

PARLIAMENT
OF KENYA
LIBRARY

Rt. Hon. Speaker
You may approve for tabling
J. M. Nyegenye, C.B.S.,
Clerk of the senate/secretary
Date: 01/12/20

REPUBLIC OF KENYA



THE SENATE
RECEIVED
01 DEC 2020
CLERK'S OFFICE

THE SENATE

Approved
[Signature]
11/12/2020

TWELFTH PARLIAMENT
FOURTH SESSION

STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL
RESOURCES

REPORT ON
THE PETITION CONCERNING COMPENSATION, PROVISION OF RELIEF AND
RESETTLEMENT OF PERSONS EVICTED FROM MARMANET FOREST IN 1988.

PAPERS LAID	
DATE	Dec. 1. 2020
TABLED BY	Sen. Khaniri
COMMITTEE	Lands
CLERK AT THE TABLE	M. Adyisodan

Clerk's Chambers,
Parliament Buildings,
P. O. Box 41842-00100,
NAIROBI.

NOVEMBER, 2020

*Mr. Hon. Speaker
Your Honourable Committee
24th Nov 2017
11:17 AM
11/24/17 11:17 AM*

TABLE OF CONTENTS

LIST OF ABBREVIATIONS/ SYNONYMS iii

PREFACE iv

 Committee Membership iv

CHAPTER 1..... 1

INTRODUCTION..... 1

 1.0 The Right to Petition 1

 1.1. Background to the Petition 1

CHAPTER 2..... 3

APPROACH OF THE COMMITTEE..... 3

 2.0 Investigation by the Committee..... 3

 2.1. Committee Proceedings 3

 2.2. Site Visit by the Committee 4

CHAPTER 3..... 6

SUBMISSIONS TO THE COMMITTEE 6

 3.0 Submissions by the Petitioners 6

 3.1. Submissions by Ministry of Lands and Physical Planning 9

 3.2. Submissions by the National Land Commission..... 9

CHAPTER 4..... 10

COMMITTEE OBSERVATIONS 10

CHAPTER 6..... 12

COMMITTEE RECOMMENDATIONS 12

ANNEX I: MINUTES OF THE MEETINGS 13

ANNEX II: SUBMISSIONS OF KEY STAKEHOLDERS 32

LIST OF ABBREVIATIONS/ SYNONYMS

- CS - Cabinet Secretary
- MOLPP - Ministry of Land & Physical Planning
- NLC - National Land Commission

PREFACE

Honourable Speaker,

The Standing Committee on Lands, Environment and Natural Resources is established pursuant to Standing Order No. 218(3). As set out in the Second Schedule, the Committee's assigned subject matter is to consider all matters relating to lands and settlement, housing, environment, forestry, wildlife, mining, water resource management and development.

Committee Membership

The Committee comprises of the following Members.

1. Sen. Paul Mwangi Githiomi, MP
2. Sen. Philip Mpaayei, MP
3. Sen. George Khaniri, MGH, MP
4. Sen. Gideon Moi, CBS, MP
5. Sen. Njeru Ndwiga, EGH, MP
6. Sen. (Dr.) Lelegwe Ltumbesi, MP
7. Sen. Issa Juma Boy, MP
8. Sen. (Arch.) Sylvia Kasanga, MP
9. Sen. Johnes Mwaruma, MP

Chairperson

Vice-Chairperson

Pursuant to the Senate Standing Orders No. 230(2)(b) the Speaker of the Senate reported to the House a petition presented through the Clerk of Senate by four (4) residents of Nyahururu Sub County, and on behalf of the 1988 evictees from the entire Marmanet Forest in Laikipia County. Pursuant to standing order 232(1), the petition stood committed to the Land, Environment and Natural Resources Committee.

The petitioners submitted their prayers in line with Articles 37 and 119 of the Constitution and guided by the provisions of the *Petition to Parliament (Procedure) Act* and the *Senate Standing Orders*.

Honourable Speaker,

The Committee undertook to investigate and determine the prayer of the petitioner pursuant to Senate Standing Order No. 226. It also received submissions from the Petitioners and various key stakeholders including the Ministry of Lands and Physical Planning, the Kenya Forest Service and the National Land Commission (NLC). I am pleased to present and table the Committee's report on the petition this report contains the determined prayers of the petitioners and the recommendations.

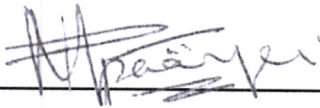
ACKNOWLEDGEMENT

The Committee wishes to acknowledge the time and considerable effort made by all parties who volunteered information before it. I also wish to express my gratitude to my colleagues for their thoughtful and considerate contributions to the matter. Further the Committee is indebted to the Office of the Speaker and the Clerk of the Senate for facilitating the work of the Committee in undertaking its constitutional mandate. We also wish to recognize the commitment and dedication of the Committee Secretariat that made the work of the Committee and the production of this report possible.

Mr. Speaker Sir,

It is now my pleasant duty to table the report of the Senate Standing Committee on Land, Environment and Natural resources in relation to the Petition concerning Compensation, Provision of relief and resettlement of persons evicted from Marmanet Forest in 1988.

Signed: _____



Date: _____

14/11/2020

SEN. PHILIP MPAAYEI, M.P. - VICE CHAIRPERSON
SENATE STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL
RESOURCES

CHAPTER 1

INTRODUCTION

1.0 The Right to Petition

1. The right of Kenyan citizens to petition public authorities and Parliament is a right conferred by the Constitution under Articles 37 and Article 119 of the Constitution and by the *petition to Parliament (Procedure) Act* as well as the *Standing Orders* of Senate.
2. The right to petition is an essential citizen participatory tool, as it provides an avenue for the Members of Parliament and citizens to interact with the issues that concern citizens, and also demonstrates that Parliament is prepared to directly intervene on the issues of concern in order to promote and protect the rights of the citizens.

1.1. Background to the Petition

3. Pursuant to Senate Standing Order 226 (1), the petition was presented and submitted, through the Clerk, by residents of Nyahururu Sub county, and on behalf of the 1988 evictees from the entire Marmanet Forest in Laikipia County. The Petition concerns Compensation, Provision of relief and resettlement of persons evicted from Marmanet Forest in 1988. It was then committed to the Standing Committee on Land, Environment and Natural resources for consideration and determination.
4. The Petitioners prayed that the Senate urgently investigates this matter and makes appropriate recommendations thereon. Among the proposals made by the Petitioners is that the Senate -
 - (a) Directs that we be resettled by the Government,
 - (b) Direct that we be compensated for the loss of property, livelihood, discrimination and violation of human and children's rights.
 - (c) Direct that we be given relief as is done to Internally Displaced Persons in Kenya.
 - (d) Direct that academic certificates for those who sat for Certificate of Primary Education in the schools located in the forest at the time of eviction be availed, to owners.
 - (e) Direct that a comprehensive report on the reasons for eviction and subsequent allocation of the forest to other people be availed by the Government.
 - (f) Direct that any other redress as it may deem fit be given to us.

5. The Committee undertook to investigate and determine the prayer of the petitioner pursuant to Senate Standing Order No. 226. It also received submissions from the Petitioners and various key stakeholders including the Ministry of Lands and Physical Planning, the Kenya Forest Service and the National Land Commission (NLC).

CHAPTER 2

APPROACH OF THE COMMITTEE

2.0 Investigation by the Committee

6. The Members of the Committee sifted through the issues raised by the petitioner and analyzed the issues to be determined from the prayer of the petitioner and embarked on a process to identify the necessary action to take on the prayer submitted by the petitioner. The Committee invited Ministry of Lands and Physical Planning and thereafter during the site visit invited the Local Administration, National Land Commission (NLC) and the Kenya Forest Service.
7. The Committee also invited the petitioners and gave opportunity to any other resident from Marmanet during the site visit who was interested in making submissions on the Petition to provide further information to help determine the prayers in the petition.
8. The site visit was conducted on 23rd April, 2019. The objective of the Committee was to obtain as much information and facts on the subject matter so as to reply to the prayer of the petitioners conclusively and make recommendations on all issues pertaining to the petition.

2.1. Committee Proceedings

(i) Deliberative sessions

9. In the exercise of its mandate the Committee held deliberative sessions with the following:
 - (a) The Petitioners
 - (b) Ministry of Lands and Physical Planning
 - (c) National Land Commission
 - (d) Local Administration

(ii) Documents review

10. The Committee reviewed documents presented to it by the petitioners and they are annexed in this report (Annex II). Among the annexes presented were;
 - (a) Petitioner's presentation
 - (b) Maps presented by the Petitioner
 - (c) Documentation in support of the Petition

(iii) Site Visit to Marmanet, Laikipia County

11. The Committee met the evictees from Marmanet Forest who raised the following concerns-
 - a) That they were evicted from Marmanet Forest on short notice of seven (7) days in 1988;
 - b) That the process of eviction disrupted their normal activities and they ended up losing their properties and many people lost their lives in the process others developed disabilities;
 - c) That during eviction, schools, places of worship and social amenities and were destroyed and they ended up living in Maina and Maguo slums under very poor conditions not suitable for their living.
12. They further informed the Committee that after they were evicted from the forest another group of people who to them were unknown were issued title deeds and settled in the forest.
13. Therefore their prayer to the committee is that they be resettled and compensated of their lost properties and through the committees intervention the Ministry of Education looks into the matter of students who lost their academic certificates.

2.2. Site Visit by the Committee

14. The Committee further visited the slums of Maina and Maguo where the evictees were living and observed that, they were living under very poor conditions.



Figure 1: Committee members, Petitioners and local leaders together with other stakeholders from various government agencies and the public at the contested forest alnd in Marmanet, Laikipia County on 23.4.2019. (Marmanet, Laikipia County)

15. The Committee also visited the contested parcel of Land and was able to gather various views from the public on the said parcel of land.



Figure 2: Committee Members visiting the slums that Petitioners and residents were forced to leave in after the eviction on 23.4.2019. (Maina and Maguo, Laikipia County)

CHAPTER 3

SUBMISSIONS TO THE COMMITTEE

16. The Committee invited the Ministry of Lands and Physical Planning and thereafter during the site visit invited the Local Administration, National Land Commission (NLC) and the Kenya Forest Service.
17. The Committee also invited the petitioners and gave opportunity to any other resident from Marmanet during the site visit who was interested in making submissions on the Petition to provide further information to help determine the prayers in the petition.
18. This section contains the summaries of the submissions made to the Committee during the sessions and other documents submitted.

3.0 Submissions by the Petitioners

19. The Petitioner submitted as follows-
 - (a) That their fathers were settled in the Marmanet Forest by the Government in 1961 pending resettlement. By 1964, they were fully settled and ready to continue living and working there. These people became the original inhabitants of Marmanet forest. Later on, they got employed either as permanent or casual workers. Others lived there as standby workforce to be recruited during peak seasons like tree planting, pruning and putting out fires. They planted trees which saw the establishment of large forests. The forests became an important economic resource to the Government of Kenya.
 - (b) That for all practical purposes, and as long as the then Government delayed their resettlement, Marmanet Forest became the ancestral land of the persons therein and their offspring. The Petitioners submitted that they are descendants of these original inhabitants and therefore consider Marmanet Forest as their ancestral land because they were born, educated and brought up there. Their identity cards attest to that. They conduct their religious rites of worship, some in churches, others on the hills and yet others in shrines in Marmanet Forest. They enjoyed a high standard and fulfilling social life as they diligently conserved and improved the forest.
 - (c) That these persons, under directions and full knowledge of the Ministry of Environment and Natural Resources established and lived in Shamanek, Gitundaga, Kabati, Ol arabel, Lariak, North Marmanet, South Marmanet and

the adjacent Patel Shah Saw Mill Villages. These villages hosted a population of about ten thousand (10,000) people.

- (d) That their parents built schools, cattle dips and places of worship through cooperative efforts. These facilities guaranteed rights to education, economic development and religious practice. The Ministry of Environment and Natural Resources apportioned plot to persons living in the forests to cultivate. This ensured that every family got enough food. The persons living in the forest had access to clean piped water. Each village had a dispensary where the sick were treated.
- (e) That in August 1988, the Government, through the Ministry of Environment and Natural Resources, and the then Provincial Administration evicted the Petitioners, including the persons living with disabilities. They were not informed within sufficient time which resulted in losses in terms of crops and animals. The eviction was forceful including threats, destruction of property and harassment by the security agents.
- (f) That the notice given was inconsiderate in its timing and the existing political climate. It was given while crops were in the shambas and at a stage where they could not be harvested. The shortness of the notice made it impossible for the evictees to dispose their animals at a fair price. They could not, within the time and space given, move all of their property to safety. The events surrounding the eviction show that the authorities that would have protected the Petitioners abdicated their role and subjected them to inhuman treatment. Furthermore, due process as required by law was not adhered to which makes the eviction an act of human mistreatment.
- (g) That although the Petitioners moved, they did it out of fear of repercussions from Government forces but under much emotional and economic duress. They became, through an action of Government, Internally Displaced Persons. The Government breached the Human and Peoples Rights as in African Charter of which Kenya is a signatory.
- (h) That those children who sat for their Certificate of Primary Education in the schools located in the forest had challenges in collecting their certificates for some of the schools were demolished and others taken over by other incoming authorities.
- (i) That what happened to Marmanet Forest after the eviction shows profound malice. The Marmanet Forest was allocated to other people who cleared both the exotic and indigenous forest cover and left the forest bare. The forest was turned into a settlement scheme. This was done as the Petitioners watched.

They felt discriminated due to their ethnic, economic, social and political backgrounds. The eviction was done at a time when the political arena in this country was filled with chants of “*siasa baya, maisha baya*”.

- (j) That from the date of eviction, the Petitioners have led a life of abject poverty, moving from one place to another looking for hospitable settlement to no avail. Some of them live in rental houses in slums.
- (k) That the Petitioners efforts to resolve the issue with the Provincial Administration and local political leaders have never borne fruit.
- (l) That this matter is not pending, in any court of law.
- (m) That the Petitioners have presented a similar petition to the National Assembly and the National Lands Commission but have not got any response so far.
- (n) That the Petitioners presented a letter of grievance; to the Kenya National Commission on Human Rights. The Commission has written to the National Lands Commission advising that we be resettled.
- (o) That the Petitioners have presented letters of grievances to County Governor for Laikipia, the Senator for Laikipia and the Women Representative for Laikipia. They have aired our plight to the Member of Parliament Laikipia West, both in writing and a face to face meeting. The Petitioners have only received verbal acknowledgements.
- (p) That the Petitioners have therefore made the best efforts to have these matters addressed by the relevant authorities all of which have failed to give satisfactory response.

20. Petitioner’s prayers to the Senate were that –

- (a) Direct that the Petitioners be resettled by the Government,
- (b) Direct that the Petitioners be compensated for the loss of property, livelihood, discrimination and violation of human and children's rights.
- (c) Direct that the Petitioners be given relief as is done to Internally Displaced Persons in Kenya.
- (d) Direct that academic certificates for those who sat for Certificate of Primary Education in the schools located in the forest at the time of eviction be availed, to owners.
- (e) Direct that a comprehensive report on the reasons for eviction and subsequent allocation of the forest to other people be availed by the Government.

(f) Direct that any other redress as it may deem fit be given to us.

3.1. Submissions by Ministry of Lands and Physical Planning

21. The Ministry of Lands informed the Committee that the matter is being dealt with at the National Land Commission.
22. They informed the Committee that the Ministry has not identified a parcel of land to resettle the persons evicted from Marmanet Forest in Laikipia. They further suggested that there is need for a multi-agency Committee comprising of the Ministry of Lands and Physical Planning, the National Land Commission, the Ministry of Interior and Coordination, County Government of Laikipia so as to seek a lasting solution to the impasse.

3.2. Submissions by the National Land Commission

23. The National Land Commission informed the Committee that, considering the deep concerns raised since independence, the matter would require a multi-agency approach in resolving claims relating to the Petition. They informed the Committee that a combined time from the Ministry of Lands and Physical Planning, Ministry of Interior and Coordination of National Government and the National Land Commission would be useful in addressing such matters.

CHAPTER 4

COMMITTEE OBSERVATIONS

24. This chapter addresses all matters that have been raised by the Petitioners and brief description on the guiding determination being made by the Committee on each of the concerns as raised by the Petitioners.

(a) Direct that we be resettled by the Government,

25. The Committee determined that it is true that the petitioners were evicted from Marmanet Forest in 1988. Further to that, there were new people who were settled on the land they were evicted from. However, the Ministry of Lands and Physical Planning Stated that it had not identified land to resettle the Petitioners.

26. The Committee observed that, as proposed by the Ministry, there is need for a multi-agency Committee comprising of the Ministry of Lands and Physical Planning, the National Land Commission, the Ministry of Interior and Coordination, County Government of Laikipia so as to seek a lasting solution to the impasse.

(b) Direct that we be compensated for the loss of property, livelihood, discrimination and violation of human and children's rights.

27. The Committee determined that during the eviction process, there was loss of property, and livelihood. However, there is need for further investigation by the National Land Commission to determine the circumstance that led to the eviction of the Petitioners.

28. The Petitioners should benefit from any relief accorded to Internally Displaced persons in Kenya through the Ministry of Devolution and Arid and Semi-Arid Lands special programmes department.

(c) Direct that we be given relief as is done to Internally Displaced Persons in Kenya.

29. The Committee determined that the Petitioners needed relief to assist them in their daily sustenance. However, there is need for further investigation by the National Land Commission to determine the circumstance that led to the eviction of the Petitioners.

(d) Direct that academic certificates for those who sat for Certificate of Primary Education in the schools located in the forest at the time of eviction be availed, to owners.

30. The Committee determined that as per the Petitioners, it is possible that education certificates could have been lost during the evictions. Noting that academic documents are needed to ensure any Kenyan is able to pursue further education or apply for employment, this should be immediately facilitated by the Ministry of Education.

(e) Direct that a comprehensive report on the reasons for eviction and subsequent allocation of the forest to other people be availed by the Government.

31. The Committee determined that a reason for the eviction and subsequent allocation of the forest to other people was needed. This is because no reason was given to the petitioners and the Committee for the eviction

CHAPTER 6

COMMITTEE RECOMMENDATIONS

From the foregoing, the Committee now makes the following recommendations-

1. The National Land Commission needs to coordinate a multi-agency team comprising of the Ministry of Lands and Physical Planning, Ministry of Interior and Coordination of National Government, Ministry of Environment and Forestry and the County Government of Laikipia to expedite the investigation into the claim by Petitioners from Marmanet Forest. Since the matter falls under the category of a historical injustice, the Committee recommends that a status report on the matter is submitted to the Committee within three (3) months of tabling this Report by the Senate.
2. That the Ministry of Lands and Physical Planning in consultation with the County Government of Laikipia identifies agriculturally viable land that could be used to resettle Petitioners from Marmanet Forest.
3. That the Petitioners should receive any relief accorded to Internally Displaced persons in Kenya through the Ministry of Devolution and Arid and Semi-Arid Lands, Special Programmes Department.
4. That the Ministry of Education should facilitate the issuance of certified duplicated education certificates to the Petitioners who lost their academic documents.

ANNEX I: MINUTES OF THE MEETINGS

MINUTES OF THE 3RD MEETING OF THE SENATE STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL RESOURCES HELD ON WEDNESDAY, 13TH FEBRUARY, 2019 IN COMMITTEE ROOM 10, MAIN PARLIAMENT BUILDING AT 9.00 AM.

MEMBERS

1. Sen. Mwangi Paul Githiomi, M.P.
2. Sen. Mwaruma Johnes, M.P.
3. Sen. Halake Abshiro, M.P.
4. Sen. Godana Hargura, M.P.

PRESENT

- **Chairperson**
- Member
- Member
- Member

ABSENT WITH APOLOGY

1. Sen. Prengei Victor, M.P.
2. Sen. George Khaniri, MGH, M.P.
3. Sen. Ndwiga Peter Njeru, EGH. M.P.
4. Sen. Slyvia Kasanga, M.P.
5. Sen. Boy Issa Juma, M.P.

- **Vice Chairperson**
- Member
- Member
- Member
- Member

IN ATTENDANCE

SENATOR

1. Sen. Charles Kibiru - Senator, Kirinyaga County

NATIONAL ASSEMBLY MEMBERS

1. Hon. Kabinga Wachira - MP (Mwea Constituency)

MINISTRY OF LANDS

1. Hon. Gideon M. Mungaro - CAS
2. Mr. Michael Nyamai - Snr. Ass. Dir. Land Adj.
3. Mr. Peter K. Waithaka - Ag. Dep. Adj
4. Mr. Charles Muemi - D/Director Valuation
5. Mr. Edward Kosgei - Dir. Land Admin.
6. Mr. Charles Githenya - D/Director Land Administration
7. Mr. Owino Jacob Cattwright - SLRO
8. Mr. Paul Ndung'u - Ag. Ass. Director
9. Mr. Kamau J.H.M - CLAO
10. Mr. A. A. Ombima - Liaison Officer
11. Ms. Juliana Mutua - D/Director Physical Planning

SENATE SECRETARIAT

1. Mr. Victor Bett - Clerk Assistant
2. Mr. Ahmed Odhowa - Principal Researcher
3. Mr. Mitchell Otoro - Legal Counsel
4. Ms. Hawa Abdi - Sergeant at Arms
5. Mr. Nimrod Ochieng' - Audio Recording
6. Ms. Sharon Eleman - Intern

MINUTE SEN/SCLNR/012/2019: PRELIMINARIES

The meeting was called to order at 9.30am by the Chairperson followed by a word of prayer. Thereafter introductions followed.

MINUTE SEN/SCLNR/013/2019: ADOPTION OF AGENDA

The agenda was therefore proposed by Sen. Godana Hargura, M.P. and seconded by Sen. Mwaruma Johnes, M.P as follows.

1. Preliminaries;
 - *Prayer,*
 - *Chairpersons remarks*
2. Adoption of the agenda;
3. Confirmation of Minutes;
4. **Meeting with the CS Lands & Physical Planning and the NLC on Statements and Petitions before the Committee;**
5. Any other Business;
6. Date of the next meeting;
7. Adjournment.

MINUTE SEN/SCLNR/014/2019:

MEETING WITH THE CS LANDS & PHYSICAL PLANNING AND THE NLC ON STATEMENTS AND PETITIONS BEFORE THE COMMITTEE

Ministry of Lands and Physical Planning

The Chief Administrative Secretary made his presentation as follows:

- A. Response to Statement as requested in the Senate by Sen. Kibiru Charles, MP

STATUS OF ISSUANCE OF TITLE DEEDS FOR MWEA RICE FARMERS IN KIRINYAGA COUNTY

- **The actual acreage of Mwea Irrigation Scheme land in Kirinyaga County.**

The Committee was informed that Mwea Irrigation Scheme was set apart vide *Gazette* Notice Nos 3097 and 3099 dated 5th July 1960. The *Gazette* Notice No. 3097 set apart acreage of 8,480 acres while the *Gazette* Notice No. 3099 set apart 7,120 acres for irrigation scheme.

Other *Gazette* Notices relating to the Irrigation Scheme are as tabulated below:

Gazette Notice	Date	Size (Acres approx.)	Purpose
3098	05.07.1960	22	Mwea/Tebera Scheme Canal

3100	05.07.1960	27	Draining of Nguka swamp
3102	05.07.1960	9.6	Dam to protect Nguka Irrigation Beds
3101	05.07.1960	25	Kiruara Drainage way
3103	05.07.1960	0.8	Drainage furrows protecting Nguka Dam
3090	26.07.1960	60	Main Thiba Water Canal Serving Mwea/Tebere Scheme
3096	26.07.1960	125	Mwea Tebere Scheme Village and Agricultural officer's house and staff lines
3093	26.07.1960	10	Protection of Head works
3095	26.07.1960	54	Mwea/Tebere scheme village and tree plantation

The total area of Mwea Irrigation scheme is therefore **15,933 Acres** approximately.

• **Status of surveying, beaconing and mapping of the Mwea Irrigation Scheme.**

The Committee was informed that the area in question is covered by Topographical Map Sheet SK 135/2-Embu (see Annex 2). Besides this, the Ministry has no records to indicate that the land has ever been surveyed.

• **Status of preparation of title deeds for the parcels of land owned by Mwea rice farmers.**

The Committee was informed that by virtue of Gazette Notices Nos. 3090, 3093, 3095, 3096, 3097, 3098, 3100, 3101, 3102, 3103 of 1960; the area known as Mwea/Tebere Irrigation Area in the Kirinyanga District of the Central Province was designated as a national irrigation scheme. Pursuant to Section 14 (2) of the Irrigation Act, Cap 347, the title or interest in such land is vested in the National Irrigation Board.

The Committee is not in agreement with most of the issues as presented by the Ministry, terming them as inaccurate and that a visit to the ground would possibly shed more light. A view that was also shared by the Senator, Kirinyaga County and the MP Mwea whose constituency Mwea Irrigation Scheme is in.

The Committee therefore made the following resolutions:

- i.) **Invite the Ministry of Agriculture, National Irrigation Board and Ministry of Lands and Planning.**
- ii.) **Visit the Mwea Irrigation Scheme**

B. Response to Petitions

1. PETITION BY THE RESIDENTS OF GILGIL TOWNSHIP CONCERNING ALLEGED GRABBING OF PUBLIC UTILITY AND PRIVATE LAND AT LELESHWA, GILGIL TOWNSHIP, IN NAKURU COUNTY.

The Committee was informed that the claim by the petitioners that the Anti-Stock Theft Unit (ASTU) officers invaded and occupied approximately 40 acres of land, part of which included residential plots that had already been allocated to individuals is not true and that 118 acres were zoned off for the ASTU from the land set aside for public purpose. It is therefore proper for the ASTU to occupy the land.

Further the CAS informed the Committee that the Petitioners in their Petition want the original Approved Development Plan to be upheld, including safeguarding of the public utility land as well as the allotted residential plots in which the CAS responded by informing the Committee that Gilgil Development Plan No. 91 (the Plan) zoned the land into 8 broad approved development uses as follows:

USE	APPROXIMATE ACRES
Residential	379892.2
Industrial	123.5
Educational	6707.4
Recreational	28.6
Public purpose	4029.5
Commercial	152.9
Public utilities	17
Transportation	299
Total Acreage	391,250.1

The Committee therefore made the following resolutions:

- i.) **To conduct site visits with the Ministry of Lands and Planning and the County Government of Nakuru to the meeting at a date to be communicated.**

2. PETITION ON THE RESETTLEMENT OF THE MINORITY NGEREK COMMUNITY FOLLOWING THEIR PROPOSED EVICTION FROM SOUTH NANDI FOREST, IN NANDI COUNTY.

The Committee was informed by the CAS that the resettlement exercise was undertaken by the Office of the President and involved Ngerek and Koiben communities who settled in Ngerek and Koiben villages in South Nandi.

Since the settled area was rocky, hilly and served as a water catchment, the Government decided to resettle the two communities in Kapkangani and New Koiben areas, respectively. The Koiben community would be resettled on 266.8 Ha and the Ngerek Community on 455.4 Ha. This was in exchange of land previously held by the two communities in South Nandi Forest.

The resettlement programme was to be carried out in two phases:

- a.) Phase one involved resettlement of the Koiben Community at New Koiben/Chepkuma area and this was successfully completed.
- b.) Phase two would involve resettlement of the Ngerek Community but was accompanied by the following challenges:
 - i). political interference;
 - ii). some original allottees sold their plots;
 - iii). The Ngerek community attempted to forcefully occupy the parcels allocated to them but this led to clashes in 2002;
 - iv). The Ngerek are still occupying their original land (Ngerek Hill) as they did not surrender their title deeds to the Kenya Forest Services as earlier agreed.

The Ministry therefore informed the Committee that; in these circumstances, there is need for engagement between the local leadership and relevant government agencies to resolve the issue.

The Committee therefore made the following resolutions:

The Ministry of Lands and Physical Planning should organise a team, visit the area and spearhead the engagement between the Local Leadership and the relevant Government agencies and report back to the Committee within 3 months.

3. PETITION BY RESIDENTS OF KIANG'OMBE SQUATTERS SETTLEMENT SCHEME IN THIKA SUB-LOCATION, KIAMBU COUNTY, CONCERNING ALLEGED GRABBING OF LAND ALLOCATED FOR THEIR SETTLEMENT.

The Committee was informed that the Ministry has a part development plan (PDP) for Kiang'ombe village departmental reference No.TKA/4/03/2A prepared on 30/10/2009, certified by the Director of Physical Planning on 4/12/2013 and approved on 4/12/2013 as approved Development Plan No. 365.

There are 585 plots allocated in total in the PDP out of which 13 are set aside for public utilities as shown in the table below:-

USE	NO. OF PLOTS	AREA IN HA
-----	--------------	------------

Residential and Commercial	574	17.277
Transport	1	6.226
Churches	2	0.189
Conservation area	1	1.775
Garbage collection plant	1	0.028
Dispensary	1	0.179
Nursery schools	3	0.399
Police post	1	0.105
Proposed primary school	1	1.176
	585	27.304

The approved part Development Plan was prepared and published as per the requirements of the Physical Planning Act Cap 286 and superseded PDF NO. KBU/93/22 of 19.10.1993 and TKA/4/03/2 of 21.11.2003.

However the CAS seeked leave for **two weeks** to furnish the committee with a ground report as to who is in occupation of the parcels set aside for public utilities.

The Committee therefore made the following resolutions:

- i.) To invite the Petitioners**
- ii.) The Ministry of Lands and Physical Planning to forward the actual map indicating the allocations;**
- iii.) The Ministry of Lands and Physical Planning to visit the area together with the Committee to ascertain facts on the Parcels of Land.**

4. PETITION FROM EVICTEES OF MARMANET FOREST IN LAIKIPIA COUNTY CONCERNING THEIR COMPENSATION AND RESETTLEMENT.

The Committee was informed that the matter is currently before the National Land Commission for resolution. They committed to follow up with the National Land Commission and were seeking more time to also consult with other relevant government agencies.

The Committee however had the following concerns:

- How comes that the forest has not been degazetted but titles are there?
- Who exactly was allocated the parcels of land?
- What was the basis of issuing out the titles?

The Committee therefore made the following resolutions:

- i.) To invite the Petitioners**

- ii.) **The Ministry of Lands and Physical Planning to follow up with NLC and report back to the Committee on the Status;**
- iii.) **The Committee would also engage the National Land Commission & the Kenya Forest Service.**
- iv.) **The Committee to visit the area to ascertain facts in the alleged forest.**

5. PETITION TO THE SENATE CONCERNING UNLAWFUL DEPRIVATION OF A PARCEL OF LAND IN KAPUTEI NORTH KAJIADO (KJD/KAJIADO/KAPUTIEI NORTH/28126).

Mr. DAVID MUNGAI NG'ANG'A, the petitioner claims the parcel belongs to his wife JECINTA NJERI NGANGA, while his neighbor claims to be the owner of the property. The petitioner wants the ownership of the land to be reinstated.

The Committee was informed that according to the records, the above parcel is registered to JECINTA NJERI NGANGA of ID 3243898 and title deed issued. (Annex 1)

There is no ownership dispute as the land in question belongs to JECINTA NJERI NGANGA. It is therefore clear that the petition touches on a boundary dispute. In terms of section 18 (2) of the Land Registration Act, a proprietor of registered land with a boundary dispute is obliged to first seek redress or resolution from the land registrar.

The petitioner should thus lodge a formal boundary dispute at the Kajiado lands office for the same to be resolved.

The Committee therefore made the following resolutions:

In view of the Petition being at the Senate, that Committee directs that the Registrar goes to the site and assist the Petitioner.

6. PETITION TO THE SENATE CONCERNING MGENO RESERVE LAND REGISTRATION NUMBER 3880/3

The Petitioner is a resident of Mwatate Constituency, in Taita Taveta County. The Petitioner's prayers are:

- To have members of Mgeno committee gazetted;
- The Government to survey and register Mgeno community land and issue title deeds and
- Revoke titles illegally issued.

The Committee was informed that all parcels subdivided from LR. No. 3880 including LR. No. 3880/3 was surrendered to the Government for Community Settlement. LR. No. 3880/3 was allocated except some 6000 acres (south of the Railway line). Titles

were issued to the community or beneficiaries under the MODAMBOGHO ADJUDICATION SECTION.

The un-alienated part of LR. No. 3880/3 (approx. 6000 acres), was sparsely inhabited until recently when people started moving in. The National Youth Service (NYS) is currently occupying approximately 300 acres of the un-alienated land. LR. No. 3880/3 borders Community Land measuring approximately 7300 acres-popularly known as "Mgeno Grazers". It also borders Mugeno Ranch LR. No. 12178 measuring 20,920 Ha.

Further, the Committee was informed that the Ministry has embarked on a Rapid Response Initiative (RRI) to ensure titles are issued for the remaining 6000 acres in LR 3880/3. (Attached is a sketch showing the referenced parcels).

The Committee therefore made the following resolutions:

- i.) To invite the Petitioners;**
- ii.) The Ministry of Lands and Physical Planning to visit the area together with the Committee to ascertain facts on the disputed Parcels of Land.**

National Land Commission

The Committee did not receive any apologies from the NLC and resolved to re-invite them again once new commissioners are sworn to office.

MINUTE SEN/SCLNDR/015/2019: ANY OTHER BUSINESS;

There was no other business discussed.

MINUTE SEN/SCLNDR/016/2019: DATE OF NEXT MEETING;

The meeting was adjourned at 11.35 am and the next meeting was to be held thereafter.

SIGNATURE.......... DATE.....

(CHAIRPERSON: SEN. MWANGI PAUL GITHIOMI, MP.)

MINUTES OF THE 24TH MEETING OF THE SENATE STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL RESOURCES HELD ON WEDNESDAY, 25TH SEPTEMBER, 2019 IN COMMITTEE ROOM 10, MAIN PARLIAMENT BUILDING AT 9.30AM.

MEMBERS

- | | |
|---------------------------------------|---------------------------------|
| 1. Sen. Mwangi Paul Githiomi, M.P. | PRESENT
- Chairperson |
| 2. Sen. George Khaniri, MGH, M.P. | - Member |
| 3. Sen. Ndwiga Peter Njeru, EGH. M.P. | - Member |
| 4. Sen. Godana Hargura, M.P. | - Member |
| 5. Sen. Mwaruma Johnes, M.P. | - Member |

ABSENT WITH APOLOGY

- | | |
|------------------------------|--------------------|
| 1. Sen. Prengei Victor, M.P. | - Vice Chairperson |
| 2. Sen. Halake Abshiro, M.P. | - Member |
| 3. Sen. Boy Issa Juma, M.P. | - Member |
| 4. Sen. Sylvia Kasanga, M.P. | - Member |

IN ATTENDANCE

A. SENATORS

- | | |
|----------------------------|-----------------------------|
| 1. Sen. Charles Kibiru, MP | - Senator, Kirinyaga County |
|----------------------------|-----------------------------|

B. MINISTRY OF LANDS AND PHYSICAL PLANNING

- | | |
|---------------------------|----------------------------------|
| 1. Ms. Farida Karoney | - CS, MOLPP |
| 2. Hon. Gideon M. Mungaro | - CAS |
| 3. Mr. Benson Mbiti | - MOLPP |
| 4. Mr. Charles Githenya | - D/Director Land Administration |
| 5. Ms. Juliana Mutua, PHD | - MOLPP |
| 6. Ms. Pauline Pesa | - MOLPP |

C. NATIONAL LAND COMMISSION

- | | |
|-----------------------|--------------------|
| 1. Mr. Francis Bor | - DCS NLC |
| 2. Mr. Dennis Mutungi | - Co-ordinator NLC |

D. SENATE SECRETARIAT

- | | |
|---------------------------|-------------------|
| 7. Mr. Victor Bett | - Clerk Assistant |
| 8. Mr. Caroline Cheruiyot | - Legal Counsel |
| 9. Mr. Robert Rop | - Audio Recording |

MINUTE SEN/SCLN/135/2019: PRELIMINARIES

The meeting was called to order at 10.00 am by the Chairperson followed by a word of Prayer. The Chairman led the Committee through a round of introductions and thereafter informed the Committee that there is no response from the County Government of Nakuru following an invitation sent to them.

MINUTE SEN/SCLN/136/2019: ADOPTION OF AGENDA

The agenda was therefore proposed by Sen. George Khaniri, EGH, MP and seconded by Sen. Godana Hargura, MP as follows;

1. Preliminaries;
 - *Prayer,*
 - *Chairpersons remarks*
2. Adoption of the agenda;
3. **Meeting with the Cabinet Secretary Ministry of Lands and Physical Planning, County Government of Nakuru and the CEO National Land Commission on Statements and Petitions before the Committee;**
4. Any other Business;
5. Date of the next meeting;
6. Adjournment.

MINUTE SEN/SCLNR/137/2019: CONFIRMATION OF MINUTES

The confirmation of Minutes was deferred to the next housekeeping meeting.

MINUTE SEN/SCLNR/138/2019:

MEETING WITH THE CABINET SECRETARY MINISTRY OF LANDS AND PHYSICAL PLANNING AND CEO NATIONAL LAND COMMISSION ON STATEMENTS AND PETITIONS BEFORE THE COMMITTEE;

The Ministry of Lands and Physical Planning submitted as follows:

A. STATEMENT REQUEST BY SENATOR KIBIRU CHARLES REUBENSON, SENATOR FOR KIRINYAGA

On the matter of Mwea, the CS informed the Committee that they are embarking on giving the residents of Mwea conditional leases within 3 months. A technical team is also being set up to come up with resolutions in 90 days on long term measures to deal with the matter.

B. PETITION BY RESIDENTS OF MWATATE CONSTITUENCY, TAITA TAVETA COUNTY ON THE OWNERSHIP OF MGENO LAND RESERVE;

The CS informed the Committee that they have embarked on a Rapid Response Initiative (RRI) to ensure titles are issued for the remaining 6000 acres in Land Reference Number 3880/3. They are currently working on 30,100 titles at the moment.

The Committee was informed that part of the land is being set aside for public utilities and a land bank for future use.

The CS assured the Committee that they are following the Community Land Act and that the County Government is holding the land in trust until the Community is registered for them to get a block title.

C. PETITION ON NON-PAYMENT OF COMPENSATION FOR LAND COMPULSORILY ACQUIRED TO CONSTRUCT MWATATE-TAVETA-HOLILI ROAD;

The CS informed the Committee that NLC is fully responsible and that the information they have, is that they have since submitted the list of beneficiaries.

D. STATEMENT REQUESTED BY SEN. JOHNES MWARUMA ON 21ST FEBRUARY, 2019 ON THE STATUS OF VOI SISAL ESTATE;

The Committee was further informed by the Senator, Taita Taveta that the parcel of land in question has remained private through fraudulent means and that the Ministry of Lands and Physical Planning needs to establish and investigate the procedure that was followed in acquiring the parcel of land.

The CS responded by informing the Committee that the Senator Taita Taveta can seek supplementary questions for answers from the Ministry of Lands and Physical Planning citing clearly the allegations raised.

E. CONCERN OF THE NAYNDARUA VILLAGES

The CS informed the Committee that plans were underway and that the resettlement will be completed by July, 2020 as what was set as the target date to have completed the exercise.

F. STATEMENT REQUESTED BY SEN. ANUAR LOITIPTIP ON 19TH MARCH, 2019 REGARDING THE LAND CRISIS IN LAMU COUNTY;

The Committee was informed that an advisory has been sought from the Attorney General on the matter since they cannot be able to revoke the Title deeds without an opinion for the Attorney General.

The National Land Commission informed the Committee that the section was repealed in 2017 and therefore revocation has now to be done through a court of law and are therefore working with the Attorney General to provide amendments in the law to return these powers back to the Commission.

G. STATEMENT REQUESTED BY SEN. JOHNSON SAKAJA ON 21ST MARCH, 2019 REGARDING THE COMPENSATION OF NAIROBI RESIDENTS IN MIHANG'O WARD, EMBAKASI EAST CONSTITUENCY BY KENYA POWER AND LIGHTING COMPANY FOR THE ILLEGAL DEMOLITION OF THEIR HOUSES;

The CS informed the Committee that this is a matter of Public Land being restored and that the Kenya Power and Lighting Company would be best placed to give a response.

H. PETITION ON THE ALLEGED GRABBING OF THE PART OF THE LAND ALLOCATED FOR SETTLEMENT OF THE PETITIONERS AT KIANG'OMBE SQUATTERS SETTLEMENT SCHEME IN THIKA SUB-COUNTY, KIAMBU COUNTY;

The Committee was informed that the matter has so far been settled and that the

remaining part would be for NLC to give a comprehensive response on the matter.

The Committee is therefore waiting for a comprehensive response from the National Land Commission.

I. PETITION BY RESIDENTS OF GILGIL TOWNSHIP CONCERNING THE ALLEGED GRABBING OF PUBLIC UTILITY AND PRIVATE LAND AT LELESHWA, GILGIL TOWNSHIP, NAKURU COUNTY;

The Committee is waiting for a comprehensive response form the National Land Commission.

J. PETITION ON THE COMPENSATION AND RESETTLEMENT OF EVICTEES FROM MARMANET FOREST IN LAIKIPIA COUNTY;

The Committee was informed that the Ministry is trying to seek alternate land for the people of Marmanet. The Ministry currently does not have the money for that purpose.

The Committee was further informed that the Ministry has embarked on setting up a Committee to resettle the people of Marmanet together with NLC and that hopefully by November, 2019 the Committee will have been in place.

K. PETITION ON IRON ORE MINING IN KISHUSHE AREA OF TAITA TAVETA COUNTY, THAT THEY ALLEGEDLY OBTAINED A TITLE (TITLE DEED NO. CR65748) FRAUDULENTLY THROUGH THE MANAGEMENT OF KISHUSHE COOPERATIVE RANCH

The CS informed the Committee that the matter of the Title deed for this parcel of Land is a matter that is currently active in court and wouldn't want to comment about it.

MINUTE/ SEN/SCLN/139/2019: ANY OTHER BUSINESS

There was no other business discussed.

MINUTES/SEN/SCLN/140/2019: ADJOURNMENT

The meeting was adjourned at 12.02 pm. The date of the next meeting was to be called on notice.

SIGNATURE.......... DATE.....

(CHAIRPERSON: SEN. MWANGI PAUL GITHIOMI, MP.)

MINUTES OF THE 53RD SITTING OF THE SENATE STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL RESOURCES HELD ON SATURDAY, 14TH NOVEMBER, 2020 AT SAROVA WHITESANDS HOTEL, MOMBASA AT 9.00 AM.

MEMBERS

1. Sen. Philip Mpaayei, MP
2. Sen. Mwaruma Johnes, MP
3. Sen. Sylvia Kasanga, MP
4. Sen. Gideon Moi, CBS, MP
5. Sen. Ndwiga Peter Njeru, EGH, MP
6. Sen. Boy Issa Juma, MP

PRESENT

- **Vice Chairperson**
- Member
- Member
- Member
- Member
- Member

ABSENT WITH APOLOGY

1. Sen. Mwangi Paul Githiomi, MP
2. Sen. George Khaniri, MGH, MP
3. Sen. (Dr.) Lelegwe Ltumbesi, MP

- **Chairperson**
- Member
- Member

IN ATTENDANCE

1. Mr. Victor Bett
2. Mr. Crispus Njogu
3. Ms. Clare Kidombo
4. Ms. Mitchell Otoro
5. Mr. Abdalla Mbore
6. Mr. John Nganga
7. Mr. Naftali Ondiba

SECRETARIAT

- Clerk Assistant II
- Clerk Assistant II
- Researcher
- Legal Counsel
- Sergeant-At-Arms
- Audio Recording
- Finance Officer

MINUTE SEN/SCLN/291/2020: PRELIMINARIES

The meeting was called to order at 9.30 am by the Vice Chairperson followed by a word of prayer.

MINUTE SEN/SCLN/292/2020: ADOPTION OF AGENDA

The agenda of the meeting was adopted after being proposed by Sen. Ndwiga Peter Njeru, EGH, MP and seconded by Sen. Boy Issa Juma, MP as follows –

1. Preliminaries
2. Adoption of the agenda;
3. Confirmation of Minutes;
4. **Adoption of the following Petition Reports;**
 1. Report of the Committee on the Petition regarding the alleged grabbing of the part of the land allocated for settlement of the Petitioners at Kiang’ombe Squatters Settlement Scheme in Thika sub-County, Kiambu County (Residents of Kiang’ombe Squatters Settlement Scheme in Thika)

2. Report of the Committee on the Petition regarding the compensation and resettlement of evictees from Marmanet Forest in Laikipia County (Evictees of Marmanet Forest in Laikipia County)
3. Report of the Committee on the Petition regarding the Wajir waste disposal site and the disgraceful abuse of the right to enjoy environmental rights under Article 42 of the Constitution (Noor Abdirashid)
4. Report of the Committee on the Petition regarding the alleged unlawful acquisition and disposition of the Poka Group Ranch Land
5. Report of the Committee on the Petition regarding the compensation to land owners affected by construction of the Kibwezi - Kitui-Kabati - Migwani (B7) road
5. Any other Business;
6. Date of the next meeting;
7. Adjournment.

MINUTE SEN/SCLNR/293/2020: CONFIRMATION OF MINUTES OF PREVIOUS SITTINGS

The Committee deferred the confirmation of Minutes to the next housekeeping meeting.

MINUTE SEN/SCLNR/294/2020: ADOPTION OF THE FOLLOWING PETITION REPORTS;

(a) Report of the Committee on the Petition regarding the alleged grabbing of the part of the land allocated for settlement of the Petitioners at Kiang'ombe Squatters Settlement Scheme in Thika sub-County, Kiambu County (Residents of Kiang'ombe Squatters Settlement Scheme in Thika);

The Committee adopted its report with the following recommendations;

1. That the Ministry of Lands and Physical Planning fast tracks the verification exercise on the ownership of the land and issues titles to the beneficiaries at zero cost allocated to members of the Kiang'ombe Squatters Settlement Scheme;
2. That the DCI and EACC investigates the allegations with regard to any parcels of land issued irregularly and responsible officers and grabbers if found brought to book in accordance with the law.

The Report was adopted after having been proposed by Sen. Ndwiga Peter Njeru, EGH, MP and seconded by Sen. Boy Issa Juma, MP

(b) Report of the Committee on the Petition regarding the compensation and resettlement of evictees from Marmanet Forest in Laikipia County (Evictees of Marmanet Forest in Laikipia County);

The Committee adopted its report with the following recommendations;

The National Land Commission needs to coordinate a multi-agency team comprising of the Ministry of Lands and Physical Planning, Ministry of Interior and Coordination of National Government, Ministry of Environment and Forestry and the County Government of Laikipia to expedite the investigation into the claim by Petitioners from Marmanet Forest. Since the matter falls under the category of a historical injustice, the Committee recommends that a status report on the matter is submitted to the Committee within three (3) months of tabling this Report by the Senate.

That the Ministry of Lands and Physical Planning in consultation with the County Government of Laikipia identifies agriculturally viable land that could be used to resettle Petitioners from Marmanet Forest.

That the Petitioners should receive any relief accorded to Internally Displaced persons in Kenya through the Ministry of Devolution and Arid and Semi-Arid Lands, Special Programmes Department.

That the Ministry of Education should facilitate the issuance of certified duplicated education certificates to the Petitioners who lost their academic documents.

The Report was adopted after having been proposed by Sen. Ndwiga Peter Njeru, EGH, MP and seconded by Sen. Boy Issa Juma, MP

(c) Report of the Committee on the Petition regarding the Wajir waste disposal site and the disgraceful abuse of the right to enjoy environmental rights under Article 42 of the Constitution (Noor Abdirashid)

The Committee adopted its report with the following recommendations;

In accordance with the Prayers of the Petitioner the Committee recommends as follows:

- (1) Ensuring that the lives and livelihoods of the residents of Ali Mao Village in Wajir County are safeguarded against the harmful effects of mismanagement of waste disposal site;**
 - (a)** Ensure that an Environmental Inspector is appointed by the National Environment Management Authority (NEMA) pursuant to Section 117 of the Environment Management and Coordination Act (EMCA), 1999, to ensure that the County Government of Wajir restores the settlement areas affected by the disposal site and that it is relocated and the area cleaned-up;
 - (b)** Ensure compensation of persons in Ali Mao Village whose health has been negatively affected as a direct result of the devastating impact of the dump site;

Committee Recommendation

1. The Committee recommends that the County Government of Wajir restores the settlement areas affected by the disposal site.
2. Health services being devolved function, the County Government of Wajir should identify persons leaving in Ali Mao Village and ensure they get treatment for health issues arising from the impact of the dumpsite.

- (2) **Ensuring that funds through the National and County budgeting process are availed to the Wajir County Government for rehabilitation of the dump site;**
Committee Recommendation

The Committee recommends that the County Government of Wajir sets aside funds for the rehabilitation of the dumpsite the County Budget Estimates 2021/2022.

- (3) **Ensuring that the Wajir County Government enhances the policy, legal and regulatory framework for disposal of waste in the county;**
Committee Recommendation

The County Government of Wajir should ensure that it has a waste disposal policy which is subjected to public participation and approved by the County Assembly.

- (4) **Ensuring that medical institutions in Wajir County adhere to proper waste disposal practices;**
Committee Recommendation

The Committee recommends that the County Government of Wajir continuously monitors waste disposal practices in Wajir County.

- (5) **Make appropriate recommendations to NEMA and other bodies charged with safeguarding the environment;**
Committee Recommendation

The Committee recommends that NEMA continuously keeps in check the happenings in counties on matters waste management.

- (6) **Review national legislation to address the challenges of waste management in the country.**
Committee Recommendation

The Committee recommends that NEMA works with the Committee in coordinating a High Level Workshop, bringing together all stakeholders in the waste management sector and all the 47 counties to come up with solutions that uniformly handle waste management in the counties.

The Report was adopted after having been proposed by Sen. Ndwiga Peter Njeru, EGH, MP and seconded by Sen. Boy Issa Juma, MP

(d) Report of the Committee on the Petition regarding the alleged unlawful acquisition and disposition of the Poka Group Ranch Land

The Committee adopted its report with the following recommendations;

1. The County Government of Kajiado submits to the Senate all relevant records pertaining to Emali Holding Grounds- L.R Kajiado/Kaputiei South/23 reasons for the change in land use and how it was allocated to private entities without the consultation of the immediate community within one (1) month of the tabling of this Report;
2. That the Directorate of Criminal Investigations (DCI) and the Ethics and Anti-Corruption Commission (EACC) investigates with speed how Emali Holding Grounds, set aside for livestock production purposes was alienated, subdivided, transferred and leased out without the consultation of local communities with a view to prosecuting those who may have fraudulently transferred the land; and
3. That the National Land Commission expedites and submits to the Senate regulations under section 12 (12) of the Land Act, 2012 prescribing for allocation of public land to individuals and communities as well as the manner of conversion of land across categories.

The Report was adopted after having been proposed by Sen. Ndwiga Peter Njeru, EGH, MP and seconded by Sen. Boy Issa Juma, MP

(e) Report of the Committee on the Petition regarding the compensation to land owners affected by construction of the Kibwezi - Kitui-Kabati - Migwani (B7) road

The Committee adopted its report with the following recommendations;

- i. The National Land Commission to avail a list of all persons who have been issued with award letters in respect of the project, including valuation for the acquired pieces of land and any variations made on the original award letters;
The Committee recommends that the National Land Commission submits to the Committee an updated list of all project affected persons and the status of their compensation within two months of the tabling of this Report, and in any case not later than 1st February, 2020.
- ii. The National Land Commission to compensate the affected land owners promptly, justly and in full.
The Committee recommends that the Kenya National Highways Authority and the National Land Commission forthwith compensates all the Project Affected Persons in full and both submit to the Committee a status update on the compensation within three months of the tabling of this Report, and in any case not later than 28th February, 2021.

The Report was adopted after having been proposed by Sen. Ndwiga Peter Njeru, EGH, MP and seconded by Sen. Boy Issa Juma, MP

MINUTE SEN/SCLN/295/2020: ANY OTHER BUSINESS;
There was no other business discussed.

MINUTE SEN/SCLN/296/2020: DATE OF NEXT MEETING;

The meeting was adjourned at 1.00 pm and the next meeting was to follow thereafter at 3.00 pm.

Signed: 

Date: 19 /11/2020

SEN. PHILIP MPAAYEI, MP
VICE CHAIRPERSON
STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL
RESOURCES

ANNEX II: SUBMISSIONS OF KEY STAKEHOLDERS

(Attached Separately)