

COUNTY ASSEMBLY OF SAMBURU



THE HANSARD

Tuesday, 2nd June, 2020

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

Temporary Speaker, (Hon. Doris Lenkirasi) in the Chair

PRAYER

Communication from the Chair

Temporary Speaker, (Hon. Doris Lenkirasi): Hon. Members, due to the notice that was given by the Speaker during our last sitting last Tuesday, we will have a special sitting tomorrow to deliberate on the report of the Committee on Appointment on the vetting County Executive Committee Member nominee for Culture, Gender, Social Services, Sports and Youth Affairs.

Notices of Motion

Specially Elected Member, (Hon. Elizabeth Kalapata): Thank you Hon. Speaker. Hon. Speaker, I beg to give notice of the following motion, **THAT**, pursuant to Standing Order No. 46(4), the County Assembly approves the report of the Committee on Appointment on the vetting of the County Executive Committee Member nominee for Culture, Gender, Social Services, Sports and Youth Affairs. Thank you Hon. Speaker. I beg Hon. Lempei to second the motion.

(Hon. Lempei bows in support of the motion)

Questions and Statements

Temporary Speaker, (Hon. Doris Lenkirasi): Hon. Members, we had several statements sought by the Members. We have a response for statement from the Chairperson on Tourism, Trade and Cooperative Development regarding Baragoi conservation area as sought by Hon. Elizabeth Kalapata. Chair Tourism. Vice/Chair? Any Member of the Committee?

Hon. Paul Leshimpiro: Thank you Hon. Madam Speaker. Hon. Speaker, it just happened that the two, the Chair of the Committee and Vice Chair are not in the House. And we are not aware whether that statement has been availed in the House. In the event it is within the House, then we can present it tomorrow in that Special Sitting or in the next sitting on Tuesday.

MCA Elbarta Ward, (Hon. Peter Lempei): Madam Speaker, I rise again just as I did the previous week to affirm the authority of this House. Madam Speaker, this House is consistently getting ignored in terms of its authority, in terms of its timeline, in terms of its instruction.

Madam Speaker, what shocks me is the Member of that Committee is not actually even aware that there is a statement that was sought by Hon. Kalapata. But he has gone ahead to confirm he will be ready with the statement which he has not even read, which he is not even aware that an undertaking will be brought tomorrow in response. Further, he has just alluded in the event it is not ready tomorrow, he will bring it fought the coming Tuesday. That is a cavalier way of looking at the seriousness of this House. Indeed, it is just a response in futility.

Madam Speaker, for this House to be known that it has authority and the Hon. Member to be respected when he has sought information that is crucial, it is essential that this House affirms itself. The Chair of Budget should have made an undertaking that the statement was not ready and therefore send one of his Members to come and respond that the statement is not ready. But when an undertaking has just been taken by a Member of that Committee, suppose as the Chair I do not instruct one of my Members to go and give an explanation to the House that indeed this will be ready so that we have proceedings. Then surely a response from a Member in a cavalier way cannot just be taken seriously by this House.

Last week, we came up with serious Statements and we referred you to all aspects of law with which this House can re-affirm itself. I respect the Hon. Member when he says he will respond to the Statement tomorrow but in the event it will not be so, I request the House to put its authority forward so that the Executive and the Committee understands the seriousness when a Member seeks information. I will rest my case there and wait for the Statement to come tomorrow as confirmed by the Member who is talking on behalf of the Committee, thank you.

MCA Ang'ata Nanyokie Ward, (Hon. Paul Leshimpiro): Thank you Madam Speaker. I do not know if the Hon. Member had something substantial to say or he had to talk because it was necessary... *(interruption by Hon. Peter Lempei)*

MCA Elbarta Ward, (Hon. Peter Lempei): The Hon. Member is showing improper motive because if he did not get the sense of what I am saying... *(interruption by the Speaker)*

Temporary Speaker, (Hon. Stephanie Lanyasunya): I did not give you permission to speak.

(Hon. Lempei Sits down, Hon. Leshimpiro continues)

MCA Ang'ata Nanyokie Ward, (Hon. Paul Leshimpiro): Madam Speaker, if I heard you right, the Statement is available and I am also aware that the Statement was requested by Hon. Kalapata. Tomorrow being a special sitting, it means that it may not be possible to introduce other matters beside what has been proposed as the Notice of Motion for tomorrow. Then for that matter, that is why I am referring it to Tuesday at 2:30 pm if the Statement is here. But, if it is not here, it has to be brought another time, thank you.

Temporary Speaker, (Hon. Stephanie Lanyasunya): Hon. Leshimpiro, I advise you to check if the Statement is there and if it is not there, you should work on it on behalf of the Chair Tourism. There was also request for Statement from Leader of Majority concerning employment of village administrators sought by Hon. Paul Wonyang'.

MCA Waso Ward, (Hon. Paul Wonyang'): Hon. Speaker, pursuant to Standing Order No. 43 sub-section (2 c), I hereby request for a Statement from the Leader of Majority concerning employment of village administrators. Section 5 (1) of Samburu County Units Delineation Act, 2015 requires that each village unit be administered by a village administrator in accordance to section 52 of the County Government Act 2012.

Hon. Speaker, there are several villages across the county whose administrators were removed from office more than a year ago. Up to date, there vacancies have not been filled. In view of this, the chairperson should inquire into and report on:

1. The reason for delay in filling the vacancies of the village administrators in those villages
2. The plan if any that the county government has put in place in ensuring that those vacancies are not delayed any further
3. And finally what are the specific timelines of filling those positions.

We also have a Statement from the Chair of the Committee on Lands, Physical Planning and Urban Development regarding the conversion of the group ranches into community land sought by Hon. Paul Wonyang'.

MCA Elbarta Ward, (Hon. Peter Lempei): We have just had a conversation with Hon. Wonyang' and since he has so many Statements, he requested that I read them on his behalf with your permission.

Hon. Speaker, pursuant to Standing Order 43 sub-section (2 c), I hereby request for a Statement from the Committee on Lands, Physical Planning and Urban Development regarding the conversion of group ranches into community land. The Community Land's Act which was signed into law in September, 2016 is a progressive piece of legislation that provides a legal basis for the recognition. Protects registration of community land in Kenya. Hence, encourages the community to manage and administer their land themselves through by-laws.

Governance structure and the inclusion of all members of the community that have fulfilled registration requirements will be able to decide how their land is to be used and managed and by whom. Through this, they will be able to protect their community's greatest resources.

The Community Lands Act had timelines for all lands held under the Lands Group Ranches Representative Act Cap 287 laws of Kenya. The respective group representatives together with the communities they represent be registered as a community in accordance with the provisions of the Community Lands Act (CLA) 2016.

Hon. Speaker, most of the group ranches have not been registered afresh pursuant to the CLA in Samburu County despite the nearing of elapse of time limit as set out by regulation under the CLA.

Hon. Speaker, in view of this, the Chairperson should inquire into and report on:

1. What is the plan the department has on ensuring that the communities are assisted to register their lands pursuant to the Act?
2. Whether there is any community unregistered land within Samburu county and whether there is any national government registrar gazette to receive any new community land registration.

3. How is the department committed in ensuring support for the various community lands and what is the projected budgetary allocation for the Financial year 2020/2021?

Specially Elected MCA, (Hon. Stephanie Lanyasunya): Thank you Hon. Speaker, on behalf of the Committee on Land Physical Planning and Lands, I think this is a weighty statement that requires more time and research to be done by the Department and a well elaborated answer to be given. We therefore request for two more weeks. If it is okay with the House, the response will be ready on Tuesday 16th June, 2020.

MCA Elbarta Ward, (Hon. Peter Lempei): Thank Madam Speaker. Knowing Hon. Stephanie, aware of her records and commitments, I think two weeks will not be much to ask for given the weight of the matter, thank you Madam Speaker.

Temporary Speaker, (Hon. Doris Lenkirasi): It is agreed 16th June, 2020. There was also a request for a statement from the Chairperson *Adhoc* Committee on COVID 19 regarding the utilization of the monies allocated to combating the pandemic, sought by Hon. Eng. Paul Wonyang’.

MCA Waso Ward, (Hon. Paul Wonyang’): Thank you Madam Speaker, I want to take you back because we have not concluded on request for statements from the Majority Leader concerning the employment of village Administrators. I request that we conclude on that matter, thank you.

Temporary Speaker, (Hon. Doris Lenkirasi): Hon. Kalapata.

Specially Elected MCA, (Hon. Elizabeth Kalapata): Thank Hon. Speaker. I request for one more week so that we investigate this matter and report back to this House, thank you Hon. Speaker.

Temporary Speaker, (Hon. Doris Lenkirasi): That is next Tuesday?

Specially Elected MCA, (Hon. Elizabeth Kalapata): Yes.

MCA Elbarta Ward, (Hon. Peter Lempei): Hon. Speaker, we were consulting with Hon. Eng. Wonyang’ and I think he explained that there are somethings he needs to work on further on the

statement before he brings it before this House because looking at the aspect of formation of *Adhoc* Committee it is already taken care of.

The Hon. Member is requesting that we get a more elaborate statement response so that you give direction thereafter.

Temporary Speaker, (Hon. Doris Lenkirasi): So we do away with the response for the *Adhoc* Committee?

MCA Waso Ward, (Hon. Eng. Paul Wonyang’): Yes, Madam Speaker.

Temporary Speaker, (Hon. Doris Lenkirasi): Okay. There was also a statement request from the Chairperson Committee on Tourism, Trade and Enterprise Development regarding operationalization of the Samburu County Community Wildlife Act, 2019 sought by Hon. Eng. Paul Wonyang’.

MCA Waso Ward, (Hon. Paul Wonyang’): Madam Speaker, Pursuant to Standing Order 43 (2) (c) I hereby request for a statement from Chairperson Committee on Tourism, Trade and Enterprise Development regarding operationalization of the Samburu County Community Conservancies support fund, 2019.

Hon. Speaker, community wildlife conservancy is one of the approaches of decentralization of wildlife management and curbing bio-diversity and habitat lose at the livestock interphase environment. Further, conservancies present an avenue for restoration of degraded lands and improving pastoral livelihoods.

The region’s wildlife population now largely depends on conservation of habitat and migratory corridors on private and communally owned lands with competing land uses. Hon. Speaker, the Samburu Community Wildlife Conservancy Support Fund Act, 2019 was passed by the Assembly and accented to by the Governor around August 2019.

The spirit was to foster and strengthen conservation at the community level; this has failed to happen despite the County Assembly making such an important milestone in conservation

legislation. Those delegated with the power to operationalize the Act have been the main obstacle in making any progress towards better wildlife conservancy management.

Honourable Speaker, in view of this, the Chairperson should inquire into and report on;

- 1) The plans that the Department has in the operationalization of the Act.
- 2) The clear timelines on the establishment of new community wildlife conservancies pursuant to the Act.
- 3) Clear timelines on the establishment of the community wildlife support fund board as proposed in the Act.
- 4) The regulation on the establishment of the community wildlife conservancies fund.

I wish to make a small follow up on this request Madam Speaker. It is a little bit embarrassing when we pass laws in this House and they take more than six months to be operationalized. It is a total disregard of this House and welfare of our people.

The essence of us passing these legislations especially on wildlife is for us to attain independence and sustainability of most of our conservancies because they totally depend on donor funding. Imagine now Madam Speaker, even the global pandemic that we are experiencing, Covid 19, there is no money that is coming from abroad because they are affected like us. This means that most of these Conservancies are going to die. Things are happening, it is not normal for our young unemployed going to the roads to attack people. One of our MCAs was attacked together with his friends while travelling from Maralal to Archers Post. If these Conservancies had resources, I am sure that these things could not be happening since Leng'ei is ten kilometers from the Nkoteiya Conservancy. They help us in ensuring peace and security. It is sad for us to legislate here while the executive does little to operationalize these Bills.

Recently the President gave 1 billion for Community Conservancies. If we helped these board then I am sure that Samburu County would have been given its money without challenges. We are now at the mercy of KWS to get these funds. They are not in position to know the exact situation on the ground without this board in place. I hope that the Chair for Tourism and Trade would take this Statement very seriously and give us a substantive and concrete response, thank you Madam Speaker.

MCA Ang'ata Nanyekie, (hon. Paul Leshimpiro): We are going to bring the response to the Statement in two weeks' time which will be 16th Thursday at 2:30 pm.

MCA Waso Ward, (hon. Paul Wonya'ng): Madam Speaker I think that two weeks' time is a lot. I wish that they respond within a week.

MCA Ang'ata Nanyekie, (hon. Paul Leshimpiro): Madam Speaker, now that the Chair is not around and I am not aware of his exact location. I request for two weeks and I will bring something constructive.

MCA Waso Ward, (hon. Paul Wonya'ng): I sit down with that response. Two weeks is enough.

MCA Suguta MarMar Ward, (hon. Shadrack Lesoipa): I stand guided, I thought that the first Statement that was asked by the Member for Waso Ward concerning the employment of administrators was not responded to.

Temporary Speaker, (hon. Dorcas Lenkirasi): I think hon. Kalapa responded on that.

MCA Suguta MarMar Ward, (hon. Shadrack Lesoipa): Most obliged.

Temporary Speaker, (hon. Dorcas Lenkirasi): Hon. Members, considering that we have so many questions before us and the time that the Members were taking long to raise these Statements, I concur with hon. Lempei that we are not taking business seriously and we have seen that so much is happening that we need to know. I urge all Chair Committees to take their work seriously and respond on time.

Hon. Members, the time being three minutes past four o'clock and there being no other business, this Assembly now adjourns until Wednesday 3rd June 2010 at 2:30 pm.