

REPUBLIC OF KENYA



KENYA NATIONAL ASSEMBLY

TENTH PARLIAMENT – FOURTH SESSION – 2011

THE DEPARTMENTAL COMMITTEE ON DEFENCE AND FOREIGN
RELATIONS

REPORT ON THE VISIT TO MILITARY TRAINING AREA IN NGONG

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;

- (1) Defence matters;
- (2) Foreign policy;

- (3) Treaties , Conventions and Agreements;
- (4) International and Regional Organisations;
- (5) Bilateral and Multilateral Relations;
- (6) Regional Cooperation policy;
- (7) East African Community Affairs; and
- (8) 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. UNEXPLODED ORDINANCES LEFT AFTER MILITARY TRAINING IN PARTS OF KAJIADO NORTH DISTRICT

Mr. Speaker,

- 2.1 On Sunday May 8th, 2011 four boys were killed by a bomb explosion in Ol Maroroi village of Ewaso Kedong Division, Kajiado North District. A fifth boy succumbed to injuries while undergoing treatment. The bomb explosion raised concern over the safety of people and livestock inhabiting areas either reserved for military training or areas used for training by the military in the present or in the past.
- 2.2 The Committee on Defence and Foreign Relations in its oversight role resolved to inquire into the matter and in particular on unexploded ordinances left after military training and the efforts by the Kenya Defence Force which fall under the Committee's oversight mandate to clear training areas of unexploded ordinances.
- 2.3 To achieve its objective the Committee visited Ol Maroroi village in Kajiado North District to inspect the progress of work in the clearance of unexploded munitions by the Kenya Defence Forces and to hold a public hearing on the matter. The Committee also held a meeting with the area Member of Parliament, Hon. Prof. George Saitoti, EGH, MP and the Ministry of State for Defence.
- 2.4 From the visit and meetings with the aforementioned State Officers and the public, the Committee observed and recommends that:-
 1. The Ministry of State for Defence should obtain title to the gazetted military training area in Ngong and other parts of the country.

2. The Ministry of State for Defence should secure and fence off the gazetted military training area in Ngong 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.
4. The Ministry of State for Defence should undertake sensitization campaigns on the on identification, reporting and effects of unexploded ordinances in areas surrounding military training grounds.
5. The Government should urgently compensate the families of the five children killed by explosions of ordinances at the military training area in Ngong:-
 - (i) Boniface Meisanka – 5 Years,
 - (ii) Elijah Panai Keshu – 8 years,
 - (iii) Isaiah Samkuiya Keshu – 6 years,
 - (iv) Joel Sintamei – 5 years and
 - (v) Stephen Letuya Kuperi – 7 years.
6. In light of the rising demand for land due to population pressure, the Government should acquire land for military training in suitable areas after carrying out thorough Environmental Assessment in the area.
7. The Government should establish which security service/apparatus left the unexploded ordinances in the area after training and action be taken against the command of the security agency found to have negligently left the unexploded ordinances.
8. The Ministry of Environmental and Natural Resources through the National Environmental Management Authority (NEMA) should conduct an environmental impact assessment of the military exercises at the military training area in Ngong.

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

8.4 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.

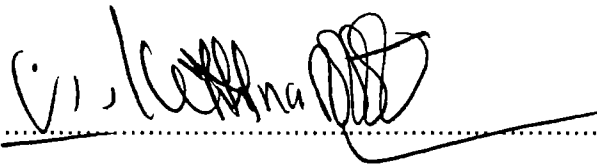
- 3.2 The Committee is also grateful to the Ministries of State for Defence, Provincial Administration and Internal Security, the National Environmental Management Authority (NEMA) and Members of the public for facilitating the visit and providing crucial information to the Committee.

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:

6/12/2011

4.0 UNEXPLODED ORDINANCES IN PARTS OF KAJIADO NORTH DISTRICT

Background to Unexploded Ordinances

Unexploded Ordinance also known as UXOs/UXBs, are explosive weapons (bombs, bullets, shells, grenades, land mines, naval mines, etc.) that did not explode when they were employed and still pose a risk of detonation. The munitions remain potentially risky many years after they were used or discarded.

Unexploded ordinance are a danger in current and former combat areas as well as on military firing ranges across the worldwide. The major problem with unexploded ordinance is that over the years the detonator and main charge deteriorate, making them more sensitive to disturbance, and therefore more dangerous to handle. It is this instability in the munitions that makes them lethal as they can exploded with little disturbance.

The problem of unexploded ordinance in Kenya dates back to activities of various military and other security agents during the colonial era to date. Without the help of security experts it is sometimes difficult to attribute it to any particular security group especially where the various agents conduct joint training operations.

Military training has over the years continued to be undertaken in specific designated military training areas. The growth in population particularly in dry and semi arid areas where most military training takes place has exerted pressure on land and other natural resources resulting in the movement of pastoralists into designated military training areas. In search of pasture and water for their livestock the pastoralists are unaware of the dangers of traversing such terrain, which in most cases still harbour unexploded ordinance. Cases of people being killed or maimed by unexploded ordinance have been reported in areas where military trainings have been undertaken. Though all security training institutions in Kenya are under obligation to ensure that no unexploded ordinance is left behind after each training activity cases have been reported of such ordinances killing or injuring people other have been reported to authorities and demolished by experts.

4.1 MEETING WITH THE AREA MEMBER OF PARLIAMENT

4.1.1 The Hon. Prof. George Saitoti, EGH, MP Member of Parliament for Kajiado North Constituency met with the Committee on Wednesday, June 22, 2011 at the Shade Hotel in Ngong. The Hon. Prof Saitoti, EGH, MP welcomed the Committee to his Constituency and expressed his condolences to the families of the five boys who died as a result of a bomb explosion in Ol Mororoi area of Ewaso Kedong Division.

4.1.2 He expressed gratitude to the Committee for taking up the matter. The Hon. Prof. George Saitoti, EGH, MP informed the Committee that he had appealed to the Government to compensate the families of the children since the bomb was left by Government security agents training in the area. He appealed to the Committee to assist in ensuring that the families of the children are compensated. **(Annex 1)**

4.2 VISIT TO OL MOROROI AREA OF EWASO KEDONG DIVISION, KAJIADO NORTH DISTRICT

The Committee visited the battle area clearance camp in Ol Mororoi area on Wednesday 22nd June, 2011 accompanied by the Hon. George Saitoti, EGH, MP, Member of Parliament for Kajiado North Constituency.

At the military camp the Committee was welcomed by Brig. W. Owino, Brigadier Engineers in charge of the Joint Task Force, Operation Kinga Maisha. Brig. Owino briefed the Committee on the operations of the Joint Task Force as follows:-

4.2.1 Operation Kinga Maisha is a Joint Task Force between the Department of Defence, the police and provincial administration. The task force was established to remove unexploded ordnances/ munitions in Ewaso Kedong division following an accident that killed five children when a bomb exploded at Ol Maroroi village.

4.2.2 The land has been a training area since 1960 during the British Colonial Era. Over the years the Kenya Defence Forces, regular Police and Administration Police have trained in the area using both live munitions and dry maneuvers. The Department of Defence however stopped training in the area in 1970 and only undertakes live firing at the firing range using small arms. As standard practice the Kenya Defence Forces ensure that the area is free of any unexploded ordnances after a training activity.

Training by the Kenya Defence Forces

4.2.3 Training by the Kenya Defence Force is coordinated at Defence Headquarters. Once training has been planned, the Department of Defence liaises with the local administration (provincial administration) responsible for the area informing them of when that the training will take place. Members of the public are advised on the training area. After training the military demolishes all blinds and unexploded ordnances in the area of training. This has been the standard practice for the Kenya Defence Forces. It is the responsibility of the service that undertakes training to account for the munitions used. The service should also be able to demolish those that are blind including recovering parts of munitions used. As standard practice the Kenya Defence Force now undertakes a risk education before training is carried out by the training unit in an area.

4.2.4 The Operational Framework of the Joint Task Force involves ensuring that the area is free of unexploded ordnances by way of battle area clearance and sensitizing the public through risk education thus removing the risk of unexploded ordnances (UXO).

Ensure that the area is free from unexploded ordnances

4.2.5 During the 40 days of the Joint Task Force, Operation Kinga Maisha an area covering 89 Kilometres has been cleared of UXO's through use of detectors and physical clearance techniques. During the exercise 16 live munitions were found and destroyed /demolished, 134 ammunition/ordnance parts were recovered.

Summary of unexploded ordnances found

8.4.1.1 **Live Ammo – 16**

- (a) 2 No. 58 MM Mortar Bombs
- (b) 1 No. 57 MM Live Mortar
- (c) 5 No. 60 MM. Mortar Bomb
- (d) 6 No. 84 MM HE Bomb
- (e) 2 No. 7.62 MM live rd.

8.4.1.2 **Ammo/ ordinance parts recovered - 134**

- (a) 75 No. 7.62 MM fired blanks
- (b) 5 No. 58 MM Mortar body carriers
- (c) 1 No. 81 MM A/C projected mortar
- (d) 15 No. 84 MM projectile TPT/fuse/carriers
- (e) 1 No. 84 MM shot
- (f) 1No. Mortar carrier with fuse
- (g) 25 No. Mortar fins/tails/fuse/shells
- (h) 9 No. Smoke grenade shell/grenade/cartridge
- (i) 1 No. Tear gas canister shell
- (j) 1 No. Trip flare shell

Risk education

4.2.6 The task force has embarked on educating the public on the dangers of unexploded ordinances, how to identify them; mark them before reporting to authorities. The sensitization programme targeted the local population through local leaders, schools, churches, markets and provincial administration. During the 40 days of Operation Okoa Maisha the Joint Task Force has sensitized 52 institutions of learning, held 12 Barazas and met the public in 4 churches. A total of 19, 628 local population has been educated on unexploded ordinances.

The sensitization campaign involved use of posters in schools, churches and other public facilities as well as holding barazas where information is disseminated to the local population.

4.2.7 During the unexploded ordinances education the populace was educated on the following:-

- (a) Type of munitions to be reported;
- (b) How to relation UXO to common user items;
- (c) Actual samples of munitions e.g. Projectiles, mortars, grenades, sub ammunitions and bomblets;
- (d) Effects of the bombs on human beings and livestock;
- (e) How to mark the bomb/munitions before reporting to authorities using stones, tree figs, red clothing on trees etc;
- (f) Demystifying myths about munitions – some people belief that it contains mercury or gold;
- (g) Bomb detection and excavation by experts

The sensitization campaign has been successful in that people have started reporting UXO to the military personnel who destroy them.

- 4.2.8 After the clearance the area was handed over to the District Commissioner. The team has put in place mechanisms through which any ordinance discovered is reported and destroyed by experts.
- 4.2.9 The Committee was also informed that the training range area belongs to the Department of Defence but the larger area where security forces use for training in jungle survival tactics is privately owned by members of the public who reside in the area.

During the visit the military demonstrated to the Committee the clearance of ordinances through physical/visual searching and detection equipment. The military further demonstrated the destruction of UXO. (Annex 2)

4.3 PUBLIC HEARING AT SAIKERI VILLAGE IN EWASO KEDONG DIVISION

The Committee held a public hearing at Saikeri shopping Centre where members of the public gave their views on the matter of unexploded ordinances.

- 4.3.1 Members of the public appealed to the Government to compensate the parents of the five children who lost their lives at Ol Maroroi village following a bomb explosion. They expressed their gratitude to the Committee for visiting the community and taking up the matter in Parliament.
- 4.3.2 Members of the public applauded the work of the Ministry of State for Defence for acting fast in ensuring that the area is free of unexploded ordinances through physical clearance and sensitization of the people.
- 4.3.3 Mr. Dickson Ntikoisa a community elder urged the Government to speed up compensation for the families of Boniface Meisanka, Elijah Panai Keshu, Isaiah Samkuiya Keshu, Joel Sintamei and Stephen Letuya Kuperi, the five children who died as a result of the bomb explosion. He called upon the military to be extra vigilant when undertaking training so as to ensure that no unexploded ordinances are left after training.
- 4.3.4 Mr. Ole Sakuda on behalf of the community requested the Ministry of State for Defence to extend the period for ordinance clearance by the engineering team so that the whole district is cleared of UXO and also so that the entire community is sensitized on UXO's.
- 4.3.5 Mr. Sunkuya appealed to the Ministry of State for Defence to assist the community by drilling boreholes or digging water pans as a Corporate Social Responsibility to the community in whose area they undertake training. He further demanded for a Kshs. 50 million for each of the four children killed by the bomb.

1.4 MEETING WITH THE MINISTER FOR LANDS

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

4.4.1 In Kajiado District there are four pieces of land vested in the Department of Defence (DOD) for military use:-

- (i) Ngong rifle range – the site is located on the outskirts of Ngong town. The area was gazetted in 1972 covering an area of 1011.75 Ha (2500 acres).
- (ii) Ngong Kibiko – the site was gazetted 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 gazettelement.
- (iv) Ilbisil training – the site measures 100 Ha and is used for training for the 50 ACB and army units. No record of gazettelement.

(Annex 3)

4.4.2 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.

1.5 MEETING WITH THE NATIONAL ENVIRONMENTAL MANAGEMENT AUTHORITY (NEMA)

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:-

4.5.1 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.

4.5.2 The military rifle range in Ngong has been in use since the pre colonial era but a community group ranch claims ownership of part of the range area.

4.5.3 During the Environmental Control Audit (**Annex 4**) the audit team established that:-

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

4.5.4 The audit 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 ordinances after training. The military should also undertake continuous education in the area to sensitize the community.

5.0 COMMITTEE OBSERVATIONS

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

- 1) Innocent lives of five (5) young Kenyans have been lost.
- 2) The Ministry of State for Defence has not secured the military training area in Ngong.
- 3) The Ministry of State for Defence has not obtained title to the gazetted military training area in Ngong.
- 4) There are security agencies using the training area without clear coordination and policies.
- 5) The National Environmental Management Authority (NEMA) has not conducted an environmental impact assessment of the military exercises at the military training area in Ngong.
- 6) There are many unexploded ordinances in Kajiado North District some dating back to pre-independence period.
- 7) There appears to be no clear Government policy of mopping up the munitions after use.
- 8) The military under the Operation "*Kinga Maisha*" launched to mop up unexploded ordinances has sensitized members of the public on the dangers of unexploded ordinances and reporting of such munitions to authorities. The Operation Kinga Maisha has so far managed to recover 16 live munitions and 134 ordinance parts.
- 9) Unexploded devices can stay intact many years after they have been left in an area. Due to passage of time they become unstable and any interference leads to an explosion. Many civilians living near or in areas of military training have been killed or severely injured by unexploded ordinances. The civilians unaware of the underlying dangers and believing that the unexploded ordinances are harmless handle the unstable devices which explode killing or severely injuring them. Members of the public are therefore advised not to touch or handle any unexploded ordinances and instead report its location to the local authority or police so that professionals are called in to demolish the device.

6.0 RECOMMENDATIONS

The Committee recommends that:-

1. The Ministry of State for Defence should obtain title to the gazetted military training area in Ngong and other parts of the country.
2. The Ministry of State for Defence should secure and fence off the gazetted military training area in Ngong and other parts of the country.
3. The Ministry of State for Defence should lead other security agencies in urgently, carrying out a nationwide exercise of mopping up all unexploded ordinances/munitions left after training in all military or security training areas.
4. The Government should urgently compensate the families of the five children killed by explosions of ordinances/munitions at the military training area in Ngong:-
 - (i) Boniface Meisanka – 5 Years,
 - (ii) Elijah Panai Keshu – 8 years,
 - (iii)Isaiah Samkuiya Keshu – 6 years,
 - (iv)Joel Sintamei – 5 years and
 - (v) Stephen Letuya Kuperi – 7 years.
5. In light of the rising demand for land due to population pressure, the Government should acquire land for military training in suitable areas after carrying out thorough Environmental Assessment in the area.
6. The Government should establish which security service or apparatus left the unexploded ordinances/munitions in the area after training and action be taken against the command of the security agency found to have negligently left the unexploded ordinances/munitions.
7. The Ministry of Environment and Natural Resources through the National Environmental Management Authority (NEMA) should conduct an environmental impact assessment of the military exercises at the military training area in Ngong.

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 Nyamweya, and seconded by The Hon. Mohammed Hussein Ali.

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

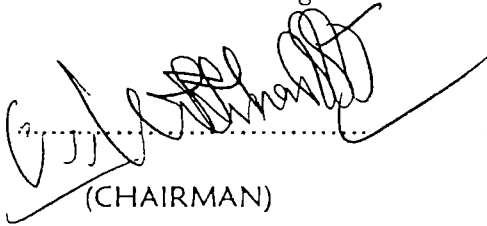
- (a) Report of the inspection visit to Kenya Missions in Tel Aviv and Rome
- (b) Report on visit to British Military training in parts of Samburu East District
- (c) Report on rendition of Kenyan Nationals to stand trials in Uganda and other foreign countries

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

2

ANNEX 'C' TO
BAC SOP
DATED 22 JUN 11

ANNEX 1

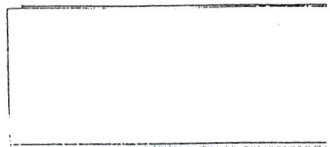
QUALITY ASSURANCE PRO-FORMA FOR SURFACE CLEARANCE
OPERATION KINGA MAISHA

DISTRICT: KAJIADO NORTH

DIVISION: EWASO KEDONG

LOCATION: INTASHAT

SUB LOCATION: ESAIKERI



MAP REFERENCE:

1. MAP: NGONG
2. SCALE: 1:50,000
3. SERIES: Y731 (D.O.S.423)
4. SHEET NO: 148/3
5. EDITION:10 D.O.S 1975

AREA CLEARED: DATED: 21 JUNE 2011

EASTING FROM: 36° 26'E TO 36° 33'E

NORTHING FROM: 1° 40'S TO 1° 54'S

TOTAL AREA CLEARED: 89 KM²

AUTHENTICATION:

I DO HEREBY CERTIFY THAT THE ABOVE SPECIFIED AREA OF COVERAGE IS FREE OF ALL SERVICE
AMMUNITION AS PER INTERNATIONAL MINE ACTION STANDARDS.

SECTION LEADER: NAME KIPKOSGE RANK CPL SIGNATURE [Signature] DATE 22-06-2011

TP COMD: NAME SIDWAKA RANK 2LT SIGNATURE [Signature] DATE 22/6/11

SQN COMD: NAME JM Masai RANK Major SIGNATURE [Signature] DATE 22 Jun 11

L C C (LAND COMPONENT COMD): NAME SO Radina RANK Lt Col SIGN [Signature] DATE 22 Jun 11

JTFC (JOINT TASK FORCE COMD): NAME GA Owinow RANK Brig SIGN [Signature] DATE 22 Jun 11

[Signature]

Drawings, elevations, etc. proposes to the commencement of buildings and other structures in conformity with such amendments (if any) as may be made.

Performance or other conditions it shall be subject to. The person authorized to enter into and execute the same shall be the whole and the part of the President or the person acting in his stead.

G. H. LIN, Director of Lands

Acquisition of land intended for Project

Area to be Acquired in Hectares

0.0426

0.0372

Working office Nairobi

G. H. LIN, Director of Lands

Acquisition will be held at the Public Hearing of the following

Approx. Area to be Acquired in Hectares

0.0426

0.0372

Required to be acquired in ten claim

GAZETTE NOTICE No. 1525

THE TRUST LAND ACT (Cap. 288)

SETTING APART OF LAND

NOTICE is hereby given that the land described in the Schedule hereto has been duly set apart in accordance with the provisions of Part IV of the Trust Land Act, for the purposes specified in the said Schedule.

SCHEDULE

Name—Oibaibal Ojera, Kajiado District.

Purpose.—Military shooting range.

Area.—1011.75 hectares (approximately 2500.75 acres).

Description of land:—

This land is situated approximately 7.25 kilometres and lies to the west of Ngong Township. The boundaries are demarcated on the ground and are described as follows:—

Starting from a point A, which is a beacon from which Ngong Township and the Survey of Kenya Pillar 208 (8070) are 7.25 and 10.15 kilometres distant, on bearings of 101° and 142½° respectively;

thence for 5069 metres on a bearing of 180° to point B, a beacon;

thence for 1996 metres on a bearing of 270° to point C, a beacon;

thence for 5069 metres on a bearing of 360° to point D, a beacon;

thence for 1996 metres on a bearing of 90° back to the starting point A.

All bearings given above are magnetic.

A plan of the area may be inspected at the office of the District Commissioner, Kajiado District.

Dated this 15th day of May, 1972.

J. A. O'LOUGHLIN, Commissioner of Lands.

GAZETTE NOTICE No. 1526

THE TRUST LAND ACT (Cap. 288)

SETTING APART OF LAND

WHEREAS the County Council of Embu was, on the 17th August, 1971, given written notice by the President that the area 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 Embu County Council that the said land is required to be set apart for Seven Forks Hydro-Electric Scheme, Kamburu/Gitaru Phases, and for purposes ancillary thereto and that all applications for compensation by persons who claim to be entitled to compensation under the provisions of the Act should be submitted to the District Commissioner, Embu, on or before the 30th June, 1972.

SCHEDULE

The area of land situate generally to the north of Tana River, the boundaries of which are shown on E.D. Plan No. 64922/V/140A copies of which may be seen at the office of the District Commissioner, Embu, and at the Department of Lands, Nairobi, or obtained from the Commissioner of Lands, P.O. Box 30089, Nairobi, at the cost of Sh. 7.50 per copy.

Dated this 22nd day of May, 1972.

J. A. O'LOUGHLIN, Commissioner of Lands.

GAZETTE NOTICE No. 1527

THE TRUST LAND ACT (Cap. 288)

SETTING APART OF LAND

WHEREAS the County Council of Masaku was, on the 9th August, 1971, given written notice by the President that the area 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 Masaku County Council that the said land is required to be set apart for Seven Forks Hydro-Electric Scheme Kamburu/Gitaru Phases, and for purposes ancillary thereto and that all applications for compensation by persons who claim to be entitled to compensation under the provisions of the Act should be submitted to the District Commissioner, Masaku, on or before the 30th June, 1972.

SCHEDULE

The area of land situate generally to the south of Tana River, the boundaries of which are shown on L.D. Plan No. 64922/V/140A copies of which may be seen at the offices of the District Commissioner, Machakos, and at the Department of Lands, Nairobi, or obtained from the Commissioner of Lands, Nairobi, at the cost of Sh. 7.50 per copy.

Dated this 22nd day of May, 1972.

J. A. O'LOU, Commissioner

GAZETTE NOTICE No. 1528

THE METRIC SYSTEM ACT, 1968 (No. 63 of 1968)

NOTICE FOR WEIGHING AND MEASURING INSTRUMENTS TO BE SURRENDERED

PURSUANT to the provision of section 5 of the Metric System Act, 1968, notice is hereby given that all persons within the areas specified in the Schedule to this notice who have in their possession for use by way of trade any weighing or measuring instrument which indicates in units other than metric units are hereby required to surrender the said weighing or measuring instruments to an Inspector forthwith.

SCHEDULE

- West Pokot District. Kakamega District. Machakos District. Turkana District. Samburu District. Narok District. Kitui District. Taita District. Nandi District. Embu District.

Made this 26th day of May, 1972.

F. B. MAIKO, Superintendent of Weights and Measures.

GAZETTE NOTICE No. 1529

EAST AFRICAN COMMUNITY CIVIL AVIATION BOARD

THE EAST AFRICAN LICENSING OF AIR SERVICES REGULATIONS, 1965

NOTICE OF APPLICATION FOR THE VARIATION OF AIR SERVICE LICENCE NO. CAB. 68

PURSUANT to the provisions of regulation 21 (1) of the East African Licensing of Air Services Regulations, 1965, notice is hereby given that Uganda Aviation Services Ltd., P.O. Box 189, Entebbe, Uganda, have applied to the East African Civil Aviation Board for the variation of Licence No. CAB. 68 so as to enable them to operate the services authorized thereunder with a twenty-five (25) seat D.C.3 aircraft.

Licence No. CAB. 68 authorizes Uganda Aviation Services Ltd. to operate inclusive air tours throughout Uganda based at Entebbe. It is valid until 14th October, 1973.

It is further notified that any representations or objections with regard to this application should be made to the East African Civil Aviation Board, P.O. Box 1002, Arusha, Tanzania, not later than 31st June, 1972. Every such representation or objection should be made in writing, state the specific grounds on which it is based and specify any conditions which it may be desired should be attached to the variation. A copy of every such representation or objection should be sent by the person making the same to the applicant at the same time as it is sent to the East African Aviation Board.

Dated at Arusha this 10th day of May, 1972.

P. M. MATUMULA, Secretary, East African Civil Aviation Board

GAZETTE NOTICE No. 1530

THE ANIMAL DISEASES ACT (Cap. 364)

IN EXERCISE of the powers conferred by section 5 of the Animal Diseases Act, I hereby declare

(a) the areas specified in Schedule I, Schedule II, Schedule III, Schedule IV, and Schedule V to be "infected areas" in respect of the disease indicated at the head of such Schedules;

(b) the notices specified in the first column of Schedule V to be amended in the manner specified in the second column of such Schedule.

AMENDED

f) Public consultations

1.3 AUDIT OBJECTIVES

- a) To establish the current practice status at the military training facilities
- b) Determine whether the training facilities comply with all the environmental regulations
- c) Determine the causes of military-community conflicts
- d) Determine the degree and scope of necessary improvements or remedial works in case of non-compliance

1.4 AUDIT TEAM

- | | |
|---------------------|-------------|
| 1. Benjamin Langwen | Team leader |
| 2. Wilister Magangi | Secretary |
| 3. Mwaure Mungu | Member |
| 4. Richard Maina | Member |

1.5 METHODOLOGY

The site was visited by the control audit team in the company of the area Chief, Military representatives and residents. The team did visual observation as well as interviewed both the chief and a resident of the area (Morito Ole Wala) who has lived there for 30 years.

The team also visited the local health centers i.e. Saikeri and Oloisho Oibok dispensaries to obtain information on the prevalent diseases in the area and establish possible linkages to the military activities. The Ngong district hospital was also visited since complex cases from the dispensaries are referred to the facility.

Soil sampling for the butt was done and taken to the University of Nairobi, institute of Nuclear Science & Technology as well as Mines and Geology laboratories for analysis to establish the presence of residual toxic substances.

2.0 AUDIT FINDINGS

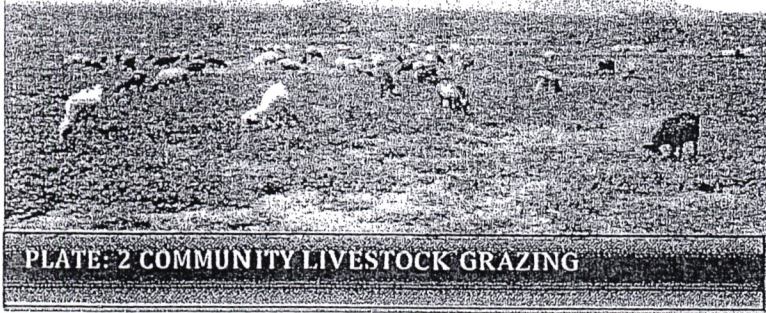
Upon evaluation of the military training facilities, the auditors documented the following findings:

- a) The facility is 'owned' by the Military but is used by several disciplined forces such as the;
 - Administration Police
 - Kenya Airport Police Unit
 - Kenya Wildlife Service
 - Presidential Escort
 - Kenya Air force
 - Kenya Navy
 - UN Security guards
 - Police reservist
 - Railway police
 - Other international forces with bilateral relationships.
- b) Type of arms used are small caliber ammunition such as pistols, G3, AK 47 and MG all which use 7.6mm ball or 9 mm ammo.
- c) Chemical contents of the small caliber ammo include sulphur, potassium nitrate and charcoal for the black powder.

PLATE: 1 SCOOPING SOIL SAMPLES FOR ANALYSIS

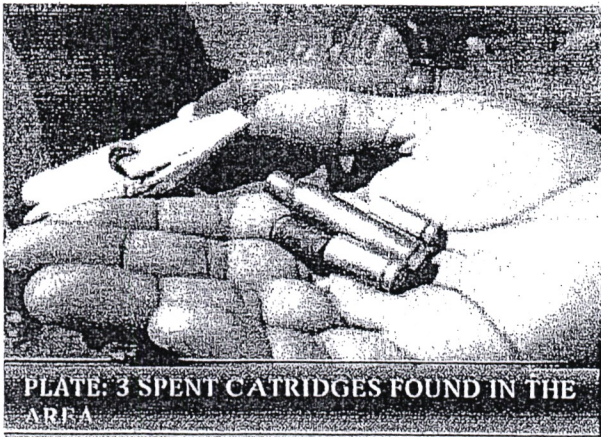


- d) The local community has encroached on the rifle range as evidenced by the presence of herders and livestock in the training area as seen below.



e) There is no clear demarcation of the range or warning sign for residents to keep off the range. The residents cannot therefore tell the extent of the boundaries.

- f) There is an Administration Police Camp on site with two officers (corporals) who keep an eye on the people that use the range.
- g) Left over bullets and spent cartridges were collected on site indicating that the area is not free of ordinance waste.



- h) Area resident Mzee Morito Ole Wala indicated that some time back about 3 years ago, armored vehicles used the rifle range as well as white officers (Foreign troops) in the company of Kenya Army officials.

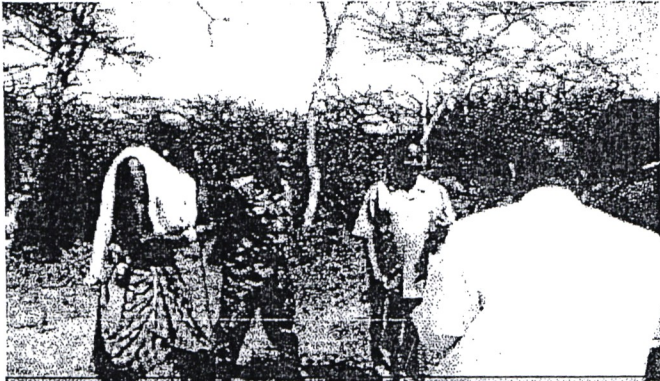


PLATE: 4 THE AUDIT TEAM, MILITARY STAFF AND THE LOCAL COMMUNITY

- i) Local residents complained of human waste littering the area during trainings especially of the Administration Police group that come in huge numbers like 3000 and sanitary facilities are not adequate.
- j) The local community is never aware of the training; the forces just show up and start the exercises. There is no clear calendar of events to prepare the residents.
- k) Only small caliber ammunition is used on site but since site has been in use since the colonial times, bombs used at the time have been previously been found in the area leading to the recent death of 5 children.
- l) Food left over and plastic waste litters the area and sometimes causes death of the livestock.
- m) Due to the fact that the spent cartridges contain valuable metals like copper, the locals run to collect and sell to scrap metal dealers for smelting.
- n) There are no reported cases of children born with deformities or birth defects. However, most of the births take place at home.
- o) Stray bullets have been reported to go beyond the butt and have killed a bull in the neighborhood.
- p) No case of rape of the females in the area has been reported as confirmed by the local chief.
- q) The top ten diseases of the area include;
 - 1. Upper respiratory conditions e.g. coughs, pneumonia, TB
 - 2. Eye conditions
 - 3. Diarrheal diseases
 - 4. Ear infections
 - 5. Skin conditions like scabies and fungal infections
 - 6. Malnutrition of children below 5 years
 - 7. STIs particularly urethra problems for men
 - 8. Pelvic Inflammatory Diseases for women
- r) Results of the soil samples indicated some degree of radioactivity.

2.4 Audit action plan

	Issues of concern	Proposed mitigation	Responsibility	Timing
1.	<ul style="list-style-type: none"> Encroachment of the rifle range by the community 	<ul style="list-style-type: none"> Clear demarcation, fencing of the military Land. Prohibit public entry into the protected area. 	<ul style="list-style-type: none"> Ministry of lands Military 	<ul style="list-style-type: none"> Immediate
2.	<ul style="list-style-type: none"> Lack of a buffer zone between the community land and the firing range 	<ul style="list-style-type: none"> Acquire a buffer zone around the firing range 	<ul style="list-style-type: none"> Military 	<ul style="list-style-type: none"> Immediate
3.	<ul style="list-style-type: none"> Lack of awareness to impending military training at the firing range by the locals 	<ul style="list-style-type: none"> Communication and information dissemination to the public well in advance prior to commencement of training 	<ul style="list-style-type: none"> Military 	<ul style="list-style-type: none"> Continuous
4.	<ul style="list-style-type: none"> Presence of spent/unspent/unexploded cartridges and unexploded ordinances in the firing range areas 	<ul style="list-style-type: none"> Mop up all used cartridges and unexploded ordinances 	<ul style="list-style-type: none"> Military 	<ul style="list-style-type: none"> Continuous
5.	<ul style="list-style-type: none"> Littering of the area with human waste 	<ul style="list-style-type: none"> Provision of adequate sanitary facilities 	<ul style="list-style-type: none"> Military 	<ul style="list-style-type: none"> Immediate
6.	<ul style="list-style-type: none"> Littering of solid waste in the area 	<ul style="list-style-type: none"> Provide solid waste bins and dispose waste at designated sites. 		<ul style="list-style-type: none"> Immediate



National Environment Management Authority (NEMA)
Eland House, Popo Road, Off Mombasa Rd P.O. Box 67839-00200, NAIROBI, KENYA
Tel: 605522/6/7, 601945 Fax: 254-02-608997, Hotline: 606041, 020-8077233; Mobile: 0720 947417