

*Paper laid by  
the chairperson of the  
departmental committee  
on lands. Hon-Alex  
Mwiru; MP  
Thursday 12<sup>th</sup> June,  
2014.*



**PARLIAMENT OF KENYA  
NATIONAL ASSEMBLY**

**ELEVENTH PARLIAMENT - SECOND SESSION**

**DEPARTMENTAL COMMITTEE ON LANDS  
REPORT ON THE RESETTLEMENT OF SQUATTERS IN;**

1. MURI FARM,
2. MATHENGETA, TUMUTUMU/RIAKANAU FARM,
3. DRAKE FARM AND KASEKU FARM IN MASINGA.

2<sup>ND</sup> SESSION – 2013/2014

**JUNE 2014**

*Approved for tabling  
Bwagwa  
11/6/14*

## **THE DEPARTMENTAL COMMITTEE ON LAND**

The Departmental Committee on Lands was constituted on 16th May 2013, pursuant to the provisions of Standing Order no. 216 (1) and (5) of the National Assembly. The functions and mandate are outlined in the SO and House Rules.

The Committee oversees the operations of the Ministry of Lands, Housing and Urban Development on the following matters: Land Policy and Physical Planning, Land Transactions, Survey and Mapping, Land Adjudication, Settlement, Land registration, Land Valuation, Administration of community and Public Land, and Land Information and Management System.

### **Committee Membership**

The Committee comprises of the following Members:

- |  |   |                         |
|--|---|-------------------------|
| 1. The Hon. Alex Mwiru, M.P.           | - | <b>Chairperson</b>      |
| 2. The Hon. Moses Ole Sakuda, M.P.     | - | <b>Vice Chairperson</b> |
| 3. The Hon. Mutava Musyimi, M.P.       |   |                         |
| 4. The Hon. John Kihagi, M.P.          |   |                         |
| 5. The Hon. Francis W. Nderitu, M.P.   |   |                         |
| 6. The Hon. Kipruto Moi, M.P.          |   |                         |
| 7. The Hon. Hellen Chepkwony, M.P.     |   |                         |
| 8. The Hon. Sarah Korere, M.P.         |   |                         |
| 9. The Hon. Benson Mbai, M.P.          |   |                         |
| 10. The Hon. Mpuru Aburi, M.P.         |   |                         |
| 11. The Hon. Gideon Mung'aro, M.P.     |   |                         |
| 12. The Hon. Suleiman Dori, M.P.       |   |                         |
| 13. The Hon. George Oner, M.P.         |   |                         |
| 14. The Hon. Mathew L. Lempurkel, M.P. |   |                         |
| 15. The Hon. Shakila Abdallah, M.P.    |   |                         |
| 16. The Hon. Dr. Paul Otuoma, M.P.     |   |                         |
| 17. The Hon. Thomas Mwadeghu, M.P.     |   |                         |
| 18. The Hon. Joseph Magwanga, M.P.     |   |                         |
| 19. The Hon. Ali Shariff Athman, M.P.  |   |                         |
| 20. The Hon. Francis Njenga, M.P.      |   |                         |
| 21. The Hon. Hezron Awiti Bollo, M.P.  |   |                         |
| 22. The Hon. Benard Bett, M.P.         |   |                         |
| 23. The Hon. Kanini Kega, M.P.         |   |                         |
| 24. The Hon. Eusilah Ngeny, M.P.       |   |                         |
| 25. The Hon. Esther Murugi, M.P.       |   |                         |
| 26. The Hon. Oscar Sudi, M.P.          |   |                         |
| 27. The Hon. Onesmus Ngunjiri, M.P.    |   |                         |
| 28. The Hon. Julius Ndegwa, M.P.       |   |                         |
| 29. The Hon. Patrick Makau, M.P.       |   |                         |

# Acknowledgement

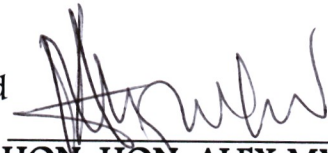
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Mr. Chairman,

The Committee extends its appreciation to the Offices of the Speaker and the Clerk of the National Assembly for the support accorded to it in the execution of its mandate. Let me take this opportunity to thank members of the Committee for their dedication and hard work in discharging the mandate of the Committee. On behalf of the Departmental Committee on Lands and pursuant to Standing Order 200, I have the honour and pleasure to present this report of the Committee to the Budget Appropriation Committee.

Thank you.

Signed



**HON. HON. ALEX MWIRU, M.P**  
**(CHAIRPERSON)**

Date

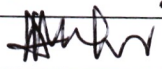
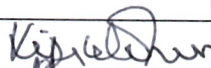



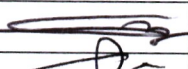




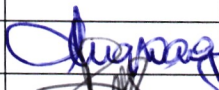

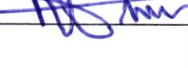
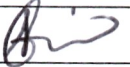

9th June 2014

## ATTENDANCE LIST

### Departmental Committee on Lands

#### Adoption of the RESETTLEMENT OF SQUATTERS IN MURI FARM,

#### TUMUTUMU/RIAKANAU FARM, DRAKE FARM AND KASEKU FARM IN MASINGA

No	Name	Title	Signature
1.	The Hon. Alex Mwiru, M.P.	C/mon	
2.	The Hon. Moses Ole Sakuda, M.P.		
3.	The Hon. Mutava Musyimi, M.P.		
4.	The Hon. John Kihagi, M.P.		
5.	The Hon. Francis W. Nderitu, M.P.		
6.	The Hon. Kipruto Moi, M.P.	Member	
7.	The Hon. Hellen Chepkwony, M.P.	Member	
8.	The Hon. Sarah Korere, M.P.	member	
9.	The Hon. Benson Mbai, M.P.	member	
10.	The Hon. Mpuru Aburi, M.P.		
11.	The Hon. Gideon Mung'aro, M.P.	Member	
12.	The Hon. Suleiman Dori, M.P.	"	
13.	The Hon. George Oner, M.P.		
14.	The Hon. Mathew L. Lempurkel, M.P.	MEMBER	
15.	The Hon. Shakila Abdallah, M.P.	Member	
16.	The Hon. Dr. Paul Otuoma, M.P.	Member	
17.	The Hon. Thomas Mwadeghu, M.P.		
18.	The Hon. Joseph Magwanga, M.P.	Member	
19.	The Hon. Ali Shariff Athman, M.P.	Member	
20.	The Hon. Francis Njenga, M.P.	Member	
21.	The Hon. Hezron Awiti Bollo, M.P.		
22.	The Hon. Benard Bett, M.P.		
23.	The Hon. Kanini Kega, M.P.		
24.	The Hon. Eusilah Ngeny, M.P.	member	
25.	The Hon. Esther Murugi, M.P.		
26.	The Hon. Oscar Sudi, M.P.		
27.	The Hon. Onesmus Ngunjiri, M.P.		
28.	The Hon. Julius Ndegwa, M.P.	Member	
29.	The Hon. Patrick Makau, M.P.		



# Content

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Introduction .....pg 5

Committee Findings .....pg 6

Inspection Visit to Muri Farm .....pg 6

Evidence from AFC.....pg 9

Inspection Visit to Mathengeta/Tumu Tumu /Riakanau Farm....pg 12

Visit to Drake and Kiseku Farm..... pg 13

Committee Observation.....pg 16

Recommendations..... pg 18

# 1. Introduction

1. The Member of Parliament for Masinga Constituency The Hon. Benson Mbai, M.P on 17<sup>th</sup> June 2013, forwarded the request from Muri Farm squatters who sought assistance from the Departmental Committee on Lands to be settled on the farm. The Honorable Member also sought the intervention of the Committee towards the settlement of Mathengeta, Kaseku and Drek Squatters in Ndithini Division, Machakos County.
2. The Departmental Committee therefore resolved to tour all the farms on diverse dates and received evidence from the residents. The Committee also heard evidence relating to Muri Farm from the Agricultural Finance Corporation and appreciated the plight of squatters in Masinga, and the need for action by the government to resolve the disputes surrounding the farms and assist in the resettlement of squatters in order to restore the dignity of the residents and assert their rights to land ownership. The following Members undertook the visit;
  1. The Hon. Alex Mwiru, M.P. ~ **Chairperson**
  2. The Hon. Hellen Chepkwony , M.P.
  3. The Hon. Regina Nyeris , M.P.
  4. The Hon. Benson Mbai, M.P.
  5. The Hon. Janet Nangabo, M.P.
  6. The Hon. Kipruto Moi, M.P.

\*Hon Regina Nyeris and Hon Janet Nangabo ceased being Members of the Committee on 1<sup>st</sup> October, 2013
3. The Committee held Six sittings to hear and consider evidence and thereafter made recommendations which if taken into consideration by the Ministry of Lands, Housing and Urban Development and other stakeholders such as the Agricultural Development Corporation would help in resolving all the issues surrounding the farms.

## 2. Committee findings

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### 2.1 Inspection visit to Muri Farm

4. The Committee held a meeting with the Cabinet Secretary for Lands, Housing and Urban Development on the matter of settlement of squatters in Masinga and later visited the farm on 26<sup>th</sup> September, 2013 to appraise itself on the matters on the ground.
5. Muri Farm Squatters, through their area member of Parliament requested the government for assistance in settling on the farm. Their request was based on the fact that they had squatted on the land since 1968 when the White settler who owned it sold his interest to Pram Company Limited. Furthermore, when Pram Company could not continue farming due to famine in 1982, the squatters remained on the land and their population continued increasing.
6. The squatters' further claim that they later learnt that Pram Company had secured loans from the Agricultural Finance Corporation, whose repayment had remained outstanding and the latter laid claims over the land in order to secure its interest.
7. The squatters also stated that over the years they had constructed primary schools, six nursery schools, one secondary school, trading centers and other development activities, hence the request to have them settle on the said land.
8. The Committee received evidence from the following representatives of the squatter community who were unanimously appointed by the residents present:
  1. Ms. Diana Wambui Kimani
  2. Ms. Philomena Wayua Elijah
  3. Ms. Zipporah Wahuro Macharia
  4. Mr. Munyoki Mbole
  5. Mr. Samueli Musau



## 6. Mr. Gakundi Maimba

9. The appointees recounted how they settled on the farm with their parents where they had lived for about 70 years when the farm was owned by a white man Mr. Bucel and how Pram Ltd later bought the farm in 1968. They were later asked to make payments towards purchase of the farm and after several installments, they realized they were being conned. They had sought help from elected leaders to pursue ownership and various committees set up ended up misappropriating their contributions which amounted to over Kshs.3.5million. They presented their grievances to the Njonjo Land Commission and thereafter did a search which revealed that the farm had a loan outstanding against Agricultural Finance Corporation.
10. The community also registered as squatters following the advice from the Lands Department that they needed to organize themselves. The Commissioner of Lands requested for a certified list of members and undertook to go to the ground to verify.
11. They further informed the Committee that they regarded the farm as their home and had developed it and built churches, seven schools, Chief's camp and four markets. Furthermore, they also buried their dead on the farm. Thereafter a memorandum was presented to the Committee on behalf of the residents by Mr. Jackson Kyalo Itule.
12. The Committee was informed that Muri Farm comprises the following three title deeds bringing the total acreage to 2,660 as follows;
  - LR Number 10314 (IR. No 18594), 2,217 acres;
  - LR Number 5938 (IR No. 2383), 284 acres and
  - LR Number 11610 (IR No. 22425 159 acres.
13. The Committee was informed that a British Settler Mr. G. Bucel planted Coffee at Muri Farm Coffee Estate in 1945 and later in 1968, sold the Farm to Pram Company Limited. Those who worked for Mr. Bucel on the farm were retained by the new management as labourers, until the coffee dried up in 1982, when Pram Company stopped farming. The owners carried

everything portable leaving the houses, two small water dams and a big dam that had been constructed using the loan which had been borrowed from the Agricultural Finance Corporation.

14. The Committee was further informed that ninety two (92) labourers who were left working for Pram Company were not paid salaries for a whole year and their pensions were not paid at the time the Farm went under, as a result of drying up of the crop.
15. The Committee was also informed that the owners of Pram Company Limited were Messrs. Peter Kungu Kahari, Rufus and Evalyne Murugi Warari and Maina Francis Gichamba.
16. The Committee was further informed that in 1991, the residents were organized by the then District Commissioner for Machakos, Mr. Aggrey Mudinyo leading to the formation of Wendano wa Muri Company which was registered within the same year for the sole purpose of purchasing the farm from Pram Company. Membership at the time was 2,938. In the year 2000 the company entered into agreement with Pram Company Ltd. and a deposit of Kshs.3.5million paid. Later it was discovered that Pram Company owed AFC substantial sums of money arising from interest accruing on unpaid loans and the corporation was holding the titles as Security.
17. The Committee was also informed that AFC in the year 2002 advertised the farm for sale through auction and the company rushed to court and stopped the sale. During the time the matter was being sorted out, the payments were not being made, leading to escalation of interest and the amount due which totaled Kshs 300 million, a sum which was out of reach for the squatters.

## **2.2 EVIDENCE FROM THE AGRICULTURAL FINANCE CORPORATION**

18. The Committee heard the evidence from the Agricultural Finance Corporation regarding the status of the farm and the outstanding

repayments on the loan borrowed by Pram Company Limited.

19. The Managing Director, Agricultural Finance Corporation, Mr. Lucas Meso, appeared before the Committee and gave evidence on the ownership status of Muri Farm. He informed the Committee that;

- a) Muri Farm initially belonged to M/S Lands End Ltd, a Company that was associated with a white settler farmer Mr. Alban Percival Charlesworth.
- b) The 2,660 Acres farm was situated in Makuyu Sub-County of Machakos County and it comprises of 3 properties; LR. No. 10314, (2,217 Acres), LR. No. 5938 (284 Acres) and LR. No. 11610 (159 Acres).
- c) The Farm is currently owned by M/S Pram Company Ltd founded by Messrs. Peter Kung'u Kahari, Rufus Warari and Francis Maina.
- d) Pram Company Ltd was extended a loan of Kshs. 504,000 to purchase the land, the livestock on the land and machinery and equipment in 1968.
- e) Between 1976 and 1984, subsequent loans totaling Kshs. 13,200,000 were extended to the Company to modernize and irrigate the farm. The loans were secured by the three properties.
- f) The loans were serviced well until 1986 when squabbles among the directors led to default.
- g) Some farm employees took advantage of the squabbles and apportioned themselves land within the property.
- h) People whose land had been acquired for the construction of Masinga Dam were also given residence on Muri Farm.
- i) The Corporation made several unsuccessful demands to the directors to regularize the account between 1987 and 1999. The directors

- j) Pram Co. Ltd offered 1,500 acres of land to Wendano wa Muri at a price of Kshs. 20,000 per acre totaling to Kshs. 30,000,000.
- k) Wendano wa Muri paid only Kshs. 3,000,000 to Pram Co. Ltd as initial deposit and subsequently failed to raise the balance with the deal consequently falling through.
- l) Pram Co. Ltd could not therefore honour its obligation to AFC which led to the Corporation advertising the land for public auction on 20<sup>th</sup> April, 2006. The Company obtained a court order to stop the sale of land but the matter was dismissed on 1<sup>st</sup> November, 2007. A re-advertisement was done subsequently with the company's directors obtaining another court order to stop the sale but the matter was likewise heard and dismissed on 8<sup>th</sup> December, 2008.
- m) The squatters also sued Pram Company Ltd claiming adverse possession of land and the corporation applied to be enjoined in the case and was allowed. The case is still pending in court.
- n) The founding directors were succeeded by their heirs namely; Michael Kibathi Kungu, Evaline Murugi Warari, and Wangai Muhiu Maina.
- o) The loan account has since accumulated to Kshs. 346 million for the duration of 36 years it has remained unpaid.
- p) Currently the farm is fully squatted on by 682 families with a total population of slightly over three thousand (3,000). The farm has public utilities such as 4 public primary schools, one secondary school, four churches, two market centres, a District Officer's office, and chief and assistant chief offices.
- q) The relationship between the squatters and the directors of Pram Co. Ltd is not harmonious due to the perception that the directors of Pram and the officials of the squatters company misappropriated the initial deposit of Kshs. 3 million and an additional Kshs. 14 million that was raised by the residents to pay for the land.

- r) AFC has held four meetings with directors of Pram Co. Ltd, the Squatters and the provincial Administration in a bid to resolve the problem and agreed the land would be sold at a discounted price ranging between Kshs. 50,000 and Kshs. 120,000 per acre depending on the condition of the land. The land occupied by the public utilities including schools, churches and government administration offices would be donated by Pram Company for public use and that the plots in the market centres would be purchased at market price.
- s) It was also agreed that government surveyors would be engaged to delineate the land to enable sale and transfer. Pram would bear the cost of surveying.
- t) The government offered nine officers to carry out the survey exercise with an initial cost estimate at Kshs, 1,032,340 to develop the physical plan. That had not been done since the squatters shifted position and were expecting free land after the visit by the Departmental Committee on Lands to the farm.
- u) AFC has similar problem of squatters in other parts of the country especially in Trans Nzoia County where they developed a model for a win-win situation for all the stakeholders that has worked well.
- v) Based on the Model, the Corporation would involve Pram Co Ltd through an agreement whereby AFC would collect its money, while Pram would likewise get their portion and the squatters would get the land with title deeds.
- w) The Corporation was facing a problem of people masquerading as squatters who were selling the land without title deeds.

### **2.3 INSPECTION VISIT TO MATHENGETA/TUMU TUMU /RIAKANAU FARM**

20. The Chairman called the meeting to order and requested four residents each, from both the squatters and the genuine residents to make their submissions. The squatters were represented by Mrs. Isaac Muli, John

Mwangi Karuri, Ms. Siriaka Wambui and Ms. Grace Mweni. The owners were represented by Mr. Simon Nthama Kyule, Mr. Philip Makau Mutisya, Ms. Teresia Mbithe and Ms. Luisa Samueli.

21. Both parties explained how they came to settle on the said farm and expressed their desire for the government to settle the issues surrounding the farm so that each party receives justice. The Squatters on the other hand complained about harassment during the 70's and 80's and that since then, they had squatted peacefully on the land. They informed the Committee that they had continually sought the assistance of the Government to have them settled without success.
22. The Squatters informed the Committee that since 1964 when they settled on the land with their parents, they found *Mzungu* and they continued living in the area, and even burying their dead there. At the time, only wild animals roamed the area.
23. Those who moved later in 1972 found Mzee Musyimi, who showed them the boundary - one section was partitioned /parceled while the other was not. They further informed the Committee that their troubles began when the white man left, as they were constantly harassed and their houses continuously burnt, while other residents were killed.
24. In 1987, the Chairman of Riakanau Farmers brought in surveyors and people refused to have the land surveyed. The owners on the other hand asserted that their fathers had bought shares in the late 60s. Their attempts to develop the land had met with opposition from the squatters as the latter had already settled on their parcels.
25. The Committee was taken through the history of the farm by Mr Philip Mutisya as follows:-
  - a) that the first title was issued to a white settler in 1919 and later changed hands twice until 1967 when it was transferred to Riakanau Farmers Co-operative Society. The Society however ceded 50.9 Ha to Tana River Development Authority comprising

the following:

✚ LR 9442/1 - Area	8.49 Ha
✚ LR 3516/1 - Area	21.45 Ha
✚ LR 1986/1 - Area	21.04 Ha.

- b) The Society retained 409.10 Ha comprising LR 9442/R (380.0 Ha), LR 3516/R (74.87 Ha) and LR1986/R (54.23 Ha). The Society engaged in ranching at the farm until 1984 when famine depleted their herd. Squatters then invaded the farm in large numbers, forcing members to resolve to sub-divide it.
26. The Committee was informed that in 1986, the Society hired a private surveyor to carry out sub-division, a move that met with opposition from the squatters who challenged the matter in court vide Civil Suit No. 1162 of 1986. Thereafter on 31<sup>st</sup> July, 1990, the High Court issued an eviction order against the squatters, following which the Society pursued amalgamation and sub-division.
27. The following requests were made for the Government to offer assistance:
- provision of security to facilitate the resurvey and establishment of beacons for commercial plots, public utilities as well as agricultural plots;
  - the surveyors to establish on which parcel the primary and secondary schools are located in order to enable the owners seek compensation;
  - the Government facilitates the purchase of some parcels of land on which to settle the squatters

### **2.3 INSPECTION VISIT TO DRAKE AND KASEKU FARMS**

28. The Committee made a visit to Drake Farm on 10<sup>th</sup> October, 2013 where matters relating to Kaseku and Drake farms were presented by the residents. The delegation comprised the following members:
1. The Hon. Alex Mwiru, M.P.
  2. The Hon. Moses Ole Sakuda, M.P.
  3. The Hon. John Kihagi, M.P.

4. The Hon. Francis W. Nderitu, M.P.
  5. The Hon. Benson Mbai, M.P.
  6. The Hon. Eusilah J. Ngeny, M.P.
  7. The Hon. Francis Kigo Njenga, M.P.
  8. The Hon. Shakila Abdalla M.P.
  9. The Hon. A. Shariff, M.P.
  10. The Hon. Sarah Korere, M.P
29. The Chairperson requested nomination of four residents to represent the interests of the community. The following residents were nominated and made their representations:
- Pastor Patrick Nthenge
  - Ms Grace Kilombe
  - Mr. Michael Mbithi
  - Ms. Beth Mutuku
30. The residents informed the Committee that both Kaseku and Drake farms belonged to white settlers who surrendered the land to the Government for settlement of the landless. The Committee was further informed that they had lived in Drake and Kaseku farms since childhood, despite difficulties faced due to forceful evictions. They informed the Committee that in 1975, their houses were burnt down and they had to stay on as they had nowhere else to run to.
31. They also further informed the Committee that the District Commissioner had established both Kaseku and Drake to be settlement areas and was working out modalities of settling them.
32. **The Committee was informed That:**
- a) Drake and Kaseku farms are located in the Ithanga Hills area with scattered homesteads. Around 723 people/squatters lay claim over the land/parcels which in the government records are referred to as LR No. 3567 and GL 3529, respectively. The two parcels were formerly white settler farms in Machakos District and were surrendered to the



Government and reserved by the Commissioner of Lands for settling of squatters.

- b) The residents organized themselves for the sole purpose of working out modalities of allocation of the parcels they had occupied and over time factions broken away from the group and sought independent resolution mechanisms, with others going to Court. Supremacy battles between the factions had been witnessed and the local administration along with the District Settlement Office were working closely to ensure that the process went on smoothly.
  - c) Drake farm was subject of protracted ownership with private individuals laying claim over the land, leading to Court cases and the eventual Orders by the High Court, Machakos of 30<sup>th</sup> August 2005, which bestowed ownership of the farm to the residents living in the area. The Court further ordered that the residents had acquired the land by way of adverse possession since they had lived in the area for more than 12 years and that they be issued with certificate of ownership. Consequently, the Department of Survey was directed to mark the boundary for the Northern, Southern, Eastern and Western sides of the farm. The matter was revisited by the Court on 23<sup>rd</sup> November 2006 when fresh orders were given for the District Land Registrar to mark and identify the boundaries and the OCS Machakos to provide security during the exercise, an undertaking that ought to have been done within 30 days from that date.
  - d) The Ministry of Lands had in February 2011 identified the residents of Kaseku and Drake as genuine squatters, who qualified for settlement.
33. The Committee was further informed that the Ministry of Lands had been actively involved with the logistical arrangements through the District Land Adjudication/Settlement Office and the local administration to facilitate the settlement of the residents in Drake Farm LR No. 3567 and Kaseku GL 3529.

34. The office had already identified 380 homesteads and worked out a list of 733 adults/claimants. Furthermore a sub-committee was also elected by the residents to handle administrative issues under the Chairmanship of the District Officer/Assistant County Commissioner, with local leaders being members. Two local settlement committees were also formed representing both schemes.
35. In a public baraza held on 1st December 2011 and chaired by the Yatta/Machakos District Land Adjudication/Settlement Officer, it was resolved that public utilities would be allocated land as follows:
- a) Primary schools - three acres
  - b) secondary schools - a maximum of 5 acres
  - c) market centres - between one and two acres
  - d) existing churches - a quarter acre or half
  - e) all road access to take six acres for Kaseku and 15 acres for Drake as per the Director of Survey reservations
  - f) water and forest resources to be varied between a quarter and two acres
36. The residents requested assistance of the Committee in ensuring the completion of the demarcation and settlement process to facilitate the issuance of ownership documents.

### **3. Committee Observation**

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The Committee made the following observations;

#### **A. MURI FARM**

1. The residents of Muri Farm have built four (4) primary schools, one secondary school, six nursery schools, three trading centres and churches while the Government had established Administration police lines and a Chief's camp on the farm.
2. The Committee noted that the residents of Muri farm had put up permanent structures on the farm and were undertaking horticultural

farming and afforestation activities.

3. The Residents of Muri farm requested the intervention of the Government in payment of the dues or through a waiver of the loan, to enable the residents settle on the farm peacefully.
4. The community had expressed willingness to purchase the land and had contributed over Kshs. 3 Million toward the purchase.
5. The squatters had made improvements on the land and put up public utilities such as schools, dispensaries and shopping centres.
6. The Government had extended support through the establishment of District Officer's and chief's offices at the farm and even offered survey services to have the land planned for subdivision.

#### **B. MATHENGETA/TUMU TUMU /RIAKANAU FARM**

7. The Committee noted that subdivision and amalgamation had already been completed while several issues needed to be addressed for the legal owners of the plots to enjoy the benefits accruing from their investment while a viable solution was sought to settle the squatters.
8. The Committee observed that it will not disfranchise the sanctity of the title deeds and the real owners of the land vis-avis the squatters.
9. The Society had abstained from pursuing the eviction orders while hoping for an amicable solution on the matter. In this regard several meetings had been initiated by the Society with the local administration.
10. The Society had not been compensated for the portion ceded to the Tana River Development Authority (50 Ha).
11. The list of squatters submitted to it for the LR numbers 9442 and 3516 which contained 317 squatters and another list in respect to LR No. 1986 with 125 squatters.

#### **B. DRAKE FARM AND KASEKU FARM IN MASINGA**

12. The Committee observed that the Ministry of Lands, Housing and Urban Development in conjunction with the provincial administration had already done the groundwork for survey and demarcation and noted with

concern that the exercise ought to be expedited to enable the residents settle down and develop their plots without interference.

#### **4. RECOMMENDATIONS**

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The Committee Recommends as follows;

##### **A. MURI FARM**

1. The Committee noted the need to involve all the stakeholders including the local leadership and the Agricultural Finance Corporation in resolving the issue of Muri Farm and ensuring that the plight of the squatters who had lived on the farm for seventy years was amicably addressed.
2. The Committee therefore recommends that the Managing Director, Agricultural Finance Corporation should undertake the subdivision of the land and have all parcels allocated to the squatters where they are currently settled. The Committee further recommends that the Managing Director, should with immediate effect:
  - i. Engage the residents and local leadership in consultations to ensure fairness in the costing of various parcels and
  - ii. Ensure that the squatters are advanced credit to purchase the plots they occupy and that the exercise should be concluded by 30<sup>th</sup> June 2015.
  - iii. The Total amount of Kshs. 3.5 million paid by farmers should be factored in when compensation is being done.

##### **B. MATHENGETA/TUMU TUMU /RIAKANAU FARM**

3. The National Lands Commission should carry out investigations on the illegal settlements in Riakanau farm with a view of finding a final and lasting solution to the plight of squatters living in the farm.

##### **C. DRAKE FARM AND KASEKU FARM IN MASINGA**

4. The Committee recommends that the Principal Secretary for Lands, Housing and Urban Development should regularize the settlements and have the titles issued to the residents of Kaseku and Drake Farms by 31<sup>st</sup> December, 2014.

**MINUTES OF THE SIXTY FOURTH SITTING OF THE DEPARTMENTAL COMMITTEE (K) ON LANDS HELD ON THURSDAY, 5<sup>TH</sup> JUNE 2014, IN THE BOARD ROOM 9TH FLOOR, HARAMBEE HOUSE AT 10.00 A.M.**

**PRESENT:**

1. The Hon. Alex Mwiru, M.P. - Chairperson
2. The Hon. Kipruto Moi, M.P.
3. The Hon. Hellen Chepkwony, M.P.
4. The Hon. Sarah Korere, M.P.
5. The Hon. Benson Mbai, M.P.
6. The Hon. Gideon Mung'aro, M.P.
7. The Hon. Mathew L. Lempurkel, M.P.
8. The Hon. Shakila Abdallah, M.P.
9. The Hon. Dr. Paul Otuoma, M.P.
10. The Hon. Joseph Magwanga, M.P.
11. The Hon. A. Shariff, M.P.
12. The Hon. Francis Kigo Njenga, M.P.
13. The Hon. Eusilah Ngeny, M.P.
14. The Hon. Suleiman Dori, M.P.
15. The Hon. Bernard Bett, M.P.
16. The Hon. Julius Ndegwa, M.P.

**ABSENT WITH APOLOGY**

1. The Hon. Moses Ole Sakuda, M.P. - Vice Chairperson
2. The Hon. Kanini Kega, M.P.
3. The Hon. Francis W. Nderitu, M.P.
4. The Hon. Esther Murugi, M.P.
5. The Hon. Thomas Mwadeghu, M.P.
6. The Hon. Mutava Musyimi, M.P.
7. The Hon. Hezron Awiti Bollo, M.P.
8. The Hon. Oscar Sudi, M.P.
9. The Hon. Mpuru Aburi, M.P.
10. The Hon. Onesmus Ngunjiri, M.P.
11. The Hon. John Kihagi, M.P.
12. The Hon. George Oner, M.P.
13. The Hon. Patrick Makau, M.P.

**IN ATTENDANCE**

**NATIONAL ASSEMBLY**

- |                          |                                      |
|--------------------------|--------------------------------------|
| 1. Ms. Phyllis M Mirungu | Principal Clerk Assistant 1          |
| 2. Mr. James Ginono      | Clerk Assistant I                    |
| 3. Ms. Ruth Mwihaki      | Clerk Assistant III – Taking Minutes |

**MINUTE NO. DCL/LN/2014/55**

**PRELIMINARIES**

The Chairman called the meeting to order at 10.43 a.m. and the meeting was opened with a word of prayer.

**MINUTE NO. DCL/LN/2014/56**

**MATTERS PENDING BEFORE THE COMMITTEE**

The Chairman informed members that the following statements had been requested from the Committee at the floor of the house:

1. Statement sought by Hon. Dr. Bukose regarding the degazetment of government land
2. Statement sought by Hon. Simba Arati regarding the grabbing of public utilities by private developers
3. Statement sought by A Rahim Dawood regarding recent issuance of title deeds in Mombasa by His Excellency the president
4. Statement sought by Hon. Bedzimba Rashid on land issues and settlement of squatters in the country.

He informed members that the Statement by Hon. Bedzimba was due on 17<sup>th</sup> June and it was therefore necessary to dispense with the matter urgently.

The Chairman informed members that Hon. Neto had sought a petition on Land and squatters chased from Mau. The Members agreed to have the matter disposed of urgently so as to finalize with the matter within the required Sixty days, as per the requirements of the Standing Orders.

The Chair directed that the secretariat should prepare a schedule on how to tackle the petition.

**MINUTE NO. DCL/LN/2014/57**      **ADOPTION OF THE REPORT ON RESETTLEMENT OF SQUATTERS IN MURI FARM, TUMUTUMU/RIAKANAU FARM, DRAKE FARM AND KASEKU FARM IN MASINGA**

The Committee considered and adopted The Report on the Resettlement of squatters in Muri farm, in Muri Farm, Tumutumu/Riakanau Farm, Drake Farm and Kaseku Farm in Masinga subject to the Following Amendmnets:

**1. MURI FARM**

The meeting was informed that the farmers had already reached an agreement with the AFC to purchase the land. The price has been set at between Kshs. 120,000, Kshs. 70,000 and Kshs. 50,000 per acre depending on the location of the land. The market value for the land in the prime areas is kshs.500, 000 per acre.

The Committee considered the Report on the Resettlement of Squatters in Muri, Tumutumu/Riakanau and Drake and Kaseku Farms and adopted with the following amendments:

Title – It was agreed that the title be amended to read as follows:

**Resettlement of squatters in: 1. Muri farm; 2. Mathengeta /Tumutumu/ Riakanau Farm; and 3. Drake Farm and Kaseku Farm in Masinga**

The following sentence be added in the observations:

That the AFC should factor in the Kshs .3.5 million which the Muri farmer's had already paid while setting the price for the parcels.

**2. MATHENGETA/TUMUTUMU/RIAKANAU FARM**

The Committee adopted the report with the following amendment:

That the following sentence be added in the observation:

1. That the real owners who hold titles should not be disenfranchised while resettling the dispute.

**MINUTE NO. DCL/LN/2014/58 ANY OTHER BUSINESS**

Members noted that there was need to have proper follow up on pending reports and setting of time lines to avoid delays.

a. Members set the following time lines for the reports;

No.	Date	Time/Venue	Purpose	Deadline
1.	Tuesday 10 <sup>th</sup> June 2014	10.00 a.m	Sub-committees on the administrative issues and the technical committee on legal issues to report their findings on the dispute between the National Land Commission and the parent Ministry	10 <sup>th</sup> June 2014
2.	Thursday 12 <sup>th</sup> June 2014		Committee to Consider Reports on the committee visits to Tharaka and Naivasha/Isahakia Community	19 <sup>th</sup> June 2019
3.	Tuesday 17 <sup>th</sup> June 2014		Meeting with the owner of Taita Sisal Estate	19 <sup>th</sup> June 2019

b. The Committee resolved that the report on Gachembe Farm be isolated from Naivasha Isahakia report and that the two be considered separately. The Committee further resolved that a draft report on Gachembe farm be submitted to the Committee so as to inform the Committee's next course of action.

**MINUTE NO. DCL/LN/2014/59 DATE OF THE NEXT SITTING**

It was agreed that the next sitting be held on Tuesday 10<sup>th</sup> June 2014, in the Boardroom, 4th Floor Protection House at 10.00 A.M.

**MINUTE NO. DCL/LN/2014/60 ADJOURNMENT**

And the time being Fifty Minutes past Eleven O'clock, the Chairperson adjourned the Sitting.

SIGNED

.....

(CHAIRPERSON)

DATE:

..... 9<sup>th</sup> June 2013.....

