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TWELFTH PARLIAMENT

FOURTH SESSION

SENATE STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL  
RESOURCES

REPORT ON THE PETITION BY RESIDENTS OF KIANG'OMBE SQUATTERS  
SETTLEMENT SCHEME IN THIKA

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

PAPERS LAID	
DATE	Dec 1 2020
TABLED BY	Sen. Khamisi
COMMITTEE	Land
CLERK AT THE TABLE	M. Adhiambo

NOVEMBER, 2020

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## LIST OF ABBREVIATIONS/ SYNONYMS

1. ASTU - Anti-Stock Theft Unit
2. CAS - Chief Administrative Secretary
3. CS - Cabinet Secretary
4. CSR - Community Social Responsibility
5. DCI - Directorate of Criminal Investigation
6. EACC - Ethics and Anticorruption Commission.
7. ESIA - Environmental Social Impact Assessment
8. HE - His Excellency
9. MOLPP - Ministry of Land & Physical Planning
10. NLC - National Land Commission
11. PDP - Part Development Plan

## PREFACE

### **Mr. Speaker sir,**

The Standing Committee on Lands, Environment and Natural Resources is established pursuant to standing order 218(3) of the Senate Standing Orders. 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**

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

**Chairperson**

**Vice-Chairperson**

This Committee's report is on the petition submitted through the Office of the Clerk of the Senate, by eight (8) residents of Kiang'ombe Squatters Settlement Scheme in Thika, Kiambu County. The Petition relates to 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. This report contains the determined prayers of the Petitioners and the recommendations.

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*.

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 -

1. Ensure the land occupied by the squatters who were identified by the current committee for Kiang'ombe Squatters Settlement Scheme acquire Title Deeds for the plots given to them measuring 40 by 80 feet.
2. The squatters to be given back the whole 38.64 Ha approximate 95.4 acres i.e. to recover the grabbed 28 acres squatters land and the remaining part for public land.
3. The Ministry of Land with collaboration with the National Land Commission to revoke the Title Deeds illegally issued to land grabbers of public land and the whole land parcel to be reverted to Kiang'ombe squatters' settlement scheme.

4. To recover the map from the Ministry of Land Physical Planning department map number TKA/4/03/2A with collaboration to map number KBU/4/93/22A.

### **The Petition**

Pursuant to the standing order 226 (1)(a) and 230(2)(b) of the Senate Standing Orders the Speaker of the Senate reported to the House a petition presented through the Office of the Clerk of Senate by residents of Kiang'ombe squatters' settlement scheme - Thika sub-county. The petition concerns Kiang'ombe squatters' settlement scheme allegedly grabbed. Pursuant to standing order 232(1), the petition stood committed to the Land, Environment and Natural Resources Committee.

The Committee undertook to investigate and determine the prayers of the petitioner pursuant to standing order 226 of the Senate Standing Orders. It also received submissions from the Petitioners and various key stakeholders including the Ministry of Lands and Physical Planning and the National Land Commission (NLC).




## ACKNOWLEDGEMENT

The Committee acknowledges the time and considerable effort made by all parties who volunteered information before it. I also express my gratitude to my colleagues for their thoughtful and considerate contributions to the matter. Further the Committee is indebted to the Offices of the Speaker and the Clerk of the Senate for facilitating the work of the Committee in undertaking its constitutional mandate. We also 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 by the residents of Kiang'ombe 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.

Signed:  Date: 14/11/2020

**SEN. PHILIP MPAAYEI, M.P.  
CHAIRPERSON**

**SENATE STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL  
RESOURCES**

# CHAPTER I

## INTRODUCTION

### **1.0 The Right to Petition**

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. 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**

Pursuant to standing Order 226 (1) of the Senate Standing Orders, the Petition was submitted through the Office of the Clerk by residents of Kiang'ombe 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. It was then committed to the Standing Committee on Land, Environment and Natural resources for consideration and determination.

The Petitioners raised the following issues in their Petition-

- (a) Ensure the land occupied by the squatters who were identified by the current Committee for Kiang'ombe Squatters Settlement Scheme are issued with Title Deeds for the plots given to them measuring 40 by 80 feet.
- (b) The squatter to be given back the whole 38.64 Ha approximate 95.4 acres i.e. to recover the grabbed 28 acres squatters land and the remaining part for public land.
- (c) The Ministry of Land with collaboration with the National Land Commission to revoke the Title Deeds which were issued to grabbers illegally on a public land and the land whole land to be for Kiang'ombe Squatters Settlement Scheme.
- (d) To recover the map from the Ministry of Land Physical Planning department map number TKA/4/03/2A with collaboration to map number KBU/4/93/22A.

## CHAPTER 2

### CONSIDERATION OF THE PETITION

#### **2.0 Approach taken the Committee**

The Members of the Committee considered and examined the issues raised by the Petitioner to be determined from the prayers of the Petitioner and embarked on a process to identify the necessary action to take on the prayers submitted by the Petitioner. The Committee invited Ministry of Lands and Physical Planning and the National Land Commission.

The Committee also invited the petitioners to provide further information to help determine the prayers in the petition.

The objective of the Committee was to obtain as much information and facts on the subject matter so as to respond to the prayer of the petitioners conclusively and make recommendations on all issues pertaining to the petition.

#### **2.1. Committee Proceedings**

##### **(i) Deliberative Sessions**

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

##### **(ii) Documents review**

The Committee reviewed documents presented to it by the Petitioners as 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 including-



## CHAPTER 3

### SUBMISSIONS TO THE COMMITTEE

This section contains the summaries of the submissions made to the Committee during the sessions and other documents submitted.

#### **3.1 Submissions by the Petitioners**

The Petitioners submitted as follows-

1. The residents of Kiang'ombe village in Thika were given land by H.E Mzee Jomo Kenyatta the first President of the Republic of Kenya to settle and graze their cows instead of paying land rates. The land which was given to these residents was termed as a 'squatters land' measuring 38.64 Hectares approximately 95.4 acres and 67 acres has been demarcated and some residents have settled. The Petitioners claimed that 28 acres was grabbed and belongs to squatters.
2. That, Kiang'ombe squatter settlement scheme was established after H.E Mzee Jomo Kenyatta allocated a piece of land to the villagers to settle and graze their cows on the land.
3. That, the land was 38.64 Hectares, which was approximate 95.4 acres and 67 acres have been allocated to residents after demarcation.
4. That, 28 acres have been grabbed by private developers who have been issued with Title Deeds illegally.
5. That, land in question is mainly public land and for settlement of some residents that is the Kiang'ombe Squatters' Settlement Scheme.
6. That, the whole land allocated for Kiang'ombe Squatters' Settlement Scheme was 38.64 hectares approximates to 95.4 acres.
7. That, 67 acres of land was owned and settled by the Kiang'ombe Squatters' Settlement Scheme members who have built the houses but Title Deeds are yet to be issued.
8. That, 28 acres of lands had been grabbed by private developers who have been illegally issued with title deeds. Further the other part of the land occupy Public land which is an additional from 95.4acres include primary School, cemetery, churches, dispensary and public fields. The plots are as follow:
  - (a) L.R4953/2019. .... Got 16 ACRES
  - (b) L.R 4953/4025 ..... Got 5 Acres
  - (c) L.R 4953/4349 ..... Got 7 Acres
  - (d) L.R. 4953/1926 ..... Got 6 Acres
  - (e) L.R. 4953/4350..... Public Utility
  - (f) L.R. 4953/1 976 ..... Public Utility
  - (g) L.R. 4953/1983 ..... Public Utility

9. The land has been under supervision of the committee which was elected by the members who were given land by the First President Mzee Jomo Kenyatta. The committees have been changing according to the demand of the members. The land has been given many names but it remains the same land under Kiang'ombe Squatters' Settlement Scheme.
10. That, the committee which was party to the petition was under the naunder the leadership of a chairlady/chairperson Milka Wangui ID NO.1194504.
11. That, Kiang'ombe Village was the name used to mean Kiang'ombe Squatters Settlements Schemes in some documents.
12. That, Kiango'mbe Housing Scheme was the name used by Ministry of Lands & Settlement and the map carries the name referring to the same area Kiang'ombe Squatters' Settlement Scheme, part of the land occupied by the resident the 67 acres under the map No. KBU/4/93/22A. Part of grabbed land is covered by another part at a map TKA/4/03/2A of 2003 which is being traced from physical planning of without success.
13. The village has grown to be more populated than before and from the time the land was given to them, they have hoped that the land still is theirs. However, from the land office many letters to confirm the land is owned by Kiang'ombe squatters have been written to several land commissioners and the date of issuing of the land differ from those who have the grabbed land.
14. That, on 29<sup>th</sup> July 1993 Commissioner of land Mr. Clement Gachanja instructed the Director of Physical Planning to undertake re-planning of the area 38.64 Ha for sub-division to take place and resident to settle.
15. That, some people have occupied the land by force and built factories on the same land. Several complaint letters were written to the commissioner of land and other relevant authorities. The people occupying the land irregularly have received the letter from the Ministry of Lands and Physical Planning to surrender the Title Deeds that they were given illegally but they refused.
16. That, residents have children suffer because they have to travel too far in search of education since the primary school land was grabbed and as the population grows more demand for service increases.
17. That, they have made the best effort to have these matters addressed by the relevant authorities all of which have failed to give a satisfactory response.

### **3.2 Submissions by Ministry of Lands and Physical Planning**

The Committee was informed by the Ministry that:



1. The Settlement Scheme is located about 5 Kilometers from Thika Town, about 1.5 Kilometers off Garissa Road from the Engen Junction adjacent to Gresta University. The size of the scheme is approximately 27.3 Hectares (67.5 Acres).
2. 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<sup>th</sup> October, 2009 , certified by the Director of Physical Planning on 4<sup>th</sup> December, 2013 and approved on 4<sup>th</sup> December, 2013 as approved Development Plan No. 365.
3. 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
Total	585	27.304

4. 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<sup>th</sup> October, 1993 and TKA/4/03/2 of 21<sup>st</sup> November, 2003, which were never approved.
5. The Chief Administrative Secretary, Ministry of Lands and Physical Planning and a team of officers from relevant government departments and officials from the scheme on 28<sup>th</sup> February, 2019, conducted a visit of the area. It was established that public purpose plots provided for in the approved 2003 PDP were still intact. The residents however raised an issue about part of the land which was not included in the PDP which they claim. There were also report of harassment and demolitions by one Lydia Wang'ondy.
6. The scheme's officials were invited to visit the Chief Administrative Secretary at his office on 11<sup>th</sup> March, 2019 to give them a forum to present their issues and documents formally and consultatively find a way forward.
7. The meeting took place on 11<sup>th</sup> March, 2019 and was attended by Ministry officials, Kiang'ombe residents and Maasai Village officials and the Chief Administrative



Secretary. After lengthy deliberations, it was established that a lot had changed as regards ownership of the plots in Kiang'ombe Squatter Settlement Scheme since the year 2013.

8. The Government officials were to carry out a verification exercise on the 2013 list of names to confirm its validity. This was premised on the possibility that a lot had changed on the ground like some of the people in the list had sold their plots and others were deceased. The process is ongoing. The Ministry is exploring avenues of issuing titles to the beneficiaries at zero cost once this process is complete.
9. On the petition prayer for the Ministry to recover PDPs No. TKA/4/03/2A and KBU/4/93/22A, only PDP Nos TKJ/4/03/2A which is an approved plan of Kiangombe Village may be availed. There are no records in the office to indicate the availability of PDP No. KBU/4/93/22A.
10. The Petitioners prayer to be given back 38.64 ha (95.4 acres) and to recover 28 acres squatters land is not possible as the approved PDP has total acreage of land which was planned as 27.304 ha and not 38.64 ha. Hence there is no additional land within the PDP that was not committed. On the cancellation of the titles in the petition, the matter was presented before the National Land Commission with an aim of reviewing the grants. The validity of the titles was confirmed.

## CHAPTER 4

### COMMITTEE FINDINGS

From the Evidence adduced and the observations made the Committee makes the following determination on the prayers of the petitioner.

The Committee found that-

- 1. Due to the fact that the settlers had lived in the area for many years, the Commissioner of Lands requested for replanning of 38.64ha of the land in question-** From the evidence provided to the Committee, the Kiang'ombe Squatters Settlement Scheme (also known as the Kiang'ombe Village or the Kiang'ombe Cattle Grazing Group) is located in Thika Town. According to a letter dated 29<sup>th</sup> July, 1993 Ref. N. TP 10/1/XX/ (201) from the Commissioner of Lands, Mr. Gacanja to the Director of Physical Planning in the Department of Lands (**Annex 3A**). The areas had earlier been planned and allocated to some people but an attempt to survey the plots was abandoned when it was discovered that there was an existing village. In the said letter, the Commissioner of Lands requested for the urgent replanning of the area (which measures 38.64 ha) approximately, taking into account the existing developments.
- 2. The ownership of the land is contested by two parties, Kiang'ombe Squatters Settlement Scheme and Maasai Village Women Self-Help Group-** Based on the letter REF: LND 16/31/VOL 11/9 (**Annex 3B**) from the Deputy County Commissioner, Thika West Sub-County, submitted Minutes dated 5<sup>th</sup> March, 2019 to the Chief Administrative Officer, Ministry of Lands and Physical Planning on the Fact Finding visit to the Settlement Scheme. The Minutes of the meeting revealed that an interested group known as “ Maasai Village Women Self-Help Group” also claimed ownership of the same parcel of land.
- 3. The verification exercise of members of the Kiang'ombe Squatters Settlement Scheme who were allocated land is not complete-** Government officials were to carry out a verification exercise on the 2013 list of names to confirm its validity. This was premised on the possibility that a lot had changed on the ground like some of the people in the list had sold their plots and others were deceased. The process is ongoing. The Ministry is exploring avenues of issuing titles to the beneficiaries at zero cost once this process is complete.
- 4. There are no records in the office to indicate the availability of PDP No. KBU/4/93/22A for reallocation-** Only PDP Nos TKJ/4/03/2A which is an approved plan of Kiang'ombe Village may be availed. 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<sup>th</sup> October, 2009, certified by the

Director of Physical Planning on 4<sup>th</sup> December, 2013 and approved on 4<sup>th</sup> December, 2013 as approved Development Plan No. 365.

5. **The approved acreage of land was 27.304 ha and not 38.64ha stated in the Petition which has set aside for public utilities for Kiang'ombe Village-** From the submission by the Ministry of Lands and Physical Planning the Petitioners prayer to be given back 38.64 ha (95.4 acres) and to recover 28 acres squatters land is not possible as the approved PDP has total acreage of land which was planned as 27.304 ha and not 38.64 ha. Hence there is no additional land within the PDP that was not committed. On the cancellation of the titles in the petition, the matter was presented before the National Land Commission with an aim of reviewing the grants. The validity of the titles was confirmed.



## CHAPTER 6

### COMMITTEE OBSERVATIONS

Based on the above findings, the Committees made the following observations in line with the prayers of the Petitioner -

- (a) Ensure the land occupied by the squatters who were identified by the current Committee for Kiang'ombe Squatters Settlement scheme are issued with title deeds for the plots given to them measuring 40 by 80 feet.**

The Committee observes that indeed there are glaring matters in the entire matter of titles on this settlement scheme and that further investigations need to determine the ownership of the area of land allocated to Kiang'ombe Squatters Settlement Scheme. The Committee further observed that there was an ongoing verification exercise by the Ministry of Lands and Physical Planning of the area.

- (b) The squatter to be given back the whole 38.64 Ha approximate 95.4 acres i.e. to recover the grabbed 28 acres squatters land and the remaining part for public land.**

The Committee observes that this may not be possible given the submissions from the Ministry of Land and Physical Planning as the approved PDP has a total acreage of land which was planned as 27.304 ha and not 38.64 ha. Additionally, the total available land of 27.304 ha has been allocated for public utilities. Hence there is no additional land within the PDP that was not committed.

- (c) The Ministry of Land with collaboration with the National Land Commission to revoke the title deeds which were issued to grabbers illegally on a public land and the land whole land to be for Kiang'ombe squatters settlement scheme.**

The Committee notes the submissions of the Ministry of Lands and Physical Planning on the cancellation of the titles in the petition, and that the matter was presented before the National Land Commission with an aim of reviewing the grants and the validity of the titles which was confirmed.

There is need to investigate why the Part Development Plan (PDP) for Kiang'ombe Village departmental reference No.TKA/4/03/2A prepared on 30<sup>th</sup> October, 2009, approved on 4<sup>th</sup> December, 2013 as approved Development Plan No. 365 superseded the original PDF NO. KBU/93/22 of 19<sup>th</sup> October, 1993 and TKA/4/03/2 of 21<sup>st</sup> November, 2003, which were never approved. The reasons were not provided by the Ministry to the Petitioners.

- (d) To recover the map from the Ministry of Land Physical Planning department map number TKA/4/03/2A with collaboration to map number KBU/4/93/22A.**

The Committee observed that only PDP Nos TKJ/4/03/2A which is an approved plan of Kiang'ombe Village was be availed by the Ministry. The Committee observed that

the Ministry has a Part Development Plan (PDP) for Kiang'ombe village departmental reference No.TKA/4/03/2A prepared on 30<sup>th</sup> October, 2009, certified by the Director of Physical Planning on 4<sup>th</sup> December, 2013 and approved on 4<sup>th</sup> December, 2013 as approved Development Plan No. 365.

The Committee however noted that there is need for further investigations with regard to the parcel of land under map number KBU/4/93/22A.

## CHAPTER 7

### COMMITTEE RECOMMENDATIONS

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

- (i) That the Ministry of Lands and Physical Planning fast tracks the vetting and verification exercise on the land under the Part Development Plan (PDP) for Kiang'ombe Village departmental reference No.TKA/4/03/2A approved on 4<sup>th</sup> December, 2013, and issues titles to the beneficiaries at zero cost allocated to members of the Kiang'ombe Squatters Settlement Scheme; and
- (ii) That the National Land Commission investigates the ownership of the parcel of land under map number KBU/4/93/22A and the reasons for the missing records and reports to the Senate within three (3) months of tabling of this Report.



## APPENDICES

### A. ANNEX I: MINUTES OF THE MEETINGS

**MINUTES OF THE 3<sup>RD</sup> MEETING OF THE SENATE STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL RESOURCES HELD ON WEDNESDAY, 13<sup>TH</sup> 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

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.

**ABSENT WITH APOLOGY**

- 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 Odhwa - 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 5<sup>th</sup> 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 a site visit 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
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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 sought 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 24<sup>TH</sup> MEETING OF THE SENATE STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL RESOURCES HELD ON WEDNESDAY, 25<sup>TH</sup> SEPTEMBER, 2019 IN COMMITTEE ROOM 10, MAIN PARLIAMENT BUILDING AT 9.30AM.**

**MEMBERS**

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

**PRESENT**

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

**ABSENT WITH APOLOGY**

1. Sen. Prengei Victor, M.P.
2. Sen. Halake Abshiro, M.P.
3. Sen. Boy Issa Juma, M.P.
4. Sen. Sylvia Kasanga, M.P.

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

1. Mr. Victor Bett - Clerk Assistant
2. Mr. Caroline Cheruiyot - Legal Counsel
3. Mr. Robert Rop - Audio Recording

**MINUTE SEN/SCLNR/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/SCLNR/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 21<sup>ST</sup> 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 19<sup>TH</sup> 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 21<sup>ST</sup> 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**

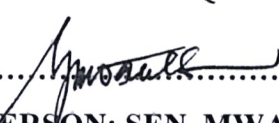
The CS informed the Committee that the matter of the Title deed for this parcel of Land is a matter that is currently active in court and wouldn't want to comment about it.

**MINUTE/ SEN/SCLNR/139/2019: ANY OTHER BUSINESS**

There was no other business discussed.

**MINUTES/SEN/SCLNR/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 53<sup>RD</sup> SITTING OF THE SENATE STANDING COMMITTEE ON LAND, ENVIRONMENT AND NATURAL RESOURCES HELD ON SATURDAY, 14<sup>TH</sup> 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 - **Chairperson**
2. Sen. George Khaniri, MGH, MP - Member
3. Sen. (Dr.) Lelegwe Ltumbesi, MP - 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;

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.

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 1<sup>st</sup> 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 28<sup>th</sup> 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/SCLNDR/295/2020: ANY OTHER BUSINESS;**

There was no other business discussed.

**MINUTE SEN/SCLNDR/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**



**B. ANNEX II: SUBMISSIONS BY KEY STAKEHOLDERS**

*(Attached separately)*