


Laid on 29/7/2020
At 9.43 Am By
HON. RONALD SACURAWI
MEMBER, LANDS COMMITTEE


THE COUNTY GOVERNMENT OF TAITA TAVETA



TAITA TAVETA COUNTY ASSEMBLY

SECOND COUNTY ASSEMBLY – FOURTH SESSION

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

JULY 2020

PREAMBLE

Mr. Speaker, Sir, the Taita Taveta County Community Land Administration Bill 2020 was read the first time on Tuesday, 2nd June 2020 during the Afternoon Sitting.

The Committee on Lands, Housing and Human – Wildlife Conflict Resolution proceeded to review the Bill at Panlis Resort on 24th July 2020.

COMMITTEE MEMBERSHIP

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

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| 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 |  |

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. **To promote the better and efficient ranching activities:** Ranching activities cannot be regulated under this Act unless it's a group ranch that is registered under community land.
2. **To promote good governance in the sustainable exploitation of the natural resources within the community lands including the ranching activities;** Exploration of natural resources in Community land is covered in Section 35 of the Community Land Act 2016. Additionally County governments have no authority to explore or mine natural resources. That authority is vested in the National government through the Mining Act of 2016.
3. **To regulate illegal livestock farming in the county and resolve the perennial conflicts between communities and herders;** Provisions for grazing in Community land is provided for in section 28 of the Community Land Act.
4. **Land use and development planning in community land is outlined in section 19 of the Community Land Act 2016:** The County government has no mandate to do

as prescribed in this provision; unless it is development on unregistered community land which it will pass on the accrued profits/benefits to the community once the land is registered.

5. **To promote and protect the environment and put up measures to mitigate climate change effects within the county:** The protection of the environment is a function of the National government as outlined in schedule 4 of the Constitution. The national government carries out that function through the Environmental management and Co-ordination Act.

Guiding Principles

- a) **The principles of land policy set out in Article 60 of the Constitution:** The guiding principles for this act should be Article 63 of the Constitution which is on Community Land.

Establishment of the County Community Land Management and Administration Board

Clause 5 which establishes the County Community Land Management and Administration Board is null and void because administration and management of Community Land is outlined in Section 15 of the Community Land Act. The Authority is vested in the Community Land Management Committee.

CONCLUSION

Mr. Speaker, Sir, The Community Land Act, 2016 is a national legislation that guides on matters administration and management of Community Land. From the review of the Taita Taveta County Community Land Administration Bill, 2020 it is evident that the objects of the Bill as structured, grossly contradict the National Community Land Act, 2016 when it comes to guidelines regarding the management of Community Land and this renders the Taita Taveta County Community Land Administration Bill, 2020 null and void.

The Committee, therefore, recommends that the County Assembly of Taita Taveta rejects the Bill in totality.

CONFIRMED..........

HON. NOBERT CHANZU

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