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H. O. O.

REPUBLIC OF KENYA



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KENYA NATIONAL ASSEMBLY

TENTH PARLIAMENT – FOURTH SESSION – 2011

THE DEPARTMENTAL COMMITTEE ON DEFENCE AND FOREIGN
RELATIONS

REPORT ON THE VISIT TO BRITISH MILITARY TRAINING IN PARTS
OF SAMBURU EAST DISTRICT

CLERK'S CHAMBERS,
PARLIAMENT BUILDINGS,
NAIROBI

DECEMBER, 2011

PREFACE

Mr. Speaker,

The Departmental Committee on Defence and Foreign Relations is established pursuant to provisions of Standing Order 198 (1). Under the provisions of Standing Order 198 (3) the Committee is mandated to:-

- (a). investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments;*
- (b). study the Programme and policy objectives of the Ministries and departments and the effectiveness of the implementation;*
- (c). study and review all legislation referred to it;*
- (d). study, assess and analyse the relative success of the Ministries and departments as measured by the results obtained as compared with its stated objectives;*
- (e). investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House or a Minister; and*
- (f). make reports and recommendations to the House as often as possible, including recommendation of proposed legislation.*

The Committee is also mandated to scrutinise the budget of line Ministries as provided under Standing Order No. 152 which states that:-

(1) Upon being laid before the National Assembly, the annual estimates shall stand committed to the respective departmental Committees according to their mandates.

(2) Each departmental Committee shall consider, discuss and review the estimates committed to it under this standing order and submit its report thereon to the House within twenty one days after they were first laid before the House.

The Committee oversees the performance of the following Ministries and Government department:-

1. Defence;
2. Foreign Affairs;
3. East African Community; and
4. National Security Intelligence Service.

Under the above Ministries, the Committee covers the following subjects;

- (i) Defence matters;
- (ii) Foreign policy;
- (iii) Treaties , Conventions and Agreements;
- (iv) International and Regional Organisations;
- (v) Bilateral and Multilateral Relations;
- (vi) Regional Cooperation policy;
- (vii) East African Community Affairs; and
- (viii) National Security Intelligence.

MEMBERSHIP

The Committee comprise the following Members of Parliament:-

The Hon. Adan W. Keynan, MP – Chairperson

The Hon. Benedict F. Gunda, MP – Vice Chairperson

The Hon. George O. Nyamweya, MBS, MP

The Hon. Eugene L. Wamalwa, MP

The Hon. Jeremiah N. Kioni, MP

The Hon. Charles M. Kilonzo, MP
The Hon. Peter E. O. Anyanga, MP
The Hon. Wilson M. Litole, MP
The Hon. Mohamed Hussein Ali, MP
The Hon. Martin O. Ogindo, MP
The Hon. Julius K. Kilonzo, MP

2. BRITISH MILITARY TRAINING IN PARTS OF SAMBURU EAST, KENYA

Mr. Speaker,

- 2.1 On 1st September, 2010 the Member of Parliament for Laisamis, Hon. Joseph Lekuton, MP sought a ministerial statement from the Minister of State for Defence on issues surrounding the training of the British army in Samburu East Constituency.
- 2.2 The matter was referred to the Committee on Defence and Foreign Relations by the Deputy Speaker on 4th November 2010 when the Minister in his response failed to satisfy the House.
- 2.3 The Committee embarked on inquiring into the matter and held meetings with:-
- (i) Ministry of State for Defence,
 - (ii) Ministry of Lands,
 - (iii) Ministry of Immigration and Registration of Persons,
 - (iv) The National Environment Management Authority (NEMA).
 - (v) The Hon. Raphael Letimalo, MP- Member of Parliament for Samburu East Constituency
- 2.4 The Committee also visited Archers Post and Laresoro in Samburu East District. During the visit the Committee held meetings with the District Security Committee, Kenya Army field officers and

members of the public during which the community aired their grievances.

2.5 From the meetings with the aforementioned State Officers and the visit during which the Committee held a public hearing, the Committee observed and recommends that:-

- 1) The Ministry of State for Defence should obtain title to the gazetted military training area in parts of Samburu and Laikipia districts and all other parts of the country.
- 2) The Ministry of State for Defence should secure and fence off the gazetted military training area in parts of Samburu and Laikipia districts and other parts of the country.
- 3) The Ministry of State for Defence should lead other security agents in urgently, carrying out a nationwide exercise of mopping up all unexploded ordinances left after training in all military or security training areas and in particular at Archers Post.
- 4) In the absence of military training during the dry season, upon carrying out the exercise of mopping up all unexploded ordinances, the Ministry of State for Defence could allow livestock grazing in the military or security training areas.
- 5) The Ministry of Environment and Natural Resources through the National Environmental Management Authority (NEMA) should conduct an environmental impact assessment of the military exercises in parts of Samburu and Laikipia districts.
- 6) In places where the military is undertaking military exercises outside the designated and gazetted training areas, the Ministry of State for Defence should establish mechanisms for compensation, sensitizing and creating awareness to the communities in whose land it is carrying out military exercises.
- 7) The Ministry of State for Defence should compensate all the people killed or maimed by explosion of munitions left after military training and an independent body should be established to determine genuine cases for purposes of compensation.

- 8) The Ministry of State for Defence and relevant Government agencies should establish a mechanism of determining the content of munitions (toxins/poisonous substances) brought by the British military for training in Kenya before allowing them for use in the country.
- 9) The Government should review the MOU with the British Military with a view to mainstreaming key issues for the benefit of the Kenya Defence Forces and the local communities. The review should focus on among other areas: the assistance to the local communities, training, free movement of foreign forces in the country, importation of ammunitions and other goods by visiting foreign forces with a view to regulating them.
- 10) The Kenyan Government should investigate atrocities committed by the Kenya Defence Forces and the British Military while training in parts of Samburu which include allegations of rape, motor vehicle accidents, shootings etc., with the aim of prosecuting the culprits and compensating the victims or their families.
- 11) The Ministry of State for Defence should offer alternative measures to provide water and pastures for the community during the live firing training period. The military (Kenya and British) should explore drilling of contingency boreholes in strategic areas.

These recommendations form part of the recommendations contained in other parts of this report.

3. ACKNOWLEDGEMENT

Mr. Speaker,

3.1 I wish to express my appreciation to Members of the Committee who sacrificed time from their families and Constituents to undertake the inquiry. The Committee is grateful to the Speaker for allowing the Committee to undertake the inquiry and to the

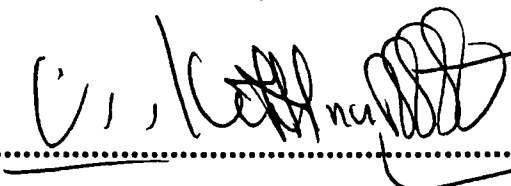
office of the Clerk, for facilitating and providing technical support to the Committee.

3.2 The Committee is also grateful to the Ministries of State for Defence, lands, Provincial Administration and Internal Security, Immigration and Registration of Persons, the National Environment Management Authority, Samburu East District Security Committee and members of the public for facilitating the visit and providing crucial information that aided the inquiry.

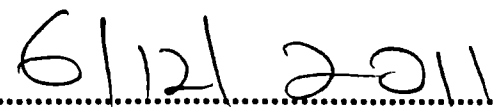
The decisions of the Committee on this report were arrived at after extensive deliberations and were unanimous.

Mr. Speaker,

3.3 It is my pleasant duty and privilege, on behalf of the Departmental Committee on Defence and Foreign Relations to table this report and commend it to the House for adoption pursuant to provisions of the National Assembly Standing Order 181.

Signed: 

**THE HON. ADAN W. KEYNAN, MP
CHAIRPERSON,
DEPARTMENTAL COMMITTEE ON DEFENCE AND FOREIGN
RELATIONS**

Date: 

4.0 BRITISH MILITARY TRAINING IN KENYA

Background to military training in Kenya

The British Army training unit's role is to prepare service personnel in an environment similar to the bandit prone areas of Afghanistan. Three infantry battalions spend six weeks a year taking part in the Exercise Grand Prix to hone their skills before their deployment to fight.

Under an agreement with the Kenyan Government, three infantry battalions carry out six-week exercises each year in Kenya. A Royal Engineer Squadron is also deployed to Kenya over the same period to carry out civil engineering projects. The training, named Exercise GRAND PRIX, takes place over the winter months and allows infantry battalions to carry out live firing, as well as experience harsh climatic conditions similar to what is found in Afghanistan and Iraq.

4.1 MEETING WITH THE MINISTER OF STATE FOR DEFENCE

The Minister of State for Defence, Hon. Mohamed Yusuf Haji, EGH, MP appeared before the Committee on 22nd February, 2011. The Minister briefed the Committee on the British military training in Kenya as follows, that:-

Training of British Army in Kenya

4.1.1 Training of British Army in Kenya is based on a Memorandum of Understanding (MOU) on Defence Corporation between the Government of Kenya and the Government of the United Kingdom. The first MOU was signed in April, 1980 and have been reviewed by the two parties after every five years with

the last review being in 2010. The agreement provides for training of the British Army in defined training areas. (**Annex 1**)

4.1.2 The MOU is on a reciprocal basis and train alongside Kenya Army Engineer Units, and also KWS and Administration Police. Under the MOU the British infantry and engineering units carry out exercises in Kenya as well as civil engineering projects to assist local communities. The training is regulated in compliance with Kenyan and British safety and clearance procedures and rules including a joint annual unexploded ordinance clearance validation exercise.

4.1.3 Prior to commencement of firing, the training area is cleared of humans and livestock, with the assistance of the provincial administration, so as to ensure safety.

4.1.4 The British Army has engaged in corporate social responsibility in the areas of training for the Kenya Security Forces and Kenya in general in areas of health, social community development, employment, education, water and energy.

4.2 MEETING WITH HON. RAPHAEL LETIMALO, MP, MEMBER OF PARLIAMENT FOR SAMBURU EAST CONSTITUENCY

The Hon. Raphael Letimalo, MP, Member of Parliament for Samburu East Constituency, appeared before the Committee on 12th May, 2011 and briefed it as follows, that:-

4.2.1 The Kenyan military in conjunction with the British military conduct military training exercises in Samburu East Constituency. The land allocated for military training was gazetted in 1977 but over the years, the British military have encroached on community land without the consent of the members of the Losesia Community Group Ranch. In the past the community has raised issues

affecting them with regard to British military training with the Ministry of State for Defence but no reprieve has been forthcoming:-

- 4.2.2 Encroachment of Losesia group ranch - The British Army has extended the training area beyond the gazetted land without the consent of the community or group ranch owners. The British military has constructed three (3) permanent camps in the group ranch.
- 4.2.3 Lack of compensation for the community – There is no compensation offered to the community or the group ranch owners for use of their land for military training as is the case for private ranchers in Laikipia. During military exercises many unexploded munitions are left in the field. The herders and their livestock have been killed or maimed by explosions from the munitions. The military has not compensated the victims. (**Annex 2**)
- 4.2.4 Harassment - The British Army harasses the herders. The British Army use live bullets and helicopters to chase herders away. As a result many livestock and people die due to stress related illnesses. There have been reported cases of British military raping women in the area.
- 4.2.5 Environmental degradation - The munitions used by the British military may contain poisonous and hazardous substances which affect people, livestock and wild animals in addition to destroying the environment. Cases have been reported of women miscarrying and people contracting respiratory diseases just after military exercise.
- 4.2.6 Lack of support to the Community - There is minimal support to the neighbouring community in the form of Corporate Social Responsibility.

4.3. MEETING WITH THE SAMBURU EAST DISTRICT SECURITY COMMITTEE

The Committee held a meeting with Mr. Muranga Murekwa, the District Commissioner Samburu East district and other District Security Committee members. The Committee was briefed on the security situation in Samburu East District as follows, that:-

4.3.1 Samburu East District was carved from the larger Samburu District in 2007. The District borders Isiolo, Laisamis, and Samburu North Districts. It has a low population with a vast and mostly arid area. Due to the arid climatic conditions the main economic activity in the district is livestock farming which is practiced by the nomadic/pastoral communities inhabiting the district.

4.3.2 The security in the district has improved tremendously following concerted efforts between the local community and various Government security agents. The main security challenges in the district are highway banditry and cattle rustling. Due to the proliferation of small arms as a result of proximity of the district to the Kenyan borders and influx of refugees, there have been incidences of highway banditry along Isiolo - Merrile and Maralal - Wamba roads.

4.3.3 Cattle rustling is also a security issue in the district and is mainly between Samburu-Borana, Samburu-Meru and Samburu - Rendile communities. This has affected development in the area.

4.4 MEETING WITH BRIGADIER C. TAI GITUAI- KENYA DEFENCE FORCES

Brig. Gutuai, accompanied by other officers (indicated in **Annex 10**) briefed the Committee as follows:-

- 4.4.1 Since independence the Kenya Defence Forces and the British military have cooperated in the areas of training and in 1980 the cooperation was strengthened by the signing of a Memorandum of Understanding (MOU) on training. Since then the MOU has been reviewed after every five years. The current MOU was renewed in April 2010.
- 4.4.2 In line with the MOU, the British Army undertakes training in all the gazetted training areas for the Kenya Defence Forces. The Archers Post training area was gazetted in 1977 when the area was uninhabited (**Annex 3**). The British Army trains 7 battalions in Kenya every year for a period of 6 weeks. The training is undertaken jointly with the Kenya Army. The Archers Post military range is ideal for the British military before deployment to Afghanistan and Iraq due to its harsh climatic conditions that are similar to those found in Afghanistan and Iraq.
- 4.4.3 The training by the British military in Kenya is on a reciprocal basis. The Kenyan military also trains in the United Kingdom. However, training by Kenya military personnel in the UK is limited by funding.
- 4.4.4 While training in Kenya the British military employ 13 Permanent staff and 130 to 200 locals whenever they are on training at Archers Post training area. Other than employment the British military offers humanitarian civil action to the local community through construction of schools, toilets, roads and bridges in addition to local purchases which boost the economy of the area.
- 4.4.5 Over the years the local community has been grazing their animals in the gazetted area. The Kenyan military has allowed the local community to graze in the area especially during the dry spell when there is scarcity of water and pasture. There has

been no encroachment by the military on community land but instead the community has been grazing their livestock in the gazzeted training area.

- 4.4.6 The gazzeted military training area is used for dry maneuvers and life firing by ground forces. Within the training area there is an exclusive air force range training area. This is the only area in the country gazzeted for the training of life firing.
- 4.4.7 The training area covers 1500 square Kms. Each military unit is allocated a range area for training. The allocation of range area is done at the Kenyan Defence College by a committee chaired by the Colonel in charge of training and doctrine. The next range allocation period for this calendar year will be in September 2011. The allocation of training area to each unit is done to avoid clashes between the various military units in the field, as well as reducing conflict with the herders. When training areas are allocated precaution is taken so that local herders are not shot at or trespass on the firing area. Before training starts a two week notice is given through the local provincial administration for local herders to vacate the training area. Helicopters and vehicles are used to clear the training area of herders and their livestock. The clearance is only limited to the specific training area and not the entire gazzeted area. Dry maneuvers however do not interfere with the local community.
- 4.4.8 During the dry season the training area is the only area that has both pasture and water and as such all the livestock in the area are driven to the area for pasture and water.
- 4.4.9 After training the military (Kenya Army and the British Military) undertake clearance of munitions. The munitions that did not explode during training are detonated by experts.

4.4.10 The Simba camp is a tented British military camp within the gazzeted area and not in the group ranch as alleged by the community leaders. There is no camp tented or permanent that is located outside the gazetted training area.

4.4.11 Brig. Tai Gituai appealed to the Committee to assist the military in securing more training areas since training areas are declining in the country.

4.5 MEETING WITH THE LANDS ADJUDICATION OFFICER- MR. ERNEST MUSEMBI

Mr. Ernest Musembi, the Deputy Lands and Adjudication Officer, Samburu, briefed the Committee as follows:-

4.5.1 The Waso area was declared an adjudication area in September 23rd, 1981 (**Annex 4**) and in 2008 the adjudication work was declared complete and a certificate of finality issued in September 2009. (**Annex 5 a & b**)

4.5.2 The Simba camp that is operated by the British military while undertaking training is located outside the gazzeted training area. The military training has encroached into the community land.

4.6 PUBLIC HEARING AT LARESORO AREA

The Committee held a public hearing at Laresoro area where local leaders and other community representatives gave their grievances as follows:-

4.6.1 Evidence by Mr. Stanley Kerende Lekoloi Lenyakopiro

He informed the Committee that:-

4.6.1.1 The Kenya military was given 83,327 acres of land at Archers Post, Waso area for training in 1977. The land was by then a trust land. The military was given the land on condition that the community had the right to use the land when there was no military training.

4.6.1.2 Over the years the British military has been using the land for training without the invitation of the community. The Kenya military has never informed the community of their partnership with the British military. Since the advent of British military training in Waso the community has suffered irreparable damage. There have been cases of rape, killings and maiming as a result of bomb explosions, as well as respiratory illnesses formerly unknown in the area, miscarriages among problems.

4.6.1.3 The Kenyan military has not encroached on the community land but the British military has encroached on community land and has built and established permanent camps in the community land without the consent of the community.

4.6.4 The community's plea to the Kenyan and British military training in the area for assistance has yielded no support. He appealed to the Committee to:-

- (i) Assist the community in seeking for compensation for lives lost and those maimed.
- (ii) Intervene so that the British military compensates the community for use of their land.
- (iii) Direct that the military clears unexploded munitions in the area.

4.6.2 Evidence by Mr. Alloyse – Chairman Losesia Group Ranch

Mr. Alloyse informed the Committee that:-

- 4.6.2.1 The British military uses Helicopters to harass herders within the group ranch area. A man by the name of Lorete was recently shot at by the British army while grazing his livestock. The matter was reported to the police but no action has been taken.
- 4.6.2.2 Children killed in an accident caused by British military vehicles – A child was knocked down by a British military truck. The case was reported to the police and no investigations were conducted by the police.
- 4.6.2.3 No mopping of unexploded munitions after military exercises – many people have been killed and maimed by explosions from bombs left by the British military during their training in the area. No compensation has been forthcoming to the victims in spite efforts by the community to seek compensation.
- 4.6.2.4 Environmental degradation - The community has observed degradation of the environment as a result of military training in the area. Many plants have dried up in areas where bombs have exploded.
- 4.6.2.5 Denied access to water points – The military has blocked the community access to Waso River which is the only source of water for both livestock and humans during the dry season. This has resulted to deaths of livestock.
- 4.6.2.6 The British military negotiates with ranchers in Laikipia and compensate the ranchers for use of their land for training but refuse to negotiate and compensate the Losesia community group Ranch in Samburu for use its land. Mr. alloyse presented a memorandum to the committee on behalf of the losesia group ranch and the community.(Annex 6)

4.6.3 Evidence by Mr. Gabriel Lengishili

He informed the Committee that:-

4.6.3.1 The Kenya military was given the land for their own training but they invited the British Army and the Transitional Federal Government (TFG) Army to train in the area. The British military and the TFG forces have brought problems to the community.

4.6.3.2 The British Army has unilaterally encroached on community land and claim that the Kenya military is responsible. Currently the British military occupies close to 67% of the community land.

4.6.3.3 The British army should compensate the Losesia Group Ranch for use of its land for training purposes.

4.6.4 Evidence by Mr. Maina Lekuye

He informed the Committee that:-

4.6.4.1 The British Army has been reported to have raped women in the area. Women have also been affected by the gases emitted by munitions that are used in the training area causing miscarriages and delivering deformed children.

4.6.4.2 Mr. Maina Lekuye appealed to the government to intervene and remove the British Army from the area.

4.6.5 Evidence by Mr. Nakero Learpariai

He informed the Committee that he suffered severe burns as a result of a bomb explosion.

Other members of the community present at the meeting and who reported having been maimed by bomb explosions include:-

- Nantore lenakio – severe burns
- Nendonyo Lokoloi – severe burns
- Ntarusen - severe burns
- Kapua Lekomon – deaf and burnt hand
- Michael Lelesara – burnt fingers
- Titus Lenjamuruk – burnt hand

(Annex 7)

4.7 VISIT TO THE BRITISH MILITARY TRAINING CAMP (SIMBA CAMP)

4.7.1 The Committee visited the British Military Camp, known as Simba Camp. The Committee observed that the camp is tented and therefore a temporary structure as opposed to allegations that it is a permanent camp. The Committee could not however establish whether the British Military training camp also known as Simba camp is within the gazetted training area or within the Losesia group ranch.

4.7.2 The Committee also visited parts of Laesoro area and observed that there were many unexploded munitions lying in the area. The unexploded munitions pose a serious threat to the pastoral inhabitants of the area and particularly children and women.

4.8 MEETING WITH THE MINISTER FOR IMMIGRATION AND REGISTRATION OF PERSONS

The Minister for Immigration and registration of Persons Hon. Gerald Otieno Kajwang, EGH, MP appeared before the Committee on 12th

July, 2011 and briefed the Committee on the Immigration requirements on persons entering or leaving the country and the implementation of the defence related Memorandum of Understanding (MOU) between Kenya and the USA and Kenya and the UK.

The Minister briefed the Committee as follows:-

4.8.1 Standard immigration requirements require that Persons entering and leaving Kenya should:-

- (a) Possess a valid passport or recognized and valid travel document.
- (b) Apply for and obtain visas at the country of origin or at the port of entry.
- (c) Present themselves to an immigration officer when entering and leaving the country.

4.8.2 The standard rules of procedure as contained in the MOU's apply to British and United States soldiers entering Kenya. As per the MOU's the foreign soldiers do not apply for visas but they should be in uniform and must show their valid military ID. They are therefore not subjected to the normal immigration procedures. The procedures as contained in the MOU's are on a reciprocal basis. The civilians however who accompany the military personnel must have visas and passports and are subjected to the normal immigration requirements.

4.8.3 When military personnel from foreign countries visit Kenya they are normally accompanied by Kenya military officers who facilitate their entry into the country. Before sending their troops to Kenya the concerned country (s) sends details of the officers to the Ministry of State for Defence (K) who inform the Ministry of Immigration and Registration of Persons of the intended arrival of foreign military personnel into the country.

4.8.4 MOU's or agreements like the ones signed by Kenya and the UK and another by Kenya and the USA can waive the immigration requirements without posing a threat to national security, based on the principle of reciprocity.

4.8.5 The MOU's have time frames for implementation and are renewable after a period of time that is stated in the MOU. There is also a provision for termination and or review of the MOU's.

4.8.6 On arrival into the country the equipment to be used for training is screened at the point of entry by the customs department and is normally accompanied by Kenyan military officers.

4.8.7 The Ministry of Immigration does not however have the capacity to determine the chemicals in the munitions brought in by foreign forces for training in Kenya.

4.8.8 The MOUs between Kenya and the UK and Kenya and the USA are binding to the signatory parties as they facilitate their engagements in the specific area of cooperation.

4.8.9 The Ministry is not aware if there has been an EIA done on the military training areas.

4.9 MEETING WITH THE MINISTER FOR LANDS

The Minister for Lands, Hon. James Orengo, EGH, MP appeared before the Committee on 13th July, 2011 to brief it on land owned or reserved for the Kenya Defence Forces. The Minister briefed the Committee as follows:-

Acreege of gazetted military training area in archers post -

4.9.1 The military training area in Archers Post, Samburu District, measures 90,965 acres (36,813 ha). The area was gazetted on 31st October, 1977 vide Gazette notice No. 3210. (**Annex 8**)

Land adjudication in Waso adjudication area

4.9.2 East Waso adjudication section was declared an adjudication area on 23rd September, 1981. The area was adjudicated into 41 parcels of land ranging in size from 35,552 ha to 113,656.8 ha. The adjudication exercise was finalized in the year 2009 and the section is now registered under the Registered Land Act (Cap 300).

4.9.3 Larisoro military training area measures 36,813 Ha is located within the Waso adjudication section. Losesia group ranch which owns parcel No. 1 measuring 1134,653.8 Ha abuts the military land in the same adjudication section.

A gazette notice only serves to set aside land for government use.

Alleged encroachment into the Losesia group ranch/community land by the Kenya Defence Forces

4.9.4 The military land at archers post allegedly overlaps into areas settled by the local community. There are no visible beacons or boundary marks on the ground to show the extent between the military land and the local community.

4.9.5 During the demarcation to ascertain the rights and interests in the adjudication section, the interest of the military was not recorded, nor did it lodge an objection during the publication of the register and therefore the land was set for the people of the area and titles issued.

4.9.6 During adjudication interested parties are requested to lounge their interest or objection. A notice of adjudication was issued to the Department of Defence with regard to the land at Archers Post but the military did not respond.

4.9.7 Compensation is normally carried out by the Government for those who were allocated land genuinely. There is need for communities on whose land the military is undertaking exercises to be compensated.

4.10 MEETING WITH THE ACTING DIRECTOR GENERAL, NATIONAL ENVIRONMENTAL MANAGEMENT AUTHORITY

The Acting Director General, National Environment Management Authority, Dr. Ayub Macharia appeared before the Committee on 23rd August, 2011 to brief the Committee on the environmental impact assessment of military training activities in parts of Samburu and Isiolo districts.

Dr. Ayub Macharia briefed the Committee as follows, that:-

4.10.1 Pursuant to section 58 and 68 of the Environmental Management and Coordination Act, 1999 it is a requirement that proposed and ongoing activities with significant impacts on the environment undertake an Environmental Impact Assessment (EIA) and Environmental Audit (EA) respectively. The military training camps fall under this category but are non compliant.

4.10.2 The original military land covered an area of 83,327 acres as gazette in 1977. No demarcation was done on the ground and the military have over the years been encroaching on the

community land with the intention of acquiring more land for military activities.

4.10.3 As directed by the Committee NEMA undertook an Environmental Audit (**Annex 9**) of the military activities in Archers Post and the audit team observed that:-

- There is conflict on land ownership between the military and the local community at archers post. The military is undertaking its activities outside the designated or gazetted area by the Government.
- Use of heavy artillery causes tremors thus could affect buildings.
- Environmental degradation as a result of use of bombs and heavy artillery has resulted in the defoliation of the vegetation.
- Low flying planes (tree height flying) cause noise pollution. Members of the public have reported cases of miscarriages as a result of sudden huge noise by the low flying planes.
- There is no buffer zone between the military training area and the community land. The community is given limited or at times no notice before training starts. The Match and shooting form of training is done in areas populated by pastoralists.
- Poor Waste management and disposal in the entire military training area.
- Certain levels of radio activity detected in the area during the screening stage.
- Munitions and ordinances left lying in the area

- Diseases such as cancer, blindness, diarrhoea etc reported in the area.
- Water contamination as a result of poor waste management and radio active materials from munitions and ordinances.

4.10.4 The National Environmental Management Authority has proposed the following Intervention/mitigation measures to be undertaken by the Kenya Defence Forces:

- Urgent resolution of the land dispute between the Kenya Defence forces and the local community
- Creation of a buffer zone between the local community and the military training grounds. The Kenya Defence Forces should fence off the training area.
- Determination of the causal relationship between the diseases reported in the area and the military activities
- Minimize environmental degradation in the area.
- Zoning of the gazetted training area for purpose of mopping of unexploded ordinances and munitions and to allow vegetation to rejuvenate.

5.0 COMMITTEE OBSERVATIONS

From the interaction with the aforementioned institutions, community members and individuals, the Committee observed that:-

- (i) The Ministry of State for Defence has not secured the gazetted military training area.
- (ii) There are many unexploded munitions in Waso division which is home to the Archers Post military training area, some dating back to pre-independence.
- (iii) The Government has no mechanisms and ways of ascertaining the content and composition of ammunitions brought in for training in Kenya by the British military.
- (iv) The British military training in Kenya is engaging and compensating local ranchers in Laikipia for training areas without consulting the Kenya Defence Forces who are their hosts. The training is only carried out in selected large scale ranches. This is in contravention of the MOU between the Kenya military and the British Army.
- (v) The actual size of the area gazetted in 1977 for Kenya military training purposes in the area is not clearly delineated.
- (vi) Many residents have been affected by explosions from munition left unexploded during military training. The Committee witnessed people who have been maimed by the explosions and heard members of families of the victims who have lost their loved ones from munition explosions.
- (vii) Cases of accidents involving British military trucks and personnel have been reported to the police but no action has been taken on the culprits.
- (viii) The Ministry of Defence offers a two week notice to the pastoralists to vacate the training area. The two weeks period is too short a notice for the pastoralist's communities to move out especially when they have just moved into the area in search of water and pasture.

- (ix) During the dry season, the military training area is the only area with pasture and water. During training and particularly live firing the communities are given notice and ordered to vacate the area thus causing undue suffering and inconvenience to them and their livestock.

6.0 RECOMMENDATIONS

The Committee recommends that:-

- 1. The Ministry of State for Defence should obtain title to the gazetted military training area in parts of Samburu and Laikipia districts and all other parts of the country.**
- 2. The Ministry of State for Defence should secure and fence off the gazetted military training area in parts of Samburu and Laikipia districts and other parts of the country.**
- 3. The Ministry of State for Defence should lead other security agents in urgently, carrying out a nationwide exercise of mopping up all unexploded ordinances left after training in all military or security training areas and in particular at Archers Post.**
- 4. In the absence of military training during the dry season, upon carrying out the exercise of mopping up all unexploded ordinances, the Ministry of State for Defence could allow livestock grazing in the military or security training areas.**
- 5. The Ministry of Environment and Natural Resources through the National Environmental Management Authority (NEMA) should conduct an environmental impact assessment of the military exercises in parts of Samburu and Laikipia districts.**
- 6. In places where the military is undertaking military exercises outside the designated and gazetted training areas, the Ministry of State for Defence should establish mechanism for compensation, sensitizing and creating awareness to the**

communities in whose land it is carrying out military exercises.

7. The Ministry of State for Defence should compensate all the people killed or maimed by explosion of munitions left after military training and an independent body should be established to determine genuine cases for purposes of compensation.
8. The Ministry of State for Defence and relevant Government agencies should establish a mechanism of determining the content of munitions (toxins/poisonous substances) brought by the British military for training in Kenya before allowing them for use in the country.
9. The Government should review the MOU with the British Military with a view to mainstreaming key issues for the benefit of the Kenya Armed Forces and the local communities. The review should focus on among other areas: the assistance to the local communities, training, movement of foreign forces in the country, importation of ammunitions and other goods by visiting foreign forces with a view to regulating them.
10. The Kenyan Government should investigate atrocities committed by the Kenya Defence Forces and the British Military while training in parts of Samburu which include allegations of rape, motor vehicle accidents, shootings etc., with the aim of prosecuting the culprits and compensating the victims or their families.
11. The Ministry of State for Defence should offer alternative measures to provide water and pastures for the community/(ies) during the live firing training period. The military (Kenya and British) should explore drilling of contingency boreholes in strategic areas.

LIST OF PARTICIPANTS (Annex 10)

1. Brig. Tai Gituai – Chief of Operations, DHQ
2. Major Abdulaziz Mohammed – Liaison Officer British Kenya Army
3. Mohamed Barsalinga - Member, Losesia Group Ranch
4. Musembi Ernest – Deputy Land Adjudication and Settlement Officer (Samburu)
5. Major Mwamboga – Staff Officer Defence Headquarters
6. Misiko Wafula - - District Administrative Police Commander, Samburu East
7. Colonel Lewis Muluvi – Colonel, Training and doctrine, DHQ's
8. Amos katana – OCPD Samburu east
9. Job Lalampaa - Chairman, District Peace and Security Committee, Samburu East
10. Abdikabare
11. Major (Rtd) Simon Oudia – Range Officer, British Military Training in Kenya
12. Councillor Julius Lenakae - - Samburu East
13. Benedict lelosole – member district peace committee, Samburu east

No.	Stakeholder	Names of people Consulted	Positive impacts	Issues of Concern	Proposed Mitigation Measures
9.	Isiolo County Council Workers	Gregory Leisan		<ul style="list-style-type: none"> • Thus risking being poached • Training ground is on the animal migratory corridor • Training disturbs the animals • Decreased wildlife in the Shaba national reserve due to military training and human activities • Increased human/wildlife conflict • Tourists prefer visiting the Isiolo side of the park far from military activities 	<ul style="list-style-type: none"> • Did not propose mitigation measures

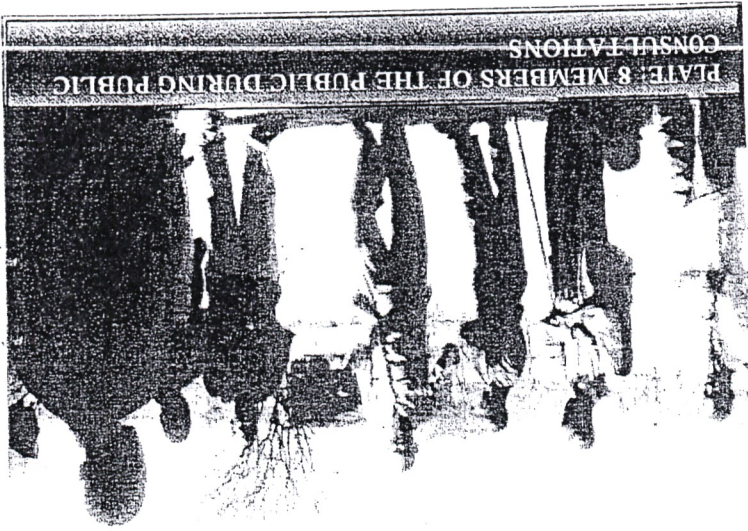
No.	Stakeholder	Names of people Consulted	Positive impacts	Issues of Concern	Proposed Mitigation	
6.	Kalama Conservancy	John Lemasaa	<ul style="list-style-type: none"> • HIA/AIDS • Organize medical camps for the community. 	<ul style="list-style-type: none"> • and water contamination • Training within the manyattas • Reduced biodiversity. Birds and other animals have moved to other areas due to disturbances • Part of the training field was a migratory corridor for wildlife 	<ul style="list-style-type: none"> • injuries 	
7.	Medical staff (Catholic dispensary Archers post)	1. James Lenannunyi 2. Agnes Lenapangae	<ul style="list-style-type: none"> • Military inform community before commencing training • Community access emergency medical services. 	<ul style="list-style-type: none"> • No Military related abortions reported at the health centre • No direct link between the disease incidences and military training • Free medical services from the military • Building of schools 	<ul style="list-style-type: none"> • Trespassing into the conservancy without prior warning thus interfering with their tourism activities • Noise from jets that fly very low and at supersonic speeds • Disturbance to animals causing them to be aggressive • Increased incidences of respiratory diseases, miscarriages and cancers 	<ul style="list-style-type: none"> • Did not propose mitigation measures
8.	KWS officers	Peter Makanga	<ul style="list-style-type: none"> • Training field is outside the protected area 	<ul style="list-style-type: none"> • Common diseases are malaria, diarrhea which increase in the dry season and decrease when wet • Incidences of deafness and cancers • Air pollution from military activities 	<ul style="list-style-type: none"> • Military activities be carried out away from the pastoralists • Military to inform hospital management when starting their activities • Control public access to the training areas • Create awareness on the dangers of the explosives 	
			<ul style="list-style-type: none"> • Bombs scare wildlife making them move to settled areas 	<ul style="list-style-type: none"> • Did not propose mitigation measures 		

	People Consulted			People Consulted
4.	Business community- Archers post	1.Fabian David Lolosoli 2.Ashford Munene Bundi 3.John Kalen	<ul style="list-style-type: none"> Information on trainings given to the local administration but does not reach the people 	<ul style="list-style-type: none"> Diseases e.g. allergies, deafness, Miscarriages and even death associated with military activities Bombs affect both human beings and animals Cracking of buildings Explosions cause earth tremors Air pollution-dark smoke from the explosions No warning given to the public before the explosions Match and shoot trainings done in build up areas e.g. Archers post Presence of bombs outside training areas. Increased cancer cases Littering with food wrappings.
			<ul style="list-style-type: none"> Encroachment by the military into community land Distortion of the landscape by the tunnels used for training Increased cases of miscarriages, tuberculosis, deafness, blindness Premature births, cancers diarrheea and paralysis Destruction of water springs 	<ul style="list-style-type: none"> The military training field should be clearly demarcated Military to compensate the locals when they use their land for training Build hospitals where people can be treated after sustaining bomb
5.	Pastoralists (Losesia ranch)	1.Alois Leariwala 2. Andrew Lepirei	<ul style="list-style-type: none"> Information passed to the community before commencing training Create employment for youth during training Helps in construction of schools Feed children in manyattas near the camps Create awareness on 	

No.	Stakeholder	Names of people Consulted	Positive impacts	Issues of Concern	Proposed Mitigation
1.	District Commissioner – samburu East District Officer- Waso Division	Muranga Murakwa Mwaura Karwigi	<ul style="list-style-type: none"> • Military create both permanent and temporarily employment for the locals during training • Build schools • Drill boreholes • Build access roads in the area 	<ul style="list-style-type: none"> • Land ownership not clear, both the community and the military lay claim on it. • Military leave life ammunition in the training fields affecting people and livestock • Noise pollution when the bombs are exploding 	<ul style="list-style-type: none"> • Did not propose mitigation measures
2.	Military officers	<ol style="list-style-type: none"> 1 Col. Lewis Muluvi 2. Major Simon Oudia 3 Major Mungao 4. Major Aziz 5. Major John 6. Captain Kithela 	<ul style="list-style-type: none"> • Military have risk awareness programs in the surrounding schools • Locals allowed to graze their animals in the training fields when not in use • Construction of roads in the training areas • Employment creation • Drilling boreholes • Public informed before training start • Training and inspections on fire safety done in the camps regularly 	<ul style="list-style-type: none"> • The firing range is not fenced • Some community members have settled in the training areas • The community moves into the training areas before it has been cleared of unexploded ordnances • Some camps use wood as their source of fuel • Land ownership not clear • Theft of the British military goods by locals • Noise from the jets that have to fly low so as not to be detected by the radar 	<ul style="list-style-type: none"> • Did not propose mitigation measures
3.	Ministry of land official (Land Adjudication Officer)	Samuel Kirima	<ul style="list-style-type: none"> • Assist in building of schools • Provision of water 	<ul style="list-style-type: none"> • Pastures destroyed by fires from military camps. • Undetonated bombs injure residents • Land ownership conflicts 	<ul style="list-style-type: none"> • Mutual understanding between community and the military • Mopping up the explosives after use • Community to own up to their own mistakes

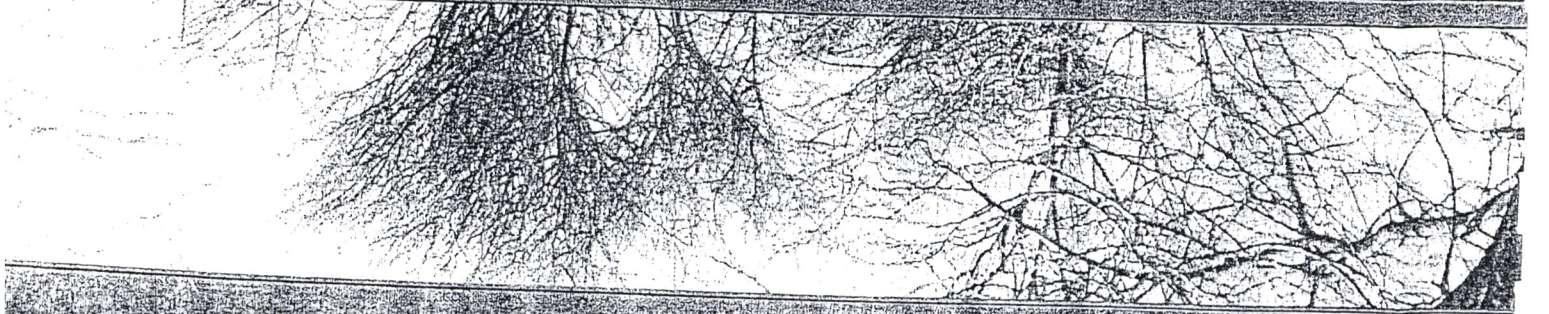
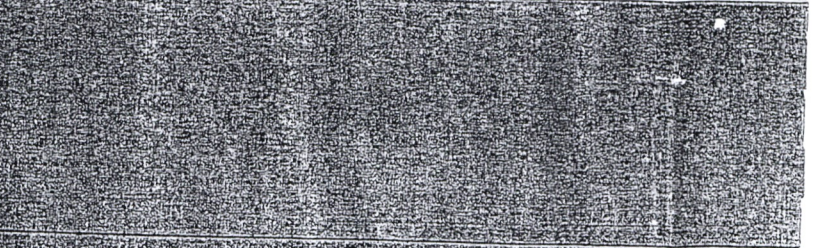
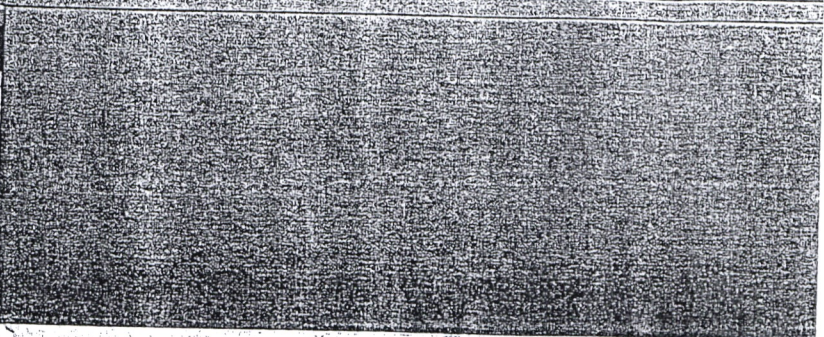
2.3 PUBLIC PARTICIPATION

The audit team adopted a stratified method of public consultation and several stakeholders were consulted. The names of the specific people consulted, the issues raised and the suggested solutions are indicated in the table below



INDEX 5

JULY 2011



National Environment Management Authority (NEMA)
ENVIRONMENTAL CONTROL AUDIT FOR ISIOLO AND SAMBU
COUNTIES



MINUTES OF THE 134TH SITTING OF THE DEPARTMENTAL COMMITTEE ON
DEFENCE AND FOREIGN RELATIONS HELD ON FRIDAY, 7TH OCTOBER, 2011 AT
THE CONFERENCE CENTRE, SERENA HOTEL MOMBASA, AT 9.30 A.M.

PRESENT

The Hon. Adan Keynan, MP - (Chairperson)
The Hon. Benedict Fondo Gunda, MP - (Vice Chairperson)
The Hon. Jeremiah Kioni, MP
The Hon. Wilson M. Litole, MP
The Hon. George Nyamweya, MP
The Hon. Kiema Kilonzo, MP
The Hon. Mohammed Hussein Ali, MP

ABSENT

The Hon. Eugene Wamalwa, MP
The Hon. Charles Kilonzo, MP
The Hon. Martin Ogindo, MP
The Hon. Edick Anyanga, MP

IN ATTENDANCE: NATIONAL ASSEMBLY

Mr. Salad Guyo	Third Clerk Assistant
Mr. Ahmad Kadhi	Third Clerk Assistant
Mr. Sherrif Mwendwa	Legal Counsel
Mr. Patrick Murindo	Sergeant-At-Arms

MIN. NO.547/2011 PRELIMINARIES

The Meeting was called to order, prayers were said and the Chairman referred the Members to the reports to be considered

MIN. NO.548/2011 ADOPTION OF COMMITTEE REPORTS

(a) Report on Diplomatic Service.

After deliberations Members proposed the following changes as regards

- Committee Observations that;

(i) Reads, "The Ministry doesn't have the enabling legislation".

(ii) reads, "The implementation on the taskforce report has not been fully implemented".

- Recommendations

(i) The words "dismiss" be replaced by "recall" while adding "enabling statutes and legislation after the full stop

(ii) Delete the words appearing after "diplomatic appointee".

(iii) Add the recommendation that "unprocedural appointments be reviewed"

Subject to the above changes the report was proposed for adoption by The Hon. Jeremiah Kioni and seconded by The Hon. Kiema Kilonzo

(b) Report on visit to Military training area in Ngong

Members considered the report and recounted the visit. Under the Committee Observations it was proposed that the first observation be that:

"The lives of 5 Kenyans were lost in the explosion". The next observation should also include that other security agents also use the area without regulation with none taking up responsibility in screening the area/mop up exercises.

On Recommendations, Members concurred, but proposed changes that

1. The Government secures and get titles for land reserved for military use.

Number 4 to read, "The Government should urgently compensate the families of the five children killed by the explosion".

Members proposed that item 7.0 be deleted.

With those amendments, The Hon. Benedict Fondo Gunda proposed the report for adoption and was seconded by The Hon. Wilson M. Litole.

(c) Report on the inspection visit to Kenya Missions in Vienna, Geneva and the Hague

The Committee considered the report and the following changes were proposed

1. Page 23, item (ii) the amount in Swiss francs is converted into Kenya Shillings
2. Item (iv) be rephrased and recast.
3. Item (ix) the word "to" be replaced with "from".
4. Page 30 item (vi) the word "remunerated" be replaced by "reimbursed".
5. That the ambassador to Geneva be recalled.
6. That an additional recommendation that KACA investigate and officials responsible for losses be surcharged.
7. On page 31, the sentences be split into two after the first comma with the subsequent numbering to follow.
8. The word acquisition be replaced by disposal in (iii).

The report was thereafter proposed for adoption by the Committee by The Hon. George Nyanjira, and seconded by The Hon. Mohammed Hussein Ali

The following other reports were considered by the Committee and adopted with amendments

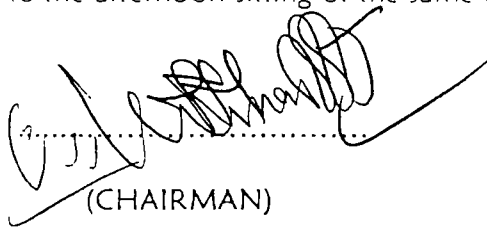
- (a) Report of the inspection visit to Kenya Missions in Tel Aviv and Rome
- (b) Report on visit to British Military training in parts of Samburu East District
- (c) Report on rendition of Kenyan Nationals to stand trials in Uganda and other foreign countries

MIN. NO.549/2011

ADJOURNMENT

There being no other business the meeting was adjourned at forty minutes past one o'clock to the afternoon sitting of the same day.

Signed:



(CHAIRMAN)

Date:

14/11/2011

MINUTES OF THE 118TH SITTING OF THE DEPARTMENTAL COMMITTEE ON
DEFENCE AND FOREIGN RELATIONS HELD ON TUESDAY 23RD AUGUST, 2011 IN
COMMITTEE ROOM 2ND FLOOR, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS
AT 10.00 AM

PRESENT

Hon. Adan Keynan, MP – Chairperson
Hon. Wilson Litole, MP
Hon. Peter Edick Omondi Anyanga, MP
Hon. George Omari Nyamweya, MBS, MP
Hon. Charles Kilonzo, MP
Hon. Raphael Letimalo, MP

ABSENT WITH APOLOGY

The Hon. Benedict Gunda, MP – Vice Chairperson
The Hon. Mohamed Hussein Ali, MP
The Hon. Martin Ogindo, MP
The Hon. Eugene Wamalwa, MP
The Hon. Jeremiah Kioni, MP
The Hon. Kiema Kilonzo, MP

IN ATTENDANCE

KENYA NATIONAL ASSEMBLY

Mr. Emejen Nicholas – Clerk Assistant II

NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY

Dr. Ayub Macharia – Acting Director General
Mr. Zephania Ouma – Acting, Director Compliance and Enforcement

PRELIMINARY

The meeting started with a word of prayer followed by introductions.

MINUTE NO. 489 /2011: CONFIRMATION OF MINUTES

Confirmation of Minutes of the previous sittings was postponed to the next sitting.

MINUTE NO. 490/2011: MEETING WITH DIRECTOR GENERAL, NATIONAL ENVIRONMENTAL MANAGEMENT AUTHORITY (NEMA)

The Director General briefed the Committee as follows:-

Pursuant to section 58 and 68 of the Environmental Management and Coordination Act, 1999 it is a requirement that proposed and ongoing activities with significant impacts on the environment undertake an environmental impact assessment (EIA) and environmental Audit (EA) respectively. The military training camps fall under this category but are non compliant.

Two control audit teams undertook audit of the military training camps accompanied by senior military personnel who included military environmental experts. The areas covered by the audit team were the Ngong training rifle range, military camps MOB samba, the school of combat engineering And the training fields (Samburu firing range in Samburu). The areas of interest during the audit were:-

- Waste generation, management and disposal
- Noise generation and control
- Environmental degradation
- Air quality
- Land degradation arising from military nature modifications
- Public concerns

The purpose of the control audit was to:-

- Establish the current practices status of the military camps and associated facilities
- Determine whether the camps comply with all environmental regulations
- Determine the causes of military community conflicts
- Determine the degree and scope of necessary improvements or remedial works in case of non compliance.

The non compliance cases were noted and pointed out to the military personnel during the audit with clear prescriptions of the interventions. Based on the findings and recommendations of the control audit report an improvement audit report was issued to the DOD on the 2nd August, 2011. The report notes that 70% of the conflicts were as a result of land ownership disputes.

The authority will undertake a compliance assessment within a period of 3 months from the date of the improvement notice/order to verify compliance and or continued violations. Appropriate enforcement actions will then be taken should violations go beyond the compliance deadline.

Environmental Control Audit for military activities in Ngong

The audit team established that:-

- (i) The Ngong training area, though owned by the Kenya Defence Forces, is used by several disciplined forces.
- (ii) The type of ammunitions used are small caliber ammunitions whose chemical content include sulphur, potassium nitrate and charcoal for the black powder.
- (iii) Bombs used during the colonial period have been found in the area leading to the recent death of 5 children.
- (iv) There is no clear demarcation of the range or warning sign for residents to keep off the range.
- (v) Waste littering in the area include solid waste, human waste, left over bullets and spent cartridges.

The team recommended adequate sanitary facilities and disposal of other wastes, immediate buffer zone be created and fencing of the area should be undertaken together with constant mopping up of ordnances after training. The military should also undertake continuous education in the area to sensitize the community.

Environmental Control Audit for military activities Isiolo and Samburu

The original military land covered an area of 83,327 acres as gazette in 1977. No demarcation was done on the ground and the military have over the years been encroached o the community land with the intention of acquiring more land for military activities.

The Audit team observed that:-

- (i) There is conflict on land ownership between the military and the local community.
- (ii) The military is undertaking its activities outside the designated or allocated area by the Government.
- (iii) Use of heavy artillery causes tremors thus could affect buildings.

- (iv) Environmental degradation as a result of use of bombs and heavy artillery leads to defoliation of the vegetation.
- (v) Low flying planes (tree height flying) cause noise pollution – claims of miscarriages as a result of sudden huge noise by the low flying planes.
- (vi) There is no buffer zone between the military training area and the community land.
- (vii) Match and shooting done in area populated by pastoralists.
- (viii) Poor Waste management and disposal
- (ix) Certain levels of radio activity detected in the area during the screening stage.
- (x) Munitions and ordinances left lying in the area
- (xi) Diseases such as cancer, blindness, diarrhea etc reported in the area.
- (xii) Water contamination.

Intervention measures:-

- (a) Need to resolve the land dispute between the Kenya Defence forces and the local community
- (b) Creation of a buffer zone
- (c) Determination of the causal relationship between the diseases reported in the area and the military activities
- (d) Need to minimize environmental degradation in the area
- (e) Need to zone the area for purpose of mopping of unexploded ordinances and munitions and to allow vegetation to rejuvenate.

NEMA has the capacity to undertake EIA but the law does not allow NEMA to undertake EIA but instead NEMA licences EI experts who undertake EIA on behalf of agencies who submit it to NEMA for evaluation and investigation if need be by NEMA's technical advisory and evaluation committee. The law prescribes the code of conduct for consultants undertaking EIA.

The Committee recommended that NEMA appoints EIA consultant to undertake an independent EIA on its behalf for objectivity.

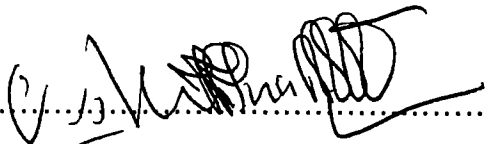
Committee informed that NEMA has been facing challenges in the implementation of the law and government has been among those flouting the law and frustrating the agency in implementation.

MIN. NO. 491/2011: ANY OTHER BUSINESS

Members raised concern over the reinstatement of Hon. Moses Wetangula, MP as the Minister for Foreign Affairs without proper clearance by the investigatory bodies over the purchase of properties for the Kenya Mission in Tokyo. The Committee resolved to await the Ministerial Statement that had been sought by the Hon. Benedict Gunda, MP and the Speaker's ruling before issuing a statement.

MIN. NO. 492/2011: ADJOURNMENT

There being no other business the meeting adjourned at thirty minutes past eleven o'clock.

Signed:  Date: 01/11/2011

CHAIRPERSON

MINUTES OF THE 114TH SITTING OF THE DEPARTMENTAL COMMITTEE ON DEFENCE AND FOREIGN RELATIONS HELD ON WEDNESDAY, 13TH JULY, 2011 IN COMMITTEE ROOM, 2ND FLOOR, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS AT 10.30 PM.

PRESENT

The Hon. Adan Keynan, MP – **Chairperson**
The Hon. Benedict Gunda, MP – **Vice Chairperson**
The Hon. George Omari Nyamweya, MBS, MP
The Hon. Jeremiah Kioni, MP
The Hon. Martin Ogindo, MP
The Hon. Wilson Litole, MP
The Hon. Kiema Kilonzo, MP
The Hon. Peter E. O. Anyanga, MP

Hon. Raphael Letimalo, MP
Hon. Luka Kigen, MP

ABSENT WITH APOLOGY

The Hon. Mohamed Hussein Ali, MP
The Hon. Charles Kilonzo, MP
The Hon. Eugene Wamalwa, MP

IN ATTENDANCE: KENYA NATIONAL ASSEMBLY

Emejan Nicholas - Clerk Assistant II

MINISTER FOR LANDS

Hon. James Orengo, EGH, MP – Minister
Dorothy Angote – Permanent Secretary
Zablon Mabea – Commissioner of Lands
Esther N. Ogega – Director, Lands and Adjudication and Settlement

PRELIMINARIES

The meeting started with a word of prayers followed by brief introductions.

MINUTE NO. 474/2011: CONFIRMATION OF MINUTES OF PREVIOUS SITTING

Confirmation of minutes of the previous sittings was postponed to the next sitting.

MINUTE NO. 475/2011: MEETING WITH THE MINISTER FOR LANDS

The Minister of Lands, Hon. James Orengo, EGH, MP appeared before the Committee and briefed it on land owned or reserved for the Kenya Defence Forces. He briefed the Committee as follows:-

1. Acreage of the gazette military training area in Archer's Post and Ngong

(a) Archers post

The military training area in Archers Post, Samburu District, measures 90,965 acres (36,813 ha). The area was gazette on 31st October, 1977 vide Gazette notice No. 3210.

(b) Ngong area

In Kajiado District there are four vested in DOD for military use:-

- (i) Ngong rifle range – the site is located on the outskirts of Ngong town. The area was gazette in 1972 covering an area of 1011.75 Ha (2500 acres).
- (ii) Ngong Kibiko – the site was gazette in 1972 measuring 5 Ha (12.4 acres). It is used as a UN redeployment/transit camp and athletics camp.
- (iii) 50 ACB military training area – the land measures 10,000 acres and is used for military pilot training. No record of gazette.
- (iv) Ibisil training – the site measures 100 Ha and is used for training for the 50 ACB and army units. No record of gazette.

2. Land adjudication in Waso adjudication area, Samburu East District

East Waso adjudication section was declared an adjudication area on 23rd September, 1981. The area was adjudicated into 41 parcels of land ranging in size from 35,552 ha to 113,656.8 ha. The adjudication exercise was finalized in the year 2009 and the section is now registered under the Registered Land Act (Cap 300).

Larisoro military training area measures 36,813 Ha is located within the Waso adjudication section. Losesia group ranch which owns parcel No. 1 measuring 1134,653.8 Ha abuts the military land in the same adjudication section.

A gazette notice only serves to set aside land for government use.

3. Alleged encroachment into the Losesia group ranch/community land by the Kenya Defence Forces

The military land at archers post allegedly overlaps into areas settled by the local community. There are no visible beacons or boundary marks on the ground to show the extent between the military land and the local community.

During the demarcation to ascertain the rights and interests in the adjudication section, the interest of the military was not recorded, nor did it lodge an objection during the publication of the register and therefore the land was set for the people of the area and titles issued.

During adjudication interested parties are requested to lodge their interest or objection. A notice of adjudication was issued to the Department of Defence with regard to the land at Archers Post.

4. Military land in the Country

The Ministry of Lands in collaboration with the Department of Defence has inventorised 51 parcels of land in the country under military use.

Region	No of plots	Area in Hectares (Ha)
Coast	9	86,909.3
Nairobi	6	3,281.5
Eastern	4	16,855
Rift Valley	23	462,360.7
Western	1	324
North Eastern	8	101,521.8
Total	51	584,343

Committee concerns

1. Land adjudication process.
2. Why the Minister has not revoked titles of military land allocated to private developers
3. Process of compensating communities for land used by the military
4. Measures taken against officers in the Ministry of Lands who allocated military land to individuals
5. Encroachment of military land

The Minister for Land responded as follows:-

- (i) The land adjudication process is conducted under the provisions of the Land Adjudication Act (Cap 284) and the Trust Land Act. During land adjudication interested parties are required to lodge their interest or objection. Land adjudication committees are appointed at the district level. Adjudication is done on the basis of natural physical features.
- (ii) The Ministry has in the past revoked titles where there has been a complaint. The Ministry revoked titles by private developers claiming ownership of the area occupied by the Department of Defence Mining School.
- (iii) When there is established that fraud took place and an officer is implicated action is taken by the Ministry in accordance with the law. The ministry reports the matter to the police and the KACC.
- (iv) Compensation is normally carried out for those who were allocated land genuinely. There is need for communities on whose land the military is undertaking exercises to be compensated.
- (v) Encroachment on military land has taken place in various parts of the country. For example military ordnance factory land in Eldoret, Karen, Embakasi, Rumuruti etc.

The Committee directed that the Minister provides a detailed report on the :-

- (i) Total acreage of the original military land as set aside for military use, location and titles if any.
- (ii) Current acreage of the military land, location and titles if any.
- (iii) Names of individuals and companies that have acquired land set aside for military use.
- (iv) Action taken against officers who allocated land meant for military use?
- (v) Action taken against individuals who have acquired military land?
- (vi) The original acreage of military land in Karen, Embakasi, and Rumuruti. The names of individuals and companies who have been allocated military land in the above areas and other parts of Kenya.
- (vii) Trust land versus registered land and if military land is secure from trusteeship /adjudication?

The Minister undertook to submit a comprehensive report on military land in one month's time (13th August, 2011)

MINUTE NO. 476/2011: ANY OTHER BUSINESS

The Chairperson informed the Committee that the Minister for Defence had requested for a rescheduling of a meeting with the Committee to Friday 15th July, 2011.

MINUTE NO. 477/2011: ADJOURNMENT

There being no other business the meeting adjourned at Twenty minutes past twelve O'clock.

Sign:

(Chairperson)

Date:

01/11/2011

MINUTES OF THE 112TH SITTING OF THE DEPARTMENTAL COMMITTEE ON DEFENCE AND FOREIGN RELATIONS HELD ON TUESDAY, 12TH JULY, 2011 IN COMMITTEE ROOM, 2ND FLOOR, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS AT 11.00 AM

PRESENT

The Hon. Adan Keynan, MP – **Chairperson**
The Hon. Benedict Gunda, MP – **Vice Chairperson**
The Hon. George Omari Nyamweya, MBS, MP
The Hon. Jeremiah Kioni, MP
The Hon. Martin Ogindo, MP
The Hon. Eugene Wamalwa, MP
The Hon. Wilson Litole, MP
The Hon. Kiema Kilonzo, MP
The Hon. Peter E. O. Anyanga, MP

ABSENT WITH APOLOGY

The Hon. Mohamed Hussein Ali, MP
The Hon. Charles Kilonzo, MP

IN ATTENDANCE: KENYA NATIONAL ASSEMBLY

Emejan Nicholas - Clerk Assistant II

MINISTRY OF IMMIGRATION AND REGISTRATION OF PERSONS

Hon. Otieno Kajwang, EGH, MP - Minister
J. P. Munyoki, Deputy Director
D. O. Opon – Assistant Director
A. Odipo – Principal Immigration Officer
N. Ongeru – Legal Officer Immigration
J.A. Orindi

PRELIMINARIES

The meeting started with a word of prayers followed by brief introductions.

MINUTE NO. 468/2011: CONFIRMATION OF MINUTES OF PREVIOUS SITTING

Confirmation of previous minutes was postponed to the next sitting.

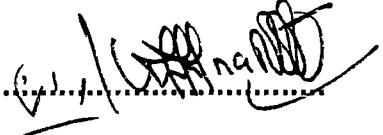
MINUTE NO. 469 /2011: MEETING WITH THE MINISTER FOR IMMIGRATION AND REGISTRATION OF PERSONS

The Minister for Immigration and registration of Persons Hon. Gerald Otieno Kajwang, EGH, MP briefed the Committee on the Immigration requirements on persons entering or leaving the

- (iv) The Ministry of Immigration does not however have the capacity to determine the chemicals in the munitions brought in by foreign forces for training in Kenya.
- (v) The Ministry is not aware if there has been an EIA done on the military training areas.
- (vi) The MOUs between Kenya and the UK and Kenya and the USA are binding to the signatory parties as they facilitate their engagements in the specific area of cooperation.

MINUTE NO. 470 /2011: ADJOURNMENT

There being no other business the meeting adjourned at ten minutes past twelve O'clock.

Sign: 
(Chairperson)

Date: 12/7/2011

MINUTES OF THE 96TH SITTING OF THE DEPARTMENTAL COMMITTEE ON DEFENCE AND FOREIGN RELATIONS HELD ON THURSDAY, 12TH MAY, 2011 IN COMMITTEE ROOM, 4TH FLOOR, PARLIAMENT BUILDINGS AT 10.00 AM

PRESENT

The Hon. Adan Keynan, MP – **Chairperson**
The Hon. Benedict Gunda, MP – **Vice Chairperson**
The Hon. Mohamed Hussein Ali, MP
The Hon. Peter E. O. Anyanga, MP
The Hon. Jeremiah Kioni, MP

ABSENT WITH APOLOGY

The Hon. Wilson Litole, MP
The Hon. Charles Kilonzo, MP
The Hon. George Omari Nyamweya, MBS, MP
The Hon. Eugene Wamalwa, MP

ABSENT

The Hon. Kiema Kilonzo, MP
The Hon. Martin Ogindo, MP

IN ATTENDANCE: KENYA NATIONAL ASSEMBLY

Emejan Nicholas - Clerk Assistant II
Jackline Wairimu - Parliamentary Intern

MEMBERS OF PARLIAMENT FROM BORDER CONTITUENCIES

Hon. Jospaht Nanok, MP – Turkana South Constituency
Hon. John Mbadi, MP – Gwasi Constituency
Hon. Raphael Letimalo, MP – Samburu East Constituency

PRELIMINARIES

Meeting started with a word of prayer.

MINUTE NO. 401/2011: CONFIRMATION OF MINUTES OF PREVIOUS SITTINGS

Confirmation of Minutes of previous sitting was postponed to the next sitting.

**MINUTE NO. 402/2011: MEETING WITH MEMBERS OF PARLIAMENT FROM
BORDER CONSTITUENCIES**

Brief by Hon. Josphat Nanok, MP – Assistant Minister for Forestry and Wildlife

The Hon. Josphat Nanok, MP informed the committee that:-

- i. Turkana County borders Uganda, Sudan, and Ethiopia. The vast border on the Kenyan side is unmanned. Todonyang area lies on the delta of Lake Turkana. It is a breeding area for fish. It is also a suitable area for pastures due to the receding water levels at the lake. Much of the delta area is now in Kenya. The Merille have been moving towards Kenya with the receding water levels.
- ii. Reports indicate that the massacre started with the killing of two Turkana fishermen at the lakeside in Todonyang area. During the day of the massacre Turkana villagers had gone shopping on the Ethiopian side of the border.
- iii. It is believed that more than 40 Kenyans were killed but only 29 bodies were recovered and buried. Many more Kenyans are still missing and unaccounted for.
- iv. Due to the constant attacks by the Merille Kenyans have moved more than 40 kilometres further away from the border to a place called Loarengak. Each attack by the Merille who are backed by Ethiopian security apparatus has displaced Kenyans and the Merille's inhabit the abandoned area. The Merille have as a result of the invasions occupied Namoruputh village which is on the Kenyan side of the border.
- v. While the Ethiopian government has armed over 900 reservists who are backed by a contingent of military personnel the Kenyan border is unmanned safe for Kibish and Nadapal border points which are manned by a few police officers. Twenty seven other border points are unmanned leading to insecurity in the porous borders. The Prime Minister accompanied by Senior Government officials and security officers visited the area but due to the militarization of the delta area of Nadapal by the Merille, the Prime Minister and the accompanying team could not reach the border point. The security team advised that the delegation should not venture into the delta area in the border.
- vi. The local provincial administration and security officers in the area have not been facilitated to effectively perform the responsibilities. The district

commissioner lacks a vehicle and the station is only manned by six police officers who are constantly in search of water, food or other essentials including salaries.

- vii. The only military post in Turkana County, which borders three countries, is at Nadapal. The Ugandans and the Ethiopians have militarized their side of the border. There are limited incidences of insecurity on the Uganda side, it is only the Ethiopian side that has rampant insecurity due to incursions by the Merile.

The Hon. Josphat Nanok, MP, Assistant Minister for Forestry and Wildlife and Member for Turkana South Constituency appealed to the Committee to visit the affected areas.

The Committee expressed concern that the Government is reactive by responding to insecurity in the border after Kenyans have been killed.

The meeting resolved that:-

- All foreigners inhabiting Kenya without invitation should leave the country.
- The government should urgently demarcate its territorial boundaries.
- All missing person should be accounted for and the government should pursue the matter with the Ethiopian Government.
- The Government should urgently provide food and water to those displaced by the Merille during the attack.
- The Government should boost security at the border. Military presence be beefed up in the area to match the actions by the neighboring countries.
- The Government should open up access to the Kenyan side of the delta currently occupied by the Merile for the Turkana herders by deploying security forces.

Brief by Hon. John Mbadi, MP – Member of Parliament for Gwasi Contituency

The Hon. John Mbadi, MP, Member of Parliament for Gwasi Constituency informed the Committee that:-

- (i) There are three islands on the Kenyan side of Lake Victoria. The pyramid island, Migingo and Ugingo. Pyramid Island is located towards the Tanzania and is not inhabited due to its steepness and is infested with cactus. Migingo Island is inhabited and Ugingo Island only 150 metres from Migingo Island. It is agriculturally productive.

- (ii) Settlement at Migingo Island begun in the 80's by Kenyan fishermen. The island is used as a landing site by fishermen and is administered from Migori which is in Nyatike Constituency. However in 2004 Ugandan security forces came to the island in the pretext of providing security. Their arrival was initially welcome but they started levying taxes and arresting those who refused to pay taxes.
- (iii) In 2009 the Government of Kenya and Uganda discussed the matter and it was agreed that experts /surveyors from the two countries demarcate the common border, Uganda removes its police from the island and further that it lowers its flag hosted in the island. The Parliament of Kenya passed a resolution for the government to use all means to recover the Kenyan territory under occupation by foreigners. Since the passing of the resolution by the House and the agreement to survey the border the Government has not reported progress.
- (iv) From available maps and the constitution of Uganda the aforementioned islands are in Kenya and not Uganda. Migingo is ½ Hrs boat ride from Muhuru bay in Kenya and 8 Hrs boat ride from mainland Uganda. Currently there are 18 Ugandan police officers in the island who levy a tax of Kshs. 400 per boat that lands at the island. Ugandan farmers have invaded Ugingo Island under the protection of Ugandan police and have already planted crops and constructing houses in the island.
- (v) There is growing concern among the local people that Uganda might take over all the Kenyan islands in Lake Victoria and further that the Government is reluctant to repossess Kenyan territory.

The Committee expressed concern that the Ministry of Foreign Affairs and the Ministry of Lands have not reported progress on the resolution passed by Parliament and the progress in the survey of the border in spite the Government allocating money for the exercise.

Brief by Hon. Peter Omondi Anyanga, MP

The Hon. Peter Omondi Anyanga, MP, Member of Parliament for Nyatike Constituency informed the Committee that:-

- (i) Migingo Island is in Nyatike Constituency and inhabited by Kenyans.
- (ii) In 2007/2008 Ugandan security forces invaded Muhuru sub location in Nyatike Constituency and shot Kenyans.
- (iii) There are no Kenyan security personnel at the islands and in areas along the Lake yet Uganda and Tanzania maintain strong naval presence in Lake Victoria.

The Member expressed concern that the lack of Kenyan security personnel in Lake Victoria exposes Kenyan fishermen to harassment and invasion by foreigners.

Brief by Hon. Raphael Letimalo, MP

The Hon. Raphael Letimalo, MP, Member of Parliament for Samburu East Constituency, informed the Committee that:-

The Kenyan military in conjunction with the British military conduct training exercises in Samburu east constituency. The land allocated for military training was gazette in 1977 but over the years the British military have encroached on community land without the consent of the community. As a result the community has raised the following issues through the Ministry of State for Defence but no reprieve was forthcoming:-

- (i) Encroachment of Losesia group ranch - The British Army has extended the training area beyond the gazetted land without the consent of the community or group ranch owners. The British military has constructed three (3) permanent camps in the group ranch.
- (ii) Lack of compensation for the community – There is compensation offered to the community or the group ranch owners for use of their land for military training as is the case for private ranchers in Laikipia. During military exercises many unexploded munitions are left in the field. The herders and their livestock have been killed maimed by explosions from the munitions. The military has not compensated the victims.
- (iii) Harassment - The British Army harasses the herders. The British Army use live bullets and helicopters to chase herders away. As a result of the stress many livestock and people die due to stress related illnesses. There have been reported cases of British military raping women in the area.
- (iv) Environmental degradation - The munitions used by the British military may contain poisonous and hazardous substances which affect people, livestock and wild animals in addition to destroying the environment. Cases have been reported of women miscarrying after the military exercise and people contracting respiratory diseases.
- (v) Lack of support to the Community - There is minimal support to the neighboring community in the form of Corporate Social Responsibility.

MINUTE NO. 403/2011: ANY OTHER BUSSINESS

The Committee resolved to invite the following to brief it on issues surrounding border security:-

- Minister for Defence
- Minister for foreign affairs

- Minister in charge of internal security

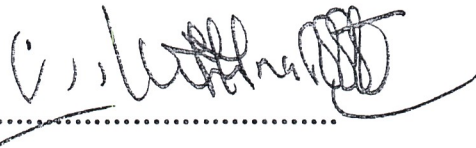
The Committee further resolved to visit:-

- Lake Victoria – Migingo
- Visit Turkana County – Nadapal and Todonyang
- Visit Samburu East
- Visit Mandera border

MINUTE NO. 404 /2011: ADJOURNMENT

There being no other business the meeting adjourned at Forty Minutes past eleven O'clock.

Sign:



Date:

4/7/2011

(Chairperson)

MINUTES OF THE 76TH SITTING OF THE DEPARTMENTAL COMMITTEE ON DEFENCE AND FOREIGN RELATIONS HELD ON TUESDAY, 22ND FEBRUARY, 2011 IN COMMITTEE ROOM, 5TH FLOOR, CONTINENTAL HOUSE, PARLIAMENT BUILDINGS AT 10.00 A. M.

PRESENT

The Hon. Adan Keynan, M.P. – Chairperson
The Hon. Benedict Fondo Gunda, M.P. – Vice Chairperson
The Hon. Wilson Mwotiny Litole, M.P.
The Hon. Jeremiah Ngayu Kioni, M.P.
The Hon. Martin Ogindo, MP
The Hon. Kiema Kilonzo, MP
The Hon. George Omari Nyamweya, MBS, M.P.
The Hon. Charles Kilonzo, M.P.
The Hon. Peter Edick O. Anyanga, M.P.
The Hon. Mohamed Hussein Ali, MP
Hon. Gideon Konchellah, MP
Hon. Polyns Ochieng, MP
Hon. Fred Kapondi, Mp

ABSENT WITH APOLOGY

The Hon. Eugene Wamalwa, M.P.

IN ATTENDANCE : NATIONAL ASSEMBLY

Mr. Nicholas Emejen – Second Clerk Assistant
Mr. Sherrifsam Mwendwa – Legal Counsel
Ms. Wairimu – Parliamentary Intern

MINISTRY OF STATE FOR DEFENCE

Hon. Yusuf Hajji, EGH, MP - Minister
Hon. Joseph Nkaissery, MP- Assistant Minister
General J. M. Kianga – Chief of General Staff
Amb. Nancy Kirui, CBS – Permanent Secretary
Maj. G. O. Kihalangwa – ACGS P & L
Brig. A. Nyandong – Chief of Logistics
Brig. K.O. Dindi – Chief of Legal Services

PRELIMINARIES

The Chairperson called the meeting to order, and thereafter the meeting started with a word of prayer followed by brief introductions.

MINUTE NO. 320/2011: CONFIRMATION OF MINUTES OF PREVIOUS SITTINGS

Confirmation of Minutes of previous sittings was postponed to the next sitting.

MINUTE NO: 321/ 2011 – MEETING WITH THE MINISTER OF STATE FOR DEFENCE

Evidence was adduced as follows:-

Evidence by Hon. Yusuf Haji, EGH, MP – Minister for Defence

Premature retirement.

The five officers voluntarily retired based on reasons that they gave in their letters of resignation. Their request was granted on November 25, 2010. According to the rules and regulations in the Armed Forces an officer can request for an early voluntary retirement.

Correlation between retirement and procurement

There is no correlation between the retirement of the senior military officers with procurement processes in the Armed Forces since the officers retired voluntarily.

Extension of service for senior military officers

The following officers had their tenure of service extended:- Col. Kosgey; Col. Hussein; Col. Ndungu of the Kenya Air Force. The extension was on the basis of the requirement of their services by the Armed Force considering their experience and the developments in the security/defence sector.

Procurement in the Armed Forces

The Defence Modernization Programme was launched in 2005 and was estimated to cost Kshs. 62 Billion. In 2006 the programme was fastracked due to the threat perception at the time from a period of ten years to three years to cover financial years 2007/2008, 2008/2009 and 2009/2010. The focus was on the following priority areas which have so far been achieved as follows:-

- Early warning – 70% achievement
- Fire power – 76.4 % achievement
- Mobility - 70% achievement
- Communication - 30% achievement
- Man power – 98% achievement
- Infrastructure - 50% achievement

The modernization programme is so far under funded by Kshs. 25 Billion thus affecting the implementation of some of the programmes.

Refurbishment of Panhard AML armored scout cars

Authorization for the refurbishment of the scout cars was done in 2006 by the equipment and infrastructure approval committee. Request for expression of interest was sent to 15 companies but only 5 firms responded but only two firms, Darnell of South Africa and Saymar of Israel, responded to the tender documents.

- A special technical evaluation committee composed of military officers evaluated the two firms and in April 2007 Saymar of Israel was awarded the contract.
- In May 2007 the contract was approved by the Ministerial Tender Committee (MTC).
- September 2007 the Ministry signed a contract with Saymar limited for the refurbishment of and upgrade of 42 Panhard AML 245. In addition, the contract provided for the training of technicians and instructors. Delivery date was on 11th September 2009, 22 months from the effective date of signing the contract.
- On the effective date of the contract, 11th November 2007 a bankers cheque of US\$10, 251, 458 equivalent to Kshs. 820, 116, 640 was made. The balance of US \$7, 176, 020.60 or Kshs. 574, 816, 048 constituting 70% of the contract sum was paid against a bankers guarantee on 23rd September 2008.
- To date only 20 AML's have been finalized and accepted. The delay in the programme was due to PEV which caused late installation of the machines and renovation of the workshop. This occasioned an adjustment in the delivery date to 11thg march 2010 but this was not possible due to the underperforming of the engines in the field.
- Since then the Ministry has had several meetings with the company and conducted several engine tests including at the NYS workshops and at the University of Nairobi. The meetings agreed that:-
 - M/s Saymar Limited meets its contractual obligations.
 - M/s Saymar Limited Install dynameters in DOD workshop in Lanet by January 2011
 - Engineers from the two parties to test and ensure that 102 Horse Power is achieved as stipulated in the contract and that the engines perform in the field.
 - Delivery date of the 42 AML's be extended to June 2011.
 - M/s Saymar limited to collect 19 AML, 60 turrets and install thermal signs.
- Letters of commitment have been received and the ministry is in the process of preparing and signing the supplementary contracts.
- Five AML's are ready and the technical committee is processing the necessary documents of acceptance.

Procurement of F5 Fighter Jets

The F 5 Air Craft is a multi role Aircraft designed with air superiority and limited ground attack capacity. It can perform air interceptions, battlefield interdiction, close air support, technical reconnaissance and counter area operation. Though manufactured in the 60's they remain operational in countries such as Spain, Brazil and Singapore.

Kenya first purchased the F-5EF in 1978 and again in 1990. The attrition in this air crafts has created security gaps that required urgent action in order to attain acceptable levels of Air Defence. To bridge the gap the air force sought either to purchase new fighter air crafts such as F-16, Fokker 30 or additional F-5. Due to budgetary constrains and unavailability of ready funds to purchase new air crafts which are costly as compared to old but serviceable air crafts, a decision was made to purchase serviceable F-5. Other factors that influenced this decision included:-

- Training of air and ground crew for new air crafts and construction of support in infrastructure
- It would require 5 years for the new platform to be fully operational.

Two options were available, to purchase new ones from Saudi Arabia or to purchase old but serviceable air crafts from Jordan. The Jordanian option was cheaper. The Government opted to purchase 15 F-5 from Jordan at a total cost of Kshs. 14, 850, 000, 000. This was only a stop gap measure. With availability of funds the way forward is to purchase modern and powerful aircraft.

Training of British Army in Kenya

Training of British Army in Kenya is based on an MOU on Defence Corporation between the Government of Kenya and the Government of the United Kingdom. The first MOU was signed in April, 1980 and have been reviewed by the two parties after every five years with the last review being in 2010. The agreement provides for training of the British Army in defined training areas.

The MOU is on a reciprocal basis and train alongside and Kenya Army Engineer Units, and also KWS and Administration Police. Under the MOU the British infantry and engineering units carry out exercises in Kenya as well as civil engineering projects to assist local communities. The training is regulated in compliance with Kenyan and British safety and clearance procedures and rules including a joint annual unexploded ordinance clearance validation exercise.

Prior to commencement of firing, the training area is cleared of humans and livestock, with the assistance of the provincial administration, so as to ensure safety.

The British Army has engaged in corporate social responsibility in the areas of training and Kenya in general in areas of health, social community development, employment, education, water and energy.

Evidence by Maj. Gen. Kianga - Chief of General Staff,

Operational status of the Defence Forces

The operational status of the Navy is below expectation. The department of defence is however addressing the underlying challenges.

Due to inadequate funding and other issues it was not possible to retrofit the warships as recommended by the manufacturers thus creating gaps. The ships operated by the navy are ageing and there is therefore need to acquire new equipment. The way forward is to acquire the capacity to repair ships up to the fourth line and this requires technology acquisition and capacity development.

The replacement, decommissioning or retrofit for equipment is based on the strategic defence review (SDR).

The force ratio between Kenya and neighbors is a concern in terms of human resource and equipment. To address this challenge the department of defence embarked on the modernization programme and has achieved considerably in the following priority areas.

-
- Firepower – better equipment
- Manpower - 98% achievement
- Early Warning - 70% delivery
- Mobility - this will ensure the mobility of forces. Equipment such as helicopters, APC's are being purchased to increase mobility. The department is also refurbishing AML's and acquiring necessary technology for repair of equipment.
- Infrastructure – the ministry is investing in the capacity to meet threats however underfunding is affecting infrastructure development.

Procurement of F5 Fighter Jets

The F5 Fighter Jet is designed with superior fighting ability. The jets were tested in Jordan before being dismantled and shipped in crates to Kenya. This is an international practice. Though cheaper it is cumbersome to fly the planes from Jordan to Kenya since it will require a lot of logistics and fueling expenses in addition to consuming flying hours.

The dismantling of the jets was done by Jordanian Engineers but assembling was done by Kenyan technicians. The purchase of the fleet from Jordan was a stop gap measure but the way forward in the long run is to purchase modern fighter jets.

In FY 2009/2010 the Ministry trained six pilots locally and overseas and in FY 2010/2011 8 pilots have been trained locally and overseas.

Promotions

Each rank in the Armed Forces has a retirement age with a ceiling. Officers are retired when they reach the ceiling in their ranks. Delivery of services/performance and competence determines promotions.

Recruitment is on the basis of a calculated strength of each community.

MINUTE NO. 322/2011: COMMITTEE CONCERNS

- Skewed promotions
- Alleged malpractices in procurement of major equipment – APC's, AML, F-5 Fighter Jets.
- Delay in midlife refit of equipments (Navy ships)
- Operational serviceability of defence equipment
- Slow place in the military modernization programme

MINUTE NO. 323/2011: ADJOURNMENT

The meeting was adjourned at five minutes past one O'clock.

Sign:
(Chairperson)

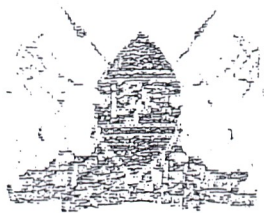
Date:

18/4/2011

Papa Laid (192)

By the K.S. Min. in connection with

for Defence (H.M. Musile) Statement Model 4111.11



2/11/70

MEMORANDUM OF UNDERSTANDING

BETWEEN THE GOVERNMENT OF THE REPUBLIC OF KENYA

AND

THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT
BRITAIN AND NORTHERN IRELAND

CONCERNING

DEFENCE COOPERATION

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MEMORANDUM OF UNDERSTANDING BETWEEN THE GOVERNMENT OF THE
REPUBLIC OF KENYA AND THE GOVERNMENT OF THE UNITED KINGDOM OF
GREAT BRITAIN AND NORTHERN IRELAND CONCERNING DEFENCE
COOPERATION

The Government of the Republic of Kenya and the Government of the United Kingdom of Great Britain and Northern Ireland (hereafter referred to as the "Parties" and separately as a "Party"):

STRIVING to strengthen the good and friendly relations between the Parties by means of close defence cooperation.

DESIRING to draw the maximum benefit from their close defence cooperation;

RECOGNISING that such cooperation will be in accordance with their respective national and international policies and will not conflict with the domestic law of their respective states nor impair the commitments undertaken by their countries in the international field;

WISHING to acknowledge and demonstrate their mutual commitment to the continued development of their defence relationship;

CONFIRMING that the cooperation between the Parties promotes peace and stability and that this cooperation is not directed against any third country;

IN CONSIDERATION OF the needs of the Armed Forces of the United Kingdom and the Kenya Armed Forces regarding cooperation in military training, visits and technical assistance, the status of forces and other related matters;

HAVE REACHED the following understanding.

SECTION 1

AIM

1.1 The aim of this Memorandum of Understanding (hereafter referred to as "MoU") is to enhance defence cooperation by identifying a framework for the exchange of experience and knowledge for the use and mutual benefit of the Parties.

by the law of the United Kingdom over members of the British Visiting Forces their Civilian Component and dependants.

b. Kenyan civil and British Service Authorities may exercise jurisdiction over members of the British Visiting Forces, their Civilian Component and dependants with respect to alleged offences committed in Kenya and punishable by the law of Kenya.

6.3 In cases where the right to exercise jurisdiction is concurrent, British Service Authorities will have the primary right to exercise jurisdiction if:

a. The alleged offence is against the property or security of the United Kingdom, or against the property or person of another member of the British Visiting Forces, their Civilian Component and dependants; or

b. The alleged offence arises out of an act or omission in the course of official duty.

6.4 In any other case, the Kenyan authorities will have the primary right to exercise jurisdiction with respect to alleged offences committed in Kenya and punishable by the laws of Kenya. If the Party having the primary right decides not to exercise jurisdiction, it will notify the authorities of the other Party in writing as soon as practicable. The authorities of the Party having the primary right may give sympathetic consideration to a request from the authorities of the other for a waiver of its right in cases where the other Party considers such waiver to be of particular importance.

6.5 The authorities of Kenya and the United Kingdom will assist each other:

a. In the arrest of members of the British Visiting Forces, their Civilian Component and dependants in the territory of Kenya for the purpose of handing them over to the authority which is to exercise jurisdiction in accordance with the above provisions;

b. The Kenyan authorities will notify the British High Commissioner promptly of the arrest of a member of the British Visiting Forces their Civilian Component and dependants;

c. A member of the British Visiting Forces, their Civilian Component and dependants in Kenya held in the custody of the Kenyan authorities may be released to British Service Authorities on the understanding that such a member

will be presented for investigations and trial as the Kenyan authorities may require. The Kenyan Service Authorities will use its Good Offices to assist in securing such a release.

d. The authorities of Kenya and the United Kingdom will assist each other in the investigation and obtaining of evidence in relation to alleged offences committed by members of the British Visiting Forces, their Civilian Component and dependants in the territory of Kenya;

e. The authorities of Kenya and the United Kingdom will notify each other of the disposition of all cases in which both the authorities of Kenya and the United Kingdom have the right to exercise jurisdiction.

6.6 . Where an accused has been tried by the Kenyan or British Service Authorities ~~and has~~ been convicted or acquitted, which expression includes ~~and~~ being dismissed by the Commanding Officer of the accused after investigation, he or she may not be tried again for the same offence.

6.7 Whenever a member of the British Visiting Forces, their Civilian Component and dependants is prosecuted under the jurisdiction of Kenyan law, they will be entitled to:

a. A prompt and speedy trial,

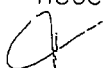
b. Be informed in reasonable time of the trial of the specific charge or charges made against them,

c. Be confronted by the witnesses against them;

d. Have compulsory process for obtaining witnesses in their favour, if they are within the jurisdiction of Kenya;

e. Have legal representation of their own choice for their defence or to have free or assisted legal representation under the conditions prevailing for the time being in Kenya;

f. Have the services of a competent interpreter, if they consider it necessary;



individual Service personnel to visit on official duty, will be notified separately to the Host Authorities. The Host Party may prohibit the entry of personnel or importation of military stores as specified in this sub-paragraph.

14.9 Reciprocal arrangements will be extended to Kenyan Visiting Forces in the United Kingdom.

SECTION 15

TAXATION

15.1 In so far as existing laws, regulations and international agreements permit, the relevant authorities of the Host Nation will ensure that taxes, customs duties and similar charges will not be imposed in connection with this MoU. Where such taxes, customs duties and similar charges are payable, the relevant authorities of the Host Nation will administer them in the manner most favorable to the satisfactory execution of the arrangements described in this MoU.

15.2 Members of the British Visiting Forces in Kenya will be exempt from local income tax and any form of direct taxation or National Insurance contributions on their pay, allowances and other emoluments and benefits (whether in cash in or in kind) paid to them as such members. They will also be exempt from any other form of direct taxation by the Kenyan authorities. They will not be exempt from user charges for public utilities or from charges for other services rendered. Liability to taxation may arise in respect of income from private investments or enterprises undertaken in Kenya according to Kenyan laws and regulations.

15.3 Authorised Service Organisations accompanying the British Visiting Forces in Kenya will be exempt from taxation on any tangible moveable property (excluding private motor vehicles). This paragraph will apply to taxation on such property whether levied in respect of its ownership, possession, use or otherwise.

15.4 Authorised Service Organisations accompanying the British Visiting Forces in Kenya will be exempt from tax on income and profits and will not be liable to the laws of Kenya governing the constitution, management, conduct and taxation of companies or other organizations as such provided that such exemption will not apply to income and profits generated from sale of goods or services to persons other than those specified in this MoU.

15.5 Reciprocal arrangements will be extended to Kenyan Visiting Forces in the United Kingdom.

SECTION 16

FINANCE

16.1 The financial obligations of the Parties will be subject to their respective national laws.

16.2 For any supplies or services which are not provided free of charge by mutual consent, the relevant authorities of the Host Party and the Visiting Forces will negotiate for payment either in cash or in kind.

a. Cash Payments: The Visiting Forces will pay outstanding balances after receipt of an invoice.

b. Payment in Kind. The Visiting Forces may pay by transferring supplies or services that are equal in value to those received if satisfactory to the Host Party

16.3 The Host Party will not obtain services or commit to any commercial contracts on behalf of the Visiting Forces without prior authorization.

16.4 The Visiting Forces will pay for supplies, equipment or services from commercial sources such as food, vehicle hire, laundry, medical, etc, prior to departure from the territory of the Host Party, unless otherwise contractually determined or unless a dispute regarding cost or receipt of services exists. In case of the latter situation arising, every effort will be made to resolve the dispute as soon as possible in order to expedite settlements of accounts.

16.5 Subject to availability, the Host Party will provide the Visiting Forces's personnel with messing and accommodation to the same standard as would be provided to members of the Host Party's armed forces



16.5 The Visiting Forces will not re-transfer logistic support, supplies or services, either temporarily or permanently, to another nation or organization without written consent of the authorities of the relevant Host Party.

16.7 Further detailed financial arrangements, including those for settlement of accounts, may be specified as required in Implementing Arrangements.

SECTION 17

REMITTANCE OF FUNDS

17.1 Remittance between the territory of Kenya and the territory of the United Kingdom will be permitted in respect of:

a. Funds derived by members of the British Visiting Forces from services or employment in connection with their official duties in Kenya.

b. Official funds of the British Visiting Forces and authorized service organizations accompanying them in Kenya.

c. Funds derived by members of the British Visiting Forces from sources outside Kenya subject to any Kenyan laws or regulations in that respect.

d. Funds derived by members of the British Visiting Forces arising from the disposal, in anticipation of departure from Kenya, personnel effects, furniture, motor vehicles and other property which at the time of importation, were officially recorded with the Government of Kenya as being items for use by members of the British Visiting Forces.

e. Funds derived from the sale of locally acquired personal effects, furniture, motor vehicles and other property, purchased with funds from external sources, provided documentary proof of the acquisition and sale of such items is provided to the Kenyan Service Authorities.

17.2 Reciprocal arrangements will be extended to Kenyan Visiting Forces in the United Kingdom.

SECTION 18

IDENTIFICATION

18.1 Visiting Forces must carry passports or Service identity cards with them at all times. The host authorities may issue such identity documents as they deem necessary for Visiting Forces training or otherwise in military establishments.

18.2 Visiting Forces' ships, aircraft, vehicles, stores, equipment, weapons and provisions may carry distinctive identification such as their national flag and markings such as military insignia, titles and official symbols.

SECTION 19

VEHICLE REGISTRATION AND DRIVING LICENCES

19.1 All vehicles belonging to the British Visiting Forces in Kenya will be registered with the British Service Authority and a copy of the register made available on request to the relevant Kenyan Service and Civilian authorities. Registration numbers are to be applied to all vehicles in accordance with Kenyan and British Armed Forces practice.

19.2 The authorities of Kenya and United Kingdom will accept as valid current national driving licenses, international driving licenses or service driving licenses issued by each respective Party to its Armed Forces, Civilian component or dependant in accordance with its domestic laws.

19.3 Within the provisions of United Kingdom law, reciprocal arrangements will be extended to Kenyan Visiting Forces in the United Kingdom

SECTION 20

TRAINING COSTS AND SALARIES

20.1 Both Parties may charge fees for training courses, to include tuition, food, accommodation, training aids and transport. Such fees will be determined between the two Parties when places on training courses are applied for. Each Party will be responsible for paying the salaries of its military personnel and civilian component in the other country.

SECTION 21

INVESTIGATION PROCEDURES FOR ACCIDENTS

21.1 Investigation of an accident or incident involving the Visiting Forces is the responsibility of the authorities of the Party on whose territory the accident or incident under investigation occurred. The Sending Party will, in the spirit of this MoU, cooperate with requests for information and evidence, as may be made by the Chairperson of the inquiry as part of their deliberations. The Visiting Party will be provided with a copy of the Inquiry report.

21.2 The Visiting Party will be entitled to have an observer present at any Inquiry carried out by the Service Authorities of the Host Party. Except when requested to do otherwise by the Host Party, the observer will not have the freedom to cross-examine, or to participate in any other way and will not be present when the Inquiry is deliberating on its findings and recommendations. The observer will normally be no higher in corresponding rank than the Chairperson of the Inquiry.

21.3 A visiting Party may conduct further investigations into an accident or incident in the territory of the Host Party as may be required by its laws or regulations. Any requests for information for use in the pursuit of such investigations will be given sympathetic consideration by the Host Party

SECTION 22

MEDICAL, OPTICAL AND DENTAL

22.1 At the time of their departure for the Host Country, Visiting Forces personnel will be medically and dentally fit. The Sending Party will be responsible for arranging the provision, and for meeting the cost of, medical, optical and hospital treatment (including the provision of spectacles and dentures) of Visiting Forces, and for arranging evacuation in the event that suitable treatment is not available locally. The Host Party may be requested to provide treatment where possible. Charges may be payable for such treatment.

SECTION 23

HANDLING THE DEATH OF A MEMBER OF THE VISITING FORCES

23.1 The death of a member of the Visiting Forces in the Host Nation will be reported to the relevant Host Nation and Visiting Forces authorities. The death will be certified by an accredited doctor of the Host Nation who will issue the certificate.

23.2 If the Host Nation authorities require that an autopsy be carried out on the deceased, this will be done by a doctor of the Host Nation nominated for the purpose. The Host Nation will notify the Commander of the Visiting Forces prior to an autopsy taking place. A doctor appointed by the Visiting Forces authorities may also attend the autopsy which will take place at a time and location stipulated by the Host Nation.

SECTION 24

PROTECTION OF INFORMATION

24.1 Any classified information or material exchanged or generated in connection with this MoU will be used, transmitted, stored, handled and safeguarded in accordance with the respective Governments' applicable laws and regulations. There is to be no disclosure of such information to any third party without the prior written consent of the originating Government.

24.2 Each Party will permit visits to its establishments and facilities by Visiting Forces of the other Government, provided that the personnel have the appropriate security clearances, and that visits have been authorized in advance by the appropriate Service Authorities.

SECTION 25

SETTLEMENT OF DISPUTES

25.1 All disputes connected with the implementation of this MoU will be resolved by consultation or negotiation between the Parties and will not be referred to any national or international tribunal or third party for settlement.

SECTION 26

ENTRY INTO EFFECT, DURATION, AMENDMENT AND TERMINATION

26.1 This MoU supersedes the Memorandum of Understanding between the Government of the Republic of Kenya and the Government of the United Kingdom of Great Britain and Northern Ireland on Visiting Forces, signed in duplicate in Nairobi on 9 February 2006. It will come into effect on the date of the last signature and will remain in effect for a period of five (5) years, at the end of which it may be renewed for a further period, as decided by the Parties. This MoU may be amended at any time, in writing, by mutual consent of the two Parties.

26.2 This MoU may be terminated by either Party by giving the other six (6) months written notice of termination. If the MoU is terminated or it is not renewed, the

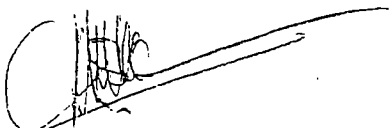
provisions relating to jurisdiction, the treatment of claims, the protection of information and the financial arrangements between the Parties will remain in effect for as long as necessary. In the event of termination, the Parties will negotiate the costs arising from termination.

The foregoing represents the understandings reached between the Government of the Republic of Kenya and the Government of the United Kingdom of Great Britain and Northern Ireland.

Signed at *Nairobi* this *21st* Day of *April* Year Two Thousand and Ten

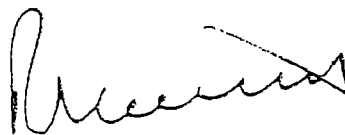
FOR THE GOVERNMENT OF
THE REPUBLIC OF KENYA

FOR THE GOVERNMENT OF
THE UNITED KINGDOM OF
GREAT BRITAIN AND
NORTHERN IRELAND



.....
The Honourable
Mohamed Yusuf Haji FGH MP

Minister of State for Defence

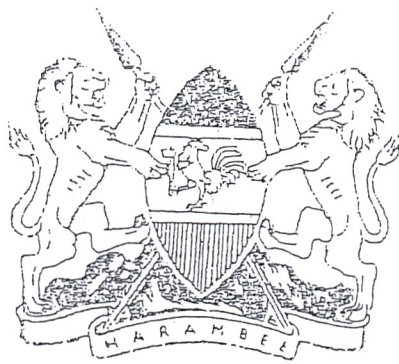


.....
His Excellency Mr Robert Macaire
CMG

British High Commissioner



Paper Law
 (242)
 A/1110



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THE KENYA GAZETTE

Published by Authority of the Republic of Kenya
 (Registered as a Newspaper at the G.P.O.)

Vol. LXXIX—No. 46

NAIROBI, 11th November, 1977

Prior July 1

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GAZETTE NOTICE NO. 3210

THE TRUST LAND ACT

(Cap. 280)

ISSUE OF A NEW LAND CERTIFICATE FOR THE PURPOSES OF AREAS FOR THE ARMED FORCES

WHEREAS the County Councils of Isiolo, Samburu and Turkana were on the 26th September, 1977 served with written notices by the President that the areas of Trust Land specified in the schedule hereto is required for the purposes of the Government of Kenya, notice is hereby given for and on behalf of the County Councils of Isiolo, Samburu and Turkana that the said designated Trust Land is required to be set apart for the expansion of areas for the Armed Forces and that all applications for compensation by persons who claim to be entitled to compensation under section 2 of the Trust Land Act, Cap. 280 should be submitted to the respective District Commissioners of Isiolo, Marsabit and Lodwar beginning from 15th November, 1977 up to and including the 15th day of December, 1977.

SCHEDULE

The area of the presently designated Trust Land as shown indicated on the respective plans may be seen at the offices of the District Commissioners at Isiolo, Marsabit and Lodwar or may be obtained from the Commissioner of Lands P.O. Box 3000 Nairobi at the cost of Sh. 10 per copy.

Dated this 13th day of October, 1977.

J. K. NIENGA
Commissioner of Lands

GAZETTE NOTICE NO. 3211

THE REGISTERED LAND ACT

(Cap. 300 section 35)

ISSUE OF A NEW LAND CERTIFICATE

WHEREAS Wacanga Wacokha of Maramba Area P.O. Box 977 Machakos in the Republic of Kenya is registered as proprietor in absolute ownership interest of all that piece of land containing 1.6 hectares or thereabouts situated in the District of Bungoma known as Parcel No. 460 registered under Title No. Mbaraka/S. Namoyi/460, and whereas sufficient evidence has been adduced to show that the Land Certificate issued thereon has been lost, notice is hereby given that after the expiration of sixty (60) days from the date hereof I shall issue a new Land Certificate provided that no objection has been received within that period.

Dated this 1st day of November, 1977.

J. M. K. OSORO,
Land Registrar
Bungoma

GAZETTE NOTICE NO. 3212

THE REGISTERED LAND ACT

(Cap. 300 section 35)

ISSUE OF A NEW LAND CERTIFICATE

WHEREAS Kibaki Kibani of P.O. Box 30, Migori in the Republic of Kenya is registered as proprietor in absolute ownership interest of all that piece of land containing 0.52 hectares or thereabouts situated in the District of Bungoma known as Parcel No. 481 registered under Title No. Nibvisi/Mbari/1971, and whereas sufficient evidence has been adduced to show that the Land Certificate issued thereon has been lost, notice is hereby given that after the expiration of sixty (60) days from the date hereof I shall issue a new Land Certificate provided that no objection has been received within that period.

Dated this 1st day of November, 1977.

J. M. K. OSORO,
Land Registrar
Bungoma

GAZETTE NOTICE NO. 3213

THE REGISTERED LAND ACT

(Cap. 300 section 35)

ISSUE OF A NEW LAND CERTIFICATE

WHEREAS Ngari Wakaba of P.O. Box 122, Kiambu in the Republic of Kenya is the registered as proprietor in absolute ownership interest of that piece of land containing 1.6 hectares or thereabouts situated in the District of Kiambu known as Parcel No. 149/Kiambu/558, and whereas sufficient evidence has been adduced to show that the Land Certificate issued thereon has been lost, notice is hereby given that after the expiration of sixty (60) days from the date hereof, I shall issue a new Land Certificate provided that no objection has been received within that period.

Dated this 28th day of October, 1977.

MARY W. KIARU,
Land Registrar, Kiambu

GAZETTE NOTICE NO. 3214

THE REGISTERED LAND ACT

(Cap. 300 section 35)

ISSUE OF A NEW LAND CERTIFICATE

WHEREAS Mwangi s/o Muli - HENRY 24701 of Kiambu Location in the Republic of Kenya is registered as proprietor in absolute ownership of all that piece of land containing 1.84 hectares or thereabouts situated in the District of Kiambu known as Parcel No. 499 registered under Title No. Mwangi/Henry/299, and whereas sufficient evidence has been adduced to show that the Land Certificate issued thereon has been lost, notice is hereby given that after the expiration of sixty (60) days from the date hereof I shall issue a new Land Certificate provided that no objection has been received within that period.

Dated this 1st day of November, 1977.

J. M. MURUKU,
Acting Land Registrar
Nyeri District

GAZETTE NOTICE NO. 3215

THE REGISTERED LAND ACT

(Cap. 300 section 35)

ISSUE OF A NEW LAND CERTIFICATE

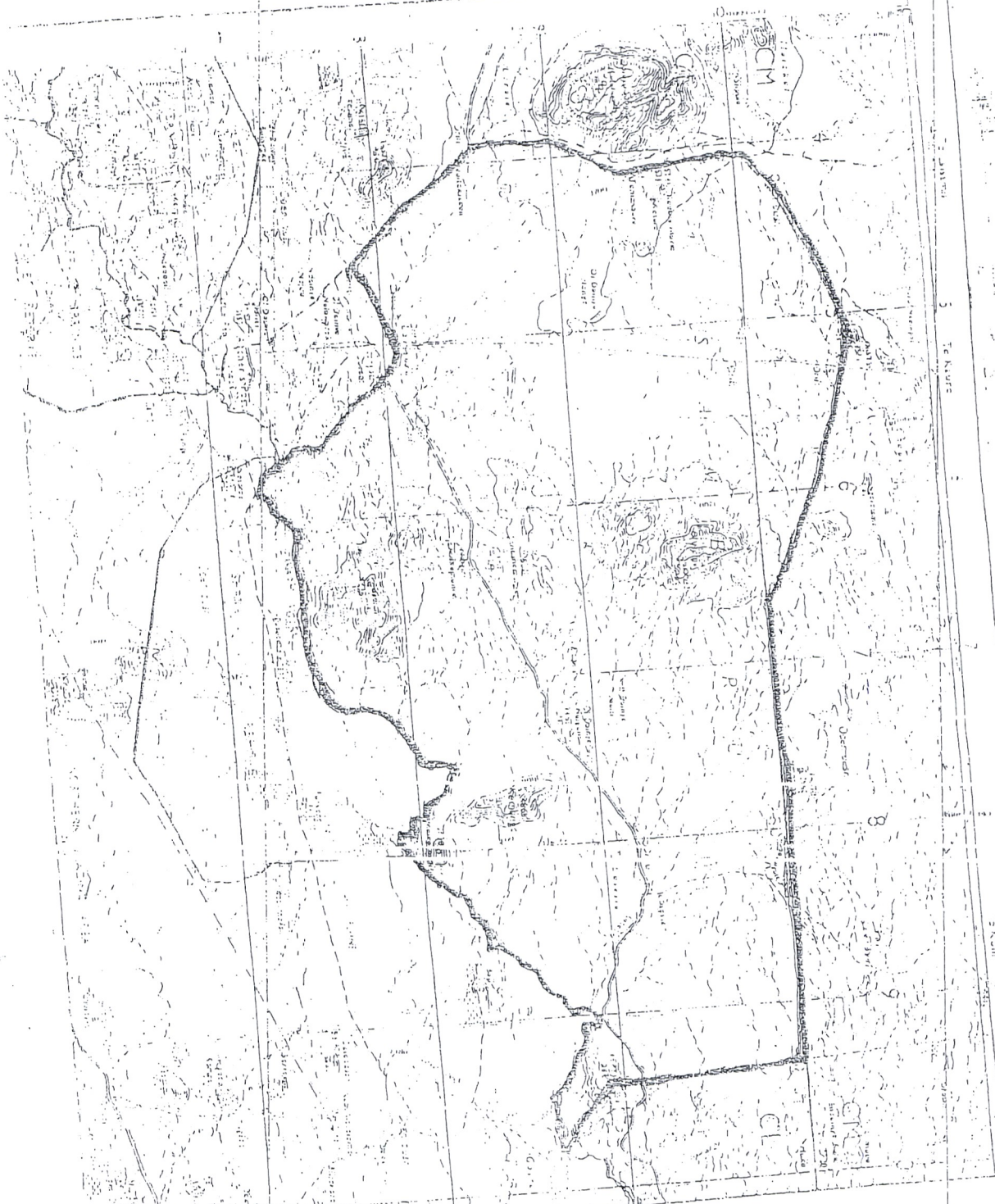
WHEREAS Mwangi, s/o Chini of Thika, Kamukoya Location in the Republic of Kenya is registered as proprietor in absolute ownership of all that piece of land containing 0.206 hectares or thereabouts situated in the District of Nyeri known as Parcel No. 518 registered under Title No. Kamukoya/518, and whereas sufficient evidence has been adduced to show that the Land Certificate issued thereon has been lost, notice is hereby given that after the expiration of sixty (60) days from the date hereof, I shall issue a new Land Certificate provided that no objection has been received within that period.

Dated this 23rd day of October, 1977.

J. M. MURUKU,
Acting Land Registrar
Nyeri District

A-1002-X

SAMBURU MILITARY TRAINING AREA



Scale 1:50,000

Approx. Grid E = 54184
 M.A. - 3710
 ON 5000 200000
 FQDN 9886 9589 950
 5005 4012 404
 4578 509 5875
 9886

APPROX AREA 13000040

PROJECT	SAMBURU MILITARY TRAINING AREA
SCALE	1:50,000
DATE	1980
DRAWING	10000040
DATE	1980
SCALE	1:50,000
DATE	1980
DRAWING	10000040
DATE	1980
SCALE	1:50,000
DATE	1980
DRAWING	10000040
DATE	1980

OFFICE OF THE PRESIDENT

Telephone: Maralal 6

LAND ADJUDICATION DEPARTMENT,
P.O. BOX 6,
MARALAL.

Ref. LA/SEC/13/(7)

23rd September, 1981.

LAND ADJUDICATION ACT CAP. 284
DECLARATION OF AN ADJUDICATION
EAST WASO ADJUDICATION SECTION - SANBURU DISTRICT

In accordance with the provisions of section 5 of Land Adjudication Act Cap. 284, I the Land Adjudication Officer for Sanburu District, do hereby declare EAST WASO of MARALAL Adjudication Area of Wamba Division to be an Adjudication Section. The boundaries of which are as follows:-

"Commencing at the junction of Archers Post-Marsabit and Keare-Nom main roads, the boundary generally due East runs along Keare-Nom old main road through Keare trading centre to Nom trading centre, at the same point is the Isiolo-Sanburu District boundary as well as Provincial boundary, R. P./Eastern Province.

At this point, the boundary turns Southwards along the District/Provincial boundary to Swaco Nyiro river. Thence South Westwards up stream the boundary follows Keare Nyiro river to meet with Larisore Logga, thence north Westwards up stream the boundary follows Larisore Logga to join the East main road, thence in the same direction along Keare Nyiro river crossing Marti/Archers Post main road to the junction of the great North road in the vicinity of a distance of 15 metres to the junction of Deorata/Wamba and Marsabit main roads.

Thence, the boundary turns Northwards along the great North Marsabit main road to its junction with Keare-Nom old main road, the point of commencement."

All rights and interests in land within this Adjudication Section will be ascertained and recorded in accordance with the provisions of the Land Adjudication Act Cap. 284 and any person claiming any such rights or interests is requested to present his/her claim to the Recording Officer either in person or by duly authorized agent not later than 22nd January 1982.

From the date of this notice of this notice of commencement with effect from the date of this notice, except with the prior consent of the Land Adjudication Officer for Sanburu District, no person shall institute and no Court shall hear any proceedings whatsoever, in which any right or interest in land within this Adjudication Section is called in question, until the Adjudication Register for this Section has been closed in accordance with the provisions of the Act.

Date: 23rd September, 1981.

Land Adjudication Officer,
Sanburu District.

ML

ANNEX 4

file Copy.
HL 6/3/06

DISTRICT LAND ADJUDICATION
AND SETTLEMENTS OFFICE
SAMBURU DISTRICT
P.O. BOX 6
MARALAL.

Ref.No. LA/SIC/13/147
Tel.No. 065 62006

5th March, 2006

THE LAND ADJUDICATION ACT 1968 (NO.35 OF 1968)

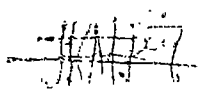
NOTICE OF COMPLETION OF THE ADJUDICATION REGISTER

PAST WASO ADJUDICATION SECTION - SAMBURU DISTRICT

Under Section 25(c) and 26(1) of the Land Adjudication Act Cap 294 Laws of Kenya, I the Adjudication Officer for Samburu District Adjudication Area do hereby give notice that the Adjudication Register for the Past Waso Adjudication Section has been completed.

The Adjudication Register may be inspected at Archer's Post Trading Centre - Land Adjudication Office (Camp) at any time between 8.00 a.m. and 4.00 p.m. commencing from the date of this notice.

Any person named in or affected by the said Adjudication Register, and who consider it to be incorrect or incomplete in any respect, may within sixty (60) days from the date of this notice, submit at Archer's Post Land Adjudication Office (Camp) or SAMBURU DISTRICT LAND ADJUDICATION OFFICE (MARALAL) a written objection, addressed to the Land Adjudication Officer, SAMBURU DISTRICT, P.O. Box 6 Maralal stating clearly the reasons for the objection and pay a fee of Kshs.500/= for each objection so submitted.


M. N. MURITHI
LAND ADJUDICATION OFFICER
SAMBURU ADJUDICATION AREA

Dated 5th March, 2006

c.c.

Doc. Reception
Land Adjudication/Settlements



The Director of Surveys
P.O. Box 30046
NAIROBI.

The Provincial Commissioner
RIPT VALLEY PROVINCE.

District Commissioner
SAIBURU CENTRAL.

District Commissioner
SAIBURU WEST.

District Commissioner
SAIBURU EAST.

District Officers
WAIKBA, WAGO.

The Clerk
SAIBURU COUNTY COUNCIL

The Assistant Chiefs
ALCHER'S, WAGO SUB-LOCATIONS

All Other Chiefs
SAIBURU EAST DISTRICT.

The Provincial Surveyor
P.O. Box 420
NAKURU.

The Provincial Commissioner (Please publicize through notice board)
NYANZA, WESTERN, COAST, EASTERN, CENTRAL AND EASTERN

The Officer Commanding

-The Kenya Army

-The Kenya Navy

-The Kenya Airforce.

The Commissioner of POLICE & PRISONS

The District Information Officer (Please publicize this notice through mass & print media.)
SAIBURU CENTRAL DISTRICT.

The District Land Adjudication & Settlement Officers

Transmara, Kajiedo, Nakuru, W/Pokot, Homa Bay, Kwale,
Mlifi, Taita-Taveta, Meru North, Laikipia, Baringo
Marsabit, Narok.



REPUBLIC OF KENYA
MINISTRY OF LANDS

Telegrams: "LANDS", Nairobi
Telephone: Nairobi 718050-9
When replying please quote

DEPARTMENT OF LANDS
1st NGONG AVENUE
OFF NGONG ROAD
P. O. Box 30089
NAIROBI

CLR/R/27/VOL.XXIII/125

11th February, 2010

The District Land Registrar
P. O. Box 820
NYAHURURU

RE: EAST WASO ADJUDICATION SECTION – SAMBURU DISTRICT

The checking of the records for EAST WASO Adjudication Section has been completed. Arrange to come and collect the following items from this office for registration.

1. An Area list
2. 1 Volume of Adjudication Register
3. Registry Index Maps Sheets 1, 2, 3, 4, 5 and 6

Please note that the Adjudication Section was not affected by appeals to the Minister as indicated on the Director of Land Adjudication Settlement's letter Ref. PQ/R/30/19 dated 2nd November, 2009.

No mistakes were detected when checking the records.


(T. N. MBURU)
CHIEF LAND REGISTRAR

CC

The Director of Land Adjudication/Settlement
NAIROBI

The District Land Adjudication/Settlement Officer
P. O. Box 6-20600
MARALAL

MINISTRY OF LANDS AND HOUSING



TELEGRAMS "LANDCON" Nairobi
Telephone Nairobi 718050
When replying please quote
Ref. ADM/1/4/30/131

LAND ADJUDICATION
AND SETTLEMENT
DEPARTMENT
P. O. BOX 30297
NAIROBI.

Date: 29th October 2009

CERTIFICATE OF FINALITY

Notice of completion of the Adjudication Register for ...**EAST WASO** ...

Adjudication Section within the ...**SAMBURU**Adjudication

area was published on ...**5/3/08**.....A period of sixty days having elapsed from that date and all objections received having been heard and determined by the Land Adjudication Officer in accordance with Section 26 (2) of the Land Adjudication Act, and the Adjudication Register having been altered in accordance with Section 27 (2) of the Act, I certify that Adjudication Register to be final subject to the outstanding appeals

E. N. Ogega

E.N. OGEGA
DIRECTOR OF LAND ADJUDICATION & SETTLEMENT

* Delete as necessary

A PRESENTATION TO PARLIAMENTARY COMMITTEE ON DEFENCE AND FOREIGN RELATIONS ON ENCROACHMENT BY ARMY PERSONNEL ON TRAINING, INTO LOSESIA GROUP RANCH IN WASO DIVISION

20TH MAY, 2011

Dear Hon. Members of the PSC on Defence and Foreign Relations
 Hon. Raphael Letimalo – MP Samburu East
 District Commissioner and DSC members Samburu East
 Distinguished Guests
 Members of the Media
 Losesia Group Ranch Members
 Ladies and Gentlemen

*Paper Land by
 Allayse
 Chairman
 before JLP*

*Losesia Group Ranch
 was established in 1981*

PREMEABLE

First and foremost, we sincerely thank you all for having heeded our call for audience, that would bring about justice, we have been looking for since time of our living memories . Many have lost hope while struggling to formalize Ownership and Acquisition of land under the Group Ranches Act – Cap 287 Laws of Kenya.

BACKGROUND INFORMATION

Losesia Group Ranch that hosts the Samburu training area, was declared as East Waso Adjudication section by the Ministry of Lands and Settlement on 23rd Sept 1981 Under the Land Adjudication Act Cap 284. Adjudication work commenced following laid down procedures as required by the act and finally ended its Adjudication work and got its mandate for incorporation as an independent entity, under the Act 287 With following amenities marked, vide Chief Land Registrars letter dated 11th Feb 2010 Ref No. CLR/R/27/VOL xxiii/125

PROOF

- Trust Land A Act 288
- Adjudication Act 284
- Group Ranch Act 287
- Declaration letter from ministry of Lands.
- Notice for completion of Adjudication Exercise
- Letter of finality
- Chief Land registrar letter.

1. A.R 1 Losesia Group Ranch Size 113,653.8Ha
2. 2 – 4 Trading Centres (3) Losesia 400.56 Acres
 Laresoro 792.09 Acres
 Kom 87.76 Acres
3. 5-41 Individual plots with Title Deeds at the extreme East side that also forms The provincial/district border of Rift Valley/Eastern and Samburu – Isiolo Districts respectively.
4. Registered group members then are 915 members.

- Ministry of Lands records

ANNEX B

NB: The area designated as Military Training area is within the borders of the Group Ranch. The area is estimated to be 83,327 acres. The area is still a resource for the Group use, based on plans agreed collectively at a meeting with 65% of its members.

- Kenya Gazette
Notice No.
3210 of
31/10/77
Page 1256

ISSUES AT STAKE

1. The British Army have of recent encroached into the group Ranch and established permanent camps at Ngartama – MOB Simba and MOB Twiga camp around Losesia area. Hence, temporary camps (6) popularly known as Enemy camps, leave alone trenches dug all over without courtesy from the land owners.
2. Training has been ongoing within the group ranch and the users do not mind or care the harmful effects and its negative impact. The inhabitants have lost lives of their dear ones as a result of unexploded ordinance. Hence, destruction of Flora and Fauna, without forgetting abortion cases, deafness, blindness and respiratory related cases reported. An increase of cancer cases have also been noticed recently.
3. There are cases of harassment by soldiers on training. Accidents occur and it's like nothing happened, even after reporting, Case of Nonkura Lengare and others. Herders have also been forcefully been evicted out of their pastoral grazing fields while using a Helicopter, without explanation!. A sad incident that's most recent is of a member who got shot q̄ by soldiers on training and his colleague arrested for "trespass" in their own land, really beats logistics.
4. In the recent past the community claim to benefit very little from Military presence rather than bringing them slow death or injuries. The few notable projects the group can confirm includes the following:-

- Collection of
photos taker
recently.

- Bomb
explosion
victims list
and OB
Records.
-Health Cent
Records.

- OB reference
A/Post police
OB 7 of
11/7/08

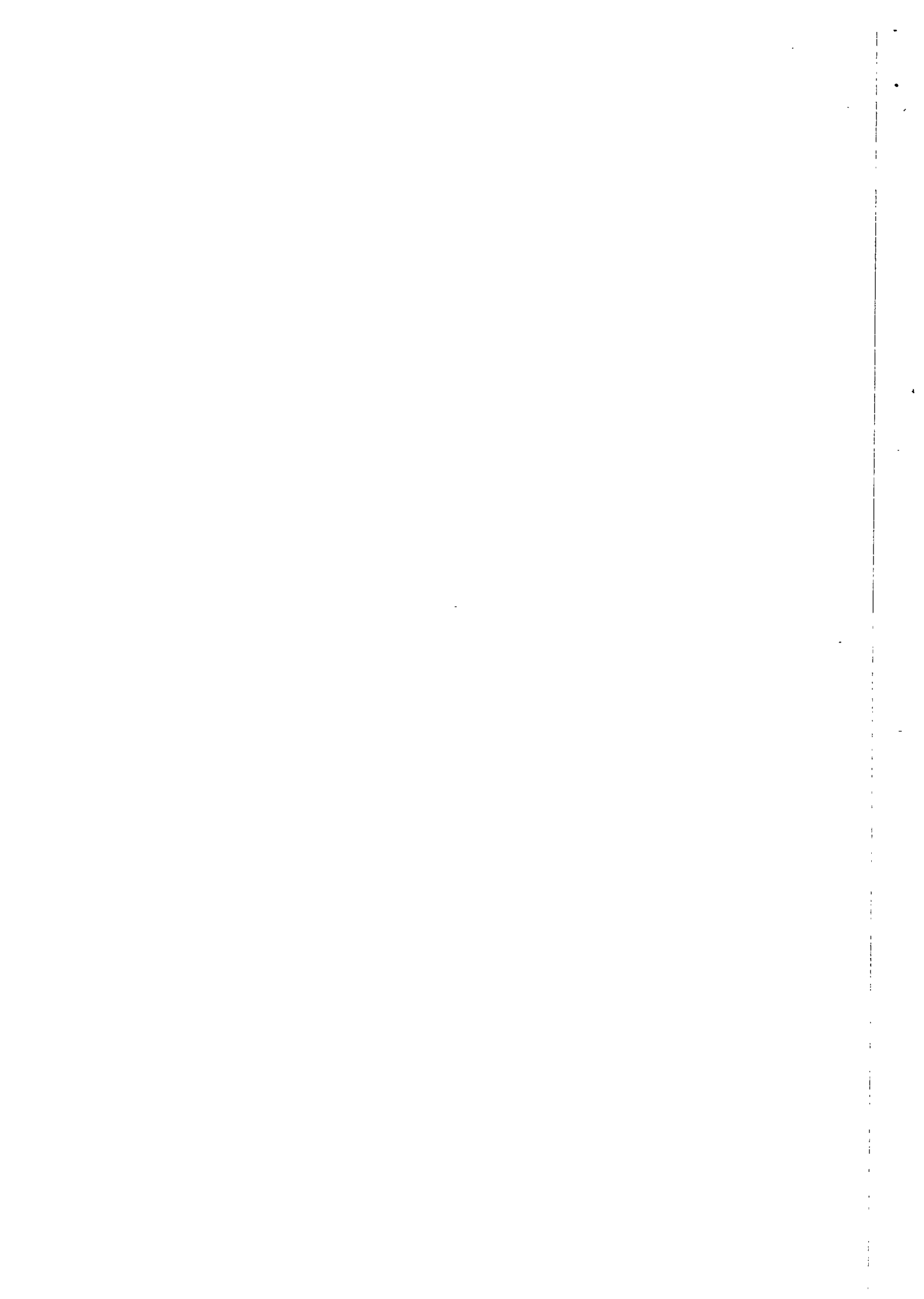
-Kipana
Lereete and
Lekula Ngilu
Archer Police
OB 11 of
16/03/11

BATUK AFFILLIATED

- 1 Unit 10 x 12 at Ngutuk Engiron Primary
- 2 classes at Laresoro Primary
- 1 tiny kitchen at AIC Nursery
- 2 Dormitories at Waso Secondary
- School fence and toilets at Girgir primary
- Samburu lodge bridge
- 2 shallow wells (1 adjacent to a permanent river and 1 got vandalized after opening ceremony, to bar pastoralist from getting water within)
- Improved access road network
- Youth office at Archer's Post

-Newspaper
cutting on lie
contrary to
reality.

11



OFFICE OF THE REGISTRAR

Telephone Number 6

LAND ADJUDICATION DEPARTMENT,
P.O. BOX 6,
MIRALAL.

Ref. LA/SNO/13/(7)

23rd September, 1981.

LAND ADJUDICATION ACT CAP. 284
DECLARATION OF LAND ADJUDICATION
EAST WANGO DIVISION - SAMPURU DISTRICT

In accordance with the provisions of section 5 of Land Adjudication Act Cap. 284, I the Land Adjudication Officer for Sampuru District, do hereby declare EAST WANGO of MIRALAL Adjudication Area of Wamba Division to be an Adjudication Section. The boundaries of which are as follows:-

1. Commencing at the junction of Archers Post-Marsabit and Kwaro-Nom main roads, the boundary generally runs Eastwards along Kwaro-Nom old main road through Kwaro trading centre to Kwaro trading centre, at the same point is the District-Sampur District boundary as well as Provincial boundary of Pwani Province.

2. At this point, the boundary turns Southwards along the District-Provincial boundary to Kwado River. Thence Southwards to up stream the boundary follows Kwado River to meet with Larisore Laga, thence Northwards along the boundary follows Larisore Laga to the junction of the road, thence in the same direction along Kwaro-Nom main road, Archers Post main road to the junction of the road with the road to the junction of the junction of Derrate/Wamba and Archers Post roads.

Thence, the boundary turns Northwards along the Archers Post main road to the junction with Kwaro-Nom old main road at the point of commencement.

All rights or interests in land within this Adjudication Area will be ascertained and recorded in accordance with the provisions of the Land Adjudication Act Cap. 284 and any person claiming any such rights or interests is requested to present his/her claim to the Recording Officer within a period of 90 days commencing on the date of publication of this notice, but not later than 23rd January 1982.

It is the duty of every person who has any claim or interest in land within this Adjudication Area to present his/her claim to the Recording Officer within a period of 90 days commencing on the date of publication of this notice, but not later than 23rd January 1982. Any person who fails to do so shall be deemed to have waived his/her claim or interest in the land and shall be liable to the provisions of the Land Adjudication Act Cap. 284.

Done at Miralal, P.O. Box 6, on 23rd September 1981.

Land Adjudication Officer

The Director of Surveys
P.O. Box 30046
NAIROBI.

The Provincial Commissioner
RIFF VALLEY PROVINCE.

District Commissioner
SAMBURU CENTRAL.

District Commissioner
SAMBURU WEST.

District Commissioner
SAMBURU EAST.

District Officers
NAIBA, WASO.

The Clerk
SAMBURU COUNTY COUNCIL

The Assistant Chiefs
ADDER'S, WASO SUB-LOCATIONS

All Other Chiefs
SAMBURU EAST DISTRICT.

The Provincial Surveyor
P.O. Box 420
NAKURU.

The Provincial Commissioner (Please publicize through notice
NYANZA, WESTERN, COAST, EASTERN, CENTRAL & N.EASTERN board)

The Officer Commanding

-The Kenya Army

-The Kenya Navy

-The Kenya Airforce.

The Commissioner of POLICE & PRISONS

The District Information Officer) Please publicize this
SAMBURU CENTRAL DISTRICT. notice through mass &
print media.

The District Land Adjudication & Settlement Officers
TransNera, Kejiado, Nakuru, W/Pokot, Homa Bay, Kwale,
Mliffi, Taita-Taveta, Maru North, Laikipia, Baringo
Marsabit, Nyerok.

MINISTRY OF LANDS AND HOUSING



TELEGRAMS. "LANDCON" Nairobi
Telephone: Nairobi 718050
When replying please quote
Ref ADM/1/4/30/131

LAND ADJUDICATION
AND SETTLEMENT
DEPARTMENT
P.O. BOX 30297
NAIROBI.

Date: 29th October 2009

CERTIFICATE OF FINALITY

Notice of completion of the Adjudication Register for ...**EAST WASO** ...

Adjudication Section within the ...**SAMBURU**Adjudication

area was published on ...**5/3/08**.....A period of sixty days having elapsed from that date and all objections received having been heard and determined by the Land Adjudication Officer in accordance with Section 26 (2) of the Land Adjudication Act, and the Adjudication Register having been altered in accordance with Section 27 (2) of the Act, I certify that Adjudication Register to be final subject to the outstanding appeals.

E.N. Ogega

E.N. OGEGA
DIRECTOR OF LAND ADJUDICATION & SETTLEMENT

* Delete as necessary



REPUBLIC OF KENYA

MINISTRY OF LANDS

Telegrams: "LANDS", Nairobi
Telephone: Nairobi 718050-9
When replying please quote

DEPARTMENT OF LANDS
1st NGONG AVENUE
OFF NGONG ROAD
P. O. Box 30089
NAIROBI

CLR/R/27/VOL.XXIII/125

11th February, 2010

The District Land Registrar
P.O. Box 820
NYAHURURU

RE: EAST WASO ADJUDICATION SECTION – SAMBURU DISTRICT

The checking of the records for EAST WASO Adjudication Section has been completed. Arrange to come and collect the following items from this office for registration.

1. An Area list
2. 1 Volume of Adjudication Register
3. Registry Index Maps Sheets 1, 2, 3, 4, 5 and 6

Please note that the Adjudication Section was not affected by appeals to the Minister as indicated on the Director of Land Adjudication Settlement's letter Ref. RQ/3/30/19 dated 2nd November, 2009.

No mistakes were detected when checking the records.


(T. N. MBURU)
CHIEF LAND REGISTRAR

CC

The Director of Land Adjudication/Settlement
NAIROBI

The District Land Adjudication/Settlement Officer
P.O. Box 6-20600
-MARALAL

Accident Victims

1. LKasantai Lakukai 12 yrs $\frac{1}{2}$ James Lakukai - OB 10 7/3/10 (d. 27015645
2. Nonkuva Lengare -(Deceased) $\frac{1}{2}$ Alex Loibachai (father) 0813465
3. James Lekinait - S/N 2RT5 815157 Head injury

Bomb explosives - Victims

Name of Victim	Case - Injury/death	Age	Id.
1. Nantoren Lenakiya	- Arm amputation	48	4186266
2. Peres Lemaramba	-	12	1090720
3. Ambrose N. Leirao	Severe burns - Whole body	34	13047060
4. Naela Letimerit	- face burn with ^{NC} right ear	14	4189320
5. Kalanta Lebartobika	- Broken leg - right and ^{stomach} Stomach	61	1374026
6. Michael Lelesora	- finger of the right arm	42	0861506
7. Nariamakita Lendorep	- Burnt on Stomach		4189241
8. Kapua Lekomom	- Burns all over body		2274638037
9. Salim Leshudukule (Dead)	^{S/O} Tangasoni Leshudukule		11455156
10. Lorenyua Lepartingat	^{S/O} Lmaina Lepartingat		3017255
11. Printis Lemarile	^{S/O} Nainten Lemarile		13045712
12. Niantayan Lepurdati	^{S/O} left leg amputated	39	20022557
13. Noel Mithamo (Dead)	^{S/O} Purity W. Muviki		1825897
14. Nauai Larpapai	- ^{forefinger} finger of left hand injured	57	10919785

ANNEX 7

SECTION "B"—TO BE COMPLETED IN ALL CASES OF ASSAULT, INCLUDING SEXUAL ASSAULTS, AFTER THE COMPLETION OF SECTION "A"

1. Details of site, situation, shape and depth of injuries sustained:—

(a) Head and neck = Bruises at the occipital region of the skull =

(b) Thorax and abdomen = Nil injuries =

(c) Upper limbs = Bruises at (R) shoulder region, (L) elbow region and the dorsal aspect of (R) hand/ distal radius-ulna - from the 2.10.10. A # of the ulna and distraction of the (L) elbow joint - weakening of the (R) hand - ↓ power =

(d) Lower limbs = Nil =

2. Approximate age of injuries (hours, days, weeks) = 6 weeks = (also admitted at other)

3. Probable type of weapon(s) causing injury = Blunt = (shooter - RTA)

4. Treatment, if any, received prior to examination = at Archer's post MC was given 1st aid measures and referred to CHW - X-ray done which revealed multiple injuries & a POP was fix & removed on 14/4/10 - Analgesia given =

5. What were the immediate clinical results of the injury sustained and the assessed degree, i.e. "harm", "maim", or "grievous harm".*

= MAIM =

*DEFINITIONS—

"Harm" means any bodily hurt, disease or disorder whether permanent or temporary.

"Maim" means the destruction or permanent disabling of any external or internal organ, member or sense.

"Grievous Harm" means any harm which amounts to maim, or endangers life, or seriously or permanently injures health, or which is likely so to injure health, or which extends to permanent disfigurement, or to any permanent or serious injury to any external or internal organ.

[Handwritten Signature]
Signature of Medical Officer/Practitioner

THE MUSEUM
ARCHIVES

Please assist in

accessing Medical
Journals of the above
we have of the
booked in report

Any assistance
highly

THE HISTORY
SIRRE
Box 14,
number

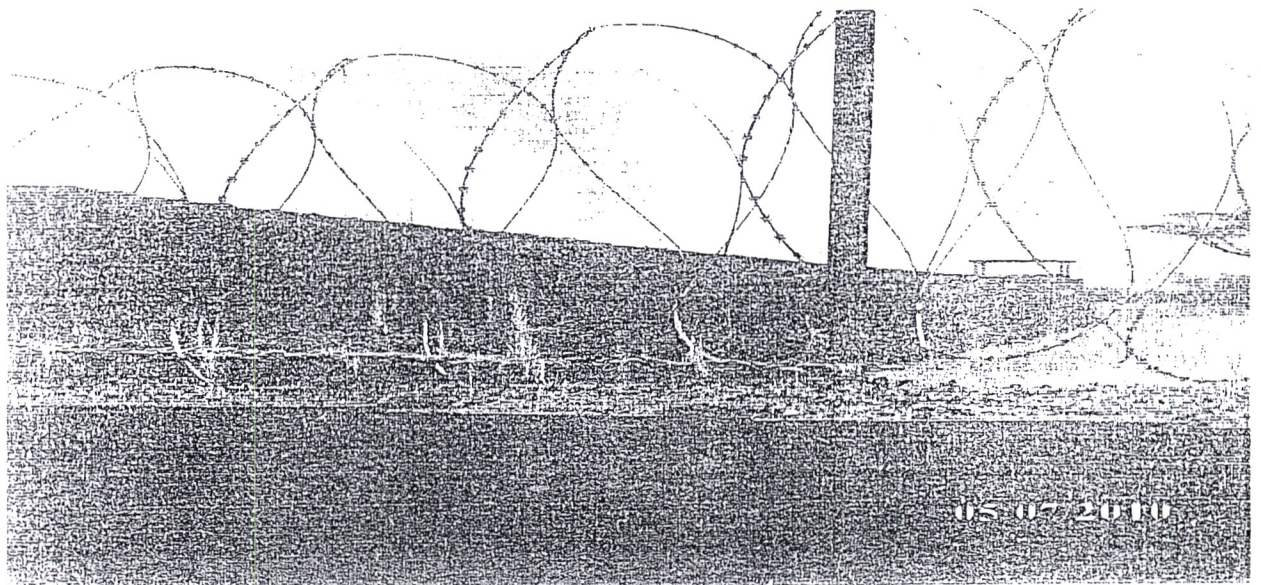
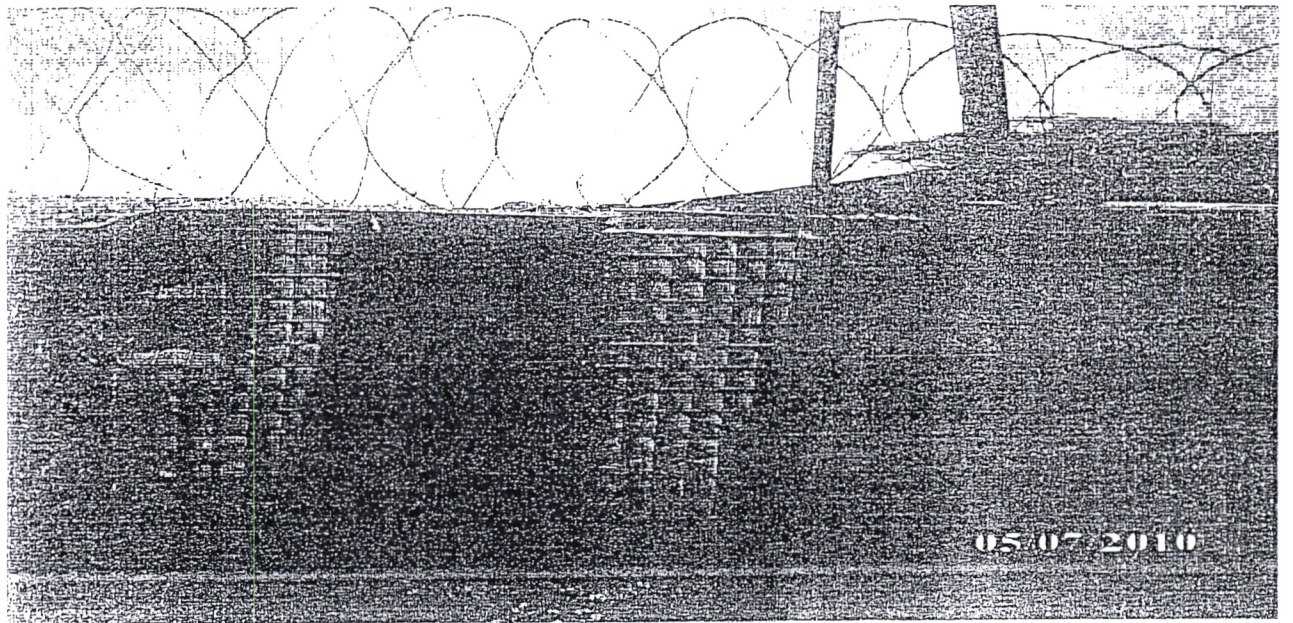
bearer of this list
& treatment for
Reposition. He has
now at the office
The Occurrence of
the book

any assistance
appreciated
Yours faithfully
D. J. S. S. S.

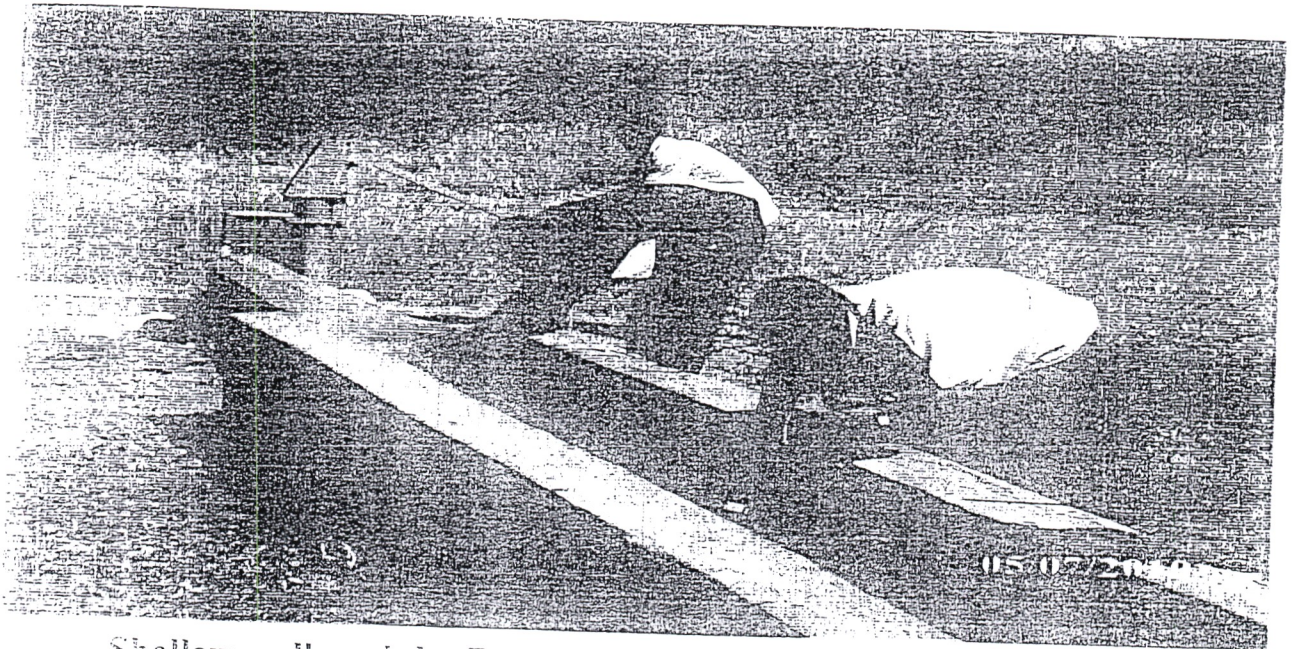
Dr. J. S. S. S.
Dr. J. S. S. S.
Dr. J. S. S. S.

WAMBA CATHOLIC HOSPITAL
BOX 17 VIA MARALAL - TEL: WAMBA 7

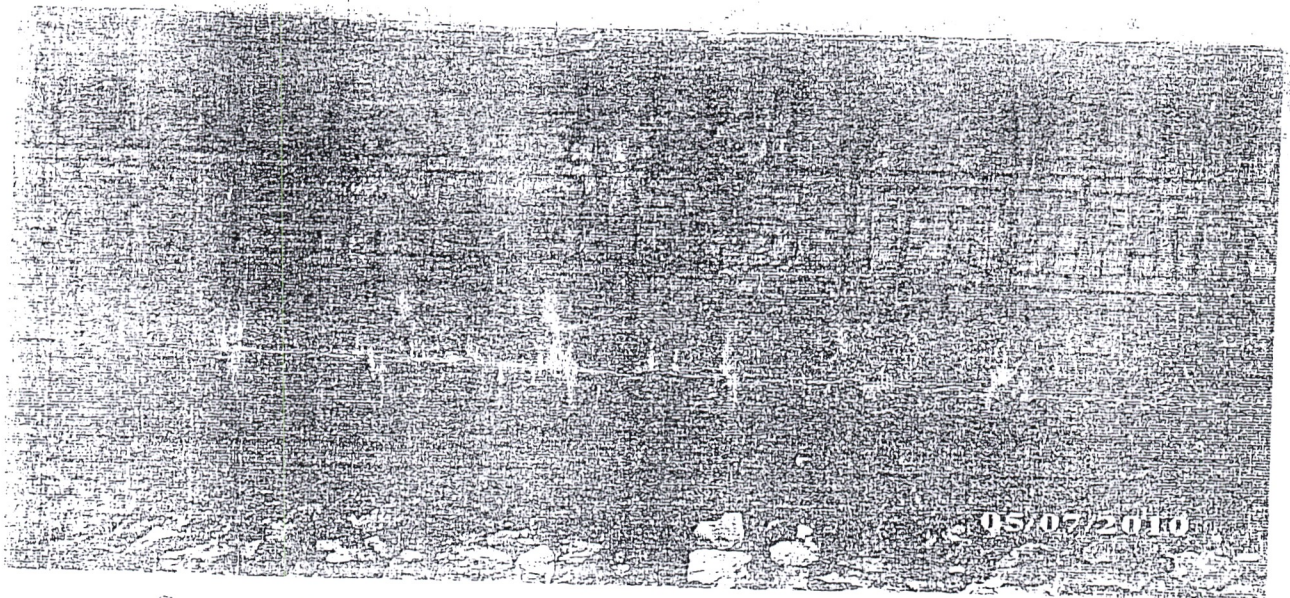
Name
Address
Tel.
Location Chief
Age Sex Reg No. O.P.D No.
Date of Admission Date of discharge
Diagnosis
Operation
Home Treatment
Signature Date



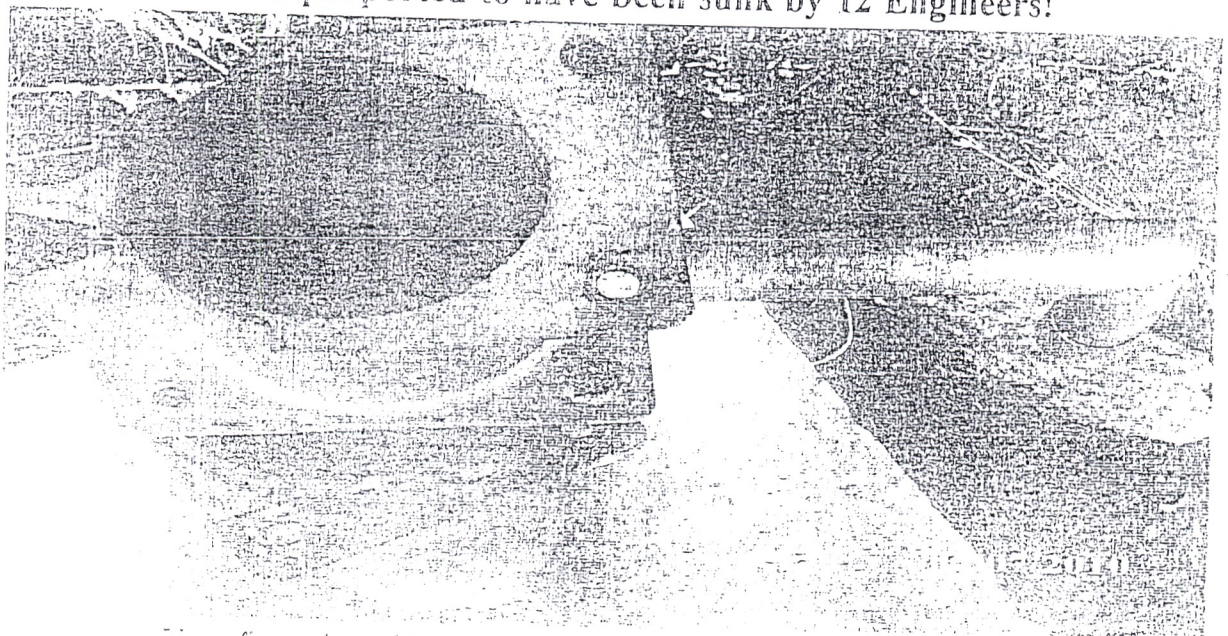
Batuk camp at Laesia 4km North west of the trading centre



Shallow well sunk by Batuk 6 years ago functional with water



Same well purported to have been sunk by 12 Engineers!



Non-functional hand pump

1. The first part of the document discusses the importance of maintaining accurate records of all transactions.

2. The second part of the document discusses the importance of maintaining accurate records of all transactions.

British army earns Kenya Sh2bn a year

By NATION Correspondent

The British Army yesterday defended its soldiers' stay in Laikipia and Samburu for the past 40 years.

The troops, said British Army Training Units in Kenya (BATUK) spokesman R.P. Sartain, brought Sh2 billion annually, which had boosted the region's economy.

He was responding to complaints by ranchers, who, through the Laikipia Wildlife Forum, say the soldiers are a threat to the environment and wildlife.

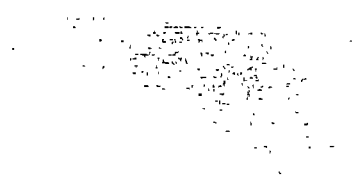
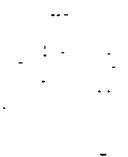
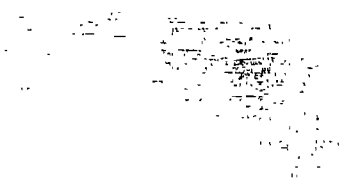
Social amenities

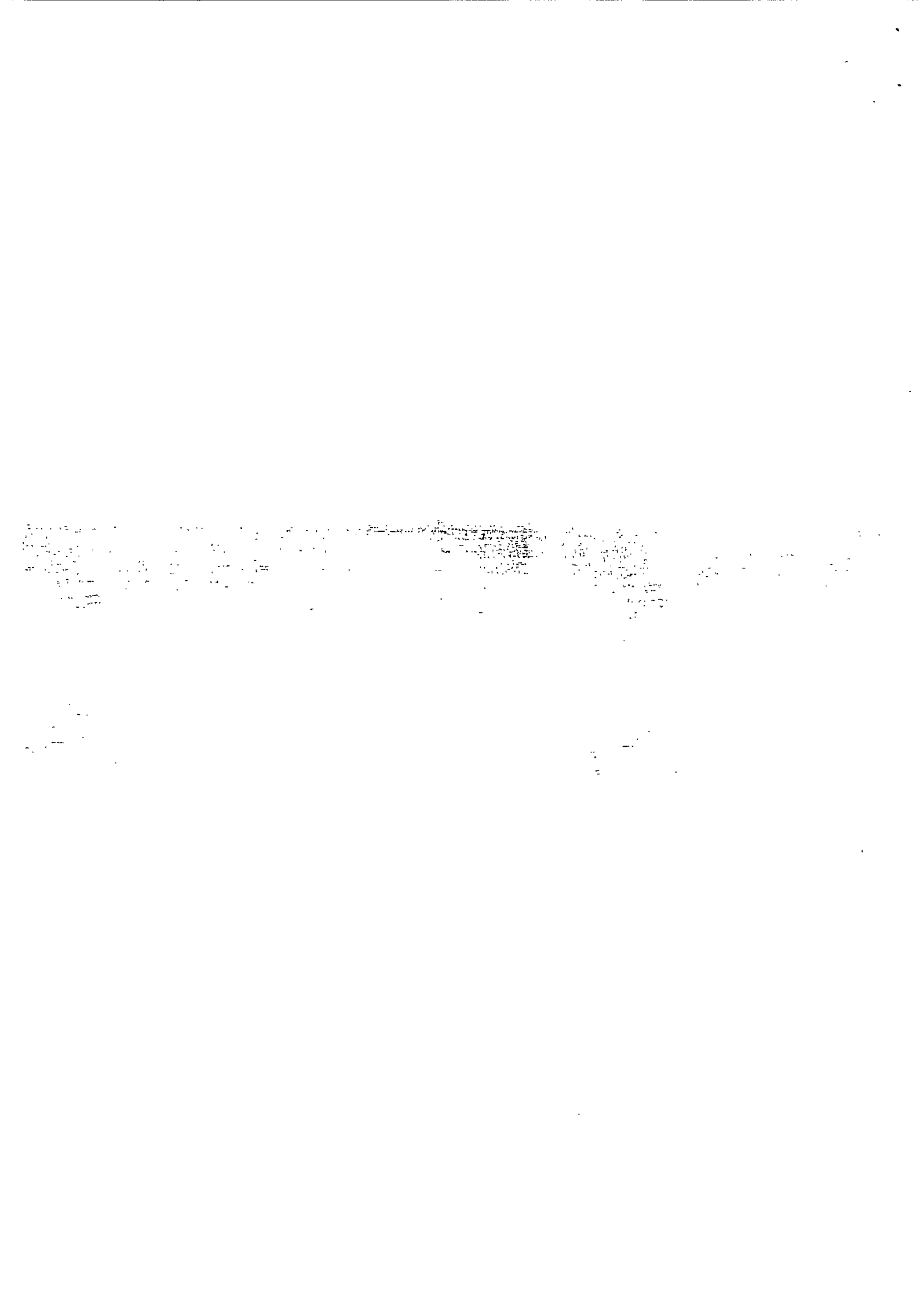
Early in the year, a Laikipia rancher questioned the presence of 6,000 BATUK personnel in a ranch at Rumuruti.

He wanted an impact assessment study carried out to determine whether the British Army should stay or leave.

Lt Col Sartain said British troops had built 350 classrooms and dormitories in local schools among other social amenities.

"BATUK employs 900 Kenyans on permanent and casual basis. Ten thousand soldiers have an opportunity to spend their time in the area thereby benefiting the local economy."





Those with physical injuries

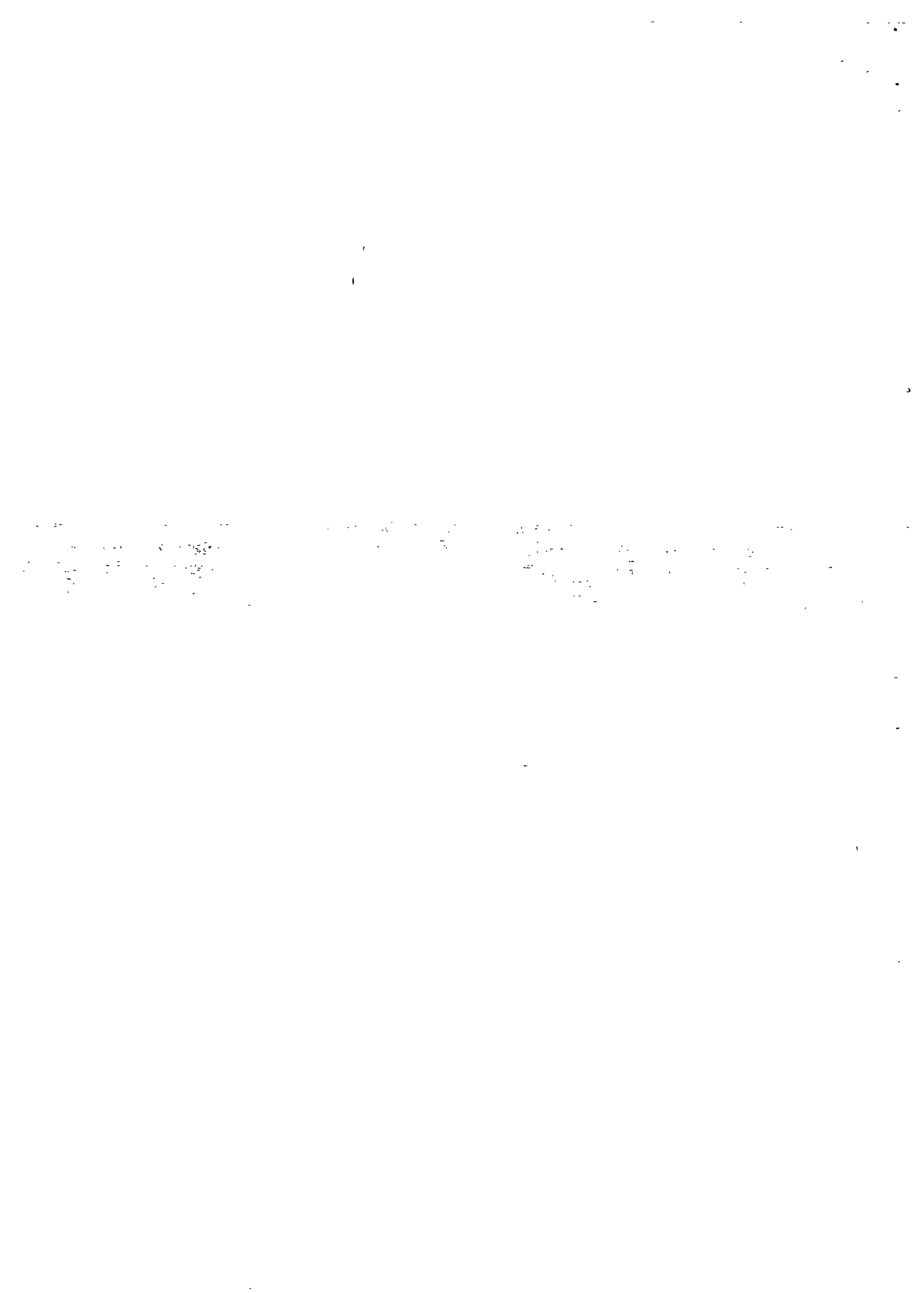
1. KAPUA LEKOMOM __ BURNED ALL OVER THE BODY
2. NANTOREN LENAKIO __ AMPUTATION RIGHT HAND-12/6/2006
3. TIWAI LELEMOYOG __ AMPUTATION RIGHT HAND
4. LORIAN LEKILUAI __ BURNED
5. NAPETI LEKOLOI __
6. RIGO Ntaalan LEKOMOM __ OB9 21/3/09
(Accident)
7. MANTAYON LEPURDATI
8. KALANTA LEPARTIBIKO __ BURNED ALL OVER THE BODY (BROKEN
RIGHT LEG)
OB13 __ 11/7/08
9. NAKERU LERAPANAI __ BURNED ON RIGHT HAND.
10. LESEKETETI MPESHI 13 YEARS __ DEAD
11. LEKADA LESIGA 13 YEARS __ FRACT OB11 3/8/08
12. LEPARTINGAT
13. LEMARAMBA PELES OB 15/25/8/2009

The following are victims who lost their lives as a result of bomb within the group ranch area.

1. Noel Murethi 7/11/2008
2. Salim Leshudukule 15/7/2006
3. Ramato Leuria.
4. Printis Lemarile.

The following are involved with accident with British army m/v within the group Ranch area.

1. James Lekinait __ Head injury (Gabriel).



2. Lkasaton Lekutai __Accident OB 10/ 7/3/10
3. Felista Narumbe __OB 7 7/2/11

Also lost of lives as a result of Accident involving the British army m/v.

1. Nosura Lengare __Student at Muslim primary school aged 12years OB 7/7/2/2011

Shooting incident by the British army officers within the group ranch area on-:

1. LERETE __Shoot at the chest.
2. LEKULA NGILU __Accused for trespass OB 11/16/2011.
3. NTALAN LEMUKONO __OB9/21/3/2009
4. LERANT LEPARTIBIKO __OB 13/11/7/2008

And most of these cases involving deaths were reported at Archers post police station and the occurrence book reference indicates against the names of reported cases. Also in the nearby Archers Catholic Dispensary most of this can be traced in the records. The under mentioned are the names of Losesia group Ranch members involved in different kind of suffering including lose their dear lives, physical injuries and permanent disabilities and m/v Accidents as well.

1. KAPUA LEKOMOM Burned all over the body.
2. NANTOREN LENAKIO Amputated on the right hand.
3. TIWAI LELEMOYOG Amputated on the right hand.
4. LORIAN LEKILUAI Burned.
5. NAPETI LEKOLOI.
6. FRANCIS NTHAMA Burned OB 10/11/01/03
7. LENEPOI LEPURDATI
8. KALANTA LEPARTIBIKO OB 13/11/7/08
9. NAKERU LERAPANAI Burned on the right hand.
10. LEPARTINGAT SUNDAY Burned on left leg.
11. LEKELA LESIGA OB 11/3/8/08 Burned all over the body.
13. LEMARAMBA PELES OB 15/25/8/2009.
14. FELISTA NARUMBE BURNED

Those who loss their dear lives

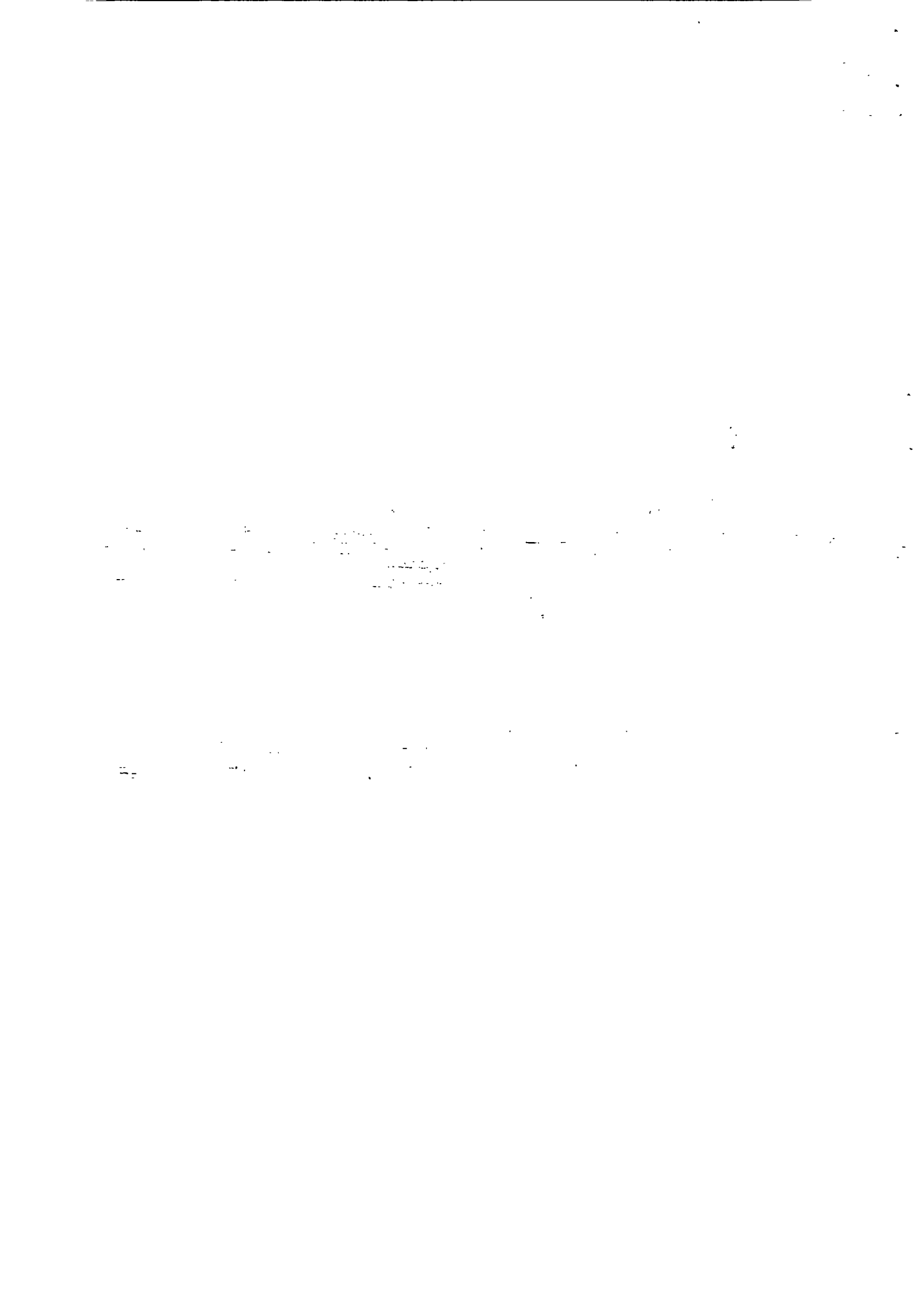
1. RIGO LEKOMOM OB 9/21/3/09
2. LESEKETETI MPESHI OB11/3/8/08
3. NOEL MURETHI DEATH CERTIFICATE
4. SALIM LESHUKULE DEATH CERTIFICATE
5. RAMATO LEURIA
6. PRINTIS LEMARLE
7. NOSURA LENGARE __Accident

Hence m/v accidents and sustained physical injuries

1. JAMES LEKINAIT __Head injuries
2. LKASATON LEKUTAI __Hand and leg injury OB10/7/3/2010

Shooting incident by the British army officers

1. LERETE __Shoot at the chest OB 11/6/3/2011.
2. LEKULA NGLU __Arrested for trespass and taken to court at Isiolo.



PERMANENT HOUSES AFFECTED WITH (BOMBS-EXPLOSIVES AT A/POST)

NAMES	PLOT NO.	ID NO.
1. PRISCILLA SEIT	477	21215481
2. NOLMONGEN LONGOPE		7873407
3. CAROLINE LEKUTAAS		23823666
4. LABAAN LENGULATE	B 13	
5. MUNENE ASHFORD BUNDI	74	22316872
6. JOHN M'MUTIRITHIA		
7. PETER PINO	73	
8. GEORGE LEARIWALA		
9. LEKORIANI		
10. JAMES LOLOSOLI (SUNDOWNER)		
11. FD LOLOSOLI(LKIMAIR)		
12. SARAFINO LKIAO		
13. LENKIMA		
14. SAMMY KANIA	76	
15. CLAUDIO		
16. RAPHAEL LEKILUAI		
17. JOHN LEPARTIBIKO		
18. ALOIS LEARIWALA		
19. JACOB MARETE		
20. ISAJAH LEAPIREI (HESHIMA A.)		
21. ISAJAH LEAPIREI (HESHIMA B)		
22. MILIGO NJOROGE		
23. TABITHA LEPARO MARY		
24. JAMES LEMAKIMA		
25. ROSE LESAMBA		
26. T.A.C CENTRE (A.E.O) OFFICE		
27. LEKAILE		
28. JAPETH KIMATHI		
29. LEPARTINGAT		
30. TITUS LOLOSOLI		

WAMBA CATHOLIC HOSPITAL
BOX 17 VIA MARALAL - TEL: WAMBA 7

Name KAPWIRA KENYOMON

Address AACHES POST Tel.

Location Chief

Age 12-YRS Sex M Reg No. 77 OP.D No. 5275

Date of Admission 15/2/04 Date of discharge 29/7/04

Diagnosis INJURY OF THE RIGHT HANB BY

A BOMB BLAST

Operation OPERATED

Home Treatment COMPLETED IN THE HOSPITAL

Signature *[Signature]*

Date 29/7/04

WAMBA CATHOLIC HOSPITAL
BOX 17 VIA MARALAL TEL. WAMBA 7

Name KAPUKWA LEKOMON
Address ARCHES POST Tel.
Location Chief
Age 17 yrs Sex M Reg No. 77 O.P.D No. 5275
Date of Admission 15/2/64 Date of discharge 29/7/64
Diagnosis INJURY OF THE RIGHT HANDED
..... BLOW BLAS
Operation OPERATED
Home Treatment COMPLETED IN THE HOSPITAL



**OFFICE OF THE PRESIDENT
PROVINCIAL ADMINISTRATION AND INTERNAL SECURITY
SAMBURU DISTRICT**

Telegrams: "DISTRICTER".....

Telephone

When replying please quote

Ref. No.
and date

OFFICE OF THE CHIEF

STATE OF SAMBURU LOCATION

P.O. BOX 43

ISIDLU

15/02/2007

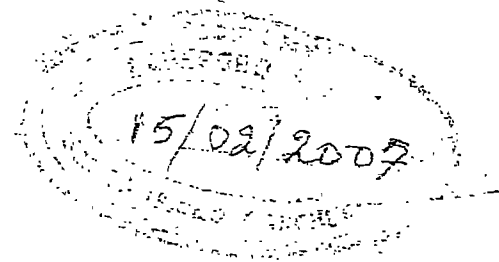
TO WHOM IT MAY CONCERN

RE: LEMAYEN DESENOI

The above named Person was involved in an incident of life burnt of bomb explosion on 9/2/07 in his home at Tokendek. He reported to our office alertment on 15/2/07 having reported also to Kenyan Army of Police and a Verification Statement at Samburu Post Police Post.

I Acknowledge how to be assisted
Necessarily

Thanks!



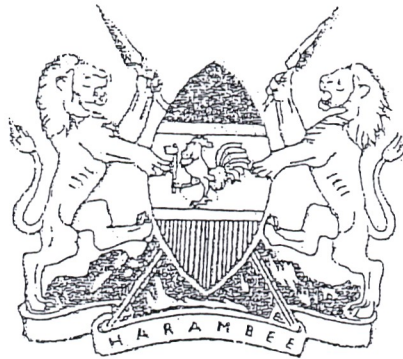
A.C.T. CHIEF

George K. Lemayen
Chairman

Page 101
(2 of 2)

[Handwritten signature]

CTO
[Handwritten signature]
GOVERNMENT PRINTER



THE KENYA GAZETTE

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(Registered as a Newspaper at the G.P.O.)

Vol. LXXIX--No. 46

NAIROBI, 11th November, 1977

Price Sh. 1

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ANNEX 8

7

GAZETTE NOTICE No. 3210

THE TRUST LAND ACT
(Cap 288)

SETTING APART OF LAND FOR THE EXTENSION OF AREAS FOR THE ARMED FORCES

WHEREAS the County Councils of Isiolo, Samburu and Turkana were on the 26th September, 1977 served with written notices by the President that the areas of Trust Land specified in the schedule hereto is required for the purposes of the Government of Kenya, notice is hereby given for and on behalf of the County Councils of Isiolo, Samburu and Turkana that the said unregistered Trust Land is required to be set apart for the expansion of areas for the Armed Forces, and that all applications for compensation by persons who claim to be entitled to compensation under section 8 of the Trust Land Act, Cap 288, should be submitted to the respective District Commissioners of Isiolo, Marsabit and Lodwar beginning from 15th November, 1977 up to and including the 15th day of December, 1977

SCHEDULE

The areas of the presently unregistered Trust Land as shown edged red on the respective plans may be seen at the offices of the District Commissioners at Isiolo, Marsabit and Lodwar or may be obtained from the Commissioner of Lands, P.O. Box 30089, Nairobi at the cost of Sh. 10 per copy

Dated at Nairobi this 31st day of October, 1977

J. C. NIENGA,
Commissioner of Lands

GAZETTE NOTICE No. 3211

THE REGISTERED LAND ACT
(Cap 300, section 35)

ISSUE OF A NEW CERTIFICATE

WHEREAS Wanyanyi Wesehama of Mambukholo Area P.O. Box 91 Chweli in the Republic of Kenya is registered as proprietor in absolute ownership interest of all that piece of land containing 171 hectares or thereabouts situated in the District of Bungoma known as Parcel No. 460 registered under Title No. S/Maketa/S. Name 147/60, and whereas sufficient evidence has been adduced to show that the Land Certificate issued thereof has been lost notice is hereby given that after the expiration of sixty (60) days from the date hereof I shall issue a new Land Certificate provided that no objection has been received within that period.

Dated this 1st day of November, 1977

J. M. K. OSORO,
Land Registrar,
Bungoma

GAZETTE NOTICE No. 3212

THE REGISTERED LAND ACT
(Cap 300, section 35)

ISSUE OF A NEW CERTIFICATE

WHEREAS Kamau Kimani of P.O. Box 89 Molo in the Republic of Kenya is registered as proprietor in absolute ownership interest of all that piece of land containing 0.52 hectares or thereabouts situated in the District of Bungoma known as Parcel No. 301 registered under Title No. Ndvisi/Much/1311, and whereas sufficient evidence has been adduced to show that the Land Certificate issued thereof has been lost Notice is hereby given that after the expiration of sixty (60) days from the date hereof I shall issue a new Land Certificate provided that no objection has been received within that period

Dated this 1st day of November, 1977

J. M. K. OSORO,
Land Registrar,
Bungoma

GAZETTE NOTICE No. 3213

THE REGISTERED LAND ACT
(Cap 300, section 35)

ISSUE OF A NEW LAND CERTIFICATE

WHEREAS Ngari Wakaba of P.O. Box 129, Uplands in the Republic of Kenya, is the registered as proprietor in absolute ownership interest of that piece of land containing 3.6 hectares or thereabouts situated in the District of Kiambu known as Parcel No. 145/Kirenga/554, and whereas sufficient evidence has been adduced to show that the Land Certificate issued thereof has been lost Notice is hereby given that after the expiration of sixty (60) days from the date hereof, I shall issue a new Land Certificate provided that no objection has been received within that period

Dated this 28th day of October, 1977

MARY W. KIARIE,
Land Registrar, Kiambu

GAZETTE NOTICE No. 3214

THE REGISTERED LAND ACT
(Cap. 300, section 35)

ISSUE OF A NEW LAND CERTIFICATE

WHEREAS Muriuki, s/o Mubhi - (M) NYI 44201 of Gariambu, Itani Location in the Republic of Kenya is registered as proprietor in absolute ownership of all that piece of land containing 1.94 hectares or thereabouts situated in the District of Nyeri known as Parcel No. 399 registered under Title No. Mubhi/Mubu/399, and whereas sufficient evidence has been adduced to show that the Land Certificate issued thereof has been lost Notice is hereby given that after the expiration of sixty (60) days from the date hereof, I shall issue a new Land Certificate provided that no objection has been received within that period.

Dated this 13th day of October, 1977

J. M. MURIUKI,
Acting Land Registrar,
Nyeri District

GAZETTE NOTICE No. 3215

THE REGISTERED LAND ACT
(Cap 300, section 35)

ISSUE OF A NEW LAND CERTIFICATE

WHEREAS Muniyi, s/o Chuni of Itui, Kimukuyu Location in the Republic of Kenya, is registered as proprietor in absolute ownership of all that piece of land containing 0.946 hectares or thereabouts situated in the District of Nyeri known as Parcel No. 518 registered under Title No. Kimukuyu/518, and whereas sufficient evidence has been adduced to show that the Land Certificate issued thereof has been lost Notice is hereby given that after the expiration of sixty (60) days from the date hereof, I shall issue a new Land Certificate provided that no objection has been received within that period

Dated this 13th day of October, 1977

J. M. MURIUKI,
Acting Land Registrar,
Nyeri District

- 4) Design appropriate modes of communication to ensure that members of the public are adequately notified before any training that may affect them is commenced.
- 5) Liaise with the Ministry of Public Health and Sanitation to initiate epidemiological studies to ascertain the causal relationship between the diseases mentioned by the community and military activities.
- 6) Periodically sample the soil and water in the areas where the activities are concentrated to test for radioactivity and any other changes that may occur.
- 7) Carry out initial environmental audits for all the military activities countrywide and submit the reports to NEMA for evaluation.
- 8) Liaise with NEMA to develop an Environmental Guide Book for military operations.

Your compliance with the Improvement Notice will be highly appreciated.

Attached please find the control audit reports for further information.



DR. AYUB MACHARIA
Ag. DIRECTOR GENERAL

Copy to:

Permanent Secretary
Ministry of Environment and Mineral Resources
NHIF Building
P.O. Box 30126-00100
NAIROBI



NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY

Tel: (+254-020) 605522/3/7, 601945
Mbl: 0724-253 398, 0733 600035
Fax: 254-020-608997
Email: dgnema@nema.go.ke

P.O Box 67839 00200
Popo Road
Nairobi, Kenya
Website: www.nema.go.ke

*Papers Laid
by NEMA - Dr. Nader
[Signature]*

NEMA/5/7/Vol

2nd August 2011

The Chief of General Staff
Kenya Armed Forces
P.O Box 40665-00100
NAIRCBI

**RE: IMPROVEMENT NOTICE FOR MILITARY CAMPS AND ACTIVITIES IN
KAJIADO, SAMBURU AND ISIOLO COUNTIES**

The National Environment Management Authority (NEMA) carried out control audits on military activities in the above mentioned localities between 13th and 15th July 2011. During the exercise, NEMA officers were accompanied by senior military officers.

Pursuant to Regulation 37 of the Environmental (Impact Assessment and Audit) Regulations of 2003, you are hereby issued with an improvement notice to carry out corrective measures for mitigating the environmental concerns revealed during the control audit.

The Military should:

- 1) Liaise with the Ministry of Lands to have their land in Samburu County adjudicated and clearly marked. A buffer zone should also be created between the military and community land. This should be replicated in other areas where military camps and training zones are located.
- 2) Re-route the march and shoot training carried out at Archers Post to a more sparsely populated area.
- 3) Ensure that all the waste is disposed off in accordance with the provisions of the Environmental Management and Coordination (Waste Management) Regulations of 2006.

.../2

MINISTRY OF FOREIGN AFFAIRS
AMBASSADORS / HIGH COMMISSIONERS

S/NO	NAMES	P/NO	DATE OF APPOINTMENT	MISSION/DIVISION	DATE POSTED	END OF TOUR	QUALIFICATIONS	Home District
1.	Mr Patrick Simiyu Wamoto	1985021887	16.10.2008	Headquarters Political & Diplomatic Secretary			Bachelor of Arts & Post Graduate Diploma in International Relations	Bungoma
2.	Mr Michael D. Mukiri Kinyanjui	1982008385	01.09.2004	Headquarters Chief of Protocol			BA in Govt & Sociology and Post Graduate Diploma in Diplomacy & International Relations	Kiambu
3.	Mr Daniel Mepukori Koikai	1983004083	01.09.2004	Headquarters NDC			Bachelor of Arts in Political Science	Kajiado
4.	Mr Mohamed Aden Mahat	1996033279	01.09.2004	Kuwait	29.10.2007	28.10.2011	MBA in Marketing	Mandera
5.	Mr Lazarus Ombai Amayo	1999000225	01.09.2004	Headquarters Director Europe and Commonwealth Division			MA in Political Science	Rachuonyo

6.	Mr Peter R. Oginga Ogego	2004001058	06.01.2004	Khartoum Ambassador/Permanent Representative to the Independent Assessment and Evaluation Commission			MA in Public Administration	Bondo
7.	Mr John Lepi Lanyasunya	1997074210	10.09.2004	Headquarters Director Asia & Australasian Division			Masters in German Studies	Samburu
8.	Mr Abbas Ali Ali	1981132563	20.04.2005	Headquarters Director Middle East Division			Bachelor of arts	Lamu
9.	Mr George Olago Owuor	1982008377	20.04.2005	Headquarters Director Americas Division			Bachelor of Arts in Political Science	Homa-Bay
10.	Mrs Mishi M. Mwatsahu	2005022926	20.04.2005	Islamabad	12.08.2005	11.08.2009	Bachelor of Arts	Kwale
11.	Mr Ephraim Waweru Ngare	1973025150	01.02.2006	London	18.03.2006	17.03.2010	BA in Social Sciences/ Economics	Nyeri
12.	Mrs Purity Wakiuru Muhindi	1983018058	17.07.2006	Stockholm	09.10.2006	08.10.2010	Bachelor of Arts	Nyeri
13.	Mr Abdi Ogle Abubakar	2006038776	17.07.2006	Riyadh	07.08.2006	06.08.2010	MA in Journalism	Wajir
14.	Dr Richard Titus Ekai	2006038784	17.07.2006	Bangkok	12.10.2006	11.10.2010	Doctorate in Energy/Physics	Turkana
15.	Mr David Gachoki Njoka	2004001040	06.01.2007	Headquarters			BA in Government & Sociology	Kirinyaga
16.	Mr Robert Mutua	1982023602	13.09.2007	Khartoum	03.12.2007	02.12.2011	Masters in International	Kilui

	Ngesu								Relations	
17.	Mr Thomas Boniface Amolo	1983080063	13.09.2007	Pretoria		30.11.2007	29.11.2011	Bachelor of Arts and Post Graduate Diploma in Diplomacy & International Relations	Kisumu	
18.	Mr Benson H. Ouma Ogutu	1984133047	13.09.2007	Tokyo		08.07.2010	07.07.2014	Bachelor of Arts & Post Graduate Diploma in International Relations	Siaya	
19.	Dr Tom Mboya Okeyo	1989084942	13.09.2007	Geneva		17.05.2006	16.05.2010	Bachelor of Medicine, Bachelor of Surgery and Post Graduate in Social Health Insurance	Suba	
20.	Dr Jonah Kipyego Cheluget	1990166032	13.09.2007	Lusaka		22.07.2010	21.07.2014	PHD in Political Science and History	Nandi North	
21.	Mr James Mutua Mulinge	2007075357	13.09.2007	Somali		19.09.2007	18.09.2011	Diploma in Human Resource and Certificate in International Relations-NDC	Machakos	
22.	Prof Ruthie Chepkoech Rono	2007075365	13.09.2007	The Hague		22.11.2007	21.11.2011	PHD in Psychology	Kericho	
23.	Mr Daniel	2007075373	13.09.2007	Gaborone		01.12.2007	30.12.2011	Bachelor of Arts	Gucha (Kisii)	

	Sindiga							in Economics and Diploma in Insurance	South)
24.	Prof Festus Kaberia M'mucheke	2007075381	13.09.2007	New Delhi	18.11.2007	17.11.2011	PHD in Organic Chemistry	Nithi (Meru South)	
25.	Ms Catherine W. Muigai Mwangi	2007075399	13.09.2007	Dublin	21.11.2007	20.11.2011	Bachelor of Arts and Post Graduate Diploma in Journalism	Kiambu	
26.	Mr Mwakai Kikonde Sio	2007075404	13.09.2007	Madrid	13.11.2007	12.11.2010	Bachelor of Science	Taita-Taveta	
27.	Dr Joseph Kipkemoi Kiplagat	2007075412	13.09.2007	Juba	15.12.2007	14.12.2011	PHD in (Engineering)	Kenyo	
28.	Mr Benjamin Adam M. Mweri	2007075420	13.09.2007	Bujumbura	19.12.2007	18.12.2011	MA in Management of Agro-Ecological Knowledge & Social Change	Kilifi	
29.	Mr Julius L. Ole Sunkuli	1993015515	08.10.2008	Beijing	06.12.2008	05.12.2012	LLB	Trans-Mara	
30.	Mr Anthony Andanje	1980137405	16.10.2008	Geneva	13.08.2010	12.08.2014	Bachelor of Arts & Post Graduate Diploma in International Relations	Lugari	
31.	Mrs Josephine Wangari	1983091488	16.10.2008	Rcme	27.08.2010	26.08.2014	Masters in Political Science	Nyeri	

32.	Gaita Mr Stephen Kipkiyeny Tarus	2009060667	01.06.2009	Canberra	10.09.2009	09.09.2013	B.A Economics	Nandi South
33.	Mr Mohamed Abdi Gello	1980007260	15.01.2009	Abu Dhabi	01.04.2009	31.03.2013	MA in International Relations, MA in Public Administration	Samburu
34.	Mr Francis A. Kipyegon Sigei	1982012732	15.01.2009	Abuja	15.04.2009	14.04.2013	Masters of Science	Kericho
35.	Mr James Kembi Gitura	2005063354	15.01.2009	Brussels	08.04.2009	07.04.2013	Bachelors of Law	Murang'a
36.	Mr John Mutinda Mutiso	2009000544	15.01.2009	Dar es Salaam	27.03.2009	26.03.2013	MBA in Finance	Makueni
37.	Mr Elkanah Odembo	2009000552	15.01.2009	Washington D.C	29.03.2009	28.03.2013	Masters Public Health	Siaya
38.	Mr Macharia Kamau	2009000560	15.01.2009	UNON	15.01.2009	14.01.2013	M.A Education	Kiambu
39.	Mr Simon Wanyonyi Nabukwesi	2009000578	15.01.2009	Ottawa	23.03.2009	22.03.2013	M.A Education	Bungoma
40.	Mr. Marx G. Njuguna Kahende	1979072870	16.01.2009	HQ-NDC as Senior Directing Staff			M A in Political Science	Nairobi
41.	Dr. Philip Maingi Mwanzia	1977020102	28.01.2009	Headquarters Director Foreign Service Institute			PHD in Economics	Kitui

42.	Mr Geoffrey Lukale Okanga	2009057907	15.05.2009	Kampala	02.06.2009	01.06.2013	Dip. International Relations	Kakamega
43.	Dr Wenwa A. Odinga Oranga	2009060659	19.05.2009	Los Angeles	21.08.2009	20.08.2013	PHD Chemistry	Rachuonyo
44.	Mr Ukur Yatani Kanacho	1992048581	15.06.2009	Vienna	26.08.2009	25.08.2013	M.A Administration & Policy	Marsabit
45.	Mr Ngovi James Kitau	2009098848	09.09.2009	Seoul	10.12.2009	09.12.2013	MBA Business	Kitui
46.	Dr. Rashid Mohamed Ali	1978015875	19.04.2010	Tehran	19.09.2010	18.09.2014	PHD in Public Administration	Mombasa
47.	Ms. Josephine Vivian Awuor	1979198464	19.04.2010	Hairare	31.07.2010	30.07.2014	Bachelor of Arts & Post Graduate Diploma in International Relations	Siaya
48.	Ms Jean Wambui Kimani	1982008369	19.04.2010	Headquarters Director Office of the Great Lakes			Bachelor of Arts & Post Graduate Diploma in International Relations	Kiambu
49.	Mr Michael A. Okoth Oyugi	1984004955	19.04.2010	Headquarters Director of Africa and AU Division			Bachelor of Arts & Post Graduate Diploma in International Relations	Kisumu
50.	Mr	1981130049	19.04.2010	Tripoli	06.08.2010	05.08.2014	Bachelor of Arts	Myeri

51.	Anthony Mwaniki Muchiri	1985012105	19.04.2010	Paris	13.08.2010	12.08.2014	& Post Graduate Diploma in International Relations	Mombasa
52.	Ms Salma Abdillahi Ahmed	1987004653	19.04.2010	Headquarters Director International Organisations and Conferences(IOC) Division			MA in International Relations	Murang'a
53.	Mr Galma Mukhe Boru	1988009931	19.04.2010	Doha	19.09.2010	18.09.2014	Masters in Economics	Marsabit
54.	Mr Cleland Lesangeedo Leshore	1988117514	19.04.2010	Headquarters Consul General Designate-Kenya Consulate Juba			MA in International Relations	Samburu
55.	Mr Peter Kaberia Kirimi	2003037983	19.04.2010	Brasilia	26.07.2010	25.07.2014	Masters in ICT	Nyambene (Meru North)
56.	Mrs Rose Makena Muchiri	2004004616	19.04.2010	Kigali	30.07.2010	29.07.2014	Masters in Law	Nyandarua
57.	Mr Augustino Stephen Njoroge	2010023741	19.04.2010	Tel Aviv	30.06.2010	31.05.2014	National Defense College (NDC)	Nakuru
58.	Mr Dave Otieno Arunga	2010023830	19.04.2010	Cairo	07.08.2010	06.08.2014	B.A Political Science	Rachuonyo

2.4 Audit action plan

The Environment management plan relates to the present activities of the Camp and associated areas. Some of the concerns may take time to address while others need immediate action.

Issues of concern	Proposed mitigation	Responsible parties	Timing
1. Conflict on land ownership(Note that this was the major cause of the conflict)	<ul style="list-style-type: none"> Clear Adjudication and marking of the military land and creation of a buffer zone between the military and community land. Military to liaise with the ministry of lands to resolve the issue. 	<ul style="list-style-type: none"> Ministry of Lands Military 	<ul style="list-style-type: none"> Immediate
2. Match and shoot training within the buildup areas	<ul style="list-style-type: none"> Reroute the training to other areas that are sparsely populated 	<ul style="list-style-type: none"> Military 	<ul style="list-style-type: none"> Immediate
3. Awareness creation on the risk of collecting materials left on the training grounds	<ul style="list-style-type: none"> Continue with the awareness campaigns 	<ul style="list-style-type: none"> Military 	<ul style="list-style-type: none"> Continuous
4. Open burning of solid waste at the camp	<ul style="list-style-type: none"> Invest in an incinerator to dispose the waste 	<ul style="list-style-type: none"> Military 	<ul style="list-style-type: none"> By august 2011
5. Communication to the public before commencing training	<ul style="list-style-type: none"> Design better and diverse modes of communication to ensure members of the public receive the message on a timely basis e.g. use of loud speakers 	<ul style="list-style-type: none"> Military 	<ul style="list-style-type: none"> Immediate
6. Diseases related to training activities (cancer, diarrhea, tuberculosis, miscarriages, blindness, deafness)	<ul style="list-style-type: none"> Carry out epidemiological studies to ascertain the causal relationship between the diseases and military activities. 	<ul style="list-style-type: none"> Public health 	<ul style="list-style-type: none"> Commence immediately
7. Water Pollution	<ul style="list-style-type: none"> Sample and analyze the water to determine whether pollution is related to military activities 	<ul style="list-style-type: none"> WRMA NEMA Public Health 	<ul style="list-style-type: none"> Commence immediately
8. Compliance with environmental regulations	<ul style="list-style-type: none"> Carry out an environmental audit for the camps and related activities countywide. This will provide baseline information and a basis for future improvements. The military to work with NEMA to come up with an environmental guide book for military operations 	<ul style="list-style-type: none"> Military NEMA 	<ul style="list-style-type: none"> Immediate



National Environment Management Authority (NEMA)
Grand House, Pong Road, Off Mombasa Rd P.O. Box 67839-00200, NAIROBI, KENYA
Tel: 603 52267, 601945 Fax: 254-02-608997, 606049, 070-8077233 Mobile: 0720 947417

2.4 Audit action plan

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