



REPUBLIC OF KENYA

COUNTY ASSEMBLY OF KILIFI

THIRD ASSEMBLY-SECOND SESSION

THE HANSARD

Tuesday, 24th October 2023

*The House met at the County Assembly Chamber,
Malindi Town, at 2:30 p.m.*

[The Speaker (Hon. Mwambire) in the Chair]

PRAYER

COMMUNICATION FROM THE CHAIR

QUESTION TO THE COUNTY EXECUTIVE COMMITTEE MEMBER FOR GENDER, CULTURE, YOUTH
AND SPORTS CONCERNING PURCHASE OF SPORTS EQUIPMENT IN THE FINANCIAL YEAR
2022/2023 SUPPLEMENTARY BUDGET

The Speaker (Hon. Mwambire): Hon. Members, I have a question to the County Executive Committee Member (CECM) in charge of Gender, Culture, Youth, and Sports concerning the purchase of sports equipment in the Financial Year 2022/2023 Supplementary Budget.

As you may be aware, the County Assembly of Kilifi appropriated Kshs35 million for the purchase of educational aids and related equipment under Vote code: 3111109 in the Kilifi County Supplementary Budget FY 2022/2023 to equip sports teams in all seven sub-counties within Kilifi County.

As you may also be aware, the sports teams in all 35 wards were expected to receive the purchased sports equipment before the end of FY 2022/2023. The Department has, however, not delivered the sports equipment and no explanation has been provided to the County Assembly or

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the sports teams in the wards on the inability to implement the approved budget. This has caused tensions among the youth in the wards and unwarranted hostility against leaders across the county.

Pursuant to Standing Order 42, I request that you refer to the matters raised in this question regarding the purchase of sports equipment under Vote code: 3111109 to the Committee on General Oversight established in Standing Order 153. I further request that the CECM in charge of Gender, Culture, Youth and Sports and the Chief Officer in charge of Youth and Sports be invited before the Committee on General Oversight with all the officers with papers, books, documents and/or records related to give further clarifications and inform the Assembly on the matters raised in this question. This question has been brought in the Assembly by Hon. Emmanuel Changawa Kombe, Member for Dabaso. Thank you.

The question is directed to the Committee on Oversight pursuant to Standing Order 153. If you look at the Standing Orders, you will understand which Committee is supposed to do that or who are the Committee Members.

PETITION

THE WAATA/GIRYAMA COMMUNITY ON LAND BOUNDARY DISPUTE WITH THE AGRICULTURAL DEVELOPMENT CORPORATION (ADC) IN MAGARINI SUB-COUNTY

The Matter is too long but I will try as much as I can to read part of it and what they want to do. The petitioners are:

1. Raymond Jefwa Dyeka
2. Jacob Kokani
3. Abadiwa Guyo Kiribai
4. Kahindi Peteshe Kagujo
5. Samson Barisa Hiribae
6. Kaingu Kadenge Masha
7. Jonnes Kitsao Charo
8. Julias Dadi Kituku
9. Simon Njubi Mbuto
10. Mzungu Raphael Ngoma
11. Evans Kasena

The local communities led by Magarini Livestock Breeders (Mali Breeders CBO-Community Based Organization), with support from the Institute of Participatory Development-Kulamusana (IPD-K), a local Non-Governmental Organization (Mwanati Asilia Project) working on land issues, mobilized communities at Kisiki and Adu in Adu Ward, Kasikini and Chamari in Marafa Ward culminating with a joint meeting of representatives from the four Locations of Chakama, Bungale, Chamari and Adu at Marafa (PJs Restaurant) on 23rd May 2023. A total of 180 representatives participated in the meetings held on 16th May 2023 at Kisiki, 17th May 2023 at Kasikini and 18th May 2023 at Chamari and Adu.

We now wish to raise the following issues and state as follows: -

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1. THAT, in the year 2021 the Member of Parliament for Magarini, Mr. Micheal Kingi, filed Petition No.004 of 2021 calling for the settlement of the boundary dispute between ADC/Galana Ranch and the local communities.
2. THAT, we acknowledge this dispute has been and remains, despite the resolutions on the said Public Petition No. 004 of 2021.
3. THAT, the boundary known to the community is as per the agreement of 1961 between the community and the former Galana Game Ranch.
4. THAT, the boundary known to the community stretches from Kisiki Cha Mzungu in Chakama Location, Tank “E”, through Kore to Didmabul which is in a South-North direction and that the villages around Kisiki Cha Mzungu namely Divayu, Garsemuke, Habura, on the Galana Game Ranch area and the villages of Bakaye, Ruruma, Mchekenzi, Kalongoni, Katana Hakeye and Katsuhanzala on the Kulalu Ranch area remained under Community Reserve Land and that these villages are located astride the Galana River and are to be taken as forming what the community referred to as the Kisiki Cha Mzungu Area.
5. THAT, the 1961 Agreement between the Community and the Galana River Game Management Scheme was reached under duress.
6. THAT, from the said boundary the land stretching East Ward up to the Settlement Area comprising what was originally referred to as the Coastal strip is the WAATA ANCESTRAL LAND and it has remained so since 1961.
7. THAT, it is common knowledge that all private ranches in the country were held by the local authorities in trust on behalf of local communities and the Galana Game Ranch is not exceptional, hence it forms part of the Waata/Giryama ancestral land.
8. THAT, the Galana Game Ranch including the Reserve Hunting Zone both belong to the Waata and Giryama communities, and that neither is there any record from the Local Authority to the contrary.
9. THAT, on the ground there are some private entities including Mombasa Cement, Sajjad, Ben Mutua among others who are unknown to the locals and so illegally occupy parts of the community land.
10. THAT, in the year 2017 the Government declared the area to be an adjudication section for the purpose of issuing title deeds to community members and this process kicked off and even some titles have already been issued.
11. THAT, later, this process stopped without explanation.
12. THAT, sometimes in 1988 the government through the then District Commissioner for Kilifi Mr. Harry Wamubei asked the community to temporarily move out of the disputed area (not in dispute by then) to enable an effective campaign by security forces against shifta bandits who were terrorizing the residents in the area, proving that at the time of the security operation, the community did inhabit the area.
13. THAT, the security operation continued until the year 2001, and since then the government has not advised the people to resume the activities that they engaged in prior to the security scare, and this has resulted in a slowed process of individuals filtering back to their former lands.
14. THAT, the community has always engaged in livestock husbandry in the disputed area, from the time of establishment of the boundary in 1961 between Galana Game Ranch and

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the Community and this activity should not be curtailed but rather supported and that there are no alternative grazing lands available to the community.

15. THAT, the community has over the years developed farms, and public amenities including schools, health centers etc. within the lands in dispute and these activities have largely slowed down as a result of the external encroachment.
16. THAT, the lack of clear information from the Government on public safety in the affected areas resulted in outsiders seizing the opportunity to clandestinely invade and acquire land illegally to the detriment of the local populace.
17. THAT, early this year some tractors moved into the community land and started marking artificial boundaries supposedly marking Agricultural Development Corporation (ADC) land while under the protection of a contingent of GSU (General Service Unit) personnel. This act destroyed both farmland and buildings.
18. THAT, as far as the issues started and/or elaborated above are concerned, the same have not been addressed in any court forum and we as the petitioners confirm that there is no pending court case in regard to the above issues.

In view of the foregoing, we do pray as here under: -

1. THAT, the Report on the Petition No. 004 of 2021 of the National Assembly be complied with without further delay.
2. That the County Assembly of Kilifi and the County Government of Kilifi as per your mandate take immediate steps to see that the Report on Petition 004 of 2021 is complied with and without undue delay.
3. That the County Government liaise with the Cabinet Secretary for Lands to implement the Report on Petitions No. 004 of 2021 of the committee on Lands, taking note that there is already a delay of over one year since the matter should have been resolved.
4. THAT, the maps of the boundaries as per the agreement of 1961 between the Community and the then Galana Ranch be published.
5. THAT, the stalled adjudication process be resumed and continue to completion as per the notices issued by the Lands officer on diverse dates declaring the said adjudication sections and that the accompanying maps be published without undue delay.
6. THAT, all title deeds that may have been issued outside this process and contrary to the existing laws be set aside and be considered illegal and that all persons who caused the processing and issuance of these illegal title deeds be prosecuted.
7. THAT, title deeds be issued to all eligible persons as soon as the adjudication process is completed, and priority be given to the local residents.
8. THAT, all activities of intruders be halted until the above matters are resolved.
9. THAT, all the stated land including the former Galana Game Ranch and ADC Kulalu Ranch be reverted to the community and registered so as required by the new law on community land.

Kindly, therefore, treat this matter as urgent and give us feedback in the shortest time possible. Attached hereby, please find relevant copies of documents and the list of community members drawn for the four locations (Chakama, Bungale, Chamari, and Adu) who have appended their signatures to this Petition).

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Here, I have the names of those who have signed the petition: Raymond Jefwa Dyeka ID No. 8466881, Jacob Kokani ID No. 8520269, Kahindi Peteshe Kagujo ID No. 5015960, Samson Barisa Hiribae ID No. 22346648, Abadiwa Guyo Kiribai ID No. 2131627, Jonnes Kitsao Charo ID No. 9205429, Kaingu Kadenge Masha ID No. 3895815, Julias Dadi Kituku ID No. 22277588.

PAPERS LAID

Hon. Tete: Thank you, Mr. Speaker. I beg to lay the following Papers on the Table: -

1. The First Quarter Report for FY 2023/2024 for the Department of Lands, Energy, Housing, Physical Planning and Urban Development.
2. The First, Second, Third and Fourth, Quarterly Reports FY 2022/2023 and First Quarter Report FY 2023/2024 for the Department of Health and Sanitation.
3. The First Quarter Report for the FY 2023/2024 the Department of Water, Environment, Forestry, Climate Change, Natural Resources and Solid Waste. Thank you, Mr. Speaker.

(Hon. Tete laid the document on the Table)

ADJOURNMENT

The Speaker (Hon. Mwambire): Hon. Members, there being no other business to transact at the moment, this House stands adjourned until tomorrow at 2:30 p.m. Thank you very much.

The House rose at 2:52 p.m.

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