

**Third Assembly
(No. 019)**

**First Session
(054)**

COUNTY GOVERNMENT OF TAITA TAVETA



COUNTY ASSEMBLY OF TAITA TAVETA

THIRD ASSEMBLY – FIRST SESSION

ORDER PAPER

TUESDAY, NOVEMBER 15TH, 2022 AT 9:30 A.M

ORDER OF BUSINESS

PRAYERS

1. Administration of Oath;
2. Communication from the Chair;
3. Messages;
4. Petitions;
5. Papers;
6. Notices of Motion; *(As listed in the appendix)*
7. Statements; *(As listed in the appendix)*
8. Motions & Bills

*Denotes Orders of the Day

APENDIX

NOTICE OF MOTION

1. **NOTICE OF MOTION: INVENTORY OF ALL PUBLIC LAND, REGISTERED AND UNREGISTERED COMMUNITY LAND AND PROPERTIES IN TAITA TAVETA COUNTY. (HON. JOSEPH MWALEGHA, MCA, MWATATE WARD, CHAIRPERSON LANDS, HUMAN-WILDLIFE CONFLICT RESOLUTION COMMITTEE)**

AWARE THAT, Article 62(1) of the Constitution of Kenya, 2010 defines public land and (2) provides that public land shall vest in and be held by a County Government in trust for the people resident in the County and shall be administered on their behalf by the National Land Commission; and Article 63 (1) provides that Community land shall vest in and be held by Communities identified on the basis of ethnicity, culture or similar community of interest; (3) any Community land shall be held in trust by county governments on behalf of the communities for which it is held and (4) Community land shall not be disposed of or otherwise used except in terms of legislation specifying the nature and extent of the rights of members of each community individually and collectively.

NOTING THAT, poor land management practices witnessed in the County have resulted in situations whereby parcels of both public and community land have been lost to individuals and private entities. Allocation of these parcels of lands has often been done fraudulently and irregularly with little oversight consequently resulting to land being developed in ways that are inconsistent with the required public purposes and interests. This implies that in future, absence of public land will compel the Government to purchase land which will be time consuming and expensive.

FURTHER NOTING THAT, Datuzens in the County are being forced by private developers to vacate from their community land which they have lived in since time immemorial a case in point being Msambweni residents in Voi being forced to vacate from their Community Land No. 1956/506, CR No. 23979 by Sparkle Properties Limited. Other community lands with disputes between locals and private developers include; Mkamenyi, Machungwani farm, Singila/Majengo, Diaspora

University Land between Ndara B and areas of Mtomwagodi, Manga amongst many others.

FURTHER AWARE THAT, during the previous regime many statements had been sought on the Floor of this House regarding community land, the status of ownership, change of use and whether the County Government has lost any land to private entities and individuals, but most were never responded to and those responded provided little and insufficient information related to matters of community land in the County.

COGNIZANT THAT, the County Assembly on 25th February, 2020 approved a report by the Committee on Lands, Housing and Human-Wildlife Conflict Resolution Committee on the civic education forums on Community Land Act, 2016 and Community Land Regulations, 2017 in which it was resolved that the CECM for Lands, Housing, Mining and Energy presents a comprehensive program on engagement of Communities in registration of Community land rights and preparation of an inventory of community lands in the County, which was not implemented.

NOW THEREFORE, this Third Assembly **RESOLVES THAT**, the County Government submits to the County Assembly an inventory of all public land, registered and unregistered community land held in trust by the County Government of Taita Taveta.

STATEMENTS

1. STATEMENT: OWNERSHIP OF ALL RANCHES IN THE COUNTY (HON. AMOS MAKALO, MCA, KASIGAU WARD, DEPUTY MINORITY LEADER)

MR. SPEAKER SIR, in line with the parliamentary best practices, precedents and conventions, and pursuant to the provisions of the Third Taita Taveta County Assembly Standing Order No. 42(2) (c) relating to the Sitting's ORDER NO. 7 (STATEMENTS), I rise to seek a Statement from the Committee on Lands, Human-Wildlife Conflict Resolution concerning ownership of all the ranches in the County.

MR. SPEAKER SIR, aware that, in Taita Taveta County there are 28 ranches which occupy about 1.4 million acres and as per the provisions of Section 10(3) of the Community Lands Act 2016, these ranches are categorized as community land and shall be held in trust by the County Government on behalf of communities for which it is held pursuant to Article 63(3) of the Constitution of Kenya, 2010.

MR. SPEAKER, SIR, the statement by the Committee should give the following information to this House;

1. A comprehensive list of all the 28 ranches showing the names of directors and list of shareholders.
2. Provide lease agreements or leaseholds for all the 28 ranches in the County.
3. Provide information and documents to authenticate the validity of ownership.

2. STATEMENT: STATUS OF DIASPORA UNIVERSITY PROJECT(HON. DORCAS MLUGHU, MCA RONG'E WARD, CHAIRPERSON COMMITTEE ON ADMINISTRATION, DEVOLUTION, SECURITY, PUBLIC PARTICIPATION & DRUGS CONTROL)

MR. SPEAKER SIR, in line with the parliamentary best practices, precedents and conventions, and pursuant to the provisions of the Third Taita Taveta County Assembly Standing Order No. 42(2) (c) relating to the Sitting's ORDER NO. 7

(STATEMENTS), I rise to seek a Statement from the Committee on Lands, Human-Wildlife Conflict Resolution concerning status of Diaspora University Project.

MR. SPEAKER, SIR, the statement by the Committee should give the following information to this House;

1. Since the project proposal was initiated up to date, over 500 villagers and residents of Mtomwagodi have been issued with oral threats that they will be evicted and graves of their beloved ones will be destroyed. Statements have been raised concerning the same issue in the previous Assembly but they were not responded and honored. Why are the residents and villagers being threatened to be evicted yet the Land in question is rightfully their Community land?
2. What is the status of the Diaspora University **NOTING THAT** the project proposal was disapproved unanimously by the County Assembly on 14th March, 2019 and the same Resolution was communicated to H.E The Governor, County Commissioner, Director General of National Environmental Management Authority and the Manager of the Diaspora University and Town Development Project?