



OFFICIAL HANSARD REPORT

COUNTY ASSEMBLY OF BOMET

THIRD COUNTY ASSEMBLY

ASSEMBLY DEBATES

DAILY HANSARD

The Assembly met at the Main Assembly Chamber,

Dr. Joyce Laboso Centre at 2:30 p. m

Third County Assembly- Second Session

Tuesday Afternoon 9th May, 2023

(The Assembly met at 2:30 p. m in the

County Assembly Mini Chamber at County Assembly Buildings)

[Hon. Deputy Speaker (Hon. L. Rotich) in the Chair]

PRAYER

(Lack of Quorum)

Hon. Deputy Speaker (Hon. L. Rotich): I direct the Serjeant-At-Arms to ring the bell for 10 minutes

(Quorum bell rung for 10 minutes)

(Members enter the Chamber)

Hon. Deputy Speaker (Hon. L. Rotich): We can now begin our business.

PAPERS

Leader of Majority (Hon. P. Kirui, Ndanai/Abosi Ward, UDA): Hon. Deputy Speaker, I beg to lay the following Papers on the Table of the County Assembly today Tuesday, 9th May, 2023;

- i. The Bomet County Program-Based Budget Financial Year 2023/2024
- ii. The County Executive Committee for Finance Memorandum on deviations on the adopted CFSP 2023/2024
- iii. Submission of nominees of Selection Panel for the recruitment of County Public Service Board

(Papers laid)

Hon. Deputy Speaker (Hon. L. Rotich): Hon. Members, I commit the following papers to the Committee on Budget and Appropriation;

- i. The Bomet County Program-Based Budget Financial Year 2023/2024
- ii. The County Executive Committee for Finance Memorandum on deviations on the adopted CFSP 2023/2024

The committee is required to expedite and report back to the Assembly on 6th June, 2023.

The other sectoral committees should look at their areas of concern and propose their observations to the committee on budget and appropriation.

The third laid paper is committed to the Committee on Appointments and shall report in accordance to the Standing Orders.

Thank you.

MOTION

CONSIDERATION OF THE NATIONAL LAND COMMISSION RULING

Hon. W. Kiprotich (Chepchas Ward, UDA): Hon. Deputy Speaker, I beg to move the following Motion; That whereas the National Land Commission recently made a crucial recommendation on the Kipsigis ancestral land as published in the Kenya Gazette No. 4512 on 6th April, 2023

Noting the enduring of the Kipsigis people for redress due to their lands that have been dominated by multinational tea companies.

Acknowledging the recommendable recommendations put forth by NLC including the re-surveying of lands held by multi-national tea estates to determine any surplus land reaching an understanding with the county government of Bomet withholding lease and renewals until an agreement is reached, enhancing the rates and rents of such lands for the benefit of national and county governments and converting all 999-year lease to the constitutional requirement of 99 years Concerned by the lingering delay in implementing the NLC recommendations despite the significant public interests.

Therefore, this Assembly resolves for establishing a multi-sectoral committee to undertake the following actions.

- i. Immediately cause the formation of a team of experts to carry out a re-survey of all the lands held by the multi-national tea estates and identify residual lands for administration by the county governments
- ii. Advise on the preparation of the requisite memoranda for execution by the county government and the multi-national corporations as recommended by the NLC.
- iii. Explore and proffer for the formation of an entity under the auspices of the county government that will be charged with administering and managing the tea farms that will be recovered and reverted to the Kipsigis people.
- iv. Furnish the first report within 30 days of the adoption of this motion.

Hon. Deputy Speaker, in 2019 the NLC made recommendations concerning the parcels of land under lease to the multi-nationals. So, the recent recommendation is not the first one. We have heard severally about the 999 lease and it beats logic that we can lease our land for 999 years.

The Kipsigis people have pushed to have their land back. Kenya was governed until 1963. The colonialists took our land forcefully and there were many ordinances between 1902 and 1930. In 1937, they came up with the Land Ordinances and the British Ordinances.

Hon. Deputy Speaker, between 1963 when Kenya got independence and now, there have been several expansions of the land hence the NLC ruling. In the ruling, the recommendation was that a re-survey should be done. All the multinationals do not know the acreage they have.

The Constitution of Kenya devolved land as one of the functions of the county governments. I do not know where I will be in 99 years from now. There are many questions about this land lease. In all this land, there are residential houses occupied by unknown people and at the end of it all, they acquire those houses.

Therefore, this county assembly should pass this motion and re-survey the whole land. I can tell you this, there is excess land! Between 1952 and 1968, the boundaries were extended towards Bomet, Kericho, and the forest.

Hon. Deputy Speaker, once we pass this motion, we shall have a committee comprising of persons that will go about this issue. So, let us enter into history by passing this motion as the Assembly that facilitates our people to acquire their land. The Constitution bestows power to the people under Article 1.

I urge the Members to support the motion. I thank all the members who will contribute to the motion. I believe that the county government will form the committee within a period of 30 days. Finally, I request Hon. Eric Kirui to second.

Thank you.

Hon. Eric Kirui (Kimulot Ward, UDA): Hon. Deputy Speaker, before I second, I pass my condolences to the family of the Senior Chief of Chepchabas and the entire community of Chepchabas Ward that we lost today. Mr. Sang has been instrumental in this discourse and it is sad to lose him at this season as we fight for our land rights.

Having listened to the mover of the motion, the formation of the proposed committee should deal with his issue conclusively and decisively. First, the Kipsigis land is ancestral and it needs to be protected. We the Kipsigis community should rise up to the occasion and push for the re-survey of the lands. We also have to be repaid the revenue we lost in the past.

Hon. Deputy Speaker, we need to educate our people that we require compensation on land injustices. Finally, the multinationals do not have a choice but to comply with the law. This country is governed by the rule of law and we expect them to obey the law and allow for resurvey of the lands. We also expect that any excess land shall be reverted to the communities that were robbed

of their land. Even from the sale of James Finlay Company, people will want to see the benefit the people of Chepchas will get so that we are able to feel that we are part of that community.

So, I urge this Assembly that as alluded to earlier by the mover, we expect a deliberate move by the county governments. All of us should debate positively and in the end, we shall get redress in terms of compensation and settling historical injustices.

I support this motion and urge the members to support it.

Question on the Motion proposed.

Deputy Speaker (Hon. L. Rotich): Hon Members I welcome the members of the public who are sitting in the public gallery

Leader of Majority (Hon. P. Kirui, Ndanai/Abosi Ward, UDA): Mr. Speaker, I join you in welcoming the people in the public gallery who are from my ward. I want to comment on the Motion by Hon. Kiprotich. The investors encroached and pushed our people to poverty. When Hon Kiprotich was moving the Motion he was feeling bad about his people. I, therefore, feel that the Motion moved by Hon. Kiprotich has determined unjust work. As the County government and County assembly, we support the motion to ensure that our people get their rights. I thank the Hon. Member for bringing this motion because it will be an eye-opener on what our people are facing.

Hon. E. Rotich (Mogogosiek Ward, UDA): Hon Speaker I rise to support the motion. It has really come at the right time and even the gazette by the NSC because what happens around the communities dealing with the multi-nationals leaves a lot to be decided. The injustices that our Kipsigis people faced have had a way of coming back. Our youth today are almost taking action by themselves. It has resulted to a situation where you find youths invading the lands at night to pluck tea. This is because of unresolved injustices that have been going on for long. Regarding the suggestions made by the motion mover that we are supposed to make in this Assembly, I wish the governor comes up with a committee to discuss this issue of the multi-nationals. I wish to recommend that as the task force of the committee is being formed the leadership should be included. On the excess land, having noted that this multi-national land cuts across Bomet and Kericho County. We wish that the excess land should be reverted back to the community. I heard hon. E. Kirui says the immediate community Members are the people who live around those areas. We live in an era where someone can become a community member anytime.

On the formation of an expert team to resurvey the area, I wish that the resurvey method should be up to date. They should use the best method currently used for the survey. Lastly, the resolutions made by this Assembly will be fast-tracked so that we get solutions soon. I support this motion.

Hon. D. Kirui (Ndaraweta Ward, UDA): Thank you, Mr. Speaker, for giving me this opportunity to contribute to this motion. Mr. Speaker before I contribute. There is something that

a motion mover said about ninety-nine years. I want to assure you that by 2109 I'll be 113 years and I will still be there. The motion brought by honorable Wesley Kiprotich is of great importance to this nation. And as much as to the Kalenjin nation, especially the Kipsigis people from Bomet County and Kericho. The survey is going to be done. The extra land that is going to be reverted back to the county government will be as good as having a good bargaining public utility facilities for our people. The counties that are affected are Nandi, Bomet and Kericho. What we can request is before the committee is formed my humble request to the governors of the 3 counties should meet and pull resources because I know this exercise will cost approximately 200 million. And it is of great importance to our people with the national government and county government mentioned I think it is good we pull resources and then we do the survey. I also want to add something to what honorable Kipkemoi from Mogogosiek said. If the survey is going to be done, and people from neighboring wards, like Chepchabas and Boito from Konoin Sub County, are going to benefit there are people like me Mr. Speaker, whom I was once told my grandfather had something in Konoin. I think they should also consider people like the rest of the people from Bomet County as long as you are a Kipsigis or the Talai people from Nandi County. Hon. Speaker, I support the Motion.

Hon. S. Changmorik (Longisa Ward, UDA): Honourable Speaker, in the first assembly the same issue was brought to this Assembly, it was a joint discussion between Bomet and Kericho County. The only mistake we made was that the leading county was Kericho. The former Governor Kericho took over to be the leader in the same issue. On the same, two issues were raised, one there was some money that needed to be paid to members from Britain but there was confusion on land owners. We found out that there were two letters sent to Britain, the Kipsigis council of elders sent a letter that this is our land. There was another letter sent through Miot Council of Elders. Hence Queen Elizabeth was confused about who the owner of the land was. It is good because the motion is here and we can discuss it. Resurvey is correct but we also need to know the money held in Britain. I understand there was an extension of the lease made in preparation for identifying the owners. Hon Speaker, I support the Motion.

Hon. R. Cheptoo (Rongena/Manaret Ward, UDA): Thank you, honorable speaker, allow me to upload the Motion mover for this motion. Actually, this is great and very good. This has come at the right time. The issue of multinationals is a big issue, which we have never got a solution. And I believe this is the right time for us to give us the right solution. And the lasting solution. I must say I believe our people, our ancestors suffered a lot when they were evicted from the multinational and actually we have never gotten enough benefit from the multinational. As we are aware even the CSR which we are expecting to get from the Multi-nationals. Some of them like the ones

sponsoring students. It is so unfortunate that the multinational especially Finlay has been sponsoring only 10 students per year in the whole county. That means at least two per Sub County. So I suggest that in one of the negotiation innovation of the CSR and revenue collecting we need a new negotiation on the rate and revenue which we will be collecting from the multinational. On the issue on extra land, which we mainly will get after the survey, I believe it belongs to people of Bomet and Kipsigis that were evicted. So I believe this is the right time we play fast and we sit down as the people of Bomet and see how we are going to use that land. Hon. Speaker, I support the motion.

Hon. J. Kirui (Singorwet Ward, INDEPENDENT): Hon Speaker I rise to support the Motion. Allow me to inform hon. Dancel who wants to live for 113 yrs. that the oldest man currently is 103yrs and I wish him well. The Motion is liberation from model colonialism. The recommendation by NSC is a boost to our Kipsigis and Talai communities who are the main victims. I welcome the idea of resurveying the land because as you are aware there is a lot of land that was not captured during the survey. This land can be reused or can be used to do serious development. It can also be owned by the county government. The land rates collected in the multinational tea estates are not proportional to the current economy. I believe one of the recommendations by NLC was once a resurvey has been done there has to be a review so that the land rates can be lifted to a maximum of 600%. We have serious conflicts between the tea estates and the multinationals and the community that resides around those areas. Last week a young one was chased by the security personnel who are manning the estates. The person fell into a deep river and lost their life. The person was obviously plucking tea because of the poverty that our people languish in. This poor relationship between the community and the multinationals can be solved once these actions have been undertaken by this multi-sectoral committee. Mechanization issue is a problem. Our people continue to seek employment whereas such companies in our places cannot accord our people opportunities to work. Hon. Deputy Speaker, I support this Motion.

I believe the team of experts that shall be formed by H.E. the Governor will be able to advise us on the right steps that we should follow so that we get value for what is ours. Hon. Deputy Speaker, I know that the people residing in those areas will be happy if this Assembly does something to improve their returns. Thank you.

Hon. Deputy Speaker (Hon. L. Rotich): Hon. Victor

Hon. V. Rop (Nominated MCA, UDA): Hon. Deputy Speaker, thank you. I rise to support the Motion that has been sponsored by Hon. Kiprotich. Though I am a resident of a non-tea-growing area, I feel that the residents or inhabitants of the tea-growing sector have been sidelined. Not only sidelined but their rights have been infringed.

As I speak, I would like to assist my colleague Hon. Josphat Kipkirui that the term is neocolonialism. That is for the avoidance of doubt and for the benefit of the Hansard. Hon. Deputy Speaker, as Article 1 of the Constitution says, "Power belongs to the people". I got the opportunity to attend public participation at Mogogosiek and at Motigo. The affirmation from the residents of Bomet county was that they were all for the opinion that the land after resurveying be reverted back to the residents of the tea growing sector and residents of Bomet County.

Hon. Deputy Speaker, as we continue to agitate for the rights of the residents of Bomet County from the tea growing sector, we are here in this Assembly championing the interests on behalf of the residents of Bomet County, about 800,000 plus residents. We must speak the truth that our rights in this Assembly have been infringed. We cannot be fighting for the rights of the other residents while our rights are being infringed. That is why we are saying that before we adjourn to an indefinite date, our irreducible minimum is 452,931 shillings. This is as a result of our meeting with the caucus of MCAs from all over the country from the 47 counties regardless of being voted for or nominated. I know UDA might be on my neck but as a Member of this Assembly, I might have an interest to vie but I would not want to earn a salary of 86,000 shillings. Our Clerks-at-the-Table are earning more than us yet they are employees working for us. As we agitate for the residents of Bomet and the tea-growing sector, our rights must also be included.

Hon. Deputy Speaker, before you adjourn to an indefinite time, I urge the Assembly to support the Motion that has been sponsored by Hon. Kiprotich. Thank you and I stand with 452,931. Thank you.

Hon. Deputy Speaker (Hon. L. Rotich): Hon. Member, we were debating this other Motion. You should have ended the debate by either supporting the Motion ...

Hon. V. Rop (Nominated MCA, UDA): Hon. Deputy Speaker, I stand guided. I support the Motion that has been sponsored by Hon. Kiprotich. Thank you, Hon. Deputy Speaker. 452,931.

Hon. Deputy Speaker (Hon. L. Rotich): Hon. Member from Kapletundo

Hon. N. Kibet (Kapletundo Ward, UDA): Hon. Deputy Speaker, thank you. I rise to support the Motion by Hon. Kiprotich. One reason why I support the Motion is that in my committee today, we were discussing ways of raising revenue for the county. We have a target of around Ksh. 300 million and deliberated on ways the county should achieve the target of Ksh. 300 million.

If this resurvey is actualized, with the current method of survey, we will have a large land which will raise the county revenue. I only urge the county government to be serious about actualizing this. I urge H. E Governor Barchok to immediately form a team of experts to do the resurvey for us to show that we are independent. We got our independence yet we are still being colonized. We need to do this as soon as possible so that we can achieve our targets.

I thank Hon. Kiprotich for coming up with the Motion because it enables us to achieve what we were discussing today in our Committee. Hon. Deputy Speaker, I support this Motion. Reading about the mood of the Assembly, you can put the question.

Hon. Deputy Speaker (Hon. L. Rotich): Hon. Emily

Hon. E. Cheruiyot (Nominated MCA, UDA): Hon. Deputy Speaker, thank you. I thank Hon. Kiprotich for researching this Motion. I also welcome the group from Ndanai. That is my original home. Welcome to this plenary and be keen to listen and see what is happening.

Hon. Deputy Speaker, I support this Motion. This has really been a problem. Since the first government of Bomet and before, *Timbilwet* (nickname for Kericho County's first governor H.E Paul Chepkwony) took over it and had promised people that they would get good money from Elizabeth and that our people will purchase good land somewhere but that was just a promise. We have been waiting to date. *Timbilwet* is now a former governor. I do not know whether our Governor and H.E. Dr. Mutai will really overcome this problem. We will pray over it and I know that God will do his will. I support the Motion.

Hon. Deputy Speaker (Hon. L. Rotich): Hon. Members, this was a serious Motion which I expected many Members to concentrate on throughout the Motion but most Members contributed and left. This is a serious Motion and I thank the Member who moved this Motion.

(Question put and agreed to)

MOTION

REPORT ON THE BOMET COUNTY PUBLIC SERVICE BOARD ANNUAL REPORT

FOR THE PERIOD ENDING 31ST DECEMBER 2023

Hon. O. Koskei (Nominated MCA, UDA): Hon. Deputy Speaker, thank you. I beg to move the Motion: THAT, pursuant to the Standing Order 21 (5) (g), this County Assembly adopts the report of the Committee on Labour and Public Service on the Bomet County Public Service Board Annual Report for the period ending 31st December 2022 laid on the Table of the County Assembly on Tuesday, 25th April 2023.

Hon. Deputy Speaker, the Committee on Labour and Public Service is one of the sectoral committees established under Standing Order 201(1) and the Second Schedule to the Standing Orders.

The Committee on Appointments was constituted on 13th October 2022 and comprises the following members: -

1. Hon. Benard Rotich - Chairperson
2. Hon. Olivia Kosgey - Member
3. Hon. Evaline Sang - Member

4. Hon. Evaline Mibei - Member
5. Hon. Philip Korir - Member
6. Hon. Felody Chepkirui - Member
7. Hon. Peter Rono - Member

Hon. Deputy Speaker, the Sectoral Committee on Labour and Public Service Derives its mandate from the provision of Standing Order 201(5) which defines the function of the Committee as being investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned departments among others

Hon. Deputy Speaker, pursuant to the Standing Order 201 (5) and the Second Schedule of the County Assembly Standing Orders, all matters relating to Labour, County Public Service, Trade Union Relations, Manpower, or Human Resource Planning fall within the mandate of the Committee on Labour and Public Service.

Section 59 (5) of the County Governments Act provides that the report by the County Public Service Board shall;

- a) Be delivered each December to the County Assembly;
- b) Include all the steps taken and decisions made by the board;
- c) Include specific recommendations that require to be implemented in the promotion and protection of the values and principles;
- d) Include specific decisions on particulars of persons or public bodies who have violated the values and principles, including action taken or recommended against them;
- e) Include any impediment in the promotion of the values and principles; and
- f) Include the programs the board is undertaking or has planned to undertake in the medium term toward the promotion of the values and principles.

Section 59(6) of the County Governments Act explicitly states that the *“The Board shall publish a report required under this section in the county Gazette not later than seven days after the report has been delivered to the county assembly”*

It is, therefore...

(Proceedings interrupted by power loss)

(power resumed after 2 minutes)

It is therefore, my pleasant duty and privilege, on behalf of the Committee on Labour and Public Service to table this report on the Annual Report of the County Public Service Board for the period ending 31st December 2022 for debate, further consideration, and adoption by the Assembly.

Hon. Deputy Speaker, the Committee on Labour and Public Service wishes to thank the Office of the Speaker, the Office of the Clerk, and the staff of the County Assembly for the logistical support accorded to it in the execution of its mandate.

Finally, on behalf of the Committee, and pursuant to Standing Order No. 201 (5) (g), I have the honor and pleasure to present the committee's report on the County Public Service Board Report for the period ending 31st December 2022.

Hon. Deputy Speaker, all the members of the Committee appended their signatures to affirm ...

Hon. Deputy Speaker (Hon. L. Rotich): Hon. Member, wait for a few minutes for the technicians to work on the lights.

(Power loss persisted)

Hon. Deputy Speaker (Hon. L. Rotich): Hon. Members, the issue of lighting is not forthcoming. The Assembly, therefore, stands adjourned to the next sitting as per our calendar.

The Assembly

The Assembly rose at 3.55 p.m