

Hon. Speaker,

1. Please note the comments by the CNA on this petition due to conflict of interest.

2. We are processing the petition for presentation to the House by the Hon. Korir, pursuant to S.O. 225 (2) (a).



REPUBLIC OF KENYA
PARLIAMENT

NATIONAL ASSEMBLY
RECEIVED
29 JUN 2020
SPEAKER'S OFFICE
P.O. Box 41842, NAIROBI.

Hon. Generali Nixon Kiprotich Korir, MP.

Langata Constituency

Member - Trade Committee

Member-Implementation Committee

Parliament Buildings

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P.O. Box 41842 - 00100

Nairobi, Kenya

29/06/20

Continental Hse. 6th Flr. Rm. 629

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June 29, 2020

Ms Sarah Kioko
Process as necessary.
SNH
29/6/2020

The Speaker of the National Assembly

Parliament Buildings

P.O. Box 41842 - 00100

NAIROBI

PARLIAMENT
OF KENYA
LIBRARY

Dear Sir,

RE: PETITION TO THE NATIONAL ASSEMBLY CONCERNING THE ALLEGED DEMOLITION OF HOUSES WITHIN LANGATA CONSTITUENCY

I wish to draw the attention of the House on the above matter that has been brought to my attention by the Residents of Sunvalley Phases I, II, and III, Royal Park Estate, KMA Estate, Shallom Estate, Forest View Estate within my Constituency.

The petitioners aver that through media reports captured, in both print and electronic media houses citing the Cabinet Secretary for Environment and Natural Resources where proposing to demolish houses within the said Estates. This has caused a lot of anxiety and panic among the resident of these Estates who are my constituents.

In this respect therefore I wish to lay before the House the attached Petition for urgent consideration and determination by the House since the Cabinet Secretary for Environment and Forestry has indeed through his media address on various dates indicated his intention to demolish houses and bring untold suffering to my constituents.

Yours faithfully,

Hon. Generali Nixon Kiprotich Korir

NATIONAL ASSEMBLY
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SENIOR DEPUTY CLERK
LEGISLATIVE & PROCEDURAL SERVICES
P. O. Box 41842 - 00100, NAIROBI

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RECEIVED
29 JUN 2020
CLERK'S OFFICE
P. O. Box 41842, NAIROBI

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June 29, 2020

The Clerk to the National Assembly

Parliament Buildings

P.O. Box 41842 – 00100

NAIROBI

Email: clerk@parliament.go.ke

RE: PETITION TO THE NATIONAL ASSEMBLY CONCERNING AN ALLEGED REPOSESSION OF LAND IN LANGATA CONSTITUENCY BY THE MINISTRY OF ENVIRONMENT AND FORESTRY

We, the undersigned, citizens of the Republic of Kenya, and residents of Sunvalley Phases I, II, and III, Royal Park Estate, KMA Estate, Shallom Estate, Forest View Estate within Mugumoini Ward of Langata Constituency in Nairobi County, Kenya do petition the National Assembly under the provision of Article 119 of the Constitution that grants Parliament to consider any matter within its authority and Article 94(2) of the constitution that grants the National Assembly power to resolve issues of concern to the People.

We wish to draw the attention of the National Assembly to the following:

1. THAT we are the lawful owners of all the property situate in the said estates having acquired them for value.
2. Within the said estates there are approximately over two thousand tittles/plots that have been issued by the Ministry of Lands with over 90 per cent currently occupied by approximately 6,000 households with over twenty thousand people (20,000) living in them.
3. Within the said estates there are also schools, churches, hospitals, mosque, Prisons Department, Dog Unit Section and other amenities.
4. Within these parcels of land is situate St. Mary's Mission Hospital Langata that treat over two thousand (2000) residents of Langata and Kibra Constituencies per day and patients referred from other hospitals especially mother and baby section of the Hospital which if demolished will cause untold loss and suffering to the residents of these constituencies.
5. The Government has also provided common utility services to our properties including water and sewerage, electricity, paved roads among other facilities.

PETITION TO THE NATIONAL ASSEMBLY CONCERNING AN ALLEGED REPOSESSION OF LAND IN LANGATA CONSTITUENCY BY THE MINISTRY OF ENVIRONMENT AND FORESTRY

6. All developments within the Estates underwent the necessary approvals from the Department of Physical Planning, County Government of Nairobi (Physical Planning Department) and all the requisite building approvals were granted. Routine inspections of the said structures were done by the government and county government departments such as the National Construction Authority.
7. A substantial number of us acquired and/ developed the properties through bank financing, SACCOS and public sector mortgage schemes such Central Bank of Kenya Mortgage Scheme, Parliamentary Service Commission, Public Service Commission, while others acquired through their retirement benefits whereas others using their life time savings.
8. We have had quiet possession of our respective properties for over twenty years and a range of transactions over these properties have taken place some have charged to financial institutions; some have sold and other have subdivided as allowed by the law.
9. We have paid duties, taxes and levies to the Government of Kenya for approval of various activities related to our suit parcels. The County Government of Nairobi has continuously received land rates for our respective parcels which we have paid dutifully.
10. In a strange and surprising turn of events, on or around 2nd June 2020 the Cabinet Secretary responsible for Environment and Forestry has made media pronouncements highlighting that the land where our properties are situated within the Ngong Forest and has threatened to even release wild animals to our Estates;
11. The unwarranted threats by the Cabinet Secretary have been followed by continuous aerial and physical surveillance of the area by the Kenya Forest Service (KFS) team, with the latter accompanied by a verbal warning to the security guards by the said team expressing their intention to fence off the main gate to the estates, with the intention to deny residents access to their premises or fence in the residents.
12. The verbal threats by the Cabinet Secretary and the KFS have been captured and highlighted by both print and electronic media houses thus questioning the legality of our title documents which the Government validly issues to us.

PETITION TO THE NATIONAL ASSEMBLY CONCERNING AN ALLEGED REPOSESSION OF LAND IN LANGATA CONSTITUENCY BY THE MINISTRY OF ENVIRONMENT AND FORESTRY

13. These threats have caused a lot of anxiety among us the residents of these estates and thus interfering with quiet enjoyment of our properties.

14. We wish to inform the National Assembly that—

- (a) Vide Legal Notice No. 44 carried in the Kenya Gazette Supplement No 16 of 1998 dated 23rd March 1998 the then Minister of Environment F.P.L. Lotodo. altered the boundary of the Ngong Forest reserve so as to exclude the land occupied by Sunvalley Phases I, II, and III, Royal Park Estate, KMA Estate, Shallom Estate, Forest View Estate;
- (b) Boundary Plan No. 175/368 dated 10th December 1997 showing excision of approximately 53.68 hectares from Ngong Road Forest;
- (c) After gazettelement, a survey map was issued by the Survey of Kenya office delineating the boundary of these estates showing that property L.R. 23256 is subject of the legal notice referred to above;
- (d) Various Grants executed by the President of the Republic of Kenya granting the property in question to the Kenya Building Society Limited, the original owners of the property;
- (e) Out of these Excisions the government through the Ministry of land has issued over two thousand title deeds to us the resident of these Estates.
- (f) Neither the ministry of Lands and Physical Planning nor the Ministry of Environment has taken any steps to challenge the validity or otherwise of our titles and no information has been shared with us impugning the validity of our titles. On the contrary, the Ministry of Lands has continued, and rightfully so, to allow transactions on our titles including searches, sale, charges and subdivision where applicable. They have continued to receive rates and other taxes and levies confirming the validity of our titles;
- (g) It is therefore unfortunate that the Cabinet Secretary for environment can make a roadside declaration recklessly impugning the validity of our titles, threatening to fence our properties into the forest and unleashing wild animals to feed on us.

PETITION TO THE NATIONAL ASSEMBLY CONCERNING AN ALLEGED REPOSESSION OF LAND IN LANGATA CONSTITUENY BY THE MINISTRY OF ENVIRONMENT AND FORESTRY

15. We wish to further point out that the Government has not issued any notices to us addressing the issues they have raised in the media. We have always been ready to listen to the Government.
16. We also wish to indicate that the Ministry of Environment and the Kenya Forest Service have not filed a suit in any Court to challenge Gazette Notice No 44 of 1998 which altered the boundaries of the forest which in any event was published ^{by} that ^{by} very Ministry.
17. We have made the best efforts to have these matters addressed by the relevant authorities all of which have failed to give a satisfactory response.
18. None of these issues raised in this Petition is pending in any court of Law, Constitutional or any other legal body.

WHEREFORE, your humble petitioners pray that the National Assembly -

1. Intervenes by instructing the Cabinet Secretary of Environment and Forestry to follow the due process of the law and get the proper information and proper maps from the Ministry responsible for matters related to lands;
2. Intervenes by instructing the Cabinet Secretary of Environment and Forestry to desist forthwith from pursuing his intention to illegally reclaim privately owned land, on which the afore cited estates stand;
3. Intervenes to ensure that the Cabinet Secretary for Lands does protects the sanctity of title deeds the residents hold for their legally acquired land; and
4. The Kenya Forestry Department to stop harassing and causing un necessary anxiety to the residents of these estates.

Dated this.....day of.....2020.

Signed

(List of Members with signatures attached)



SUNVALLEY PHASE II RESIDENTS

Petition to the National Assembly by SUNVALLEY II ESTATE RESIDENTS CONCERNING REPOSESSION OF A DEGAZETTED PARCEL OF LAND (LR NO. 23256) THE MINISTRY OF ENVIRONMENT AND FORESTRY AND THE KENYA FOREST SERVICE

- Protects the sanctity of title deeds the residents of Sunvalley II hold for their legally acquired land.

Dated this...^{27th}...day of...^{JUNE}...2020.

No	NAME	LR No.	I.D. No.	SIGNATURE
1	CHARLES MBOI	27024/03	14488805	
2	David A. Wanjome	27024/115	8679566	
3	ION OMENDA	27024/66	7851963	
4	RAYMOND KAPANI	27024/110	10811663	
5	MARKUS KIMANI	27024/163	21963421	
6	Orcom MUSAJI	27024/10	9227225	
7	Florence Imali Andanje	27024/111	7957040	
8	David Ketter	27024/153	9158058	
9	SIMON KIRUI	27024/134	7062251	
10	John Wambugi	27024/108	13428363	
11	Bernard M. Mwanjani	27024/49	12630295	
12	ERIC C WAINAINA	27024/60	24858850	
13	EDWIN KORIR	27024/65	13886938	
14	BEATRICE K. BARASA	27024/85	1323895	
15	CATHERINE MWANKANI	27024/84	1465526	
16	Mildred O. Omenda	27024/66	10218617	
17	Kanva Godia	27024/04	7950055	
18	JAMES KIPKIMO	27024/133	10859749	
19	KIPKUMBA SIRON	27024/112	10960802	
20	ELIAS MASIKA	27024/101	14646727	
21	Wilson Kapangat	27024/103	8548570	
22	Ann Cherelyeke and other	27024/23	10015511	
23	JOHN WAKARA WAKIRI	27024/146	8443938	
24	JOHN LAGAI / ALICE	27024/159	11604418	
25	PETER MUCHIRA WATHAKA	27024/104	11316079	
26	Richard Odawa Kinyari	27024/16	22952481	
27	David Mwangi Njumu	27024/12	0438293	
28	WAKARA GEORGE	27024/161	11093411	
29	Sandra Mwandighini	27024/122	10432865	
30	FENION OIGENO	27024/112	10225603	
31	ELIAKIM RO. ALANSA	27024/102	21964796	
32	MARYANNE NABICHENGE	27024/137	10857791	

Petition to the National Assembly by SUNVALLEY II ESTATE RESIDENTS CONCERNING REPOSESSION OF A DEGAZETTED PARCEL OF LAND (LR NO. 23256) THE MINISTRY OF ENVIRONMENT AND FORESTRY AND THE KENYA FOREST SERVICE

No	NAME	LR No.	I.D. No.	SIGNATURE
33	JACQUELINE M MUTISO	27024/47	10924418	
34	MICHAEL ODUOR	27024/31/32	9731455	
35	ABDIRASHID MOHAMMED	27024/43	7064342	
36	ALPHA ACHIEUNG	27024/48	10645119	
37	NOAH OLUOCH	27024/56	10792584	
38	VINCENT BARASA WALUBAYI		0984812	
39	ANNE WARUGURU MWATHA	27024/82	3227867	
40	TOM OKUMU	27024/15	1040404	
41	REUBEN S. BARASA	27024/9	9896223	
42	Andrew Mutai Kirimi	27024/90	22130827	
43	DAVID K GACHUVA	27024/126	3179726	
44	PIUS WANSACA	27024/158	13444132	
45	Gordon Owens	27024/17	11215150	
46	ABEL MUGIRE	27024/160	7953261	
47	Titus Katembu	27024/80	0271194	
48	JONATHAN M. KILIKO	27024/116	7054413	
49	KILFRED M. MUSAU	27024/86	11624287	
50	Martin Masinde	27024/125	12939096	
51	Edmund A. Tolle	27024/28	13822893	
52	Aloise Nondi	27024/13	2702078	
53	ERICK TOU	27024/64	21981712	
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MEMO

TO: THE SPEAKER OF THE NATIONAL ASSEMBLY

Approved
30/6/2020
SN A

THRO: THE DEPUTY CLERK OF THE NATIONAL ASSEMBLY

Hon. Speaker, the petition is in order and may be presented to the House pursuant to Standing Order 225(2)(a). You may approve for presentation.

THRO: DIRECTOR, LEGAL SERVICES

30/6/20
Formulated, the petition complies with the Act and the Standing Orders and may be tabled

FROM: LEGAL COUNSEL if you approve.

30/6/2020

DATE: 30TH JUNE, 2020

RE: PETITION TO THE NATIONAL ASSEMBLY CONCERNING THE ALLEGED DEMOLITION OF HOUSES WITHIN LANG'ATA CONSTITUENCY

Background

The above matter refers.

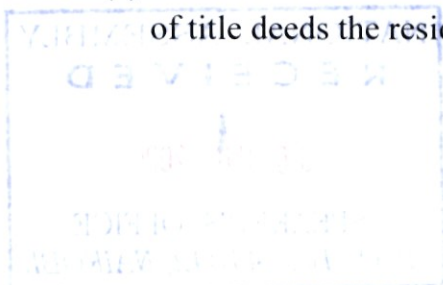
We are in receipt of a Petition dated 27th June, 2020 by Hon. Nixon Korir, the Member for Lang'ata Constituency on behalf of the residents of Sunvalley Phases I, II and III, Royal Park Estate, KMA Estate, Shallom Estate and Forest View Estate, all located in Lang'ata Constituency. In the Petition, the residents aver that—

Mr. Trumpati Rama - HTBO

Please note the approval. ~~copy~~ your prompt action
30/6/2020



- (1) The residents of the aforementioned estates are the lawful owners of all property situated in the said estates having acquired them for value.
- (2) There are over two thousand plots that have been issued titles by the Ministry of Lands with over 90% currently occupied by 6,000 households.
- (3) The Government has also provided common utilities services to the properties including water, sewerage, electricity and paved roads among other facilities.
- (4) A substantial number of the properties were acquired through bank financing, SACCOs, public sector mortgage schemes such as the Central Bank of Kenya, Parliamentary Service Commission and the Public Service Commission.
- (5) The residents have had quiet possession of the respective properties for over twenty years and a range of transactions have taken place and properties charged to financial institutions.
- (6) On or around 2nd June, 2020, the Cabinet Secretary responsible for Environment and Forestry made media pronouncements that the properties are situated within Ngong Forest.
- (7) Vide Legal Notice No. 44 carried in the Kenya Gazette No. 16 of 1998 the boundary of the Ngong Forest was altered to exclude land in the said estates following which a survey map showing the delineation of boundaries was issued by the Kenya Survey.
- (8) It is on the basis of the excision that the Ministry of Lands issued over 2,000 title deeds to the residents of the said estates.
- (9) To this end, the Petitioner prays that the National Assembly does—
 - (a) Intervene by instructing the Cabinet Secretary of Environment and Forestry to follow the due process of the law and get the proper information and proper maps from the Ministry of Lands;
 - (b) Intervene by instructing the Cabinet Secretary of Environment and Forestry to desist forthwith from pursuing his intention to illegally reclaim privately owned land, on which the aforementioned estates stand;
 - (c) Intervene to ensure the Cabinet Secretary for Lands does protect the sanctity of title deeds the residents hold for their legally acquired land; and



(d) The Kenya Forest Department does stop harassing and causing unnecessary anxiety to the residents of the said estates.

Analysis of the Petition

In view of the foregoing, we have examined the Petition against the provisions of the Constitution, the Petitions to Parliament (Procedure) Act, 2012 hereinafter referred to as “the Act” and the National Assembly Standing Orders and have observed that the Petition is in the form prescribed in the Act and Standing Order 223.

Recommendations

In this regard, we opine that the Petition meets the requirements of the Constitution, the Act and the National Assembly Standing Orders and may be forwarded to the Speaker for tabling.


Jemimah Waigwa