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THE SENATE

STANDING COMMITTEE ON LAND AND NATURAL RESOURCES

ELEVENTH PARLIAMENT- FIFTH SESSION

REPORT ON THE PETITION MADE TO THE SENATE BY RESIDENTS OF ISIOLO COUNTY ON THE LEASING OF BUFFALO SPRINGS AND SHABA GAME RESERVES BY THE ISIOLO COUNTY EXECUTIVE

CLERK'S CHAMBERS THE SENATE PARLIAMENT OF KENYA NAIROBI

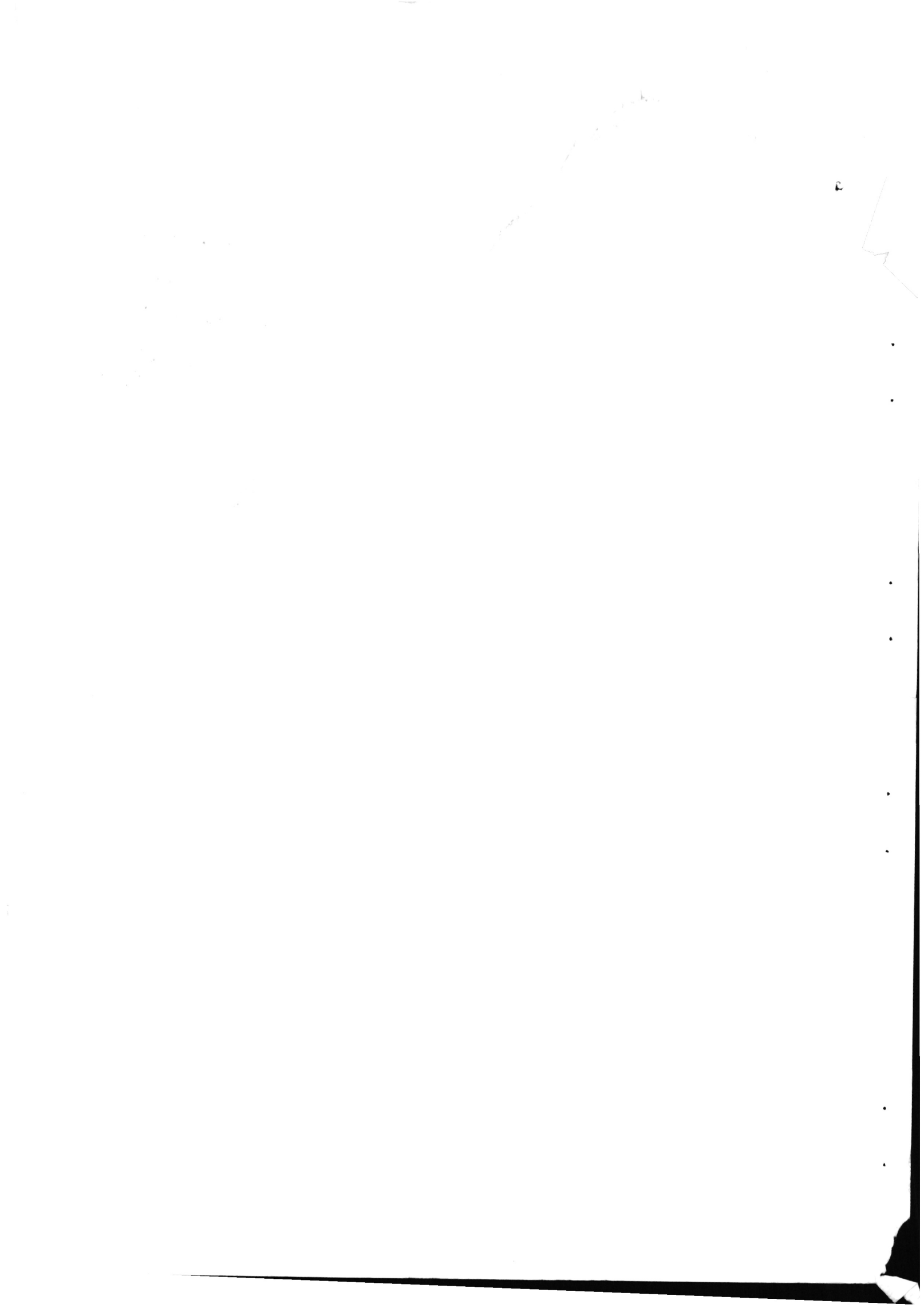
Rt-Hon-Speaker  
You may approve for tabling.



Approved  
~~[Signature]~~  
Speaker  
28 MARCH, 2017

by the  
committee (Mr. Khaniri)  
on 28/03/2017

[Signature]



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## **LIST OF APPENDIXES**

1. Copy of the Petition
2. A. Minutes of the 85<sup>th</sup> Sitting of the Committee
- B. Minutes of the 87<sup>th</sup> Sitting of the Committee
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- C. Response to statement issued by the Chairperson Tourism Trade and Cooperative Committee dated 3<sup>rd</sup> March, 2016
- D. Motion by Hon. David Lemantile on 2<sup>nd</sup> June, 2016
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4. A. Minutes of the 93<sup>rd</sup> Meeting of the Committee
- B. Copy of the Letter from the EACC
5. Minutes of the 95<sup>th</sup> Meeting of the Committee
6. Adoption of the Report Attendance Schedule

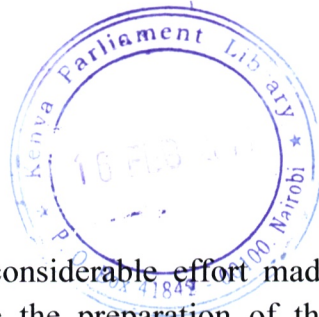
## **LIST OF ACRONYMS AND ABBREVIATIONS**

1. CEC County Executive Committee Member
2. CSO Civil Society Organizations
3. EACC Ethics and Anti-Corruption Commission
4. FIGARE Friends of Isiolo Game Reserves
5. Hon. Honourable
6. M.P. Member of Parliament
7. NRT Northern Range Trust
8. PAIC Public Accounts and Investments Committee
9. Sen. Senator
10. WTL Waso Trust Land

## **PREFACE**

1. The Standing Committee on Land and Natural Resources was constituted on Thursday 27th February 2014 during the Second Session of the Eleventh (11th) Parliament pursuant to the provisions of Senate standing order 208.
2. The Committee is mandated, under the Second Schedule of the Senate Standing Orders, *to consider all matters related to lands and settlement, environment, forestry, water resource management and mining.*
3. In executing its mandate, the Committee oversees the Ministries of:
  - a) Lands and Physical Planning;
  - b) Environment & Natural Resources;
  - c) Ministry of Water & Irrigation; and
  - d) Mining.
4. The Committee comprises the following Members:
  1. Sen. Lenny Kivuti, M.P. - Chairman
  2. Sen. George Khaniri, M.P. - Vice Chairperson
  3. Sen. Christopher Obure, M.P. - Member
  4. Sen. Dawson Mwazo, M.P. - Member
  5. Sen. Henry Ndiema, M.P. - Member
  6. Sen. Isaac Melly, M.P. - Member
  7. Sen. Liza Chelule, M.P. - Member
  8. Sen. Martha Wangari, M.P. - Member
  9. Sen. Boy Juma Boy, M.P. - Member (Deceased)
5. The Secretariat of the Committee comprises of the following:
  1. Ms. Mwanate Shaban - Clerk Assistant
  2. Mr. Kefa Omotia - Principal Research Officer
  3. Mr. Leonard Koech - Legal Officer
  4. Mr. Joseph Muriuki - Audio Officer
  5. Ms. Sarah Rukwaro - Serjeant At Arms

**ACKNOWLEDGEMENT**



**Mr. Speaker Sir,**

The Committee acknowledges the valuable time and considerable effort made by the stakeholders who provided information that has made the preparation of this report possible.

I wish to express my gratitude to the Office of the Speaker and the Clerk of the Senate for facilitating all the actions that led to the production of this report.

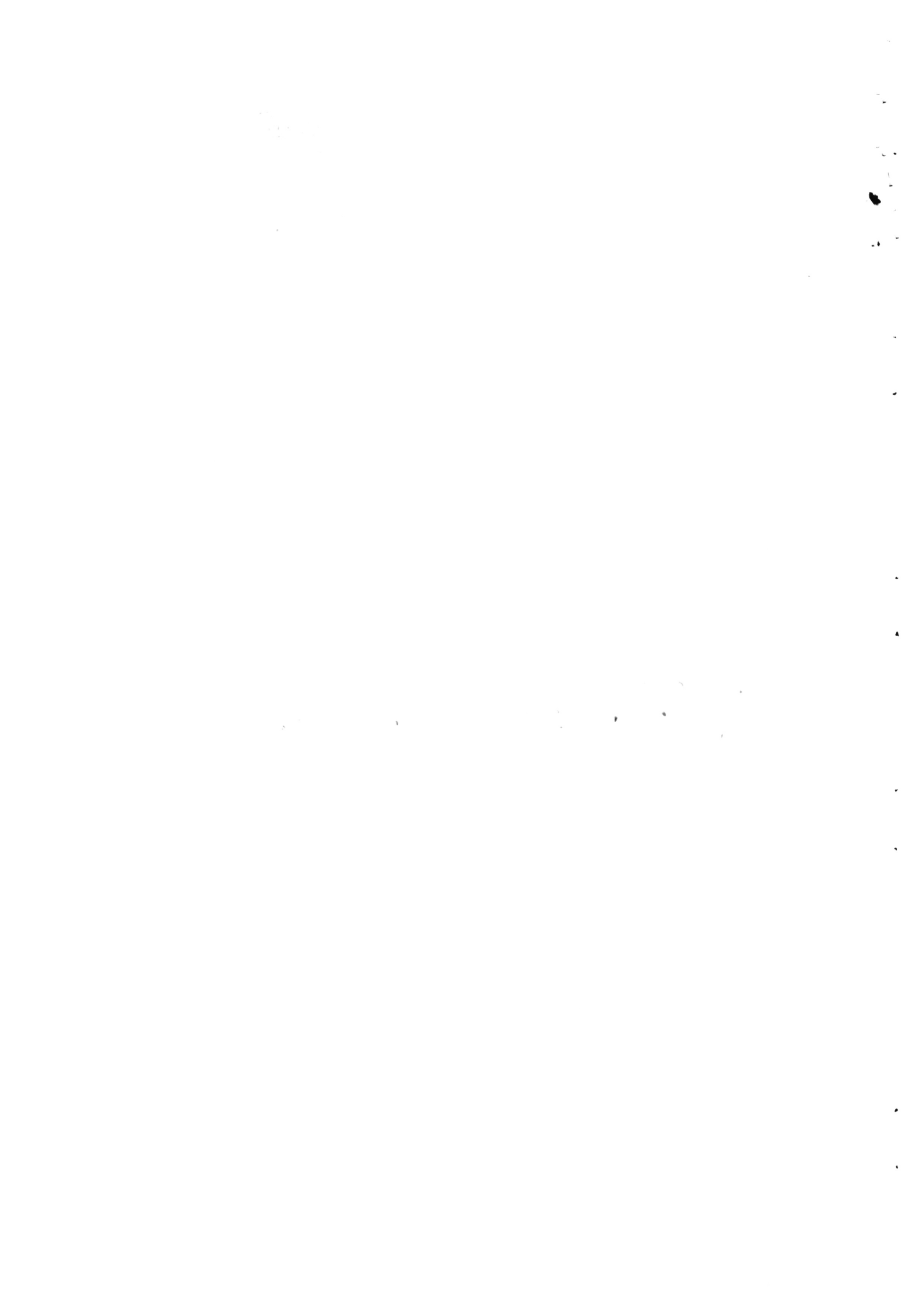
I also wish to extend my appreciation to Senator Fatuma Dulo, Nominated Senator from Isiolo County who has been with us throughout the entire process.

**Mr. Speaker Sir,**

It is now my pleasant duty, pursuant to Standing Order 225 to table the report of the Standing Committee on Land & Natural Resources, in relation to the Petition on the Leasing of Buffalo Springs and Shaba Game Reserves by the Isiolo County Executive.

SIGNED.......... DATE..........

**SEN. GEORGE KHANIRI, M.P.  
VICE CHAIRPERSON,  
STANDING COMMITTEE ON LAND & NATURAL RESOURCES**



## **CHAPTER ONE: INTRODUCTION**

### **1.1 Background**

Pursuant to Article 119 (1) of the Constitution and the Senate Standing Orders No. 220 (1) (b), Senator Bonny Khalwale, M.P., Senator for Kakamega County, presented a Petition on behalf of the Residents of Isiolo, on the Leasing of Buffalo Springs and Shaba Game Reserves by the Isiolo County Executive on 5<sup>th</sup> June, 2016.

The Petition was approved by the Speaker on 28<sup>th</sup> June, 2016 and thereafter committed to the Standing Committee on Land and Natural Resources on 12<sup>th</sup> July, 2016.

The Committee held consultative meetings with the Petitioners, the Isiolo County Assembly Members, the Isiolo County Executive as well as the Ethics and Anti-corruption Commission officials; and received documents from the same.

The Minutes of these sessions as well as the documents and evidences presented to the Committee are annexed to this report.

### **1.2 The Petition**

The Petition drew the attention of the Senate to the following issues:

1. THAT, Article 62 (g) and 63 of the Constitution of Kenya delegated the responsibility of protection of the game parks/ reserves and natural resources to the County Governments;
2. THAT, the Executive organ of Isiolo County Government expressly violated the Constitution by leasing Buffalo Springs and Shaba game reserves by putting up an advert for “Call for Expression of Interest” in the Daily Nation Newspaper of 24<sup>th</sup> May, 2016 without public participation in the entire process, usurping the County Assembly and stakeholders’ consultation that has been established in pursuance of the Constitutional benchmarks;
3. THAT, these game reserves are the permanent asset to the local community since time immemorial; they are the pride and natural heritage of the County. They contribute 90% of the local revenue during the defunct Isiolo County Council regime and are therefore the backbone of the County;
4. THAT, Section 75 of the Wildlife Conservation and Management Act, 2013 advocates for recognition of the rights and privilege of communities living

adjacent to conservation and protected areas in decision-making and determination on the matter of conservation and management of the wildlife resource;

5. THAT, the County Government has allegedly leased these reserves for a period of 25 years to a foreign non-governmental organization called African Parks Networks which has failed miserably in several African Countries and much worse without consulting local community, stakeholders and residents of Isiolo County; further noting with concern that such move tantamount to blatant breach of due process of the law;
6. THAT, the matter is alive before the Isiolo County Assembly and it has not yet been ceased off by the Assembly to its logical conclusion; and,
7. THAT; the process of leasing did not adhere to the Public Procurement and Disposal Act.

The Petitioners prayed that the Senate:-

- 1) Compels the Public Accounts and Investments of Isiolo County Assembly to table the report of their findings within three weeks; and,
- 2) The Isiolo County Government to stop any further transaction on the lease of the said game reserves.

The Petitioners added more prayers during their meeting with the Committee and these were:-

- 3) That the Committee and the Senate carry out an all-inclusive audit over the foregoing as a matter of public urgency;
- 4) That the Committee and the Senate carry out comprehensive audit of all the players in the matter including the Northern RANGE Trust (NRT) organization, African Parks Organization and other relevant entities for the purposes of safeguarding the public interest, particularly in Isiolo County;
- 5) That the Senate ensures that the Isiolo County government stops its unilateral approach in stakeholder engagements;
- 6) That the Senate ensures that the county government and all its entities observe the rule of law and compliance with the laws as herein above stated; and
- 7) That the Senate grants any other remedy as it deems fit and justifiable.

The full petition as received by the Senate is attached as Appendix 1 to this report.

## **CHAPTER TWO: PRESENTATIONS TO THE COMMITTEE**

This section contains the deliberations that the Committee made and the presentations that were made by the Petitioners and other stake holders; and the documents received by the Committee.

### **2.1 Committee Deliberations**

The Committee first considered the Petition on Leasing of the Buffalo Springs and Shaba Game Reserves by the Isiolo County Executive on Wednesday 12<sup>th</sup> October, 2016 at its 85<sup>th</sup> sitting (minutes are attached as Appendix 2A); where it resolved to extensively deliberate on the matter on Wednesday 19<sup>th</sup> October 2016.

At its 87<sup>th</sup> Sitting, the Committee resolved to meet with the Petitioners, the Isiolo County Assembly, the Ethics and Anti-Corruption Commission Officials and the Isiolo County Executive (minutes are attached as Appendix 2B).

### **2.2 Meeting with the Petitioners (Residents of Isiolo County)**

The Committee met the Petitioners on Tuesday 25<sup>th</sup> October, 2016. The delegation from Isiolo was led by Counsellor Hussein Abduba, the Chairman of the Friends of Isiolo Game Reserves (FIGARE). He stated that Mr. Liban Golicha, the Chief Executive Officer of Waso Trustland Project will make the submissions on behalf of the Petitioners and the residents of Isiolo as a whole. The minutes of the meeting between the Committee and the Petitioners, as well as the list of the delegation from Isiolo that participated in the meeting are attached as appendix to this report as Appendix 2C.

Mr. Golicha started by acknowledging the committee's invitation and appreciated the considerations by the Committee. He added that the petitioners present were representatives of Isiolo communities drawn from the local civil society organizations (CSO's), Friends of Isiolo Game Reserves (FIGARE) and the Waso Trust Land (WTL) of which he was the Chief Executive Officer. He further explained that the WTL was a registered local non-government organization working on issues of public interest, among them, land and natural resources; while FIGARE is a creature of a lobby group against the said lease plan by the County Government.

Mr. Golicha further noted that Isiolo County was home to diverse ethnics and cultures, and that the natural heritage and resources of the County individually and collectively belongs to the communities and People of Kenya. Isiolo was also known for its unique habitat found in the County's three famed Buffalo Springs, Shaba and Bisan Adi game reserves.

He mentioned that brokers like Northern Rangeland Trust (NRT), attracted by the Isiolo's place in Vision 2030's National Development Programme, were disguising themselves as conservationist and were purporting to establish community based conservancies with the aim of taking over the community land. This, he claimed, was at the expense of vulnerable pastoralist communities in the region.

He raised the following concerns:

- 1) That the now defunct Isiolo County Council used to raise about 300 million Kenyan shillings annually; and the amount used to support the running of the Council and other development projects;
- 2) The County Government had failed to utilize the opportunities of devolution and failed to invest in the sector, and had negatively affected the revenues from the Game reserves;
- 3) The County Government had instead leased its most treasured County asset – the Game Reserves; and this it had done to African Parks Management Organization -a firm with suspect track record; through a flawed procurement system that was unilateral, shrouded in secrecy, and lacked public participation;
- 4) That the Petitioners through the WTL had tried to reach the Executive to comment on the deals between the NRT, and African Parks Management Organization and the Executive which included several benchmarking trips organized by NRT, but the Executive had not responded to the same;
- 5) That Hon. Hassan Guyo Shano, a Member of the County Assembly raised a statement in the County Assembly of Isiolo but the County Executive Committee Member (CEC) in charge of Tourism, Mr. Suleiman Shunu did not provide sufficient information;
- 6) That the County Executive due to public pressure on the issue, organized three stakeholders' forums hurriedly, but did not into account the views of FIGARE and its partners;
- 7) That the County Government gave two reasons for leasing of the Park; Insecurity and Lack of Marketing. This looked unreasonable from the petitioner's view because fencing will interfere with the normal animal movement and breeding patterns; while lack of Marketing did not refer to Isiolo due to its history;
- 8) That the Isiolo Game reserves had been known to generate good revenue before; they should even generate more now under the management of County government which has the resources; and
- 9) That the African Parks Management had not performed well in other countries; it was therefore not the best option for the County.

Mr. Golicha summarized the petitioner's concerns as follows:-

- 1) The County government had in this regard illegally and ignorantly disregarded the requirements of the public procurement laws as was explicit through the authorities attempt to single source; instead of the requisite competitive bidding envisaged in a contract of such nature. The Executive also launched a misleading and faulty public advert on the same in attempt to dupe the public thereby abusing legal procedures;
- 2) The County Government arrogantly failed to observe public participation in total breach of constitutional and other legislative requirements, and had continuously ignored the public cries for attention;
- 3) The county government officials arrogantly abused public office and the public trust as bestowed on public officers contrary to Article 6 of the Constitution and other relevant statutes. The Isiolo County Government had blatantly and arrogantly remained indifferent and insensitive to the public as exhibited by their disregard for public inquiries and information; and
- 4) The County Government had breached the right to public information in the Public Information Act that ensures to avail public information within the reach of the public for scrutiny through continuous sabotaging the public to access information regarding the said lease by the Executive;

He concluded by making the following prayers to the Senate:

- 1) That the Committee and the Senate treat the matter as urgent;
- 2) That the Committee and the Senate carry out an all-inclusive audit over the foregoing as a matter of public urgency;
- 3) That the Committee and the Senate carry out comprehensive audit of all the players in the matter including the NRT organization, African Parks Organization and other relevant entities for the purposes of safeguarding the public interest, particularly in Isiolo County;
- 4) That the Senate immediately halts the County Government of Isiolo from proceeding with the said deal until proper consultations and engagements over the same have been made;
- 5) That the Senate ensures that the Isiolo County government stops its unilateral approach in stakeholder engagements;
- 6) That the Senate ensures that the county government and all its entities observe the rule of law and compliance with the laws as herein above stated; and
- 7) That the Senate grants any other remedy as it deems fit and justifiable.

Mr. Golicha's formal presentation is attached as Appendix 2D to this report.

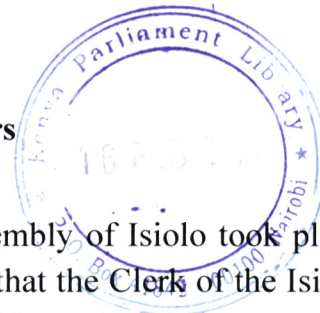
### Supplementary remarks by the Petitioners

Other petitioner present also supported Mr. Golicha and added the following points:

- 1) The County Government inherited about 75 game rangers – multi-disciplinary force called the Tourist Protection Unit; but only about 40 are in the Parks currently. The rest have been redeployed to guard houses and offices of the County government executive; and,
- 2) That the game reserves are the single most important asset that Isiolo County has; and it should therefore be managed appropriately.

The Committee noted that the prayers of the petitioners had increased from the submission that had been received in the House. The Committee therefore resolved to add the new prayers to the initial prayers.

### 2.3 Meeting with the Isiolo County Assembly Members



The Meeting between the Committee and the County Assembly of Isiolo took place on Wednesday 2<sup>nd</sup> November 2016. The Committee noted that the Clerk of the Isiolo County Assembly, Mr. Mr. Salad Boru turned up alone without the Chairpersons of the concerned committee. The minutes of the meeting are attached to this report as Appendix 3A.

The Clerk started by saying that the issue of the game reserves is a very emotive matter and the Assembly had about it through the grapevine and outlined the chronology of events as follows:

- The matter was formally brought before the Assembly on 28<sup>th</sup> February, 2016 when Hon. Hassa Guyo Shano requested for a statement from the Chairperson Tourism, Trade and Cooperative committee on alleged contractual management agreement of Buffalo and Sarova Shaba game reserves entered between the County Government of Isiolo and African Parks Management. The response was required within seven days. The Hansard is attached as Appendix 3B to this report.
- The statement response dated 03/03/2016 was issued on the floor of the County Assembly by Chairperson, Tourism, Trade and Cooperative Committee on 3<sup>rd</sup> March 2016. This is attached as Appendix 3C to the report.
- The County Assembly was not satisfied with the response and tasked the PIC/PAC Committee to inquire into alleged contractual management agreement and bring a report to the County Assembly (3C).
- On 2<sup>nd</sup> June, 2016, Hon. David Lemantile moved a motion urging the Executive to suspend with immediate effect from the date of the motion, the bid to enter into contractual management agreement of Buffalo and Sarova Shaba game reserves due to lack of public participation and until Public Accounts and Investments Committee (PAIC) completes its assignment and bring a report to the County Assembly (Attached as Appendix 3D).
- On 3<sup>rd</sup> June, 2016, Friends of Isiolo Game Reserves petitioned the County Assembly to concerning the intention of Isiolo County Government to lease out Buffalo and Shaba game reserves with prayers to stop the process with immediate effect (Attached as Appendix 3E)
- On 10<sup>th</sup> June, 2016, the PAIC Committee launched its enquiry into the matter by inviting County Executive Committee and Chief Officer for Tourism and County Secretary. The Committee also programmed to invite the petitioners and head of supply management.

- On 10<sup>th</sup> October, 2016, the PAIC Committee sought for additional time which was granted.
- By 13<sup>th</sup> October, 2016, the PAIC Committee has prepared a draft report from the information so far gathered while they set an appropriate date to invite the petitioners and head of procurement.

It was noted with concern that the Member of County Assembly who had accompanied the Clerk had still not turned up for the meeting, thereby implying that the Assembly was not giving the matter at hand the importance it deserved.

### **2.3 Meeting with the Ethics and Anti-corruption Commission (EACC) Officials**

The Meeting took place on Thursday 3<sup>rd</sup> November, 2016 from ten am in Parliament Buildings. The EACC was represented by the Vice Chairperson, Ethics and Anti-Corruption Commission - Ms. Sophia Lepuchirit and the Deputy Chief Executive Officer, EACC - Mr. Michael Mubea. The minutes of the meeting are attached as Appendix 4A to this report. The EACC confirmed that:

- They had received complaints from the public and the matter was being handled by the Isiolo EACC office;
- They had received part of the documents from the Isiolo County Executive but a bigger part has still not yet been received;
- They had written a letter to the Isiolo County Secretary, requesting for him to release documents but the County Secretary referred them to the CEC member to respond; and,
- They feel that the allegations are credible and warrant investigation. The investigations are ongoing and that the EACC will fast-track its work on the Isiolo petition
- In 6<sup>th</sup> July, 2016, the EACC requested the County government of Isiolo to put everything on hold;
- Currently there are twenty people from the Isiolo County Government who have been charged in court.

The Committee received a letter from the EACC that served as an interim report. The letter is attached as Appendix 4B to this report.

## 2.5 Meeting with the Isiolo County Executive

The Meeting took place on Tuesday 8<sup>th</sup> November, 2016. The minutes are attached as Appendix 5 to this report. The CEC in Charge of Tourism Culture and Social Service, Mr. Suleiman Guyo came with his legal officer and other officials to the meeting

- Mr. Suleiman Guyo, the CEC thanked the Committee for their invitation. He then went on to say that the County government had not leased any game reserve and that the reserves were still under the management of the County government.
- He poked holes in the petition stating that the signature of the petition does not match the petitioner's signature in the actual petition. He also mentioned that the petitioners happened to be from the same clan and were related. He added the issue of gender and commented that the petition did not address the gender issues.
- He continued by saying that the concerns in the petition had been reported to the Ombudsman, the EACC and now the Senate.
- He gave a brief history of the contention in the game reserves stating that when the Isiolo County government came in, the reserves were a battlefield with warring clans fighting and killing wild animals.
- The County government wrote to the National Government seeking for support and they requested the General Service Unit to secure the area.
- Insecurity had also caused a lot of anxiety in the area; affecting investments – since currently four out of the six hotels in the area had closed down.
- There was also a lot of poaching of indigenous species and there was no wildlife corridor since people had built blocking the animals from moving across the reserves;
- The putting of a resort town in Isiolo in Kenya's vision 2030 and the pipeline had attracted clamor for land in Isiolo;
- There was a lot of pilferage going on in the parks; with the county investing about 200 million annually and making only about 56 million in revenues.
- The County government felt that there needed to be separation of park management from County management for efficient management of the parks. The County government was therefore looking for partnerships due to the challenges on expertise and resources. The County executive maintained that this was still a business idea in the consultation process. They confirmed that they had talked to African Parks Network.
- The County Executive responded that they received a statement from the County Assembly of Isiolo which they responded to and that the Assembly was satisfied with the answer.

- About the letter from EACC, The County Executive said that they were not aware of any letter from the EACC and that the EACC only made general enquiries and took documents from the Executive.
- On the petitioners concern of lack of public participation, the Executive said that they had gone with the Committee of Tourism for a study tour in Malawi and that they had held various forums on local stations to publicize the public private partnerships which received overwhelming support. The County government confirmed that they issued an expression of interest but because of the nature of the tender, they received only one bid – the African Parks Network. They were currently in the process of retendering.
- The County executive says that has collected an average of 56 million in revenue and admitted that the amount had been going down largely due to insecurity.
- He concluded by stating that politics was the main issue but also fights on pastures and pilferage were undermining the County government's efforts since some herders want the park to die so that they could take over.

## CHAPTER THREE: OBSERVATIONS & RECOMMENDATIONS

### 3.1 Committee Observations

1. It is important to first note that the function and power to lease the game reserves is a prerogative of the county executive as enshrined in the Constitution. Article 179 of the Constitution vests executive authority in the county to the county executive committee. Section 34 of the County Government Act, 2012 expressly provides that the county executive committee shall exercise executive authority. This authority shall however be exercised in accordance with the Constitution and other relevant national and county legislation.
2. Article 227(1) of the Constitution sets out the principles of the process of procurement of public goods and services in Kenya, i.e. it should be fair, equitable, transparent, competitive and cost effective. Procurement for the management services sought by the county executive of Isiolo is covered under procurement of service as provided for under section 115 of the Public Procurement and Asset Disposal Act, 2015 where procurement of services or advisory services are classified as being predominantly intellectual in nature. The procedure for this type of procurement is as follows —
  - a) A request for a proposal is issued or a procuring entity may request proposal through advertising or invite expression of interest (EOI);
  - b) Notice for EOI will be advertised in the relevant government portal and at least one daily newspaper of nationwide circulation;
  - c) Opening of proposals;
  - d) Evaluation of applications for the EOI according to the set out criteria and shortlisting;
  - e) Determination of qualified persons;
  - f) Requests for proposals to qualified persons;
  - g) Evaluation of proposal;
  - h) Successful proposal;
  - i) Negotiations for contract requirement; and
  - j) Successful best and final offer.
3. The allegation raised in the petition is that the process was marred by elements of fraud and misrepresentation on the part of the Isiolo county executive in as far as the advertisement on the newspaper is concerned as well as the sourcing of African Parks Network. Evidence of the advertisement has been adduced to the effect that there was mischief in the manner in which the advertisement was

placed in the newspaper with reference to the contacts and more so the flawed manner in which African Parks Network was engaged to offer the sought out service by the county executive of Isiolo without due process of law.

4. Article 69(1) (d) of the Constitution provides that the state shall encourage public participation in the management, protection and conservation of the environment. Section 75 of the Wildlife Conservation and Management Act makes it a requirement for parties to have due regard to the privileges of communities living adjacent to conservations and protected areas. To this regard the petitioners have clarified that indeed their views on the question of leasing was not given due consideration given their assertion that African Park Networks got the twenty five year lease even though it was categorized as incompetent.

The Committee notes that indeed the public participation conducted by the Executive was not adequately done.

5. This petition is based on the ground that there were gaps on the due process of the law that could prejudice the community in as far as the procurement for the two game reserves are concerned and the contention is largely drawn from the importance of the two resources which are a primary source of revenue for the community.
6. On the face of the petition it is very clear that substantial questions have been raised that need to be addressed. Therefore substantive and procedural questions to this regard will best be resolved through an investigation of the entire procurement process.

### **3.2 Committee Recommendations vis a viz the Prayers sought**

- 1) *That the Committee and the Senate treat the matter as urgent;*

The Senate Committee treated the matter as an urgent matter of county interest.

- 2) *The Committee also directs the Ethics and Anti-Corruption Commission to conclude its investigations and submit a report within two months.*

The Committee now directs the Ethics and Anti-Corruption Commission to conclude its investigations and submit a report to the Senate and the Isiolo County Executive and County Assembly within two months of adoption of this report.

- 3) *That the Committee and the Senate carry out an all-inclusive audit over the foregoing as a matter of public urgency; that the Committee and the Senate carry out comprehensive audit of all the players in the matter including the NRT organization, African Parks Organization and other relevant entities for the purposes of safeguarding the public interest, particularly in Isiolo County;*
- Whereas the Senate is vested with the Constitutional mandate to protect the interests of the counties and also has powers similar to those of a high court to call for evidence, section 9(1)(h) of the Public Procurement and Asset Disposal Act, 2015 mandates the Public Procurement Regulatory Authority with the function of investigating and acting on procurement and asset disposal complaints from procuring entities, tenderers, contractors or the general public.

The Committee therefore directs the Public Procurement Regulatory Authority to initiate comprehensive investigations over the lease of the two game reserves as raised in the petition against the Isiolo county government executive and submit a full report to the Senate, the Isiolo County Executive and the Assembly within two months of adoption of this report.

- 4) The Committee recommends that the County Public Accounts and Investments Committee of the Isiolo County Assembly concludes on the matter and submit a report to the petitioners and the Senate within two weeks of adoption of this report.

- 5) *That the Senate immediately halts the County Government of Isiolo from proceeding with the said deal until proper consultations and engagements over the same have been made;*

The Committee recommends that the Executive of the County Government of Isiolo halts the process under contention subject to the conclusion of the proposed investigations as per the Committee's communication to the County Executive and County Assembly.

- 6) *That the Senate ensures that the Isiolo County government stops its unilateral approach in stakeholder engagements;*

The Committee recommends that the Isiolo County Executive and Assembly uphold public participation in accordance with Article 196 of the Constitution failure to which their transactions and decisions on the subject matter are guaranteed to be rendered null and void.

Hon. Speaker

The petition is in order, you may approve to enable Sen. Khalwale present

THE SENATE

INTERNAL MEMO

Approved  
~~[Signature]~~  
Speaker  
28/6/16

TO: 22/06/16 Director, L & P Services

FROM: Second Clerk Assistant

DATE: 20<sup>th</sup> June, 2016


RE: PETITION BY RESIDENTS OF ISIOLO COUNTY ON THE LEASING OF BUFFALO SPRINGS AND SHABA GAME RESERVES BY THE ISIOLO COUNTY EXECUTIVE.

I have reviewed the captioned petition, and confirm that it complies with the Petition to Parliament (Procedure) Act (No. 22 of 2012) and Senate Standing Orders on the form of a petition, save that there are some documents annexed to the petition. It is proposed, to ensure the petition complies with Standing Order 223(k), that the said annexures be struck out.

It is further noted that the matters subject of the petition are pending before the Isiolo County Assembly, as well as the Ethics and Anti-Corruption Commission (EACC) which is investigating the matter. In practice, the Senate has previously not declined to consider such a petition, save for instances where the matter is pending before a court of law and would be *sub judice*. In the present case, the petitioners state that the County Executive has disregarded an earlier directive of the County Assembly for the leasing process of the two game reserves to be deferred, thus their decision to refer the matter to the Senate.

It is therefore proposed that the petition be admitted, noting the Senate's mandate under Article 96 of the Constitution, and also the urgency of the matter. The petition is therefore forwarded for approval and presentation.

Enclosed also is a draft letter addressed to the petitioners, as well as a draft presentation summary for the Speaker.

  
Charles Munyua  
Second Clerk Assistant

THE SENATE  
RECEIVED  
20 JUN 2016  
DIRECTOR LEGISLATIVE AND  
PROCEDURAL SERVICES

PETITION TO THE SENATE BY RESIDENTS OF ISIOLO COUNTY CONCERNING LEASING OF BUFFALO SPRINGS AND SHABA GAME RESERVES BY THE ISIOLO COUNTY EXECUTIVE.

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*[After the Order for Petitions is read, Sen. (Dr.) Khalwale will rise and present the petition before the House, pursuant to Standing Order 220(1)(b) and 225(2)(a)]*

1. Honourable Senators, pursuant to standing order 226, I shall now allow comments, observations or clarifications in relation to the petition for not more than thirty minutes.

*[after comments by Senators]*

2. Honourable Senators, pursuant to standing order 227(1), the Petition stands committed to the relevant standing committee, in this case the Standing Committee on Land and Natural Resources.
3. In terms of standing order 227(2), the Committee will be required, in not more than sixty days from the time of reading the Prayer, to respond to the Petitioner by way of a Report addressed to the Petitioner and laid on the Table of the Senate.

Petition presented by Sen  
(Dr.) Khairwa on 05/06/16

*(Handwritten initials)*

THE SENATE  
RECEIVED  
16 JUN 2016  
REPUBLIC OF KENYA  
DIRECTOR LEGISLATIVE  
PROCEDURAL SERVICES

THE SENATE CLERK'S OFFICE  
RECEIVED  
15 JUN 2016  
P.O. BOX 41842 - 00100, NAIROBI



PARLIAMENT OF KENYA  
THE SENATE-FOURTH SESSION, 2016  
PETITION

Charles  
Please deal  
*(Handwritten signature)*  
20/06/16

DLPS  
Please deal  
*(Handwritten signature)*  
16/06/16

LEASE OF TWO GAME RESERVES BY ISIOLO COUNTY GOVERNMENT

Hon. Speaker,

\*Hon. Speaker Sir, I wish to present a Petition on behalf of residents of Isiolo County pursuant to *Article 37 or 119* of the Constitution of Kenya and the Senate Standing Orders No. 220, 223, and aware that *Article 62 (g) and 63* of the Constitution delegated the responsibility of protection of the game parks/reserves and natural resources to the County Government; I will read the Petition and then give a very brief background to the problem.

WE, the undersigned;

Residents of Isiolo County, representing various non-governmental organizations, quasi-governmental organizations, pastoralists, conservationists, environmentalists' and other stakeholders wish to state that in the public interest that we formally lodge this petition concerning the lease of Buffalo Springs and Shaba game reserves by Isiolo County Government.

We humbly draw the attention of the House to the following;

1. The Constitution of Kenya 2010 reposes all sovereign authority in the people of Kenya.
2. The people of Kenya have delegated legislative authority to Parliament as the representative of the people. That delegation is not absolute and can be exercised by the people simultaneously.
3. The Executive organ of Isiolo County government expressly violated the Constitution by leasing Buffalo Springs and Shaba game reserves by putting up an advert for "*Call for Expression of Interest*" in the "*Daily Nation Newspaper*" of 24<sup>th</sup> May, 2016 without public participation in the entire process, usurping the County Assembly and stakeholders consultation that has been established in pursuance of the Constitutional benchmarks.

THAT;

\*These game reserves are the permanent asset to the local community since time immemorial; it is the pride and natural heritage of the County. It contributes 90% of the local revenue during the defunct Isiolo County Council regime and therefore it is the backbone of the County.

THAT:

- (a) The matter of leasing both Buffalo Springs and Shaba Reserves was brought to the attention of the County Assembly for thorough scrutiny and ventilation by Hon. Hassan Guyo Shano through request for a statement early this year. (*Appendix i- Request for Statement*)
- (b) That the written response by the County Executive Committee for Tourism was not satisfactory and it failed to convince Members of the Assembly because it was too shallow and hollow. In a nut shell the response is devoid of substance and merits. (*Appendix ii-Response by Isiolo CEC for Tourism*)
- (c) After lengthy deliberations, it was resolved that the matter be referred to the Public Accounts and Investment Committee of the Assembly for further investigations and report back to the Assembly with a comprehensive findings within stipulated time line which did not materialize till today. (*Appendix iii- Order Paper and Hansard report*) \*

THAT;

Section 75 of the Wildlife Conservation and Management Act, 2013 advocates for recognition of the rights and privileges of communities living adjacent to conservation and protected areas in decision-making and determination on the matter of conservation and management of the wildlife resource; noting with concern that the County Government has allegedly leased these reserves for a period of 25 years to a foreign Non-Governmental Organization called African Parks Networks which has failed miserably in several African Countries and much worse without consulting local community, stakeholders and residents of Isiolo County; further noting with concern that such move tantamount to blatant breach of due process of the law. (*Appendix iv- History of African Parks Network*)

THAT:

Section 87 of the County Government Act, 2012 provide that; Citizen Participation in county governments shall be based upon the following principles—

- (a) Timely access to information, data, documents, and other information relevant or related to policy formulation and implementation;
- (b) Reasonable access to the process of formulating and implementing policies, laws, and regulations, including the approval of development proposals, projects and budgets, the granting of permits and the establishment of specific performance standards;

to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level. (*Appendix- v- Letter by Transition Authority dated 9<sup>th</sup> September, 2015*)

THAT:

- (1) The matter is alive before the Isiolo County Assembly and it has not yet been ceased off by the Assembly to its logical conclusion;
- (2) There was no civic education and public participation conducted by the Executive arm of the County government on the issue of game reserves which has monumental significance and far-reaching ramifications on the people of Isiolo County;
- (3) The County government blatantly violated all the tenets of the Constitution by putting up paid advert on 24<sup>th</sup> May 2016 which had fake and defective contacts disregarding the very fundamental law of our land and other relevant statutes. This was outright violation of Public Procurement and Disposal Act. (*Appendix vi- Advert for Call for Expression of Interest*)
- (4) We tried to establish the express authenticity of the provided contacts which all proved to be fake and shadowy; the email read **isiolocountygovernment@** and the phone number provided was **540-721-421-347**. We have established beyond reasonable doubt that no such number exist anywhere in the world. Moreover, all Kenyan telephone number start with **+254**. Therefore, this boils down to another game of musical chairs by the willy nilly operatives at Isiolo county government.
- (5) Whatever the intention, the full page advert that could cost upward of KSh. 450,000 may just be a waste of tax payers money because interested organizations may not get through with the fake address. Be that as it may, the advert was predetermined and more less it is just a public relation exercise because the County Government had already engaged **AFRICAN PARKS NETWORK** and therefore the tendering process was fundamentally flawed and with the intention of single sourcing it. This means other interested actors, local investors and stakeholders have been deliberately locked out! (*Appendix vii- Communique between African Parks Network and Isiolo Count Resident*)

THAT:

According to Public Procurement and Disposal Act, section 78 provides that;

- (1) The procuring entity shall prepare a notice inviting interested persons to submit expressions of interest.
- (2) The notice inviting expressions of interest shall set out the following —
  - (a) The name and address of the procuring entity;
  - (b) A brief description of the services being procured and, if applicable, the goods being procured;
  - (c) The qualifications necessary to be invited to submit a proposal; and
  - (d) An explanation of where and when expressions of interest must be submitted.

# County to lease out two game reserves

ISOL

By ALI ABDI

The county government is planning to lease out two of its game parks to a private company.

In an expression of interest (EOI) advertisement in local dailies, the government said it wants to engage the services of a competent organisation to manage Buffalo Springs and Shaba national reserves.

The services required include financing, development, operations and management of the two parks on contractual basis.

"The county government now invites eligible non-profit making organisations to indicate their interest in providing the services," reads the advertisement.

Interested organisations must provide evidence of having carried out similar successful ventures and availability of skilled workers, among other conditions.

“Our fear is that next time they will even lease the management of the entire county—Hussain Abduba

The deadline for submission of the EOI is June 10.

Buffalo Springs measures 131 sq. km while Shaba has an area of 254 sq. km. If it succeeds in its plan, the county will make Kenya the eighth country in Africa to lease out management of its game parks to a private firm.

The plan by the administration to lease the game parks became public in May last year but was vehemently opposed by local residents and the civil society who argued that they were not been consulted in coming up with the decision.

## FENCE RESERVE

Governor Godana Doyo, Assembly Speaker Mohammed Tahi and Tourism Executive Saleiman Shumu had earlier entered into talks with African Parks to lease the management of the two animal sanctuaries.

The three visited Malawi to tour Majete Game Park that is managed by African Parks and expressed satisfaction with the company's "ultra-mod-

ern wildlife conservation a management" work.

In an earlier interview Shumu said that the administration wants help to fence its game reserves and make them secure, streamline their management and to market them globally.

Following the new development, Operation Save Isi Game Reserves, a lobby group under Waso Trustland Project (WTP) that was formed a last year, yesterday vowed to move to court to stop the plan.

The 13-member lobby group is led by Hussein Abduba, a former chairman of the defunct County Council of Golicho and WTP CEO Liban Golicha.

"The administration has failed to manage our natural resource by coming with this plan. Our fear is that next time they will even lease the management of the entire county," said Mr Abduba.

"They (the county officials) have already decided whom to lease the parks and we will move to court to stop them because the residents are against the whole thing," Mr Golicha said.

# EACC probes county over leasing of parks

Procurement rules not followed in efforts to contract management services, says investigator

BY VIVIAN JEBET

@vivianbeval  
vrbano@kenabonmedia.com

The anti-corruption agency has launched investigations into the alleged leasing of Buffalo Springs and Shaba game reserves by the county government.

The Ethics and Anti-Corruption Commission (EACC) is also investigating why the regional government placed a "questionable" expression of interest advert in local dailies last month on contracting management services from a competent non-profit organisation.

EACC upper eastern Kenya boss Ignatius Wekesa yesterday said the administration did not follow public procurement procedures as stipulated by the law.

He added that the advert had

misleading information.

"The county government might have skewed the process to suit particular firms. The advert had inaccurate information. The email address given is incomplete. One cannot get through using the telephone number indicated. That's why we have instituted investigations," said Mr Wekesa.

The commission boss further said the leasing plans must be stopped to allow the commission to make an inquiry into the matter.

The EACC will also look into allocations for the tourism sector following claims by the

**“**The county government might have skewed the process to suit particular firms. The advert had inaccurate information.”

**Ignatius Wekesa, EACC upper eastern Kenya boss**

public that the funds had been misused.

Last week, Governor Godana Doyo denied claims that his administration is leasing the reserves, saying only the parks' management will be changed.

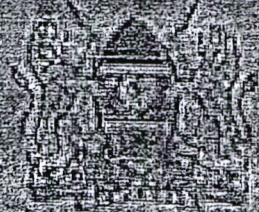
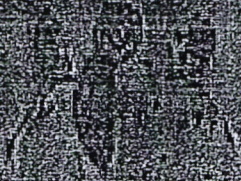
A lobby, Friends of Isiolo Game Reserves, has petitioned the county assembly to play its watchdog role by directing the executive to make public any contractual agreements made regarding the leasing plans.

"We ask the assembly to intervene and stop the county government from proceeding with the plans until a request in our petition is heard," said Mr Hussein Abduba, former chairman of the county council, now defunct.

Last week, the assembly asked the executive to stop further advertisements until public forums on the matter are conducted.

At the same time, land and procurement corruption cases are the most reported in counties in upper eastern Kenya.

Mr Wekesa said there is a high number of land-related cases in Meru, Isiolo, Marsabit, Samburu and Tharaka-Nithi counties.



## ISIOLO COUNTY GOVERNMENT

SELECTION OF MANAGEMENT CONTRACTING PARTNER  
ISIOLO COUNTY GOVERNMENT, IN THE REPUBLIC OF KENYA  
MANAGEMENT CONTRACTING OF BUFFALO SPRINGS AND SHABA GAME RESERVES  
MANAGEMENT CONTRACTING SERVICES

### CALL FOR EXPRESSION OF INTEREST (EOI)

The county government of Isiolo intends to engage a competent organization under the terms of management contracting of Buffalo Springs and Shaba game reserves assignment/services as below.

The services include development, financing, operations and management of the two parks by the selected organization.

The county government now invites eligible non-profit making organizations to indicate their interest in providing the services. Interested organizations must provide information indicating that they are qualified to perform services (foratures, descriptions of similar assignments, experience in similar services, conditions, availability of appropriate skills among the staff, etc.). Organizations may associate to enhance their qualifications.

Organizations will be selected in accordance with the procedures set out by the county government procurement standards and rules.

Interested organizations may obtain further information at the address below (the address of the procurement and supply chain management, Isiolo town) from 0800-1700 office hours.

Expression of interest must be delivered to the address below by 10<sup>th</sup> June 2016.

THE COUNTY SECRETARY

ISIOLO COUNTY GOVERNMENT

P.O. BOX 36-60300 ISIOLO

tel: 540-721-421-347

e-mail: [isioolocountygovernment@](mailto:isioolocountygovernment@)

respective host countries with individuals, institutions and companies, that are willing to become involved in the work of African Parks. Currently these affiliate organizations include:

1. Stichting African Parks Foundation, Netherlands;
2. African Parks Foundation of America;
3. African Parks Foundation (UK)

The following parks are managed by African Parks Network:

- (a) Liuwa Plain National Park, Zambia (since August 2003)
- (b) Majete Wildlife Reserve, Malawi (since March 2003)
- (c) Garamba National Park, Democratic Republic of Congo (since November 2005)
- (d) Bangweulu Wetlands , Zambia (since October 2008)
- (e) Akagera National Park, Rwanda (since December 2009)

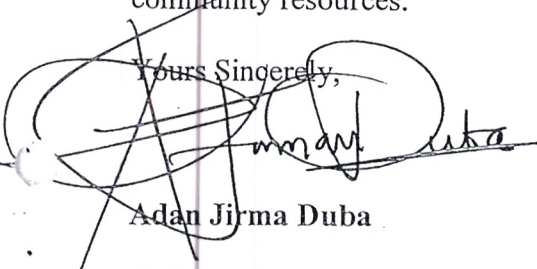
The following parks were once managed by African Parks Network, but failed miserably for various reasons (known to them). African Parks Network stopped managing these parks:

- A. Omo National Park, Ethiopia (January 2006 to 2008)
- B. Nechisar National Park, Ethiopia (February 2004 to 2008)
- C. Dungenab Bay Marine National Park, Sudan (July 2005 to October 2008)
- D. Sanganeb Atoll Marine National Park, Sudan (July 2005 to October 2008).

It is absurd that what is happening was really manufactured crisis because we are selling the soul of Isiolo county with few pieces of silver and at a throw price for that matter. This is absolute manifestation of abuse of office. Nonetheless, due process of the law was not followed by the government of Isiolo County.

It is my prayer that the esteemed House of Senate of the Republic of Kenya would deeply investigates comprehensively this matter and halt the entire process regarding the lease of these community resources.

Yours Sincerely,

  
Adan Jirma Duba

ID. NO.  
Telephone.

0367421  
0720251899

**FRIENDS OF ISIOLO GAME RESERVES**

10<sup>th</sup> May, 2016

The Clerk Senate,  
Parliament Buildings,  
P. O. Box 41842 - 00100,  
Tel: (254-2) 2221291 or 2848000,  
NAIROBI, KENYA  
Email: csenate@parliament.go.ke  
Website: www.parliament.go.ke

**RE: BRIEF HISTORY ABOUT AFRICAN PARKS NETWORK-MATTERS ON LEASE  
OF ISIOLO GAME RESERVES**

The African Parks Network is said to be a registered a not-for-profit company that takes on total responsibility for the rehabilitation and long-term management of national parks and other protected areas, in public-private partnerships with African Governments. And yet is alleged that the draft agreement between APN and Isiolo County Government elaborately indicates that African Park Network (APN) will get 75%, the local Conservancy will get 15% while Isiolo County Government will only get a paltry 10% of the sum total of revenue collected from both Shaba and Buffalo Springs for the next 25 years of the lease period.

That those conversant with the operations of African Parks Networks allude that they combine world-class conservation practices with business expertise which is a total distortion of facts as reported by the Executive organ of Isiolo County Government. They allegedly place emphasis on achieving the financial sustainability of the parks, principally through tourism and associated private enterprise which also serve as a foundation for economic development and poverty reduction which is not only a pipe dream but a wishful thinking to hoodwink the people of Isiolo County.

The African Parks Network was founded in the year, 2000 as a not-for-profit organization by a group of self-proclaimed conservationists;

- a. Mavuso Msimang;
- b. Dr Anthony Hall-Martin;
- c. Michael Eustace;
- d. Peter Fearnhead; and
- e. The late Paul Fentener van Vlissingen, who were said to be concerned about the decline of many of Africa's national parks .In just nine years, African Parks has taken on responsibility for the management of 5 protected areas in four different countries.

African Parks Network is registered as a Company under Section 21 of the Companies Act of South Africa and its Head Office is in Johannesburg. African Parks' CEO is Peter Fearnhead. Each park is managed by a separate legal entity, registered in the host country. These legal entities are mostly established by African Parks Network for the purpose of implementing an agreement with the Government for the management of a specific national park.

African Parks Network is supported by a number of affiliate organizations established in key donor countries. Their primary role is to facilitate the establishment of partnerships in their





Office of the Registrar  
Public Service Commission  
Nairobi

Office of the Registrar  
Public Service Commission  
Nairobi

Ref: NY/2/54/2014

08 September 2014

Hon. Cosmas Odera Oditi  
MP  
Nairobi

*[Signature]*

LEASING OF BUFFALO SPRINGS BIRANANI MID-SALMA NATIONAL RESERVE

Reference is made to the letter of the County Government of Nairobi dated 11th August 2014, in which the County Government requested the Public Service Commission to facilitate the leasing of Buffalo Springs Biranani Mid-Salma National Reserve to the County Government of Nairobi for the purpose of providing a venue for the County Government to hold its annual general meeting. The letter also stated that the County Government of Nairobi has been advised by the Kenya Wildlife Service that the National Reserve is a public land and that the County Government of Nairobi is not permitted to lease the land for the purpose of holding its annual general meeting. The letter further stated that the County Government of Nairobi is seeking the Commission's assistance in this regard.

The Commission has considered the matter and has concluded that the County Government of Nairobi is not permitted to lease the land for the purpose of holding its annual general meeting. The Commission has advised the County Government of Nairobi that it should seek the approval of the Kenya Wildlife Service for the purpose of leasing the land. The Commission has also advised the County Government of Nairobi that it should seek the approval of the National Government, Ministry of Tourism and Wildlife and the Kenya Wildlife Service for the purpose of leasing the land.

Yours faithfully,  
*[Signature]*



**RE: PETITION TO PARLIAMENT UNDER ARTICLES 37 AND 119 OF THE  
CONSTITUTION, PETITION TO PARLIAMENT (PROCEDURE) ACT AND STANDING  
ORDERS 220, 223 OF THE SENATE ON THE LEASE OF TWO GAME RESERVES BY  
ISILO COUNTY GOVERNMENT**

Name of petitioners:	Address	ID/Passport No.	Signature
Musein Ali Abduba	PO BOX 40 ISILO	0030814	
Adam Emma Duba	P.O BOX 276 ISILO	0892421	
DAUD ABDI JULO	P.O BOX 40 ISILO	0079322	
ISMAIL GALMA	BOX 523 ISILO	13887757	
Daud Tari Abkula	738-6000 ISILO	0076233	
JARSO HARO	BOX 687 ISILO	0212304810	
Mohamed Noor Jaffar	72, ISILO	22346570	
Mohamed Gadhag	P.O BOX 3 ISILO	0077546	
Ahmed Abdulahi	P.O BOX 408 ISILO	25078778	
Adan Mohamed	565 ISILO	21406377	
ABDIRIZAK DAUD ABDI	BOX 3 ISILO	25004401	
MUSA ZULO SPONDIA	PO BOX 687 ISILO	21501530	
Abdullahi Hassan	BOX 26 ISILO	128781422	
Abdulmajid Hussein Ali	PO BOX 209 ISILO	22994185	
Ali Hassan Ali	P.O BOX 207 ISILO	24006998	
IBRAHIM AHMED	191 ISILO	26612185	
Godana Roba	PO BOX 542 ISILO	20076600	
Hussein Coonosa	# 325 ISILO	20645350	
Abdirizak Osman	BOX 376 ISILO	23371729	
Mixamed Sherkadaba	PO BOX 232 ISILO	22846146	
Ali Abdullahi	18017 (00300)	21195305	
MOULIS ISSACK	34 GARBATULLA	28911496	
JAMALE IBRAHIM	P.O BOX 351 ISILO	27864937	
FUNAN SORA BOSTI	PO BOX 34 GARBATULLA	9695147	
NURIA ISACK	PO BOX 34 GARBATULLA	22453087	
SARAD IBRAHIM	PO: BOX 351 MARI	29302120	
HASSAN ADAN	P.O BOX 1 GARBATULLA	25987831	
Rufu SORA	P.O BOX 276 ISILO	29014196	
ROBA INOKO	P.O BOX 37 ISILO	25103332	
Suleiman Oureo	BOX 72 ISILO	23371729	
ABDIRIZAK TACHE NAKO	216-6000 ISILO	29830949	
Abdirizak Jaffar	93-60300 ISILO	30876115	
Hussein Tari Abkula	473 ISILO	22699357	
Mohamed Noor Osman	BOX 3 ISILO	23201456	
ANTHONY NJUGUNA	517-ISILO	29941054	
Abdunadir Ali	P.O BOX 351 ISILO	22577575	
STRIKANO BAZU	BOX 266 ISILO	22775199	
Adan Ibrahim	256 ISILO	13433934	

**THAT:**

Isiolo residents right to public participation on the lease of the Buffalo Springs and Shaba game reserves be upheld and the Senate;:

- (a) Direct the Executive arm of Isiolo county government to provide members of the public with sufficient information pertaining the extent and the impact of the lease of these game reserves to enable them fully and meaningfully participate in providing their input;
- (b) The relevant Departmental Committee of the Senate must undertake a countywide process of seeking the public views in regard to the lease of the game reserves.
- (c) We demand an immediate halt of the lease process of the reserves, discussions, negotiations, consultations and agreement in any matter whatsoever is deemed as *ultravires* and against public interests;
- (d) We further aver that leasing of these game reserves will seriously prejudice national security interest, conservation and biodiversity interest, tourism and wildlife management interests and all that pertaining to public good and welfare of our County; and
- (e) In conclusion, we the people of Isiolo do hereby through this petition pray that the Honourable members of the Senate shall stand up and be counted on the right side of the history.

And your PETITIONER(S) will ever Pray.

HON. BONI KHALWALE

SENATOR, KAKAMEGA COUNTY,

DATED: ..... 15/06/16 .....

SIGNATURE: .....  .....

- ❖ Friends of Isiolo Game Reserves
- ❖ Waso Trust Lands Project
- ❖ Resources Advocacy Programme
- ❖ Merti Integrated Development Programme
- ❖ Mission of Hope
- ❖ Friends of Nomads International
- ❖ Pastoral Women Forum
- ❖ Northern Voice Trust

(3) The procuring entity shall advertise the notice inviting expressions of interest in at least two daily newspapers of nation-wide circulation.

THAT:

- (I) Pursuant to the provisions of the Anti-Corruption and Economic Crimes Act, 2003, A person is guilty of an offence if he/she uses his/her officer to improperly award a benefit to him/herself or another person. The public service is a public trust.
- (II) Authority assigned to a public officer must be exercised in a manner that promotes integrity and the best interest of the people. Public service must also demonstrate respect for the people and bring dignity and honour to the public officer. Members of the public expect public officer to render selfless service based solely on the public interest.
- (III) This is demonstrated by honesty in the execution of public duties, accountability to the public in decision making, discipline and commitment in service to the people. Therefore, a public officer should do his or her best to discharge these duties in line with the Constitution. When a public officer does anything that is contrary to these expectations, he or she commits a breach of trust.

THAT:

The Executive arm of the county government has deliberately subjected public affairs of the Isiolo community to unending circus and game of musical chairs for umpteenth time.

THAT:

To best of our knowledge this matter has been initiated by the Executive wing of Isiolo County government and can only be mitigated by the relevant committee of the Senate.

THAT:

To best of our knowledge there is no matter before the courts or any other legal constitutional body on the responsibility of Isiolo County government to facilitate public participation regarding the lease of Buffalo Springs and Shaba game reserves.

WHEREFORE your humble petitioner(s) Pray that the Senate;;

THAT:

This Petition be dealt with immediately in view of the urgency of this matter and seriousness of the issues raised.

THAT:

The Hon. Speaker of the Senate invoke his mandate and duty to compel the Public Accounts and Investments of Isiolo County Assembly to table the report of their findings within three weeks and direct Isiolo County Government to stop any further transaction on the lease of the said game reserves.

**MINUTES OF THE 85<sup>TH</sup> MEETING OF THE STANDING COMMITTEE ON LAND AND NATURAL RESOURCES HELD ON WEDNESDAY, 12<sup>TH</sup> OCTOBER, 2016 IN THE CPA ROOM, GROUND FLOOR- MAIN PARLIAMENT BUILDINGS FROM 10.00 AM.**

**MEMBERS PRESENT**

1. Sen. Lenny Kivuti, M.P. - **Chairperson**
2. Sen. George Khaniri - **Vice Chairperson**
3. Sen. Christopher Obure, M.P. - Member
4. Sen. Liza Chelule, M.P. - Member
5. Sen. Martha Wangari, M.P. - Member
6. Sen. Boy Juma Boy, M.P. - Member
7. Sen. Isaac Melly, M.P. - Member

**MEMBERS ABSENT WITH APOLOGY**

1. Sen. Dawson Mwazo, M.P. - Member
2. Sen. Henry Ole Ndiema, M.P. - Member

**SENATE SECRETARIAT**

1. Ms. Mwanate Shaban -Clerk Assistant
2. Mr. Leonard Koech -Legal Counsel
3. Ms. Sarah Rukwaro -Serjeant At Arms

**IN ATTENDANCE**

1. Mr. Daniel Lokeno Lotopot - Clerk Assistant, West Pokot County
2. Ms. Lydia Katialem - Clerk Assistant, West Pokot County
3. Ms. Damaris Safari - Clerk Assistant, Kilifi County
4. Mr. Mwalili Kachiezy - Clerk Assistant, Kilifi County

**MINUTE SEN/SCLNR/495/2016: PRELIMINARIES**

The meeting was called to order at 10.16 a.m. by the Chairperson followed with a word of prayer. The Chair acknowledged the presence of the Clerks from the Counties who were on attachment at the Senate, and welcomed them to the meeting.

**MINUTE SEN/SCLNR/496/2016: ADOPTION OF AGENDA**

The agenda of the meeting was adopted as shown below after being proposed by Sen. Martha Wangari and seconded by Sen. Isaac Melly as follows;

Prayer

1. Preliminaries;
2. Adoption of the Agenda;
3. Confirmation of Previous Minutes;
4. Matters Arising from the Previous Minutes;

5. **House Keeping; Legislative Business before the Committee;**
  - a) **Pending Statements;**
  - b) **Pending Petitions;**
  - c) **Physical Planning Bill;**
  - d) **Correspondence by Committee; and**
  - e) **Consideration and Adoption of the COP 21 Report.**
6. Any Other Business; and
7. Adjournment.

#### MINUTE SEN/SCLNR/497/2016: CONFIRMATION OF PREVIOUS MINUTES

The Confirmation of the minutes of the 84<sup>th</sup> meeting of the Senate Standing Committee on Land and Natural Resources held on Friday, 9<sup>th</sup> September, 2016 in the Baraza Conference Room at the Panafric Hotel, from 7.30am, was postponed to the next sitting.

#### MINUTE SEN/SCLNR/498/2016: MATTERS ARISING FROM THE MINUTES

This agenda item was also shelved to the next sitting.

#### MINUTE SEN/SCLNR/499/2016: HOUSEKEEPING

##### a) Pending Statements;

The Committee was informed that the House was waiting for response to five statements and supplementary response to two statements as follows:

NO	SUBJECT OF THE STATEMENT	REQUESTED BY	REQUESTED FROM	DATE REQUESTED	REQUEST FOR DEFERMENT	DATE DUE	DATE ISSUED
1.	Statement regarding the status of possession of land titles or land lease certificates by public schools	Sen. George Khaniri	Chairperson, Standing Committee on Lands and Natural Resources	10 <sup>th</sup> February, 2016	24 <sup>th</sup> February, 2016 2 <sup>nd</sup> March, 2016 9 <sup>th</sup> March, 2016 16 <sup>th</sup> March, 2016	24 <sup>th</sup> February, 2016 2 <sup>nd</sup> March, 2016 9 <sup>th</sup> March, 2016 15 <sup>th</sup> March, 2016 22 <sup>nd</sup> March, 2016	23 <sup>rd</sup> March, 2016 Comprehensive statement to be issued on 14 <sup>th</sup> April, 2016
2.	Statement regarding the management of community and public land in Machakos County	Sen. Johnson Muthama	Chairperson, Standing Committee on Lands and Natural Resources	1 <sup>st</sup> March, 2016	15 <sup>th</sup> March, 2016 23 <sup>rd</sup> March, 2016 29 <sup>th</sup> March, 2016 12 <sup>th</sup> July, 2016	15 <sup>th</sup> March, 2016 22 <sup>nd</sup> March, 2016 24 <sup>th</sup> March, 2016 30 <sup>th</sup> March, 2016 12 <sup>th</sup> April, 2016 19 <sup>th</sup> July, 2016	
3.	Statement regarding the construction of Badasa Dam in Marsabit County	Sen. Hargura Godana	Chairperson, Standing Committee on Lands and Natural Resources	15 <sup>th</sup> March, 2016		22 <sup>nd</sup> March, 2016	23 <sup>rd</sup> March, 2016 Further Statement on 14 <sup>th</sup> April, 2016
4.	Statement regarding human-wildlife conflict around the Kigio Wildlife Conservancy in Gilgil, Nakuru County	Sen. Martha Wangari	Chairperson, Standing Committee on Lands and Natural Resources	15 <sup>th</sup> March, 2016	23 <sup>rd</sup> March, 2016 30 <sup>th</sup> March, 2016	22 <sup>nd</sup> March, 2016 5 <sup>th</sup> April, 2016 12 <sup>th</sup> April, 2016	
5.	Statement regarding compensation of land owners along the standard gauge railway line.	Sen. Kioko Mike Sonko	Chairperson, Standing Committee on	23 <sup>rd</sup> March, 2016	7 <sup>th</sup> June, 2016 8 <sup>th</sup> June,	6 <sup>th</sup> April, 2016 8 <sup>th</sup> June, 2016 9 <sup>th</sup> June, 2016	



			Lands and Natural Resources		2016 6 <sup>th</sup> July, 2016 12 <sup>th</sup> July, 2016	12 <sup>th</sup> July, 2016 19 <sup>th</sup> July, 2016	
6.	Statement regarding construction of Pokot cement company	Sen. (prof.) Lonyangapuo	Chairperson, Standing Committee on Lands and Natural Resources	13 <sup>th</sup> April, 2016	27 <sup>th</sup> April, 2016	27 <sup>th</sup> April, 2016 28 <sup>th</sup> April, 2016	28 <sup>th</sup> April, 2016 Committee to visit site of construction and report to the House
7.	Statement regarding management of forests in Taita-Taveta County	Sen. Dan Mwazo	Chairperson, Standing Committee on Lands and Natural Resources	28 <sup>th</sup> April, 2016		12 <sup>th</sup> May, 2016	
8.	Statement regarding mining of ballast by a Chinese company COVEC in south Maragoli	Sen. George Khaniri	Chairperson, Standing Committee on Lands and Natural Resources	9 <sup>th</sup> June, 2016	4 <sup>th</sup> October, 2016	23 <sup>rd</sup> June, 2016 5 <sup>th</sup> October, 2016	

The Committee was also informed that it had received responses to all the above mentioned statements and that the Statement by Sen. Johnson Muthama on the management of community and public land in Machakos County may come up in the House in the afternoon.

The Committee reviewed the response from the Ministry of Lands, Housing and Urban Development and the National Land Commission and instructed the Secretariat to come up with a brief on the two responses to table in the House.

#### b) Pending Petitions;

The Committee was updated on the two petitions before it (timelines and remarks), and Members resolved as follows;

	ACTIVITY	TIMELINES	SECRETARIAT REMARKS	COMMITTEE RESOLUTIONS
1.	PETITION: Alleged Erroneous Placement by the Survey of Kenya of the Changara Location in Busia County – by Rodgers W. Manana on 14 <sup>th</sup> March, 2016	The Petition is already time barred.	-The Committee has received a response from the Ministry. -The Petitioner has requested to meet the Committee. -The Committee needs to conclude on the Petition	1) The Secretariat to write a letter to the Ministry of interior seeking guidance on the boundary issue as per the advice of the Ministry of Lands, Housing and Urban Development. 2) The Committee to meeting the Petitioners on Tuesday 18 <sup>th</sup> October, 2016 at ten am.
2.	PETITION: The Leasing of Buffalo Springs and Shaba Game Reserve by the Isiolo County Executive – by Residents of Isiolo County on 12 <sup>th</sup> July, 2016	The Petition is already time barred.	The Secretariat has prepared a brief to enable the Committee decide on the way forward.	1) The Committee to meet the Petitioners on Wednesday 19 <sup>th</sup> October 2016 at ten am.

**c) Physical Planning Bill:**

The Chairman reminded the Members that the Committee had tabled a report in the House on the Physical Planning Bill. The Report was scheduled for the Committee Stage of the House on Tuesday 11<sup>th</sup> October, 2016 and the Committee’s report had ten amendments. Sen. Mutula Kilonzo Junior had proposed over 60 amendments to the Bill. The Speaker had ruled that the Chair should move the amendments on Wednesday, 12<sup>th</sup> October 2016.

Members were further informed that the whole Bill contained 87 clauses; and that Sen. Mutula Kilonzo’s proposals had already been considered by the Committee during the public participation stage of the Bill. The Committee had approved some of his amendments and rejected some.

The Legal Counsel took the members through on some of the amendments raised by Sen. Mutula and the justification for the Committee rejecting some of them.

The Committee resolved that:

- 1) All Members of the Committee should be in the House in the afternoon to defend the Committee Report, and that the Secretariat should avail each member with a copy of the tabled report on the Physical Planning Bill;
- 2) The Chairman to hold discussions with Sen. Mutula to explain to him about the Committee’s resolutions to his Amendments;
- 3) The Secretariat to prepare moving notes for the Chair; taking into account the areas where the Committee made decisions to protect the interests of the counties.

**d) Correspondence by Committee**

	DATE	TITLE	AUTHOR	SECRETARIAT REMARKS	COMMITTEE RESOLUTIONS
1.	11 Oct, 2016	Report of the Parliamentary Delegation to the 2015 Annual Helsinki Parliamentary Seminar	Dr. Agnes Zani	For Committee’s information	The Committee noted the report.
2.	23 <sup>rd</sup> Sept, 2016	UN Climate Change Conference in Marrakech, Morocco – Invitation Letter	State Department of Environment, Ministry of Environment and Natural Resources	Chairman and Sen, Martha Wangari to represent the Committee	Confirmed that Chairman and Sen. Martha Wangari to represent the Committee in the Meeting
3.	20 <sup>th</sup> Sept, 2016	Request for a Joint Meeting with the Senate Standing Committee on Land and Natural Resources	Nandi County Assembly	Committee to decide on when to meet the Committee	The Secretariat to invite the Nandi County Assembly members for a meeting on either 18 <sup>th</sup> or 19 <sup>th</sup> of October, 2016
4.	11 <sup>th</sup> Aug, 2016	Progress on Meeting Resolutions	The Council of Chairpersons, County Wildlife Conservation and Compensation Committee	For Committee’s Information.	Noted.  The Secretariat to write to the CS and PS, Environment and Natural Resources and remind them of the timelines of the resolutions of the last meeting they had with the Committee.
5.	4 <sup>th</sup> Aug, 2016	Research Publications	The National Land Commission	For Committee’s Information	Noted
6.	9 <sup>th</sup> June, 2016	Request to the Committee to come up with A Bill for Air Quality Control Measures, Noise and vibrations	Harrison Mlamba	For Committee’s consideration	The Secretariat to develop a concept paper for the Committee in their discussions with the Executive in coming up with the Bill.

7.	8 <sup>th</sup> June, 2016	Petition in rejecting a section of the Omnibus Land Amendment Bill that is in the National Assembly	National Land Commission – Nyeri County Land Management Board	The matter is in the National Assembly.	Noted. The matter has been overtaken by events.
8.	10 <sup>th</sup> May, 2016	Historical Land Injustices Bill	National Land Commission to Sen. Mutula Kilonzo	Committee to consider	The Committee noted that in the Omnibus Bill, they had included a clause that the National Land Commission would consider the issue case by Case. The Secretariat was tasked to come up with a concept note on the issue.

**e) Consideration and Adoption of the COP 21 Report**

The Committee unanimously adopted the Paris COP 21 Report.

**MINUTE SEN/SCLNR/500/2016: ANY OTHER BUSINESS**

The Committee noted the brief on the outcomes of the CITES COP 17 meeting that was held in Johannesburg, South Africa from 23<sup>rd</sup> September, 2016 to 5<sup>th</sup> October, 2016 and requested for a full report in two weeks' time.

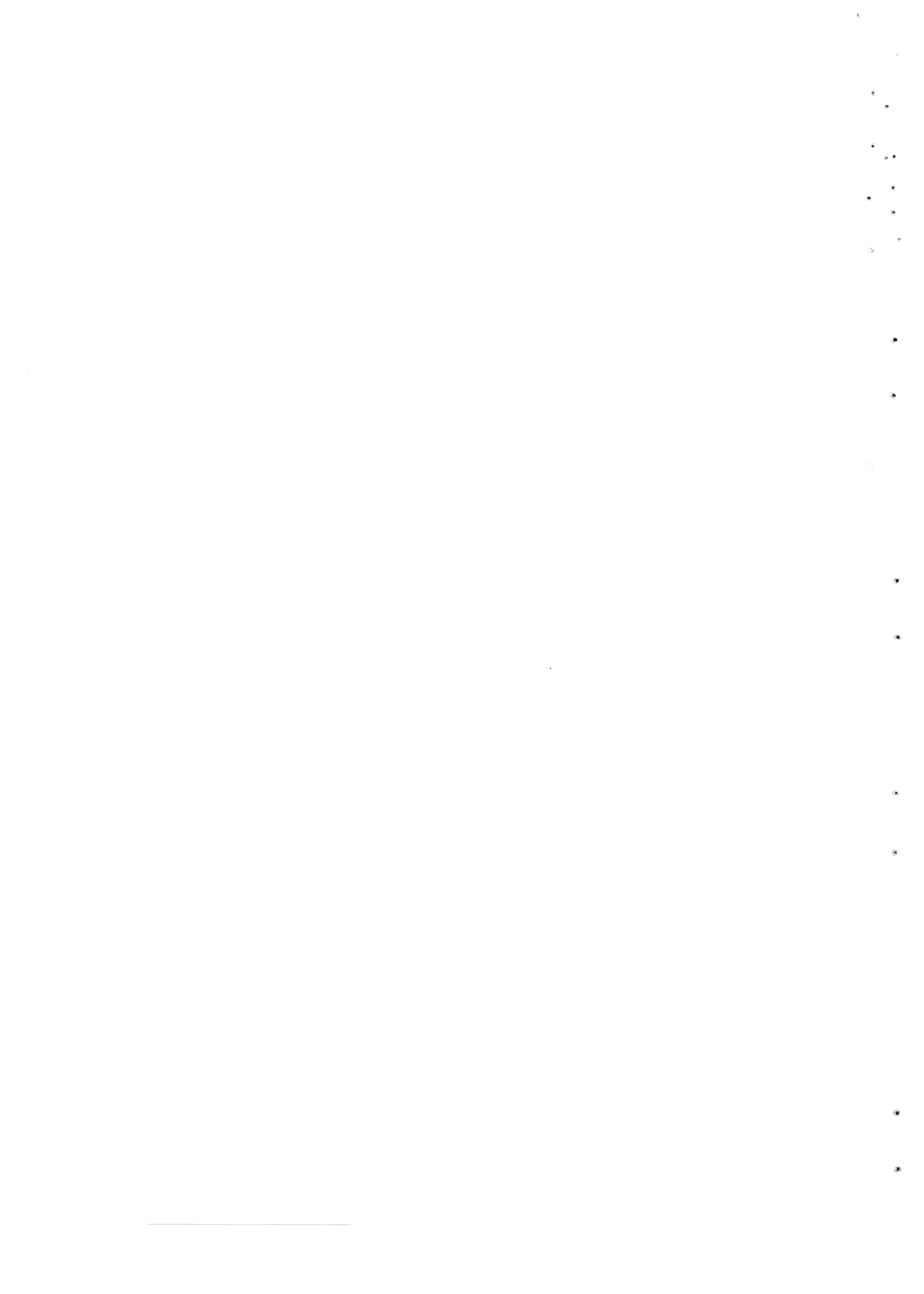
**MINUTE SEN/SCLNR/501/2016: ADJOURNMENT AND DATE OF NEXT MEETING**

There being no other business, the meeting was adjourned at 12.45 pm and the date of the next meeting was set to Tuesday, 18<sup>th</sup> October, 2016, at 10.00 am.

SIGNATURE.....  


(CHAIRPERSON: SEN. LENNY KIVUTI, M.P.)

DATE.....  
 19/10/2016



**MINUTES OF THE 74<sup>TH</sup> MEETING OF THE STANDING COMMITTEE ON LANDS AND NATURAL RESOURCES HELD ON THURSDAY, 16<sup>TH</sup> JUNE, 2016 AT KICC, 3<sup>RD</sup> FLOOR, ROOM 304 FROM 10.00 AM.**

**MEMBERS PRESENT**

- |                                 |                    |
|---------------------------------|--------------------|
| 1. Sen. Lenny Kivuti, M.P.      | - Chairperson      |
| 2. Sen. George Khaniri          | - Vice Chairperson |
| 3. Sen. Christopher Obure, M.P. | - Member           |
| 4. Sen. Henry Ole Ndiema, M.P.  | - Member           |
| 5. Sen. Boy Juma Boy, M.P.      | - Member           |
| 6. Sen. Liza Chelule, M.P.      | - Member           |

**MEMBERS ABSENT WITH APOLOGY**

- |                              |          |
|------------------------------|----------|
| 1. Sen. Martha Wangari, M.P. | - Member |
| 2. Sen. Isaac Melly, M.P.    | - Member |
| 3. Sen. Dawson Mwazo, M.P.   | - Member |

**SENATE SECRETARIAT**

- |                       |                             |
|-----------------------|-----------------------------|
| 1. Ms. Brenda Ogembo  | -Clerk Assistant            |
| 2. Ms. Mwanate Shaban | -Clerk Assistant            |
| 3. Mr. Kefa Omoti     | -Principal Research Officer |
| 4. Mr. Leonard Koech  | -Legal Counsel              |
| 5. Ms. Sarah Rukwaro  | -Serjeant At Arms           |

**MINUTE SEN/SCLNR/435/2016: PRELIMINARIES**

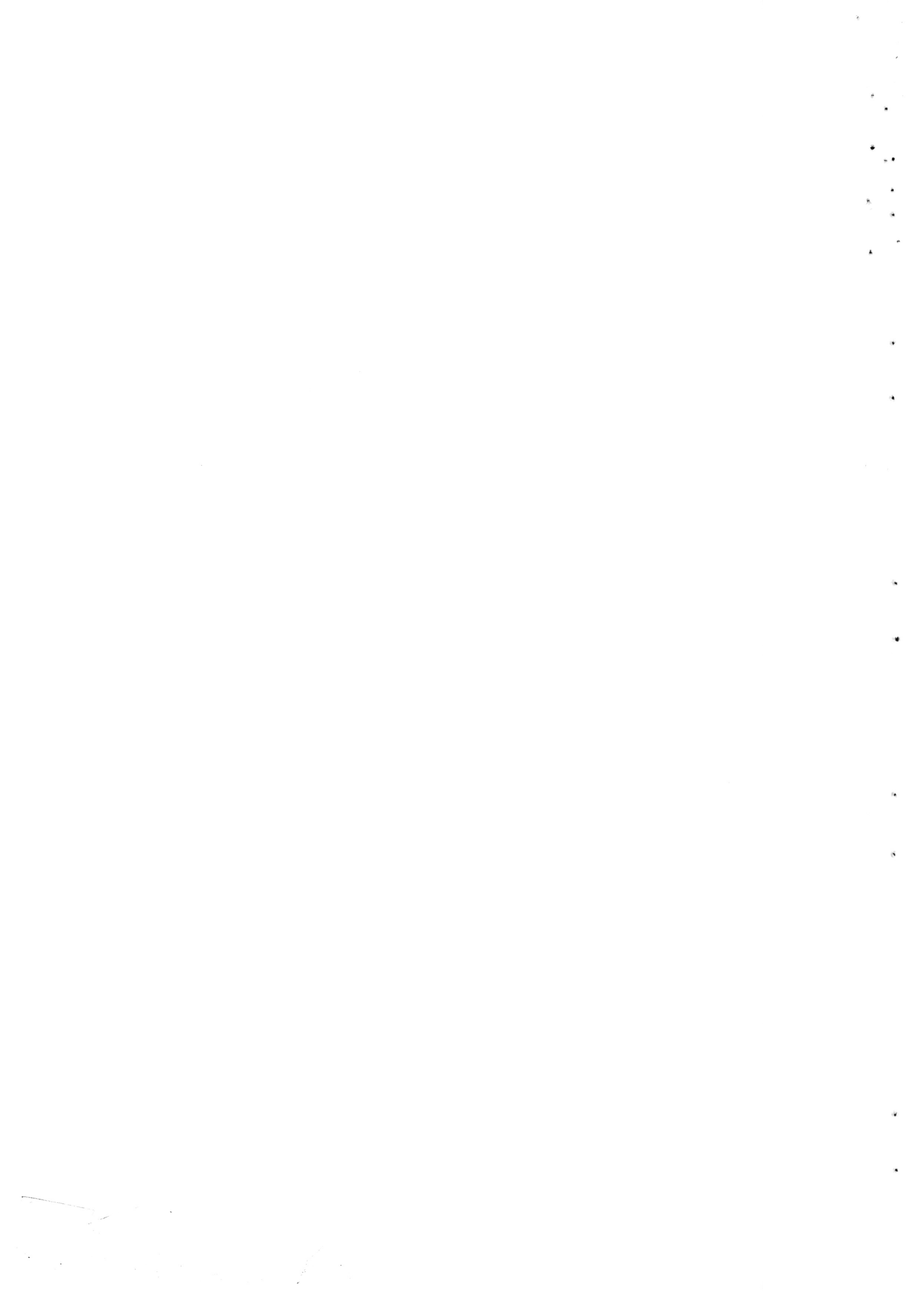
The meeting was called to order at 10.30 a.m. by the Chairperson followed with a word of prayer.

**MINUTE SEN/SCLNR/436/2016: ADOPTION OF AGENDA**

The agenda of the meeting was adopted after it was proposed by Sen. Obure and seconded Sen. Ndiema as follows;

Prayer

1. Preliminaries;
2. Adoption of the Agenda;
3. Confirmation of Minutes;
4. Matters Arising from the Previous Minutes;
5. **Review of Submissions for the Forest Conservation and Management Bill, 2015 (National Assembly Bill No. 49 of 2015),**
6. Briefing from Legal Counsel on;



- a. Community Land Bill (National Assembly Bill No. 45 of 2015)
- b. Land Laws (Amendment) Bill (National Assembly Bill No. 55 of 2015)

7. **Business before the Committee**

- a. Statements
- b. Petition

8. Any Other Business;

9. Adjournment and Date of Next Meeting.

**MINUTE SEN/SCLNR/437/2016: CONFIRMATION OF MINUTES**

- 1) Minutes of the 73<sup>rd</sup> Meeting of the Standing Committee on Lands and Natural Resources held on Tuesday, 14<sup>th</sup> June, 2016 At KICC, 3<sup>rd</sup> Floor, Room 304 from 10.00 am were confirmed as the true record of the proceedings after being proposed by Sen. Obure and seconded by Sen. Ndiema.
- 2) Minutes of the 72<sup>nd</sup> Meeting of the Standing Committee on Lands and Natural Resources held on Tuesday, 14<sup>th</sup> June, 2016 At KICC, 3<sup>rd</sup> Floor, Room 304 from 11.00 am were confirmed as the true record of the proceedings after being proposed by Sen. Chelule and seconded by Sen. Obure.

**MINUTE SEN/SCLNR/438/2016: MATTERS ARISING FROM THE PREVIOUS MINUTES**

Members resolved to postpone this minute item to the next meeting so that they may be able to deal with the substantive agenda before the Committee.

**MINUTE SEN/SCLNR/439/2016: REVIEW OF SUBMISSIONS FOR THE FOREST CONSERVATION AND MANAGEMENT BILL, 2015 (NATIONAL ASSEMBLY BILL NO. 49 OF 2015)**

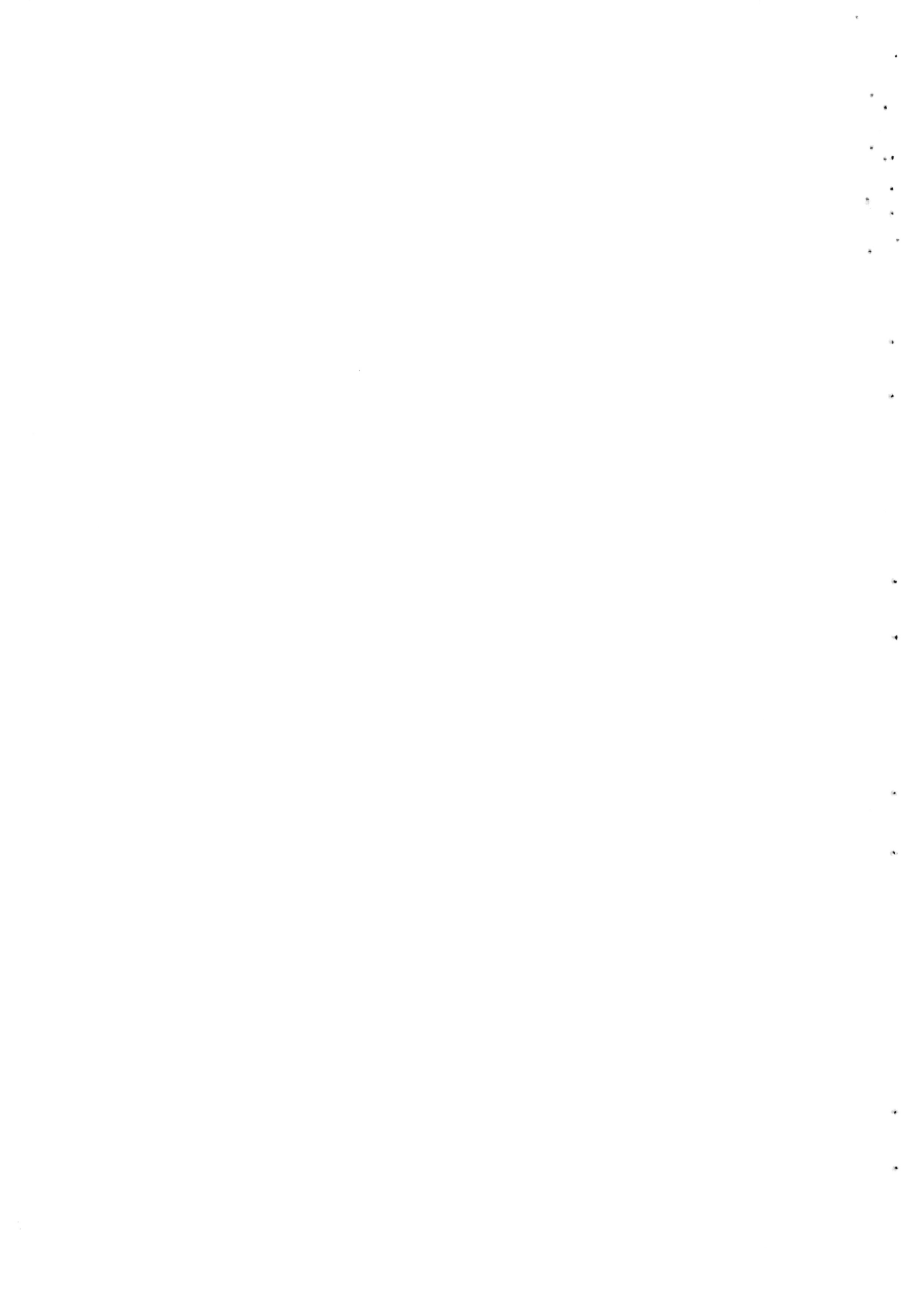
The Legal Officer took the members on some of the amendments that had been received from the public during the public hearing held on Thursday 2<sup>nd</sup> June, 2016. Members were informed that the Secretariat had received an email containing 71 amendments from the Council of Governors.

The Committee resolved that the Secretariat should analyse the amendments and compare them to what was received during the public hearing and combine them into one document which the Committee will review in the next meeting on Wednesday 22<sup>nd</sup> June, 2016. The Secretariat was also tasked to email the soft copy of the COG document to the Members.

**MINUTE SEN/SCLNR/440/2016: BRIEFING FROM LEGAL COUNSEL ON COMMUNITY LAND BILL (NATIONAL ASSEMBLY BILL NO. 45 OF 2015) & THE LAND LAWS (AMENDMENT) BILL (NATIONAL ASSEMBLY BILL NO. 55 OF 2015)**

The Committee was informed that the two bills had been rejected during a sitting in the House on 15<sup>th</sup> June, 2016. The Committee could therefore not proceed with the review of the Bill and the holding of the public hearing.

The committee meeting with the Ministry of Lands and Urban Development; and the National Land Commission and the National Land Alliance was put on hold as the Committee waited for further direction from the Leadership of the House.



**MINUTE SEN/SCLNR/441/2016: BUSINESS BEFORE THE COMMITTEE**

**A) Statements**

The Committee was informed that a letter had already been sent to the Ministry of Mining requesting for a statement on mining of ballast by COVEC in Vihiga county.

The Secretariat was tasked to bring the statement schedule and all the responses that the Committee has received to the next meeting.

The Secretariat was also asked to follow up on Sen. Mike Sonko's statement regarding the compensation of land owners along the Standard Gauge Railway.

**B) Petitions**

The Committee was informed that the Secretariat were waiting for an official response from the Ministry of Lands on the Changara petition. Members were also informed that the Petitioners wanted to meet the Committee. The Committee resolved to meet the petitioners after receiving the response from the Ministry.

**MINUTE SEN/SCLNR/442/2016: ADJOURNMENT AND DATE OF NEXT MEETING**

There being no other business, the meeting was adjourned at 12.00 noon and the date of the next meeting was set to Wednesday 22<sup>nd</sup> June, 2016 at ten am.

SIGNATURE.....



(CHAIRPERSON: SEN. LENNY KIVUTI, M.P.)

DATE.....

22/6/2016

**MINUTES OF THE 65<sup>TH</sup> MEETING OF THE STANDING COMMITTEE ON LANDS AND NATURAL RESOURCES HELD ON TUESDAY, 17<sup>TH</sup> MAY, 2016 AT KICC 3<sup>RD</sup> FLOOR ROOM NO. 304 FROM 11.00 A.M.**

**MEMBERS PRESENT**

- |                                 |               |
|---------------------------------|---------------|
| 1. Sen. Lenny Kivuti, M.P.      | - Chairperson |
| 2. Sen. George Khaniri, M.P.    | - Member      |
| 3. Sen. Christopher Obure, M.P. | - Member      |
| 4. Sen. Boy Juma Boy, M.P.      | - Member      |
| 5. Sen. Liza Chelule, M.P.      | - Member      |

**MEMBERS ABSENT WITH APOLOGY**

- |                                |          |
|--------------------------------|----------|
| 1. Sen. Dawson Mwazo, M.P.     | - Member |
| 2. Sen. Henry Ole Ndiema, M.P. | - Member |
| 3. Sen. Isaac Melly, M.P.      | - Member |
| 4. Sen. Martha Wangari, M.P.   | - Member |

**SENATE SECRETARIAT**

- |                       |                             |
|-----------------------|-----------------------------|
| 1. Ms. Mwanate Shaban | -Clerk Assistant            |
| 2. Mr. Kefa Omoti     | -Principal Research Officer |
| 3. Mr. Leonard Koech  | -Legal Counsel              |
| 4. Ms. Sarah Rukwaro  | -Serjeant At Arms           |
| 5. Mr. Kizito Ouma    | -Pupil                      |

**MINUTE SEN/SCLNR/385/2016: PRELIMINARIES**

The meeting was called to order at 11:30 a.m. and there followed a word of prayer by the Chairperson.

**MINUTE SEN/SCLNR/386/2016: ADOPTION OF AGENDA**

The agenda of the meeting was adopted with amendments after it was proposed by Sen. Juma Boy, MP and seconded by Sen. Chris Obure, M.P. as follows;

Prayer

1. Adoption of Agenda;
2. Election of Vice Chairperson of the Committee;
3. Matters Pending:
  - a) The Natural Resources (Classes Of Transactions Subject To Ratification), Bill 2015 (National Assembly Bill No. 54 Of 2015):
    - i) The Comparison between the Bill and the Natural Resources Benefits Sharing Bill, and
    - ii) Analysis and Review of the Bill.
    - iii) Setting the Public Hearing Date
  - b) Secretariat brief on the Changara Location Petition
  - c) The EALA Bill
4. Review and Consideration of date of public hearing on the Forest Conservation and Management Bill, 2015;
5. Any Other Business;
6. Adjournment and Date of Next Meeting.

It was resolved that the consideration of draft report on the COP 21 Paris Climate Change Conference held in December, 2015 be shelved to the next meeting and that the Secretariat should send soft copies for members' review.

**MINUTE SEN/SCLNR/387/2016: ELECTIONS OF A VICE CHAIRPERSON**

Sen. George Khaniri was elected as the Vice Chairperson of the Standing Committee on Lands and Natural Resources after being proposed by Sen. Chris Obure and seconded by Senator Juma Boy. There were no contrary opinions.

**MINUTE SEN/SCLNR/388/2016: CONFIRMATION OF MINUTES**

The Minutes of the sixty fourth meeting held on 3<sup>rd</sup> May, 2016 were postponed to the next meeting due to lack of quorum of members present during the 64<sup>th</sup> meeting.

**MINUTE SEN/SCLNR/389/2016: MATTERS ARISING FROM THE MINUTES- PENDING MATTERS**

**Ex. MINUTE NO. SEN/SCLNR/371/2016: CONSIDERATION OF PETITION ON ERRONEOUS PLACEMENT OF CHANGARA LOCATION IN BUSIA COUNTY**

The Committee was informed that an official response had been received from the Ministry of Lands, Housing and Urban Development on the request for maps and records of Changara Location. The Principal Researcher, Mr. Kefa Omoti briefed the Committee on his analysis of the maps.

An analysis of the maps provided by the Principal Secretary revealed the following:

- 1) The Kenya Counties Map indicates that indeed Changara Location is in Busia County
- 2) A 1997 District map for Bungoma indicates that Changara is in Busia. This is supported by the Teso District Map drawn in the same year (1997), capturing Changala Location as part of Teso District which was later joined to Busia District to form Busia County.
- 3) A 1988 District map for Busia indicates Changara to be in Bungoma
- 4) An undated Bungoma District map, probably prepared in 1996 (since it contains Mount Elgon District that was later elevated into a District in 1997) also shows Changara to be located in Bungoma
- 5) The Districts and Provinces Act (1992) provides a detailed description of the then Bungoma Boundary. The features mentioned in the boundary section affecting Changara include- a point on Malakisi River approximately 1.6KM North-west of Bitobo School, a tributary of River Malakisi named Kisawiyi, a hill known as Mwaliye among others. Unfortunately, the details described in the Act are not visible on the Malakisi topographical map.

### **Observations**

Apparently, before 1997 Changara Location was part of Bungoma District. It is probable that in 1997 during the rush for creation of new administrative units in Kenya, Changara Location was hived off from Bungoma District and together with other Locations formed Teso District. When the Constitution of Kenya (2010) was promulgated, the Director of Surveys might have erroneously joined Teso District to Busia District to form the present Busia County.

### **Way Forward**

- 1) Since it is not clear what informed the placement of Changara Location in Teso District in 1997, it is necessary to seek the involvement of the Ministry of Interior and seek to review minutes and documentation of deliberations that might have facilitated the inclusion of Changara in Teso
- 2) The features indicated in the District and Provinces Act in respect to Changara need to be confirmed on the ground. It is necessary therefore to commission a trained Surveyor to the Committee secretariat to confirm the same.

### **Committee Resolutions:**

The Committee to write to the Cabinet Secretary, Ministry of Lands in regards to the Petition and ask the CS to confirm whether Changara is in Busia or Bungoma based on the Description of Boundaries of 1992.

### **EX. MINUTE NO. SEN/SCLNR/372/2016: BRIEF ON THE ANALYSIS OF THE NATURAL RESOURCES (CLASSES OF TRANSACTION SUBJECT TO RATIFICATION) BILL AND THE NATURAL RESOURCES BENEFIT SHARING BILL, 2014**

In the Comparison, the Legal Officer acknowledged that there were similarities between the Bill and Sen. Zani's Natural Resources Benefit Sharing Bill, 2014.

However, he said that the National Assembly Bill gives effect to Article 71 of the Constitution which deals with agreements relating to Natural Resource; while Sen. Zani's Bill focuses on Benefit Sharing.

On the analysis of the Natural Resources (Classes of Transaction subject to Ratification) Bill, he said that it was a constitutional bill that gave the powers of all agreements and memos to the office of the Cabinet Secretary in charge of natural resources. All administrative transactions also fall under the CS.

### **Senators Concerns**

- 1) The bill did not seem to have provisions for delegated authority at County level and Forests and Water are already devolved
- 2) Anything below Kshs. 50 Billion will not be reported to Parliament

### **Committee Resolutions**

- The legal officer to pick out the salient issues on the Bill that contradict with devolution and also to find out the gaps in the Bill.
- The Public Hearing of the Bill will be undertaken on Thursday, 2<sup>nd</sup> June, 2016 from 11.00 am

**Ex. MINUTE SEN/SCLNR/374/2016 AOB – EALA**

The Legal Officer was requested to give an advisory on the legal position for EALA on making laws for member countries and what are the implications especially when the laws contradict the Member state laws. He was given a week to come up with the advisory.

**MINUTE SEN/SCLNR/390/2016: BRIEFING ON THE FOREST CONSERVATION AND MANAGEMENT BILL, 2015 & SETTING THE PUBLIC HEARING DATE**

The Legal Officer took the Committee through the Forest Conservation and Management Bill, 2015. He mentioned that it is a Constitutional bill which gives effect to Article 69 of the Constitution and has to be effected by August 2016.

He acknowledged that the Bill had similarities with the Kenya Forest Act which stands repelled.

The Bill's mainly touched on:

- 1) Forest Management Structures
  - i) National Forests Management Services;
  - ii) The Kenya Forest Service which is a body corporate managed by a board; and
  - iii) Funds of the Kenya Forest Service.
- 2) Actual conservation process which included arboretums, reinforcements and the devolution of authority and responsibility to county departments involved in natural resources
- 3) Community Participation – the Bill promoted transparency and accountability.

**Committee Resolutions**

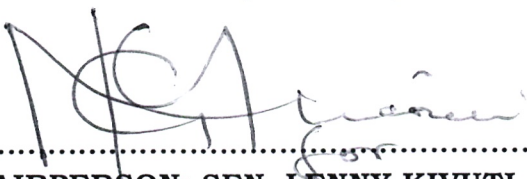
- The Committee resolved to undertake the public hearings of the Forest Conservation and Management Bill on Thursday, 2<sup>nd</sup> June, 2016 from 9.00 am.
- Due to time constrains, the Committee decided to do the public hearings in Nairobi.

**MINUTE SEN/SCLNR/391/2016: ANY OTHER BUSINESS**

There was no other business.

**MINUTE SEN/SCLNR/392/2016: ADJOURNMENT AND DATE OF NEXT MEETING.**

Having concluded the business as set out in the agenda, the meeting was adjourned at 1.10 p.m. until Tuesday, 31<sup>st</sup> May, 2016 at 11:00 a.m.

SIGNATURE.....  
 (CHAIRPERSON: SEN. LENNY KIVUTI, M.P.)

DATE.....14/6/2016.....

**MINUTES OF THE 64<sup>TH</sup> MEETING OF THE STANDING COMMITTEE ON LANDS AND NATURAL RESOURCES HELD ON TUESDAY, 3<sup>RD</sup> MAY, 2016 AT KICC 3<sup>RD</sup> FLOOR ROOM NO. 304 AT 11.00 A.M.**

**MEMBERS PRESENT**

1. Sen. Liza Chelule, M.P. - Member (Chairing)
2. Sen. Isaac Melly, M.P. - Member
3. Sen. Martha Wangari, M.P. - Member

**MEMBERS ABSENT WITH APOLOGY**

1. Sen. Lenny Kivuti, M.P. - Chairperson
2. Sen. George Khaniri, M.P. - Member
3. Sen. Dawson Mwazo, M.P. - Member
4. Sen. Christopher Obure, M.P. - Member
5. Sen. Boy Juma Boy, M.P. - Member
6. Sen. Henry Ole Ndiema, M.P. - Member

**SENATE SECRETARIAT**

1. Mr. Njenga Njuguna -Director, Committee Services
2. Ms. Mwanate Shaban -Clerk Assistant
3. Mr. Charles Ngatia -Clerk Assistant
4. Mr. Leonard Koech -Legal Counsel
5. Mr. Kefa Omoti -Principal Research Officer

**MINUTE SEN/SCLNR/376/2016: PRELIMINARIES**

The meeting was called to order at 11:30 a.m. and there followed a word of prayer by Sen. Liza Chelule, M.P, the Acting Chairperson.

**MINUTE SEN/SCLNR/377/2016: ADOPTION OF AGENDA**

The agenda of the meeting was adopted after it was proposed by Sen. Martha Wangari, MP and seconded by Sen. Isaac Melly, M.P. as follows;

Prayer

1. Adoption of Agenda;
2. Confirmation of Minutes of the 63<sup>rd</sup> Meeting held on 26<sup>th</sup> April, 2016;
3. Matters Arising from the Previous Minutes;
4. Election of Vice Chairperson of the Committee;
5. Consideration of date of public hearing on the Forest Conservation and Management Bill, 2015;
6. Consideration of draft report on the COP 21 Paris Climate Change Conference held in December, 2015;

7. Any Other Business;
8. Adjournment and Date of Next Meeting.

**MINUTE SEN/SCLNR/378/2016: CONFIRMATION OF MINUTES**

The Minutes of the sixty third meeting held on 26<sup>th</sup> April, 2016 were confirmed as the true record of the proceedings after they were proposed by Sen. Isaac Melly, M.P. and seconded by Sen. Liza Chelule, M.P.

**MINUTE SEN/SCLNR/379/2016: MATTERS ARISING FROM THE MINUTES**

**Ex. MINUTE NO. SEN/SCLNR/371/2016: CONSIDERATION OF PETITION ON ERRONEOUS PLACEMENT OF CHANGARA LOCATION IN BUSIA COUNTY**

The Committee was informed that no official response had been received from the Ministry of Lands, Housing and Urban Development on the request for maps and records of Changara Location. The Committee resolved to give one week to the MOLHUD to provide the maps.

**Ex. MINUTE NO. SEN/SCLNR/372/2016: BRIEF ON THE ANALYSIS OF THE NATURAL RESOURCES (CLASSES OF TRANSACTION SUBJECT TO RATIFICATION) BILL AND THE NATURAL RESOURCES BENEFIT SHARING BILL, 2014**

The Legal Officer acknowledged that the directorate had previously done an analysis on the Bill and had come up with a decision that the two Bills were not as similar as they looked at a glance. The Officer promised to give a full report of the comparison clause by clause on Tuesday 10<sup>th</sup> May, 2016 during the meeting.

**Ex. MINUTE SEN/SCLNR/374/2016 AOB – EALA**

The Committee was informed that Standing order 235 (3) of the Senate Standing Orders state that “Whenever the Clerk receives copies of record of relevant debates of the meetings of EALA, or copies of Bills introduced into the EALA and Acts of the EAC, the Clerk shall forward such record of debates, Bills or Acts of the Community to the relevant Committee.

The Legal Officer therefore advised the Committee that the piece of legislation needs to follow the due process and be received by the Clerk first before any other action.

**MINUTE SEN/SCLNR/380/2016: ELECTION OF VICE CHAIRPERSON OF THE COMMITTEE**

This Agenda item was shelved due lack of adequate quorum to conduct the election.

**MINUTE SEN/SCLNR/381/2016: CONSIDERATION OF DATE OF PUBLIC HEARING ON THE FOREST CONSERVATION AND MANAGEMENT BILL, 2015**

The Committee resolved to undertake two public hearings; one in Nairobi and another in the County where the forest people live. The Committee chose 17<sup>th</sup> May, 2016 as the date of the public hearing for Nairobi.

The Legal Officer was tasked to prepare a brief on the Bill.

**MINUTE SEN/SCLNR/382/2016: CONSIDERATION OF DRAFT REPORT ON THE COP 21 PARIS CLIMATE CHANGE CONFERENCE HELD IN DECEMBER, 2015**

Members resolved to postpone this agenda item to the next meeting due to lack of enough quorum to consider the report.

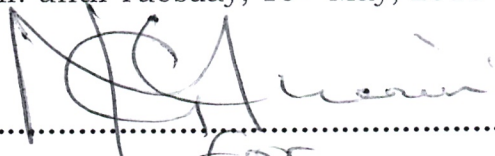
**MINUTE SEN/SCLNR/383/2016: ANY OTHER BUSINESS**

There was no other business.

**MINUTE SEN/SCLNR/384/2016: ADJOURNMENT AND DATE OF NEXT MEETING.**

Having concluded the business as set out in the agenda, the meeting was adjourned at 11:58 p.m. until Tuesday, 10<sup>th</sup> May, 2016 at 11:00 a.m.

SIGNATURE.....



(CHAIRPERSON: SEN. LENNY KIVUTI, M.P.)

DATE.....

14/6/2016

**MINUTES OF THE 63<sup>RD</sup> MEETING OF THE STANDING COMMITTEE ON LANDS AND NATURAL RESOURCES HELD ON TUESDAY, 26<sup>TH</sup> APRIL, 2016 AT KICC 3<sup>RD</sup> FLOOR ROOM NO. 304 AT 11.00 A.M.**

**MEMBERS PRESENT**

1. Sen. Lenny Kivuti, M.P. - Chairperson
2. Sen. George Khaniri, M.P. - Member
3. Sen. Dawson Mwazo, M.P. - Member
4. Sen. Henry Ole Ndiema, M.P. - Member
5. Sen. Liza Chelule, M.P. - Member
6. Sen. Isaac Melly, M.P. - Member

**MEMBERS ABSENT WITH APOLOGY**

1. Sen. Christopher Obure, M.P. - Member
2. Sen. Boy Juma Boy, M.P. - Member
3. Sen. Martha Wangari, M.P. - Member

**SENATE SECRETARIAT**

1. Mr. Charles Ngatia -Clerk Assistant
2. Ms. Mwanate Shaban -Clerk Assistant
3. Mr. Leonard Koech -Legal Counsel
4. Ms. Sarah Rukwaro -Serjeant-At- Arms

**MINUTE SEN/SCLNR/368/2016 : PRELIMINARIES**

The meeting was called to order at 11:10 a.m. and there followed a word of prayer by Sen. George Khaniri, M.P.

**MINUTE SEN/SCLNR/369/2016 : ADOPTION OF AGENDA**

The agenda of the meeting was adopted after it was proposed and seconded by Sen. Liza Chelule, M.P. and Sen. Isaac Melly, M.P. as follows;

Prayer

1. Adoption of Agenda;
2. Confirmation of Minutes of the 60<sup>th</sup>, 61<sup>st</sup> and 62<sup>nd</sup> Meetings held on 12<sup>th</sup> and 13<sup>th</sup> and 19<sup>th</sup> April, 2016 respectively;
3. Matters Arising from the Previous Minutes;
4. Brief on the comparison between the Natural Resources (Classes of Transaction subject to Ratification) Bill and the Natural Resources Benefit Sharing Bill;

5. Adoption of report on Petition on heavy blasting and dust from a quarry near Taru Trading Centre in Kwale County;
6. Any Other Business;
7. Adjournment and Date of Next Meeting.

#### **MINUTE SEN/SCLNR/370/2016: CONFIRMATION OF MINUTES**

- 1) The Minutes of the sixtieth meeting held on 12<sup>th</sup> April, 2016 were confirmed as the true record of the proceedings after they were proposed by Sen. Liza Chelule, M.P. and seconded by Sen. Dawson Mwazo, M.P.
- 2) The Minutes of the sixty first meeting held on 13<sup>th</sup> April, 2016 were confirmed as the true record of the proceedings after they were proposed by Sen. Dawson Mwazo, M.P and seconded by Sen. Isaac Melly, M.P.
- 3) The Minutes of the sixty second meeting held on 19<sup>th</sup> April, 2016 were confirmed as the true record of the proceedings after they were proposed by Sen. Liza Chelule, M.P. and seconded by Sen. Henry Ndiema, M.P.

#### **MINUTE SEN/SCLNR/371/2016: MATTERS ARISING FROM THE MINUTES**

##### **Ex. MINUTE NO. SEN/SCLNR/358/2016: REVIEW OF THE REPORT ON THE PETITION ON OLMOROGI LAND IN KAJIADO COUNTY**

The Committee was informed that the report on the Petition on Olmorogi land in Kajiado County was ready for tabling in the Senate and was even listed on the order paper for the day.

##### **Ex. MINUTE NO. SEN/SCLNR/363/2016: CONSIDERATION OF PETITION ON ERRONEOUS PLACEMENT OF CHANGARA LOCATION IN BUSIA COUNTY**

The Committee was informed that a communication had been done to the Principal Secretary in the Ministry of Lands, Housing and Urban Development requesting for maps and records of Changara location since 1963 and after 1992 but the Committee had not received any response yet.

#### **MINUTE SEN/SCLNR/372/2016: BRIEF ON THE ANALYSIS OF THE NATURAL RESOURCES (CLASSES OF TRANSACTION SUBJECT TO RATIFICATION) BILL AND THE NATURAL RESOURCES BENEFIT SHARING BILL, 2014**

The Legal Counsel took the Committee through a brief comparison of the two bills as follows:

<b>THE NATURAL RESOURCES (Benefit Sharing) BILL, 2014</b>	<b>THE NATURAL RESOURCES (Classes of Transactions Subject to Ratification) BILL</b>
<b>APPLICATION</b>	
<p>Clause 3 of this Act applies with respect to the exploitation of-</p> <ul style="list-style-type: none"> <li>(a) petroleum;</li> <li>(b) natural gas;</li> <li>(c) minerals;</li> <li>(d) forest resources,</li> <li>(e) water resources;</li> <li>(f) wildlife resources; and</li> <li>(g) fishery resources.</li> </ul> <p>All the above are natural resources within the meaning exploitation as envisaged under Article 71 of the Constitution.</p> <p>The Benefit Sharing Authority under clause 6 has the general mandate of coordinating the exploitation of any other natural resource by notice in the Gazette.</p>	<p>Clause 3 is giving effect to Article 71 of the Constitution which appears on Part 2 of Chapter 5 of the Constitution exploitation of any natural resource of Kenya i.e. agreements relating to natural resources that require ratification by Parliament.</p>
	<p>The classes of transaction set out in the schedule to be ratified by Parliament pursuant to clause 4 of the Bill include: Crude oil &amp; natural gas, minerals, water resources, underground water, wildlife, forests, genetic material and genetic resources.</p>
<b>ADMINISTRATION</b>	
<p>Under clause 7 the Authority shall be managed by a Board with a chairperson at its helm.</p>	<p>The Cabinet Secretary assumes the general administrative arrangements of all mining related activities, conducts due diligence and preparation of regulations of the subject matter.</p>

Clause 18 (1) establishes the position of the Director-General who shall be the chief executive officer of the Authority and secretary to the Board.	
Under clause 24 the Authority shall impose royalties and fees and obligations of the affected organization under any existing County Benefit Sharing Agreement with the local community.	
The Bill stipulates financial provisions which consists of funds to the Authority i.e. all monies that will accrue for lawful functioning of the Authority. The Bill however strictly precludes itself from being a money bill.	

The Legal officer concluded that the two bills were similar but requested for another one week to undertake a thorough clause-by-clause analysis of the bills and report back to the Committee.

The Committee granted the request.

**MINUTE SEN/SCLNR/373/2016: ADOPTION OF REPORT ON PETITION ON HEAVY BLASTING AND DUST FROM A QUARRY NEAR TARU TRADING CENTRE IN KWALE COUNTY**

Members were informed that the recommendations of the Committee on the report of the Petition had been included.

The Committee considered the report and adopted the report for tabling in the Senate after it was proposed and seconded by Sen. Isaac Melly, M.P. and Sen. Henry Ndiema, M.P. respectively.

**MINUTE SEN/SCLNR/374/2016 : ANY OTHER BUSINESS**

The Committee was informed that the East African Legislative Assembly (EALA) had drafted a Bill referred to as *The East African Community Sectional Properties Bill, 2016* and had scheduled and invited the public of the East African Community Member States for public participation on the Bill.

The Committee was further informed that the Bill, if enacted, would conflict with Kenyan laws.

The Secretariat was tasked to seek information on how legislative Acts by EALA are domesticated and implemented by the Member States and present a report to the Committee in the next meeting.

**MINUTE SEN/SCLNR/375/2016 : ADJOURNMENT AND DATE OF NEXT MEETING.**

Having concluded the business as set out in the agenda, the meeting was adjourned at 11:45 p.m. until Tuesday, 3<sup>rd</sup> May, 2016 at 11:00 a.m.

SIGNATURE.....

(CHAIRPERSON: SEN. LENNY KIVUTI, M.P.)

DATE.....

**MINUTES OF THE 62<sup>ND</sup> MEETING OF THE STANDING COMMITTEE ON LANDS AND NATURAL RESOURCES HELD ON TUESDAY, 19<sup>TH</sup> APRIL, 2016 AT KICC 3<sup>RD</sup> FLOOR ROOM NO. 304 AT 11.00 A.M.**

**MEMBERS PRESENT**

1. Sen. Dawson Mwazo, M.P. - Ag. Chairperson
2. Sen. Christopher Obure, M.P. - Member
3. Sen. Henry Ole Ndiema, M.P. - Member
4. Sen. Liza Chelule, M.P. - Member

**MEMBERS ABSENT WITH APOLOGY**

1. Sen. Lenny Kivuti, M.P. - Chairperson
2. Sen. George Khaniri, M.P. - Member
3. Sen. Boy Juma Boy, M.P. - Member
4. Sen. Isaac Melly, M.P. - Member
5. Sen. Martha Wangari, M.P. - Member

**SENATE SECRETARIAT**

1. Mr. Charles Ngatia - Clerk Assistant
2. Ms. Sarah Rukwaro - Serjeant-At- Arms

**MINUTE SEN/SCLNR/361/2016 : PRELIMINARIES**

The meeting was called to order at 11:30 a.m. and there followed a word of prayer by the Ag. chairperson.

**MINUTE SEN/SCLNR/362/2016 : ADOPTION OF AGENDA**

The agenda of the meeting was adopted unanimously with amendments as follows;

Prayer

1. Adoption of Agenda;
2. Consideration of Petition on erroneous placement of Changara Location in Busia County;
3. Consideration of date of Public Hearing on the Natural Resources (Classes of Transaction subject to Ratification) Bill;
4. Consideration of draft report on Petition on heavy blasting and dust from a quarry near Taru Trading Centre in Kwale County;
5. Any Other Business;
6. Adjournment and Date of Next Meeting.

**MINUTE SEN/SCLNR/363/2016: CONSIDERATION OF PETITION ON ERRONEOUS PLACEMENT OF CHANGARA LOCATION IN BUSIA COUNTY**

The Committee was informed that there was a Petition committed to the committee on erroneous placement of Changara location in Busia County.

The Committee deliberated on the matter and observed that Petition was not about conflict over boundary but rather the erroneous placement of the location in the map.

The Committee resolved that the secretariat obtains maps of Changara location since 1963 and after 1992 so as to determine the rightful placement of the location.

**MINUTE SEN/SCLNR/364/2016: CONSIDERATION OF DATE OF PUBLIC HEARING ON THE NATURAL RESOURCES (CLASSES OF TRANSACTION SUBJECT TO RATIFICATION) BILL**

The Committee was informed that the Natural Resources (Classes of Transactions Subject to ratification) Bill, 2015 had been read a First Time in the Senate on Thursday 14<sup>th</sup> April, 2016 and referred to the Committee for consideration.

The Committee observed that the Bill may have provisions that are similar to those in the Natural Resources Benefit Sharing Bill.

The Committee resolved that the Secretariat undertake an analysis of the Natural Resources (Classes of Transactions Subject to ratification) Bill, 2015 and the Natural Resources Benefit Sharing Bill for presentation so that Committee can make a determination on how to proceed with the Bill.

**MINUTE SEN/SCLNR/365/2016: CONSIDERATION OF DRAFT REPORT ON PETITION ON HEAVY BLASTING AND DUST FROM A QUARRY NEAR TARU TRADING CENTRE IN KWALE COUNTY**

The Committee was informed that Kenya Railways Corporation had provided the Information the Committee had requested.

The Committee was informed that Kenya Railways Corporation had provided the following information;

1. A team was appointed from Kenya Railways, TAEC supervision consultant and CRBC the contractor and the local community (Taru Environmental Committee and Nyumba Kumi members), to undertake assessment and verification of the affected households. This activity was undertaken from 22<sup>nd</sup> to 24<sup>th</sup> March, 2016. A draft report was prepared

and thereafter the local community was invited to review the same for verification. A further assessment of people who could not be traced during the first assessment was carried out from 4<sup>th</sup> to 6<sup>th</sup> April, 2016;

2. A summary of the draft assessment report is presented below.

S/NO	ITEM	NUMBER
1.	Households Assessed and valued	<b>169</b>
2.	No information. Not identified during assessment	<b>9</b>
3.	Out of range (Across SGR corridor/Not in Taru)	<b>9</b>
4.	Already Compensated by Section 1	<b>18</b>
5.	Repeated names	<b>4</b>
6.	Same household/family	<b>12</b>
7.	Tenants	<b>5</b>
8.	No effect. No cracks seen	<b>1</b>
	<b>TOTAL</b>	<b>227</b>

3. As at 18<sup>th</sup> April, 2016 101 households have signed claim agreements with the Contractor and given their bank details for compensation. Some 2 government offices to wit; police station and chief's office have been affected and arrangements are ongoing to repair the same.

4. A valuation report of the compensation indicating the property and amount to be compensated for the 227 profiled residents.

The Committee considered the draft report on the Petition and made the following observations and recommendations;

1. Compensation process for damage of property arising from the quarrying activity had begun was going on;
2. The quarrying activity should proceed but be carried out in a controlled manner that does not affect the community; and
3. The entity that is undertaking the quarrying activity should rehabilitate and/ or restore the degraded environment immediately it finalizes its operations in a given area.

The Committee resolved that enforcement of rehabilitation of quarries that are no longer in use throughout the country should be enforced by the relevant authorities.

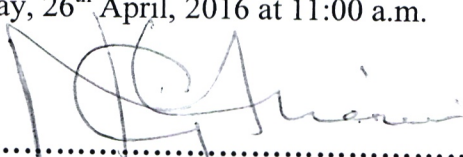
**MINUTE SEN/SCLNR/366/2016 : ANY OTHER BUSINESS**

The Ag. Chairperson informed the Committee that he had twelve issues that he wanted the Cabinet secretary for Environment, Natural resources and Regional

Development Authorities to respond to concerning grazing in Tsavo East & West National Parks.

**MINUTE SEN/SCLNR/367/2016 : ADJOURNMENT AND DATE OF NEXT MEETING.**

Having concluded the business as set out in the agenda, the meeting was adjourned at 12:01 p.m. until Tuesday, 26<sup>th</sup> April, 2016 at 11:00 a.m.

SIGNATURE.....

(CHAIRPERSON: SEN. LENNY KIVUTI, M.P.)

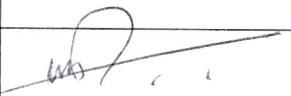

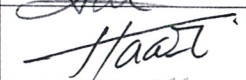
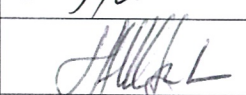
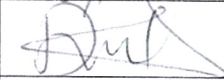


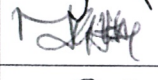

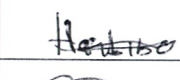

DATE..... 26/4/2016.....

THE SENATE

STANDING COMMITTEE ON LAND AND NATURAL RESOURCES.

GUEST ATTENDANCE LIST

PURPOSE: MEETING WITH PETITIONERS ON LEASING OF GAME RESERVES BY COUNTY EXECUTIVE DATE: 25/10/2016.  
 VENUE: COMMITTEE ROOM 4


	NAME	ORGANIZATION	DESIGNATION	CONTACT TELEPHONE & EMAIL	SIGNATURE
1	CLL. OMAR JIRMO	FIGARE	ORG SEC.	0723245156	
2	Lucy V. Nyaguthi Kamisi	CJPC (ISIOLO)	Project officer	0726432828	
3	CLL. HUSSEIN ABDUBA	Friends of Isiole / Game Reserves	CHAIRMAN	0726270861	
4	IDLE HASSAN	Friends of Isiole Game Reserve	MEMBER	0726093624	
5	ANAB KASIM	FIGARE	V. chair	0726717180	
6	Godant Mbu	FIGARE	Member	0711159271	
7	Hassan Balla	FIGARE	Treasurer	0712830455	
8	JARSO HAKKAO	WASO TRUST LAND	Treasurer	0720664508	
9	Liban Golicha	Waso Trustland	CEO	0725016982 libangolicha@yahoo.com	
10	HABIB ADAM	Hall chair w. group	chair lady	0720411977	
11	IBRAHIM AWAKO	FIGARE	Secretary	0726172918	

THE SENATE

STANDING COMMITTEE ON LAND AND NATURAL RESOURCES.

GUEST ATTENDANCE LIST

**PURPOSE:** MEETING WITH ISIOLO COUNTY ASSEMBLY ON A PETITION **DATE:** 21 NOVEMBER 2016.  
 BY RESIDENTS OF ISIOLO COUNTY ON THE LEASING OF BUFFALO SPRINGS & SHABA GAME RESERVES BY THE  
**VENUE:** CPA ROOM, MAIN PARLIAMENT BUILDINGS COUNTY EXECUTIVE

	NAME	ORGANIZATION	DESIGNATION	CONTACT TELEPHONE & EMAIL	SIGNATURE
1	SALAD BORU	Isiolo C. Assembly	CLERK	0722819026 abadakib5@gmail.com	
2					
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THE SENATE

STANDING COMMITTEE ON LAND AND NATURAL RESOURCES.

GUEST ATTENDANCE LIST

PURPOSE: MEETING WITH EACC ON THE WOLOLO PETITION DATE: 3 NOV 2016

VENUE: CPA ROOM MAIN PARLIAMENT

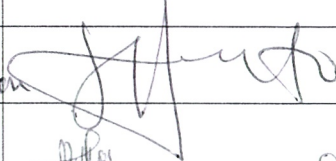

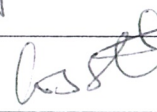
	NAME	ORGANIZATION	DESIGNATION	CONTACT TELEPHONE & EMAIL	SIGNATURE
1	Sophia Sepuchiat	EACC	Commissioner V.C.	0792-419 994	ll.
2	Michael Mubea	EACC	D/CEO	mmubea@Integrity.govt.nz	
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THE SENATE

STANDING COMMITTEE ON LAND AND NATURAL RESOURCES.

GUEST ATTENDANCE LIST

PURPOSE: Meeting with Isiolo County Executive on Isiolo Petition on leasing of Game reserves. DATE: 8 Nov 2016  
 VENUE: Committee Room 5, First Floor Main Parliament Buildings

	NAME	ORGANIZATION	DESIGNATION	CONTACT TELEPHONE & EMAIL	SIGNATURE
1	Ibrahim M Adano	Isiolo County govt	Director	adanoibrahim@gmail.com	
2	LILIAN KIRUSA	"	Legal Advisor	liliankirusa@gmail.com	
3	Suleiman Wanyo	"	CC - Tourism	Suleimanshing@yahoo.com	
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**PRESENTATION TO THE SENATE  
COMMITTEE ON LAND AND  
NATURAL RESOURCES ON THE  
PLAN BY ISIOLO COUNTY  
GOVERNMENT TO LEASE  
BUFFALO SPRINGS AND SHABA  
GAME RESERVES TO A PRIVATE  
INVESTOR; AT THE NATIONAL  
SENATE ON 25<sup>TH</sup> OCTOBER 2016.**

**BY:**

**WASO TRUSTLAND PROJECT (WTL)  
AND FRIENDS OF ISIOLO GAME  
RESERVES (FIGARE) ON BEHALF OF  
ISIOLO CITIZENS**

*Presented By: Mr. Liban Golicha*

*Cell Phone: +254 725 016 982*

*Email: [libangolicha@yahoo.com](mailto:libangolicha@yahoo.com)*

## BACKGROUND INFORMATION

Following the electronic communication by the National Senate Committee on 17<sup>th</sup> October 2016, inviting us for appearance before this committee today the 25<sup>th</sup> October 2016, pertaining to the planned leasing of Isiolo game reserves pursuant to our relevant petition dated 3<sup>rd</sup> June 2016 as was subsequently presented to the house by Hon. (Dr) Bonny Khalwale on 5<sup>th</sup> of July 2016; We on behalf of Isiolo residents wish to appreciate this Honourable Committee and the National Senate for deserved consideration of our petition though long overdue.

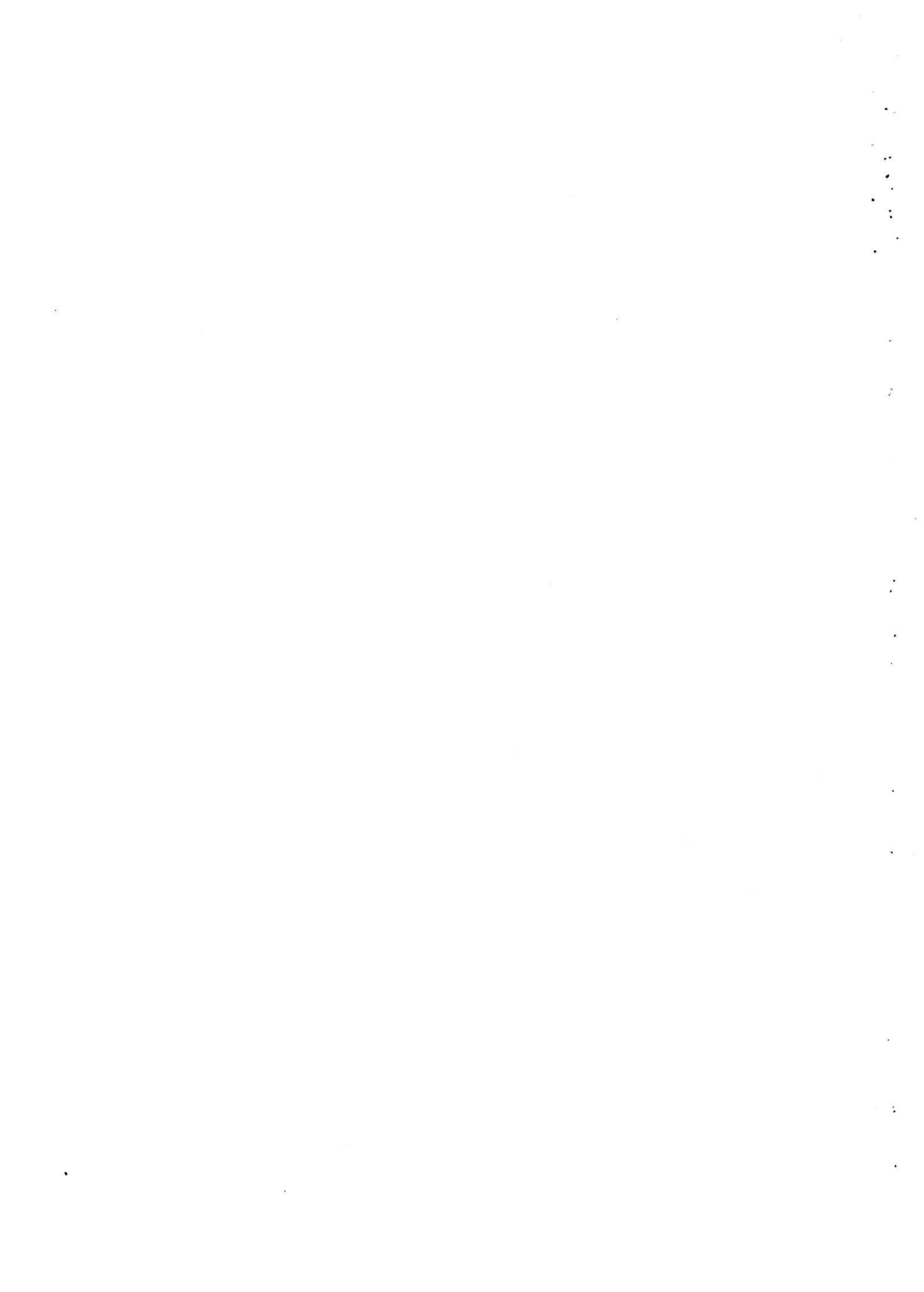
Before this honourable committee is the representative of Isiolo communities drawn from the local Civil Society Organizations (CSOs); FIGARE and Waso Trustland (WTL) which has been hitherto at the forefront of the said petition. WTL is a registered local Non Governmental Organization working on issues of public interest with a particular bias on Land and Natural Resources management among others for about two decades; whereas FIGARE is a creature of a lobby group against the said lease plan by the County government of Isiolo after lengthy consideration and engagements by the relevant stakeholders of public interest as convened by WTL. These crucial stakeholders includes but not limited to outstanding personalities with rich experience in local running of the defunct Isiolo County Council, the communities neighbouring the game reserves, the beneficent community based groups, local elders and opinion leaders among others.

In this regard, it's fundamental for this committee to note, the diversity of these community representatives before it, as was practicably convenient. It is noteworthy that, Isiolo County is a home to diverse ethnics and cultures and that the natural heritage and resources of the County individually and collectively belongs to the communities and the people of Kenya. Reasons which the representative team tried to assume the face of the County, as is practicably possible in the circumstances to air the communities concerns before this honourable committee.

Isiolo with a land mass of 25,605 KM2 and population of 143,294 (according to 2009 National demographic Census), is predominately home for Boran, Turkana, Meru, Somali and Samburu communities which hugely practices pastoralism as way of livelihood.

The region is known for rich indigenous natural resources ideal for unique wildlife habitats found in the county's three famed Buffalo Springs, Shaba and Bisan Adi game reserves with an estimated area coverage of 131, 254, 607 square KMs respectively. These unique treasurers has made the region one of the best tourist destinations in the country after the great Massai Mara and tourism being lifeline of the area during the reign of the defunct county council according to its then local revenue generations.

These unique flora and faunas of the area has notably been its recent undoing due to emerging interest amassed in the region through state initiated development and other speculative scrupulous organizations claiming to be conservationist and development entities. These includes mandarins attracted by the state owned Vision 2030 project targeting the region and Northern Rangeland Trust (NRT) that known for disguising as conservationist; hence purporting to establishing "community based conservancies" through which it propagates self centered expansionist strategy targeted to take over community land



at the expense of vulnerable pastoralist communities whose daily livelihoods is directly dependent on the natural resources.

In this regard, we the petitioners has established that the said NRT was a deal broker and anticipated beneficiary through proxy partner organization by the name African park which has been continuously mentioned in the unilateral engagement with the County Government Executive to take over the said two reserves, hence confirming our suspicions on the viability of entire deal for the public of Isiolo; notwithstanding the flouting of legal procedures enshrined in the constitution and other relevant laws prerequisite for the project of this nature.

Reasons wherefore; we draw the attentions of this honourable committee to the relevant issues and concerns as shall be briefly stipulated here below;

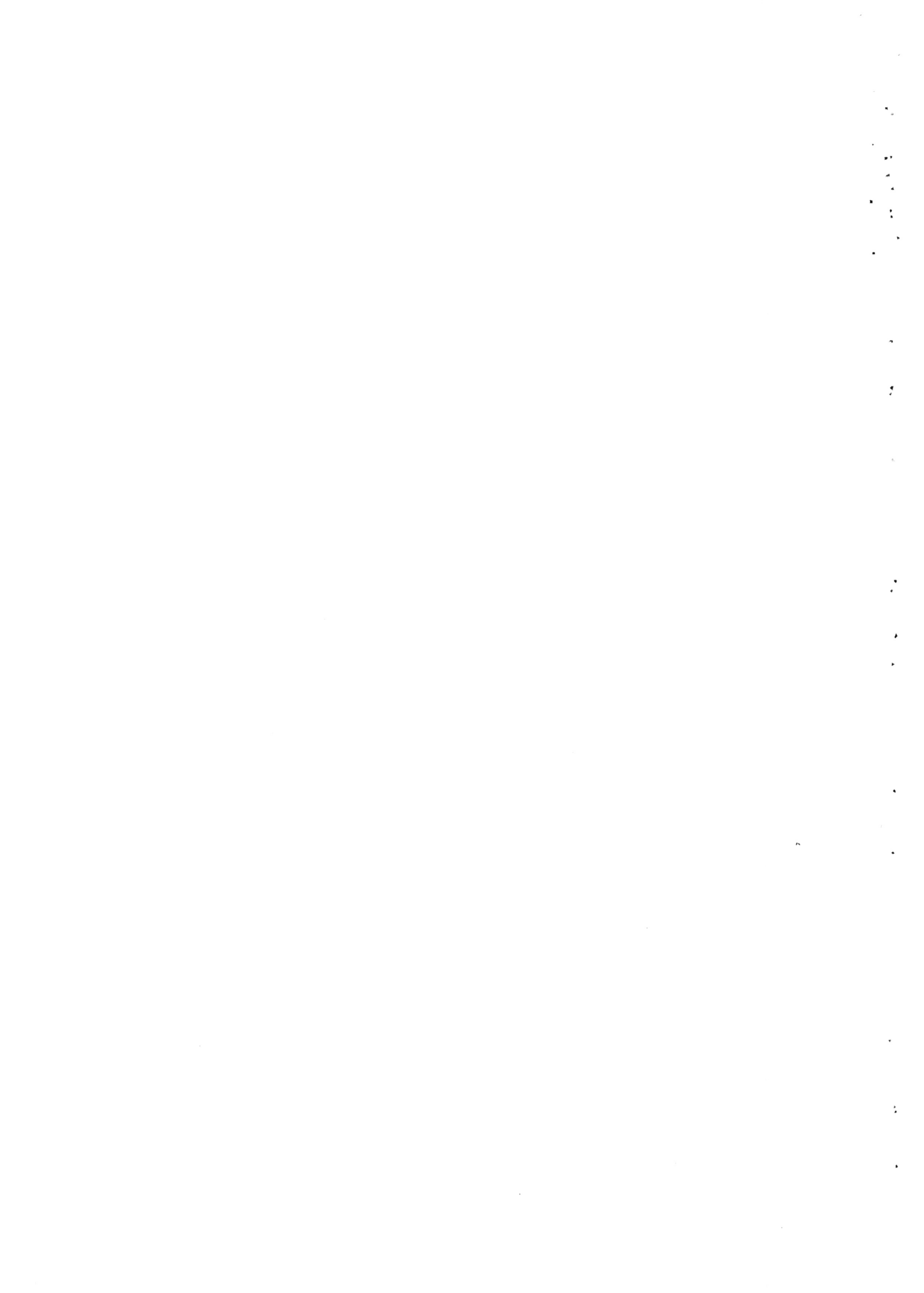
## **SUMMATION OF THE ISSUES/CONCERNS**

Under the management of defunct Isiolo county Council, Isiolo reserves was known to generate good revenue sometimes to the tune of 300 million annually, which was used to sustain the council in terms of paying remunerations to personnel, management support, undertaking development projects in addition to local authority brasseries to need students among others. Actually, the county boasts a good number of its elites as product of its celebrated local authority bursary kit drawn from the revenues generated by these game reserves. These includes notably personalities like the current Speaker of Isiolo County Assembly and County Executive Committee Member for Tourism among others; who ironically spearheading the process of discharging out this treasured public asset to private investor. All these were managed on the backdrop of meager external support from the Local Authority Transfer Fund (LATF) with a little human resources and technological capacity against a steady financial support from the National Government that avails capable human resources and reliable technologies. (1)

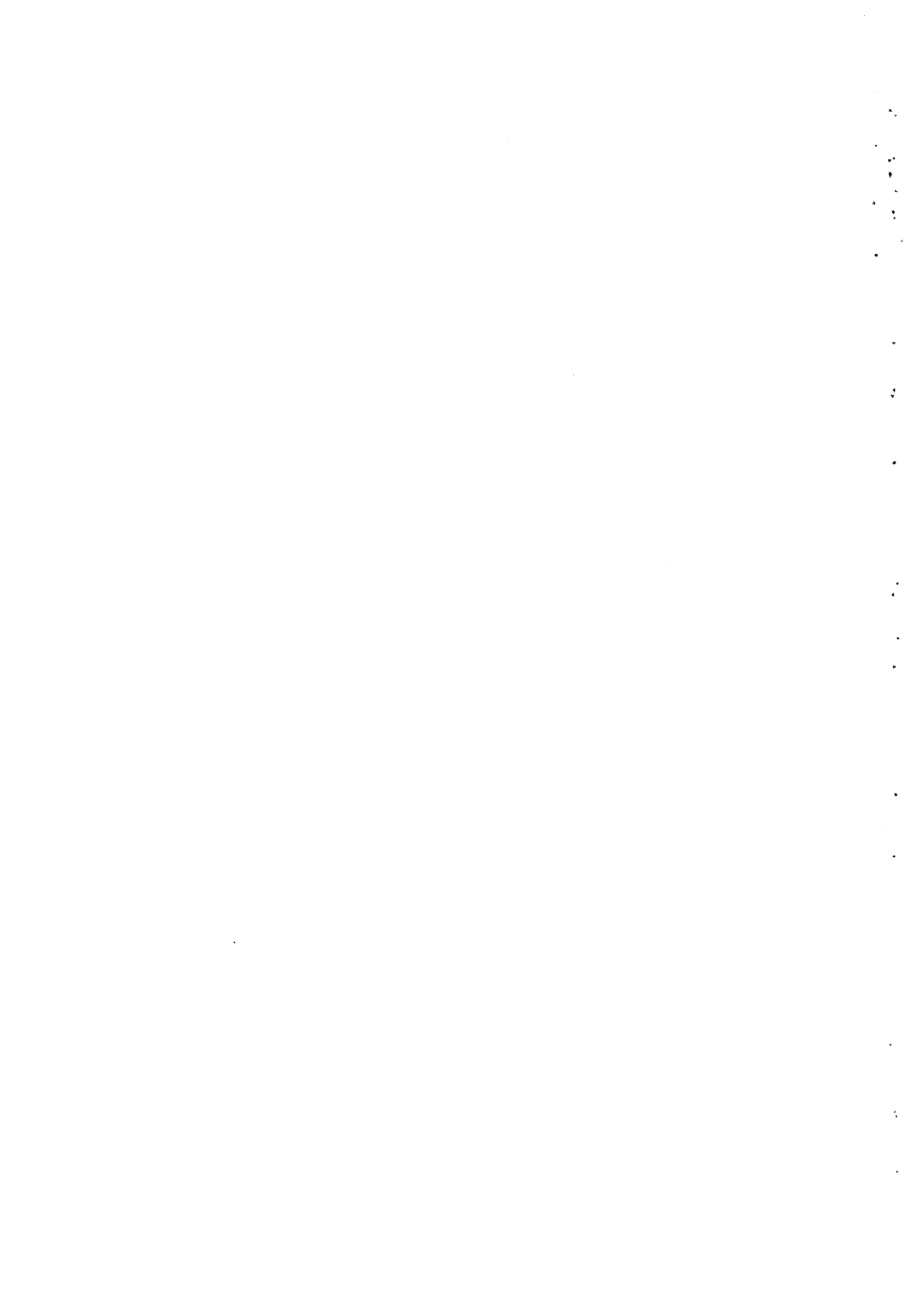
In spite of this institutional advancement brought forth by devolution, the county government of Isiolo has apparently failed to utilize these opportunities in revamping some of its crucial sectors like tourism but instead brought down the hard earned success stories of Isiolo defunct county council by failing to competently invest in the development of local game reserves which is the nucleus of tourism sector. The lack of investment in the sector was by design to depict a picture of failing institution in need of dire interventions, a claim engineered to justify the executives' egocentric intention of giving out the reserves to private entity through their purported Lease and/or Management Contracting. (2)

The whole intentions given by the county government as reasons to give out the reserves and general development surrounding the plan is unfounded, baseless and suspicious in the sense that;

- The County government's initiative in the said deal has been highly shrouded in secrecy. The process was advanced in the same state of affairs wherein the county authorities made various international benchmarking visits across the continent before the matter came into public limelight during the business viability assessment visits by the officials of African Parks Management Organization where still responsible county offices came out in denial to the deceit of the public (*Ref. EP.17*)

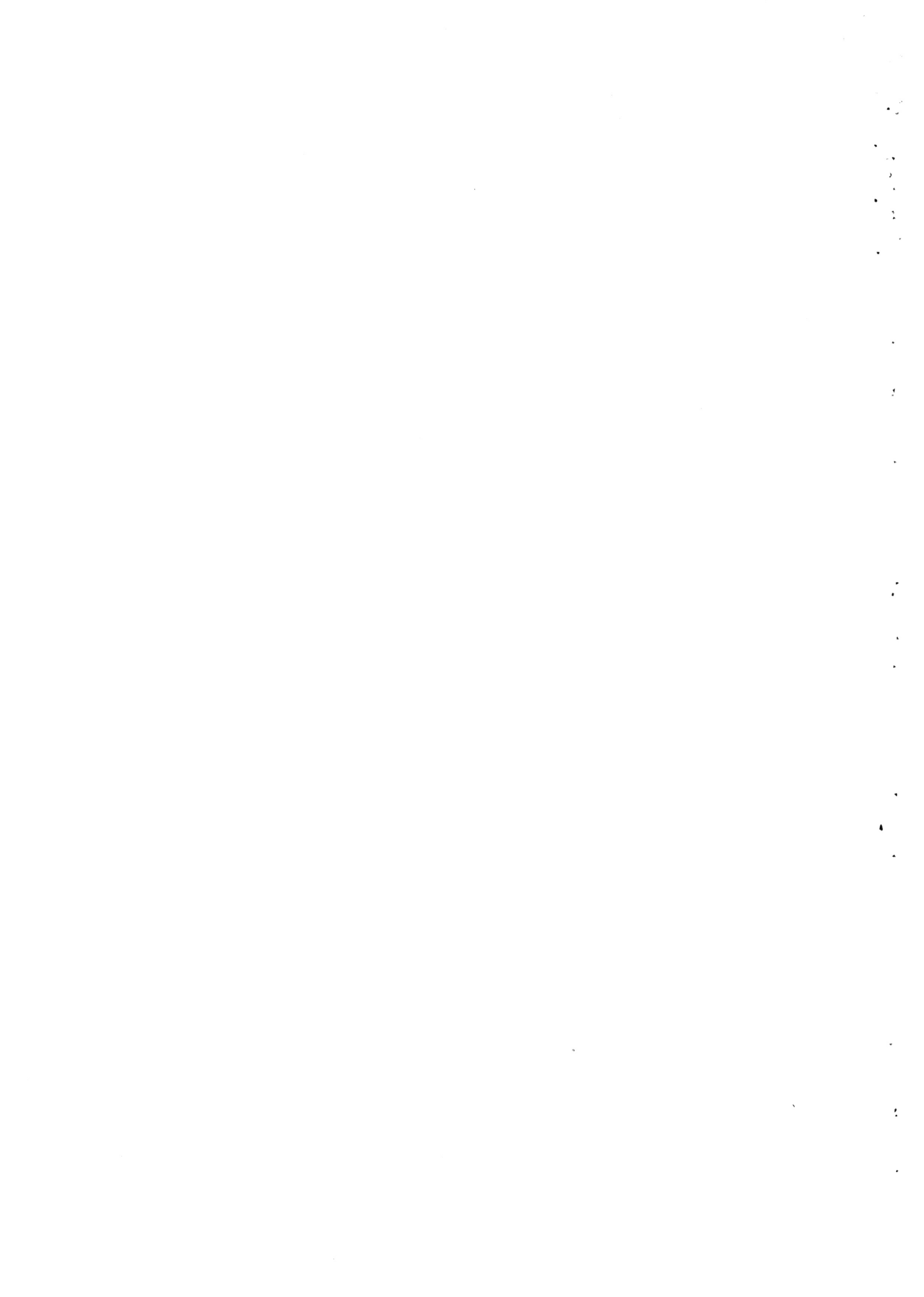


- The nature and conducts of the entities involved during the bench marking and feasibility assessment by the said African Parks Management Organization has been brokered and facilitated by the Northern Rangeland Trust (NRT) as clearly visible through the conspicuous presence of NRT's Director and private proprietor of Lewa Down conservancies. The said Director of NRT and proprietor to the Lewa Down conservancies has been a pivotal middle linkage between the County authorities and African Parks while actively facilitating the engagement of the parties including being the sole entity present during the formative meetings and subsequent assessment visit by the African Parks which is highly suspicious considering the dubious dealings of NRT as aforementioned herein. (Ref. EP 19)
- Upon learning of the foregoing WTL commenced inquisitive correspondences with the executive to shed light on the same but nothing came forth. Nevertheless the organization proceeded to raise a red flag on the issue on a national print and electronic media, the allegation the County authorities denied unequivocally through the print media and instead framing the organization as a rumour monger. (Ref. EP 4, EP 3, EP 14)
- WTL further organized a stakeholders forum on the issue inviting all invaluable entities and personalities to engage and ventilate the matter at length. The invitees was inclusive of relevant community based groups, elders, opinion leaders, representatives of communities neighbouring parks, experienced former civic leaders, County assembly legislators and the County executive. Three County assembly legislators turned up led by the former chair of the tourism house committee under whose reign the process was commenced by the County government though the same was absconded by the executive despite prior invitation to the forum, an attempt to disregard and sabotage the issues at stake. The stakeholders having sufficiently informed grasped the gravity of the matter and formed a consolidated lobby group in support of WTL's efforts that culminated to the birth of FIGARE as a focused entity against the matter which later petitioned the county assembly to halt the whole exercise until the procedures are followed. (Ref. EP 16, EP 21, EP 2)
- The county executive though arrogantly disregarding our inquiries, engagements and/or invitations went public on defensive frenzy soon after our stakeholders forum through local radio stations on the guise of clearing the air on the matter. H.E the Governor and his tourism Executive Committee member frisked the matter under the carpet by overly personalizing and politicizing the issue thus further dividing the public along political lineage whilst diverting them from the real issues of public concern, the governor was indeed quoted on record arrogantly claiming to even sell the two game reserves leave alone leasing it. These and other audio coverage by the local radio stations is testimonial proofs of the County Government's arrogant and insensitive conducts and that this honourable committee may invoke its legal powers to access it from those media houses if it deems fit and appropriate. The said media stations are Baliti, Angaf, Isiolo and Star FMs.
- Hon. Hassan Guyo Shano, the assembly member present during the above stated stakeholders forum took to the floor of the County assembly demanding for the statement from the relevant tourism department on the matter. The executive committee member for tourism one Mr. Suleiman Shunu again characteristically



evaded several attempts by the county legislature to get the response only to indifferently present a shoddy and hollow statement which is devoid of the sort out information on the issue. (Ref. EP 5, EP 8)

- That the executive in shrugging off the incessant public pressure organized what seemed like a stakeholders forum which was never so as the critical stakeholders were still uninvited and their contributions ignored. FIGARE and partners nevertheless participated in the forum to air its displeasure with the matter ( Ref. EP 1)
- The reasons given by the county government as to what has led them to ideas of leasing the parks were unfounded and unrealistic. These because the claimed idea of fencing the park will completely hinder the required animal movement which is critical in its life circle including breeding while the insecurity issues being mentioned too was worse in 2005/06 when in process of running from the drought herders took control of the parks as highlighted then by Jicho Pevu but later the situation was managed through home grown intervention. In the same note, they mentioned lack of marketing, which we believe is overly exaggerated as the region is known as home for world renowned conservationist George Adamson and Joy Adamson who raised Elsa the lioness in Shaba national reserve; besides some award winning movies like Born Free and Walk with Lion were acted within Isiolo reserves. The existing situations against their claim make the whole thing suspicious. (Ref. EP 18, EP 15)
- That the Isiolo game reserves have been known for generating good revenue under the management of defunct Isiolo County Council and it's ridiculous that with all available finance/human resources under the county government and its ability to employ up to date technology, the whole county government claim lacking capacity to manage the reserves; hence planning to hand it over to private investors. We believe the claims were unrealistic and designed to change the parks management for the gains of few individuals. (Ref. EP 7)
- That despites all concerns raised from all quarters against the planned leasing of these reserves to private investors, the executive actually tried to perfect the dealing by unprocedurely undertaking faulty advert on local daily to source for expression of interest. This was raised to the attention of Ethics and Anti Corruption Commission (EACC) which probe the deal through its regional office based in Isiolo although the findings has not been released to the public. (Ref. EP 9, EP 6, EP 20)
- That the self proclaimed promotion of parks management laced with world class conservation practices in Africa by the said African Parks Organization is a fallacy and a calculated strategy to institute associated private tourism enterprises for the organization at the behest of the community interests. This can be seen from the organization's choice of taking over the two successful reserves in Isiolo whilst ignoring Bisanadi game reserve which is believably unviable business wise since its literally non operational despite its huge potential than the rest which defeats the African Parks persistent claims of aiding conservationist practices than the realism of their business priorities. The same is further supported by their short lived approaches characteristic of speculative business practices in their operations in various parks in the continent. (Ref. EP 5)



- That the said African Parks is not prudent gamble in this regard as it has already been tested and failed in about seven African Countries including their ejection from Nechisar National reserve of Ethiopia and Dugonab Marine Bay Park of Sudan are critical examples among others. (Ref. EP 5)
- That according to the negotiated memorandum of Understanding (MoU) in public dormain. These trending deal advanced by the said African Park is completely biased against the public interest, unviable to generate targeted local revenue while at the same time dangerously skewed in favour of the African park as to grant it near overhaul of the managerial mandates to the organization including highly restricted access to the facility without prior consent from the said African Parks. Including the unilateral consideration of other rightful interest in the parks like hoteliers and employees. (Ref. EP 10)

On the strength of the issues summarily considered in this presentation and in upholding the respect for the rule of law; we wish to draw the attention of this honourable committee to breaches of legal requirements by the County Government of Isiolo in its furtherance of the aforementioned issues as follows:-

- I. That the County government has in this regard illegally and ignorantly disregarded the requirements of the public procurements laws as was explicit through the authorities attempt to single source for the instead of requisite competitive bidding envisaged in a contract of such nature. The executive also lounded a misleading and faulty public advert on the same in an attempt to dupe the public thereby abusing the legal procedures.
- II. That the County government arrogantly failed to observe public participation in total breach of constitutional and other legislative requirements. The authority has continuously ignored the public cries for attention whereas the same is unalienable public rights.
- III. That the County authorities arrogantly abused public office and the public trust as bestowed on public officers contrary to article six of the Constitution and other relevant statutes. The Isiolo County government has blatantly and arrogantly remained indifferent and insensitive to the public as exhibited by their disregard for public inquiries and information.
- IV. That the Isiolo County Government has breached right to public information Act that ensures to avail public information within the reach of the public for scrutiny. The authority has continuously sabotaged the public to access information regarding the said lease by the County Executive.

## **OUR PRAYERS TO THE SENATE;**

We in this regard, hereunder briefly make the following prayers to this honourable committee as follows:-

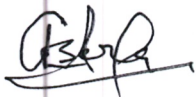


1. That this committee and the senate house by extension take up urgent action on the foregoing as a matter of urgency
2. That this committee and the senate urgently carry out all inclusive audit over the foregoing as a matter of public urgency to arrive at the bottom of this issue
3. That this honourable committee and/or the senate carry out comprehensive audit of all the players in this matter including the said NRT organization, African Parks Organization and other relevant entities for the purposes of safeguarding the public interest, particularly in Isiolo County.
4. That this august house of senate immediately halts the County government of Isiolo from proceeding with this deal until proper consultations and engagements over the same is achieved unconditionally.
5. That this honourable committee/ The senate ensures Isiolo county Government to stop its unilateral approach in stakeholder engagement
6. That this house ensure that Isiolo county government authorities and all these entities to observe the rule of law and compliance with the laws as herein above stated
7. That this honourable house grants any other remedy as it deems fit and justiciable

That in summation to this presentation, we the representative of Isiolo residents emphatically believe in our capacity to manage our game reserves and that we will categorically resist any attempt at disposition of our game reserves and any other public utility natural resources in our County. This is so particularly at this critical moment where the land tenure system is transiting from the trust land to the community land as enshrined in the Constitution.

The spirit and the letter of the supreme law is explicit in its reference to community rights and we will therefore stand to resist any attempts from any quarters to the contrary against our free and informed consent.

Many Thanks



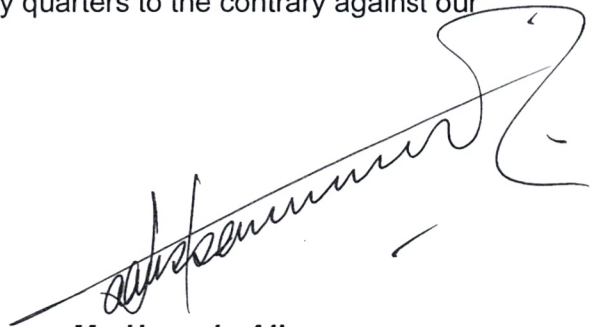
**Mr. Liban Golicha**

**Chief Executive Officer**

**Waso Trustland Project**

**Cell Phone:- +254 725 016 982**

**Email:- [libangolicha@yahoo.com](mailto:libangolicha@yahoo.com)**



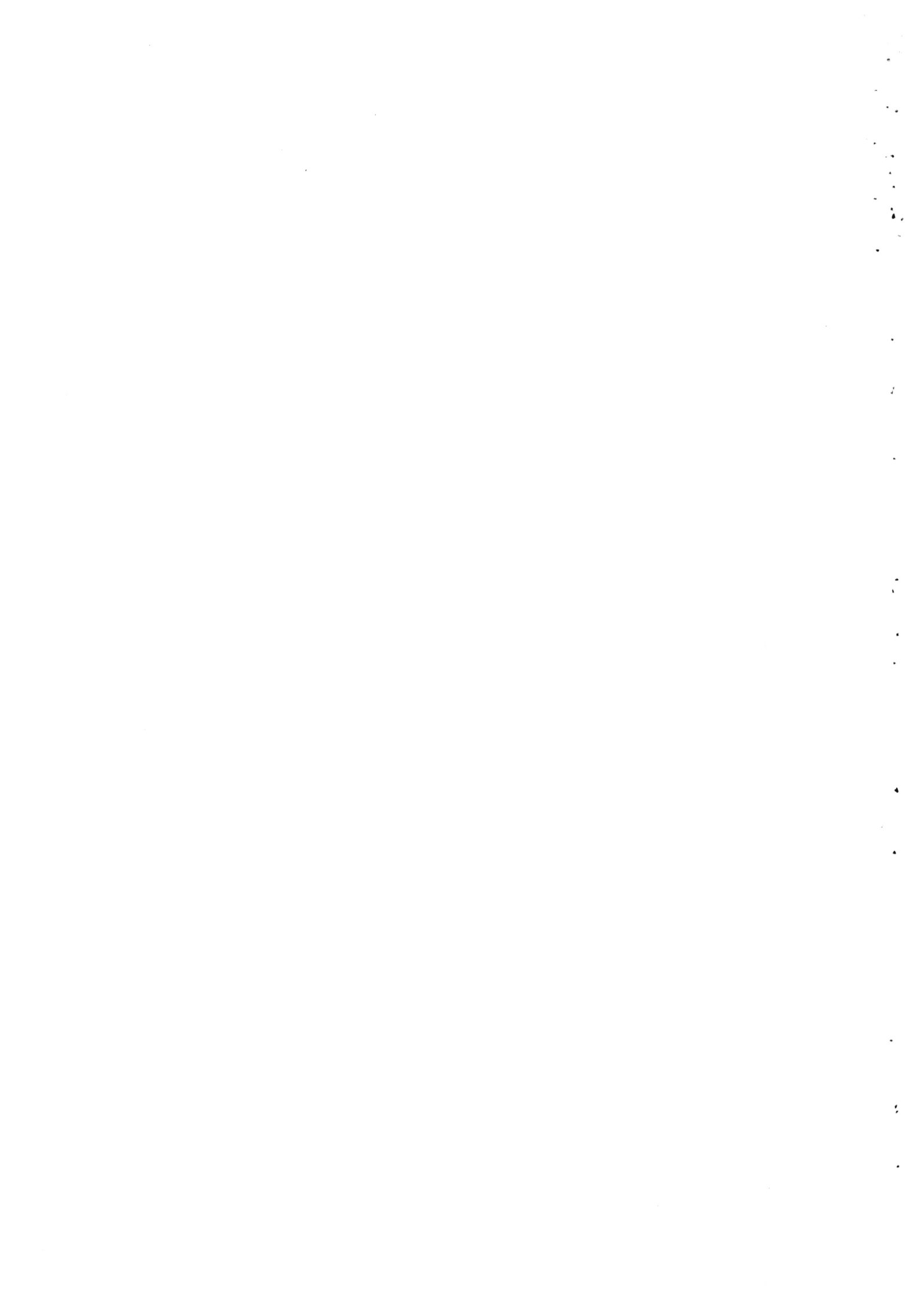
**Mr. Hussein Ali**

**Chairman**

**FIGARE**

**Cell Phone:- +254 726 270 861**

**Email:- [hussainabduba16@yahoo.com](mailto:hussainabduba16@yahoo.com)**



MEMMORANDUM BY FRIENDS OF ISIOLO GAME RESERVES (FIGARE) ORGANIZATION TO THE STAKEHOLDERS FORUM BY THE COUNTY GOVERNMENT OF ISIOLO AT HOTEL GRANDE ON 21<sup>ST</sup> OF JULY 2016

Following the foregoing issue of the Isiolo game reserves involving the leasing and /or contracting of the game reserves the leaders has resolved the following in a build up to the stakeholders forum as follows:-

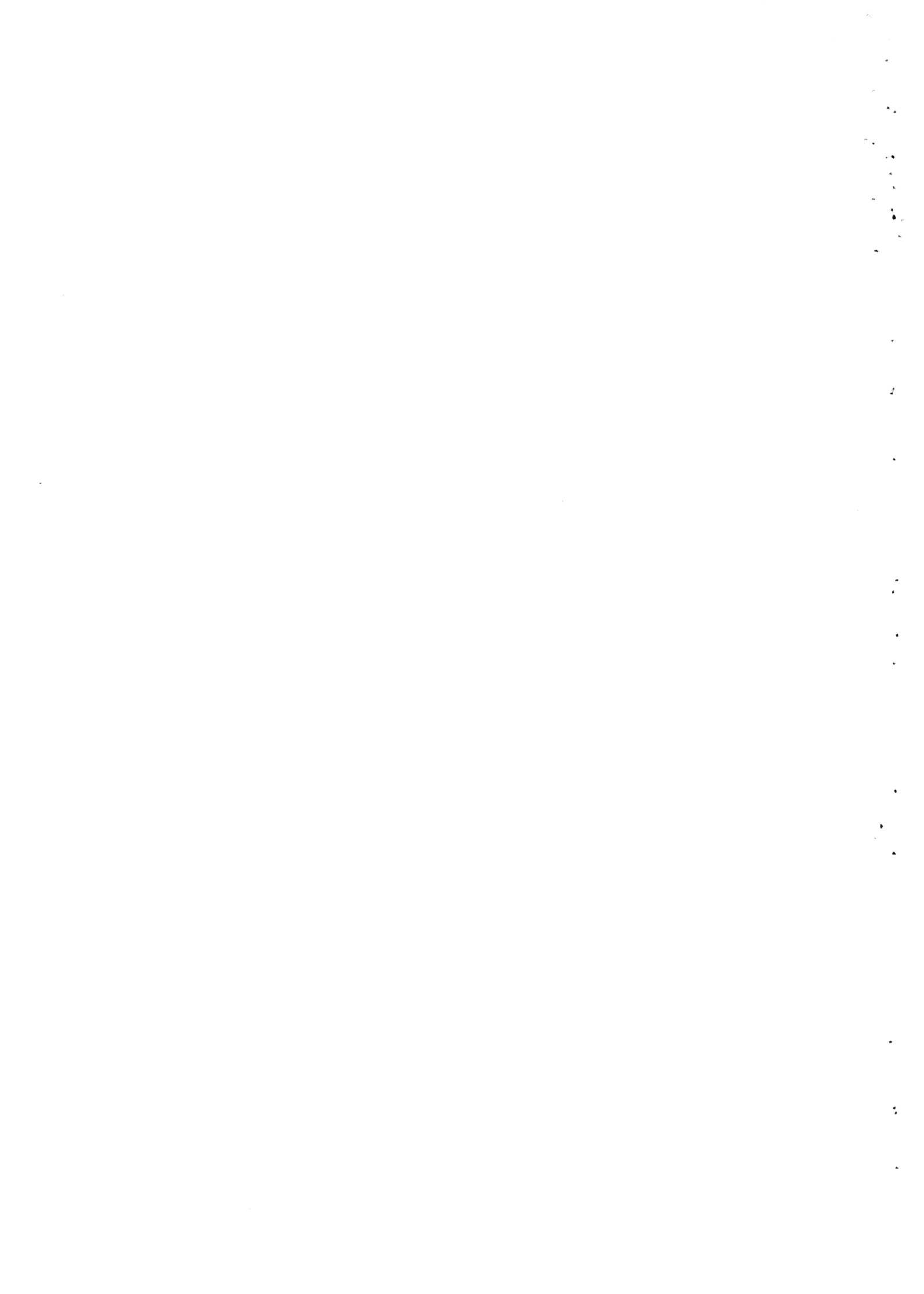
**1. That the game reserves had enough security during the defunct county councils with clear success strategy as follows: -**

A) The county council established then Tourism protection Unit (TPU) to curb the menace of poaching and banditry from 1998 upto date. The working strategy of the TPU was structured across the entire game reserves as hereunder expounded:-

- Within Bufallo springs game reserves – there was 3 base camps at the centre of the park, a place popularly known as White river, there was a hotel three camp on the hill, hotel five on the hill and at the place of Serena lodge. All camps now completely closed
- Within Shaba game reserves – the unit had camps at Korra within the heart of the park, hotel one on the hill, at the Shaba gate (now closed) and the extreme end at the Chaffa gate and another camp at the newly closed Joy Adamsons camp
- At the complex station – there was a complete base with a radio communication station coupled with a foot patrol between complex station and Nantorbi gate

B) Further the defunct council had also a joint operation with other arms of the government to supplement the security by the council; these included a joint operation with Kenya police, Administration police unit, Kenya Wildlife Service (KWS) and Council Rangers. All these apparatus are seemingly non existent today.

C) The defunct council also formalized and crystallized all this through a by law to support the work of these structures in a bid to strengthen the security of the game reserves. The bylaws was specific to curtail the issues of trespass and grazing in the parks by imposing punitive fines which was very effective



D) The defunct council had also a robust transport and logistics plans for the game reserves. The game reserves notably had enough vehicles and water tankers to supplement the movements and operations of the personnels within the park

E) Notably the council had the grip of the tourism stakeholders particularly the hotels operating in the game reserves. In this regard the council had wonderful working relationships with the hotels to boost security of the parks. All the hotels in the parks used to contribute 100 litres of the fuel to supplement operation of the security personnel in and around the parks while other upkeeps were met by the council.

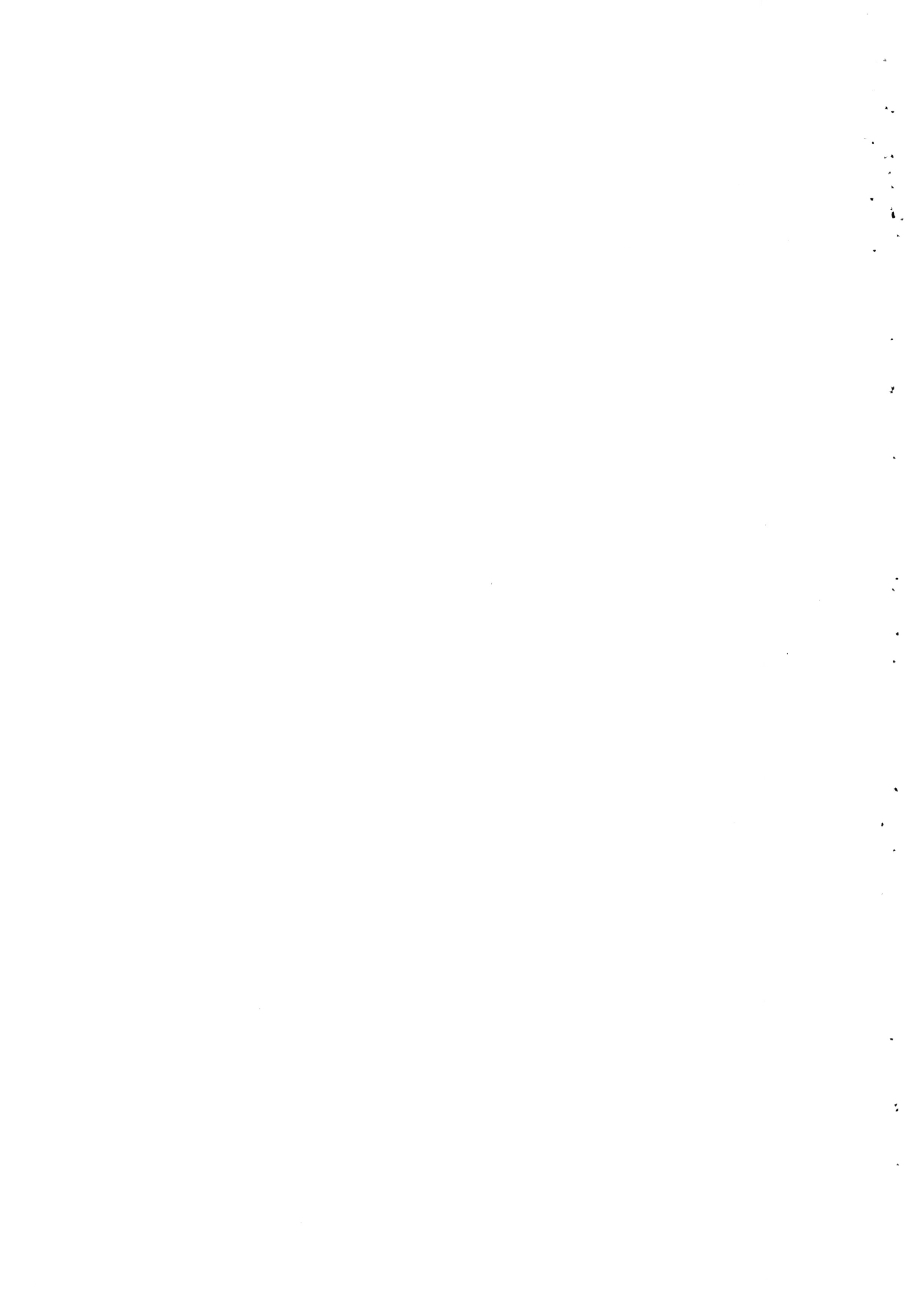
**NB: It is noteworthy that all these were successful due to an established robust and focused security strategy initiated and administered by the defunct council. We therefore pray an explanation on the failure of all these as the security is core to the survival of the game reserves and by extension to the entire tourism business and yet we have a fully fledged tourism docket under the county government coupled with assembly to establish laws and enjoy oversight.**

FURTHER; leaders has observed with a lot of concern the aforementioned security lapses formerly operational under the defunct county council and seek the following explanations forthwith:

1. The action of the county government on the security failures in the park?
2. How can the tourism department explain mismanagement of the game rangers, particularly that most warders are out of parks and that the chief warden's office has been vacant for now about a year continuing...?

These explanations are grounded on the facts that;

- The poor performance of the tourism and particularly the game reserves are inseparable with security failures
- The attempts by the county government to lease out and/or contract its management whichever the case is based on poor performance of the council



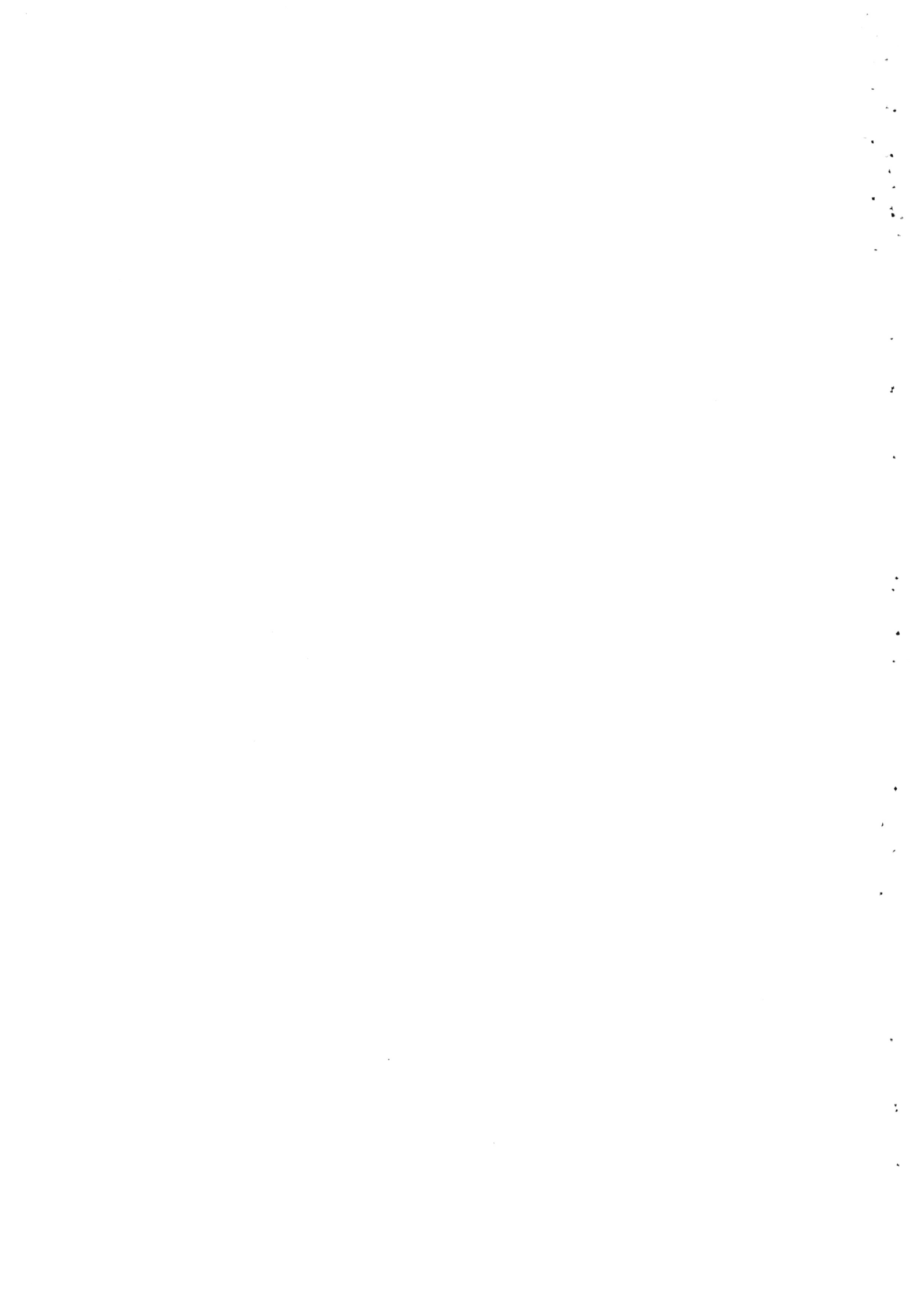
## Way forward

We the friends of the game reserves and the members of this community believe with utmost honesty that this forum is a celebrated approach and would have happened much earlier and call upon respective participants to argue rationally with the sole motive of best managing our resource for the greater prosperity of our communities.

Therefore, having sufficiently ventilated the issues it's our prayer that this forum will establish a more focused and well represented team to address the failures of our game reserves and tourism sector as opposed to unilateral approaches initially taken by county government.

Thank you. God bless our county

1. HUSSEIN ALI ABDUBA - 0726270861
2. OMAR JIRMO - 0723245156
3. MOHAMED GUYO JATTANI - 0726882699
4. ADAN IBRAHIM - 0724385750
5. HASSAN GALMA JILLO - 0725216545
6. HASSAN BALLA GUYO - 0712830455
7. MOHAMED GODANA GOLICITA - 0726079213
8. ADAN JIRMA DUBA - 0720251899
9. ABDIRIZACK DAUD ABDI - 0725350286
10. Anab Kasim Sheikh - 0726717180
11. Abdulkali Heikano - 0726343072
12. IOLE HASSAN - 0726093624
13. Godana Molu - 0711-159-271
14. IBRAHIM G. GABALE - 0721311282
15. Adan Adh. Jaiso - 0724477243
16. JOSEPH NGIKHATI - 0727231654
17. JIRMA ALI - 0728211458
18. CLR MOHAMED JAA FAR - 0724712236



THE CLERK,  
ISIOLO COUNTY ASSEMBLY  
PO BOX 60300- 36  
ISIOLO.

Dear Sir,

**Date : 3/02/2016**

### **Comprehensive Statement**

**RE: allegation of contractual agreement between the county government of isiolo and African Parks Networks on Shaba and Buffalo Springs national reserves by County Executive.**

Thank you for your letter dated 25<sup>th</sup> February, 2016 ref: ISL/CA/FBA/1/2/16 requesting a comprehensive statement, regarding the alleged contractual agreement in the above subject matter.

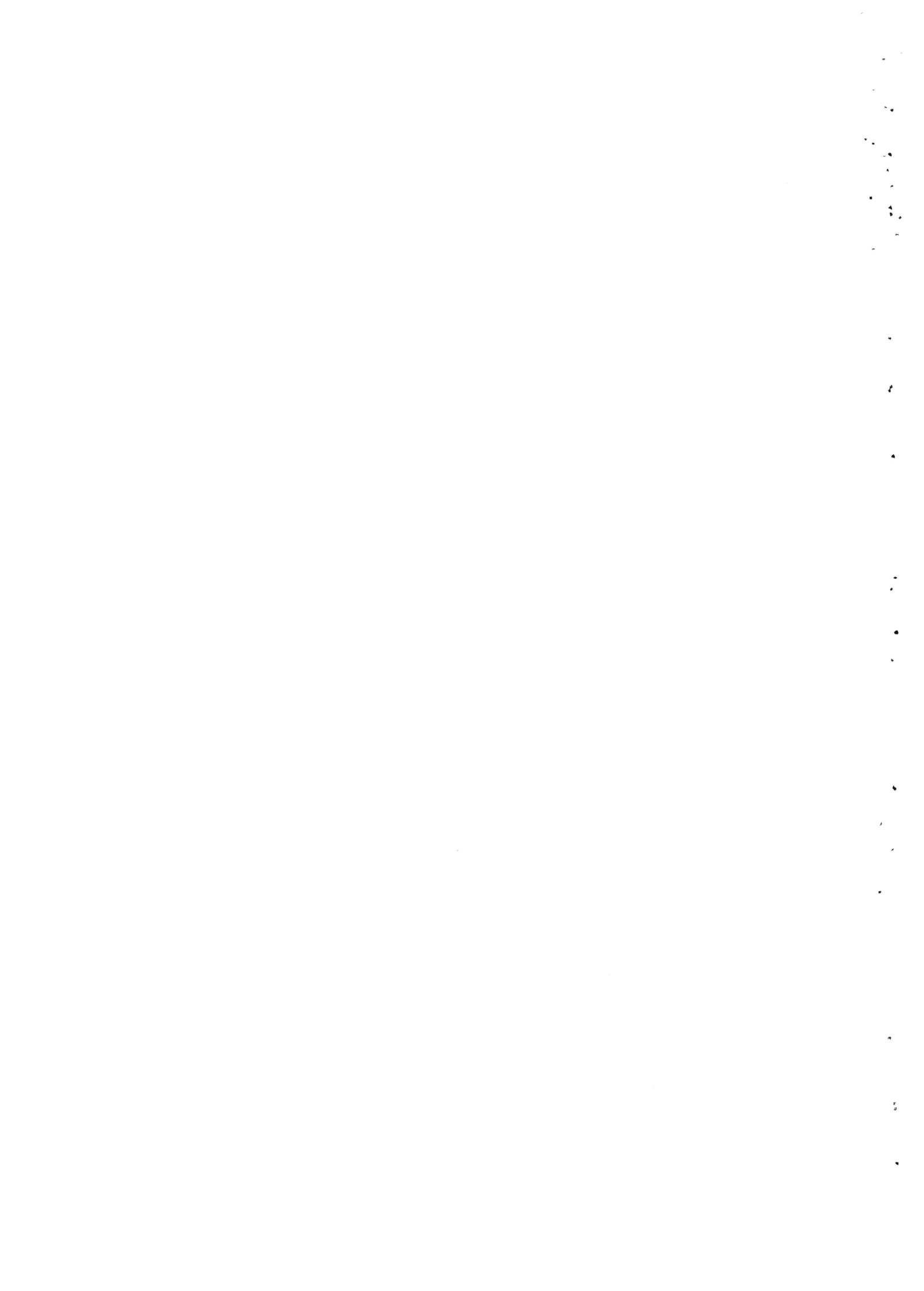
We wish to respond to your queries comprehensively as follows:-

#### **1. Introduction**

##### **a) The current rumours in the public domain**

- i) In the past few weeks unknown individuals, amorphous groups and some local non-governmental organizations have been peddling disturbing rumours to the extent that the county government have either sold, leased or entered into some kind of contractual arrangement with an organization from South Africa on Buffalo Springs and Shaba National Reserves.
- ii) So intense was the news that it even found its way into the pages of the local dailies. The motive of the story remains unclear but without doubt it has stirred a lot of debate and caused anxiety and fear among fellow county men and beyond. We, the CEC– Tourism and HE, the governor-Godana doyo visited a local radio station-Angaf FM radio to dispel the rumours and provide correct position as part of informing the public.
- iii) As the executive committee member in charge of tourism under which the said reserves fall, we wish to state here formally and categorically that isiolo county government has not and had not entered into any kind of agreement with any entity, local or foreign in any undertaking on Shaba and Buffalo Springs national reserves, whether in form of lease, sales or memorandum of understanding (MOU).
- iv) The allegations are unfounded, baseless and aimed at misleading the public from the realities on the ground concerning the two reserves.
- v) Currently, the government of Isiolo has an Agency Agreement with KATO for revenue collection entered into with defunct Isiolo County Council, in 1995
- vi) The trends in revenue collection in past has been going down (annex Table 1, and 2)

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- vii) The County government has made huge investment in the past 3 years to the parks (See Table 3) to the tune of ksh 510,187,685 excluding the payment of huge wage bills to the rangers. And during the same period the revenue from the parks ksh 220,845,780
- viii) The highest ever recorded revenue collected is ksh **142,618,155** (Table 1)

**b) What is the true position regarding the two Reserves as at now?**

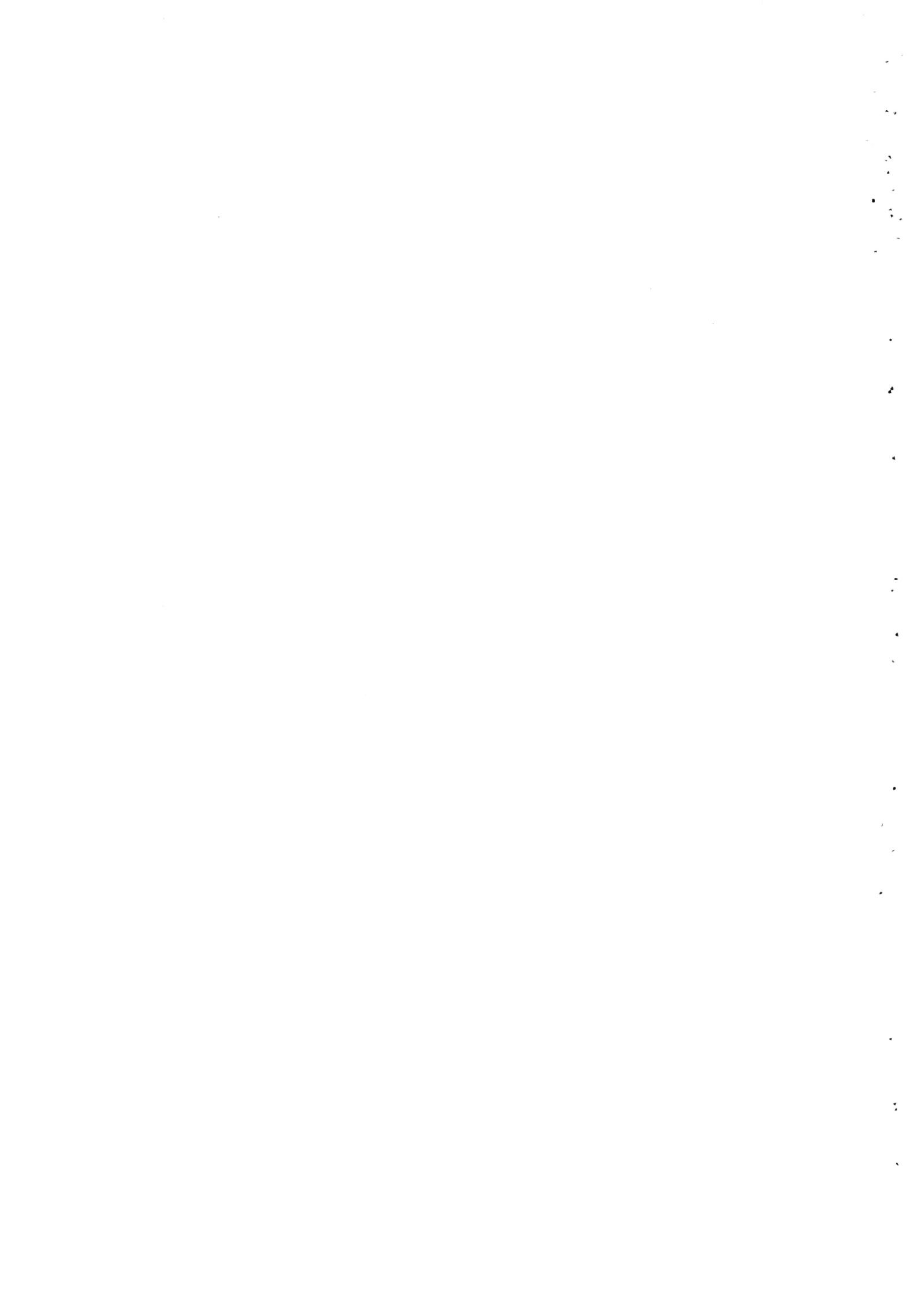
It would be helpful to the County Assembly and the public at large, if we provide the following information at this stage:-

- a) Isiolo county government has started an introductory engagement with African Parks Network, a not-for-profit organization based in South Africa on possible private-public partnership arrangement with the goal and objectives of establishing partnership between the Isiolo County Government and African Parks network on matters of management, financing and development of Buffalo springs and Shaba National Reserves
- b) at the moment, this is only a business idea that the county government has floated as strategic thinking/direction for addressing challenges of the said parks and making consultations with stakeholders and partners
- c) The process of consultations are ongoing and we promise to be as inclusive as possible
- d) Should current consultations with stakeholders find the idea of public- private-partnership (PPP) feasible and viable, a new business model of management of these two Parks may come into being and I hasten to add all these would follow due process of the constitution and the provisions of relevant laws of Kenya.
- e) Having stated the true position accurately to enable the house to make informed discussion on the subject, I want to further state categorically that even in future undertaking we promise that all due process of the law and due diligence would be observed in the matter.

**But why does Isiolo County government, even think of strategic partnering with private sector as indicated above?**

**2. Mandates of the County executive**

- a) Isiolo county government has mandate to plan, initiate, co-ordinate and implement projects and program in the entire county with the goal of achieving social economic developments.
- b) Isiolo County is rich in natural resource endowments with main economic activities being pastoralism and tourism but located in Arid and Semi-Arid Land (ASAL), which is ecologically fragile and sensitive ecosystem with erratic low rainfall.
- c) In past and present tourism revenues for the park support socio-economic activities of the county and attendant management of the parks is considered critical and strategic pillar of the County economy.



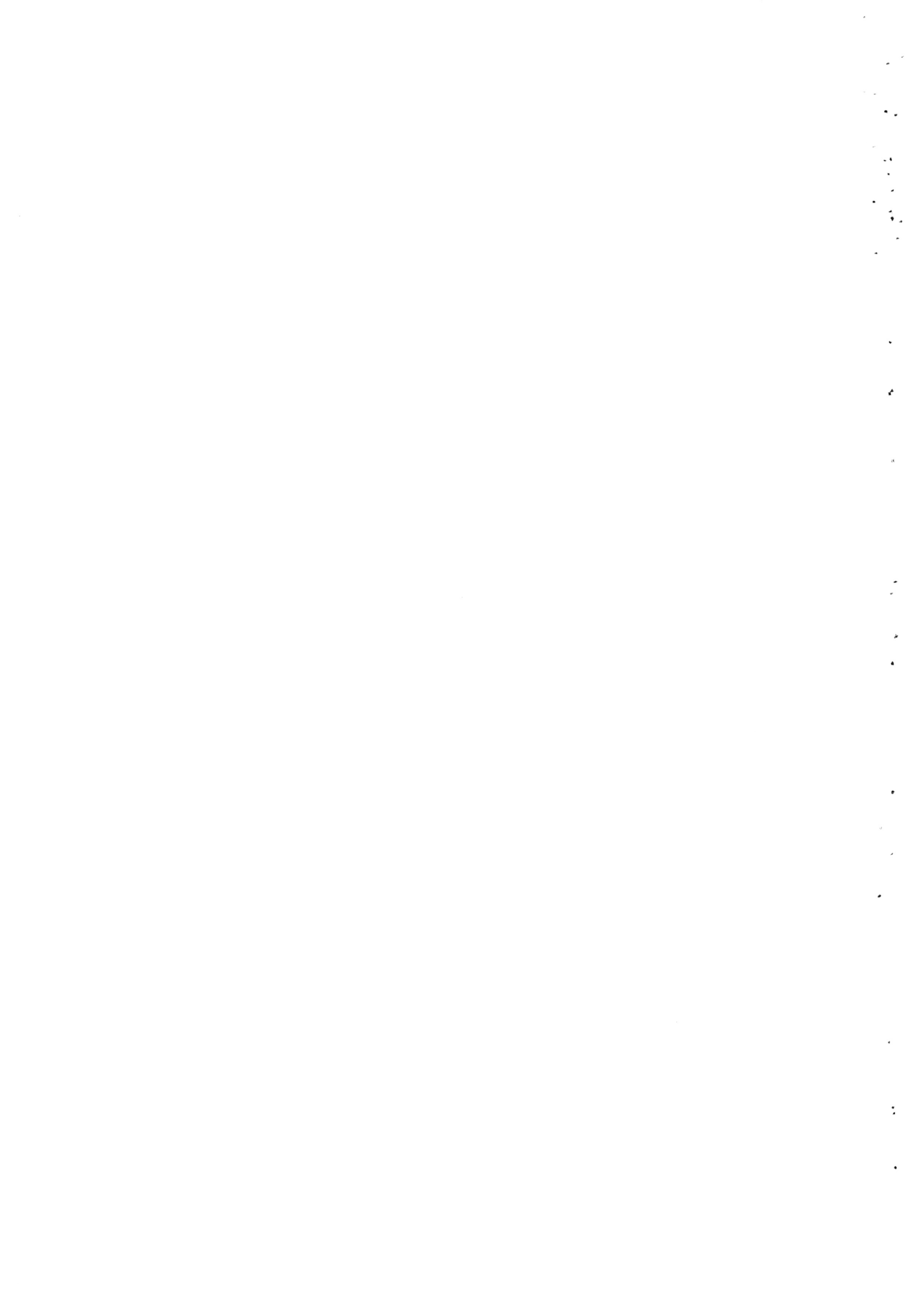
- d) Currently, the Isiolo County government has a mandate to manage the National game Reserves and parks in the County. These are the Buffalo Springs, Shaba and Bisan Adi reserves. The parks are traditionally home to key wildlife species including the big five of Africa. The County has potential for more game reserves and there is a need to restore, rehabilitate and protect its rich diverse heritage of flora and fauna which is disappearing at tremendous rate (the appendices 1, 2 and 3).

**3. The goal and the objectives of public private partnership**

The goal and objectives of our current discussions with the African Parks network is to find a common ground on which build a long term sustainable relationship between the Isiolo County Government and African Parks network is management, financing and development of Buffalo springs and Shaba National Reserves. It is anticipated that once concluded the arrangement eventually would spur socio-economic benefits to the local communities. This is win-win situation for all parties involved- Commercial investor, the government, communities, strategic management partner and donors.

**4. problems and challenges faced in executing the mandates**

- a) The county has major development challenges and constraints borne out of many years of neglect and marginalization, poverty, conflicts and lack of social infrastructure evident all around.
- b) Wildlife protection and conservation in parks have potential for social and economic development, particularly for the benefit of local communities and contribute to wildlife survival in the face of competing forms of other land use.
- c) The county has had challenges and constraints in management, development and financing of the parks over the years.
- d) In terms of management of the parks, the county had direct role of the day-to- day involvement of the parks with vertical command and control structure with top down approach to management and decision making. This has led to the suboptimal performance in financing park operations, development of infrastructure in parks and poor management and governance.
- e) The County government of Isiolo has developed strategies and plans to address the aforementioned challenges.
- f) Revenues from tourists are dwindling as a result of the insecurity with the parks, human/wildlife within the park and surrounding areas of the parks is at all times high, human-wildlife conflicts is on the raise.
- g) The concept of wildlife conservation, protection of animals within/around the parks is posing challenges to management of the parks. Both Shaba and Buffalo national game reserves require rehabilitation and re-engineering of management and financing with long term sustainability in mind.
- h) The two Reserves are priceless resource inherited from the defunct county council by isiolo county government, and must be made sustainable for current and for the future generations.



- e) The revenue generated from the reserves almost entirely financed the operation of the council then, though hardly sufficient, with the council workers (including park rangers) going without pay for more than half a year.
- f) In fact the county government bore the brunt of the burden by settling six month salary arrears of the former council employees upon inception in 2013.
- g) The reserves were a pale shadow of its former self and needed critical fresh breathe of life. It was an exercise in futility to continue doing business the old council way. A different management model was not the only way to go but the only way.

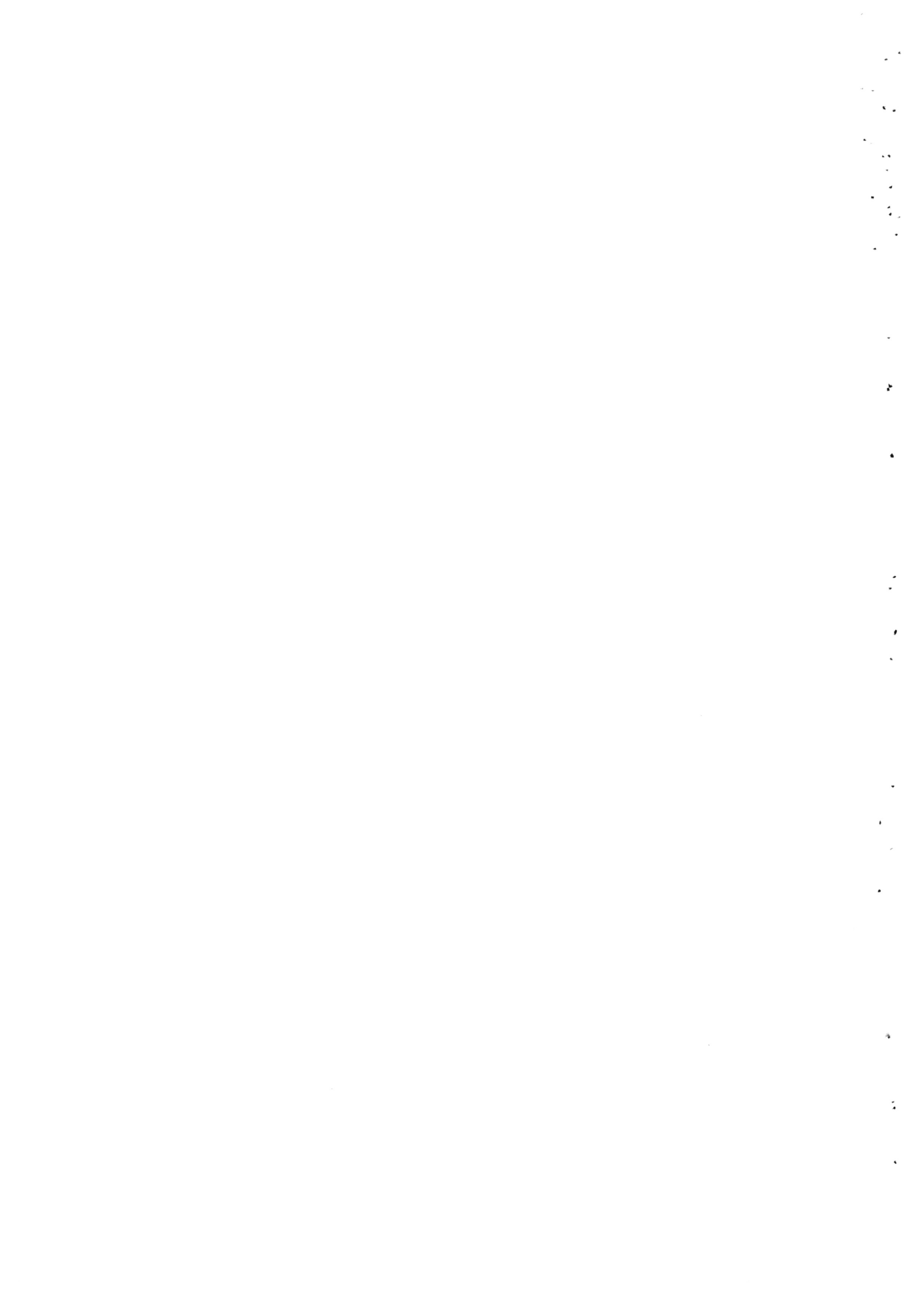
#### **5. Rationale and justifications for strategic management partnership**

- a) The direct management of parks by the government has not been very effective in conservation and protection of wildlife in the parks.
- b) The county government of Isiolo has been trying to address this challenge by find strategic management partners to work with mitigate the challenges of wildlife parks management and the constraints of wildlife protection and ecosystem conservation.
- c) The county government having challenges, a strategic management partner would take total responsibility for the rehabilitation and long-term management of two game reserves under it, in partnership with Isiolo County Government and local communities.
- d) The county government over the years had been struggling with the issues of the development of the parks in the county and indeed witnessed a near collapse of parks with rampant insecurity.
- e) However, the challenges have been the required huge capital outlay to invest to improve, upgrade all infrastructures (physical, human resource, financial and systems) in the parks. Both national and county governments have not found enough capital reverse the current dire situations in our parks.
- f) Financing of the development and management of parks call for change in paradigm from direct government management to public-private partnership (PPP) arrangement since the government lacks both the financial resources and business acumen to run the parks sustainably, while a private sector investor with expertise would combine world-class conservation practice with business expertise and would place emphasis on achieving financial sustainability of the parks by combining long-term donor funding with tourism revenues, related business enterprise and payment for ecosystem services, which all serve as a foundation for economic development and poverty alleviation.

#### **6. In conclusions**

- i. The parks require total rehabilitation of ecosystems and embrace modern conservation technology, techniques and methods.
- ii. Building partnership between resource-base of the parks and commercialization of the products is critical for long term sustainability and survival of both Buffalo Springs and Shaba National Reserves.
- iii. It is important to recognize that a new business model is required if we have to bequeath the parks to our children. The current affairs of things in our parks cannot be sustained.

***By Suleiman Guyo Shunu-CEC in Charge Tourism, Culture and Social Service- Isiolo County Government***



## Appendices Tables

**Table 1. Revenue from both Buffalo Spring and Shaba National Reserves**

Year	revenue in shillings
2005	89,360,144
2006	99,569,549
2007	115,062,622
2008	47,768,504
2009	80,931,077
2010	117,292,180
2011	115,070,415
2012	142,618,155
2013	79,258,935
2014	84,782,799
2015	56,804,052
<b>Total for 2005-2015</b>	<b>1,028,518,432</b>

Source: ICG records

**Table 2. Number of visitors and amount of revenue realized from Shaba National Reserve**

Year	number of visitors	revenue in s
2009	4874	30,561,800
2010	5590	38,042,800
2011	6398	44,826,400
2012	4550	35,416,200
2013	4253	22,996,600
2014	4460	26,634,800
2015	3915	17,646,600
<b>Total</b>	<b>34,040</b>	<b>216,125,200</b>

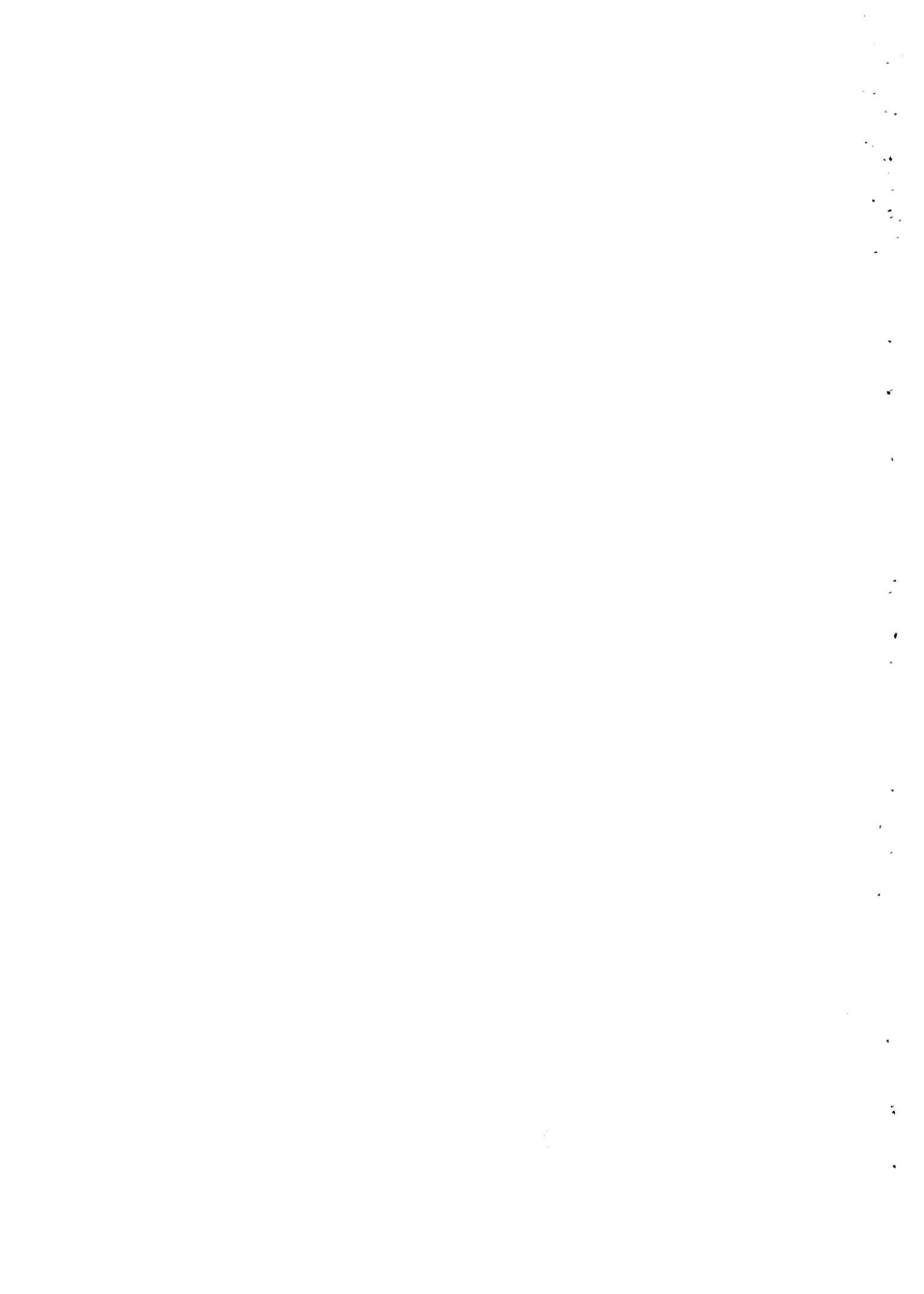
Source: Shaba Gate Office

**Table 3. The County Government allocations to the Parks**

Financial year	Recurrent	Development	Total
2013/2014	108,062,250 <sup>1</sup>	104,373,585	212,435,835
2014/2015	71,066,069	94,376,289	165,432,358
2015/2016	50,977,000	81,344,492	132,321,492
<b>Total</b>	<b>230,105,319</b>	<b>280,094,366</b>	<b>510,187,685</b>

Source: County department of Tourism 2015

- 1- The recurrent budget does not include the staff salaries and wages

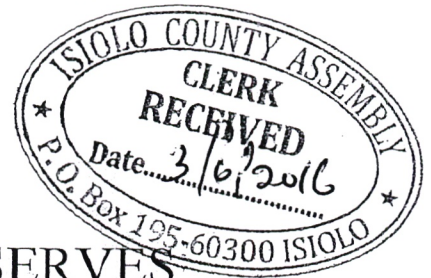


EP 2

PETITION MADE TO THE ISIOLO COUNTY  
ASSEMBLY PURSUANT TO ARTICLE 1(4) OF THE  
CONSTITUTION OF KENYA AND ALSO ARTICLE  
6(2) OF THE COUNTY GOVERNMENT ACT

BY

FRIENDS OF ISIOLO GAME RESERVES



CONCERNING

THE INTENTION OF ISIOLO COUNTY  
GOVERNMENT TO LEASE OUT ITS TWO GAME  
PARKS

NAMELY BUFFALO SPRINGS AND SHABA TO A  
PRIVATE ORGANIZATION

