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THE NATIONAL ASSEMBLY

TWELFTH PARLIAMENT – THIRD SESSION – 2019

DEPARTMENTAL COMMITTEE ON LANDS

REPORT ON THE CONSIDERATION OF A PETITION BY RESIDENTS OF
NTORONI SUB - LOCATION REGARDING DISPLACEMENT OF RESIDENTS,
LOSS OF PROPERTY AND CLOSURE OF SCHOOLS IN NTORONI SUB
LOCATION

	
THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 05 DEC 2019	DAY: THURSDAY
TABLED BY:	Hon. R. Ntamai Chairperson.
CLERK-AT THE-TABLE:	Lemvine Mosey.

DIRECTORATE OF COMMITTEE SERVICES
CLERK'S CHAMBERS
PARLIAMENT BUILDINGS
NAIROBI

DECEMBER 2019

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CHAIRPERSON'S FOREWORD

The Petition by residents of Ntoroni Sub – Location regarding displacement of residents, loss of property and closure of schools in Ntoroni Sub Location in Tharaka Constituency was tabled in the House on 12th March, 2019 by the Hon. George Gitonga Murugara MP on behalf of the Petitioners.

In considering the Petition, the Committee held meetings with the representatives of the petitioners on 2nd April 2019, the Chief Administrative Secretary Ministry of Land and Physical Planning on 10th September 2019 The Committee also undertook a field visit to Meru and Tharaka Nithi Counties on 2nd to 5th May 2019 and held public meetings at Kathekia-Aka Village, Tharaka North Sub-County on 3rd May 2019 and Ngongoaka Village, Tigania East Constituency on 4th May 2019. The Committee also received written submissions from the Cabinet Secretaries, Ministry of Interior & Coordination of National Government and Education.

The Committee is thankful to the Offices of the Speaker and the Clerk of the National Assembly for the logistical and technical support accorded to it during its sittings. The Committee is also thankful to the Petitioners, the Ag. Chief Executive Officer, National Land Commission, the Chief Administrative Secretary, Ministry of Lands & Physical Planning for the submissions they made to the Committee.

On behalf of the Committee, and pursuant to Standing Order, 227 it is my pleasant duty to table the Report of the Departmental Committee on Lands on its consideration of the Petition by residents of Ntoroni regarding displacement of residents loss of property and closure of schools in Ntoroni Sub Location in Tharaka Constituency

Hon. Dr. Rachael Kaki Nyamai, MP
Chairperson, Departmental Committee on Lands

EXECUTIVE SUMMARY

The purpose of this report is to respond to prayers made in a Petition by residents of Ntoroni regarding displacement of residents, loss of property and closure of schools in Ntoroni Sub Location in Tharaka Constituency was tabled in the House on 12th March, 2019 by the Hon. George Gitonag Murugara MP on behalf of the Petitioners. The petitioners pray that the National Assembly, through the Departmental Committee on Lands;

- i. Investigate the circumstances under which the Zachary Ogongo led Commission's report on the matter was never implemented;
- ii. Intervenes through the relevant Government Ministry and agencies to cause expeditious implementation of the recommendations of the said report;
- iii. Causes investigation into historical injustices committed to the displaced residents of Ntoroni Sub-Location with a view to recommending appropriate remedies and compensation for losses incurred as a result of deprivation of livelihood.
- iv. Recommend resettlement of Internally Displaced Persons (IDPs) on their land or any other alternative land available.
- v. Recommend any other relief it deems fit in the circumstances of this petition

The Committee observed that the submissions of the Ministry of Education and Ministry of Interior and Coordination confirmed that there existed nine schools in Tharaka North Sub County out of which five schools were destroyed during the 1992-1997 ethnic clashes and four schools were still operational.

The Committee further observed that submissions made Cabinet Secretary Ministry of Interior and Coordination of National Government confirmed that some residents of Ntoroni Sub location were displaced during 1992 and 1997 ethnic clashes but have since been integrated in the community while about 100 families live in Rukani and Kanyweni villages as squatters.

The Committee noted that the Zachary Ogongo led Taskforce on Delineation and Demarcation of the boundary had made recommendations regarding the boundaries between Tharaka and Tigania Districts which had not been implemented.

The Committee also noted that whereas the Ministry of Interior and Coordination of National Government submitted that nine schools existed in Kanjoro Zone, the Ministry of Education submitted that four of the schools were found in Nkondi Zone and were still operational.

The Committee also observed that leadership in Meru and Tharaka Nithi Counties held consultative meetings and there is political good will from elected leaders in the region, to have the Zachary Ogongo Task Force recommendations fully implemented.

In response to the prayers by the Petitioners, the Committee recommends that the Ministry of Lands & Physical Planning and the Ministry of Interior and Coordination of National Government do fully implement the Zachary Ogongo Task Force recommendations within ninety days of tabling of this Report.

The Committee also recommends that the Ministry of Lands and Physical Planning does operationalize the lands office in Tharaka Sub – County by deploying officers to serve in the station to ensure that the residents of Tharaka Constituency access land relate services within ninety days of tabling of this Report.

1.0 PREFACE

1.1 Mandate of the Committee

1. The Departmental Committee on Lands is established pursuant to the provisions of Standing Order No. 216 (1) and (5) with the following terms of reference: -

- (i) make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;
- (ii) investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments;
- (iii) study the programme and policy objectives of Ministries and departments and the effectiveness of the implementation;
- (iv) study, access and analyze the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;
- (v) investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House.
- (vi) study and review all legislations referred to it.

1.2 Committee subjects

2. The Committee is mandated to consider the following subjects:
- i. Lands
 - ii. Settlement

1.3 Oversight

3. The Committee oversees the Ministry of Lands and Physical Planning; and the National Land Commission

1.4 Committee Membership

4. The Committee membership comprises:

Hon. Dr. Rachael Nyamai, MP – **Chairperson**

MP for Kitui South Constituency

Jubilee Party

Hon. Khatib Mwashetani, MP – **V/Chairperson**

MP for Lunga Lunga Constituency

Jubilee Party

Hon. Jayne Wanjiru Kihara, MP

Member for Naivasha
Constituency

Jubilee Party

Hon Joshua Kutuny Serem, MP

Member for Cherangany
Constituency

Jubilee Party

Hon. Kimani Ngunjiri, MP

Member for Bahati Constituency

Jubilee Party

Hon. Mishi Mboko, MP

Member for Likoni Constituency

**Orange Democratic Movement
(ODM)**

Hon. Omar Mwinyi, MP

Member for Changamwe
Constituency

**Orange Democratic Movement
(ODM)**

Hon. Ali Mbogo, MP

Member for Kisauni
Constituency

**Wiper Democratic Movement
(WDM)**

Hon. Babu Owino, MP

Member for Embakasi East
Constituency

**Orange Democratic Movement
(ODM)**

Hon. Caleb Kipkemei Kositany,
MP

Member for Soy Constituency

Jubilee Party

Hon. Catherine Waruguru, MP

Member for Laikipia County

Jubilee Party

Hon George Aladwa, MP

Member for Makadara
Constituency

**Orange Democratic Movement
(ODM)**

Hon George Risa Sunkuyia, MP

Member for Kajiado West
Constituency

Jubilee Party

Hon. Jane Wanjuki Njiru, MP

Member for Embu County

Jubilee Party

Hon. Josphat Gichunge
Kabeabea, MP

Member for Tigania East
Constituency

Party of National Unity (PNU)

Hon. Owen Yaa Baya, MP

Member for Kilifi North
Constituency

**Orange Democratic Movement
(ODM)**

Hon. Samuel Kinuthia Gachobe,
MP

Member for Subukia
Constituency

Jubilee Party

Hon. Simon Nganga Kingara,
MP

Member for Ruiru Constituency

Jubilee Party

Hon. Teddy Mwambire, MP

Member for Ganze Constituency

**Orange Democratic Movement
(ODM)**

1.5 Committee Secretariat

5. The Committee secretariat comprises:

Lead Clerk
Mr. Leonard Machira
Clerk Assistant I

Mr. Ahmad Guliye
Clerk Assistant III

Mr. Adan Abdi
Fiscal Analyst III

Mr. Joseph Tiyan
Researcher III

Ms. Winnie Kizia
Media Relations Officer III

Ms. Jemimah Waigwa
Legal Counsel I

Mr. Nimrod Ochieng
Audio Officer

Ms. Peris Kaburi
Serjeant-At-Arms

2.0 INTRODUCTION

6. The Petition by residents of Ntoroni Sub – Location regarding displacement of residents loss of property and closure of schools in Ntoroni Sub Location in Tharaka Constituency was tabled in the House on 12th March , 2019 by the Hon. George Gitonag Murugara MP on behalf of the Petitioners.
7. The Petitioners wished to draw the attention of the House to the following, that:
 - i. Ownership and access to land as a factor of production is an essential enabler for the economic empowerment of citizens
 - ii. Between 1995 and 1997, residents of Ntoroni Sub-Location previously known as Macabini Sub-Location were displaced from their land due to politically instigated clashes.
 - iii. As a result of the displacement, residents lost their property and other basic social amenities and nine (9) schools were razed down during the clashes:
 - Karimba Primary School
 - Kibangua Primary School
 - Mpunguru Primary School
 - Macabini Primary School
 - Kanjoro Primary School
 - Riamwanki Primary School
 - Kioru Primary School
 - Riamikuu Primary School
 - Kiumbe Primary School
 - iv. Since then, only two schools, Kioru and Riamwanki, have re- opened, hence denying many children the right to access basic education;
 - v. Victims of the Communal clashes have been rendered internally Displaced Persons (IDPs) and are perching as vagrants in deplorable conditions on any public land;
 - vi. The matter was conclusively investigated by the government through a commission of inquiry led by Mr. Zachary Ogongo and a report published in 2007;
 - vii. Twelve years since the conclusion of the report, none of its recommendations had been acted upon;
 - viii. If the mater remains unresolved, victims’ inalienable constitutional rights to property, access to education and access to basic social amenities shall remain at the risk ofc grave violation; and

- ix. The matters presented in the petition were not pending before any Court of Law, Constitutional, legal or independent body
8. The petitioners prayed that the National Assembly, through the Departmental Committee on Lands;
- i. Investigate the circumstances under which the Zachary Ogongo led Commission's report on the matter was never implemented;
 - ii. Intervenes through the relevant Government Ministry and agencies to cause expeditious implementation of the recommendations of the said report;
 - iii. Causes investigation into historical injustices committed to the displaced residents of Ntoroni Sub-Location with a view to recommending appropriate remedies and compensation for losses incurred as a result of deprivation of livelihood;
 - iv. Recommend resettlement of Internally Displaced Persons (IDPs) on their land or any other alternative land available; and
 - v. Recommend any other relief it deems fit in the circumstances of this petition

3.0 SUBMISSIONS

3.1 Submissions by the representatives of the Petitioners

9. The Committee held a meeting with the representatives of the petitioners on 2nd April 2019. During the meeting Hon. George Murugara, M.P accompanied by the representatives of the Petitioners informed the Committee of the following in respect of the above-mentioned petition;
10. Between 1995 and 1997, residents of Ntoroni Sub-Location previously known as Macabini Sub -Location were displaced from their land due to politically instigated clashes. The said Sub - Location was also irregularly abolished to facilitate their displacement as the said abolition was not formally gazetted. They argued that it was meant to justify the displacement of members of the Tharaka community from the area on the pretext that the area belongs to the Igembe Community.
11. As a result of the displacement, residents lost their property and other basic social amenities and nine (9) schools were razed down. The victims of the communal clashes were rendered Internally Displaced Persons (IDPs) and are squatting on public land in deplorable conditions. The nine schools were as follows
 - i. Karimba Primary School
 - ii. Kibangua Primary School
 - iii. Mpunguru Primary School
 - iv. Macabini Primary School
 - v. Kanjoro Primary School
 - vi. Riamwanki Primary School
 - vii. Kioru Primary School
 - viii. Riamikuu Primary School
 - ix. Kiumbe Primary School
12. Since then, only two schools, Kioru and Riamwanki, have re- opened, hence denying many children the right to access basic education
13. The matter was conclusively investigated by the government through a commission of inquiry led by Mr. Zachary Ogongo and a report published in 2007.
14. Twelve years since the conclusion of the report, none of its recommendations had been acted upon.

3.2 Submissions by stakeholders during a field visit to Meru and Tharaka Nithi Counties

15. The Committee undertook a field visit to Meru and Tharaka Nithi Counties on 2nd to 5th May 2019 and held public hearings at Kathekia-Aka Village, Tharaka North Sub-County on 3rd May 2019 and Ngongoaka Village, Tigania East Constituency on 4th May 2019.

a) The Petitioners

16. The Petitioners informed the Committee that between 1995 and 1997 residents of Ntoroni Sub-Location which was previously known as Macabini Sub-Location in Tharaka Constituency were displaced from their land due to politically instigated clashes. The Petitioners further alleged that the then Minister of Interior Hon. Jackson Kalweo ordered the displacement of the members of the Tharaka community from Machabini Sub-location.

17. The Petitioners also indicated that Machabini Sub-location which had an Assistant Chief was irregularly abolished to facilitate their displacement as the abolition was not formally degazetted.

18. The Petitioners also alleged that police officers were involved in the eviction and killing of residents during the displacement. They also stated that schools were burnt under the supervision of the police in the company of Tigania/Igembe residents.

19. As a result of the displacement, residents lost property, other basic social amenities and nine (9) schools were razed down during the clashes. The victims of the communal clashes were rendered Internally Displaced Persons (IDPs) and were squatting on public land in deplorable conditions.

20. They also stated that land Ntoroni area was not adjudicated by the time of the clashes. However, the petitioners believe the said land was allotted to rich persons. They alleged that one Rhoda S. Kiilu and a lawyer named Kirimi Mbogo among others obtained title deeds without an adjudication process being undertaken and facilitated farming on the said land under the guard of Nthanjeni AP police.

21. The petitioners also stated that four police posts were opened in the area for the purpose of ensuring that the petitioners did not access the contested land. The said police posts include;

a) Kathimani AP camp

- b) Rigi AP camp
- c) Ngongoaka GSU camps)
- d) Thangatha AP camp

22. Around April 2019, Kathekia- Aka police post that was under construction through the support of the Tharaka NGCDF was demolished by the GSU officers believed to have been commanded from Meru County.

23. The residents supported the implementation of the Zachary Ogongo led Commission report to address conflict along the boundaries of Meru and Tharaka Nithi Counties.

24. **Adjudication of the contested Land-** The Petitioners argued that the real owners of the land should be determined through adjudicated and be issued with title deeds. The petitioners also recommended that Joint adjudication teams from Meru and Tharaka Nithi adjudication offices to be established. The Joint adjudication teams should also work with elders from both sides to ensure a smooth adjudication process.

b) Submissions by the residents of Ngongoaka in Tigania East Constituency

25. The residents Ngongoaka in Tigania East Constituency informed the Committee that the are does not border Tharaka Constituency and that the nine primary schools were in Tigania East and Igembe South Constituencies:

- i. Karimba Primary School - Tigania East Constituency
- ii. Kibangua Primary School - Tigania East Constituency
- iii. Mpunguru Primary School - Tigania East Constituency
- iv. Macabini Primary School - Tigania East Constituency
- v. Kanjoro Primary School - Tigania East Constituency
- vi. Riamwanki Primary School - Tigania East Constituency
- vii. Kioru Primary School - Igembe South Constituency
- viii. Riamikuu Primary School - Igembe South Constituency
- ix. Kiumbe Primary School - Igembe South Constituency

26. The residents opposed the implementation of the Zachary Ogongo led Commission report and insisted that the boundaries of Meru and Tharaka Nithi Counties were clear as per 1963 District boundaries.

27. The also stated contested land was in Igembe South Constituency which does not border Tharaka Constituency.

c) Submissions by the County Commissioner, Meru County.

28. The Committee held a meeting with the County Commissioner, Meru County on 4th May 2109. During meeting the County Commissioner, Meru County with the Committee on 4th May 2109.
29. The County Commissioner denied the allegations made by the petitioners that Kathekia - Aka police post that was under construction through the facilitation of the Tharaka Constituency CDF money was demolished by the GSU officers believed to be commanded from Meru County in April 2019.
30. He also stated that there existed good will among elected leader in the County in support of the implementation of the as demonstrated in a meeting recently convened by the Regional Coordinator for Eastern Region.
31. The County Commissioner also denied that assertion that five police posts were established to prevent the petitioners from accessing the contested land. These stations are:
- i. Nthanjeni AP camp
 - ii. b) Kathimani AP camp
 - iii. Rigi AP camp
 - iv. Ngongoaka GSU camp
 - v. Thangatha AP camp

3.3 Submissions by the Hon. John Paul Mwirigi, MP

32. The Committee held a meeting with the Hon John Paul Mwirigi, MP. During the meeting the Hon John Paul Mwirigi, MP alleged that the contested land was in Tigania South Constituency and that the Committee held public baraza at Mpitha in Igembe South Constituency on 3rd May 2019 without his knowledge and that the Committee was misled

to believe that the said Mpitha area was known as Kathekia-aka Village in Ntoroni Sub location, Mukothima Ward Tharaka North Sub-County Within Tharaka County.

33. He also stated that residents of Tharaka County, including the petitioners, were given refuge in the said area during drought period, but they have since claimed ownership displacing the indigenous owners from the Igembe Community.

34. The schools that were alleged in the petition to have been razed down during the clashes between the two communities never existed, but the said area was public land. He added that some schools have been recently established in the area.

35. He also alleged that the local Tharaka Community renamed the area in their local dialect to give it legitimate ownership. The alleged schools were known to the Igembe Community as follows:

- | | | |
|-----------------------------|---|--|
| a. Karimba Primary School | - | Kalimba Primary School (started last year) |
| b. Kibandua Primary School | - | No school existed before – a nursery school was started this year. |
| c. Mpuguru Primary School | - | No school exists, the area is a public land. |
| d. Machabini Primary School | - | No school exist, the area is a public land. |
| e. Kanjoro Primary School | - | the area is a market known as <i>Nthanjene</i> . |
| f. Riamwanki Primary School | - | No school exists, the area is a public land. |
| g. Kioru Primary School | - | Njogune area, a school was built by Tharaka Leaders. |
| h. Riamikuu Primary School | - | a school was built by Tharaka Leaders. |

36. The borders of Igembe South Constituency are demarcated by boreholes that were dug by '*Plan International*' for the residents Igembe Constituency.

37. The area was adjudicated in 1992 and no complaints arose out of the adjudication and Igembe South Constituency does not border Tharaka Constituency but borders Tigania Constituency.

3.4 Submissions by the Cabinet Secretary, Ministry of Lands and Physical Planning

38. The Committee held a meeting with the Chief Administrative Secretary, Ministry of Lands and Physical Planning on 27th July 2019. During the meeting the Chief Administrative

Secretary informed the Committee that the Ministry had taken measures to implement the recommendations of the Mr. Zachary Ogongo led Taskforce on Delineation and Demarcation of the Boundary between Tharaka and Tigania Districts that would address the issues raised in the Petition.

39. However out of the eight (8) recommendations made in the said report, only two (2) were to be implemented by the Ministry of Lands and Physical Planning. The two recommendations were as follows;

- i. The Government to expedite Land Adjudication in Meru region through crash programmes; and
- ii. The Government to urgently address the plight of squatters.

40. He added that the Ministry had taken the following specific steps to implement the recommendations:

- i. Held consultative meetings with the leaders of Meru and Tharaka Nithi Counties to enhance a participatory approach in land adjudication;
- ii. Re- established the boundary between Isiolo and Meru Counties in liaison with the Ministry of Interior and Coordination of National Government;
- iii. Fast tracked land adjudication in Lower East Magutuni, Ruiru/Rwarera, Turima, Mukothima, Karocho, Mbwaa I, Mbwaa II, New Kiare, Amung'enti B, C, D &E and Kirindini B.

41. **Resettlement of Internally Displaced Persons:** On the resettlement of Internally Displaced Persons, the Chief Administrative Secretary informed the Committee that the matter was handled by the Ministry of Interior and Coordination of National Government.

3.5 Submissions by the Cabinet Secretary Ministry of Interior and Coordination of National Government

42. The Committee received written submissions from the Cabinet Secretary Ministry of Interior and Coordination of National Government dated 23rd August 2019. The Cabinet Secretary in his response stated that:

43. **Displacement of Ntoroni Residents:** The Cabinet Secretary noted that the Zachary Ogongo led Task Force had established that the Ministry of Lands and Planning did not undertake a credible adjudication and land consolidation process which later in 1997 was compounded by forceful physical eviction of Tharaka people from their land based on claims that the land was in Igembe and hence for Igembe people only.

44. **Loss of property and social amenities:** The Cabinet Secretary also noted that the Zachary Ogonjo Task Force established that the disputed area is underdeveloped in terms of roads, health facilities, water and sanitation.
45. The records from the Ministry of Education confirmed that indeed 9 schools as purported by the petitioner existed in Kanjoro Zone, Tharaka North Sub county and were closed due to ethnic clashes of 1992 and 1997 between the Tharaka and Tigania Communities.
46. However, the said records indicated that four schools namely Kiumbe, Riamwaki, Kioru and Riamikuu Primary schools are in existence and operational. However, five schools namely Kanjoro, macabini, Mpunguru and Kibangua Primary Schools that were closed due to the clashes.
47. **Internally Displaced Persons/ Squatters:** Some of the people who were displaced have since been integrated in the community while about 100 families secured small units of land where they live in Rukani and Kanyweni villages

3.6 Submissions by the Ministry of Education

48. The Committee received written submissions from the Cabinet Secretary, Ministry of Education dated 23rd August 2019. The Cabinet Secretary in his response stated that the claims made by the petitioners that nine schools were razed down during the politically clashes the cabinet secretary stated that four (4) of the listed schools found in Nkondi Zone were not burnt during the 1992- 1997 clashes. They are in existence and fully operational as indicated below:

S/No	School	School Registration Number
1	Riamwanki Primary	19512000267
2	Kioru Primary	G/PE/9795/14
3	Riamikuu Primary	195120000116
4	Kiumbe Primary	G/PE/1041/14

49. However, five (5) of the schools listed in the petition were destroyed during the 1997 clashes:
- Karumba Primary School
 - Kibangua Primary School

- Mpunguru Primary School
- Macambini Primary School
- Kanjoro Primary School

4.0 OBSERVATIONS

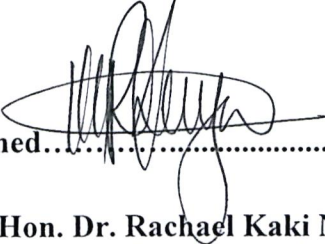
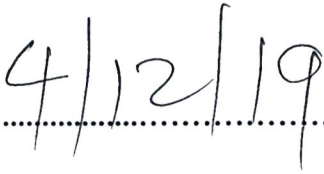
The Committee made the following observations:

1. The submissions made by the Ministry of Education and Ministry of Interior and Coordination confirmed that there existed nine schools in Tharaka North Sub County as indicated by the petitioners. However, only five of the said schools were destroyed during the 1992-1997 ethnic clashes while four schools are still operational.
2. The submissions made by the Cabinet Secretary Ministry of Interior and Coordination of National Government confirmed that some residents of Ntoroni Sub location were indeed displaced during 1992 and 1997 ethnic clashes but have since been integrated in the community while about 100 families live in Rukani and Kanyweni villages as squatters.
3. The Mr. Zachary Ogongo led Taskforce on Delineation and Demarcation of the boundary had made recommendations regarding the boundaries between Tharaka and Tigania Districts which had not been implemented.
4. The boundaries of the Constituencies in Meru and Tharaka Nithi Counties overlap administrative boundaries leading to conflict on political and administrative jurisdiction.
5. Whereas the Ministry of Interior and Coordination of National Government submitted that the nine schools indicated in the petition were in Kanjoro Zone, the Ministry of Education submitted that four of the schools were found in Nkondi Zone.
6. The leadership in Meru and Tharaka Nithi Counties had held consultative meetings and developed political good will from elected leaders in the region, to have the Zachary Ogongo Task Force recommendations fully implemented.

5.0 COMMITTEE RECOMMENDATIONS

In response to the prayers by the Petitioners, the Committee recommends, that -

1. The Ministry of Lands and the Ministry of Interior and Coordination of National Government do fully implement the Zachary Ogongo Task Force recommendations within ninety days of tabling of this Report.
2. The Ministry of Lands and Physical Planning does operationalize the lands office in Tharaka Sub – County by deploying officers to serve in the station to ensure that the residents of Tharaka Constituency access land relate services within ninety days of tabling of this Report.

Signed..........Date..........

Hon. Dr. Rachael Kaki Nyamai, MP

Chairperson, Departmental Committee on Lands



NATIONAL ASSEMBLY

CLERK'S CHAMBERS

DEPARTMENTAL COMMITTEE ON LANDS

MEMBERS ADOPTION LIST

Report on the Consideration of a petition by residents of Ntioni Sub-location regarding displacement of residents loss of properties and closure of schools in Ntioni sub-loc

DATE: 03/12/2019

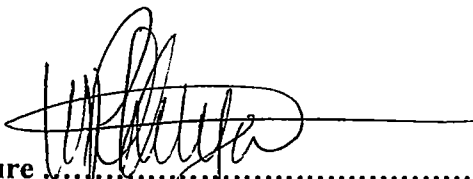
NO	NAME	SIGNATURE
1.	Hon. Dr. Rachael Nyamai, MP - Chairperson	
2.	Hon. Khatib Mwashetani, MP - Vice Chairperson	
3.	Hon. Jayne Wanjiru Kihara, MP	
4.	Hon. Joshua Kutuny Serem, MP	
5.	Hon. Kimani Ngunjiri, MP	
6.	Hon. Mishi Mboko, MP	
7.	Hon. Omar Mwinyi Shimbwa, MP	
8.	Hon. Ali Mbogo, MP	
9.	Hon. Babu Owino, MP	
10.	Hon. Caleb Kipkemei Kositany, MP	
11.	Hon. Catherine Waruguru, MP	
12.	Hon. George Aladwa, MP	
13.	Hon. George Risa Sunkuyia, MP	
14.	Hon. Jane Wanjuki Njiru, MP	
15.	Hon. Joshat Gichunge Kabeabea, MP	
16.	Hon. Owen Yaa Baya, MP	
17.	Hon. Samuel Kinuthia Gachobe, MP	
18.	Hon. Simon Nganga Kingara, MP	
19.	Hon. Teddy Mwambire, MP	

- i. The Ministry of Lands & Physical Planning and the Ministry of Interior and Coordination of National Government do fully implement the Zachary Ogongo Task Force recommendations within ninety days of tabling of this Report.

- ii. The Ministry of Lands and Physical Planning does operationalize the lands office in Tharaka Sub – County by deploying officers to serve in the station to ensure that the residents of Tharaka Constituency access land relate services within ninety days of tabling of this Report.

MIN. NO. NA/DCS/LANDS/2019/369: ADJOURNMENT

The meeting was adjourned at fifteen minutes to five o'clock.

Signature 

HON. DR. RACHAEL KAKI NYAMAI, M.P.

(Chairperson)

Date..... 4/12/2019

**MINUTES OF THE 93RD SITTING OF THE DEPARTMENTAL COMMITTEE ON
LANDS HELD ON FIRIDAY, 29TH NOVEMBER, 2019 AT ENGLISHPOINT – MARINA,
MOMBASA AT 2.30 PM**

PRESENT

1. Hon. Dr. Rachael Nyamai, M.P - Chairperson
2. Hon. Khatib Mwashetani, MP - Vice Chairperson
3. Hon. Omar Mwinyi Shimbwa, M.P
4. Hon. Mishi Mboko, M.P
5. Hon. Ali Mbogo, M.P
6. Hon. Babu Owino, M.P
7. Hon. Owen Baya, M.P
8. Hon. Simon Nganga Kingara, M.P
9. Hon. Teddy Mwambire, M.P
10. Hon. George Risa Sunkuyia, M.P

APOLOGIES

1. Hon. Jayne Kihara, M.P
2. Hon. Joshua Kutuny, M.P
3. Hon. Kimani Ngunjiri, M.P
4. Hon. Caleb Kositany, M.P
5. Hon. Catherine Waruguru, M.P
6. Hon. George Aladwa, M.P
7. Hon. Jane Wanjuki Njiru, M.P
8. Hon. Josphat Gichunge Kabeabea, M.P
9. Hon. Samuel Kinuthia Gachobe, M.P

IN ATTENDANCE

THE NATIONAL ASSEMBLY SECRETARIAT

1. Ms. Florence Abonyo - Director, Committee Services
2. Mr. Leonard Machira - Clerk Assistant I
3. Mr. Ahmad Guliye - Clerk Assistant III
4. Ms. Jemimah Waigwa - Legal Counsel
5. Mr. Nimrod Ochieng - Audio Recording Officer
6. Ms. Peris Kaburi - Serjeant At Arms
7. Mr. Allan Nandasaba - Intern

MIN. NO. NA/DCS/LANDS/2019/367: PRELIMINARIES

The meeting was called to order at thirteen minutes to three o'clock and prayers were said.

MIN. NO. NA/DCS/LANDS/2019/368: CONSIDERATION OF THE DRAFT REPORT ON THE PETITION BY RESIDENTS OF NTORONI SUB - LOCATION REGARDING DISPLACEMENT OF RESIDENTS, LOSS OF PROPERTY AND CLOSURE OF SCHOOLS IN NTORONI SUB LOCATION

The Committee considered the draft report on the Petition by residents of Ntoroni Sub - Location regarding displacement of residents, loss of property and closure of schools in Ntoroni Sub-location and adopted it with the following observations and recommendations after it was proposed and seconded by Hon. Mishi Mboko, MP and Hon. Omar Mwinyi, MP respectively;

a. Observations

- i. The submissions made by the Ministry of Education and Ministry of Interior and Coordination confirmed that there existed nine schools in Tharaka North Sub County as indicated by the petitioners. However, only five of the said schools were destroyed during the 1992-1997 ethnic clashes while four schools are still operational.
- ii. The submissions made by the Cabinet Secretary Ministry of Interior and Coordination of National Government confirmed that some residents of Ntoroni Sub location were indeed displaced during 1992 and 1997 ethnic clashes but have since been integrated in the community while about 100 families live in Rukani and Kanyweni villages as squatters.
- iii. The Mr. Zachary Ogongo led Taskforce on Delineation and Demarcation of the boundary had made recommendations regarding the boundaries between Tharaka and Tigania Districts which had not been implemented.
- iv. The boundaries of the Constituencies in Meru and Tharaka Nithi Counties overlap administrative boundaries leading to conflict on political and administrative jurisdiction.
- v. Whereas the Ministry of Interior and Coordination of National Government submitted that the nine schools indicated in the petition were in Kanjoro Zone, the Ministry of Education submitted that four of the schools were found in Nkondi Zone.

b. Recommendations

The Committee recommended the following;

MINUTES OF THE 48TH SITTING OF THE DEPARTMENTAL COMMITTEE ON LANDS HELD ON THURSDAY, 23RD JULY 2019 IN THE BOARDROOM, 9TH FLOOR, HARAMBEE SACCO, PARLIAMENT BUILDINGS AT 11.30 A.M

PRESENT

1. Hon. Dr. Rachael Nyamai, M.P - Chairperson
2. Hon. Khatib Mwashetani, M.P - Vice Chairperson
3. Hon. Kimani Ngunjiri, M.P
4. Hon. Ali Mbogo, M.P
5. Hon. Catherine Waruguru, M.P
6. Hon. George Risa Sunkuyia, M.P
7. Hon. Jane Wanjuki Njiru, M.P
8. Hon. Owen Baya, M.P
9. Hon. Simon Nganga Kingara, M.P
10. Hon. Teddy Mwambire, M.P

APOLOGIES

1. Hon. Mishi Mboko, M.P
2. Hon. Omar Mwinyi Shimbwa, M.P
3. Hon. Jayne Kihara, M.P
4. Hon. Joshua Kutuny, M.P
5. Hon. George Aladwa, M.P
6. Hon. Babu Owino, M.P
7. Hon Caleb Kipkemei Kositany
8. Hon. Josphat Gichunge Kabeabea, M.P
9. Hon. Samuel Kinuthia Gachobe, M.P

IN ATTENDANCE

NATIONAL ASSEMBLY

Hon George G. Murugara MP

MINISTRY OF LANDS AND PHYSICAL PLANNING

1. Hon Gideon Mung'aro - Chief Administrative Secretary
2. Mr. Charles Githenya - Deputy Director Land Administration
3. Dr. Juliana Mutua - Deputy Director Physical Planning
4. Mr. Chacha Maroa - Land Registrar
5. Mr. Paul Ndungu - Survey Department

THE NATIONAL ASSEMBLY SECRETARIAT

- | | | |
|------------------------|---|-------------------------|
| 1. Mr. Leonard Machira | - | Clerk Assistant I |
| 2. Mr. Joseph Tiyan | - | Research Officer III |
| 3. Mr. Robert Rop | - | Audio Recording Officer |
| 4. Ms. Peris Kaburi | - | Serjeant – At - Arms |

MIN. NO. NA/DCS/LANDS/2019/- 195: PRELIMINARIES

The meeting was called to order at sixteen minutes to noon. Prayers were said and thereafter introductions were made.

MIN. NO. NA/DCS/LANDS/2019/-196: ADOPTION OF THE AGENDA

The agenda of the meeting was adopted as outlined in the notice of the meeting after it was proposed and seconded by Hon. Kimani Ngunjiri, M.P and Hon. Simon Kingara, M.P respectively.

MIN. NO. NA/DCS/LANDS/2019/-197: CONFIRMATION OF PREVIOUS MEETING

Consideration of the item was deferred to the next sitting.

MIN. NO. NA/DCS/LANDS/2019/-198: MEETING THE CABINET SECRETARY, MINISTRY OF LANDS AND PHYSICAL PLANNING ON PRSPONSE TO AQUESTION NO. 309 /2019 BY THE MEMBER FOR KANDUYI CONSTITUENCY, HON. WAFULA WAMUNYINYI, MP

The Chief Administrative Secretary, who represented the Cabinet Secretary, Ministry of Lands and Physical Planning, informed the Committee that the Ministry needed more time to obtain information, in order to provide a comprehensive response to the Question. He requested the Committee to defer the item. Consequently it was agreed that the Ministry provides a response on the Question after one week.

MIN. NO. NA/DCS/LANDS/2019/-199: MEETING THE CABINET SECRETARY, MINISTRY OF LANDS AND PHYSICAL PLANNING ON A PETITION BY RESIDENTS OF NTORONI SUB – LOCATION ON DISPLACEMENT ON RESIDENTS, LOSS OF PROPERTY AND CLOSURE OF SCHOOLS IN NTORONI SUB-LOCATION, THARAKA CONSTITUENCY FOLLOWING POLITICALLY INSTIGATED LAND CLASHES

The Chief Administrative Secretary informed the Committee that the Ministry had taken measures to implement the recommendations of the Mr. Zachary Ogongo led Taskforce on Delineation and Demarcation of the Boundary between Tharaka and Tigania Districts that would address the issues raised in the Petition. However out of the eight (8) recommendations made in the said report, only two (2) were to be implemented by the Ministry of Lands and Physical Planning. The two recommendations were as follows;

- i. The Government to expedite Land Adjudication in Meru region through crash programmes; and
- ii. The Government to urgently address the plight of squatters.

He added that the Ministry had take the following specific steps to implement the recommendations:

- i. Held consultative meetings with the leaders of Meru and Tharaka Nithi Counties to enhance a participatory approach in land adjudication;
- ii. Re- established the boundary between Isiolo and Meru Counties in liaison with the Ministry of Interior and Coordination of National Government;
- iii. Fast tracked land adjudication in Lower East Magutuni, Ruiiri/Rwarera, Turima, Mukothima, Karocho, Mbwaa I, Mbwaa II, New Kiare, Amung'enti B, C, D &E and Kirindini B.

Resettlement of Internally Displaced Persons: On the resettlement of Internally Displaced Persons, the Chief Administrative Secretary informed the Committee that the matter was handled by the Ministry of Interior and Coordination of National Government.

Committee Observations

The Committee resolved that the Ministry of Lands and Physical Planning:

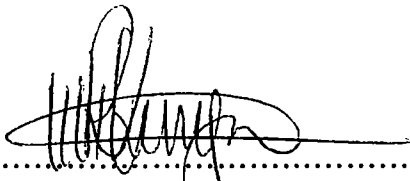
- i. Fast tracks joint land adjudication in Ntoroni area along the boundary between Meru and Tharaka Nithi Counties, given the current good will from elected leaders in the region, to address the prayers made by the petitioners;
- ii. Fully implements the recommendations of the Mr. Zachary Ogongo led Taskforce on Delineation and Demarcation of the boundary between Tharaka and Tigania Districts; and
- iii. Operationalizes the lands office in Tharaka Sub – County by deploying officers to serve in the station to ensure that the residents of Tharaka Constituency access land relate services

MIN. NO. NA/DCS/LANDS/2019/-200: ANY OTHER BUSINESS

The Members resolved to reschedule the field to Kisauni Constituency in Mombasa County on a petition by Taita Taveta Teachers Investment Company Limited on illegal occupancy of land owned by the company to Thursday, 1st - Sunday, 4th August 2019.

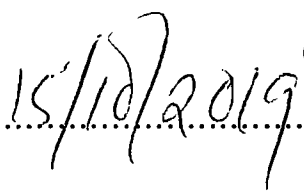
MIN. NO. NA/DCS/LANDS/2019/- 201: ADJOURNMENT

There being no other business to discuss, the meeting was adjourned at seven minutes past one o'clock. The next meeting will be held on Thursday, 25th July 2019 at 11:30 am .

Signature 

HON. DR. RACHAEL KAKI NYAMAI, M.P.

(Chairperson)

Date..... 

MINUTES OF THE 18TH SITTING OF THE DEPARTMENTAL COMMITTEE ON LANDS HELD ON TUESDAY 2ND APRIL 2019 IN COMMITTEE ROOM 11TH FLOOR, PROTECTION HOUSE, PARLIAMENT BUILDINGS, AT 10:00 A.M.

PRESENT

1. Hon. Dr. Rachael Nyamai, M.P - **Chairperson**
2. Hon. Joshua Kutuny, M.P
3. Hon. Catherine Waruguru, M.P
4. Hon. George Risa Sunkuyia, M.P
5. Hon. Jane Wanjuki Njiru, M.P
6. Hon. Josphat Gichunge Kabeabea, M.P
7. Hon. Samuel Kinuthia Gachobe, M.P
8. Hon. Simon Nganga Kingara, M.P
9. Hon. Owen Yaa Baya, M.P
10. Hon. Teddy Mwambire, M.P

APOLOGIES

1. Hon. Khatib Mwashetani, M.P - **Vice Chairperson**
2. Hon. Jayne Kihara, M.P
3. Hon. Kimani Ngunjiri, M.P
4. Hon. Mishi Mboko, M.P
5. Hon. Omar Mwinyi Shimbwa, M.P
6. Hon. Ali Mbogo, M.P
7. Hon. Babu Owino, M.P
8. Hon. Caleb Kositany, M.P
9. Hon. George Aladwa, M.P

THE NATIONAL ASSEMBLY

1. Hon. George Gitonga, M.P
2. Hon. George Theuri, M.P

PETITIONERS FROM NTORU SUB-LOCATION, THARAKA SUB-COUNTY

1. Mr. Zepahania Gicharia Kiria
2. Mr. Edwin Mutwiri Mbwera
3. Mr. Luke Njagi Chabari
4. Mr. Alphonse Muchenku
5. Mr. Tito Kanyi

THE NAIROBI CITY COUNTY GOVERNMENT

- | | | |
|------------------------|---|--------------------------------------|
| 1. Mr. Charles Kerich | - | CEC, Lands Housing and Urban Renewal |
| 2. Mr. S.G Mwangi | - | County Chief Officer, Lands |
| 3. Ms. Christine Ileri | - | Ag. County Attorney |

MUSYOKA ANNAN & COMPANY ADVOCATES

1. Mr. J. Musyoka Annan – Managing Partner
2. Mr. Lawrence Macharia
3. Mr. Joseph Kasia
4. Mr. Dan J. Kasira

THE NATIONAL ASSEMBLY SECRETARIAT

- | | | |
|------------------------|---|---------------------|
| 1. Mr. Leonard Machira | - | Clerk Assistant I |
| 2. Mr. Ahmad Guliye | - | Clerk Assistant III |
| 3. Mr. Nimrod Ochieng | - | Audio Officer |
| 4. Ms. Peris Kaburi | - | Serjeant-At-Arms |

MIN. NO. NA/DCS/LANDS/2019/072: PRELIMINARIES

The meeting was called to order at twenty three minutes past ten o'clock and prayers were said. The agenda of the meeting was adopted as outlined in the notice of the meeting.

MIN. NO. NA/DCS/LANDS/2019/073: CONFIRMATION OF MINUTES

The item was differed to the next sitting

MIN. NO. NA/DCS/LANDS/2019/074: CONSIDERATION OF A PETITION BY RESIDENTS NTORONI SUB-LOCATION ON DISPLACEMENT OF RESIDENTS, LOSS OF PROPERTY AND CLOSURE OF SCHOOLS IN NTORONI SUB-LOCATION IN THARAKA CONSTITUENCY FOLLOWING POLITICALLY INSTIGATED CLASHES

Hon. George Murugara, M.P accompanied by some of the Petitioners informed the Committee of the following in respect of the above-mentioned petition;

- i. Between 1995 and 1997, residents of Ntoroni Sub-Location previously known as Macabini Sub-Location were displaced from their land due to politically instigated clashes.

- ii. As a result of the displacement, residents lost their property and other basic social amenities and nine (9) schools were razed down during the clashes.
- iii. Victims of the communal clashes were rendered Internally Displaced Persons (IDPs) and are squatting on public land in deplorable conditions.
- iv. The matter was conclusively investigated by the government through a commission of inquiry led by Mr. Zachary Ogongo and a report published in 2007.
- v. Twelve years since the conclusion of the report, none of its recommendations had been acted upon.
- vi. The matters presented in the petition were not pending before any Court of Law, Constitutional, legal or independent body.
- vii. The Petitioners prayed that the National Assembly through the Departmental Committee on Lands;-
 - a. Investigate the circumstances under which the Zachary Ogongo led Commission's report on the matter was never implemented;
 - b. Causes expeditious implementation of the recommendations of the said report;
 - c. Causes investigation into historical injustices committed to the displaced residents of Ntoroni Sub-Location with a view to recommending appropriate remedies.
 - d. Recommend resettlement of Internally Displaced Persons (IDPs) on their land or any other alternative land available.
 - e. Recommend any other relief it deems fit in the circumstances of this petition

Committee resolution

The Committee resolved to undertake a field visit to Meru and Tharaka Nithi Counties on 25th – 28th April 2019 to obtain more facts on the matters raised in the Petition.

MIN. NO. NA/DCS/LANDS/2019/075: MEETING WITH REPRESENTATIVES OF THENAIROBI COUNTY GOVERNMENT ON THE PETITION BY RESIDENTS OF EMBAKASI WEST CONSTITUENCY REGARDING NON-ISSUANCE OF TITLE DEEDS TO LAND OWNERS

The representatives of the Nairobi City County Government led by the Executive Committee Member for Lands, Housing & Urban Renewal informed the Committee of the following in respect of the above mentioned petition;

- (i) The Ministry of Lands and Physical Planning and the County Government of Nairobi were collaborating in the Nairobi Titling Programme;

- (ii) The process of documents verification and lease processing was being hastened to ensure timely transmission of documents to the Ministry of Lands to facilitate the issuance of title deeds;
- (iii) **Number of lease agreements and title deeds processed:** The representatives of the County Government of Nairobi refuted the assertion made by the petitioners that the County Government of Nairobi issued more than 4,000 lease agreements to the residents of Embakasi West in August, 2018 was not accurate. Only 1,095 lease documents had been processed and forwarded to the Ministry of Lands for registration and titling. 414 title deeds had issued while title deeds for the remaining 681 lease documents were being processed by the ministry. The process of documents verification and lease processing was being hastened to ensure timely transmission of documents to the Ministry of Lands to facilitate the issuance of title deeds;
- (iv) **Cause of delay in issuing title deeds to the petitioners:** They attributed the delay in the issuance of the title deeds to the advocates contracted to prepare and finalize instruments of title given that the plot owners made payments directly to the law firms to facilitate the exercise;
- (v) Individual plot owners, who made enquiries on the progress of their titles, were continuously updated on the same by designated staff at the office of the County Chief Officer for Lands. The county would also organize public sensitization forums on the Titling Program not only for Embakasi West but the whole of the Eastlands;
- (vi) **Money paid by the petitioner to law firms:** The County Government of Nairobi was not able to report on the fate of Ksh. 30,000 paid by the petitioners in 2018 to Mbugua Atundo & Macharia Company Advocates and the Kshs. 55,000 and Kshs. 1016 paid to the then Nairobi City Council through Musyoka Annan & Company Advocates in 1993 /1994 by each tenant to facilitate the issuance of the said title deeds given that the money was paid to the two law firms on agreements between the individual plot owners and the law firms to process lease documents; and
- (vii) The County Government of Nairobi was not able to provide copies of agreements made by the then Nairobi City County Council and M/S Musyoka Annan & Company Advocates because of the change of regime from the local government to the county government and efforts to trace the record were futile as the records had been lost or misplaced. However, the representative of the County Government of Nairobi attached a copy of a letter

instructing the firm of Ms Mbugwa, Atudo & Macharia Company Advocates to prepare and finalize instruments of title for the plot owners.

Committee Observation

- i. The Committee observed that the Nairobi County Government officials had not undertaken due diligence before submitting information to the Committee as the information they alleged to be unavailable due to regime change was reported to have been provided to the Nairobi City County Government M/S Musyoka Annan & Company Advocates.

MIN. NO. NA/DCS/LANDS/2019/076: MEETING WITH THE MANAGING PARTNER M/S MUSYOKA ANNAN & COMPANY ADVOCATES ON THE PETITION BY RESIDENTS OF EMBAKASI WEST CONSTITUENCY REGARDING NON-ISSUANCE OF TITLE DEEDS TO LAND OWNERS

Mr. Musyoka Annan informed the Committee the following in respect of the petition;

- i. **Custody of Head title deeds for Umoja 1:** Six (6) head titles were secured by M/S Musyoka Annan & Company Advocates after the then Nairobi City Council failed to raise the necessary fee. The head titles would be surrendered to the County Government upon reimbursement of the fee that was paid by the law firm to secure the same;
- ii. **Cause of the delay in processing of leases documents and title deeds:** The delay in processing of leases were occasioned by regime changes at City Hall that with office holders who were not cooperative, lack of survey documents and mysterious disappearance of survey documents from Dandora lands office and the survey headquarters in Ruaraka;
- iii. **Number of title deed and lease documents processed by the firm:** The Managing Partner Musyoka Annan & Company Advocates informed the Committee that the firm had prepared and issued 822 title deeds to the plot owners, 42 title deeds remained uncollected while 174 lease documents that had fully paid and forward to City Hall awaiting execution were pending since 2012. The firm appealed to City Hall to release the documents for processing; and
- iv. The County Government was not willing to cooperative with the law for fast-track the processing of the lease document even after the Managing Partner, Musyoka Annan & Company Advocates made efforts to contacted Mr. Charles Kerich, the County Executive Committee member for Lands and Urban Renewal, County Government of Nairobi on the same. Instead the County Government opted to hire other law firms to

process the same leases documents that were being processed by M/S Musyoka Annan & Company Advocates ignoring an existing valid contract to provide the said services held by the latter.

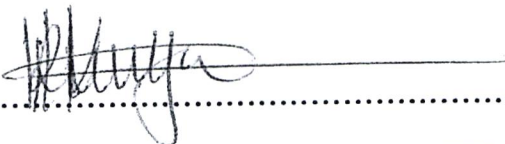
Committee Observations

From the deliberations, the Committee observed the following;

- i. The County Government needed to harmonize the records regarding title deeds that had been issued M/S Musyoka Annan & Company Advocates to avert double allocation;
- ii. The Nairobi City County needed to secure the six (6) head titles that were currently in the custody of the law firm after paying law firm the necessary fees owed; and
- iii. The County Government should allow M/S Musyoka Annan & Company Advocates complete the conveyancing that is already underway and should cooperative with the firm to obtain institutional memory on the issuance of title deed in Umoja 1.

MIN. NO. NA/DCS/LANDS/2019/077: ADJOURNMENT

There being no other business to discuss, the meeting was adjourned at fifteen minutes to two o'clock. The next meeting will be held on Thursday 4th April 2019 at 10 o'clock in the Board Room 11th floor, Protection House.

Signature 

HON. DR. RACHAEL KAKI NYAMAI, M.P.

(Chairperson)

Date..... 30-04-2019



Approved,

RW
SNA
12/3/19

THE NATIONAL ASSEMBLY
THE NATIONAL ASSEMBLY – THIRD SESSION

Mr. S. ...
submitted
12/3/19

PUBLIC PETITION

(No. 25 of 2019)

DISPLACEMENT OF RESIDENTS, LOSS OF PROPERTY AND CLOSURE OF SCHOOLS IN NTORONI SUB-LOCATION IN THARAKA CONSTITUENCY FOLLOWING POLITICALLY INSTIGATED LAND CLASHES

I, THE UNDERSIGNED on behalf of residents of Ntoroni Sub-Location, Ntorori Location, Tharaka North Sub-County in Tharaka Constituency;

DRAW the attention of the House to the following - .

1. THAT, ownership and access to land as a factor of production is an essential enabler of economic empowerment of citizens;
2. THAT, between 1995 and 1997, residents of Ntorori Sub-Location, previously known as Macabini Sub-Location were displaced from their land due to politically instigated communal clashes;
3. THAT, as a result of the displacement, residents lost their property and other basic social amenities, including the following nine registered primary schools that were razed down during the clashes:

- (i) Karimba Primary School;
- (ii) Kibangua Primary School;
- (iii) Mpunguru Primary School;
- (iv) Machabini Primary School;
- (v) Kanjoro Primary School;
- (vi) Riamwanki Primary School; - exists
- (vii) Kioru Primary School; - exists
- (viii) Riamikuu Primary School; and } lost
- (ix) Kiumbe Primary School.

4. THAT, since then, only two schools, Kioru and Riamwanki, have re-opened, hence denying a majority of children the right to access basic education;

5. FURTHER THAT, victims of the communal clashes have been rendered Internally Displaced Persons (IDPs) and are perching as vagrants in deplorable conditions on any available public land;

A PUBLIC PETITION

**DISPLACEMENT OF RESIDENTS, LOSS OF PROPERTY AND CLOSURE OF
SCHOOLS IN NTORONI SUB-LOCATION IN THARAKA CONSTITUENCY
FOLLOWING POLITICALLY INSTIGATED LAND CLASHES**

6. **THAT**, the matter was conclusively investigated by the Government through a Commission of Inquiry led by Mr. Zachary Ogongo and a Report published in 2007;
7. **THAT**, twelve years since conclusion of the inquiry neither the Commission Report nor its recommendations have been acted upon;
8. **THAT**, if the matter remains unresolved, victims' inalienable constitutional rights to property, access to education and access to basic social amenities shall remain at the risk of grave violation;
9. **THAT**, the matters presented in this Petition are not pending before any court of law, constitutional or legal or any independent body.

THEREFORE your humble petitioners pray that the National Assembly, through the Departmental Committee on Lands –

- (i) investigates the circumstances under which the Zachary Ogongo-Led Commission Report on the matter has never been implemented;
- (ii) intervenes through the relevant Government Ministry and agencies to cause expeditious implementation of the recommendations of the said Report;
- (iii) causes investigation into historical injustices committed to the displaced residents of Ntoroni Sub-Location with a view to recommending appropriate remedies and compensation for the losses incurred as a result of deprivation of livelihood;
- (iv) recommends to the relevant Government Ministry and agencies to fast-track resettlement of Internally Displaced Persons on their land or any other alternative land set aside by the Government for that purpose; and
- (v) recommends any other relief it deems fit in the circumstances of this Petition.

And your humble Petitioners will ever pray.

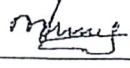
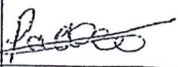
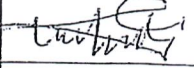
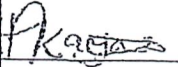
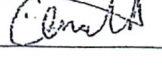
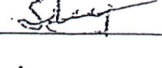
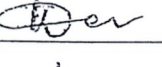
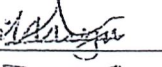

PRESENTED BY:


THE HON. GEORGE GITONGA MURUGARA, HSC, MP
MEMBER FOR THARAKA/CONSTITUENCY

DATE: 7. 3. 019

PUBLIC PETITION

REGARDING DISPLACEMENT, LOSS OF LAND AND SCHOOLS
IN NTORONI SUB LOCATION

S/No	NAME OF PETITIONER	ID NUMBER	CONTACT	SIGNATURE
1.	Isinio Mwenda	13477465	0720902384	
2.	Pascal Njiru	2366660	0717239550	
3.	Tabitha Kiarugo	2508902	0729313560	Kiarugo
4.	Cyprian Magwa	12615529	0788354380	
5.	MARITHA M. KAIRU	12495383	0729966123	MK
6.	Peter Vita Ndathu	2454699	0727492847	
7.	Innocent Mbatia Mutiga	9694047	0734238270	
8.	Sofino Kanobari Michose	2366256	0726869133	
9.	TITO KANYI KABAI	1454085	0706544361	
10.	Josphat Kimani Mitigo	2307554	0728297447	
11.	Francis Kithetu	4578733	0104335716	
12.				
13.				
14.				
15.				



REPUBLIC OF KENYA
PARLIAMENT

Hon. George Gitonga Murugara, HSC., MP.

Tharaka Constituency

Member - Delegated Legislation Committee

Member - Justice & Legal Affairs Committee

Parliament Buildings
P. O. Box 41842 - 00100
Nairobi, Kenya

Tel: +254 20 2221291
Mobile: +254 721 725 345
Email: georgegitongamurugara@gmail.com

20TH April 2019

The Chairperson

Lands Committee

Kenya National Assembly

NAIROBI

Dear Madam,

**MY PETITION ON DISPLACEMENT OF RESIDENTS OF NTORONI SUB –
LOCATION, NTORONI LOCATION - 1995 – 1997.**

I refer to this petition and the hearing that took place before the Committee on 2nd April 2019.

I undertook to supply the Committee with the following documents:-

1. A list of the displaced residents.
2. A copy of the Ogongo Report.

I now enclose a list of the displaced people as received from the locals.

I am yet to get a copy of the Ogongo Report from the Office of the President and as soon as I do, a copy will be delivered to you.

Yours faithfully

GEORGE GITONGA MURUGARA

MEMBER OF PARLIAMENT

LIST OF INTERNALLY DISPLACED PEOPLE OF NTORONI SUB-LOCATION, NTORONI LOCATION, THARAKA NORTH SUB-COUNTY.

(1995 – 1997)

S/N	NAMES	ID NUMBER
1.	SAMUEL KIREMA	13248280
2.	MARY KAATHI	8301032
3.	NICHORUS MUTIIRIA KARONGA	25889279
4.	ALPHONSE M. M'RUMURI	2366805
5.	JAMES MUTUURA RUMURI	2366684
6.	REGINA KARIGU NCERE	4519229
7.	KIRIUNGI KIGUAJA KANAMBA	7741692
8.	JEREMIA MWACIA KATHENYA	11056171
9.	JOHN KATHENYA MUGWIKA	13248210
10.	JULIUS KIREA	2366123
11.	CIAGAIKWA KARONG'A RUTUGUA	24548020
12.	KARANGA KIRIUNGI	21198282
13.	LUCY MUTHONI KIGUAYA	21219434
14.	NICHORUS KIBUI	2408619
15.	MAKEMBO BENSON MPAU	4519432
16.	MAKEMBO MWINJA NGENU	7741704
17.	DOMIANO MURIMI JIATA	2362820
18.	CONSCIO KARUGU KAGOROMO	8956875
19.	CHABARI NDAGARA GAICHU	11607792
20.	SAMUEL MUTHUI MUSHEE	6695193
21.	JULIANA KARUNDU TIMOTHY	2455173
22.	NYAGA KIRERU IRUGU	2266074
23.	KAMANI MAKEMBO MATIIRI	2366068
24.	STEPHEN KIREA KARUURA	2367009
25.	MUCHIMI NJERU	7726829
26.	ALBERT MUTHENGI KABIRO	13869202
27.	NGUU KAMBU	7727232
28.	MBITI MARIGU MATENDE	7731121
29.	MICHAEL KARARI	23095900
30.	ARUNI MATI MPEMPE	777481
31.	DOMIANO NYAGA NJAGI	2508097
32.	RANDYA CIAKUTHI KITHURE	2454311
33.	MUGWONGO M. KIBUI	7740492
34.	MURONCIA M. SALVASION	7721342
35.	JEREMIAH NDUYO MATENDE	2454321
36.	BEDFORD MUTHURA BERECE	2508584
37.	IGUNA GAICU KAUNJUGI	2455495
38.	KANONO KUNYIA KIRERU	7116378
39.	BRUNO MUTIIRIA KIGANU	459426
40.	PASTOL GITONGA KAIBIRU	13359997
41.	FRANCIS MAINCIA MAKEMBO	25085568
42.	PAUL MWITHI IGUURIA	2366229
43.	MOSES KAIMBA KATHENYA	1351159

44.	PETER GITANG'ATA KATHENYA	9684183
45.	PATRICK KAIBIRU ICHERIA	4519709
46.	FRANCIS GITONGA MITAMBO	21464675
47.	FRANCIS GITANG'ATA	16655460
48.	ELIZABETH NTHATU KWENGA	8301350
49.	NICHOLUS KIBUI THIORA	2508619
50.	FRANCIS MUGAO MIORO	4519402
51.	JOHN MUTUGI KAMWARA	21111628
52.	WILLIAM MURIUNGI	12733682
53.	EUSEBIOS NYAGA KAARU	7740347
54.	GEOFFREY KAMWARA KANYARU	4519912
55.	MUCHENGE MURINYA	102367597
56.	MARIO MARIGU	2508817
57.	JOSHUA MUTHAMIA KAIBEI	21240473
58.	SUSANA GATIRIA JOSEPH	8300525
59.	KANYURU MARIGU KANYIRU	2455584
60.	FRANCIS NYAGA	13970953
61.	INNOCENT MARATU MUTIGA	9694047
62.	SAVINA NTHATU	24712105
63.	SAMUEL GITANG'ATA	7453172
64.	PETER MULAI KAMAU	
65.	ERASTUS MWINGANJIRA KATHUNGU	8301113
66.	JOHN MYAGA RUMURI	4520010
67.	MUSA NJERU NYAGA	13248052
68.	JOHN NYAGA	
69.	SAMUEL NYAGA	
70.	JAPHET KAIBIRU M' GWATIA	7726204
71.	SAMUEL KIMENZU MUCEGE	23133692
72.	LUKA NYAGA	12733777
73.	DANIEL KITHURE NGOCI	12733746
74.	MPARA RUKANGU	2366655
75.	JAMES KINYIRI KATHENYA	6698267
76.	MUKWAMUGAO MUTONGONI NDUYO	8888155
77.	SAMUEL MATI NJIATE	13248089
78.	KIRIIRO RUKANGU MAIRUCHA	2366678
79.	JULIUS RWANDA	
80.	NJERU RUKANGU MAIRUCHA	2366117
81.	REBECA KATHURE KITHURE	7740049
82.	PETER KIURA MUTHAMBI	12615497
83.	KIRIA RUKANGU MAIRUCHA	2366711
84.	NTUARA NDUYO	2454337
85.	JAMES KINYIRI	6698267
86.	MBII NYAGA NTUGU	7740509
87.	JOSEPH NYAMU KATHENYA	2454535
88.	JAMES MUTHENGI JOSEPH	12733750
89.	GICINGA NGOCHI MWOCONJA	8301219
90.	KIMUNGE NTAIMPUI	
91.	CIARUGURU BIRAUKA KING'ANG'A	8301801
92.	JOSHUA IGUNA RUKANGU	11607779
93.	ROBINSON MWITI MUNYAMBU	22292534
94.	MARAGARET CIANGIGE NYAMU	13474369

95.	ISINIO MWENDA KATHENYA	13477465
96.	CIANKINA GAICHU KAIMBA	8300121
97.	CHARLES MENYA GAICHU	8301112
98.	WILLIAM KIREMA GAICHU	
99.	NYAGA NDUYO GAICHU	
100.	ANTANASIO GITONGA GAICHU	
101.	MUTEGI CYPRIAN KAMWARA	
102.	PETER VITA NDATHO	
103.	CIAMUKABA KUNGIRA	
104.	PATRICK KIMANI RUKWARU	
105.	JEREMIA GICHINKA MWITHI	
106.	MOSES NYAGA CHABARI	13494442
107.	FRANCIS KITHETU BIRAUKA	4518733
108.	JAMES MURARI KATHARE	13248244
109.	CIARUNGUI M'MWENDA	7752578
110.	PETER MURIUNGI MAITHA	12615521
111.	KIOJI KATHENYA	2508248
112.	KIREMA GICAMU KIBERE	7741266
113.	MUTEGI BIRAUKA	7741089/70
114.	JOHN MUTUGI	1349762
115.	MISHECK NYAGA BIRAUKA	8888987/70
116.	NDEKUA MUCIIMI KIRUGI	13494344
117.	SISINIO MUTEGI NKURE	2453283
118.	ELIZABETHGATURA GICINGA	25487604
119.	GRACE KAINDI KIBARA	26202328
120.	STELLA MUTHONI KANYARU	7740366
121.	CELINA KATHAO MUCHEGE	
122.	PAULINA KAREMU KIRUGI	
123.	FREDRICK MBIGI MAKEMBO	8300424
124.	JACKSON NTHIGA NDATHO	4519833
125.	JEROBACIO MARIGU KINGETHE	7740571
126.	NJAGI CHABARI	
127.	MUSA MAKUNYI CHABARI	
128.	CHABARI ICHERIA	
129.	CICILIA KANYUA MAJIRA	8300180
130.	ELIZABETH GAKOU MUKIRA	8301611
131.	TABITHA KARIGU	8300667
132.	JULIUS MUKIRE MITUGO	10342108
133.	NICHORUS MUTIRIA	
134.	JEREMIA GICHINGA	8308511
135.	JULIA KAMENE KIROO	8888295
136.	KIONGO KARAUKI	
137.	MARICERA KANYOMBA	8301934/70
138.	MARIGU KANYARU	
139.	ISAIAH KAIBE MAKEMBO	13480846
140.	ISAIAH MWIKAMBA NDATHO	7740250
141.	JEREMIAH NYAGA KIIGE	
142.	JOHN KIBAARA KANAMPIU	10343931
143.	PETER MWANGU KAMWARA	7453095
144.	MAUKI KARONGA	13617145
145.	MWATHI IGUNA KINANDA	7740107

146.	PIUS NYAGA NDATHO	16111841
147.	MODESTO GAICHU NDATHO	12363939
148.	MUGAMBI MEENI KAJIUTI	12733518
149.	KATHURU RUTUGUA	20691591
150.	JULIUS KIREMA GACHAURA	
151.	JANET GATIRIA GACHAURA	
152.	JAPHET MUTEKI MAKUNYI	
153.	SIMON MUCOKA MAKUNYI	
154.	PATRICK MUGAMBI MAKUNYI	
155.	CIANG'OMBE MAKUNYI	
156.	SILVESTER NJERU NDATHO	
157.	NICHORUS MUTIRIA GICHAMU	7453397
158.	JOSPHAT MBURI GICHAMU	
159.	GAICHU KAIMBA	
160.	PAUSTO GITONGA NGEA	
161.	MBURI KARAUKI	
162.	NKUNDU JOHN MUTIGA	
163.	MUTUGI KIGE	
164.	NYAGA KIGE	
165.	PAUL KABURU NYAGA	
166.	JOHN CAABU MUTUGI	
167.	KABUTA MUTUGI	
168.	JULIUS MBUGI RUKARU	7731168
169.	MUGAMBI MUTIRIA	12405945
170.	MUTIRIA NKARIAMA	7741269
171.	KIMANI PATRICK RUKWARU	
172.	MUTUGI MUTHEKI	
173.	KIREMA KINGARU	
174.	PAUL GITONGA KINGARU	
175.	KARONG'A KINGARU	
176.	KING'ARU KANYARU	
177.	BIRAUKA KIREA	
178.	NJERU KIIMBO	
179.	GITEGENYE KIIMBO	
180.	MUTHEKI KIMANZIO	
181.	KIMANZIO KIBIURI	
182.	MATIGACHAURA	
183.	KINYUA MUNGARA NYUNGU	
184.	NKANDO KANANDA	
185.	MUCEE KINANDA	
186.	MARIGU KANYARU	
187.	MUTHENGI KIORIO KAMUTIRU	8888330
188.	MURIUNGI GACHAURA	
189.	KABUTI MUTOE	
190.	KIURA CHABARI	
191.	SIMON MUCHOMA KANYARU	13464961
192.	KMAJIRA KAREA MATANKA	
193.	KUMUKA KIIMBO	
194.	MBUGI MAKEMBO FREDRICK	
195.	GITONGA MBUGI TANDEA	
196.	MWIKAMBA CHABARI	

197.	CHABARI KINYANGU	
198.	CIAKUTHI KIIMBO	
199.	KAANDU KUMBUKA	
200.	KIREA NYAMA KAANDU	
201.	NJAGI KAANDU	
202.	KAMENE MWITHI	
203.	CIANJIRU MWITHI	
204.	MUTIRIA KAIBIRU	
205.	KARIUNGI KAIBIRU	
206.	KITHAKA MUNGARANYUNGU	
207.	MWINDU KATHIGA	
208.	KIIRI GATUMO	
209.	MUTEGI CIACWE	
210.	KAMWARA MAKEMBO	
211.	JOSEPH NTHIRIKA GAICHU	8301289
212.	SISINIO GITONGA KAIBIRU	13493144
213.	EGINISIDUS MBURI KARAUKI	8300451
214.	KIGANU NDUYO RUTUGWA	1084217
215.	NICHOLUS RUMURI MWENDA	11543042
216.	ATANASIO MURIUNGI	
217.	JACINTA MAITHA MURIUNGI	8301085
218.	JOHN KITHAKA KIREMA	4637567
219.	STEPHEN MUCHIMI RUUGIA	2509107
220.	JOHN MATI M'MEENI	13869269
221.	FRANCIS KITHAKA	8308474
222.	ARCHANGEL KIRIA MITAMBO	7727943
223.	KAJESE IMANGE	7727277
224.	KAUNGA MWIKALI	7726421
225.	PETER NJAGI	3565761
226.	PATRICK GITONGA	23095923
227.	FRANKLIN GITONG KUGERIA	13872757
228.	PETER MWANGI	23095164
229.	KAGONDO MWIRUNGI	4521758
230.	PAUL NJERU MBIJIWE	8305509
231.	VINCENT MUGAO	2366341
232.	JULIUS M. MUREAIKWA	26653501
233.	JUIA GATHIRIA	13494004
234.	MARIA CIAMUTI	4518745
235.	SHINGA MIRERE MURIUNGI	7727141
236.	MWATHI KUGERIA	1233632
237.	MUTEGI KARIUNGI	13872158
238.	SILAS GITONGA	25801395
239.	PETER MUTIRIA	7727752
240.	BENSON MUCHUNKU	16108286
241.	JOHN KATHONDO	26180384
242.	M'MWENDA MUTEA	7732883
243.	NDATHO NJERU MBUGI	2362375
244.	JERARD MUCEE JOSHUA	2366857
245.	JERICA NJUE	4519537
246.	BENARD MWITHI MIJIUKO	7727185
247.	NYAGA NDUUKU	204151804

248.	JOSPHAT KIOJI MURITHI	4521331
249.	PAUL MUTEGI	23799876
250.	PETER MUTEGI	26536507
251.	MAKARIUS MBWIRIA	7726997
252.	PETER KILONZI MWATHI	23838681
253.	KIMATHI MWIKAIRI KIBURI	13434474
254.	JULIUS MUKIRI KIARA	7717880
255.	JOHN NYAGA RUMURU	4520010
256.	MURIEKWA KIMANG'O	2506285
257.	JOSEPH MWATHI KIBUI	12493384
258.	MUTEGI MURITHI	2469650
259.	SALOME KAGENDO MWENDA	25375025
260.	JULIUS MUGAO	20285437
261.	M/MITHE MIGWI RINGEA	7716426
262.	ESTHER KARAGWA	4521444
263.	MWENDWA NYAGA	2567464
264.	GRACE KABUTU RUMURI	122165145
265.	PRISCILLA KAATHI IGUNA	4520886
266.	JOSEPH MUTHEE NJERU	7738267
267.	MARIA KAITHI	2365425
268.	ROBERT MWENDA	21121160
269.	M'MWINJA KAONG'O	7741731
270.	KIRAGU GAICHU	1230676
271.	KIAMBI MUKEMBU	
272.	KING'ANG'I MUTHAMIA	
273.	MUTIRIA KATHUNGU	
274.	MARY KANYUA	3753449
275.	PATRICIA NDUTHI	
276.	MURIGE KATHUMBI	
277.	KATHAO MURIUNGI	
278.	M'MUHAMIA	
279.	MUTUGI MUTHAMIA	
280.	MAKUNYI IMBUI	
281.	KANYORE KINYIRE	
282.	JULIA CIAMITI	
283.	NYAGA KANG'AARU	
284.	SYMON M'MUTUGI	7453216
285.	AGNES KATHUURE MUNYAMBU	2509857
286.	JULIUS MUKIRI KIARA	771788
287.	JOHN NYAGA RUMURI	4520010
288.	M'NTAMITHE MIGWI RINGEA	7716426
289.	LOBERT MWENDA	21121160
290.	NTAMWINJA KAONG'O	7741731
291.	PAUL MUTEMBEI	
292.	MURIUNGI KATHUNGU	
293.	SILAS NTHIGA MAKEMBO	9694068
294.	ANDREW MUCEE NDATHO	11607750
295.	PETER MWANGI BIRIKA	13393013
296.	DAVID MURITHI NTABIRIKA	12615530
297.	TITO KANYI KABUI	2454065
298.	GERALD MUCEE MITUGO	11399194

299.	NJERU MUCEE	9753258
300.	KANYARU GAICHU	2454266
301.	STEPHEN MBEERE	13617153
302.	JOSPHAT UTHENGI GAICHU	21588977
303.	SILAS GITUURA KIBARA	13869271
304.	CATHERINE BAATI KINUGU	4519102
305.	VINCENTO MAKUNYI MUNYORI	7741928
306.	MUGAMBI MURIKU	
307.	GAICHU IKUNUKU	4518839
308.	MBITI MAKEMBO JOHN	
309.	ISAAC MWINJI KANYI	21703688
310.	MARIO MUCEE KINUNGU	4519607
311.	JOHN MUTHENGI MUCHUNKU	3735822
312.	M'BIRIKA MWIKIA MONDOGO	2468813
313.	NYAGA M. MUTHENGI	2366145
314.	GEORGE KINYAKII KITHIRA	8888039
315.	SUSANA GAUKI MUGAO	2509958
316.	TABITHA KARIGU KITHURE	21847293
317.	CIAMBURI MIORO	2654319979
318.	PETER KIJOGU	10380357
319.	KIMANYA MUTUNGI	2469712
320.	GIDEON MUTUGI NKWARE	23037945
321.	JOSPHAT IKANDI KAMUNYU	12493348
322.	NICHORUS NJERU NKANDIKA	21849972
323.	MUGAO KIJIRU MUTHIGE	8301106
324.	PETER MURIUKI MUCEE	13494844
325.	SIMON NYAMU KIJIRU	11697128
326.	LUKA NJAGI CHABARI	22373638
327.	JEREBASIO ITHENDU MIORO	2366216
328.	GRACE NKIMU MBUIRU	2508048
329.	DAVID GITURA KIJIRU	13494308
330.	DANIEL MUCEE KAMURI	7721249
331.	MARY GATIRIA SAMMY	9907080
332.	GEORGE MUTHUI SAMMY	23526032
333.	TABITHA GATORO SAMUEL	4519164
334.	KENNETH MWANGAGI MUNYAMBU	11897134
335.	NICHORURS KIBAARA GATORO	14644194
336.	FRANCIS MUTEKI MUGAO	22416848
337.	JEREMIAH NYAGAH RWITO	2435565
338.	JULIUS KIIGE MUNYAMBU	21009893
339.	JOEL MUTIRIA KIMWERE	11058134
340.	JAPHET NTHIGA GAICHU	7453482
341.	JULIUS NYAMU MABURIA	2468124
342.	JOHN KIREMA MUNYAMBU	20763591
343.	KANYARU GAICHU KATHENYA	2454266
344.	KIONDO KAGERE KAMUNYU	2468836
345.	TERESA GATIRIA KAMWARA	7740905
346.	BENJAMIN MAKUNDI MWENDA	2409406
347.	ALFRED NDEGE KINUGU	2509675
348.	JULIA KARIUNGI MUNYAMBU	13493956
349.	JOSEPH KANYARU MUJOGO	12732977

350.	SIMION KANYARU MWENDA	23519443
351.	JOSEPH MUTEKI MURIUNGI	13872158
352.	PETER MURIMI KIJIRU	20703524
353.	DAVID MWIKAMBA NKWEMERE	4515686
354.	DAVID MWIKAMBA MURANYA	1346375
355.	JOSPHAT MUTHENGI MAKUNYI	11607793
356.	NKABU MABURIA	7438373
357.	SOLOMON MUCHEGE KITHAMBURU	2468137
358.	PIUS NTHAMBU MWENDA	8301781
359.	KENNETH MUTEKI MUREA	23547045
360.	ELIJAH NYAGA MBIJIWE	888605
361.	SIMION MURIGE KATHUNGU	8888617
362.	JULIA MUTAKI KIJIRU	2509156
363.	MARITHA KAMBURA KAMWARA	7721310
364.	CIANYAGA MIORO	8300326
365.	ROBERT NJERU KIJIRU	2455725
366.	PAUL KIREA GAICHU	106148078
367.	PETER NJERU CHABARI	14644177
368.	FRANCIS KIBUNJIA MAKANYA	
369.	M'MUTIGA M. KAIBI	2502522
370.	DANIEL MUGIRA MITUGO	13494335
371.	JACKSON KITHINJI MWOGA	7741271
372.	NYAMU KIJIRU	
373.	NYAMU MUTURU	
374.	MWANG'ANG'I MUNYAMBU	
375.	GITUURA KIJIRU	
376.	MBEERE CHABARI	
377.	NJERU KIJIRU	
378.	MURANYA MUNYUARUJI	
379.	ITHENDO MIORO	
380.	KIRAGU MUTABE	
381.	NYAGA MUNYAMBU	
382.	NYAGA MAKEMBO	
383.	MAKURI MUNG'ANIA	
384.	KAMWARA NGOO	
385.	NJERU MAKUNYI	
386.	MULONCIA MWALIMU	
387.	ZACHARY GITONGA	
388.	GATUJI	
389.	KAINDI NDERI	
390.	MUREA GAKIMBI	
391.	NJERU NKANDIKA	
392.	KIMAKIA	
393.	KENETH KIREMA	
394.	KATHUKU MUTUGI	
395.	ELIJAH MBIJIGE	
396.	MUCOKA KWENGA	
397.	BENSON KIIRIL MBIJIWE	
398.	ERASTUS MATE MUTIRING'A	8300518
399.	SILVATION MULONCIA	7721342
400.	RABAN MWATHI BIRIKA	11490026

401.	JOSEPH NJERU KAUNDUBU	8300066
402.	ISAIAH MUTURI	13494636
403.	SIMION NYAGA NJAGI	2509174
404.	CHRISTINE KARAMBU	
405.	STELLAH KAREA KAMWARA	8300411
406.	JOSEPH IGUNA KIREANYAMA	8300062
407.	JOHN GITONGA IGUNA	12493453
408.	CHRISTINA KARAMBU M'MUTANI	12493360
409.	JOSHUA KIRAMBIA NJERU	2455596
410.	GRACE GACWE KATHENGE	7740366
411.	SIMON NTUE NJAGI	12493458
412.	SIMION KIREA	12733838
413.	SAMUEL NDAGARA	11027220
414.	NJERU KITHAKA	3196833
415.	GERALD NJAGI MARIGU	9907114
416.	CHARLES MWATHI MUGAMBI	23428018
417.	MARY GATHIRIA	9907080
418.	GEIFREY MUTI MWENDA	21228021
419.	FRANCIS MUTAI	22416848
420.	KIBAARA KAUNDUBU	210088287
421.	ABVENDINEGO KIJOGI GAICHU	25396648
422.	JAMES KIJOGI MWITHI	217591035
423.	JOSEPH MWITHI KATHIGA	2455813
424.	PETER MUGAO MWITHI	282996141
425.	SAMUEL MUTEGI	1389660
426.	JEREMY GICHUGU GAICHU	22089044
427.	DAVID NYAGA NJAGI	13617166
428.	KAMWARA MUCHEGE TIRIMA	7740676
429.	JOSEPH KITHINJI RUBIUKA	6894330
430.	SAMMY GICHURU	
431.	JOHN KIRIMI KITHINJI	
432.	MUTHENGI KITHINJI	
433.	MWITI KITHINJI	
434.	MBII NYAGA NTUGU	7740509
435.	NJOEL NTHIGA GAICHU	2366580
436.	STANELY NTUGI GAICHU	
437.	JONATHAN IKUNGA	3752970
438.	JOHARAM MURONCIA	11399949
439.	MWINDI KAUNDUGU	3753416
440.	STEPHEN MUTHENGI	8305637
441.	NJERU KATHIGA	23427983
442.	CIAMUKIRA GAICHU	8301300
443.	MICHAEL MARIGU RUGIA	7740313
444.	SILAS KARUTHU	2377557
445.	ISAAC MUGAMBI KAMENYI	13477885
446.	NAOMI KABURI	13248353
447.	JAPHET NJOE	14778575
448.	MARY KARIUNGI	22469470
449.	JULIUS URIRU	1344498
450.	JEREMY GICHUGU GAICHU	22189044
451.	SAMUEL MUTEGI	13869660

503.	GEORGE M. GAICHU	11399139
504.	M'KWENGA KRINDO	1731100
505.	KATHURE IGUNA	2508005
506.	JAPHET MARIGU NTETHIRA	2366526
507.	KENNEDY CHABARI MUGAO	2366283
508.	SOLOMON KIREMA MURIUNGI	2367302
509.	MURIUNGI KITHARE	2367486
510.	MWIKAMBA MUCUNU	2455772
511.	JULIUS NJERU GAICHU	7453312
512.	EDWARD MUTEGI	
513.	JAPHET MUROGI KATHARE	24403436
514.	MAKUNYI KIRUNGIA M'MUKANDA	2455650
515.	ISAAC MWITI KABUKII	
516.	HARRIET GAKUNYI KIRIUNGI	8300278
517.	JOEL MAIMBU NJERU	13494776
518.	MUKWAMUGAO MUBIRU KARANGA	2508870
519.	MOSES MACHUKA NDUYO	27482001
520.	GERALD NYAGA MUTIIRA	9906151
521.	NYAGA KIRERU KAGUATA	
522.	CELINA MUKWAMUNDA JACKSON	12733593
523.	NDAGARA KANAKE	7453157
524.	JOHN MWATHI MAJURIA	26074185
525.	GABRIEL MUTIRIA MAJURIA	2454091
526.	ISAAC MUCEE MWATHI	7453390
527.	KITHURE CHINGAU	2555691
528.	PAUL KIURA	20845353
529.	LYDIA KANYORE KIBAARA	23677260
530.	JOHN MWITI KATHENYA	2503370
531.	KAIRU MARGRAT KIBUI	4579517
532.	PAUL NTHIGA KWENGA	1730123
533.	MARGRATET KAREA M'MURUGA	1606579
534.	ROBERT MUNENE KIMORO	13248355
535.	FLORA NCHIGO	2464477
536.	FRANCIS MUCEE	3307129
537.	MURIUNGI KATHARE	45197009
538.	KATHURE AGNES MUNYAMBU	2509857
539.	KATHARE MEENI	
540.	ESTHER KABEA MUSA	
541.	IGOJI	
542.	MAKEMBO KANYAKA	
543.	MISCHECK MUCEE IGUNA	2367504
544.	CECILIAKAITHI NKABU	26972769
545.	KANYUA MAJIRA	8800180
546.	JENIFFER KAITHI PETER	7740322
547.	KAMWARA MAKARA RUTUGUA	
548.	JULIA NCEERE RUNGUMA	
549.	BONIFACE NJERU RUNGUMA	
550.	MUKIRA NKIBATA	
551.	MUTURU MUKIRA NKIBATA	
552.	KIARIE KIIGE	
553.	MUCOKA KUNGUTE KAMWARA	

554.	GLADYS KAITHI KANYARU	
555.	KITHINJI KANG'ERE	
556.	NTHIURURA KAIBIRU	
557.	NJAGI KAJIITA THUNGUTHA	
558.	GATURA MEENI KIERERU	
559.	EDWARD MUTURI KAMWARA	
560.	MBUURU NTANKEJIA	
561.	NKIMU KIGANU NDUYO	
562.	KIBUI KANYARU MAKARA	
563.	SEBASTIAN M. N RUNGUMA	
564.	CIAMPUI CIAKAGERE MANGARA	
565.	KARUKU NDUYO	
566.	PETER MUTUGI KANYARU	
567.	WILLIAM MURIUNGI NJAGI	
568.	NJOKA OLIMPIO	
569.	MUTEGI MBURU NTAKEJIA	
570.	MUTHIGA ICHERIA	
571.	JOHN NKIBATA	
572.	KIBAARA KAJIITA THUNGUTHA	
573.	NDAGARA KITHANYA	
574.	MUTHUNGU RURII	
575.	MWITARI RURII	
576.	MBWERA MWITARI RURII	26972665
577.	SABERA MAKENA NDATHO	2509115
578.	NYAGA MULAI	26538271
579.	DANIEL GITONGA NYAGA	207038190
580.	JOHN NJERU MARIGU	4518902
581.	JANET MBURA NTARUKUNYU	16107505
582.	JENIFFER MUGAI	4518961
583.	ELIYA KARAMBU NYAGA	8301152
584.	KIBUTI MUTWE KATHIRA	7740650
585.	STELLA MUKAMI MUCIIMI	8500527
586.	SUSAN GATIIRIA	7740673
587.	JAPHET NTHINGA MUTIGA	8301075
588.	MUTIGA NKOMBARU	2076340
589.	NYAGA MUTIGA	12493477
590.	FRANCIS MUNG'ORI	
591.	FRANCIS MURIGE MUTIGA	8301604
592.	MUKEMBU MUKUMBO	24434778
593.	SARAVINA KANINI	8301187
594.	KIBAARA MUKEMBU	0402603
595.	MUGAO MUTIGA	13248184
596.	PETER KITHAKA KATHENYA	2367863
597.	JOSEPH KIGUAYA MUCHAI	8301711
598.	VERONICA GACEGE JAPHET	21323330
599.	EDWARD KITHURU MUBIO	22872163
600.	JULIUS MURITHI GAICHU	13494515
601.	KAMBURI MUBIRU	9694104
602.	BAVIANO NJERU	4518162
603.	MBARUKU MUKEMBU	24865742
604.	PETER MUSYOKI	

605.	MARUTA GWATIA	1254625412
606.	NJERU KWENGA	24862475
607.	SAMMY NYAGA	13248064
608.	MONICA MUKWAMUNDA	4512045
609.	FRANCIS NJAGI MUCHAI	2366471
610.	JERLAND NDAGARA SIMBA	25022911
611.	CYPRIAN MAGWA MAKEMBO	12615529
612.	MAKEMBO RUGIA GAICHU	2454567
613.	STEPHEN KINYA MUKIRA	13044580
614.	ANDREW RWANDA DICKSON	27616643
615.	SARAFINA CIANDIGE KIMENCU	2367783
616.	JULIUS M. NDATHO	10971091
617.	SIMON KANYARU MAKEMBO	12733631
618.	PETER MUTHENGI KITHURU	26123541
619.	ZISTOL GITONGA MUTIGA	21255141
620.	GETERINA KAMENE MWINJI	13494837
621.	JAMES MIKUME MAKEMBO	4464715
622.	JAPHET MUGAO MAKEMBO	20161715
623.	IGUNDU MUKURU THIURU	2509645
624.	SARAVINA GAKUNYI NYAMU	2366370
625.	DAVID MUCOKA MUCEGE	9906172
626.	JENESIO NJERU CHABARI	2366143
627.	NKEYIA KIERERU	2502868
628.	QWIDU MWITHI NDATHO	9907593
629.	SOFINO KANGORI MUCHEGE	2366836
630.	BRUNO KIJIRU GAICHU	7741275
631.	KIREMA GAICHU MATENDE	13494775
632.	JOMO GAICHU MATENDE	12733803
633.	ALPHONSO NJAGI NDUYO	2454309
634.	ANDREW MURIUNGI	2193162
635.	JEVASIO KITHINJI MWARIA	7740055
636.	JOSEPH MIIRU	2367755
637.	MUTIRIA RUMURI	9696402
638.	MARIANO KIRERE MATENDE	4519075
639.	KATHI RUKANGU M'BAIRUA	7716116
640.	ABRAHAM MAUKI GAICHU	21476715
641.	PETRO NTHIGA KATHENYA	7710238
642.	DAVID KITHARIA KAMWARA	4344785
643.	BERNARD MAKEMBO NKONGORO	4518766
644.	JEREMIAH KIRIANKI.	2366170
645.	PAUL IGUNA MUKEMBU	7453558
646.	EZEKIA KIRAMBIA KIRUNGIA	2454464
647.	KIMONDIU NJIATA	21187158
648.	JOSEPH GITONGA	21404845
649.	STEPHEN MACHENGA	21188541
650.	KUBIKA JIATA MATENDE	13248184
651.	JUBANA KANONO CHARLES	4516339
652.	ESTHER KANUGU ZARUBATORE	7740176
653.	JEREMIAH MBOE M'NDUYO	14644172
654.	JOSEPH KIREA KAMWARA	8301977
655.	ATANASIO MUTHENGI	1084239

656.	DAVID KATHENYA NTANJIATE	6698157
657.	KITHAKA KIRAGACHA	2454115
658.	PATRICK IGUNA MUTHENGI	16115787
659.	MUSA MUNYUOKI MUGAMBI	1349427
660.	MAKUNYU MBARII	2503592
661.	ENDREW MURIUNGI KAMWANGI	2366673
662.	SAMUEL MUTHENGI MAGONDU	11607796
663.	ROBERT MWINDI NJERU	7731151
664.	KIRIIRO RUKANGU NYAGA	2366688
665.	JOSEPH KABURI MARUNGO	2367533
666.	JAPHET KIREA MARUNGO	2454393
667.	JOHN MUTUGI GAICHU	8889100
668.	JULIUS GITONGA MUNYAMBU	23386888
669.	NYAGA NYAMU BAIBWI	2509146
670.	CHARLES MAJIRA KATHENYA	13248163
671.	FRANCIS KAMAU KAMWARA	2454839
672.	DAVID MWANGI MAKEMBO	21784642
673.	SAMUEL MATI NTHIGA	21703598
674.	PETER NDERI MUCEE	7721268
675.	PETER MAINA	10343708
676.	JOSEPH MWITI MITAMBO	11697129
677.	REGINA CIANKORU MITAMBO	
678.	GEORGE GITONGA	13248167
679.	JOHN NYAGA KAMUMPU	7721057
680.	MARIGU MBARIE	8888289
681.	MUKEMBU RWYW KIMWERE	4519135
682.	STEPHEN GITONGA MUKEMBU	11697131
683.	JOHN NJERU MUKEMBU	
684.	PATRICK KIRIUNGI RUGURU	2367109
685.	LUKA MBIIRI MUKEMBU	21946997
686.	PETER MWATHI MUKEMBU	4519201
687.	JEREMY MAGONDU MUKEMBU	23667138
688.	JULIUS MUTHENGI MWATHI	8300018
689.	STEPHEN KIREMA GICHUNE	2509005
690.	JULIUS MWINJI KIBAARA	236747
691.	MUTIRIA RUMURI	9696402
692.	GIETI KAIBEI	9907088
693.	MOSES NYAGA CHABARI	13494442
694.	ZAKAYO MUGAO NDUYO	21588398
695.	NJERU KIJOGO KIMUNYU	4518688
696.	MARIAM KARIUNGI KIREMA	7722195
697.	JULIUS NYAGA MATEGU	21153265
698.	PETER NYAGA KIGARU	7054285
699.	PAUL IGUNA NDUGUTU	8301786
700.	LUKA MUGAO IGANALI	8800746
701.	PATRICK KIRIMI	2366689
702.	SOLOMON KIREMA GAICHU	2509194
703.	MUTIRIA MUTURI RIUNGU	23677480
704.	SIMON IGUNA MAKEMBO	11541576
705.	MUSA KIRUGI	7453299
706.	MUCIIMI KAMWARA	7741659

707.	JOSEPH MUTHENGI	20319052
708.	JOHN MUKIRA MAKEMBO	2454348
709.	FRANCIS MURAUKO	2366488
710.	BENSON MATI MUTUNGI	2366883
711.	JAPHET NJAGI M'KAROGO	16105362
712.	EUSTASIO MAJIRA KTHENYA	2509695
713.	CATHRINE KAREGI PATRICK	2156676
714.	CABELA MUKWAMUNDA THUNGU	7741369
715.	BERNARD MUTIE GAKURI	13493815
716.	GAKURI CIMU KYUTI	
717.	SELINA CIAMITI JAMES	13494306
718.	JOSEPH MURIMI MIORO	12493432
719.	JENIFFER CIANKIMU KITHAKA	7741294
720.	TITUS MATHUMBI NJERU	2367165
721.	NJERU KAUMA CHOO	
722.	SIMEON KIMWERE	
723.	MAKUNYI RURII JULIUS	13491363
724.	WILLIAM MAGERIA	11697114
725.	JOHANA RUMURI KIREMA	2255011
726.	AMOS NJERU DOMINIC	13248053
727.	MOSES NKUNDI RIRII	
728.	MARTHA MUKWAMUGAO KAIRU	12493383
729.	REUBEN NJAGI RUGIA	
730.	IBRAHIM MARIGU MWAMBA	
731.	MWANGANGI MUKARAKU	
732.	KIREMA KIARE KIREAMUNYA	2509775
733.	JANET KATHAO NDATHO	4519962
734.	SAMUEL KANYUA KARI	
735.	MWIKAMBA MIORO	
736.	KAARU MWINJA KIRIMO	2509911
737.	GEOFFREY MUCEE MUTEA	13493969
738.	JOHN MUTE GAICU	8889100
739.	LAWRENCE MUTEGI CHABARI	
740.	NTHATU MUKIRA NKIBATA	
741.	PATRICK KIMECU	
742.	MUTHENGI NJAGI THUNGUTHA	
743.	SARAFINA KANINI NJERU	
744.	SELESTINO MUTIIRIA MEENI	2367616
745.	GIETI KAIBEI	9907088
746.	TABITHA KARIMI NYAGA	351672
747.	FRANCIS MAKUNYI MAINGI	2472419
748.	LUKAS KAMAGURU MPEMPE	11325053
749.	KIRIUNGI KAGUAYA	7741692
750.	JERIKA KANYORE JULIUS	2454848
751.	REUBEN GIKOMBO	236639
752.	CICILIA GATUMBI MBABU	7741645
753.	ANDREW MUCHUNKU	25987991
754.	BATHOLOMEO NTWIGA MUNYAMBU	
755.	DANIEL MBITI MUCEE	
756.	REGINA KAGENDO MUGUONGO	



NATIONAL LAND COMMISSION

PRESENTED TO

**THE DEPARTMENTAL COMMITTEE ON LAND
PETITION BY THE MP FOR THARAKA CONSTITUENCY
REGARDING ALLEGED DISPLACEMENT OF RESIDENTS, LOSS OF
PROPERTY AND CLOSURE OF SCHOOLS IN NTORONI SUB-
LOCATION IN THARAKA CONSTITUENCY**

BY

KABALE TACHE ARERO

Ag. SECRETARY/CEO

16TH JULY, 2019

DISPLACEMENT OF RESIDENTS, LOSS OF PROPERTY AND CLOSURE OF SCHOOLS IN NTORONI SUB-LOCATION IN THARAKA CONSTITUENCY FOLLOWING POLITICALLY INSTIGATED LAND CLASHES :PETITION NO 25 OF 2019 BY THE MP FOR THARAKA CONSTITUENCY

On behalf of residents of Ntoroni Sub-Location, Ntoroni Location, Tharaka North Sub-County in Tharaka Constituency the Member of Parliament for Tharaki Constituency raised the following petition;

1. **THAT**, ownership and access to land as a factor of production is an essential enabler of economic empowerment of citizens;
2. **THAT**, between 1995 and 1997, resident-s of Ntoroni Sub-Location, previously known as Macabini Sub-Location were displaced from their land due to politically instigated communal clashes;
3. **THAT**, as a result of the displacement, residents lost their property and other basic social amenities, including the following nine registered Primary schools that were razed down during the clashes.
 - (i) Karimba Primary School;
 - (ii) Kabangua Primary School;
 - (iii) Mpunguru Primary School;
 - (iv) Machabini Primary School;
 - (v) Kanjoro Primary School;
 - (vi) Riamwanki Primary School;
 - (vii) Kioru Primary School;
 - (viii) Riamikuu Primary School; and
 - (ix) Kiumbe Primary School.
4. **THAT**, since then, only two schools, Kioru and Riamwanki, have re-opened, hence denying a majority of children the right to access basic education;
5. **FURTHER THAT**, victims of the communal clashes have been rendered Internally Displaced Persons(IDPS) and are;

6. perching as vagrants in deplorable conditions on any available public land;
7. **THAT**, the matter was conclusively investigated by the Government through a Commission of inquiry led by Mr. Zachary Ogongo and a Report published in 2007.
8. **THAT**, twelve years since conclusion of the inquiry neither the Commission Report nor its recommendations have been acted upon.
9. **THAT**, if the matter remains unresolved, victims inalienable constitutional right to property, access to education and access to basic social amenities shall remain at the risk of grave violation;
10. **THAT**, the matters presented in this Petition are not pending before any court of law, constitutional or legal or any independent body.

THEREFORE, your humble petitioners pray that the National Assembly through the Departmental Committee on Lands:-

- (i) Investigates the circumstances under which the Zachary Ogongo – Led Commission Report on the matter has never been implemented;
- (ii) Intervenes through the relevant Government Ministry and agencies to cause expeditious implementations of the recommendations of the said Report.
- (iii) Causes investigation into historical injustices committed to the displaced residents of Ntoroni Sub-Location with a view to recommending appropriate remedies and compensation for losses incurred as a result of deprivation of livelihood;

- (iv) Recommends to the relevant Government Ministry and agencies to fast track resettlement of Internally Displaced Persons on their land or any other alternative land set aside by the Government for that purpose; and
- (v) Recommends any other relief it deems fit in the circumstanced of this Petition.

TERMS OF REFERENCE OF ZACHARY OGONGO COMMISSION

- To coordinate and oversee the delineation and demarcation of the disputed boundaries in the greater Meru District generally and between Tharaka and Tigania Districts in particular.
- To sensitize the local community on the demarcation exercise and the need to embrace peace, reconciliation and the outcome of the decision of the Task Force in this regard.
- To receive, hear, evaluate and determine complaints and concerns from the members of the public and/or any other persons on their behalf and receive written/oral statements there from.

WAY FORWARD AS IT WAS GIVEN BY OGONGO COMMISSION

1. Government should through the Provincial Administration provide leadership on security matters and in the facilitation of the peace process instead of leaving the same to politicians. The Administration should also take responsibility for protecting beacons and control points from vandalism.
2. Government to ensure, through its presence that the rule of law is observed, and that there were no crimes committed in the name of tribe (as it is now) but by individuals. The same Government should ensure that it's operative provide impartial services. All in all, Government should take upon itself the role of facilitation and sustenance of peace building process.

- 3. Government should expedite **Land Adjudication** in Greater Meru region by strictly adhering to provision of Cap 284 – Laws of Kenya and by allocating adequate resources and providing modern equipment e.g. Global Positioning System for accuracy and speed in order to ensure that there is transparency in the process. Past experience in Land Adjudication in this region has shown that is prone to corruption, manipulation and mismanagement. This led to lack of confidence by the public (crisis of confidence).

There is an urgent need therefore to review current Land Adjudication processes and practices to make them transparent and accountable. It was also noted that there was lack of enthusiasm from the Ministry of Lands (Headquarters). However, they should be prevailed upon to take advantage of the current goodwill on the ground to fast track Land Adjudication on the remaining areas.

- 4. The need to promote peace and reconciliation in the region should be accompanied by increased socio-economic investment to improve local infrastructure and standards of living. The Government should urgently open up a road network in the conflict areas (as a priority) so as to open up the region.
- 5. The Government should urgently address the plight of squatters who are products of fraudulent Land Adjudication process disinherited from their land parcels. The said land was treated as “settlement” yet the process of allocation was purported to have been under Land Adjudication Act Cap 284.
- 6. As a matter of policy, ethnic minority rights should be respected and affirmative action applied especially in appointment of chiefs and in recruitment into various pre-service training etc, in view of the new District Boundaries realities.
- 7. Chiefs and their Assistants should be retrained to make them true grassroot Government representatives. Their past conduct contributed to incitement of inter-tribal animosity.

8. The former Northern Grazing Area (NGA) land should be managed in a transparent manner and not left to political manipulation. The area particularly in Tigania and Igembe has attracted a scramble for land which has potential for conflicts. There are also certain claims coming from the Turkana, Borana, Samburu and Somali communities.

RESPONSE TO THE PETITION

Officers of the Commission accompanied the Land Committee of National Assembly on a tour of Tharaka Nithi/Meru County to establish the current situation on the ground in relation to the petition filed by the Member of Parliament for Tharaka Constituency regarding the implementation of Zachary Ogongo Commission report.

Current position

The current position on the ground is that the land is sparsely settled and the area around Ura river we could notice some cultivation without settlement. We learnt from the Adjudication Office that some areas had been declared as adjudication section under Cap 284. This declaration was later abandoned when it was realized it had overlapped with another declaration from the Meru side.

There were different views expressed by both sides i.e Tharaka leaders wanted their people to be settled first in the areas they were evicted in 1996/97, then re-establishment of the boundary between the two counties to follow. The Meru County leaders wanted the boundary to be re-established first then settlement to follow.

The two aspects of settlement and re-establishment of the boundary are covered in the Ogongo Commission.

LAND ADMINISTRATION IN THE CONTESTED AREA

Ministry of lands

Community land act is administered by the Cabinet Secretary, Ministry of Lands and Physical Planning as the land adjudication

function is domiciled in that Ministry. The area can be described as community land having been Trust Land under Meru and Tharaka Nithi County Councils

National Land Commission

National Land Commission comes in to administer public interest created within an adjudication section (if any) i.e. Land set aside for development of urban centers, schools and any other public facility.

Historical Land Injustices

During the visit with the parliamentary committee, claims of historical injustices including historical land injustices were raised. It is important the land ownership rights of Ntoroni residents be reinstated irrespective of the boundaries of the two counties - Meru County and Tharaka Nithi.

The Commission secretariat shall provide all necessary support to the next Commission in resolving any historical land injustices that may have been committed. Admission of claims arising out of Historical Land Injustices is a function of the Commission. In the event the Committee proposes an investigation based on Historical Land Injustices, then the matter will await the appointment of the new Commission for consideration.

Way forward

The Commission shall support the Ministry of Lands and Physical Planning, the Ministry of Interior and other implementing agencies in implementing the recommendations of the Ogongo report.



Kabale Tache Arero
Ag. SECRETARY/CEO

16th July, 2019





MINISTRY OF LANDS AND PHYSICAL PLANNING

RESPONSE TO THE NATIONAL ASSEMBLY COMMITTEE ON LANDS ON THE PETITION BY HON. GEORGE GITONGA MURUGARA, HSC, MP FOR THARAKA CONSTITUENCY

The Petition

The petition has been presented on behalf of the residents of Ntoroni Sub-Location, Ntorori Location, Tharaka North Sub-County in Tharaka Constituency (Petitioners). It is stated that the said petitioners were displaced from their land due to politically instigated communal clashes between 1995 and 1997. The Petitioners lost their property and that nine (9) schools were razed down. They have now been rendered internally displaced persons and are squatting on public land. Since then, only two (2) schools have been re-opened. They claim that their constitutional rights to property, education and access to basic social amenities are threatened.

A Taskforce (The Zachary Ogongo led Taskforce) was set up by the Government to look into the issue and report on the same. The Petitioners are aggrieved that the recommendations of the taskforce have not been implemented and have therefore requested this committee to intervene.

Response

Honourable Chair, I wish to respond as follows: -

The Ministry is aware of the report of the taskforce constituted by the Government vide Gazette Notice No. 11412 dated December 4, 2008 (Annexure 1) and the recommendations made therein. A summary of the recommendations is annexed herewith marked Annexure 2.

Out of the eight (8) recommendations made in the report, only two (2) were to be implemented by Ministry of Lands and Physical Planning i.e recommendations 3 & 5.

- i) Government to expedite Land Adjudication in Meru region through crash programmes
- ii) Government to urgently address the plight of squatters

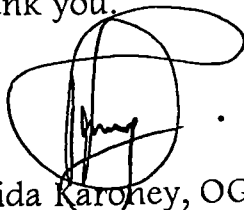
Honourable Chair,

Over time, the Ministry has taken necessary measures to implement the recommendations as enumerated below-

- i) The Ministry has taken a participatory approach in implementing the recommendations by holding consultative meetings with the area leadership including members of parliament from Meru and Tharaka Nithi counties. The strategies for implementing the report are summarized in **Annexure 3**.
- ii) In liason with Ministry of Interior and Coordination of National Government, the re-establishment of the boundary between Isiolo and Meru Counties has been done. The Survey report is marked as **Annexure 4**.
- iii) On the issue of squatter resettlement, we have regularized the informal settlements of Majengo and Mjini villages in Meru town. So far 96 titles have been prepared out of which 46 titles have been collected.
- iv) The Ministry has fast tracked the following declared land adjudication sections in the flash/disputed areas i.e. Lower East Magutuni, Ruiru/Rwarera Turima, Mukothima, Karocho, Mbwaa I, Mbwaa II, New Kiare, Amung'enti B, C, D & E and Kirindine B. The adjudication process is ongoing. We have so far finalized the adjudication process for lower East Magutuni in Meru South Sub County. A summary of this report is contained in **Annexure 5**.

Honourable Chair, I wish to point out that Thiiti, Ntoroni, Makururuni and Kathura sections are undeclared as they fall within the disputed area. Once the dispute is resolved, it shall be handled under the provisions of the Community Land Act, 2016.

Thank you.



Farida Karoney, OGW
CABINET SECRETARY

July 12, 2019



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GAZETTE NOTICE NO. 1141J

THE TASK FORCE ON RESETTLEMENT OF BENEFICIARIES OF CHEPYUK PHASE III SETTLEMENT SCHEME IN MOUNT ELGON

IT IS notified for the general information of the public that the Minister of State for Provincial Administration and Internal Security has appointed a Task Force consisting of the following members—

Joseph Kaguthi, E.B.S. — *Chairman*

Members:

Permanent Secretary — Ministry of State for Provincial Administration and Internal Security

Permanent Secretary — Ministry of Forestry and Wildlife

Permanent Secretary — Ministry of Education

Permanent Secretary — Ministry of Health and Sanitation

Permanent Secretary — Ministry of Finance

Johnson Takur Cheprot

Johnson Nanigoda Naibei

Richard Naibei Sangula

David Mungane Chepkech

James Botyo Maruka

Alfred Chosamak

Permanent Secretary — Ministry of Lands (*Secretary*).

Terms of Reference

The Terms of Reference of the task force are:-

- (a) To co-ordinate and oversee the resettlement in Chepyuk Phase III Settlement Scheme in Mt. Elgon;
- (b) To identify and ascertain the list of 1732 beneficiaries and cause the resettlement in their respective duly allocated parcels of land;
- (c) To advise the Minister on the availability of land for purchase by the Government to settle the remaining 352 unsettled persons;
- (d) Concurrently, liaise with the Ministry of Forestry and Wildlife to fast-track the degazettement of Chepyuk Phase II and III;
- (e) To continuously sensitize and engage the local communities on the resettlement programme;
- (f) To advise the Minister on the progress of the programme;

- (g) Receive memoranda and expert opinion, evaluate, monitor, hear and determine memoranda, complaints and concerns of the 1,732 beneficiaries, the 352 unsettled persons and any other stakeholders;

- (h) To make appropriate recommendations to the Hon. Minister.

Accountability and Reporting System

The task force shall be accountable to the Minister of State for Provincial Administration and Internal Security and will be expected to make Progress Reports after every fortnight.

Modus Operandi for the Task Force

A. The Task force will—

- (i) Regulate its own procedures and develop its own work plan for 60 days;
- (ii) Receive evidence, documents and relevant information that the task force may require;
- (iii) Seek co-operation from elders and public officers.

B. Quorum

The quorum of any meeting for the purposes of conducting any business other than to appoint a temporary chairman shall be five (5) excluding the Chairman;

Terms of Office

- (i) The task force will be expected to finalize its mandate for a period not exceeding two (2) months from the date of inauguration. In exceptional circumstances, its term may be extended at the discretion of the Minister of State for Provincial Administration and Internal Security;
- (ii) Any of the Elders (and private individuals in the Task Force) may resign by writing to the Minister and such resignation shall be effective upon being received by the Minister.

Costs

The costs incurred by the Task Force including but not restricted to the payment of allowances in respect of the members and the secretariat of the Task Force shall be defrayed from the voted funds of the Ministry.

Dated the 3rd December, 2008.

GEORGE SAITOTI,
*Minister of State for Provincial
Administration and Internal Security.*

GAZETTE NOTICE NO. 11412

THE TASK FORCE ON DELINEATION AND DEMARCATION OF THE GREATER MERU DISTRICT GENERALLY AND THE BOUNDARY BETWEEN THARAKA AND TIGANIA DISTRICTS SPECIFICALLY

IT IS Notified for the general information of the public that the Minister of State for Provincial Administration and Internal Security has appointed a Task Force consisting of the following—

Mr. Zachary Ogongo—*Chairman*

Members:

Permanent Secretary	—Provincial Administration and Internal Security
Permanent Secretary	—Ministry of Lands (Director of Survey; and Director of Land Adjudication)
Aggrey Mudinyu	—Rtd. Provincial Commissioner
G.T. Kangeitho	—Rtd. Lecturer, KIA
Provincial Commissioner	—Eastern Province (<i>Secretary</i>).

Terms of Reference

The terms of reference of the Task Force are:-

- (i) To co-ordinate and oversee the delineation and demarcation of the disputed boundaries in the greater Meru District generally and between Tharaka and Tigania Districts in particular;
- (ii) To sensitize the local community on the demarcation exercise and the need to embrace peace, reconciliation and the outcome of the decision of the Task Force in this regard.
- (iii) To receive, hear, evaluate and determine complaints and concerns from the members of the public and/or any other person on their behalf and receive written and/or oral statements therefrom.

Accountability

The task force shall be accountable to the Minister of State for Provincial Administration and Internal Security.

Modus Operandi for the Task Force

A. The Task Force will:-

- (i) Regulate its own procedures and develop its own workplan;
- (ii) Receive evidence, documents and relevant information that the task force may require;
- (iii) Seek co-operation from elders and public officers.

B. Quorum

The quorum of any meeting for the purposes of conducting any business other than to appoint a temporary chairman shall be three (3) excluding the Chairman;

Terms of Office

- (i) The mandate of the Task Force shall last for (3) months from the date of inauguration. In exceptional circumstances, the term may be extended at the discretion of the Minister of State for Provincial Administration and Internal Security;

Costs

The costs incurred by the Task Force including but not restricted to the payment of allowances in respect of the members and the secretariat of the Task Force shall be defrayed from the voted funds of the Ministry.

Dated the 3rd December, 2008.

GEORGE SAITOTI,
Minister of State for Provincial Administration and Internal Security.

GAZETTE NOTICE NO. 11413

NOTIFICATION OF SUB-DISTRICTS

IT IS notified for the information of the general public that the following administrative areas shown in column II are sub-districts within the districts named in column I of the Schedule

SCHEDULE

THE NORTH EASTERN PROVINCE

<i>District</i>	<i>Sub-District</i>
Mandera East	Khalisio
Mandera East	Lafey
Mandera Central	Ashabito
Mandera West	Malkameri

THE RIPT VALLEY PROVINCE

<i>District</i>	<i>Sub-District</i>
Marakwet	Tot

THE COAST PROVINCE

<i>District</i>	<i>Sub-District</i>
Tana River	Bura

Dated the 3rd December, 2008.

GEORGE SAITOTI,
Minister of State for Provincial Administration and Internal Security.

ANNEXURE 2: SUMMARY OF THE RECOMMENDATIONS OF THE COMMISSION OF INQUIRY

S/No	Recommendation	Actor
1.	Government should give priority to peace and security in the area and the protection of beacons and control points from vandalism	Ministry of interior and coordination of National Government
2.	Enforcement of the rule of law and provision of impartial services to Wananchi	Judiciary, All Ministries
3.	Government to expedite Land Adjudication in Meru region through crash programmes	Ministry of Lands and Physical Planning
4.	Promotion of peace and reconciliation accompanied by increased socio-economic investment to improve local infrastructure and standards of living	All Ministries, Multi-Sectorial
5.	Government to urgently address the plight of squatters	Ministry of interior and coordination of National Government, Ministry of Lands and Physical Planning
6.	Affirmative action in appointments and placements in training institutions and respect for ethnic minority rights	Multi-Sectorial
7.	Re-training of Chiefs and their Assistants to make them true grassroots Government representatives	Ministry of interior and coordination of National Government
8.	The former Northern Grazing Area (NGA) land should be managed in a transparent manner so that it doesn't become an area of conflict	Ministry of interior and coordination of National Government



Republic of Kenya

THE ZACHARY OGONGO TASKFORCE REPORT ON
GREATER MERU DISTRICTS'
BOUNDARIES IMPLEMENTATION STATUS

Handwritten signature
Paul M. Ochieng'
12/12/2012

INTRODUCTION

The Taskforce was constituted by the Government vide Gazette Notice No.11412 of 4th December, 2008 and officially launched by the Minister of State for Provincial Administration and Internal security on 9th January, 2009.

TERMS OF REFERENCE

- To coordinate and oversee the delineation and demarcation of the disputed boundaries in the Greater Meru District generally and between Tharaka and Tigania Districts in particular.
- To sensitise the local community on the demarcation exercise and the need to embrace peace, reconciliation and the outcome of the Taskforce in this regard.
- To receive, hear, evaluate and determine complaints and concerns from the members of the public and/or any other persons on their behalf receive written/oral statements there from.

The report gave the following recommendations that cut across several Ministries:

RECOMMENDATIONS

S/No	Recommendations	Actors
1	Government should give priority to peace and security in the area and the protection of beacons and control points from vandalism	Ministry of interior and coordination of National Government
2	Enforcement of the rule of law and provision of impartial services to Wananchi	Judiciary, All Ministries
3	Government to expedite Land Adjudication in Meru region through crash programmes	Ministry of Lands
4	Promotion of peace and reconciliation accompanied by increased socio-economic investment to improve local infrastructure and standards of living	All Ministries, Multi-sectoral
5	Government to urgently address the plight of squatters	Ministry of interior and coordination of National Government, Ministry of lands
6	Affirmative action in appointments and placements in training institutions and respect for ethnic minority rights	Multi-sectoral
7	Re-training of Chiefs and their Assistants to make them true grassroots Government representatives	Ministry of interior and coordination of National Government
8	The former Northern Grazing Area (NGA) land should be managed in a transparent manner so that it doesn't become an area of conflict.	Ministry of interior and coordination of National Government

IMPLEMENTATION STATUS SINCE 2010

The Cabinet Secretary held consultative meetings with the Members of Parliament from Meru and Tharaka/Nithi Counties on 17th February, 2016 and 9th November, 2016 to strategize on the implementation of the report. During the meetings, it was agreed that the report shall be implemented in full. The leaders further agreed on the execution of the following strategies:

S/No	RECOMMENDATIONS	SUGGESTED STRATEGIES	ACTORS
1	Government should give priority to peace and security in the area, Protection of Survey control points and beacons from vandalism.	<ul style="list-style-type: none"> • Hold a Leaders meeting to agree on the implementation of the recommendations • Hold Sensitization barazas at agreed venues • Hold Peace building seminars • Fixing of administrative boundaries • Re-establishment and protection of beacons and control points • Undertake land adjudication to completion 	<ul style="list-style-type: none"> • Ministry of Interior & co-ordination of National Government (lead Ministry) • National Cohesion and Integration Commission (NCIC) • Independent Electoral and Boundaries Commission (IEBC) • County Governments (Meru and Tharaka Nithi) • Council of Governors (CoG) • Political Leaders - MPs, MCAs, Senator etc • 2Ministry of L3ands & Ph4ysical Plan5ning.7 • Coun6cil of Elders7 (Njuri Ncheke)8 • Religious leaders

S/No	RECOMMENDATIONS	SUGGESTED STRATEGIES	ACTORS
2	Enforcement of the rule of law and provision of impartial services to Wananchi	<ul style="list-style-type: none"> • Advocate for Alternative Dispute Resolution Mechanisms (ADRs) • Advocate for Community Policing (Strengthen Nyumba Kumi concept) • Identify all pending court cases affecting the flash/disputed areas 	<ul style="list-style-type: none"> • Ministry of Interior & co-ordination of National Government (lead Ministry) • Ministry of Lands & Physical Planning • Council of Governors (CoG) • Judiciary • Land Development Governance Institute • Office of the Attorney General • County Governments (Meru and Tharaka Nithi) • Council of Elders (Njuri Ncheke)
3	Government to expedite Land Adjudication in Meru region through crash programmes	<ul style="list-style-type: none"> • Sensitize Wananchi on the adjudication process (clarify that adjudication boundaries are not dependent 	<ul style="list-style-type: none"> • Ministry of Lands & Physical Planning(lead Ministry) • Ministry of Interior & co-ordination of National Government

S/No	RECOMMENDATIONS	SUGGESTED STRATEGIES	ACTORS
		<p>on administrative boundaries, succession issues, dispute resolution mechanisms)</p> <ul style="list-style-type: none"> • Ask Ethics and Anti-corruption Commission (EACC) to return the adjudication register for Tharaka presented to them as exhibit for a case for Amung'endi B Adjudication Section • Fast track the adjudication programme(identify quick wins, splitting adjudication areas into manageable units) 	<ul style="list-style-type: none"> • National Land Commission (NLC) • Judiciary • Land Development Governance Institute • Office of the Attorney General • Law Society of Kenya (LSK) • County Governments (Meru and Tharaka Nithi • Council of Elders (Njuri Ncheke) • Land Owners

/No	RECOMMENDATIONS	SUGGESTED STRATEGIES	ACTORS
	<p>Promotion of peace and reconciliation accompanied by socio-economical investment to improve local infrastructure and standards of living</p>	<ul style="list-style-type: none"> • Sensitize Wananchi on the need to reserve public utilities, adequate physical infrastructure reserves and ecologically sensitive areas • Setting apart and protecting public utilities • Carry out Environmental Impact Assessment (EIA) for all the infrastructural projects 	<ul style="list-style-type: none"> • Ministry of Interior & co-ordination of National Government • Ministry of Transport, Infrastructure, Housing and Urban Development • Ministry of Lands & Physical Planning • National Land Commission (NLC) • Council of Governors (CoG) • National Environment Management Authority (NEMA) • National Cohesion and Integration Commission (NCIC) • Land Development Governance Institute • Office of the Attorney General • County Governments (Meru and Tharaka Nithi) • Council of Elders (Njuri Ncheke) • Land Owners

S/No	RECOMMENDATIONS	SUGGESTED STRATEGIES	ACTORS
5	Government to urgently address the plight of the squatters	<ul style="list-style-type: none"> Identify the evicted persons Weigh options of settling the squatters including establishing the evictees' land rights over the areas they are alleged to have been evicted from, creating satellite villages, identifying alternative land for re-settlement of genuine squatters etc 	<ul style="list-style-type: none"> Ministry of Interior & co-ordination of National Government Ministry of Lands & Physical Planning National Land Commission (NLC) National Cohesion and Integration Commission (NCIC) Kenya National Commission on Human Rights (KNCHR) Office of the Attorney General County Governments (Meru and Tharaka Nithi Land Owners
6	Affirmative action appointments and placements in training institutions and respect for	<ul style="list-style-type: none"> Adhere to Constitutional provisions when constituting adjudication committees and arbitration board members (Gender balance, 	<ul style="list-style-type: none"> Ministry of Interior & co-ordination of National Government Ministry of Lands & Physical Planning Council of Governors (CoG) National Land Commission (NLC)

S/No	RECOMMENDATIONS	SUGGESTED STRATEGIES	ACTORS
7	Re-training of chiefs and their assistants to make them true grass-root Government representatives.	<ul style="list-style-type: none"> • Hold civic education workshop for Chiefs, Ass. Chiefs, County Government administrators and other local leaders (land succession, adjudication, planning and surveying issues) 	<ul style="list-style-type: none"> • Ministry of Interior & co-ordination of National Government (lead Ministry) • Ministry of Lands & Physical Planning • Judiciary • Land Development Governance Institute • Office of the Attorney General • Law Society of Kenya (LSK)
		<ul style="list-style-type: none"> • Youth, persons with special needs, minority groups etc) • Ensure all committees dealing with land in the counties are well constituted • Ensure appointments are based on meritocracy and regional balancing 	<ul style="list-style-type: none"> • National Cohesion and Integration Commission (NCIC) • Kenya National Commission on Human Rights (KNCHR) • Office of the Attorney General • County Governments (Meru and Tharaka Nithi • Council of Elders (Njuri Ncheke)

S/No	RECOMMENDATIONS	SUGGESTED STRATEGIES	ACTORS
8	The former Northern Grazing Area (NGA) land should be managed in transparent manner so that it doesn't become an area of conflict.	<ul style="list-style-type: none"> Re-establish the boundary between Meru and Isiolo Counties Fast track adjudication process for adjudication sections in NGAs 	<ul style="list-style-type: none"> County Governments (Meru and Tharaka Nithi) Ministry of Interior & co-ordination of National Government (lead Ministry) Independent Electoral Boundaries and Commission (IEBC) Ministry of Lands & Physical Planning Council of Governors (CoG) Office of the Attorney General County Governments (Meru and Isiolo)

IMPLEMENTATION OF THE TASKFORCE REPORT SINCE 2010

The Ministry has undertaken various activities in response to the recommendations of the Taskforce which include:

- Holding consultation meeting with leaders from Meru and Tharaka Nithi Counties;

- Fixing of the boundary between Isiolo and Meru Counties;
- Declaration of Land Adjudication Sections in the flash/disputed areas i.e. Lower East Magutuni, Ruiru Rwarera, Turima, Mukothima, Karocho, Mbua I, Mbua II, New Kiare, Amung'enti B,C, D&E and Kirindine B;
- Fast tracked Land Adjudication Process and registered various sections (since 2010);
- Held sensitization Barazas on various dates; and
- Initiated Surveying of Majengo and Mjini Villages in Meru Town, Meru County.

(2008 - 2009)

② MACHAKA

please deep

FA 27/8/19

① DLSP/Dents

25/8/19

1517

PETITION BY RESIDENTS OF NTORONI SUB-LOCATION ON ^{LOSS OF} PROPERTY AND CLOSURE OF SCHOOLS IN FOLLOWING POLITICALLY INSTIGATED LAND CLASHES

The Member of Parliament for Tharaka Constituency, Honorable George Gitonga has petitioned the House on the displacement of residents, loss of property and closure of schools in Ntoroni Sub Location in Tharaka Constituency following politically instigated land clashes. The Petitioner in a nutshell cited the following issues;

- i) Displacement of Ntoroni (formerly known as Machabini) Sub-location residents between 1995 and 1997 due to politically instigated communal clashes.
- ii) Loss of property and basic social amenities as a result of the displacement including nine registered Primary Schools that were razed down during the clashes.
- iii) The victims of the clashes were rendered Internally Displaced Persons (IDPs).

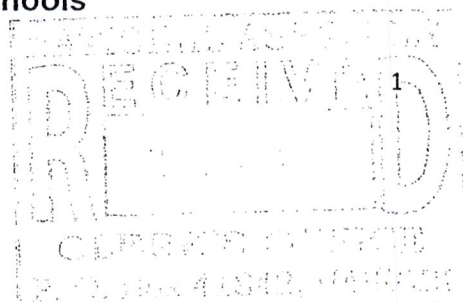
I wish to state as follows;

(a) Displacement of Ntoroni Residents.

The Zachary Ogongo Task Force was launched on 9th January, 2009 with a mandate to delineate and demarcate disputed boundaries in the then greater Meru District and in particular between the then Tharaka and Tigania Districts.

The Task Force established that, over the years, the Ministry of Lands did not undertake a credible adjudication and land consolidation process which later in 1997 was compounded by forceful physical eviction of Tharaka people from their land based on claims that the land was in Igembe and hence for Igembe people only.

b) Loss of property and social amenities i.e Schools

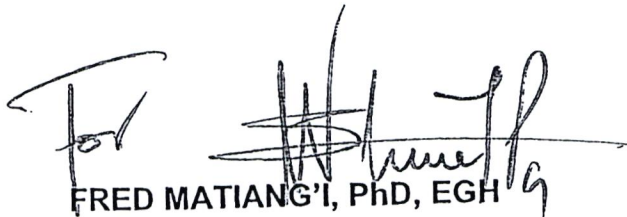


The Ogongo Task Force further in its findings noted that the disputed area is seriously underdeveloped in terms of roads, health facilities, water and sanitation etc. The records from the Ministry of Education confirm that indeed the 9 schools as purported by the petitioner existed in Kanjoro Zone, Tharaka North Sub-County and were closed down due to ethnic clashes of 1992 and 1997 between Tharaka and Tigania Communities. However, the records indicate that four(4) schools namely Kiumbe, Riamwanki, Kioru and Riamikuu Primary Schools are in existence and operational while five(5) schools namely Kanjoro, Macabini, Mpunguru and Kibangua Primary Schools that were in existence were closed due to the clashes.

c) Internally Displaced Persons/Squatters

Some of the people who were displaced have since integrated in the community while about 100 other families secured small units of land where they live as squatters in Rukani and Kanyweni Villages.

Thank you, **Hon. Chair.**



FRED MATIANG'I, PhD, EGH

CABINET SECRETARY

MINISTRY OF INTERIOR AND

COORDINATION OF NATIONAL GOVERNMENT

23rd August, 2019

RESPONSE TO A PETITION BY RESIDENTS OF NTORONI SUB-LOCATION ON LOSS OF PROPERTY AND CLOSURE OF SCHOOLS IN NTORONI SUB-LOCATION IN THARAKA CONSTITUENCY FOLLOWING POLITICALLY INSTIGATED LAND CLASHES

REQUEST

- i. Validity of the claim that nine schools listed in the petition were razed down following politically instigated clashes in Ntoroni location in Tharaka Nithi County between 1995 and 1997.
- ii. Provide registration details of the said schools and their administrative jurisdiction response.

RESPONSE

Four (4) of the listed schools were not razed down. They are in existence and fully operational.

They are as indicated below:-

S/No	School	Registration Number
1	Riamwanki Primary	19512000267
2	Kioru Primary	G/PE/9795/14
3	Riamikuu Primary	195120000116
4	Kiumbe Primary	G/PE/1041/14

The four schools are found in Nkondi Zone.

Five (5) of the listed schools were destroyed in 1997 when two communities were embroiled in ethnic clashes. They are as listed below.

S/No	School
1	Karumba Primary
2	Kibangua Primary
3	Mpunguru Primary
4	Machambini Primary
5	Kanjoro Primary

The schools were razed down and have not been rebuilt to date.

Prof. George A. O. Magoha, CBS
CABINET SECRETARY