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TWELFTH PARLIAMENT – THIRD SESSION

THE NATIONAL ASSEMBLY

THE DEPARTMENTAL COMMITTEE ON DEFENCE AND FOREIGN
RELATIONS

REPORT ON THE INQUIRY INTO LAND ACQUISITION BY THE
KENYA DEFENCE FORCES FOR ESTABLISHMENT OF FORWARD
OPERATING BASE IN NAROK COUNTY

DIRECTORATE OF COMMITTEE SERVICES
CLERK'S CHAMBERS
PARLIAMENT BUILDINGS
NAIROBI



DIRECTORATE OF COMMITTEE SERVICES	
	
THE NATIONAL ASSEMBLY PAPERS LAID APRIL, 2019	
DATE: 02 APR 2019	DAY: TUESDAY
TABLED BY:	DEFENCE CHAIRPERSON HON. KATOO OLE METITO
CLERK-AT THE-TABLE:	

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LIST OF ABBREVIATIONS AND ACRONYMS

MOD	Ministry of Defence
NLC	National Land Commission
NEMA	National Environmental Management Authority
FOB	Forward Operating Base
EIA	Environmental Impact Assessment
ADR	Air Defence Regiment
KAF	Kenya Air Force
KA	Kenya Army
DHQ	Defence Headquarters
KA HQ	Kenya Army Headquarters
KAF HQ	Kenya Air Force Headquarters
EMCA	Environmental Management and Coordination Act
PAP	Project Affected Persons
VAs	Vulnerable Areas
VPs	Vulnerable Points
AD	Air Defence

CHAIRPERSON'S FOREWORD

The Departmental Committee on Defence and Foreign Relations is established and mandated under Standing Order No. 216 to—

- i) investigate, inquire into and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and Departments;*
- ii) study the programme and policy objectives of the Ministries and Departments and the effectiveness of the implementation;*
- iii) study and review all legislation after First Reading subject to the exemptions under Standing Order 101 A (4);*
- iv) study and review all legislation referred to it;*
- v) study, assess and analyse the relative success of the Ministries and Departments as measured by the results obtained as compared with its stated objectives;*
- vi) investigate and inquire into all matters relating to the assigned Ministries and Departments as they may deem necessary, and as may be referred to them by the House or a Minister; and*
- vii) make reports and recommendations to the House as often as possible, including recommendations of proposed legislation.*

Pursuant to its general power of inquiry, and in response to the concerns raised by the general public, the Committee resolved to inquire into the **Land Acquisition by the Kenya Defence Forces for establishment of Forward Operating Base in Narok County** with a view of making recommendation to the House under the following terms of reference—

- i. To establish the size and use of the land;
- ii. To establish the amount of money set aside for the project and budgetary allocation for the project;
- iii. To find out whether or not an environmental impact assessment has been carried out and the details of the report on the exercise;

- iv. To establish whether or not there was any agreement entered into with any individual (s) or firm regarding the purchase of the land; and
- v. To report to the House the Committee's observations, findings and recommendations for consideration and adoption.

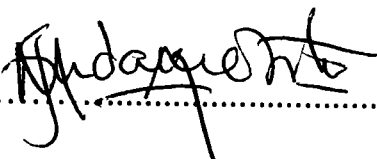
The Committee wrote to key stakeholders relating to the matter to seek their views and thereafter the Committee held several meetings with the ministry of Defence, community leaders, the host community and undertook a visit to the land proposed for acquisition. The views collected during meetings, written submissions and observations during the site visit are incorporated in this report. Thereafter, the Committee proceeded for a report writing retreat which provided the opportunity to reflect on views received, consider the submissions of the public and stakeholders and to further draft, consider and approve the Report.

The Committee appreciates the assistance provided by the Office of the Speaker and of the Clerk of the National Assembly that enabled it to conduct its inquiry.

I take this opportunity to thank all Members of the Committee for their input and valuable contributions during the deliberations on the inquiry into Land acquisition by KDF for the establishment of Forward Operating Base in Narok County.

Pursuant to provisions of Standing Orders 199 (6) and 216 (5)(a) and on behalf of the Departmental Committee on Defence & Foreign Relations, it is my pleasant

privilege and honor to present to this House the Report of the Committee for adoption.

Signed..........Date.....02/04/2019.....

**THE HON. KATOO OLE METITO, EGH, MGH, M.P.
CHAIRPERSON, DEPARTMENTAL COMMITTEE ON DEFENCE AND
FOREIGN RELATIONS.**

PREFACE

1.1 Establishment and Mandate of the Committee

1. The Departmental Committee on Defence and Foreign Relations is established under Standing Order No. 216. Its mandate pursuant to SO 216 (5) with the following terms of reference: -
 - i) investigate, inquire into and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and Departments;*
 - ii) study the programme and policy objectives of the Ministries and Departments and the effectiveness of the implementation;*
 - iii) study and review all legislation after First Reading subject to the exemptions under Standing Order 101 A (4);*
 - iv) study and review all legislation referred to it;*
 - v) study, assess and analyse the relative success of the Ministries and Departments as measured by the results obtained as compared with its stated objectives;*
 - vi) investigate and inquire into all matters relating to the assigned Ministries and Departments as they may deem necessary, and as may be referred to them by the House or a Minister; and*
 - vii) make reports and recommendations to the House as often as possible, including recommendations of proposed legislation.*

2. Under its mandate, the Committee considers the following subjects: -
 - i. Defence
 - ii. intelligence,
 - iii. foreign relations
 - iv. diplomatic and consular services,
 - v. international boundaries,
 - vi. international relations,
 - vii. agreements,
 - viii. treaties and
 - ix. Conventions.

1.2 Oversight

3. In executing its mandate, the Committee oversees the following government Ministries, departments and or agencies, namely:
 - i. Ministry of Defence
 - ii. Ministry of Foreign Affairs
 - iii. The National Intelligence Service
 - iv. The State Department for East African Community Integration.

1.3 Committee Membership

4. The Committee comprises of -

Chairperson 1. The Hon. Katoole Metito, EGH, MGH, M.P.

Vice Chairperson 2. The Hon. Richard Tongi, M.P.

3. The Hon. Yusuf Hassan Abdi, MP

4. The Hon. Charles Kilonzo, MP

5. The Hon. Patrick Makau, MP

6. The Hon. Dido Ali Raso, MP

7. The Hon. Peter Mungai Mwathi, MP

8. The Hon. Beatrice Nkatha Nyagah, HSC, MP

9. The Hon. Martha Wangari Wanjira, MP

10. The Hon. Memusi Ole Kanchory, MP

11. The Hon. Major (Rtd.) Bashir Sheikh Abdullah, MP

12. The Hon. (Dr.) Lillian Gogo, MP

13. The Hon. Nelson Koech, MP

14. The Hon. Moses Nguchine Kirima, MP

15. The Hon. Vincent Kipkurui Tuwei, MP

16. The Hon. John Lodepe Nakara, MP

17. The Hon. Asha Mohammed, MP

18. The Hon. Ernest Ogesi Kivai, MP

19. The Hon. Caleb Amisi, MP

1.4 Committee Secretariat

The staff facilitating the Committee includes –

Senior Clerk Assistant	Mr. Samuel Kalama
Clerk Assistant III	Mr. Abdiaziz Shobay
Senior Sergeant-At-Arms	Mr. Andrew Shangarai
Legal Counsel I	Mr. Ronal Walala
Research Officer III	Ms. Grace Wahu
Fiscal Analyst II	Mr. Edison Odhiambo
Audio Officer	Mr. Rodgers Kilungya

INTRODUCTION

1.0 BACKGROUND

6. The Kenya Air force modernization program started in the FY 2013/2014. The modernization programme entailed deployment of modernized radars. These radars are to be deployed to cover Kenyan air space in several locations. New locations identified include Mariakani, Narok and Lodwar.
7. In order to effectively monitor and react to air space threats, Kenya Air Force (KAF) has continued to set bases for the Air Defence Regiment (ADR) in various strategic locations within the Country. Air Defence (AD) is a measure taken to deny an enemy use of air space. The use of a layered AD system is the modern AD method that significantly increases the possibility of losses to the enemy
8. Layered Air Defence system usually consists of three tiers, namely the wide area defence, the area defence and the point defence. The wide area extends to areas beyond country's border. Area defence is covered by short medium missiles and Point or site defence protects VAs and VPs. Wide area defence defines the area that covers the entire airspace and 100 nm beyond territorial boundaries and this is for a robust and effective detection and early warning.

9. Kenya Airforce currently operates four Marcon S600 Air Defence Radars. The Radars were designed to be mobile and were deployed for operational duties as follows -
- i. 843 Radar Squadron MAB
 - ii. 842 Radar Squadron -LAB
 - iii. 841 Radar Squadron –WAJIR
 - iv. The Fourth Radar is for Technical training purpose at the Defence Forces Technical college (DEFTEC)
10. The AD system in surveillance covers only 60% of air space and hence the purpose to establish new FOBs to deploy the radars tactically. The revitalization of the KDF AD system is meant to comprehensively cover the national space.

The Inquiry and terms of reference

11. The Committee, on its own motion pursuant to provisions of Standing Order 216 (5) (e) resolved to conduct an inquiry into **Land Acquisition by the Kenya Defence Forces for establishment of Forward Operating Base in Narok County** guided by the following terms of reference—
- i. To establish the location, size and use of the land;
 - ii. To establish the amount of money set aside for the project and budgetary allocation for the project;
 - iii. To find out whether or not an environmental impact assessment has been carried out and the details of the report on the exercise;
 - iv. To establish whether or not there was any agreement entered with any individual (s) or firm regarding the purchase of the land and;

- v. To report to the House the Committee's observations, findings and recommendations for consideration and adoption.

1.1.1 Method of Work

12. In conducting the Inquiry, the Committee undertook a number of activities including requesting for written submissions, and analysis on various aspects of the inquiry, conducting meetings with various stakeholders, receiving oral submissions and conducting a site visit among others.

1.1.2 Meetings of the Committee

13. In undertaking the inquiry, the Committee held a total of five meetings. Its first meeting was held on 3rd July, 2018 where it adopted a work plan, identified relevant stakeholders for engagement with the Committee and prepared a framework for meetings with the stakeholders and identified the need to undertake a site visit of the land proposed for acquisition. Thereafter the Committee held subsequent meetings and proceeded for a working retreat to consider the submissions by the stakeholders and the public and to further draft, consider and approve its Report. The Report of the Committee contains a number of recommendations based on the Terms of Reference adopted by the Committee. The Minutes of the meetings of the Committee are annexed as **Annex I**.

1.1.3 Stakeholder Meetings and Public Participation

14. The Committee, through the Office of the Clerk of the National Assembly formally invited the Cabinet Secretary for Defence, the Chairperson of the National Land Commission, Ministry of Lands and the National Environmental Management Authority (NEMA) to appear and make submissions with regard to the terms of reference of the Inquiry. The letters are annexed as **Annex II**.

15. Stakeholders duly appeared before the Committee and made both oral and written submissions. The Committee also received one (1) other written submission from one Mr. Fred Kariankei as **Annex IV**.

The report is divided into chapters which cover the various aspects of the inquiry's terms of reference.

CHAPTER TWO

2.0 LOCATION, SIZE AND USE OF THE LAND TO BE ACQUIRED

Submissions Received

Stakeholders made submissions on the size and use of land as follows—

2.1 Ministry of Defence

16. On Tuesday, 24th July, 2018, while appearing before the Committee, Cabinet Secretary, Amb. Raychelle Omamo, SC accompanied by other Officers from the Ministry, stated that in order to effectively monitor and react to air space threats, Kenya Air Force (KAF) has continued to set bases for the Air Defence Regiment (ADR) in various strategic locations within the Country.
17. Narok County has been identified as an ideal location to put up one of the bases to augment the other facilities such as those in Wajir and Mariakani.
18. A team of Senior Officers composed of representatives from Defence Headquarters and Kenya Air Force (KAF) visited Narok County on 22 November 2017. The purpose of the visit was to engage the Narok County Government officials with a view to having the County Government allocate land to the Kenya Defence Forces to be used for KAF Forward Operating Base (FOB).
19. Prior to the Narok visit, the Defence team held a meeting to discuss the possible areas where land could be acquired taking into account the terrain, accessibility, radar specification requirement, run way requirement to accommodate a dash 8 aircraft and the average acreage.

20. During the discussions with the Narok County Government officials, the Governor Hon. Samuel Kuntai Tunai informed the Ministry of Defence (MOD) team that land in the County was privately owned and this would therefore force MOD to acquire the land from the private owners who would be willing to sell their land or by compulsory acquisition.
21. In order to select the most optimal and ideal location for a radar site and Military Camp in Narok County, ground reconnaissance was conducted between 27th – 29th December 2017, by a team of Senior Officers and Officers composed of representatives from Defence headquarters (DHQ), Kenya Army headquarters (KA HQ) and Kenya Air Force headquarters (KAF HQ).
22. Earlier, it had been resolved that the land to be acquired should be adequate (approximately 5,000 acres) to accommodate a Radar Squadron of Air Defence Regiment (ADR), a runway to operate a fixed wing aircraft in its inventory such as the Dash 8 with a length of more than 1.5 km and other facilities critical to a Forward Operation Base (FOB).
23. The process of selecting a suitable site was done in stages. A preliminary aerial recce was first conducted to identify the general area of interest. From the aerial recce, the general area of Majimoto, Lemek, Ngorengore and Ewaso Ngiro was identified to be ideal for this purpose.
24. A thorough ground recce was then carried out by a team of Officers composed of representatives from DHQ, KA HQ and KAF HQ. A suitable site in Olkenyei within the initial general area of interest was selected as being the most ideal for the intended purpose. MOD requested the National Land Commission (NLC) to facilitate the valuation process to ensure that proper

value of the land was determined. NLC has since conducted the valuation and has furnished MOD with the valuation report of the general area of interest for the purpose of planning.

25. The NLC had also advised MOD to avail documents to facilitate compulsory acquisition (Section 107 of the Land Act 2012). However, MOD is still in the process of complying with some of NLC requests but has largely complied with the dictates of Land Act, 2012 by preparing the letter instructing NLC to commence the process of acquisition.
26. It has been determined that the total size of land adequate for KAF FOB, Radar site, Army Camp and training area is 5,000 acres. MOD intends to acquire the aforementioned parcel of land in phases due to the inadequacy of funds. The land will be used to set up a Radar site, KAF FOB, Army camp and training area. MOD will however initially acquire 570 acres for immediate radar use in phase I.
27. According to KAF timeliness, the modernized radar and its accessories was to be installed by June, 2018. However, based on KAF initial requirements of 5,000 acres, a raised/elevated Plot CIS MARA/ LEMEK/ 243 and its adjoining plots are to be acquired first which is 570 acres. The remainder of the 4,430 acres can then be acquired gradually in concurrence with the community that owns the land. NLC has also gazetted the plots which may be affected during the initial acquisition. MOD has further appointed a Negotiating Committee in accordance with the Public Procurement and Asset Disposal Act, 2015 to enter into the Narok land negotiation.

28. Currently the Ministry is in the process of acquiring 876 acres for the FOB. The increase from 570 acres to 876 acres is due to the size of individual parcel of land which will be purchased as a whole.

2.2 National Land Commission and Ministry of Lands and Physical Planning

The Vice Chairperson of the National Land Commission, Ms. Abigael Mbagaya, while appearing before the Committee on 25th October, 2018 submitted that:-

29. The land identified by the Ministry of Defence is in Narok County within Lemek/Ole Kinyei Registration section. Initially, the land was owned by the Lemek group Ranch which was sub divided into several parcels on 13th August, 2001 and there have been no reports of any historical injustices. The land covers approximately 5,000 acres.

30. The Lemek group ranch is community land registered under group ranches and the leaders are elected by the group members. There have been no petitions from the members. After sub division of the land a Mr. John Wambugu, a large shareholder of the land of interest, had been purchasing land from members of the group ranch and there have been no complaints about him.

31. In regards to compulsory acquisition, Article 40(3) of the Constitution indicates that Government has an overriding interest in land in Kenya and fair, prompt and just compensation must be made. Acquiring bodies need to identify land for their intended purposes and present to the NLC through the Cabinet Secretary of the Ministry. In this regard, the Cabinet Secretary for the Ministry of Defence had written to the NLC stating that they needed 5,000 acres in phases starting with 570 acres in the 1st phase.

32. There has not been any agreement to commit funds on any parcel of land because the Commission is waiting for valuation from the Ministry of Lands for the land index to be issued and thereafter issue the awards to land owners

of the initial 570 acres to be purchased by the Ministry of Defence. However, the Commission has only gazetted an intention to acquire land through Gazette Notice No. 5692 of 8th June, 2018 and an addendum vide Gazette Notice 1006 of 28th September, 2018.

33. Sensitization was carried out on 13th June, 2018 before gazettelement and public participation was undertaken on 30th August, 2018 after gazettelement by the NLC in consultation with the Ministry of Defence, the County Government of Narok, County Land Valuer, local administration officers and members of the public. Moreover, the NLC on 31st August, 2018 carried out an inspection on 13 parcels (which constituted the initial phase of 570 acres) and recorded ownership details and any improvements.
34. The NLC oversight on the purpose of the land to be used by the Ministry of Defence will enable guidance on the plans of the land based on activities to be carried out.
35. As regards to NLC acquiring disputed land, the NLC stated that due to party disputes the courts have no mandate to halt the process of compulsory acquisition. If there are any complaints, the parties will continue disputing while the compulsory acquisition process continues.

2.3 Narok West Member of Parliament

The Member of Parliament for Narok West, the Hon. Gabriel K. Ole Tongoyo informed the Committee that:-

36. In 1987, Ololototo was gazetted as the most ideal for use by the Kenya Defence Forces. However, the area has been sub-divided and is private land.
37. When the group ranches were subdivided, due to border anonymity, a parcel of land was left undivided, intentionally left by the group ranch leaders and this was the area that was later sub-divided and sold to individuals.

38.He added that individual petitions have been sent to the Ministry of Lands and there has been no response.

2.4 Submission by Colonel S K Sane, the Commander of the Air Defence Regiment

39. The process of acquiring land in Narok started in April, 2017. Aerial recce was first conducted in early October, 2017. Ground recce was conducted between 27th and 29th December, 2017.
40. A cadastral map containing the plots with the area of interest was acquired. The County government of Narok assisted the Ministry of Defence to identify plot owners and their authenticity.
41. The Ministry of Defence wrote to NLC on 20th April, 2018 and initial inspection, valuation and identification process started in May, 2018. Consequently a Gazette Notice was published on 8th June, 2018. NLC commissioners conducted public awareness on 11th June, 2018 and further assessment and public awareness was done on 30th August, 2018. A Technical team from the National Land Commission met from 30th August, 2018 to 1st September, 2018. Gazette Notice for intent to acquire the initial phase was published on 11th September, 2018. Subsequently, on 28th September, 2018 a Gazette notice for the compulsory land acquisition was published.

CHAPTER THREE

3.0 AMOUNT OF MONEY SET ASIDE FOR THE PROJECT AND BUDGETARY ALLOCATION FOR THE PROJECT

Submissions Received

Stakeholders made submissions on the amount of money set aside for the project as follows—

3.1 Ministry of Defence

The Cabinet Secretary submitted that—

42. The amount of funds set aside for the project in Phase I in the FY 2017/2018 was **Kshs.400, 000,000** secured from a supplementary budget. The other phases were then to be budgeted for in the subsequent Financial Years. Due to the fact that the timeliness for purchase of land for this project could not be met, the funds were reallocated to other MOD modernization projects which were nearing completion. According to the estimates based on the valuation report from the NLC, the preliminary total cost for plot 243 (169.76 acres) including improvements (structures, water pans and electric fence) is Kshs. 140,500,000.00. The provisional valuation sum translates to Kshs. 650,918.94 per acre of land.

43. **Colonel S K Sane, the Commander of the Air Defence Regiment** submitted that in November, 2018 the NLC issued permission for early entry by the Ministry of Defence and hence wrote to Ministry of Defence to deposit Kshs. 175, 866,730 to compensate the affected persons on 4th December, 2018. The Project Affected Persons are yet to be compensated.

CHAPTER FOUR

Environmental Impact Assessment (EIA) exercise on the project

4.0 Submissions Received

Stakeholders made submissions on **Environmental Impact Assessment (EIA) exercise** as follows—

4.1 Ministry of Defence

46. A technical officer charged with the responsibility of advising the Ministry in Environmental matters is handling the matter; however, this is for internal preliminary decision making. The MOD is yet to undertake a comprehensive EIA since it was still awaiting guidance from NLC on the availability and final cost implications of the land.

Who made this submission?

4.2 National Environmental Management Authority (NEMA)

Mr. David Ongare informed the Committee that-

47. For any project to commence, there are legal requirements that need to be adhered to. He indicated that each project has to be subjected to EIA. Section 58 of the Environmental Management and Coordination Act (EMCA) Cap 387 provides that:-

*notwithstanding any approval, permit or licence granted under this Act or any other law in force in Kenya, any person, being a proponent of a project, shall, before financing, commencing, proceeding with, carried out, executing or conducting or causing to be financed, commenced, proceeded with, carried out, executed or conducted by another person any undertaking specified in the **Second Schedule** to this Act, submit a project report to the Authority.*

48. The **Second Schedule to the Act** which was amended vide **Legal Notice 150 of 2016**, categorizes projects that qualify to be subjected to EIA in three broad categories; low risk, medium risk and high-risk projects. Expound on the three categories????/

49. **Regulation 4 (1) of the Environmental (Impact Assessment and Audit) Regulations of 2003** states that:

No proponent shall implement a project –

(a) likely to have a negative environmental impact; or

(b) for which an environmental impact assessment is required under the Act or these Regulations; unless an environmental impact assessment has been concluded and approved in accordance with these Regulations.

50. The proponent contracts a NEMA registered and a licensed Environmental Expert or Firm of Experts to undertake the EIA process on his behalf in accordance with the EMCA, Cap, 387 and in line with Environmental (Impact Assessment and Audit) Regulations, 2003.

51. The EIA is the responsibility of the acquiring body and in line with this, NEMA wrote to the Ministry of Defence requesting for prior approval from the Cabinet Secretary responsible for the Ministry of Defence and the EIA report, appropriate appraisals and certificates in addition to a relocation action plan.

4.3 Submission of the EIA report to the Authority (NEMA) for review

52. Once the EIA report has been compiled, it is then submitted to the Authority for review and decision making. The Authority shall acknowledge receipt of the report.

53. The EIA process is consultative in nature and therefore the law demands institutional recognition and public disclosure as key processes in the EIA. Therefore, the Authority dispatches copies of the EIA reports to the relevant lead agencies seeking their sectoral input. Further, the Authority recognizes the essence of public consultation of the project affected persons (PAPs) and other stakeholders.

54. A technical review of the proposed project is then undertaken taking into consideration of the institutional recognition, public disclosure, proposed impacts and mitigation measures.

4.4 Record of Decision

55. The Authority makes its Record of Decision guided by the following decision-making principles:

- The Ecosystem Approach
- Consideration of alternatives
- Hierarchy to mitigate impacts
- Equitable sharing
- Adequacy of risk assessment and management
- Reference to existing planning frameworks and policy direction
- Adequacy of public participation
- Adequacy of the environmental Management Plan and the EIA report

56. There was no **EIA report** for the proposed facility that had been submitted to the Authority for review and decision making. He emphasized that the EIA should be done before the acquisition of land.

4.5 Submission by Colonel S K Sane, the Commander of the Air Defence Regiment

57.Environmental Social Impact Assessment (ESIA) was undertaken from 19th to 21st December, 2018 and Certificate No. NEMA/EIA/PSL/7320 was duly issued on 8th February 2019. This statement contradicts the views by NEMA above.

58.Modernized radar for Narok FOB arrived in the country on December 2018.

59.The setting up of the military base is behind schedule and this has been affected by the expiry of the term of office for NLC. The MOD has therefore sought direction from the Attorney General and the Ministry of National Treasury.

The submissions by the colonel should fall under the Ministry and attributed to him.

CHAPTER FIVE

5.0 OTHER ISSUES ARISING DURING THE INQUIRY

Submission by Member of Parliament from Narok County

On Thursday, 21st March, the Hon. Moitalel ole Kenta, MP on behalf of all Members of Parliament from Narok County appeared before the Committee and submitted as follows -

60. Members of the community are objecting to the acquisition of land and consequent setting up of the military base within the area because of the interference with the Maasai Mara Game Reserve Ecosystem. He submitted that the land earmarked for the acquisition is within the Maasai Mara Game Reserve Ecosystem which is very crucial for the park and it's along the migratory corridor of the animals within the park.
61. The earmarked land is set aside for the young generation and that the said land should not be sold. Instead of transferring the land to the young people, the land belonging to the group ranch has been subdivided and transferred to individual persons and the community has filled several petitions to the Ministry of Lands and Ethics and Anti-corruption Commission for investigation.
62. The Kenya Defence Forces forced themselves in the land without consent from the community and the price at which the Government is proposing to buy the land is very low.
63. As a community, they are not objecting to the acquisition of the earmarked 876 acres parcel of land and the setting up of the military camp but should

the Ministry of Defence wish to expand their foot print; they should get approval of Parliament before they could acquire more land.

5.1 Submission by Fred Kariankei, former member of Lemek Group Ranch and Community Representative

Vide a written memorandum dated 15th March, 2019, Mr. Fred Kariankei, submitted that:-

64. The proposed acquisition of land involves several parcels of land within the former Lemek Group Ranch. The National Land Commission placed Gazette Notice 1006 of 11th September 2018 on behalf of the Ministry of Defence. The land is to be acquired for the purpose of setting up a Military Base.
65. Members of the Community are objecting to the said acquisition and setting up of the military base due to the following reasons -
- i. interference with the Maasai Mara Game Reserve Ecosystem
 - ii. Failure to involve the affected community through public participation
 - iii. Failure to observe the public Procurement & Asset Disposal Act No. 33 of 2005
 - iv. Failure to undertake a feasibility and environmental impact Assessment
 - v. Illegal land acquisition and land bought from proceeds of graft and economic crimes. Some of the parcels of land earmarked for the acquisition, which forms bulk of the subject land, were acquired in questionable ways and the same has been subject to dispute.

66. In the interest of the affected community and in the interest of the Maasai Mara Ecosystem and in the interest of all Kenyans, the acquisition of the land should be halted and should the project be allowed to proceed the affected community will suffer irreparable damage as hundreds of young people will be rendered landless and the effects on the ecosystem will be irreversible.

CHAPTER SIX

6.0 COMMITTEE OBSERVATIONS

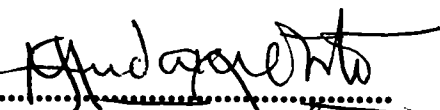
67. The Committee observed that:-

- i. The size of the land required for the installation of the Rad and setting up of the Forward Operating Base in Narok is 878 acres and the identified land is privately owned.
- ii. The initial budget set aside for the Phase I of the project in the FY 2017/2018 was **Kshs.400,000,000** and a total of Kshs. 175, 866,730 will be utilized to compensate the project affected persons and the balance will be reallocated to the other modernization projects at the FOB. Is this factual?
- iii. Environmental Social Impact Assessment (ESIA) was undertaken from 19th to 21st December 2018 and Certificate No. NEMA/EIA/PSL/7320 was duly issued on 8th February, 2019.(Annex)
- iv. The Ministry of Defence has so far not entered into any agreement for the acquisition of land for the FOB.
- v. The ownership of the parcels of land neighbouring the 878 acre parcel of land already identified by KDF is in dispute.
- vi. The setting up of the Forward Operating Base and the installation of the Radar is behind schedule.

7.0 COMMITTEE RECOMMENDATIONS

68. The Committee recommends that:-

1. The Ministry of Defence should carry out due diligence on the ownership of the proposed land to be acquired and expedite the compensation of the bona-fide owner(s) of the land as well as all the Project Affected Persons.
2. In the event of future expansion of the FOB and other related projects, the Ministry of Defence should carry out due diligence to authenticate ownership of all the neighboring parcels of land whose ownership is currently disputed before acquisition.

SIGNED.....
DATE.....02/April/2019

HON. KATOO OLE METITO, EGH, MP

**DEPARTMENTAL COMMITTEE ON DEFENCE AND FOREIGN
RELATIONS**

**MINUTES OF THE 14TH SITTING OF THE DEPARTMENTAL COMMITTEE ON
DEFENCE & FOREIGN RELATIONS HELD ON FRIDAY, 22ND MARCH, 2019 IN THE
BOARDROOM, LAKE NAIVASHA RESORT AT 2.00 PM**

PRESENT

1. The Hon. Katoo Ole Metito, EGH, MGH, MP (Chairperson)
2. The Hon. Richard Tong'i, MP (Vice Chairperson)
3. The Hon. Peter Mungai Mwathi, MP
4. The Hon. Beatrice Nkatha Nyagah, HSC, MP
5. The Hon. Martha Wangari Wanjira, MP
6. The Hon.(Dr.) Lilian Gogo, MP
7. The Hon. Ernest Ogesi Kivai, MP
8. The Hon. Vincent Kipkurui Tuwei, MP
9. The Hon. Caleb Amisi, MP
10. The Hon. Asha Hussein Mohamed, M.P

APOLOGY

1. The Hon. Dido Ali Raso, MP
2. The Hon. Charles Kilonzo, MP
3. The Hon. Patrick Makau King'ola, MP
4. The Hon. Yusuf Hassan Abdi, MP
5. The Hon. Memusi Ole Kanchory, MP
6. The Hon. John Lodepe Nakara, MP
7. The Hon. Nelson Koech, MP
8. The Hon. Maj (Rtd) Bashir Sheikh Abdullahi, MP
9. The Hon. Moses Nguchine Kirima, MP

National Assembly Secretariat

- | | | |
|-------------------------|---|-------------------------------------|
| 1. Mr. Nocholas Emejen | - | Deputy Director, Committee Services |
| 2. Mr. Samuel Kalama | - | Senior Clerk Assistant |
| 3. Ms. Emma Esendi | - | Legal Counsel |
| 4. Mr. Rodgers Kilungya | - | Audio Recording Officer |
| 5. Mr. Yaqub Ahmed | - | Media Relations Officer |
| 6. Mr. Said Wako | - | Sergeant At-Arm |

AGENDA

1. Preliminaries
 - (i) Prayers
 - (ii) Introductions
 - (iii) Communication from the Chair

(iv) Matters Arising

2. Consideration of the reports on-

- i. Into the inquiry into the Acquisition of land by KDF for establishment of a Forward Operating Base in Narok**
- ii. Consideration of petition regarding settlement of awards to ex-Kenya Air force officers and service men**

3. Any Other Business

MIN.NO.DC.DFR/2019/052: PRELIMINARIES & ADOPTION OF AGENDA

The Chairperson called the meeting to order at 2:05pm with a word of prayer. The agenda of the meeting was adopted having been proposed and seconded by the Hon. Vincent Kipkurui Tuwei, MP and Hon. Ernest Ogesi respectively.

MIN.NO.DC.DFR/2019/053: CONSIDERATION OF REPORT ON THE Into the INQUIRY INTO THE ACQUISITION OF LAND BY KDF FOR ESTABLISHMENT OF A FORWARD OPERATING BASE IN NAROK

The Committee considered the report on the **the inquiry into the Acquisition of land by KDF for establishment of a Forward Operating Base in Narok** paragraph by paragraph and made the following observations and recommendations

- i.** The size of the land required for the installation of the Rad and setting up of the Forward Operating Base in Narok is 876 acres and the identified land is privately owned.
- ii.** The initial budget set aside for the Phase I of the project in the FY 2017/2018 was **Kshs.400,000,000 and a total of Kshs. 175 866,730** will be utilized to compensate the project affected persons and the balance will be reallocated to the other modernization projects at the FOB.
- iii.** Environmental Social Impact Assessment (ESIA) was undertaken from 19th to 21st December 2018 and Certificate No.NEMA/EIA/PSL/7320 was duly issued on 8th February 2019.
- iv.** The ministry of Defence has not entered into agreement for the acquisition of land for the FOB.
- v.** The ownership to the neighbouring parcels of land to the 878 acre parcel of land already identified is in dispute.

- vi. The setting up of the Forward Operating Base and the installation of the Radar is behind schedule and this has been affected by the expiry of the term of office for NLC

Committee recommendations

- i. The Ministry of Defence should carryout due diligence on the ownership of the proposed land to be acquired and expedite the compensation of the bona-fide owner of the land as well as all the Project Affected Persons
- ii. In the event of future expansion of the FOB and other related projects, the Ministry of Defence should carryout due diligence to authenticate ownership of all the neighboring parcels of land whose ownership is currently disputed before acquisition.

Subsequently the Committee unanimously adopted the report after having been proposed and seconded by Hon. Vincent Tuwei,MP and Hon. (Dr.) Lilian Gogo, MP respectively.

**MIN.NO.DC.DFR/2019/054: CONSIDERATION OF REPORT ON THE OF PETITION
REGARDING SETTLEMENT OF AWARDS TO EX-KENYA
AIR FORCE OFFICERS AND SERVICE MEN**

The Committee considered the report paragraph by paragraph and made the following observations and recommendations

Committee observation

Committee observed that;

The Committee observed that the same petition was presented in the Senate and the Standing Committee on National Security, Defence and Foreign Relations is considering it.

Committee Recommendation

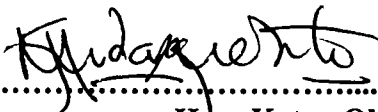
In view of the observations and findings made, the Committee recommends that;

That, the Consideration of the petition be suspended to allow the Standing Committee of the Senate on National Security, Defence and Foreign Relations to conclude its consideration of the petition.

Subsequently the Committee unanimously adopted the report after having been proposed and seconded by Hon. Martha Wangari, MP and Hon. Ernest Ogesi Kivai, MP respectively.

MIN.NO.DC.DFR/2019/055: ADJOURNMENT

The time being 4.00pm the Chairperson adjourned the meeting.

Signed..... 

**Hon. Katoo Ole Metito, EGH, MGH, M.P
(CHAIRPERSON)**

Date..... 23/03/2019

MINUTES OF THE 66TH SITTING OF THE DEPARTMENTAL COMMITTEE ON DEFENCE & FOREIGN RELATIONS HELD ON THURSDAY, 25TH OCTOBER, 2018 IN COMMITTEE ROOM 4TH FLOOR, CONTINENTAL HOUSE PARLIAMENT BUILDINGS AT 10.00 AM

PRESENT

1. The Hon. Katoo Ole Metito, EGH, MGH, M.P – **Chairperson**
2. The Hon. Yusuf Hassan Abdi, M.P
3. The Hon. Charles Mutavi Kilonzo, M.P
4. The Hon. Patrick Makau, M.P
5. The Hon. Dido Ali Raso, M.P
6. The Hon. Peter Mungai Mwathi, M.P
7. The Hon. Major (Rtd.) Bashir Sheikh Abdullah, MP
8. The Hon. Vincent Kipkurui Tuwei, M.P
9. The Hon. Ernest Ogesi Kivai, M.P
10. The Hon. Caleb Amisi, MP

APOLOGY

1. The Hon. Richard Tong'i, M.P - **Vice Chairperson**
2. The Hon. Beatrice Nkatha Nyagah, HSC, M.P
3. The Hon. Martha Wangari Wanjira, M.P
4. The Hon. Memusi Ole Kanchory, M.P
5. The Hon. John Lodepe Nakara, M.P
6. The Hon. (Dr.) Lilian Gogo, M.P
7. The Hon. Moses Nguchine Kirima, M.P
8. The Hon. Nelson Koech, M.P
9. The Hon. Asha Hussein Mohamed, M.P

IN ATTENDANCE

1. Hon. Gabriel Ole Tongoyo - Member, Narok West Constituency
2. Mr. David Ongare - National Environment Management Authority
3. Mr. Francis Bor - National Lands Commission
4. Mr. A.A Ombina - Ministry of Lands &PP
5. Mr. Owino Jacob C - Ministry of Lands &PP
6. Mr. Benard Chemtich - National Lands Commission
7. Mr. Joash Oindo - National Lands Commission
8. Prof. David Kuria - National Lands Commission
9. Ms. Abigail Mbagaya - National Lands Commission
10. Dr. Clement Lenachuri - National Lands Commission
11. Dr. Benard Opaa - National Lands Commission
12. Mr. Kipaa Jacob - National Lands Commission
13. Mr. Stephen Mutuku - Ministry of Lands &PP

NATIONAL ASSEMBLY- SECRETARIAT

1. Mr. Abdiaziz Shobay - Third Clerk Assistant
2. Ms. Grace Wahu - Research Officer

- | | | |
|-------------------------|---|-------------------------|
| 3. Mr. Andrew Shangarai | - | Senior Sergeant At-Arms |
| 4. Ms. Brigita Matti | - | Legal Officer |
| 5. Mr. Rodgers Kilungya | - | Audio Officer |

AGENDA

1. Preliminaries

- (i) Prayers
- (ii) Introductions
- (iii) Communication from the Chair
- (iv) Adoption of the Agenda
- (v) Matters Arising

2. Meeting with the Ministry of Lands, National Lands Commission (NLC) AND National Environment Management Authority (NEMA) on the inquiry into the plans by the Ministry of Defence to acquire land in Maasai-Mara, Narok County

2. Any Other Business

MIN.NO.DC.DFR/2018/282: PRELIMINARIES & ADOPTION OF THE AGENDA

The Chairperson called the meeting to order at 10:25am and prayer was said by Hon. Caleb Amisi, MP. The agenda of the meeting was adopted having been proposed and seconded by the Hon. Dido Ali Raso, M.P and Hon. Charles Mutavi Kilonzo, M.P respectively. The Chairperson informed the Committee that the Cabinet Secretary for Ministry of Lands who was scheduled to appear jointly with the representatives of the National Lands Commission and NEMA could not make it for the meeting since he had other prior engagements. The Vice Chairperson, Ms. Abigael Mbagaya, accompanied by Officers from the Commission, the Ministry of Lands, and NEMA appeared before the Committee.

MIN.NO.DC.DFR/2018/283: PRESENTATION BY NATIONAL LAND COMMISSION AND MINISTRY OF LANDS

The Chairperson invited Ms. Abigael Mbagaya, the Vice Chairperson, NLC to make her presentation to the Committee. She informed the Committee that: -

- (i) That, the land located by the Ministry of Defence is in Narok County within Lemek/Ole Kinyei Registration section.
- (ii) Initially, the land was owned by the Lemek group Ranch which was sub divided into several parcels in the year 13th August, 2001 and there have been no reports of any historical injustices. The land covers approximately 5000 acres.
- (iii) The NLC reported that John Wambugu, a large shareholder of the land of interest, had been purchasing land from members of the group ranch and there have been no complaints about him.
- (iv) The group ranch is community land.
- (v) There have been no petitions from the members. Lemek ranch was registered under group ranches and the leaders are appointed.

- (vi) In regards to compulsory acquisition, Article 40(3) of the Constitution indicates that Government has an overriding interest in land in Kenya and fair, prompt and just compensation must be made.
- (vii) Acquiring bodies need to identify land for their intended purposes and present to the NLC through the Cabinet Secretary of the Ministry.
- (viii) The Cabinet Secretary for the Ministry of Defence had written to the NLC stating that they needed 5000 acres in phases starting with 570 acres in the 1st phase.
- (ix) There have not been any agreements to commit funds on any parcel of land because the Commission was waiting for valuation from the Ministry of Lands for the land index to be issued and thereafter issue the awards to land owners of the 1st 570 acres to be purchased by the Ministry of Defence.
- (x) The Commission has only gazetted an intention to acquire land through Gazette Notice No. 5692 of 8th June, 2018 and an addendum vides Gazette Notice 1006 of 28th September, 2018.
- (xi) That sensitization was carried out on 13th June, 2018 before Gazettement and public participation was undertaken on 30th August, 2018 after gazettement by the NLC in consultation with the Ministry of Defence, the County Government of Narok, County Land Valuer, local administration officers and members of the public.
- (xii) Moreover, the NLC carried out an inspection on only 13 parcels (which constituted the 1st phase of 570 acres) and recorded ownership details and any improvements on 31st August, 2018. Verification was done during an inquiry on 16th October, 2018 and the process is still on-going.

The Committee was further informed that:-

1. The Ministry of Defense left the gazetted land because it was heavily populated and would therefore require heavy compensation.
2. The land of interest has minimal disruption of human activity.
3. The Ministry of Defense should be questioned their rationale on their change of land.
4. In compulsory acquisition, the purchasing institution/authority must show the suitability of the land to be acquisitioned.
5. The NLC oversight on the purpose of the land to be used by the Ministry of Defence will enable guidance on the plans of the land based on activities to be carried out.
6. On issues regarding NLC acquiring disputed land, the NLC stated that the courts have no mandate to halt the process of compulsory acquisition. If there are any complaints, the parties will continue disputing while the compulsory acquisition process continues.
7. The National Lands Commission carries out arbitration and adjudication and can do mediation as well

**MIN.NO.DC.DFR/2018/284: PRESENTATION BY THE NATIONAL ENVIRONMENT
MANAGEMENTY**

The Chairperson invited Mr. David Ongare representing the Director General NEMA to make his presentation to the Committee. He informed the Committee that: -

- (i) In regards to whether Environmental Impact Assessment (EIA) has been carried out Legal Requirement for a project to be subjected to EIA, Section 58 of the Environmental Management and Coordination Act (EMCA) Cap 387, states that *notwithstanding any approval, permit or licence granted under this Act or any other law in force in Kenya, any person, being a proponent of a project, shall, before financing, commencing, proceeding with, carried out, executing or conducting or causing to be financed, commenced, proceeded with, carried out, executed or conducted by another person any undertaking specified in the Second Schedule to this Act, submit a project report to the Authority.*
- (ii) That, The Second Schedule was further amended vide Legal Notice 150 of 2016. It categorized projects that qualify to be subjected to EIA in three broad categories; low risk, medium risk and high-risk projects.
- (iii) That, Regulation 4 (1) of the Environmental (Impact Assessment and Audit) Regulations of 2003 states that: No proponent shall implement a project –
 - a) likely to have a negative environmental impact; or
 - b) For which an environmental impact assessment is required under the Act or these Regulations; unless an environmental impact assessment has been concluded and approved in accordance with these Regulations.
- (iv) In regards to who carries out the EIA, the proponent contracts a NEMA registered and licensed Environmental Expert or Firm of Experts to undertake the EIA process on his behalf in accordance with the EMCA, Cap, 387 and in line with Environmental (Impact Assessment and Audit) Regulations, 2003.
- (v) The Environmental Impact Assessment (EIA) is the responsibility of the acquiring body.
- (vi) NEMA wrote to the Ministry of Defence and requested for prior approval from the Cabinet Secretary responsible for the Ministry of Defence and the EIA report, appropriate appraisals and certificates in addition to a relocation action plan.
- (vii) Once the EIA report has been compiled, it is then submitted to the Authority for review and decision making. The Authority shall acknowledge receipt of the report.
- (viii) The EIA process is consultative in nature and therefore the law demands that institutional recognition and public disclosure as key processes in the EIA.
- (ix) The Authority dispatches copies of the EIA reports to the relevant lead agencies seeking their sectoral input.
- (x) The Authority recognizes the essence of public consultation of the project affected persons (PAPs) and other stakeholders.
- (xi) A technical review of the proposed project is then undertaken taking into consideration of the institutional recognition, public disclosure, proposed impacts and mitigation measures.
- (xii) The Authority then makes its Record of Decision guided by the following decision-making principles:
 - a) The Ecosystem Approach
 - b) Consideration of alternatives
 - c) Hierarchy to mitigate impacts
 - d) Equitable sharing
 - e) Adequacy of risk assessment and management
 - f) Reference to existing planning frameworks and policy direction
 - g) Adequacy of public participation

h) Adequacy of the environmental Management Plan and the EIA report

- (xiii) To date **NO EIA** report for the proposed facility has been submitted to the Authority for review and decision making. The EIA should be done before the acquisition of land.

MIN.NO.DC.DFR/2018/285:

**PRESENTATION BY HON. GABRIEL OLE
TONGOYO, MP NAROK WEST, CONSTITUENCY**

The Chairperson invited Hon. Gabriel Ole Tongoyo, MP to make his presentation to the Committee. He informed the Committee that: -

- (i) In 1987, Ololototo was gazetted as the most ideal for Defence. However, the area has been subdivided and is private land.
- (ii) That he visited both the Cabinet Secretary for Defence and the Chairperson of the National Lands Commission and was briefed on the issue of the land accordingly
- (iii) That, there is another land gazetted in 1987 before the Lamek Land which has already been subdivided and is the most ideal for setting up the proposed Military installation
- (iv) When the group ranches were subdivided, due to border anonymity, a parcel of land was left undivided, intentionally left by the group ranch leaders and this was the area that was later subdivided for John Wambugu to purchase.
- (v) The title was allocated to three members who sold to Mr. John Wambugu
- (vi) He added that informal petitions have been sent to the Ministry of Lands and there has been no response.

Members Observations and Recommendations

The Committee observed that:-


1. The NLC should work with the Ministry of Lands to determine the market value of the land through valuation to determine compensation.
2. The Ministry of Defence should undertake an Environmental Impact Assessment (EIA) and submit their report to NEMA
3. The Ministry of Defence should submit a description of the purpose of the project to show suitability of the land to be purchased.

Committee Resolution

The Committee resolved to undertake a field visit to the land of interest with a view of assessing the situation on the ground and to also hold meetings with relevant stakeholders and the communities in the county.

MIN.NO.DC.DFR/2018/286: ADJOURNMENT

And the time being 12:10pm the Chairperson adjourned the meeting.

Signed..... .....
Hon. Katoole Metito, M.P

(CHAIRPERSON)
Date..... 29/11/2018.....

**MINUTES OF THE 49TH SITTING OF THE DEPARTMENTAL COMMITTEE ON
DEFENCE & FOREIGN RELATIONS HELD ON TUESDAY, 24TH JULY, 2018 IN 2ND
FLOOR, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS AT 10.00 AM**

PRESENT

1. The Hon. Katoo Ole Metito, EGH, MGH, M.P – **Chairperson**
2. The Hon. Richard Tong’i, M.P - **Vice Chairperson**
3. The Hon. Yusuf Hassan Abdi, M.P
4. The Hon. Charles Mutavi Kilonzo, M.P
5. The Hon. Patrick Makau, M.P
6. The Hon. Peter Mungai Mwathi, M.P
7. The Hon. Dido Ali Raso, M.P
8. The Hon. Memusi Ole Kanchory, M.P
9. The Hon. John Lodepe Nakara, M.P
10. The Hon. Major (Rtd.) Bashir Sheikh Abdullah, MP
11. The Hon. Moses Nguchine Kirima, M.P
12. The Hon. Vincent Kipkurui Tuwei, M.P
13. The Hon. Ernest Ogesi Kivai, M.P
14. The Hon. Caleb Amisi, MP

APOLOGY

1. The Hon. Beatrice Nkatha Nyagah, HSC, M.P
2. The Hon. (Dr.) Lilian Gogo, M.P
3. The Hon. Martha Wangari Wanjira, M.P
4. The Hon. Nelson Koech, M.P
5. The Hon. Silvanus Osoro, M.P

IN ATTENDANCE

1. Amb. Raychelle Omamo, SC Cabinet Secretary, Ministry of Defence
2. Maj. Gen. Adan Mulata, Ministry of Defence
3. Col. Oscar Kizito Muleyi, Ministry of Defence
4. Maj. George Otieno, Ministry of Defence
5. Maj. Mugambi Muthuri, Ministry of Defence
6. Mr. Peggie Kalie, Ministry of Defence
7. G.F Sakwa, Ministry of Defence

NATIONAL ASSEMBLY SECRETARIAT

- | | | |
|-------------------------|---|-------------------------|
| 1. Mr. Samuel Kalama | - | Senior Clerk Assistant |
| 2. Mr. Abdiaziz Shobay | - | Third Clerk Assistant |
| 3. Mr. Andrew Shangarai | - | Senior Sergeant At-Arms |
| 4. Ms. Grace W. Karanja | - | Research Officer III |
| 5. Ms. Brigita Mati | - | Legal Officer II |
| 6. Mr. Rodgers Kilungya | - | Audio Officer |

AGENDA

1. Preliminaries

- (i) Prayers
- (ii) Introductions
- (iii) Communication from the Chair
- (iv) Adoption of the Agenda
- (v) Matters Arising

2. Meeting with the Cabinet Secretary for Defence on the inquiry into the plans by the Ministry to acquire land in Maasai-Mara, Narok County

3. Any Other Business

MIN.NO.DC.DFR/2018/216: PRELIMINARIES AND ADOPTION OF THE AGENDA

The Chairperson called the meeting to order at 10:30am and prayer was said by Hon. Dido Ali Raso, MP. The agenda of the meeting was adopted having been proposed and seconded by Hon. Yusuf Hassan, M.P and Hon. John Lodepe Nakara, MP respectively.

He then welcomed the Cabinet Secretary, Ministry of Defence and other officials to the meeting and thereafter a round of introduction was done.

**MIN.NO.DC.DFR/2018/217: PRESENTATION BY AMB. RAYCHELLE OMAMO, SC,
CABINET SECRETARY, MINISTRY OF DEFENCE**

The Chairperson invited the Cabinet Secretary to make her presentation to the Committee, She informed the Committee that: -

- (i) In order to effectively monitor and react to air space threat, Kenya Air Force (KAF) has continued to set bases for the Air Defence Regiment (ADR) in various strategic locations within the Country.
- (ii) Narok County has been identified as an ideal location to put up one of the bases to augment the other facilities such as those in Wajir and Mariakani.
- (iii) A team of Senior Officer and Officers headed by Col Wks KAF, Col Sane and composed of representatives from Defence HQs and Kenya Air Force visited Narok County on 22 November 2017.
- (iv) The purpose of the visit was to engage the Narok County Government officials with a view to have the County Government allocate land to the Kenya Defence Forces to be used for KAF FOB.
- (v) The County Government officials were led by the Governor Hon. Samuel Kuntai Tunai. Prior to Narok visit, the team held a meeting to discuss the possible areas where land could be acquired taking into account the terrain, accessibility, radar specification requirement, run way requirement to accommodate a dash 8 aircraft and the average acreage.
- (vi) During discussions with the Governor for Narok County, The Governor informed the Ministry of Defence (MOD) team that land in the County was privately owned. This will therefore force MOD to acquire the land from the private owners who will be willing to sell their land or by compulsory acquisition.
- (vii) To select the most optimal and ideal location, ground recce was of essence. Between 27- 29 December 2017, a team of Senior Officers and Officers composed of representatives from DHQ, HQ KA and HQ KAF visited Narok County and undertook ground reconnaissance to establish the most suitable location for radar site and Military Camp.

- (viii) The land to be acquired should be adequate (approximately 500 acres) to accommodate a Radar Squadron of Air Defence Regiment (ADR), a runway to operate fixed wing aircraft in its inventory such as the Dash 8 with a length of more than 1.5 km and other facilities critical to a Forward Operation Base (FOB).
- (ix) The process of selecting a suitable site was done in stages. A preliminary aerial recce was first conducted to identify the general area of interest. From the aerial recce, the general area of Majimoto, Lemek, Ngorengore and Ewaso Ngiro was identified to be ideal for this purpose.
- (x) A thorough ground recce was then carried out by a team of Officers composed of representatives from DHQ, HQ KA and HQ KAF. A suitable site in Olkenyei within the initial general area of interest was selected as being the most ideal for the intended purpose.
- (xi) MOD requested NLC to facilitate the valuation process to ensure that a proper value of the land is determined. NLC has since conducted the valuation and has furnished MOD with the valuation report of the general area of interest for the purpose of planning.
- (xii) Based on the estimates of the valuation report from NLC, the preliminary total cost for plot 243 (169.76 acres) including improvements (structures, water pans and electric fence) is **Kshs. 140,500,000.00**. This provisional valuation sum translates to **Kshs. 650,918.94** per acre of land.
- (xiii) The NLC has also advised MOD to avail the under listed documents in pursuant to compulsory acquisition (Section 107 of the Land Act 2012). However MOD is still in the process of complying with some of NLC request.
- (xiv) MOD has complied with the dictates of Land Act 2012 by preparing the letter instructing NLC to commence the process of acquisition.
- (xv) According to KAF timeliness, modernized radar and its accessories was to be installed by June 2018. Based on KAF initial requirements of 570 acres, a raised/elevated Plot CIS MARA/ LEMEK/ 243 and its adjoining plots are to be acquired first.
- (xvi) The remainder of the 5000 acres can then be acquired gradually. NLC has also gazetted the plots which may be affected during the initial acquisition.
- (xvii) MOD has further appointed a Negotiating Committee in accordance with the Public Procurement and Asset Disposal Act, 2015 to enter into the Narok land negotiation.

The Committee was further informed that;

- i) **As regards to the amount of money set aside for the project;** the amount of funds set aside for the project in Phase I in the FY 2017/2018 was **Kshs. 400,000,000** secured from a supplementary budget. The other phases were then to be budgeted for in the subsequent Financial Years. Due to the fact that the timeliness for purchase of land for this project could not be met, the funds were relocated to other MOD modernization projects which were nearing completion.
- ii) **The size and possible use of the land:** It has been determined that the total size of land adequate for KAF FOB, Radar site, Army Camp and training area is 500 acres. MOD intends to acquire the aforementioned parcel of land in phases due to the inadequacy of funds.
- iii) ~~The land will be used to set up a Radar site, KAF FOB, Army camp and training area. MOD will however initially acquire 570 acres for immediate radar use in phase I.~~
- iv) **Whether or not an Environmental Impact Assessment (EIA) has been carried out:** the meeting was informed that MOD has a technical officer charged with the responsibility of advising the Ministry in Environmental matters, however, this is for internal preliminary decision

making. MOD is yet to undertake a comprehensive EIA since it was still awaiting for guidance from NLC on the availability and final cost implications of the land.

- v) **On whether or not there was any agreement entered into with any individuals(s) or firm(s) regarding the purchase of the land:** The meeting was informed that there was no agreement reached between MOD and the land owners in Narok County. MOD has formally requested NLC to assist in the acquisition of the subject land as prescribed in the law.

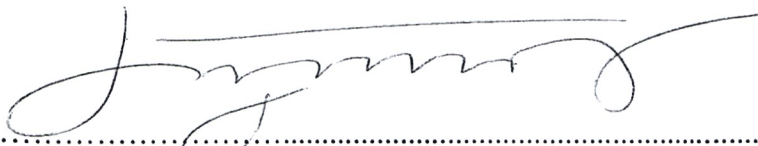
Committee Observations

1. Ministry of Defence should undertake a comprehensive Environmental Impact Assessment before acquisition of the land
2. The Ministry of Defence should conduct public participation exercise first to involve the local community for the project of such magnitude to be implemented
3. The Committee also noted that the Ministry of Defence should consider buying the land from both the community and Mr. Wambugu at the same price
4. The Committee observed that the cost of acquiring the land from those entities was exaggerated and should be reviewed downwards
5. The Committee noted that the size of the land being acquired was huge compared to what is needed for use by the Ministry of Defence
6. The Committee also noted that the Ministry should follow the laid down procedure in acquiring land including the notice of intention to acquire the land, inquiry into claims if any, inspection and verification of the, Environmental issues, Notice of compensation, Award, and thereafter proceed with the acquisition of the land.

The Committee resolved that the Chairperson of the National Land Commission, the Cabinet Secretary for Lands, and the Area Member of Parliament be invited for a meeting to deliberate further on the matter.

MIN.NO.DC.DFR/2018/218: ADJOURNMENT AND DATE OF NEXT MEETING

The Chairperson adjourned the meeting at 12:40pm and to reconvene on Thursday, 26th July, 2018 at 10.00am.

Signed.....

Hon. Katoo Ole Metito, M.P
(CHAIRPERSON)
Date..... 16th / August, 2018

**MINUTES OF THE 43RD SITTING OF THE DEPARTMENTAL COMMITTEE ON
DEFENCE & FOREIGN RELATIONS HELD ON THURSDAY, 19TH JUNE, 2018 IN
THE COMMISSION BOARD ROOM, PARLIAMENT BUILDINGS AT 11.30 AM**

PRESENT

1. The Hon. Richard Tong’i, MP (Vice Chairperson)- Chairing
2. The Hon. Yusuf Hassan Abdi, MP-
3. The Hon. Charles Kilonzo, MP
4. The Hon. Peter Mungai Mwathi, MP
5. The Hon. Nelson Koech, MP
6. The Hon. Ernest Ogesi Kivai, MP
7. The Hon. Caleb Amisi, MP

APOLOGY

1. The Hon. Katoo Ole Metito, EGH, MGH, MP (Chairperson)
2. The Hon. Dido Ali Raso, MP
3. The Hon. Patrick Makau King’ola, MP
4. The Hon. Beatrice Nkatha Nyagah, HSC, MP
5. The Hon. Memusi Ole Kanchory, MP
6. The Hon. John Lodepe Nakara, MP
7. The Hon. Major (Rtd.) Bashir Sheikh Abdullah, MP
8. The Hon. Martha Wangari Wanjira, MP
9. The Hon. Moses Nguchine Karima, MP
10. The Hon. Vincent Kipkurui Tuwei, MP
11. The Hon.(Dr.) Lilian Gogo, MP
12. The Hon. Silvanus Osoro, MP

National Assembly Secretariat

1. Mr. Samuel Kalama - First Clerk Assistant
2. Ms. Grace Wahu karanja - Research Officer
3. Mr. Andrew Shangarai - Senior Serjeant At Arms
4. Mr. Rodgers Kilyungu - Audio Recording Officer

5.

AGENDA

1. Preliminaries
 - (i) Prayers
 - (ii) Introductions
 - (iii) Communication from the Chair
 - (iv) Confirmation of Minutes from the previous sittings
 - (v) Matters Arising
2. Consideration of the Bilateral Air Service Agreement between Kenya and Jordan, Kenya and Jamaica and Kenya and Bahamas and the protocol amending the Bilateral Air Service Agreement between Kenya and Turkey ;
3. Any Other Business

MIN.NO.DC.DFR/2018/ 193: PRELIMINARIES

The Vice Chairperson called the meeting to order at 11.30 am and the meeting was opened with a word of Prayer from Hon.Charles Kilonzo, MP. He informed members that the Committee has been tasked to consider the Bilateral Air Service between Kenya and Jordan, Kenya and Jamaica and Kenya and Bahamas and the protocol amending the Bilateral Air Service Agreement between Kenya and Turkey ;

MIN.NO.DC.DFR/2018/ 194: CONSIDERATION OF THE BILATERAL AIR SERVICE AGREEMENT BETWEEN KENYA AND JORDAN, KENYA AND JAMAICA AND KENYA AND BAHAMAS AND THE PROTOCOL AMENDING THE BILATERAL AIR SERVICE AGREEMENT BETWEEN KENYA AND TURKEY

The Chairperson informed the meeting that the Treaty Making and Ratification Act, 2012 requires —

The Committee considers all agreements and approved by the House before they are ratified pursuant to section 8 of the said Act. In line with Article 118 of the constitution, the Committee directed the Secretariat to place an advert in the national dailies for members of the public to submit their written memoranda on the same. Members of the Committee were urged to familiarise themselves with the content of the various Bilateral Air Service Agreements.

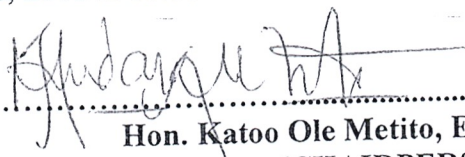
MIN.NO.DC.DFR/2018/195: ANY OTHER BUSINESS

1. The Committee was informed that the ministry of Defence is planning to purchase a ranch in Maasai Mara to set up a military base. The Committee resolved to deliberate the same in detail in its subsequent meeting before inviting the Ministry to shed light on the intended purchase of the land.
2. The Committee was informed that Abdi Aziz Shobay, Committee Clerk had lost his father and that the burial was scheduled on the same day at 1.00pm at Lang'ata

Cemetery, Nairobi County and requested members to attend. The Committee tasked Mr. Samuel Kalama to collect voluntary contributions towards the same from members.

MIN.NO.DC.DFR/2018/196: ADJOURNMENT

And time being 11.50 am the Vice Chairperson adjourned the meeting and to reconvene on Thursday, 21st June, 2018 at 10.00am.

Signed.....
Hon. Katoo Ole Metito, EGH, MGH, M.P
(CHAIRPERSON)

Date.....3/7/2018.....



REPUBLIC OF KENYA
PARLIAMENT

Hon. Moitalel Ole Kenta, MP.

Narok North Constituency

Chairman - Committee on Implementation, National Assembly

Parliament Buildings
Tel: +254 20 2221291
P. O. Box 41842 - 00100 Nairobi, Kenya

Harambee Plaza 6th Floor Rm. 606
Mobile: +254 728 233 443
Email: olekenta@gmail.com

HON. KATOO OLE METITO, MP.

Date: 19th MARCH, 2019

**CHAIRPERSON, DEFENCE AND FOREIGN RELATIONS,
NATIONAL ASSEMBLY,
PARLIAMENT BUILDING,
NAIROBI.**

Dear Sir,

RE: INKAROWUANI MILITARY CAMP.

The above matter refers:

We the Members of Parliament from Narok County request to appear before your committee on Thursday morning to deliberate on the above issue.

The Members of Parliament mentioned below are the ones set to appear before your committee.

- 1. HON. MOITALEL OLE KENTA, MP. NAROK NORTH.**
- 2. HON. Dr. KOREI OLE LEMEIN, MP. NAROK SOUTH.**
- 3. HON. LEMANKEN ARAMAT, MP. NAROK EAST.**
- 4. HON. GABRIEL OLE TONGOYO, MP. NAROK WEST.**

We look forward to your kind consideration.

Thank you in advance.

Yours faithfully,

HON. MOITALEL OLE KENTA, MP.

NAROK NORTH CONSTITUENCY.

Our Reference: 15TH/03/2019

DATE: 15TH MARCH 2019

Your Reference: TBA

THE CHAIRMAN

PARLIAMANETARY COMMITTEE ON DEFENSE & INTERNAL SECURITY,

PARLIAMENT BUILDINGS,

P.O. BOX 41842 – 00100,

NAIROBI, KENYA

Dear Sir/Madam,

RE: PROPOSED ACQUISITION OF LAND (GAZETTE NOTICE NO. 5692 AND GAZETTE NOTICE 1006)

The above subject matter kindly refers.

I write to you on behalf of Lemek community members and group ranch youth from Lemek, Narok-West Sub-County concerning the above captioned matter as published in the Kenya gazette dated the **8TH DAY OF JUNE 2018 (annex 1)** and another dated **11TH SEPTEMBER 2018** and which the members of the community are objecting on grounds herein below explained.

The proposed acquisition of land which involves several parcels of land within the former Lemek Group Ranch was placed vide **Kenya Gazette Notice 5692 of 8th June 2018** and **Kenya Gazette Notice 1006 of 11th September 2018** by the National Land Commission on behalf of the Ministry of Defense for the purposes of setting up a Military Base therein.

The members of the community are objected to the said acquisition and the consequent setting up of a military base within the area for several reasons that the community feels cannot make the area suitable for such a project.

1. INTERFERENCE WITH THE MAASAI MARA GAME RESERVE ECOSYSTEM

The Land earmarked for the acquisition is within the Maasai Mara Game Reserve Ecosystem very crucial for the Park and is along the migratory corridor of the animals within the Park, In reference to the Wildlife Migratory Corridors and Dispersal Areas Report Special Report you will find that subject area is very instrumental to the Maasai Mara Ecosystem and any interference in the area which increases human activity in and the areas around the park negatively impacts on the population of animals thereby affecting conservation of the Ecosystem of the Park.

Military activity as it is known will adversely affect the peace of animals which most likely will push the animals further where most of them will end up crossing to the Serengeti in Tanzania leaving Maasai Mara with no animals. (**Annexed 2&3**) states that critical wildlife like elephants, zebras and wildebeest exist on these gazetted lands. In the Report, the gazetted area is a core area for kernel densities for wildebeest, Burchell's zebra and giraffe, and an important area for kernel density of elephant. As such, the acquisition of the land for the construction of a military base will negatively impact and affect these identified wildlife migratory corridors. The endangered species like Rhinos will be further endangered hampering the conservation efforts that have been going on.

2. FAILURE TO INVOLVE THE AFFECTED COMMUNITY THROUGH PUBLIC PARTICIPATION

While the Kenya Constitution 2010 upholds the right of participation by the people through Public Participation in matters that will affect them, that tenet of the constitution has not been observed in the said acquisition which is a project that will affect the said community in very many ways being a military facility. There ought to be consultations and Public Participation forums so that the affected community could get an opportunity to give their views and feelings concerning the subject project.

The involved government Agencies acted in contravention of the Constitution of Kenya 2010 on Public Participation and in particular to **Articles 10(2)a,b& c,Articles 61 & Articles 69(1)(d)**.

3. FAILURE TO OBSERVE THE PUBLIC PROCUREMENT & ASSET DISPOSAL ACT NO 33 OF 2005

The National Land Commission and the interested Government Department being the Department of Defence contravened the provisions of the **Public Procurement & Asset Disposal Act No 33 of 2005 concerning** the acquisition of the said land. The Agencies failed to advertise and or call for bids to acquire the said land and its identification therefore is shrouded in lack of transparency and the community is left to wonder how the said parcels for land were identified for the same. A bid should have been placed in nationwide circulating print media as envisaged in the said Act to ensure that the same is done above board and for all to see.

4. FAILURE TO UNDERTAKE A FEASIBILITY STUDY & ENVIRONMENTAL IMPACT ASSESMENT

The concerned agencies failed to undertake a Feasibility Study as is mandatory for public projects and especially of this magnitude if the same was done the earlier stated reasons would have been identified and the agencies would have halted the same on the said grounds, the public risks losing money if this project proceed in the absence of a feasibility study.

The Agencies further contravened the provisions of the **National Environment & Management Act Cap 387 Laws of Kenya** and in particular **Section 58** by failing to undertake an Environmental Impact Assessment in order to assess the impact the proposed project would have to the environment and the ecosystem of the affected area. The Impact Assessment would show that the said project will adversely affect the environment and the ecosystem and its damage far outweighs its benefit to the said community.

There was also need for a Social Impact assessment to be able to show how the project will affect the said community socially. It is unfortunate that the said Agencies did not find it necessary to undertake such mandatory procedures and the project should not therefore proceed in the absence of the same.

5. ILLEGAL LAND ACQUISITION AND LAND BOUGHT FROM PROCEEDS OF GRAFT & ECONOMIC CRIMES.

We would like to bring it to your attention that some of the parcels of land earmarked for the acquisition and actually which forms the bulk of the subject land was acquired in questionable ways and the same has been subject to dispute and the same is pending to date. In a letter dated **24th June 2011**, the community representatives made a request to the then Director of the then Kenya Anticorruption Commission to probe illegal acquisition of land in Lemek Group Ranch in Narok South Constituency of which their earlier analysis determined there is fraud and illegalities in the land in question (**Annexed 4&5**).

In Gazette Notice 5692 there are 20 individuals listed as registered owners of the land in question. **Mr. John Kiragu Wambugu** in particular is one of these registered owners and owns a large proportion of the gazetted land with **880.999 Ha**. This land "owned" was previously group ranch land held in trust for the entire Lemek Community. This land was corruptly and illegally adjudicated. We ask that a review of how these owners obtained title in land undertaken before acquisition is done.

We would like to request that a Lifestyle Audit be undertaken on this particular Land owner in line with **Anti-Corruption & Economic Crimes Act No 3 of 2003&No 22 of 2011** to determine how a Junior Officer in the Department of Immigration amassed such wealth to buy such large tracts of land. It is the feeling of many stakeholders that the money used to purchase this land was ill gotten and is a proceed from Graft and the Government in its commitment to fight graft in all its forms should not therefore be seen to sanitise this shadowy acquisition of land by purchasing it.

In view of the foregoing and further reasons to be adduced later it is our humble request that in the interest of the affected community and in the interest of the Maasai Mara Ecosystem and in the interest of all Kenyans, this acquisition should be halted and investigations done on its progress so far, the law should be followed at every juncture and more so by the people entrusted with it. Should the project be allowed to proceed the affected community will suffer irreparably as hundreds of young people are rendered landless (**annex 6**) and the effects on the ecosystem will be irreversibly damaged!

Recognizing the critical role of the national land commission both in the acquisition of the land for the above function and also as per, **Article 67 (2) (e)** which mandates the Commission to initiate an investigation based on this complaint into this present and historical injustice we have already submitted our objection with the above reason (**annex 7**) and are expecting the commission to do the right thing beside an earlier petition to the ministry of lands that was not acted on (**annex 8 & 9**).

GAZETTE NOTICE NO. 5690

THE LAND REGISTRATION ACT

(No. 3 of 2012)

REGISTRATION OF INSTRUMENT

WHEREAS Njagi Nguu (deceased), is registered as proprietor of that piece of land known as Nthawa/Riandu/645, situate in the district of Mbeere, and whereas the High Court at Embu in succession cause No. 283 of 2015, has issued grant of letters of administration and certificate of confirmation of grant in favour of (1) Inyasio Kinyua Njagi and (2) Victor Kyura Njagi, and whereas the said court has executed an application to be registered as proprietors by transmission R.L. 19 in respect of the said parcel of land registered in the name of Njagi Nguu (deceased), and whereas the land title deed issued in respect of the said piece of land has been reported missing or lost, notice is given that after the expiration of thirty (30) days from the date hereof, provided no valid objection has been received within that period, I intend to dispense with the production of the said land title deed and proceed with the registration of the said application to be registered as proprietor by transmission R. L. 19 in the names of (1) Inyasio Kinyua Njagi and (2) Victor Kyura Njagi and upon such registration the land title deed issued to the said Njagi Nguu (deceased), shall be deemed to be cancelled and of no effect.

Dated the 8th June, 2018.

MR/4808648

I. N. NJIRU,
Land Registrar, Mbeere District.

GAZETTE NOTICE NO. 5691

THE LAND REGISTRATION ACT

(No. 3 of 2012)

REGISTRATION OF INSTRUMENT

WHEREAS Sulman Owango Kanyago (deceased), is registered as proprietor of that piece of land containing 1.4 hectares or thereabout, known as West Kasipul/Kodera Karabach/1274, situate in the district of Rachuonyo, and whereas the principal magistrate's court at Oyugis in succession cause No. 177 of 2017, has issued transmission documents to Francis Rabach Owango, and whereas all efforts made to trace the said land title deed have failed, notice is given that after the expiration of thirty (30) days from the date hereof, provided no valid objection has been received within that period, I intend to dispense with the production of the said land title deed and proceed with the registration of R.L. 19 and R.L. 7 to read Francis Rabach Owango, and upon such registration the land title deed issued earlier to the said Sulman Owango Kanyago (deceased), shall be deemed to be cancelled and of no effect.

Dated the 8th June, 2018.

MR/4808593

E. O. ABUNDU,
Land Registrar, Rachuonyo District.

GAZETTE NOTICE NO. 5692

THE LAND ACT

(No. 6 of 2012)

PROPOSED NAROK MILITARY LAND

INTENTION TO ACQUIRE

IN PURSUANCE of sections 112 and 162 of the Land Act, 2012, Part VIII, the National Land Commission on behalf of the Ministry of Defense gives notice that the National Government intends to acquire the following parcels of land for military use in Narok County.

Registration Section	Registered Land Owner	Area to be Acquired(Ha.)
Cis Mara/Olkenyei/242	Dennis Kashumpa Loigero	68.70
Cis Mara/Olkenyei/674	Leeyio ole Lemperc	48.18

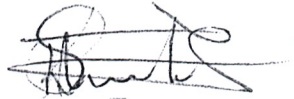
Registration Section	Registered Land Owner	Area to be Acquired(Ha.)
Cis Mara/Lemek/243	Dennis Kashumpa Loigero	68.70
Cis Mara/ Lemek/3033	Simon Tianta Ololtapori Carolyne Sopiaton Simon	26.525
Cis Mara/ Lemek/3337	Marima Nemparang	2.20
Cis Mara/ Lemek/3338	Marima Nemparang ole Nabaala	2.02
Cis Mara/ Lemek/3339	Marima Nemparang ole Nabaala	2.02
Cis Mara/ Lemek/3340	Marima Nemparang ole Nabaala	2.02
Cis Mara/ Lemek/3341	Marima Nemparang ole Nabaala	2.02
Cis Mara/ Lemek/3342	Risa ole Mpooye	2.02
Cis Mara/ Lemek/3343	Risa ole Mpooye	2.02
Cis Mara/ Lemek/3344	Risa ole Mpooye	2.02
Cis Mara/ Lemek/3345	Marima Nemparang	2.02
Cis Mara/ Lemek/3346	Marima Nemparang	2.02
Cis Mara/ Lemek/3347	Marima Nemparang	2.02
Cis Mara/ Lemek/3348	Lekuna ole Nabaala	8.09
Cis Mara/ Lemek/3349	Marima Nemparang	10.12
Cis Mara/ Lemek/3351	Siamanta Ene Nabaala	
Cis Mara/ Lemek/3352	Siamanta Ene Nabaala	12.14
Cis Mara/ Lemek/3354	George Asiligwa Kahi	40.485
Cis Mara/ Lemek/3368	Leperes ole Siololo	8.09
Cis Mara/ Lemek/3369	Simon Nasoore Malolong	12.14
Cis Mara/Lemek/3371	Nicholas Koitaat Nabaala	8.09
Cis Mara/Lemek/839	John Kiragu Wambugu	41.35
Cis Mara/Lemek/863	Marima Nemparang	47.50
Cis Mara/Lemek/2383	John Kiragu Wambugu	20.125
Cis Mara/Lemek/2384	John Kiragu Wambugu	20.125
Cis Mara/Lemek/2385	John Kiragu Wambugu	21.288
Cis Mara/Lemek/2386	Salaton Tompo	22.770
Cis Mara/Lemek/2387	John Kiragu Wambugu	19.685
Cis Mara/Lemek/2388	John Kiragu Wambugu	40.538
Cis Mara/Lemek/2389	John Kiragu Wambugu	20.125
Cis Mara/Lemek/2390	John Kiragu Wambugu	20.125
Cis Mara/Lemek/2391	John Kiragu Wambugu	20.125
Cis Mara/Lemek/2392	John Kiragu Wambugu	20.125
Cis Mara/Lemek/2393	John Kiragu Wambugu	20.125
Cis Mara/Lemek/2395	John Kiragu Wambugu	16.748
Cis Mara/Lemek/2396	John Kiragu Wambugu	42.75
Cis Mara/Lemek/2397	John Kiragu Wambugu	42.75
Cis Mara/Lemek/3048	Koileken ole Pusikishu	19.23
Cis Mara/Lemek/2320	John Kiragu Wambugu	4.345
Cis Mara/Lemek/2328	John Kiragu Wambugu	3.600
Cis Mara/Lemek/2329	John Kiragu Wambugu	3.600
Cis Mara/Lemek/2330	John Kiragu Wambugu	3.600
Cis Mara/Lemek/2331	John Kiragu Wambugu	3.66
Cis Mara/Lemek/2351	Siamanta ene Nabaala	8.09
Cis Mara/Lemek/2352	Kinyikita ene Nabaala	3.840

While we remain patriotic citizens who love our military, we are totally opposed to this ill-advised military venture for the benefit of the people living around it for conservation of wildlife.

We remain at your full disposal for questions and comments through the following contacts: Fred Kariankei, 0720468284, fskariankei@gmail.com,

Kind Regards,

FRED KARIANKEI



FORMER MEMBER LEMEK GROUP RANCH & COMMUNITY REPRESENTATIVE

CC.

- **CLERK NATIONAL ASSEMBLY**
- **P.S MINISTRY OF DEFENCE**
- **ETHICS & ANTI CORRUPTION COMMISSION**
- **DIRECTOR OF PUBLIC PROSECUTIONS.**
- **DIRECTOR OF CRIMINAL INVESTIGATIONS**
- **PARLIAMENTARY COMMITTEE ON LAND**

Registration Section	Registered Land Owner	Area to be Acquired(Ha.)
Cis Mara/Lemek/2353	Musa Booy ole Nampaso	3.300
Cis Mara/Lemek/2360		20.24
Cis Mara/Lemek/2369	Pempa ole Naimodu	12.760
Cis Mara/Lemek/2368	John Kiragu Wambugu	12.760
Cis Mara/Lemek/2371	Pempa ole Naimodu	12.760
Cis Mara/Lemek/2370	John Kiragu Wambugu	12.760
Cis Mara/Lemek/2374	John Kiragu Wambugu	17.160
Cis Mara/Lemek/2375	John Kiragu Wambugu	17.160
Cis Mara/Lemek/2376	John Kiragu Wambugu	17.160
Cis Mara/Lemek/2377	John Kiragu Wambugu	17.160
Cis Mara/Lemek/2378	John Kiragu Wambugu	18.910
Cis Mara/Lemek/2379	John Kiragu Wambugu	18.910
Cis Mara/Lemek/2380	John Kiragu Wambugu	40.870
Cis Mara/Lemek/2381	John Kiragu Wambugu	40.870
Cis Mara/Lemek/2164	John Kiragu Wambugu	51.50
Cis Mara/Lemek/2165	John Kiragu Wambugu	51.50
Cis Mara/Lemek/3250	John Kiragu Wambugu	20.24
Cis Mara/Lemek/860	Jeniffer Siando Enc Koriata	40.48
Cis Mara/Lemek/3785	John Kiragu Wambugu	20.16
Cis Mara/Lemek/3786	John Kiragu Wambugu	20.16
Cis Mara/Lemek/3079	John Kiragu Wambugu	11.81
Cis Mara/Lemek/3080	John Kiragu Wambugu	20.68
Cis Mara/Lemek/3081	John Kiragu Wambugu	8.09
Cis Mara/Lemek/3270	John Kiragu Wambugu	25.75
Cis Mara/Lemek/3567	John Kiragu Wambugu	22.26
Cis Mara/Lemek/3568	John Kiragu Wambugu	30.34

Plans of the affected land may be inspected during office hours at the office of the National Land Commission, Ardhi House, 3rd Floor, Room 305, and 1st Ngong Avenue, Nairobi. Notice of inquiries will be published in the *Kenya Gazette* as per section 112 (1) of the Land Act.

MUHAMMAD A. SWAZURI,
MR/4808646 Chairman, National Land Commission.

GAZETTE NOTICE NO. 5693

THE LAND ACT

(No. 6 of 2012)

CONSTRUCTION OF NDORI-NG'YA ROAD

INTENTION TO ACQUIRE

IN PURSUANCE of the transitional provisions contained in section 162 (2) of the Land Act and section 6 (2) of the Land Acquisition Act (Cap 295, Repealed), and further to Gazette Notice No. 6344 of 2011, the National Land Commission gives notice that the Government intends to acquire the following parcels of land for Kenya National Highways Authority (KeNHA) for construction of Ndori-Ng'ya road in Siaya County.

Addendum
SCHEDULE

Plot No.	Registered Owner	Area to be Acquired (Ha)
Kogelo Nyangoma/309	Onyango Obura	0.025
Kogelo Nyangoma/971	Joseph Ogutu Ojala	0.0891
Kogelo Nyangoma/970	Obongo s/o Oyaro	0.0281
Kogelo Nyangoma/1069	Gabriel Omuodo Omolo	0.1862
Masumbi/907	Ochieng Ochieng	0.0303
Masumbi/908	Alexander Ochoro Ochieng	0.06
Masumbi/909	Rabuogi Owuor	0.0192
Masumbi/910	Ochieng Oloo	0.0363
Masumbi/911	Okola Ochieng	0.0276
Masumbi/912	Willington Oloo Rabuogi	0.032
Masumbi/704	Michael Obiero	0.0208
Masumbi/701	Atito Odero	0.0084
Masumbi/700	Michael Okwadha Orato	0.0021
Abom/853	Ahono Ondiek	0.1647
Abom/3462	Oyange Omolo	0.0247
Abom/1185	—	0.0773
Abom/1251	Gabriel Abudho Owiti	0.0045
Abom/3788	Joshua Awino Awino	0.5178
Abom/3789	Peter Henry Okundi Ogonji	0.6992
Abom/499	Owino Akai	0.0158
Abom/563	Oginga Oludhe	0.0211
Abom/495	Maurice Omondi Ouko	0.0158
Abom/1136	Aluka Ondiege	0.0314
Ramba/2109	Samwel Jasper Ochieng	0.0071
Ramba/2110	Christopher Okech Bongo	0.0035

Corrigendum

Plot No.	Registered Owner	Area to be Acquired(Ha)
Kogelo Nyangoma/257	Dora Sewe	0.1726
Kogelo Nyangoma/315	James Omita Omolo and Alfred Otieno Oloo	0.0281
Kogelo Nyangoma/184	Siaya County Council	0.0034
Abom/3637	Grant Juma Otieno	0.0052
Abom/3455	Emanuel Otieno	0.0158
Abom/1230	Paul Agutu Onyango	0.1057
Abom/1181	Omodhe Onyang'	0.0391
Abom/1169	Patrice Ong'owo Onyange	0.0245
Abom/1059	Peter Onyango Oyor	0.0414
Abom/712	George Osino Okore	0.0223
Abom/713	William Nyangute	0.0230
Abom/714	Owuor Opany	0.0158
Abom/715	Tito Odindo Babu	0.0377
Abom/745	Henry Awendo	0.0406
Ramba/2444	Peter Omulo Bwana	0.0521

Dega-zetement

Plot No.	Registered Owner	Area to be Acquired(Ha)
Abom/858	Obiero Ondiek	0.1647
Abom/501	Charles Otieno Mwombo	1.3435
Abom/3537	Thaddeus Allan Onyogo Juma	0.0011
Abom/1233	Marcel Owino Agutu	0.0007
Kogelo Nyangoma/1031	Gabriel Omuodo Omolo	0.1266
Kogelo Nyangoma/1032	Abong'o Malik Obama	0.0402
Kogelo Nyangoma/195	Obongo Oyaro	0.0693

Plans for the affected land may be inspected during office hours at Siaya County Land's Office or the Commission's office in Ardhi House, 1st Ngong Avenue, Room 305. Notice of hearing of claims to compensation by persons interested in the land required by the above project will be published in the *Kenya Gazette* as provided under section 112 (1) of the Land Act, 2012.

Dated the 10th October, 2016.

MUHAMMAD A. SWAZURI,
MR/4807168 Chairman, National Land Commission.



**NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY (NEMA)
THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION ACT
ENVIRONMENTAL IMPACT ASSESSMENT LICENSE**

License No: NEMA/EIA/PSL/7320

Application Reference No: NEMA/EIA/PSR/12867

This is to certify that the Environmental Impact Assessment Project Report received from
Ministry of Defense.

P. O. Box 40668 - 00100, Nairobi.

submitted to the National Environment Management Authority in accordance with the
Environmental Impact Assessment & Audit Regulations, 2003 regarding the:

Proposed Establishment of Narok Air Defense Regiment (ADR) Military Camp.

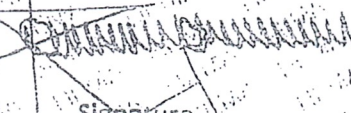
whose objective is to carry on

Construction of an Air Defense Regiment (ADR) military camp comprising office
block, range area, accommodation facilities, borehole, internal road network, power
house, associated facilities and amenities.

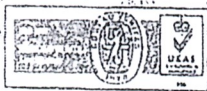
located at
Narok County.

has been reviewed and a license is hereby issued for the implementation of the project,
subject to attached conditions.

Issue date: 08 February, 2019


Signature
(seal)
Director-General
The National Environment
Management Authority.

R.T.O



ISO 9001: 2008 Certified

1.0 General Conditions

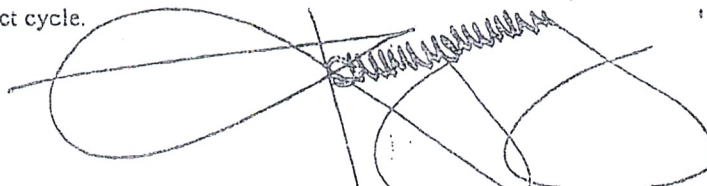
- 1.1 This project is for the construction of an Air Defense Regiment (ADR) Military camp comprising office block, range area, accommodation facilities, borehole, internal road network, power house, associated amenities and facilities in Narok County.
- 1.2 The license shall be valid for 24 months (time within which the project shall commence) from the date hereof.
- 1.3 The Director General shall be notified of any transfer, variation or surrender of this license.
- 1.4 Without prejudice to the other conditions of this license, the proponent shall implement and maintain an environmental management system, organizational structure and allocate resources that are sufficient to achieve compliance with the requirements and conditions of this license.
- 1.5 The Authority shall take appropriate action against the proponent in the event of breach of any of the conditions stated herein or any contravention to the Environmental Management and Coordination Act, Cap 387 and regulations therein.
- 1.6 This license shall not be taken as statutory defence against charges of pollution in respect of any manner of pollution not specified herein.
- 1.7 The proponent shall ensure that records on conditions of licenses/approval and project monitoring and evaluation shall be kept on the project site for inspection by NEMA's Environmental Inspectors.
- 1.8 The proponent shall submit an Environmental Audit report in the first year of occupation/operations/commissioning to confirm the efficacy and adequacy of the Environmental Management Plan.
- 1.9 The proponent shall provide the final project accounts (final project costs) on completion of construction phase. This should be done prior to project commissioning/operation/occupation.
- 1.10 The proponent shall comply with NEMA's improvement orders throughout the project cycle.

2. Construction Conditions

- 2.1 The proponent shall obtain the requisite approvals from the County Government of Narok and all other relevant Authorities prior to commencement of works.
- 2.2 In the event that the project borders a river or a stream, the proponent, Pursuant to regulation 6 (c) of the Water Quality Regulations 2006, shall protect the riparian by ensuring that NO development activity is undertaken within the full width of the river or stream to a minimum of six (6) metres and a maximum of 30 metres on either sides based on the highest recorded flood levels.
- 2.3 The proponent shall ensure that the construction is done as per the approved drawings in adherence to the Building code 1968, and the provisions of the National Construction Act, 2011.
- 2.4 The proponent shall obtain a construction permit from the Energy Regulatory Commission before commencement of construction works of the oil storage area as required under section 90 of the Energy Act, No. 12 of 2006.

The proponent shall submit design drawings of the proposed water and effluent control discharge plans to the area water and sewerage services provider and the County Public Health Officer for approval prior to commencement of works.

- 2.6 The proponent shall design and implement a concise traffic management plan duly approved by the County Engineer and other relevant Authorities before commencement of works.
- 2.7 The proponent shall ensure relocation, compensation and restoration of livelihoods for any project affected persons (PAPs) and develop a consultative plan for emerging issues and grievance redress mechanisms (GRM) as shall be prescribed in the Resettlement Action Plan (RAP).
- 2.8 The proponent shall where applicable, and in consultation with Kenya Wildlife Service ensure the protection of the wildlife migratory corridors.
- 2.9 The proponent shall in consultation with Kenya Wildlife Service ensure that proper relocation of any wildlife within the project area is undertaken.
- 2.10 The proponent shall ensure that key environmentally significant areas are protected and conserved.
- 2.11 The proponent shall put up a project signboard as per the Ministry of Transport and Infrastructure Standards indicating the NEMA licence number among other information.
- 2.12 The proponent shall ensure air pollution control measures are put in place to mitigate against dust during the construction phase.
- 2.13 The proponent shall ensure that all excavated material and debris is collected, re used and where need be disposed off as per the Environmental Management Coordination Management (Waste Management) Regulation 2006.
- 2.14 The proponent shall ensure strict adherence to the provisions of the Environmental Management and Coordination (Noise and Excessive Vibrations Pollution Control) Regulations of 2009.
- 2.15 The proponent shall ensure that the cooling systems employed are suitable alternatives with zero ozone depleting potential as per Environmental Management and Coordination (Controlled Substances) Regulations, 2007.
- 2.16 The proponent shall ensure strict adherence to the Occupational Safety and Health Act (OSHA), 2007.
- 2.17 The proponent shall ensure that construction workers are provided with adequate personal protection equipment (PPE), sanitary facilities as well as adequate training.
- 2.18 The proponent shall ensure that construction activities are undertaken during the day (and not at night) between 08.00 hrs and 17.00 hrs; and that transportation of construction material to site are undertaken during weekdays (and not weekends) off peak hours.
- 2.19 The proponent shall ensure the project will not encroach on any way-leave and road reserves, and will leave the required space for such services.
- 2.20 The proponent shall ensure that the development adheres to zoning specification issued for the development of such a project within the jurisdiction of the County Government of Narok with emphasis on the approved land use for the area.
- 2.21 The proponent shall ensure strict adherence to the Environmental Management Plan developed throughout the project cycle.

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3. Operational Conditions

- 3.1 The proponent shall obtain all the requisite approvals from the relevant authorities prior to commencement of operations.
- 3.2 The proponent shall obtain authorization to drill any borehole from the Water Resource Management Authority before drilling and abstracting water.
- 3.3 The proponent shall obtain an effluent discharge from NEMA within the first year of operation.
- 3.4 The proponent shall ensure that all waste water is disposed of as per the standards set out in the Environmental Management and Coordination (Water Quality) Regulations, 2006.
- 3.5 The proponent shall ensure that rain water harvesting facilities are provided to supplement surface and ground water.
- 3.6 The proponent shall ensure that all drainage facilities are fitted with adequate functional oil water separators and silt traps.
- 3.7 The proponent shall establish a comprehensive emergency preparedness system, an emergency response plan, adequate fire-fighting equipment, sufficient fire-fighting water, appropriate signage and train staff on the same.
- 3.8 The proponent shall ensure that appropriate and functional efficient air pollution control mechanisms are installed in the facility to control all air emissions.
- 3.9 The proponent shall ensure compliance with the provisions of the Energy (Solar Water Heating) Regulations, 2012.
- 3.10 The proponent shall ensure strict adherence to the provisions of the Environmental Management and Coordination (Air Quality) Regulations of 2014.
- 3.11 The proponent shall ensure that all solid waste and laboratory waste is handled in accordance with the Environmental Management and Coordination (Waste Management) Regulations, 2006.
- 3.12 The proponent shall ensure that all equipment used are well maintained in accordance with the Environment Management and Coordination (Noise and Excessive Vibration Pollution Control) Regulations 2009.
- 3.13 The proponent shall ensure strict adherence to the Occupational Safety and Health Act (OSHA), 2007.
- 3.14 The proponent shall comply with the relevant principal laws, by-laws and guidelines issued for development of such a project within the jurisdiction of the County Government of Narok, Kenya Civil Aviation Authority, Kenya Wildlife Service, Kenya Forest Service, Ministry of Land, Housing and Urban Development, Ministry of Health, Kenya Urban Roads Authority, National Construction Authority, Directorate of Occupational Health and Safety Services, Area Water and Sewerage Company, Water Resources Authority and other relevant Authorities.
- 3.15 The proponent shall ensure that environmental protection facilities or measures to prevent pollution and ecological deterioration such as functional landscaping and tree-planting, installation of water and energy saving fixtures, emergency response plan, dust control measures, ecotourism practices, traffic management plan, functional storm drainage system, solid waste management plan, waste water management plan, soil erosion control, noise abatement mechanisms are designed, constructed and employed simultaneously with the proposed project.

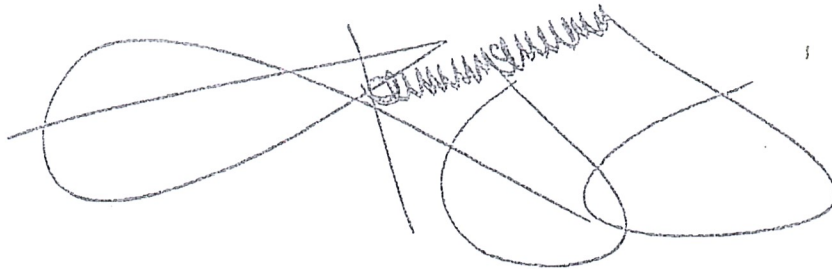
4. Operation Conditions

- 4.1 The proponent shall seek written approval from the Authority for any operational changes under this license.
- 4.2 The proponent shall ensure that the Authority is notified of any malfunction of any system within 12 hours on the NEMA hotline No. 020 6006041/0786101100 and mitigation measures put in place.
- 4.3 The proponent shall keep records of all pollution incidences and notify the Authority within 24 hours.
- 4.4 The proponent shall notify the Authority of its intent to decommission three months in advance in writing.

5. Decommissioning Conditions

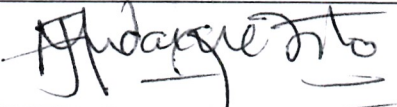
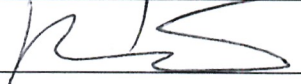
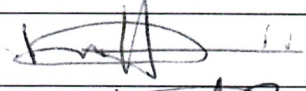
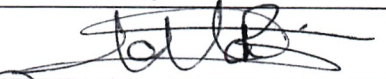
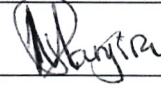

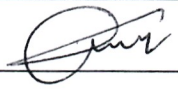
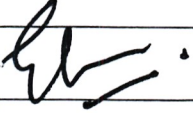
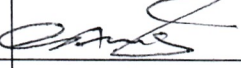
- 5.1 The proponent shall ensure that a decommissioning plan is submitted to the Authority for approval at least three (3) months prior to decommissioning.
- 5.2 The proponent shall ensure that all pollutants and polluted material is contained and adequate mitigation measures provided during the phase.

The above conditions will ensure environmentally sustainable development and must be complied with.

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**ADOPTION OF THE REPORT OF THE DEPARTMENTAL COMMITTEE
ON DEFENCE AND FOREIGN RELATIONS ON THE INQUIRY INTO THE
ACQUISITION OF LAND IN MAASAI MARA, NAROK COUNTY BY THE
MINISTRY OF DEFENCE FOR SETTING UP OF MILITARY BASE**

We the Honourable Members of the Departmental Committee on Defence and Foreign Relations today the 23rd March, 2019 do hereby affix our signatures to this report:-

No.	NAME	SIGNATURE
1.	The Hon. Katoo Ole Metito, EGH, MGH, M.P - Chairperson	
2.	The Hon. Richard Tong'i, M.P - Vice Chairperson	
3.	The Hon. Yusuf Hassan Abdi, M.P	
4.	The Hon. Charles Mutavi Kilonzo, M.P	
5.	The Hon. Patrick Makau, M.P	
6.	The Hon. Col. (Rtd) Dido Ali Raso, M.P	
7.	The Hon. Peter Mungai Mwathi, M.P	
8.	The Hon. Beatrice Nkatha Nyagah, HSC, M.P	
9.	The Hon. Martha Wangari Wanjira, M.P	
10	The Hon. John Lodepe Nakara, M.P	
11.	The Hon. Elijah Memusi Kanchory, M.P	
12.	The Hon. Major (Rtd.) Bashir Sheikh Abdullahi, M.P	
13.	The Hon. (Dr.) Lilian Gogo, M.P	
14.	The Hon. Nelson Koech, M.P	
15.	The Hon. Moses Nguchine Kirima, M.P	
16.	The Hon. Vincent Kipkurui Tuwei, M.P	
17.	The Hon. Ernest Ogesi Kivai, M.P	
18.	The Hon. Caleb Amisi, MP	
19.	The Hon. Asha Hussein Mohamed	