

Petition to the National Assembly by the Rendille Professional Association Concerning Acquisition of Karare Land by Kenya Defense Forces (KDF)

The Clerk of the National Assembly

Parliament Building

P.O. Box 41842 – 00100

**Nairobi**

Email.cns@parliament.go.ke



Dear Sir/Madam

**RE: PETITION TO THE NATIONAL ASSEMBLY CONCERNING  
ALLOCATION OF KARARE LAND IN MARSABIT COUNTY TO KENYA  
DEFENCE FORCES**

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**We the undersigned,**

Citizens of the Republic of Kenya, and residents of Marsabit County Karare Ward,

**Draw the attention of the National Assembly to the following:**

**1. Background**

- 1.1 THAT the petitioners are citizens of Kenya from the Rendille and Samburu Community living in Marsabit County specifically in Karare Ward.
- 1.2 THAT, the Rendille and Samburu community in Marsabit County respectfully objected to compulsory acquisition of our **ONLY** fertile land to KDF for reasons provided below.
- 1.3 THAT in 2019, the Kenya Defense Forces showed interest in land in Saku Sub County. The total land requested by the KDF was 2,500 acres.
- 1.4 THAT the land in question is the only agro pastoral, viable grazing area and has sensitive cultural value for Rendille and Samburu community of Marsabit County;
- 1.5 THAT the community appreciative of the Role of KDF has provided alternative land to the KDF in Kubi Kalo which they refused. The KDF is proceeding with compulsory acquisition despite objection by the community.
- 1.6 THAT, the community has already lost 150,000 acres to the Lake Turkana Wind Power project which was compulsorily acquired despite the community objection and an active court case
- 1.7 THAT, the KDF, the Marsabit County Government and the County Commissioner have on several occasions attempted to coerce the community to accept to give out its land but the community refused citing the centrality of the land in question for sustainability of their environment and livelihoods.
- 1.8 THAT, the now established pattern of forcefully taking away Rendille and Samburu communities land is understood to be as result of their minority and vulnerability status

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1.9 THAT, the pastoral community livelihoods are dependent on the mobility of their livestock. The communities plan grazing of their land into dry and wet season grazing areas in order to allow for rejuvenation of rangelands and minimize environmental degradation considering that the soils in these areas are very fragile.

**Reasons for the petition**

- 2.1 THAT, the KDF has moved in with bulldozers to the contested land on 29<sup>th</sup> May, 2020 despite the objection and protest by the community at a time when the community is reeling under the impact of COVID -19.
- 2.2 THAT, the Karare Ward, being a water catchment and dry season area for the pastoral communities of Karare, Songa, Loglogo, Kamboye, Laisamis, Kargi and Korr communities plays a central role in the viability of pastoralism in Laisamis sub county and Karare Ward.
- 2.5 THAT, the affected people will lose about 35% of their livestock to malnutrition and malnutrition related complications. As a result, an estimated 25,000 households will drop from pastoral production people and become destitute in towns to be supported through food hand-outs if the proposed compulsory allocation of Karare land by Government is not stopped.
- 2.6 THAT, the annual cost of food hand-outs is estimated conservatively at current value of **Ksh. 144,000,000** annually. This is in addition to lack of dignity due to dependency on hand outs.
- 2.8 THAT, the compulsory acquisition without community endorsement contravenes **Article 63 of the Constitution of Kenya**, which provides for the **recognition and protection of communal land rights** while Community Land Act 2016 and Community Land Regulations 2017 affirms rights of communities in the administration of communal land.
- 2.10 THAT, the unprocedural allocation of community land also contravenes, the Land Act (No. 6 of 2012) and Community Land Act 2016 and the United Nations (UN) declaration on the Rights of Indigenous Peoples<sup>1</sup> provides for **free, prior and informed consent** in legislative and administrative measures affecting indigenous people;
- 2.11 THAT, under the 2010 constitution, the indigenous communities to have secure access and rights to land, and the challenges of land availability, a situation exacerbated by climate change, population growth and the related expansion of settlements in grazing lands, and further recognizing the need for securing access to these vital resources for poverty reduction;

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<sup>1</sup> The United Nations (UN) declaration on the Rights of Indigenous Peoples  
<https://www.un.org/development/desa/indigenouspeoples/declaration-on-the-rights-of-indigenous-peoples.html>

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**3.0 Efforts made by the Community to present their case to relevant Government Agencies**

3.1 THAT, the Community suggested alternative land to the KDF and taking into account various factors including environmental sustainability, cultural value, equity, impact on food and risk of extreme poverty, the community agreed to give land at Kubi Kalo in good faith.

3.2 THAT, the community having felt helpless, petitioned the County Commissioner, the County Governor, the Cabinet Secretary for Interior and Citizen Services and the National Land Commission for redress and reversion of the process

3.3 THAT, the community did not receive response from the above stated State agencies, except the National Assembly

4. The matter in respect to this petition is not pending in any court of law or other constitutional legal body

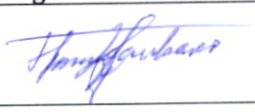




**5. WHEREFORE, we humbly pray that the National Assembly:**

1. To mandate the relevant Committee of Parliament to visit Karare community of Marsabit County to establish the facts as soon as possible
2. To make appropriate recommendations to the Cabinet Secretary for Ministry of Defense based on the findings
3. Give an opportunity for the Rendille Professional Association and the community to further present the Memorandum Orally to the National Assembly.

Dated this.....4<sup>th</sup> day of .....June...2020

Rendille and Samburu Community Representatives  
P.O. Box 559 -00100  
Nairobi  
[rpa@info.or.ke](mailto:rpa@info.or.ke)

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No.	Name	Tel. No/Address	ID. NO.	Signature
1.	STEPHEN LESORON GAMBARE	0798615721 201, MARSABIT	24591919	
2.	JAMES ERWA LEORAPU	0798055993 201, MARSABIT	23144822	
3.	GALORACHO AMOS FANTE	0710530233 201, MARSABIT	32561771 3177	
4.	LARAU LKINGINDI LEADUMA	0726636187 201, MARSABIT	24826313	
5.	LARAPU LEKASULA	0710431280	28954898	

**REGARDING COMPULSORY ACQUISITION OF LAND IN MARSABIT  
COUNTY BY THE KENYA DEFENCE FORCES**

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**THEREFORE**, your humble Petitioners pray that the National Assembly through the Departmental Committee on Lands:

- (i) investigates the matter with a view to grant petitioners their right; and
- (ii) makes any other further order(s) deemed fit in the circumstances of the petitioners.

And your **PETITIONERS** will ever pray.

**PRESENTED BY:**



**HON. ARBELLE MALIMO, MP**

**MEMBER FOR LAISAMIS CONSTITUENCY**

**DATE.....** 2/7/2020 **.....**

REPUBLIC OF KENYA



TWELFTH PARLIAMENT (THIRD SESSION)

THE NATIONAL ASSEMBLY

PUBLIC PETITION

(No. 14 of 2020)

Approved,  
BA  
SNA  
27/2020

**REGARDING COMPULSORY ACQUISITION OF LAND IN MARSABIT COUNTY BY THE KENYA DEFENCE FORCES**

I, the **UNDERSIGNED**, on behalf of the residents of Karare Ward, Marsabit County,

**DRAW** the attention of the House to the following:

- (i) **THAT**, Article 63 of the Constitution of Kenya provides for the recognition and protection of communal land rights, while the Community Land Act affirms rights of communities in the administration of community land;
- (ii) **THAT**, the United Nations (UN) declaration of the Rights of indigenous people advocate for free, prior and informed consent in legislative and administrative measures affecting the indigenous people;
- (iii) **THAT**, residents of Marsabit County are a predominantly pastoral community who depend heavily on existing agro friendly land for the feeding of their livestock;
- (iv) **THAT**; Karare Ward being a water catchment and dry season area for the pastoral communities of Karare, Songa, Loglogo, Kamboye, Leisamis, Kargi and Korr Communities plays a central role in the viability of pastoralism in Laisamis sub county;

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- (v) THAT**, the Community has previously lost 150,000 acres of land to the Lake Turkana Wind Power project which was compulsorily acquired despite objection by the Community;
- (vi) THAT**, in 2019, the Kenya Defense Forces (KDF) expressed interest in acquiring 2,500 hectares of land in Saku sub county;
- (vii) THAT**, owing to the environmental sustainability; cultural practices, impact on availability of pasture for livestock as well as food for residents; the community had proposed acquisition of an alternative piece of land in Kubi Kalo which was turned down;
- (viii) THAT**, on 29<sup>th</sup> May, 2020, the KDF moved into the land with bulldozers to the contested land despite the objection and protest by the Community;
- (ix) THAT**, the compulsory acquisition of land will result into loss of livestock to malnutrition and related complications, and consequent loss of livelihoods of an estimated 25, 000 households;
- (x) THAT**, consequently, the Government will incur additional costs approximated at Kshs. 144 Million in food hand outs to the affected residents;
- (xi) THAT**, efforts to have the matter addressed by the relevant authorities including the Marsabit County Government and the County Commissioner have been futile;
- (xii) THAT**, this matter is not pending in any court of law, constitutional or legal body;