

REPUBLIC OF KENYA



THE NATIONAL ASSEMBLY (FOURTH SESSION)

PUBLIC PETITION

(No.45 of 2020)

REGARDING SUB DIVISION OF AGRICULTURAL DEVELOPMENT CORPORATION (ADC) LAND AND STAKEHOLDER CONSULTATION ON THE GALANA-KULALU FOOD SECURITY PROJECT

I, the **UNDERSIGNED** on behalf of residents of Garsen in Tana River County;

DRAW the attention of the House to the following: -

- 1. THAT**, the Ministry of Water, Sanitation and Irrigation has been implementing the Galana Kulalu Food Security Project covering 1.7 million acres of land in the Galana and Kulalu Government ranches within Tana River and Kilifi Counties;
- 2. THAT**, vide a Cabinet Memorandum, measures were proposed on the way forward regarding critical components of the Galana Kulalu Food Security Project such as land Settlement, termination of all the existing leases on the Agricultural Development Corporation (ADC) Land, development of road infrastructure, provision of power connection and upstream pollution and catchment area conservation, protection and management;
- 3. THAT**, the Ministry of Lands and Physical Planning has embarked on planning and surveying of the area for resettlement of host communities and subdividing the land for commercial leasing for crops and livestock enterprises;
- 4. THAT**, a total of 30,000 families will be settled and allocated 10-acre plots on a lease basis and a 200,000 acres Community Ranch scheme will be established;
- 5. THAT**, Section 2 of the Agricultural Development Corporation (Special Farms) Rules provide that no special farm shall be sold, subdivided, transferred or otherwise disposed of without the prior approval by way of a Bill or Motion to be approved by Parliament;

Hon. Speaker
You may approve

26/11/2020

Approved.

26/11/2020
SNA



**REGARDING SUB DIVISION OF AGRICULTURAL DEVELOPMENT
CORPORATION (ADC) LAND AND STAKEHOLDER CONSULTATION ON
THE GALANA-KULALU FOOD SECURITY PROJECT**

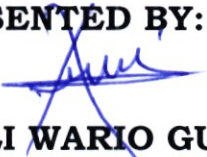
- 6. THAT,** the Ministry of Water, Sanitation and Irrigation had communicated to the Regional Commissioner, Coast Region of stakeholder consultations scheduled for 9th to 11th November, 2020 in the affected counties to sensitize the local communities on the interventions to be carried out to complete the project especially the plans for settlement of the local communities in the project area;
- 7. THAT,** unfortunately, the consultations did not take place as communicated and no further communication has been received from the Ministry;
- 8. THAT,** efforts made by the Petitioners to have the matter addressed have not been successful; and
- 9. THAT,** the matters raised in this Petition are not pending before any Court of law, Constitutional or any other legal body.

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

- (i) Inquiries into the circumstances under which the proposed 250,000 acres Community Ranch scheme as per the existing survey map was amended to 200,000 acres;
- (ii) Recommends that the 5,000 beneficiaries under the Community Ranch scheme be increased to a number proportionate to the affected citizens and that priority be accorded to locals who have been directly affected by the project;
- (iii) Ensures that public participation is undertaken as per the Constitution and provisions of the Agricultural Development Corporation (Special Farms) Rules; and
- (iv) Makes any other appropriate recommendations it deems fit in addressing the circumstances raised in this Petition.

And your Petitioners will ever pray.

PRESENTED BY:



THE HON. ALI WARIO GUYO, MP
MEMBER FOR GARSEN CONSTITUENCY

DATE: 26/11/2020

PUBLIC PETITION
REGARDING SUB DIVISION OF AGRICULTURAL DEVELOPMENT
(ADC) LAND AND STAKEHOLDER CONSULTATION ON THE
GALANA- KULALU FOOD SECURITY PROJECT

S/No	NAME OF PETITIONER	ID NUMBER	CONTACT	SIGNATURE
1.	ADHAN H. GURKA	3914336	0725742787	ADHAN
2.	OMAR BAKERO SAID	29233102	0718833710	Omar
3.	BONEYO OMARI MOHAMED	35705062	0717194623	Boneyo
4.	MAHMUD SALIMI DIDO	33133941	0720029489	Mahmud
5.	WAIKOLE DUDO HAMED	31263345	0799485235	WaiKole
6.	ABDEHEMAN HUKO DAKANE	28224532	0716761081	Abdeheman
7.	MOHAMED YA'ID ABALAGA	20136531	0719461860	Mohamed
8.	ABUBAKAR SALAT GALALO	30762578	0707654909	Abubakar
9.	ABUBAKAR IJEMA BORU	29897444	0710939686	Abubakar
10.	OMAR DIBA KAWAID	29717567	0721726833	Omar
11.	OMAR HASSAN DOKOIA	26567952	0745455764	Omar
12.	HASSAN ALGI JILLO	33125434	0740102790	Hassan
13.	ROBA ABDALLA BAKERO	31246653	0714908388	Roba
14.	MARYAM D KOKANE	38605705	0797465053	MARYAM
15.	MURU H DOKOIA	127293886	0701042154	MURU
16.	ROBA MAHMUD RACHA	29698921	0704008384	Roba

**AGRICULTURAL DEVELOPMENT CORPORATION (SPECIAL FARMS) RULES,
2001**

[L.N. 37/2001, L.N. 157/2003.]

1. These Rules may be cited as the Agricultural Development Corporation (Special Farms) Rules, 2001.

2. (1) The farms of the corporation described in the Schedule to these Rules are designated as special farms for the agricultural purposes specified in relation to each of the farms.

(2) No special farm shall be sold, subdivided, transferred or otherwise disposed of without the prior approval by way of a Bill of Motion to be approved by Parliament.

(3) Any sale, subdivision, transfer or disposal of any special farm made in contravention of this rule shall be null and void, and no instrument relating to such transaction shall be registered under any written law for the time being in force requiring the registration of such instrument.

SCHEDULE OF SPECIAL FARMS RULES
[L.N. 157/2003, s. 2.]

	<i>Name of Farm</i>	<i>Location</i>	<i>Land Reg. No.</i>	<i>Area in Acres</i>	<i>Agricultural Purpose/Use</i>
1.	Chorlim	Trans Nzoia	2989 and 9431/7	2,300	Seed maize and seed grass production.
2.	Galana	Malindi-Coast	Galana/Block I	1,500,000	Ranching.
3.	Japata	Trans Nzoia	4140/3, 6106/4, 7136/5, 7155, 7156, 7156/7, 7156/9-11, 7156/14-16, 9437 and 9439	6,302	Seed maize, livestock production and seed grass.
4.	Katuke	Trans Nzoia	1932/2, 2053	3,641	Seed maize and livestock production.
5.	Kiswani	Malindi-Coast	482	3,902	Livestock production.
6.	Kulalu	Malindi-Coast	Trust Land Act Cap. 288	250,000	Ranching.
7.	Mutara	Rumuruti	10069 and 10070	63,023	National Boran Stud.
8.	Nai	Trans Nzoia	5335/13, 5335/21, 5335/23, 5786, 5787, 5787/1 and 5787/2	4,928	Seed maize and livestock production.
9.	Namandala	Trans Nzoia	5390, 5532, 5574 and 11502/1	3,259	Seed maize and livestock production.
10.	Oi Ngantongo	Trans Nzoia	5337, 5345, 5345/2, 5345/3, 5346, 8855/2, 10297	4,807	Seed maize and livestock production.
11.	Sabwani	Trans Nzoia	2043, 2992, 2993, (part), 5345/1 and 5722	7,200	Seed maize and livestock production.
12.	Sirikwa	Molo	5632/2 (part)	130	Potato seed production / multiplication.
13.	Suam Orchards	Trans Nzoia	4140/4, 7156/4, 8027 (part)	1,793	Seed maize and horticultural production.
14.	Lanet feed lot	Rift Valley	9514/2	1,500	Fattening steers, hay making, embryo transplant.



REPUBLIC OF KENYA
MINISTRY OF WATER, SANITATION AND IRRIGATION
OFFICE OF THE PRINCIPAL SECRETARY

MAJI HOUSE
NGONG ROAD
P. O. BOX 49720-00100
NAIROBI
Website: www.water.go.ke

Telegrams: "MAJI" Nairobi
Telephone: +254204900303
G.L +254 20 2716103
Fax: +254 20 2728703
Email: ps@water.go.ke

Ref: MWSI/DI/PS/ VOL VII (146)

Date: 2nd November 2020

Mr. John Elungata
Regional Commissioner
COAST REGION

Dear *John*

RE: STAKEHOLDER CONSULTATION ON GALANA KULALU FOOD SECURITY PROJECT.

The Ministry of Water, Sanitation and Irrigation has been implementing Galana Kulalu Model Farm which is expected to be completed by June 2021. A consultative meeting was held at Harambee House on 9th and 13th October 2020 with the leadership of Kilifi and Tana River Counties to brief them of the strategies that have been put in place to complete the Galana Kulalu Food Security Project. It was agreed that stakeholder consultations be held with the local leadership of the respective Counties to discuss the completion of the Project.

The objective of this engagement is to sensitize the local communities on the interventions to be carried out to complete the project especially the plans for settlement of the local communities in the project area.

The purpose of this letter is therefore to request you to ask the County Commissioners Kilifi and Tana River to organize the meetings in their respective Counties and invite the local leadership to the stakeholder consultation meetings that have been scheduled from 9th to 11th November 2020. The tentative programme for the meetings is as follows:

	DATE	VENUE	ACTIVITY
1	9 th November 2020	Hola	Meeting with Tana River local leadership
2	10 th November 2020	Kilifi (Malindi town)	Meeting with Kilifi local leadership
3	11 th November 2020	Kilifi (Malindi town)	Wrap up meeting with leaders of Kilifi and Tana River Counties.

Yours

Sincerely

Joseph W. Ithungu, CBS

PRINCIPAL SECRETARY

Copy to: Sicily K. Kariuki (Mrs.), E.G.H.
Cabinet Secretary
Ministry of Water, Sanitation and Irrigation
NAIROBI

H.E. Hon Amason Jeffah Kingi
The Governor
County Government of Kilifi
KILIFI

H.E. Dhadho Gadae Godhana
The Governor
County Government of Tana River
HOLA

Dr (Eng.) Karanja Kibicho, CBS
Principal Secretary
Interior & Citizen Services
Chairperson, National Development
Implementation Technical Committee
NAIROBI

A. BRIEF ON STATUS OF GALANA MODEL FARM

1.0 Introduction

- ❖ Galana Kulalu Food Security Project was conceived as a national food security project in the year 2013 after Pre-feasibility and pre- investment studies covering 1.7 million acres of land in the Galana and Kulalu Government ranches within Tana River and Kilifi Counties.
- ❖ The current phase of the project targeted to pilot 10,000 acres under irrigation using high technology drip and centre pivot Irrigation systems.
- ❖ The construction contract was awarded to Green Arava Company Limited of Israel in November 2014 at a sum of Ksh 7.2 billion.

2.0 The project scope included:

- a) The construction of intake works on River Tana,
 - b) Installation of pumping equipment,
 - c) Water conveyance channel and installation of drip irrigation system and associated supportive infrastructure covering 10,000 acres and
 - d) Supply of assorted machinery and plant equipment and operation and maintenance.
- ❖ The works commenced in November 2014 for a contract period of 30 calendar months, expected to be completed by March 2017.
 - ❖ The contract was extended to a new completion date of January 2018 but the contractor failed to complete the project and the employer terminated the contract on May 2018 and recalled the performance bond.

3.0 By the time of termination of the contract, the following had been achieved:

- a) Construction of the intake works and installation of pumping equipment,
- b) Installation of 20 center pivots covering 3,300 acres,
- c) Installation of drip irrigation systems covering 1,800 acres;

The overall progress is 85% completion.

4.0 Activities done by the Authority:

- ❖ National Irrigation Authority has already taken over the completed area of 5,100 acres and is undertaking production.
- ❖ During the time the farm has been in production, it has been found to be viable because as regards maize production, the average maize yields on the farm is 28 bags (90kgs) compared to the national average of 17 bags.

5.0 Critical Interventions for Completion of Galana Kulalu Food Security Project

A Cabinet Memorandum has been developed to propose the way forward on critical components of the Galana Kulalu Food Security Project which will ensure full utilization of the 1.7 million acre ranch.

The following measures have been recommended in order to complete the project.

(i) Land Settlement

The Ministry of Lands and Physical Planning will embark on planning and surveying of the area for resettlement of host communities and subdividing the land for commercial leasing for crops and livestock enterprises. A total of 30,000 families will be settled and allocated 10-acre plots on a lease basis and a 200,000 acres Community Ranch scheme will be established.

The proposed subdivision summary is as follows:

Category	Proposed Size	Acreage (acres)	No of Beneficiaries
Large scale	10,000 acre block	400,000	40
Medium scale -1	5,000 acre block	200,000	40
Medium scale -2	1,000 acre block	200,000	200
Small scale	100 acre block	200,000	1,000
Settlement schemes	10 acre block	300,000	10,000 families
Group ranching schemes	200,000 acre block	200,000	5,000 communal
Infrastructure		150,000	

Alongside this the Ministry of Trade, Industry and Enterprise Development will undertake to establish of agri-based SME value chains for the farmers in the planned settlement scheme.

(ii) Upstream pollution control and catchment area conservation, protection and management

The Ministry of Environment and Forestry will undertake upstream pollution control and catchment area conservation.

(iii) Road Infrastructure

The Ministry of Transport, Infrastructure, Housing, Urban Development and Public Works will undertake development of road infrastructure. This will involve the construction of 19 Km of tarmac road and construction of a 250m Bridge across River Galana.

(iv) Power Connection

The Ministry of Energy will provide Grid Power for Galana Kulalu Project for the 10,000 acre Model Farm.

(v) Completion of the Model Farm and Involvement of Private Sector in Production

The Ministry of Water, Sanitation and Irrigation will complete the model farm infrastructure for the remaining 4,900 acres. The National Treasury has already provided **Kshs. 600 million** for completion of the irrigation infrastructure which will be completed by **June 2021**. Upon completion of the model farm the private sector will be invited to take over the production of the 10,000-acre model farm

(vi) Termination of all the existing leases on the ADC Land

The Attorney General with the Ministry of Agriculture, Livestock, Fisheries and Cooperatives will undertake to review the twenty-eight (28) lessees/ companies that have been allocated a total of **808,941 acres** and commence the termination of the leases.

B. RESPONSES TO PARTICULAR QUESTIONS

QUESTION NO. 1 : How much has been spent on Galana?

ANSWER: A total of Kshs 5.9 billion out of a contract sum of Kshs 7.2 billion has been spent to pay the contractor for the works done. The payment comprises of Kshs 2.5 billion GOK and Kshs 3.4 billion for Bank Leumi of Israel

QUESTION NO. 2: What is the breakdown for the payment?

ANSWER: The breakdown for the payment is as follows;

No.	Description	Amount (Kshs)
1.0	Intake works and pumping stations	677,050,033.30
2.0	Centre pivot and drip irrigation systems and supply of agricultural machineries	4,544,423,063.64
3.0	Logistics centre	777,577,275.00
	Total	5,999,050,371.94

QUESTION NO. 3 : Why the farm downscaled from 1 million acres to 10,000 acres

ANSWER : Implementation of 1 million acres of irrigation was to be achieved across the whole country and not in Galana alone. From the recommendations of feasibility studies; the total irrigation potential of Galana is 210,000 acres after dam is constructed upstream of capacity 400 million cubic metres together with conveyance system at an estimated cost of Kshs 39 billion.

The studies recommended phased implementation of the project starting with a 10,000 acres model farm which was achievable without storage. The other phases were to be implemented based on availability of funds.

QUESTION NO. 4: How will the private investors be brought on board?

ANSWER: The Government will conduct an open recruitment process for interested investors on the farm through a criteria which is being developed to be ready before the completion of the model farm by June 2021. An action plan to develop connecting roads, supply power and construction a bridge across the Galana River to make the farm more attractive to private sector investment have

been finalised and being implemented. The Government will continue to maintain the main irrigation infrastructure and the Private investors are expected to pay for lease of the farm and operation and maintenance costs.

QUESTION NO. 5: What are the timelines for completion of the remaining part?

ANSWER : The remaining part which is 15% of the total target of the 10,000 acres model farm will be completed by June 2021.

QUESTION NO. 6 : What happened to Green Arava

ANSWER: Green Arava contractor as mentioned above was terminated by the Employer National Irrigation Authority (NIA) due to the following reasons;

- i. Failure by the Contractor to extend the performance bond before expiry in May 2018
- ii. The Contractor declined to refund the employer costs incurred in the rehabilitation of the intake since works are insured and instead demanded Kshs 700 million variation
- iii. Failure by the Contractor to mobilize qualified staff as stipulated in the contract
- iv. Failure by the Contractor to account for Kshs 640 million paid to engage experts on the farm
- v. Default by the Contractor by not proceeding with the works as per the conditions of contract.

NIA is currently procuring another contractor to complete the pending works at an estimated cost of Kshs 600 million