected to represent people, we are discussing seating arrangements. I really don't understand and you should give guidance on this. No matter where I seat I am in this House to represent my people and the position I seat does not show how well I represent my people.

When I seat there I represent my people and when I seat here I still represent my people. It is very unfortunate that we are taking a lot of time in discussing order of seating. I don't understand whether it is a motion and I am even failing to understand how I should deliberate. I thought that

Hon. Kagundu is responding to the motion and it is really confusing. It is unfortunate that somebody who is elected or nominated comes to this House to discuss on where to seat and when to seat. Thank you.

**Speaker:** You want to speak on the same?

**Hon. Stephen Ndiritu:** Bwana Spika, kabla utupatie mwelekeo wa hayo mambo kwa sababu ni mimi nilikuwa nimetaja, ningependekeza ya kwamba wakati utakuwa ukitupatia mwelekeo uweze kuelewa mambo kadhaa. Jambo la kwanza ni kwamba kama shida ni hiki kipasa sauti ambacho kiko mahali ambapo nimekaa na kinaonekana kama kina usasa mwingi, nitakuwa sawa kama nitapatiwa ile ingine hata kama hii natumia itazimwa kwa sababu mimi nikiwa hapa naamini ya kwamba nitatetea watu wa Thingithu nikiwa hapa au pale.

Ningetaka kusema ya kwamba wakati Gavana alikuwa hapa wakati wa bajeti, mimi nilimpeleka kabisa na nikatetea watu wangu wa Thingithu nikiwa huku mwisho na yale yote niliweza kuongea ilisikika. Kama ni mambo ya kukaa pande ile ama ile ingine hiyo sio jambo ambalo tunafaa kuongea. Mimi wacha nikae hapa kwa sababu niko sawa na hata nikija kesho na wawe wamepiga dawa nitakuwa na imani ya kwamba niko sawa.

Jambo lingine ni kwamba sisi zote tunajua ya kwamba kuna Korona na iko kila mahali. Wacheni tuache kusema ya kwamba hakuna korona. Sasa hivi ninaona kila Mjumbe hapa amevalia barakoa kwa sababu kuna Korona. Kama hata matatu ambazo zinabeba abiria zinapanga watu, hata sasa hivi tuko sawa na mpangilio katika Bunge na tuendeleo kukaa hivyo tukitetea watu wetu na pia Naibu wa Spika akae hapa. Yeye nimesikia akitaja ya kwamba kiti chake kiko sawa na kwa hivyo hakuna mtu ambaye atakalia. Yangu nikija na nipate mtu mwingine amekalia na labda naweza kuwa na korona, mwingine anaweza kupata Korona. Bwana Spika, hayo ni mambo ambayo unafaa kuangalia na kujua ya kwamba kuna Korona. Asante.

### CONSIDERED RULING

**Speaker:** Thank you, very much Members. You must know that human beings are also territorial beings. I remember many years ago while travelling in a *matatu* and I sat on the front seat just next to the window and somebody else came and wanted to push me next to the driver so that I could seat between him and the driver. I told him that I had come so early so that I could seat there. So the person had to wait for the next vehicle because he felt that he could not seat elsewhere. So I think that we are territorial and there is where you feel comfortable.

Today as we speak, before COVID-19 came we all chose places to seat and you felt that you are comfortable to seat there and you marked it as your territory without any law apart from the ones marked for the leadership. Now that COVID-19 came we have to observe social distance and extend to the other side and the Serjeant at Arms marked those seats for various Members.



I would like us to go the way that the National Assembly and the Senate does it where the seats are marked ‘Sit Here’ apart from the seats marked for the leadership. Standing Order No. 230 guides us on the same and I quote;

1. There shall be reserved seats in the Chamber of the Assembly for the exclusive use of the following-;
  - The Deputy Speaker
  - The Leader of the Majority Party
  - The Leader of the Minority Party
    - Members with disabilities
  - Members of the Speaker’s Panel
  - Majority Whip and
  - Minority Whip.
2. All other seats in the Chamber shall be available for the use of any other Member.
3. Subject to this Standing Order and any other order of the Assembly, any question relating to the occupation of seats in the Chamber shall be determined by the Speaker.

My determination comes because you cannot seat without observing social distance and therefore the ruling I give is that let the Serjeant at Arms marks the seats not by the names of the Hon. Members but with the names ‘Sit Here’. Mark the seats for the Speakers Panel and other leadership positions and then the others will be on a first come, first served basis and then I believe that you can occupy any other seat.

As Hon. Chris raised about the fumigation of the Chamber, we usually fumigate on weekends so that when we come the following week we find the Chamber fumigated. My advice as we said the last time is, when you come to the Chamber and occupy a particular seat then you can be able to occupy it until the day is over and that way we will be observing the MOH guidelines. Thank you, so much Members and kindly observe that. Hon. Ndiritu, you may continue with the statement and not going back to the issues of seating arrangement.

**Hon. Stephen Ndiritu:** Asante, Bwana Spika, kwa sababu ya umoja wa Bunge hili ili niweze kuendesha huu ujumbe ningetaka kuliza kupitia kwako ya kwamba *Serjeant at Arms* aweze kunipatia kile kipaza sauti niweze kuongea nayo kwa niaba ya umoja.

**Speaker:** Hon. Ndiritu, we are observing the COVID-19 guidelines and I think that that mic will be used by another Member. Just use yours and then we can continue.

**Hon. Stephen Ndiritu:** Asante, Bwana Spika. Nafikiria kuna makelele kidogo...

**Hon. Robert Maina:** Mheshimiwa Spika, hakuna haja unyime Mheshimiwa Kagundu lile jambo ameomba. Juu ile kitu tunatumia kwa sababu ya wale watu walio upande ule, ni vizuri aweze kuhama hapo na aende pale ili aongee akiwa pale. Asante.

**Speaker:** I think Hon. Ndiritu you are well advised. There is a time I also saw you make a contribution in front here and you can as well make it from another seat but because of time I wish you can continue from wherever you are.

**Hon. Stephen Ndiritu:** Bwana Spika, ningeomba tu unipatie nafasi niende pale ili niweze kutoa hii...

**Speaker:** You are free to do so.

**Hon. Stephen Ndiritu:** Asante, Bwana Spika. Nafikiri hata hapa niko sawa na hata Wajumbe walio pande hii tuko pamoja na tutashirikiana hadi dakika ya mwisho.

Mr. Speaker, Sir, the attached statement was read on the floor of this House by Hon. George Karuiru on 26<sup>th</sup> November, 2019 and committed to the Trade, Tourism and Cooperatives Committee on the same day. The committee wrote to the CECM Trade, Tourism and Cooperatives on 27<sup>th</sup> November, 2019 vide REF: CGL/ CA/CM/ 002/009 requesting for detailed response on the issue raised on or before December, 2019 but none has been received. It is in the view of above that the committee is requesting for extension of time in order to table a response once the CECM responds. Thank you.

**Speaker:** Hon. Ndiritu, how much more time are you asking for?

**Hon. Stephen Ndiritu:** Mr. Speaker, I am requesting for two weeks so that I can bring the statement in this House.

**Speaker:** So you will respond immediately after we come from recess?

**Hon. Stephen Ndiritu:** Yes and thank you Mr. Speaker.

**Speaker:** It will be on a Wednesday and therefore table clerks just mark that.

## MOTION

### HOLDING GROUNDS AND COMMUNITY LAND

**Hon. Peter Matunge:** Mr. Speaker, Sir, I beg to move the following motion;

THAT AWARE THAT County Planning and development, including land survey and mapping and that Agriculture, including crop and animal husbandry, livestock sale yards, county abattoirs, plant and animal disease control and fisheries are functions of County Government as stipulated in Part 2 of the Constitution of Kenya, 2010.



FURTHER AWARE THAT Article 67 (2) (a) stipulates that the National Land Commission is established in order to manage public land on behalf of the National and County Governments;

CONCERNED THAT there exist a number of known and unknown holding grounds and livestock stock routes in the county which might be acquired by private developers or any other entity;

NOTING THAT good infrastructure (roads, livestock holding grounds, stock routes for livestock, outspans, livestock sale yards, slaughter houses, abattoirs, collection centres, cooling facilities, marketing information systems, tanneries and processing plants) ensures efficient market and trade performance and positively affects producer prices;

This House URGES the County Government to prepare an inventory of all holding grounds and their status of existence;

1. Prepare an inventory of livestock routes and their status if they are available for public use.
2. Ensure protection of holding grounds, outspans and livestock stock routes and develop strategies for their economic utilization.
3. Create awareness of the community land Act, 2016 to the community in order for them to understand what is required of them.

*(The Speaker left the Chair)*

*(Deputy Speaker took the Chair)*

Thank you, Mr. Speaker. I can see that Hon. Maina is very happy. The spirit of this motion is that we know the kind of county we are living in. It is a county that has been cut by half because of the existence of large private ranches all the way from the border of Meru, Isiolo to the border of Baringo on the other far west part of this county.

Mr. Speaker, this situation has been existence since colonial times. The Northern, Eastern and Western parts of the county need to be connected and therefore these things we call the stock routes and holding grounds were established because Laikipia is a county that thrives on livestock economy. This is one of the reasons why these big ranches are still existence in Laikipia because they continue doing the livestock market.

The livestock economy is even bigger more than 15 times bigger than the maize market or the maize economy in this country. If it is bigger all across the country the same thing is bigger in Laikipia. This is one thing and one of the economies that we need to support. Laikipia has more than fifty holding grounds and there are several stock routes that connect and enable and facilitate this market to be moving across this county.

Up to date Mr. Speaker, we do not know where those stock routes are, where those holding grounds are and they are not available for the public use or the purpose they were set to be used for. If today you want to go to move your animals to Doldol through Oljogi, you have to move through the road.

If you want to move all the way from Mukogodo West all the way to Rumuruti, you have to follow the public road which is a very long route. A route that may take you more time than using what was set aside as stock route and holding grounds and we know all these holding grounds have been grabbed by bigger private developers in this county.

This has continued to marginalise and to kill the livestock market. If you go along that road today, you will see they have even set barriers. What they call the wildlife corridor setting barriers. When you go there you have to request to be opened for by those ranchers for you to go through a public road. You need to acquire a chief's letter or acquire a permit. All those are signs of colonisation continuing in Laikipia.

Mr. Speaker, these are the things sometimes people ask ourselves, did we really acquire independence in Laikipia? If you still are required for you to move and then still you are answerable to those private or the people calling themselves big ranchers in this county, are we still independent? The reason why there was a barrier along that road is for you to produce a *Kipande*. For you to be allowed to come to this upper side of the country and there are still those systems.

Mr. Speaker, I think most of us have seen an incident that was circulating in social media very recently. One of the persons in Laikipia by the name Dr. Mordecai who is a lead conservationist was threatened by those ranchers. I am happy because he addressed that issue until the C.S for Tourism and Wildlife had to apologise and order for an action to be taken against those who are threatening the people of Laikipia. We have rights as people of Laikipia to enjoy what is in this County.

I am also happy because that person has taken those people to court and they are now fighting justice in those courts. Laikipia had a population of about 189,000 heads of cattle and about more than a million heads of sheep and goats. This is what is supporting the economy and we need to facilitate these people to access market. We need to facilitate these people to access consumers.

The price of meat in this town is high because the market is not being facilitated. The price for you to produce an animal today is very high. You need to put a lot of input for you to be able to have this animal ready for market. If these infrastructures are not available for the people to use, then we are not doing justice to the people of this great county of Laikipia.

Mr. Speaker, the constitution of Kenya created three sets of land ownership. The public land, private land and community land. The parliament of Kenya enacted a law called the *Community Land Act 2016*. This was to facilitate the communities to acquire and own a land with

titles that are as equal as to any other land tenure system in this country. That law had a number of requirements for the community to do.

*(Hon. Deputy Speaker [Daniel Nyausi] left the chair)*

*(Temporary Speaker [Hon. Catherine Nyawira] took the chair)*

There were a lot of issues for transition from the existence of the representative act. Since then, very few communities were able to transit. Less than one per cent was able to transit from the previous system to the current act system of ownership. As a county that is able to care for its people, we need to be able to educate them and facilitate them. This should enable them transit successfully like other offices are doing in other counties Mr. Speaker. These processes are being lent...Sorry I had not seen the changes that had happened from the chair.

Madam Speaker, these are the changes that these communities need to be educated on and to be facilitated for them to be able to transit in a very successful way for all of them to acquire titles, and be able to register membership. We know land is a factor of production. Without land you cannot be able to produce. Without ownership of land, you cannot be able to say this is where I can be able to invest for my people and future generations. Land is a factor of production and economy.

Madam Speaker, without land and which is actually affecting this county, we cannot be able to progress. We are economically free from what is happening around here. With those few remarks, I wish to request my friend from Salama to second this motion, thank you.

**Hon. Wilson Wakahiu:** Thank you, Madam Speaker. I wish to second this motion as moved by Hon. Matunge. For sure there are very many holding grounds or some other public lands that are idle and that one has exposed them to be grabbed. Maybe by the private investors, or the big men, maybe the government or in the previous government as well as some people living on this land as squatters. As I second this I believe it is very true we have these lands, holding grounds and in one way or the other have been maybe grabbed as I have said.

Laikipia being one of the counties where livestock production is very favourable I think it is the high time that the government comes up with an inventory. Also make sure that all those holding grounds are well managed as well as being utilised by the public because they belong to the people of Laikipia. I remember one time, there is one holding ground or outspan in my area. We have been using it as a bowl pit for murrum.

Madam Speaker, that has rendered it to be known as a government land. I remember one day when we were taking murrum out of the pit. One of the private investors came to us and tended to believe that the farm belonged to him. I stood my position and told the person that we meet in Nanyuki the land office. We be clear and know whether the land belongs to that particular person or it is a holding ground.

Having seen we were very serious with that, the person has never come back to that land again. It is known it is a holding ground that has not been utilised and people usually take advantage of such lands. I believe with the reopening and revival of Kenya Railways; the metre gauge railway we are opening Laikipia to markets. Maybe abroad or to the other counties like Nairobi and all that.

Laikipia being one of the areas where livestock production or the beef industry is an economic activity, I believe it is high chance we come up and know where those holding grounds are. Particularly in towns like Nanyuki, Nyahururu because I know they are there in Nyahururu and also in Rumuruti. I believe that one will open our county to more markets in some other areas maybe even globally. Madam Speaker, I beg to second.

*(Question proposed)*

**Hon. Simon Kanyutu:** Thank you, Madam Speaker. I stand to contribute on this motion. It is a good one because the mover has stated very clearly. We need an inventory but in some instances the inventories are in order. In some areas, these holding grounds have been stagnating without any activity on going. Fortunately, I am sure I have one in my area.

Madam Speaker, what happened is my people decided to utilise it. I am happy with the progress because it is a public land and the public is utilising it. At this moment as we speak, because there were no animals that were using that field the amount of maize that will come from that holding ground is one of the excellence. I am sure the people who are farming there know it is government land. Nobody can subdivide it but they are utilising it.

Prior to that Madam Speaker, that same piece of land was a calamity in our area. It was a disaster because cattle rustling used to happen within that vicinity. They used to hibernate there, the cattle rustlers kept the animals. After they steal the animals from our farms, they would keep the animals there. Since it started being utilised, because it is just next to the forest, to date this issue of cattle rustling and animal stealing has ceased. I am very happy with the motion because it will be able to have that inventory.

The area will be protected from grabbing but should not be protected from production. It is bringing resources to our economy. I am happy on my part with people who are utilising it. I really appreciate. Unlike what the mover has stated, there are people who are even blocking the locals from accessing it. In our area, the holding grounds have been properly utilised.

I would wish even when we are putting the inventory, we should not evict those who are properly utilising it. Those who are misusing it and prohibiting locals from utilising it, they should be kept away from it. Madam Speaker, I support.

**Hon. Daniel Nyausi:** Thank you, Madam Speaker for giving me this chance to contribute to this motion brought to the floor of this House by Hon. Matunge. It is a good motion and it will

help our people. Madam Speaker, some decisions when they are made and then you come to reverse them it will definitely have some consequences.

I do not think it is right for us to keep on reversing decisions each and every time a new government comes in. We are destabilising the people who are in these areas. For example, in my area we have got some holding grounds that have been given to the locals in the previous county government and this one has invested money in those holding grounds. It has been converted into something else.

When we came to this House and we still think that land needs to be reversed to the very original decision, we will not be making the right decision in this House. It is true if we have some holding grounds held by individuals or they are not allowing the public to access those public lands in the huge piece of land that is wrong. This motion in the first place, wants the Executive to come clear with how many numbers of holding grounds we have.

It is my expectation that such that have been given by the previous governments to the locals that will not be part of these holding grounds now.

This is simply because they have been given out and those people have their own titles. If when that list comes to the Floor of this House bears the names of those very old ones, it is then not the right way to go. We cannot keep on displacing our people now and then. I was obviously not in a leadership position when those holding grounds were given by the people. I have to agree that there was a need to do that at that time. We have a few examples, that at that time most of these holding grounds were more for livestock movement.

Let us admit today that we have got changes in the government. At that time, we had only one government but today we have 47 County Governments that are run independently from each other. That cycle was all the way from Isiolo to Nanyuki whereby we had the railway particularly transporting those animals to Nairobi.

Laikipia is independent as a County Government by its role. The same to Isiolo and others. The few examples of holding grounds that I am speaking about, and I really do not support if we will be revoking such, is the one like Timau. Half of Timau is a holding ground. If we come here and say let us reverse to the original plan, we will cause a lot of commotion to people.

People have already developed those plots. A lot of demarcations and all the stuff. We will be disturbing our people. If we go to Ngare Ndare, half of it was a holding ground. That was officially given by the then President Moi. If we go back and try to reverse such, it will not help us. I think we need to be categorised that...

**Temporary Speaker (Hon. Catherine Nyawira):** Hon. Matunge, you are the mover of this motion and your time to give a response will come. I beg that you wait for that time.

**Hon. Daniel Nyausi:** Thank you, Madam Speaker. I think that I totally agree 100 per cent on getting those holding grounds from private hands. Let us not try to ask them to reverse that

decision on the one that has been given by the government. This is because that will have more consequences than what we think it will bring. I totally agree for those that are on private hands 100 per cent. Let us go for that.

Madam Speaker, I beg to stop there. It is true and I am eagerly waiting for the point number one on the preparation of inventory on holding grounds. My expectation will be that the ones given by the previous governments will not appear in the list of holding grounds today. Thank you, Madam Speaker for this time.

**Hon. Robert Maina:** Asante, Bi. Spika. Nimesimama kuunga mkono mjadala huu ambao umeletwa na Mheshimiwa Matunge na haswa kumpongeza. Tulikuwa na yeye hapa nje na ukaona Wakili wa Serikali ya Laikipia ameniletea barua kutokana na wale mabwanyenye waliovamia mashamba ya watu wa Laikipia. Mashamba yaliyokuwa yametengwa yawe soko, stegi na mengine.

Nataka niseme ya kwamba kuna sheria katika Kenya. Mheshimiwa Kanyutu ameenda, lakini nataka niseme kuwa hatusemi wale wafanyikazi ama wakulima waliochukua mashamba ya serikali wafurushwe. Kuna sheria na mambo ya kukodisha. Huku kuna *ranchers* walio katika yale mashamba ya kukodisha. Kama kuna mashamba ya kulima na nyinyi ni wenyeji na mnataka yale mashamba basi mtumie utaratibu. Mje kwa serikali, mfuate sheria na mpatiwe barua ya kukodisha kwa miaka mbili, tano ama kumi.

Ikifikapo kiwango cha serikali kuhitaji lile shamba unafaa kuondoka pale. Nasema hivyo kwa sababu tunapoongea na wewe Bi. Spika, niliombea watu wa wadi yangu pale makutano. Kila mtu anajua na huwa mnapitia hapo. Hilo shamba ni ekari kumi na saba. Lilitengwa hapo liwe soko ambapo watu wa Ngobit wanafaa kuenda pale, walete mazao na wauzie hapo.

Wakati nilitenga pesa za kuweka ua kwa soko na stegi ili kina mama wauzie vyakula vyao hapo na pia vijana waingie katika ile stegi waweze kujimudu kimaisha, kuna mabwanyenye ambao wame *encroach* lile eneo na kujenga nyumba. Saa hii tunavyoongea na wewe, Idara ya Biashara wametuma *contractor* hapo ili ajenge stegi na soko lakini wale mabwanyenye wanawakataza kujenga.

Hili ni jambo linalofaa kuchukuliwa kwa undani sana na litiliwe nguvu zaidi. Ni sawa tu kuwa nimepewa barua na wakili ya kwamba hilo shamba ni la serikali na limetengwa kuwa soko. Hivyo basi mimi kama Mheshimiwa wa eneo la Ngobit naweza fuatilia na nimefuatilia. Hata Nimeweza kuwapa pesa ya kuweka ua ili waweze kufanyia kazi hapo. Tutumie sheria. Mashamba ambayo yametengewa soko na nini, yako lakini tufuate sheria. Mpitie kwa serikali na mpewe idhini ili muweze kuingia katika hilo shamba. Napongeza Mheshimiwa Matunge. Asante.

**Temporary Speaker (Hon. Catherine Nyawira):** The mover to reply.

**Hon. Peter Matunge:** Thank you, Madam Speaker. I thank the Hon. Members who have made their contribution to this motion. I want to make some clarification on one thing. This is what



I wanted to tell Hon. Nyausi that there is nowhere in this motion that says if a holding ground has been converted to a community land then it be converted back to a holding ground. There is nowhere I have stated that.

Hon. Wakahiu who has seconded the motion has stated that the opening of the railway will support the economy in essence in this county. We know that the reason Nanyuki was the *mwisho wa reli* is because it was the source of beef markets in Nanyuki in this country all way to Tana River and KMC. The coming back of this railway will again revive that economy.

Today, what we are saying in this motion is that we can then facilitate that market for the local communities and the people of Laikipia who are the small scale farmers or pastoralists to be able to enjoy that economy. Hon. Simon and Hon. Nyausi have stated that communities are using holding grounds. They know that the holding grounds are public lands.

The case of Marmanet, we know that land must be for production. If it is not for production it must then be put under production. If the then essence of having that holding ground is not in need, then there is a process on how to acquire that land and be converted back for the people to use. If that is not the case, that still stands a public land and there must be a process of doing the same.

The case of Mukogodo East that Hon. Nyausi has just said, Article 61 of the Constitution of Kenya classifies land under three categories. There is either a public land, private land or a community land. If the holding grounds were given to the community and I believe that the due process of law was followed, then that holding ground or that stock route was converted back to a community land in the due process of the law.

Why do we have a public land? A public land must be used for the public interest of the people of Laikipia or the people of this country. If a few people converted that land and the due process of the law was not followed, then that is neither a community land nor a private land. It still stands as a public land.

The constitution and the Act of the Parliament on the issue of the land gives the process on how to convert a community land to a public land, how to convert a public land to a community and how the government can acquire a private land. All this is given by the law.

The most important thing is that if the land is being used by the community for the best interest of the people of that area then that is the best thing on how we want that land to be used. I said when I started moving this motion that the spirit of this motion is because some parts of this county have been cut off.

My friend, Hon. Nyausi knows that the road he is doing all they from Chumvi to Arijiju is under the mercy of Borana Ranch. The Borana Ranch continues to gazette that land every year for the public to use. There is no access that is connecting that part of Chumvi, Timau and all the way to Arijiju. There is no road connecting that.

That is why the community by then did a consensus requesting the Ndaya family to give them to use that road. We are putting resources on that road which now depends on the goodwill of Michael Ndaya to continue gazettement that road every year for the public use. There were maps that went missing in this country. The other day our Excellency the Governor was saying that the railway line was not ending at *mwisho wa reli*. It goes all the way to Isiolo.

The highway that we are thinking of doing all the way from Kenol, through Nanyuki to connect to the northern part of the country does not go through Nanyuki. It goes around Nanyuki. It goes beyond Falcon Heights all the way to connect to Isiolo and Meru. That map went missing. The Governor is making a follow up on that map.

I believe that when there was a demarcation of this country or this county there were stock routes that were given to the communities to go and join this part of county to the other side of it. We know that there is a stock route that goes all the way to Ol Daiga. Today, the communities have to beg for them to be given a route to go through. That stock route has been closed by Ol Daiga. There was a very huge stock route between Nessoit and Ol Jogi but it has been fenced off.

The communities have to walk for more than three hours with their animals all the way from Doldol to Kimakandura when there was provision for them to have a day to stay there before moving to their next destination. If you want to buy cows and you do not have the ability to put them on a lorry, you drive them along the road. There is a provision for them to stay for a day between Nessoit and Ol Jogi.

There is a stock route in El Kalama on your way to Laikipia West. There is a holding ground that has been grabbed by these private big ranchers. Yes, there was an agreement by the government for those used by the community locals. That was fine. The motion clearly says that these stock routes are available for public use. If the government knows that this is used for public, then that is very much okay.

This is because the government of the day has agreed with the communities and have got to an agreement. They have either leased for use or that they converted back and that is fine. Those that have been closed and are not accessible for the public to use are then killing our livestock market. Those are ones we are saying that we need to do and revive. We need to have them available for the public to use.

We have the Act of Parliament on community land and we need all this to be facilitated for the communities to be educated. I appreciate the Hon. Members who have made their contributions. Madam Speaker, I urge the Hon. Members to support the motion.

*(Question put and agreed to)*

### ADJOURNMENT

**Temporary Speaker (Hon. Catherine Nyawira):** This House now stands adjourned until later today Wednesday, 26<sup>th</sup> August, 2020 at 2.30 p.m.

The House rose at 10.10 a.m.