


Laid on 29/7/2020  
At 9.42 AM By  
Hon. RONALD SACURAOI  
MEMBER, LANDS  
COMMITTEE  


## THE COUNTY GOVERNMENT OF TAITA TAVETA



### TAITA TAVETA COUNTY ASSEMBLY

SECOND COUNTY ASSEMBLY – FOURTH SESSION

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**REPORT OF THE COMMITTEE ON LANDS, HOUSING  
AND HUMAN – WILDLIFE CONFLICT RESOLUTION  
ON THE REVIEW TAITA TAVETA COUNTY LAND  
BANKING BILL 2020**

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JULY 2020


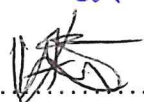
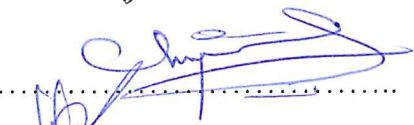

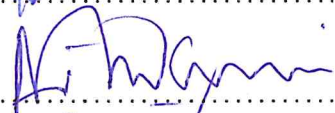
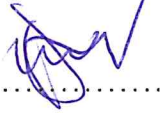

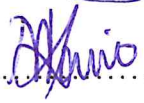
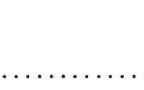
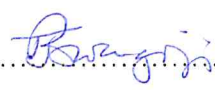
**PREAMBLE**

**Mr. Speaker, Sir**, the Taita Taveta County Land Banking Bill, 2020 was read the first time on Thursday, 14<sup>th</sup> May 2020 during the Afternoon Sitting.

The Committee on Lands, Housing and Human – Wildlife Conflict Resolution proceeded to review the Bill at Panlis Resort on 25<sup>th</sup> July 2020.

**COMMITTEE MEMBERSHIP**

**Mr. Speaker, Sir**, the committee as currently composed comprises of the following members:

- 1. Hon. Nobert Chanzu, MCA – Chairperson ..... 
- 2. Hon. Frank Kichoi, MCA – Vice Chairperson..... 
- 3. Hon. Crispus Tondoo, MCA ..... 
- 4. Hon. Ronald Sagurani, MCA ..... 
- 5. Hon. Godfrey Mwambi, MCA ..... 
- 6. Hon. Anthony Mng'ambwa, MCA ..... 
- 7. Hon. Bertina Mwaiseghe, MCA ..... 
- 8. Hon. Martha Kenio, MCA ..... 
- 9. Hon. Catherine Mwakiwiwi, MCA ..... 
- 10. Hon. Joyce Mwangoji, MCA ..... 

## COMMITTEE'S MANDATE

Mr. Speaker, Sir, pursuant to the provisions of Standing Order 193(5) the functions of a Sectoral Committee shall be to-

- (a) Investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments;
- (b) Study the programme and policy objectives of departments and the effectiveness of the implementation;
- (c) Study and review all County legislation referred to it;
- (d) Study, assess and analyze the relative success of the departments as measured by the results obtained as compared with their stated objectives;
- (e) Investigate and inquire into all matters relating to the assigned departments as they may deem necessary, and as may be referred to them by the County Assembly;
- (f) Vet and report on all appointments where the Constitution or any law requires the County Assembly to approve, except those under Standing Order 187 (*Committee on Appointments*); and
- (g) Make reports and recommendations to the County Assembly as often as possible, including recommendation of proposed legislation.

## REVIEW OF THE BILL

### Objects of the Act

1. **Enhance access, ownership and profitability of land for the people of Taita Taveta County:** Article 68(c)(iv) of the constitution provides for the enactment of legislation to protect, conserve and provide access to all public land, but not Private land or Community Land. Rather than enhance access to/and ownership of land, the proposal, if enacted will enhance dispossession of people of their private/community land by the very County Government that is supposed to protect their land rights.

2. **Protect rights of vulnerable groups of the County people from unfair and illegal exploitation and expropriation of their land;** Akin to observation on object 1 above, rights of people from expropriation of their land cannot be realized as it proposes that the Government purchases land from the vulnerable and thus dispossessing them of their land.

### **Guiding Principles**

1. **The principles of land policy set out in article 60 of the constitution;** Public land is governed under principles set out in article 62 of the constitution, whereas community land and private land are governed under principles set out in articles 63 and 64 of the constitution respectively.

### **Establishment and administration of land banking**

The establishment of the land banking committee beats the principle of separation of powers as it proposes to have, in the membership of the committee, the County Executive Committee Member for Lands, the County Chief Officer for Lands and the Chairman of the County Assembly Lands Committee. This arrangement stifles the County Assembly Lands Committee's Chairman oversight authority.

### **CONCLUSION**

**Mr. Speaker, Sir,** The Taita Taveta County Land Banking Bill, 2020 seeks to create a reserve of public land through purchase (transfer) of land from individuals and communities to the County Government. However, there is not established a policy that seeks to identify and address:

- i. The vulnerability of the residents of Taita Taveta to exploitation in terms of dispossession and expropriation of their land.
- ii. Need of additional Public Land for the utilization of County Government.

It would be prudent to first of all identify the likelihood of exploitation of residents, the need, plans and ability of the County Government to put such land as is acquired from the residents and communities into viable and sustainable economic use for the county government and the residents, either through development, conservation or exploitation of natural resources. The County Government can then legislate on the same.

**RECOMMENDATION**

The Committee, therefore, recommends that the County Assembly of Taita Taveta shelves the Bill and at the same time initiate development of a land policy for the County of Taita Taveta to address not only the dispossession and expropriation of people's land, but the many land issues dogging the people of Taita Taveta.

CONFIRMED.....

**HON. NOBERT CHANZU**

**CHAIRPERSON: COMMITTEE ON LANDS, HOUSING AND HUMAN –  
WILDLIFE CONFLICT RESOLUTION**