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NATIONAL ASSEMBLY

ELEVENTH PARLIAMENT – THIRD SESSION  
THE DEPARTMENTAL COMMITTEE ON LANDS



REPORT ON THE COMMUNITY LAND BILL, 2015

CLERKS CHAMBERS  
DIRECTORATE OF COMMITTEE SERVICES  
PARLIAMENT BUILDINGS  
NAIROBI

OCTOBER, 2015

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## 1.0 PREFACE

Hon Speaker,

On behalf of the Departmental Committee on Lands and pursuant to provisions of Standing Order 127 (4), it is my pleasant privilege and honor to present to the House the Report of the Committee on its consideration of the Community Land Bill, 2015. The Bill was committed to the Committee on 19<sup>th</sup> August, 2015 and it is on the basis of this that the Committee makes this report pursuant to Standing Order 127.

### 1.1 Mandate of the Committee

The Committee on Lands is one of the Departmental Committees of the National Assembly established under Standing Order 216 and mandated to:-

- (a) investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;
- (b) study the programme and policy objectives of ministries and departments and the effectiveness of the implementation;
- (c) study and review all legislation referred to it;**
- (d) study, assess and analyse the relative success of the ministries and departments as measured by the results obtained as compared with their stated objectives;
- (e) 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;
- (f) vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (*Committee on Appointments*); and
- (g) reports and recommendations to the House as often as possible, including recommendation of proposed legislation.

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



## **1.2 Committee membership**

The Committee comprises the following members:

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

## **1.3 Consideration of the Bill**

The Community Land Bill, 2015 was published and read a first time on 19<sup>th</sup> August, 2015 and thereafter committed to the Departmental Committee on Lands for consideration pursuant to Standing Order 127.



The main objective of the Bill is to provide a legislative framework to give effect to Article 63 of the Constitution and to provide for the recognition, protection, management and administration of community land. The Bill proposes an institutional framework through which community land shall be owned, registered, managed and administered.

### **1.3.1 Key provisions of the Bill**

The Community Land Bill, 2015 has 48 clauses and one schedule and contains the following;

**Part I:** contains preliminary provisions

#### **Part II (Clauses 4-14)**

Provides for the recognition of community land rights, ownership and tenure systems under which community land may be held, protection and registration of community land rights.

#### **Part III (Clauses 15- 16)**

Provides for Administration and Management of community land.

#### **Part IV (Clauses 17-21)**

Provides provisions that set out the interests conferred on a community upon the registration of community land, the rights of the community as proprietors of the registered community land and other matters relating to land use and the development of planning of community land and the conversion and management of resources in community land.

#### **Part V (Clauses 22-24, 26-27)**

Contains general provisions relating to the conversion of community land and also provides for the conversion of community land to public land or to private land and conversion of public land or private land to community land and the setting aside of community land for public purposes. Clause 25 provides for conversion of public land to community land through allocation by the commission or through legislation of the National Government. The clause also provides for the conversion of public land set out in the first schedule to community land.

#### **Part VI (Clauses 28- 35)**

Provides for the rights of individuals community members to the registered community land including the full and equal enjoyment of the rights of use and access and prohibits

discrimination on any ground including race, gender, marital status, ethnic or social origin, colour, age, disability, religion or culture, grazing rights in pastoral communities, other land use rights in community land. The part also contains provisions that relate to transactions in community land. Leases over community land and the cancelation of rights to the leasehold and also saves existing rights to use and occupy community land.

#### **Part VII (Clauses 36- 39)**

Contains provisions relating to the management of natural resources within community land, benefit sharing, and rules and by- laws of the community and the regulation of community land planning.

#### **Part VIII (Clauses 40- 42)**

Provide for dispute resolution mechanisms through alternative and traditional dispute resolution mechanisms, mediation and arbitration.

#### **Part IX (Clauses 43- 48)**

Contains general provisions including the offence of unlawful occupation of public land and the general penalty, the repeals and the saving and transitional provisions and regulations.

#### **1.3.2 Bill Processing by the Committee**

In processing the Bill, the Committee invited comments from the public by placing advertisements in the Daily Nation and Standard newspapers on Thursday, 3rd September, 2015 pursuant to Article 118 of the Constitution and Standing Order 127(3).The Committee received various memoranda and held a stakeholder's conference in Mombasa between 15th to 20th September 2015.The views are captured and contained in the body of the Report.

#### **The following were the stakeholders present at the retreat–**

- 1) Ministry of Land, Housing and Urban Development;
- 2) Ministry of Agriculture, Livestock and Fisheries;
- 3) National Land Commission;
- 4) Commission for the Implementation of the Constitution;
- 5) Kenya National Commission on Human Rights;
- 6) Transition Authority;
- 7) Council of Governors;
- 8) County Land Management Board;

- 9) Land Development and Governance Institute;
- 10) Reconcile;
- 11) Kenya Land Alliance;
- 12) Lawyers in private practice;
- 13) Kenya Private Sector Alliance;
- 14) Katiba Institute;
- 15) World Wildlife Fund;
- 16) Act Change Transform (ACT);
- 17) Ogiek Peoples' Development Program;
- 18) Institution of Surveyors of Kenya;
- 19) Economic and Social Rights Centre- Haki Jamii;
- 20) Kenya National Commission on Human Rights
- 21) National Environment Management Authority
- 22) Kenyatta University- Njoro Campus
- 23) Kenya Private Sector Alliance
- 24) Kenya Institute of Planners
- 25) Kenya Forest Service
- 26) Law Society of Kenya
- 27) Kenya Forest Research Institute

#### **1.4 Adoption of the Report**

We the members of the Departmental Committee on Lands have, pursuant to Standing Order 199 adopted this report and affix our signatures to affirm our approval and confirm its accuracy, validity and authenticity as per the attached adoption list (Annex 1).

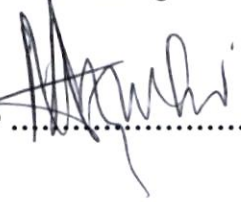


### 1.5 Acknowledgement

The Committee is grateful 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 wishes to thank all stakeholders for their participation in scrutinising the Bill.

I also wish to express my appreciation to the Honourable Members of the Committee who made useful contributions towards the preparation and production of this report.

Finally, it is my pleasant duty and privilege, on behalf of the Departmental Committee on Lands, to table its report on the consideration of the Community Land Bill, 2015 pursuant to Standing order 127.

SIGNED  .....

DATE 13th October 2015 .....

(HON. ALEX M. MWIRU, MP)  
CHAIRPERSON

## **2.0 BACKGROUND INFORMATION**

The Community Land Bill, 2015 is one of the Constitutional Bills outlined in the Fifth schedule of the Constitution of Kenya, and had a Constitutional timeline of August 27<sup>th</sup>, 2015. The National Assembly on August 25<sup>th</sup> 2015 extended the period in respect to passing the legislation by 12 months from August 27<sup>th</sup> 2015.

The main object of the Community Land Bill, 2015 is to provide a legislative framework to give effect to Article 63 of the Constitution and to provide for the recognition, protection, management and administration of community land. The Bill proposes an institutional framework through which community land shall be owned, registered, managed and administered.

The Community Land Bill, 2015, was introduced in the National Assembly by the Leader of the majority party on, 19<sup>th</sup> August, 2015 and committed to the Departmental Committee on Lands for consideration in line with Articles 63 and 118 of the Constitution and Standing Order 127. The enactment of the Community land shall occasion additional expenditure of public funds and the Bill further concerns County Governments in terms of Article 110 of the Constitution.

The Committee engaged a number of stakeholders whose views are contained in this report.

## **3.0 CONSIDERATION OF THE COMMUNITY LAND BILL, 2015**

The Committee held a consultative forum from 15<sup>th</sup> September to 20<sup>th</sup> September 2015 in Mombasa to engage the public/stakeholders and consider views on the Community Land Bill, 2015 amongst other Bills. The Committee also considered written memorandums from the public.

### **3.1 STAKEHOLDERS VIEWS ON THE COMMUNITY LAND BILL, 2015**

#### **3.1.1 MINISTRY OF LANDS, HOUSING AND URBAN DEVELOPMENT**

The following is a summary of issues raised by the Ministry of Lands, Housing and Urban Development on the Community Land Bill 2015:

1. The Bill was formulated pursuant to the provisions of Article 63(5) of the Constitution;
2. There is no legislation providing for the parameters of public participation, however various County Assemblies have passed Legislation providing for public participation and that the development of the Bill was consultative;
3. The Bill recognizes the role of County Governments in management of registered community land. The role of County Governments is provided for in clause 20 in land use and development planning of Community land;
4. The Bill deals with registration of Community land and not registration of the communities themselves. Registration of communities is to be governed under the societies Act in order to take care of peculiar circumstances of communities. A community must however prove



that they have been in occupation of a particular piece of land for them to be entitled to register it as their own;

5. The Bill provides for functions and powers of registered communities, conversion of land i.e. Communities shall make decisions on the conversion of their land, provides for alternative dispute resolution methods in resolving disputes (clause 40), recognition of customary land rights (clause 5), conservation of natural resources (clause 21);
6. Governance structures were omitted because each community should develop their own.

### 3.1.2 NATIONAL LAND COMMISSION

The following is a summary of issues raised by the National Land Commission on the Community Land Bill 2015:-

1. The Bill differs significantly from the Bill prepared by the taskforce set up to come up with legislation governing community land, and which was submitted to the Cabinet Secretary in January 2014;
2. This new version of the Bill was therefore developed without the participation of the public and/or stakeholders thus its validity can be challenged in court as it does not comply with provision of Article 10 of the Constitution;
3. Any proposed Community Land Bill should address the land question around the former trust land, by prescribing and formulating mechanism in dealing with the following identified issues raised by the public in the Bill formulation process;
  - a. Appreciation of customary land rights not deemed to amount to ownership and communal rights to clan land i.e. family interest in Community Land;
  - b. Reversion of former Government land along the coast to communities after planning and alienation of land for public use;
  - c. The process of communal holding and/or individualization of tenure i.e. land adjudication and eventual registration of community land;
  - d. Empowering traditional resource management institution;
  - e. Create a framework of securing community land by i.e. governing the grant to, and regulation of user rights to members' and non-members.
4. Article 63 of the Constitution recognizes and protects community land by vesting it to the communities and issuing a moratorium at Article 63(4) that no dealings' on community land until the passing of this Bill. Unregistered community land is therefore held in trust by the County Government for the communities and the land commission is an agent of the County Government. The Bill has a limitation in that it arbitrarily compels communities' to be registered in accordance with the law of societies Cap 108. Cap 108 is not an adequate yard stick since it defines a "Society" to "include any club, company, partnership or other association of ten or more persons whatever its nature or object established in Kenya;
5. The Bill provides for the determination of the extent of the boundaries by the Cabinet Secretary and conditional registration by the Registrar. This is in conflict with the Constitution Part 2 function 8 that states boundaries, land surveying and mapping as a devolved function of the County Governments. Conditional registration will be susceptible



to manipulation by the registrar once boundaries are established certificate of reservation ought to be issued as of right.

The Bill should provide that boundaries identification has to be done in consultation with the County Government and the Commission as agents of the County Government;

6. Registration of community land- the Constitution in Article 67(2) (c) states that the commission has a role in developing of a comprehensive adjudication program for the whole country. Introduction of section 6 A as a new section in the Land registration Act, 2012 reintroduces the Cabinet Secretary and the National Government in the land administration and management. By reintroducing the Cabinet Secretary in the adjudication and registration of community land as the lead and sole institution is an indication of reversing the gains and opening up community land for individualization and allocation as opposed to how the Constitution envisaged communal land holding for posterity;
7. Article 60(3) provides that community land vests in the communities. There is need to come up with a registration process that is in line with the Constitution. The Bill limits this registration to be done under the Societies Act- this Act is old and does not adequately cater for the communities' needs;
8. Nature of community title- overriding interest (customary trust) has been removed in Land Laws Amendment Bill and doing so justifies the continuous alienation of community land;
9. The Bill is silent on community land holding by non-citizens;
10. Administration and management of community land has been left to be determined under regulations. There are no time frames for the regulations.  
Recommendation-There is a need to provide in substantive legislation the community structures. There should be a community assembly, community board and community committee to administer and manage the community land. The Bill refers to a 'registered community'. This might not be practical to have all the members of a registered community to make decisions;
11. There is need to repeal the Land Adjudication Act 35 of 1968, Land Consolidation Act, Trust Land Act 28 of 1938, Land Group representative Act 36 of 1968, Land Control Act;
12. Regulation following this Bill needs a timeline
13. Schedules on converting coastal land from public land ought to be retained;
14. Settlement of disputes relating to community land- clause 40 provides for alternative dispute resolution mechanisms but does not provide for the structures. Clause 42 provides for appeals to the registered community but fails to prescribe the institution of the registered community;
15. Clause 29(6) provides that the only remedy a community may get from illegal occupation on its land is a fine of 100,000 shillings. The penalty is too small considering that the land may have been illegally occupied for twenty years.



### 3.1.3 COUNCIL OF GOVERNORS

The following is a summary of issues raised by the Council of Governors on the Community Land Bill 2015:-

1. Introduction- the Bill has not clearly articulated the role of County Governments in relation to unregistered land. It “provides that the County Government will hold unregistered community land in trust” it is not clear what this entails in terms of transactions. Can County Government lease community land on behalf of communities? What is the extent/boundary of their dealing with community land?
2. The following words should be defined; Certificate of reservation, Organized Group and Registered Community
3. Art 10 and 60 of the Constitution of Kenya give a good foundation for guiding principles. However, there is need to make provisions for the specific elements for the avoidance of doubt;
4. There is need to provide specific functions to be performed by County Governments as trustees of unregistered community land. This will help avoid any conflict that may arise regarding the meaning or the implication of “holding in trust” .The role of County Governments in registration of communities and community land should be stated clearly.
5. Registration of Communities- The societies’ framework doesn’t give the members equal rights in decision making on the governance and management of the entity;
6. The Societies Law doesn’t make the community a body corporate thus exposes the community land to elite capture. Appropriate registration process other than societies should therefore be considered to provide for a legal framework of registering communities in a way that makes it a body corporate;
7. The Cabinet Secretary has been given the sole discretion to determine the extent of boundaries on community land, yet boundaries are an issue determined by Senate.
8. There should be provisions detailing the procedures or guidelines for the boundary identification before the issuance of the certificate of reservation;
9. There is need to determine whose role it is to develop an adjudication program;
10. There is need to provide for structures for community land management and administration, and the need to separate the governance framework from the management;
11. The Cabinet Secretary is being given too much powers in the Administration and management of Community Land yet the practice has been to devolve power and promote good governance. These regulations should be made in the parent Act and not wait for the Cabinet Secretary to make subsequently;
12. The term a registered community is amorphous. Specific structures/institutions for governance and land management e.g. institutions like community assembly and community Land Management Committees are not provided for.
13. Conversion of Community land- 50% of the vote doesn’t constitute the majority. Moreover it has the potential of dividing the community in the middle thus fuelling conflict. The threshold should be placed at two thirds of members present in a special meeting convened for that purpose;



14. Compulsory acquisition should be in accordance with the Community Land Bill version of the taskforce and can only be for a public purpose. Further compensation must be promptly paid.
15. Dispute resolution mechanism- There is need clarity and specifying with organ will establish the dispute resolution mechanism leaving it as amorphous as the Bill does create an interpretation conflict and implementation impossibility
16. Arbitration- There is need to ensure that dispute resolution is in line with Article 159 of the Constitution make it clear and provide for guidelines of its application in the substantive law not leaving this and/or other roles for regulation and rules to be made by the Cabinet Secretary.
17. The Land Adjudication Act 35 of 1968, The Land Consolidation Act, The Land Control Board Act should be repealed by the act.
18. Saving and Transitional Provisions- has the potential of legalizing the illegalities, and regularizing the irregularities committed between August 27<sup>th</sup>, 2010 to date.
19. The Bill should have a schedule providing for conversion of coastal land from public to community.

#### **3.1.4 COMMISSION FOR THE IMPLEMENTATION OF THE CONSTITUTION**

The following is a summary of issues raised by the Constitutional Implementation Commission on the Community Land Bill 2015:

1. The Bill is different from the one presented to the CIC in 2014;
2. The long title had been restricted to Article 63(5) yet the entire Article prescribes for Community land. The Article clearly prescribes for registration therefore it is unnecessary to restate it. The only role that County Governments play is to hold unregistered community land in trust for the Community;
3. The definition of community in the Bill should be realigned to the definition in the Constitution. For instance 'Community of interest' in the Bill is meant to be similar to ethnicity in the Constitution which is not the case. There is therefore need to define community, similarity or ethnicity or culture to remove any ambiguities that might be brought into the definition;
4. There is need to clearly define the steps and roles of the County Government as custodians of unregistered community land in Clause 6 of the Bill;
5. The role of the County Governments in the Initial stages of adjudication in clause 8 needs to be factored in;
6. Clause 27 provides for the setting aside of land for public purposes- this however does not change the land from community land to public land. There is also need for clarity on what constitutes public purpose under Clause 27;
7. Boundaries:- The Bill does not take cognizance of the function of County Governments in boundaries, land surveying and mapping in accordance with part 2 of the Fourth Schedule to the Constitution. County Governments should be involved in the process of identification of boundaries on community land;



8. Transitional provisions that safeguard transactions in unregistered community land should cover the period before Aug 27, 2010;
9. Conversion of public land to community land:- there is need for the law to provide for conversion;
10. The Bill should provide for the processes and conditions that must be met for land to be registered under a particular community;
11. The Bill is silent on revenue collected from the community Land by the County Government;
12. There is need to distinguish between land use and the category of land;
13. Conversion of community land to private land- The Constitution provides compulsory acquisition while the Bill provides for a gazzeted notice. This has the risk of allowing the Commission to identify parcels that can become community land by virtue of a gazette notice and does not make reference to the consent of either National or County Government.
14. Non-discrimination as provided for in Clause 31(5) might not make sense since for instance a man might not take up the community membership of the community to which the wife belongs;
15. Un alienated land and community land need to be clarified in the Bill;
16. The Bill does not provide a structure under which communities register yet they are required to register;

### **3.1.5 ECONOMIC AND SOCIAL RIGHTS CENTRE- HAKI JAMII**

The following is a summary of issues raised by the Economic and Social Rights Centre- Haki Jamii on the Community Land Bill 2015:

1. The Bill did not undergo public participation and the taskforce Bill of 2013 should have been adopted since it had incorporated public views;
2. Registered community land should be defined as land whose ownership is vested in a community that has fulfilled the registration process and is recognised under this Act
3. Clause 6 is not clear on the role of County Government holding unregistered community land in trust for the communities. The exact powers of the County Government holding unregistered land in trust must be expressed in detail to ensure clarity and accountability;
4. Clause 15 gives the Cabinet Secretary too much discretion in the manner of registration of community land;
5. Clause 31 on non-discrimination is not clear on discrimination as provided for in the Constitution and should be in line with Article 27 of the Constitution;
6. Community land has been put as one category of controlled land in Land Laws Amendment Bill, 2015 which is wrong;
7. Procedures on evictions need to be provided for( need for clear guidelines);
8. Various laws should be repealed i. e Land Adjudication Act 35 of 1968 (s.45) and Land Consolidation Act;



9. Application for Registration Issue:- The requirement for communities to be registered as societies is problematic because the registration process for societies is too bureaucratic and complicated and will frustrate the process of registration of communities;
10. All public land in the coastal region should be converted to community land as proposed in the taskforce Bill.
11. Conversion of Community land- The threshold of 50% of members present in a special meeting required to approve the conversion of community land does not constitute the majority of the registered members of the community. It is likely to cause division between members of the community;
12. The Bill does not contain provisions limiting the protection of any right, interest, title, or power accrued or established irregularly before the coming into force of this act. This has the effect of legalizing illegalities relating to community land.

### **3.1.6 RECONCILE (CONVENING FOR ACTION AID, KENYA LAND ALLIANCE, KENYA HUMAN RIGHTS COMMISSION, PAMOJA TRUST, MPIDO, NATURAL JUSTICE, FIDA, WWF, EAWLS, OXFAM GB KENYA, NAROK COUNTY NATURAL RESOURCE, AND KENRA)**

The following is a summary of issues raised by Reconcile on the Community Land Bill 2015:

1. The community Land Bill of 2014 was developed after a very participatory process and should not be discarded in totality;
2. There are significant changes in the roles of the Ministry, National Land Commission and County Governments in the Bill. Some of these changes are premised on the proposed Land Laws Amendment Bill 2015. The Bill over concentrates power in the Cabinet Secretary.;
3. There is need to introduce the objectives of the Bill to enhance the focus of the law;
4. The bill should determine whether County Governments should have a role in registration of communities for the purposes of community land;
5. Definition of terms and words- words such as vest, organized groups, certificate of reservation and just compensation should be defined for clarity and avoidance of any doubt;
6. The Bill should clearly articulate that community land shall be owned by communities. The term vest which is used in the Bill has some connotation of trusteeship which brings issues of being temporal in view;
7. The Bill has not provided for community structures that would be critical in the management and administration of Community Land;
8. Registration- The proposed registration of communities under law of societies is limiting and bureaucratic and exposes the community land to the problems group ranches have suffered in the hands of elites and unscrupulous leaders. The Bill should prescribe the process of registering communities;
9. Dealing in community land that is illegally acquired-any transaction before 27<sup>th</sup> August 2010 should be protected and dealt with under historical injustices;
10. Community land title- Should be in the name of the community and not individuals and should make reference to the community land register;



11. Transitional Clauses- the Bill should have provisions for dealing with community land irregularly acquired. The current transitional clause is an attempt to legalize and regularize certain titles which need to be investigated;
12. Women and youths should be given a voice in the management and administration of community land;
13. The registered community in the Bill has no structures on how it's going to work;
14. Registration of communities be separated from the registration of community land;
15. Role of County Governments in administering Community Land- It is not clear what transactions can take place on unregistered community land by the County Governments to avoid conflicts with communities once registration is done.

### **3.1.7 LAND DEVELOPMENT AND GOVERNANCE INSTITUTE**

The following is a summary of issues raised by the Land Development and Governance Institute on the Community Land Bill 2015:

1. The Bill does not provide for application of community land law within the meaning of "community of interests" as contemplated by the Constitution – and focuses overwhelmingly on community land arising within the parameters of 'ancestral land.'
2. There is a significant divergence with the Senate Bill with the latter Bill keen on defining the actual community structures while the current Bill refers this to the Societies Act entirely ;
3. The Bill, while making reference to customary law does not make an attempt to reconcile customary law principles with statute and Constitutional provisions ;
4. The Ministry divests itself of administrative roles by deferring the administrative structures to the Societies Act;
5. The Bill does not provide for application of community land law within the meaning of "community of interests" as contemplated by the Constitution and focuses mainly on community land arising within the parameters of ancestral land;
6. The Bill does not define community structures and defers the registration of communities to the Societies Act;
7. The Ministry divests itself of its administrative roles by deferring the administrative structures to the societies Act;
8. Register of community land-registration after five years makes assumptions on the nature of communities. There should be provision for the intermittent updating of the register;
9. Registration of communities- There are specific and peculiar aspects relating to communities that may not be addressed by societies legislation;
10. Conversion of community land - the threshold for community approval should be higher than 50% of the members present in a meeting;
11. The Bill should provide for transitional mechanisms on how group ranches will transition;
12. Ethnic profiling on matters land- the law must allow integration of communities in the use of land;
13. The Bill assumes that County Governments have the interest of communities at heart. There is need to separate County Governments from communities.



### 3.2 MEMORANDUMS RECEIVED ON THE COMMUNITY LAND BILL, 2015

The Committee received written memorandums from the public as hereunder:-

#### 3.2.1 TURKANA COUNTY GOVERNMENT

The following is a summary of issues raised by the Turkana County Government memorandum on the Community Land Bill 2015:

1. The definition of key concepts is either vague, ambiguous or so general as to be prone to wider interpretation and therefore potential manipulation .For instance , clause 2 on definition of Community;
2. The Bill vests enormous discretionary and unchecked power in individual's rather than institutions. For instance Clauses 7(2), 8, 11(2), and 15 vest enormous power to the Cabinet Secretary;
3. The Bill diminished the role of the National Land Commission and the County Governments in the management of community land to an almost nominal one and reduces them to passive by- standers;
4. The Bill fails to adequately recognize and protect emerging land use methods that are not necessarily governed by customary law such as trade, industrialization and real estate Development.
5. Regulations:-The Bill donates this power fully to the Cabinet Secretary though regulations;
6. The Bill fails to unpack or define what it means for County Governments to hold unregistered community land in trust for communities;
7. The commencement date of the Bill is not clear and is dependent upon publication by the Cabinet Secretary of regulations. This poses a risk of delaying the commencement of this law and to violate the applicability;
8. The Bill does not provide a detailed provisions for Community Reserve land;
9. The Bill does not adequately address, and instead seeks to entrench the inherent shortcomings in the previous land laws that governed trust land, in particular Trust Land Act, Cap 288 and Land Group representative Act. For instance, Section 47 and the schedule to the Bill gives a blanket amnesty to all past transactions in community land by county councils;
10. On registration of communities, the Bill identified the societies Act Cap 108 as the applicable law. This law is not the most appropriate law for registering entities that deal with the matter since it gives the registrar of societies and the Cabinet Secretary power to register, exempt societies from the requirement of registration, to refuse to register a society, to cancel or suspend a registration etc. Further, the procedures for registration and conduct of societies under the societies act are so formal that they may not serve the interests of the largely uneducated residents of community lands such as nomadic pastoralists;

11. The rights of individual members of communities to individual title are not clearly provided for.

### **3.2.2 BARINGO COUNTY GOVERNMENT**

The following is a summary of issues raised by the Baringo County Government memorandum on the Community Land Bill 2015:

1. The definition of community is not synchronised with Article 63(1) of the Constitution and leaves out ethnicity as an attribute. It undermines the validity of the definition contained in the Constitution and may discriminate against ethnic communities in Kenya;
2. The Bill should provide for mechanisms for incorporating communities as entities with legal personalities. The societies Act does not confer entities registered as such juristic personality and therefore befits the purpose of registration;
3. The Bill is not clear on the purpose and legal effect of the interim certificate of reservation. The interim certificate of reservation should be issued for a period of 90 days to allow for objections and determination of the same. After the lapse of 90 days, the Certificate of title should be issued;
4. The Bill lacks an institutional framework to facilitate local governance of community land. The institutional framework proposed in the taskforce draft of February 2014 be reinstated. This includes a three tier system with the basic unit as the community Assembly which elects a land management committee to manage and administer community land and community Land boards at the highest level with an oversight and advisory role;
5. Conversion of land- Critical matters such as transfer of leases on community land should be subject to two thirds majority votes of community members.

### **3.2.3 FRIENDS OF LAKE TURKANA**

The following is a summary of issues raised by the Friends of Lake Turkana memorandum on the Community Land Bill 2015:

1. The Bill differs significantly from the taskforce Land Bill of 2014 which was more devoted to creating a local institutional framework around the issues of community land.
2. Definitions - The definition of 'Fragile ecosystems' should include ecosystems that do not host endangered biodiversity but nevertheless ought to be included;
3. A framework for establishing community involvement which involves free, prior, informed consent in such situations should be established in Clause 4(2);
4. It is not established which management and administrative functions fall on communities upon registration of land in Clause 6(3). There is concern related to the payment of fees and taxes and who will be responsible for this and what role the community will play;
5. Clause 10 requires the production of cadastral maps, however, it seems to be implied that this will take place without the participation of the community, which in this phase is crucial;



6. It is not clear which structures will aid the communities in building capacity to handle responsibilities provided for in Clause 16. There should be a role for the County Governments which will create incentives for implementation at this level;
7. The work and assessments that need to be carried out before a plan can be submitted to the County Government for approval in Clause 20 seem very comprehensive, expensive and contingent on technical or expert help. A framework for capacity building and guidance should be considered.
8. The County Government should have a role in approving conversion of land in Clause 22 in order to safeguard the land for future generations which it holds in trust for communities.

### **3.2.4 COASTAL LAND NON STATE ACTORS(UJAMAA, HAKI YETU ORGANISATION, ACTIONAID, TRANSPARENCY INTERNATIONAL)**

The following is a summary of issues raised by the Coastal Land Non State Actors memorandum on the Community Land Bill 2015:

1. The task force bill of 2014 was more consultative as opposed to the version of the Bill being deliberated on;
2. The proposed Community Land Bill states that 50% of the communities can convert community land to private land. Community Land should not be converted into private land;
3. The Bill has not clearly articulated the role of County Governments in relation to unregistered land. It not the extent/boundary of their dealing with community land.
4. The Bill only recognises 'societies' yet communities are already organized into formal and informal groupings;
5. The Bill lacks objective section. The objectives help in providing the scope of the law thus aiding interpretation;
6. Community or alternative dispute resolution frameworks are given precedence in the Task Force Bill, 2014. Customary land rights are given equal status with freehold and leasehold rights acquired through allocation, registration and transaction;
7. There is need to provide a structural or institutional framework for the management and administration of community land. The structures should clearly separate the management roles from the governance roles.
8. The Cabinet Secretary is being given too much power in management and administration of community land yet the practice has been to devolve power to reduce corruption and promote good governance;
9. 50% of the vote in conversion of community land doesn't constitute the majority. Moreover it has the potential of dividing the community in the middle thus fuelling conflict;
10. Saving and transitional provisions:- There should be a provision for Auditing of all community land transactions that took place between 27<sup>th</sup> August 2010 to the day the law comes to force before they are deemed to have been acquired under this Act.



### **3.2.5 KAPTOIYOI WELFARE GROUP**

The following is a summary of issues raised by the Kaptioyoi Welfare Group memorandum on the Community Land Bill 2015:

1. Community should be defined as a community based on the provisions of Article 63 (2) (d) (i) of the Constitution to include a reclassification into Ancestral land and lands traditionally occupied by hunter gatherer communities. The following terms should also be included in the definition section:- common clan ancestry, community area, community clan land section, ancestral land and clan land;
2. Make provision for compensations to be made to the clan community ;
3. Incidences of compulsory acquisitions of unregistered community clan lands have already occurred in some counties. County Government's should not compulsorily acquire and /or dispose of any unregistered community land that it is holding in trust;
4. The Bill should make provisions for a well-structured community land and governance system to promote transparency and accountability in managing community land;
5. New clauses be introduced to cater for pending cases of community land converted to public utilities without due compensation to ancestral owners

### **3.2.6 KENYA WILDLIFE CONSERVANCIES ASSOCIATION (KWCA), NORTHERN RANGELANDS TRUST (NRT) AND LAIKIPIA WILDLIFE FORUM (LWF)**

The following is a summary of issues raised by the Kenya Wildlife Conservancies Association (KWCA), Northern Rangelands Trust (NRT) And Laikipia Wildlife Forum (LWF) memorandum on the Community Land Bill 2015:

1. The Bill substantially differs with the draft Bills of 2014 and 2013 formulated by the Taskforce on Community Lands and Evictions and Resettlement
2. The Bill in its current form is weaker than the Group (Representatives Land) Act and Trust Land Act and therefore fails to address their inefficiencies as envisaged by the Constitution.
3. Contrary to the Constitutional provision under Article 60, the Bill discriminates against communities as it accords weaker land rights compared to Private Land tenure regime;
4. The Bill lacks objects and purposes of the legal framework which is recognised as a good principle in legislative drafting;
5. The guiding principles are inadequate and should Include:-
  - i. Affording equal status and recognition of title to community land with any other title;
  - ii. Empowering members of the community to determine the management and administration of their land;
  - iii. Affording equal rights to all members of the community; and
  - iv. Elimination of all forms of discrimination.
6. The 2015 Bill removes the existence of community assemblies and community land management committee which are replaced by 'a registered community'. 'A registered community' as an institution to oversee both the governance and management of the



community land lacks clear structures that allow oversight and accountability in relation to land dealings and is subject to abuse and interference from external forces;

7. Conversion of land-The Bill provides for approval from at least fifty per cent of the members of community land in which at least two thirds are present before conversion of community land to other land categories. The threshold should be placed at least two thirds of members present.

### **3.2.7 ASHITIVA & CO.ADVOCATES**

The following is a summary of issues raised by Ashitiva and Co. Advocates memorandum on the Community Land Bill 2015:

1. The draft Bill as it is contains Clauses which could have significant implications for investors in the extractive industries;
2. Companies engaged in exploration and production of extractive minerals such as fossil fuels having entered with Production sharing contracts with the Ministry of Energy and Petroleum on behalf of the Government of Kenya are particularly keen that:
  - i. The provisions of the Bill do not conflict with the provisions of already existing/contemplated laws and policies that govern or regulate the sector or are envisaged to regulate and govern the sector in the not so distant future;
  - ii. The implementation of the provisions of the Bill do not delay the work programmes or investment plans of the Government and their contractor by not being able to assess land or have and compulsorily acquired by National state organs for purposes of oil and gas development, production, transportation etc. noting that the investor bears the risk at this phase.
  - iii. The provisions of the Bill do not compromise the benefits already agreed to accrue to an investor pursuant to the production sharing contracts in place in consistency with the protection accorded under the doctrine of sanctity of contracts and non-retrospective application of laws.
3. The definition of natural resources should have the meaning assigned to it in Article 260 (b) and (c) of the Constitution. Reference in the Bill to natural resources should not allow for an interpretation that would include fossil rocks, minerals, fossil fuels and other sources of energy under the regulation of a single community. Such an interpretation would be dangerous because it would give the community an overriding interest over National interests;
4. The nature of oil and gas exploration is such that a contractor is licenced to prospect for oil and gas by way of seismic drilling over what is referred to as a block. Such a block may cover large tracts of community land which may pursuant to the enactment of this Bill be classified as communal, reserve or clan land. There should be an exception in so far as oil and gas exploration is concerned;
5. The Bill should make provisions to ensure that Community land should be in the interest of the public, be subject to prospecting rights for fossil fuels and other natural resources provided that such prospecting rights have been acquired lawfully, taking due regard to the



environment and social impact and compensation for damage or loss occasioned if at all. This will protect both the community and investors;

6. Clause 21(1) (d) and (e) seem to give the community blanket regulatory powers over natural resources as defined in Article 260 of the Constitution. An exception should be made for National natural resources that are a reserve of the state from being regulated by a single community;
7. There is need for continued recognition of rights in the period between when the community Land Act commences and when the community land interest is registered.

### **3.2.8 COUNTY ADVOCACY AND AWARENESS TRUST**

The following is a summary of issues raised by the County Advocacy and Awareness Trust memorandum on the Community Land Bill 2015:

1. There is need to redefine the word 'community' and include the following attributes in addition to those listed:- homogenous, Consciously distinct and Ethnicity;
2. The Bill lacks objects and purposes;
3. The Bill does not clearly elaborate on the precise role of County Governments holding unregistered community land in trust for the communities. There is need to provide a duration under which the County Government can hold unregistered community land in trust. Ten years is proposed;
4. Key principles espoused in Article 27 (4) of the Constitution on non-Discrimination should be embedded in the key principles of the bill;
5. The community register needs to be reviewed every two years to ensure that all persons interests and rights are recognised;
6. There is need to have clear laid out process of adjudication appeals and registration of community land included under the Bill. Timelines for the Cabinet Secretary to develop and publish the adjudication program should be put in place;
7. The administration and management of community land should stream down from the National Government to the County Government and then to the community;
8. On succession, section 32 of the law of succession Act on application of African Customary law is to be applicable to community land in so far as it is consistent with the provisions of the Constitution.

### **4.0 COMMITTEE OBSERVATIONS**

The Committee made the following observations;

1. The Committee expresses its appreciation to Hon. Thomas Mwadeghu, M.P, and Hon. Gideon Mung'aro, M.P, and is deeply concerned by the low participation of other Committee members from the Coastal region, and who are a majority in the Committee;
2. The Bill deals with registration of Community land and not registration of the communities themselves. Registration of communities is to be governed under the Societies Act, Cap 108 in order to take care of peculiar circumstances of communities. A community must however



prove that they have been in occupation of a particular piece of land for them to be entitled to register it as their own. The Societies Law does not make the community a body corporate thus exposes the community land to elite capture. Appropriate registration process other than the Societies Act should therefore be considered to provide for a legal framework of registering communities in a way that makes it a body corporate;

3. The Bill provides for the determination of the extent of the boundaries by the Cabinet Secretary and conditional registration by the Community Land Registrar. However, boundaries identification should be done in consultation with the County Government and the Commission as agents of the County Government;
4. The Bill provides for functions and powers of registered communities, conversion of land i.e. communities shall make decisions on the conversion of their land, provides for alternative dispute resolution methods in resolving disputes (Clause 40), recognition of customary land rights (clause 5), conservation of natural resources (Clause 21);
5. The long title has been restricted to Article 63(5) yet the entire Article prescribes for Community land. The Article clearly prescribes for registration therefore it is unnecessary to restate it. The only role that County governments play is to hold unregistered community land in trust for the Community. Clause 6 of the Bill should clearly articulate the role of County Governments in relation to unregistered land;
6. The definition of key concepts is either vague, ambiguous or so general as to be prone to wider interpretation and therefore leaves room for potential manipulation For instance, the definition of Community should remain as close as possible to the language of the Constitution in Article 63;
7. The operationalization date of the Bill is not clear and is dependent upon publication by the Cabinet Secretary of regulations. This poses a risk of delaying the commencement of this law and violates the applicability;
8. The Bill lacks an objective section which helps in providing the scope of the law thus aiding interpretation;
9. The Bill does not adequately provide the management structures of the community. The Bill provides for a registered community and there is need to provide in the substantive legislation the community structures. There should be a community assembly, community board and community management committees to administer and manage the community land on behalf of the community;
10. The community register needs to be reviewed more regularly to ensure that interests and rights of all people are recognised as they arise;
11. Clause 22 on Conversion of Community land provides for approval from at least fifty percent of members present in a special meeting convened for that purpose. Fifty percent of the vote doesn't constitute the majority. Moreover it has the potential of dividing the community and thus fuelling conflict. The threshold should be placed at two thirds of members present in a special meeting convened for that purpose. There is need for a proviso on this clause for the majority of the members of the community to be present at the meeting at which a vote is made;

12. The definition of natural resources should have the meaning assigned to it in Article 260 (b) and (c) of the Constitution and any interpretation of Natural resources in the Bill should not give the community an overriding interest over National interests;
13. The penalty provided as a remedy to the community to get from illegal occupation on its land of 100,000 shillings is too little considering that the land may have been illegally occupied for many years;
14. Saving and Transitional Provisions- The Bill does not contain provisions limiting the protection of any right, interest, title, or power accrued or established irregularly before the coming into force of this Act. This has the effect of legalizing illegalities relating to community land and regularizing the irregularities committed between August 27<sup>th</sup>, 2010 to date.

## **5.0 COMMITTEE RECOMMENDATION**

Having listened to the stakeholders and from its own analysis, the Committee will propose amendments for introduction into the Bill during the Committee Stage.

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## ATTENDANCE LIST

Annexe I

## DEPARTMENTAL COMMITTEE ON LANDS

Date: 16<sup>th</sup> October 2015

Agenda: - Adoption of the Report on the Community Land Bill, 2015

Venue:- Boma Hotel

NO.	NAME	TITLE	SIGNATURE
1.	The Hon. Alex Mwiru, M.P. (Chairperson)	Chairman	
2.	The Hon. Moses Ole Sakuda, M.P (Vice Chairperson)	Chairman	
3.	The Hon. Onesmas Ngunjiri, M.P.		
4.	The Hon. Mutava Musyimi, M.P.	member	
5.	The Hon. John Kihagi, M.P.	Member	
6.	The Hon. Francis W. Nderitu, M.P.	Member	
7.	The Hon. Francis Njenga, M.P.		
8.	The Hon. A. Shariff, M.P.		
9.	The Hon. Eusilah Jepkosgei, M.P.	Member	
10.	The Hon. Benard Bett, M.P.	Member	
11.	The Hon. Kipruto Moi, M.P.	Member	
12.	The Hon. Oscar Sudi, M.P.		
13.	The Hon. Hellen Chepkwony, M.P.	Member	
14.	The Hon. Sarah Korere, M.P.		
15.	The Hon. Julius Ndegwa, M.P.	Member	
16.	The Hon. Benson Mbai, M.P.	Member	
17.	The Hon. Kanini Kega, M.P.		
18.	The Hon. Esther Murugi, M.P.		
19.	The Hon. Gideon M. Mung'aro, M.P.	member	
20.	The Hon. Hezron Awiti Bollo, M.P.		
21.	The Hon. Suleiman Dori Ramadhani, M.P.		
22.	The Hon. George Oner Ogalo, M.P.	member	
23.	The Hon. Lekidime Lempurkel Mathew, M.P.	Member	
24.	The Hon. Shakila Abdallah, M.P.		
25.	The Hon. Paul Otuoma, M.P.	member	
26.	The Hon. Thomas Mwadeghu, M.P.	member	
27.	The Hon. Magwanga Joseph Oyugi, M.P.		
28.	The Hon. Aburi Lawrence Mpuru, M.P.		
29.	The Hon. King'ola Patrick Makau, M.P.		

James Girono  
 F.C.A  
 10/10/25

**MINUTES OF THE 205<sup>TH</sup> SITTING OF THE DEPARTMENTAL COMMITTEE (K) ON LANDS HELD ON SATURDAY 10<sup>TH</sup> OCTOBER 2015 AT THE AMANI CONFERENCE ROOM, BOMA HOTEL AT 9.00 AM**

**PRESENT:**

1. The Hon. Alex Mwiru, M.P. - Chairperson
2. The Hon. Moses Ole Sakuda, M.P. - Vice - Chairperson
3. The Hon. Onesmus Ngunjiri, M.P.
4. The Hon. Mutava Musyimi, M.P.
5. The Hon. John Kihagi, M.P.
6. The Hon. Francis W. Nderitu, M.P.
7. The Hon. Eusilah Ngeny, M.P.
8. The Hon. Bernard Bett, M.P.
9. The Hon. Kipruto Moi, M.P.
10. The Hon. Hellen Chepkwony, M.P.
11. The Hon. Julius Ndegwa, M.P.
12. The Hon. Benson Mbai, M.P.
13. The Hon. Gideon Mung'aro, M.P.
14. The Hon. George Oner, M.P.
15. The Hon. Mathew L. Lempurkel, M.P.
16. The Hon. Dr. Paul Otuoma, M.P.
17. The Hon. Thomas Mwadeghu, M.P.

**ABSENT WITH APOLOGIES:**

1. The Hon. Esther Murugi, M.P.
2. The Hon. Patrick Makau, M.P.
3. The Hon. Francis Njenga Kigo, M.P.
4. The Hon. Shakila Abdallah, M.P.
5. The Hon. Joseph Oyugi Magwanga, M.P.
6. The Hon. Kanini Kega, M.P.
7. The Hon. A. Shariff, M.P.

**ABSENT WITHOUT APOLOGIES:**

1. The Hon. Mpuru Aburi, M.P.
2. The Hon. Oscar Sudi, M.P.
3. The Hon. Suleiman Dori, M.P.
4. The Hon. Sarah Korere, M.P.
5. The Hon. Hezron Awiti Bollo, M.P.



## **IN ATTENDANCE:**

### **KENYA NATIONAL ASSEMBLY**

- |                           |   |                             |
|---------------------------|---|-----------------------------|
| 1. Mr. James Ginono       | - | Clerk Assistant I           |
| 2. Ms. Ruth Mwihi         | - | Clerk Assistant III         |
| 3. Mr. Emmanuel Muyodi    | - | Clerk Assistant III         |
| 4. Ms. Christine Odhiambo | - | Legal Counsel II            |
| 5. Mrs. Farida Ngasura    | - | Audio Supervisor II         |
| 6. Mr. Yakub Ahmed        | - | Media Relations Officer III |

### **MINUTE NO. DCL/LN/2015/735**

### **PRELIMINARIES**

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

### **MINUTE NO. DCL/LN/2015/736**

### **CONFIRMATION OF MINUTES**

Minutes of the 194<sup>th</sup> Sitting held on Thursday 17<sup>th</sup> September, 2015 (Morning) were confirmed as a true record of the proceedings after being proposed by the Hon. Dr. Paul Otuoma, M.P. and Seconded by the Hon. Mathew L. Lempurkel, M.P., and signed by the Chairman.

Minutes of the 195<sup>th</sup> Sitting held on Thursday 17<sup>th</sup> September, 2015 (Afternoon) were confirmed as a true record of the proceedings after being proposed by the Hon. Eusilah Ngeny, M.P. and seconded by the Hon. Thomas Mwadeghu, M.P., and signed by the Chairman.

### **MINUTE NO. DCL/LN/2015/737**

### **PAPERS LAID**

The Hon. Thomas Mwadeghu representing the Coast Members of Parliament and also in his capacity as the Minority whip laid the following papers before the Committee;

1. Proposal by Coastal Members of Parliament on the Community Land Bill, 2015 to the Committee on Lands
2. Comments and Recommendations by the Coalition for Reform and Democracy (CORD) on the Community Land Bill 2015 and the Physical Planning Bill 2015

### **MINUTE NO. DCL/LN/2015/738**

### **CONSIDERATION AND ADOPTION OF THE REPORT ON THE COMMUNITY LAND BILL, 2015**

The Committee Considered and adopted the report as follows:

#### **The Committee made the following observations:**

1. The Committee expresses its appreciation to Hon. Thomas Mwadeghu, M.P. and Hon. Gideon Mung'aro, M.P. and is deeply concerned by the low participation of other Committee members from the Coastal region, and who are a majority in the Committee;
2. The Bill deals with registration of Community land and not registration of the communities themselves. Registration of communities is to be governed under the Societies Act, Cap 108 in order to take care of peculiar circumstances of communities. A community must however prove that they have been in occupation of a particular piece of land for them to be entitled

to register it as their own. The Societies Law does not make the community a body corporate thus exposes the community land to elite capture. Appropriate registration process other than the Societies Act should therefore be considered to provide for a legal framework of registering communities in a way that makes it a body corporate;

3. The Bill provides for the determination of the extent of the boundaries by the Cabinet Secretary and conditional registration by the Community Land Registrar. However, boundaries identification should be done in consultation with the County Government and the Commission as agents of the County Government;
4. The Bill provides for functions and powers of registered communities, conversion of land i.e. communities shall make decisions on the conversion of their land, provides for alternative dispute resolution methods in resolving disputes (Clause 40), recognition of customary land rights (clause 5), conservation of natural resources (Clause 21);
5. The long title has been restricted to Article 63(5) yet the entire Article prescribes for Community land. The Article clearly prescribes for registration therefore it is unnecessary to restate it. The only role that County governments play is to hold unregistered community land in trust for the Community. Clause 6 of the Bill should clearly articulate the role of County Governments in relation to unregistered land;
6. The definition of key concepts is either vague, ambiguous or so general as to be prone to wider interpretation and therefore leaves room for potential manipulation For instance, the definition of Community should remain as close as possible to the language of the Constitution in Article 63;
7. The operationalization date of the Bill is not clear and is dependent upon publication by the Cabinet Secretary of regulations. This poses a risk of delaying the commencement of this law and violates the applicability;
8. The Bill lacks an objective section which helps in providing the scope of the law thus aiding interpretation;
9. The Bill does not adequately provide the management structures of the community. The Bill provides for a registered community and there is need to provide in the substantive legislation the community structures. There should be a community assembly, community board and community management committees to administer and manage the community land on behalf of the community;
10. The community register needs to be reviewed more regularly to ensure that interests and rights of all people are recognised as they arise;
11. Clause 22 on Conversion of Community land provides for approval from at least fifty percent of members present in a special meeting convened for that purpose. Fifty percent of the vote doesn't constitute the majority. Moreover it has the potential of dividing the community and thus fuelling conflict. The threshold should be placed at two thirds of members present in a special meeting convened for that purpose. There is need for a proviso on this clause for the majority of the members of the community to be present at the meeting at which a vote is made;



12. The definition of natural resources should have the meaning assigned to it in Article 260 (b) and (c) of the Constitution and any interpretation of Natural resources in the Bill should not give the community an overriding interest over National interests;
13. The penalty provided as a remedy to the community to get from illegal occupation on its land of 100,000 shillings is too little considering that the land may have been illegally occupied for many years;
14. Saving and Transitional Provisions- The Bill does not contain provisions limiting the protection of any right, interest, title, or power accrued or established irregularly before the coming into force of this Act. This has the effect of legalizing illegalities relating to community land and regularizing the irregularities committed between August 27<sup>th</sup>, 2010 to date.

**The Committee made the following recommendation:**

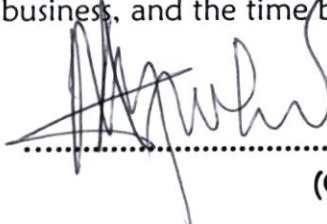
Having listened to the stakeholders and from its own analysis, the Committee will propose amendments for introduction into the Bill during the Committee Stage.

MINUTE NO. DCL/LN/2015/740

ADJOURNMENT & DATE OF THE NEXT  
SITTING

There being no any other business, and the time being 3.00 p.m. the meeting was adjourned.

SIGNED

  
.....  
(CHAIRPERSON)

DATE

..... 13<sup>th</sup> October 2015 .....

MINUTES OF THE 194<sup>TH</sup> SITTING OF THE DEPARTMENTAL COMMITTEE (K) ON LANDS  
HELD ON THURSDAY 17<sup>TH</sup> SEPTEMBER 2015 AT THE JUMBO CONFERENCE ROOM  
TRAVELLERS BEACH RESORT AND SPA AT 9.00 A.M

**PRESENT:**

1. The Hon. Alex Mwiru, M.P. - Chairperson
2. The Hon. Moses Ole Sakuda, M.P. - Vice - Chairperson
3. The Hon. George Oner, M.P.
4. The Hon. Eusilah Ngeny, M.P.
5. The Hon. John Kihagi, M.P.
6. The Hon. Bernard Bett, M.P.
7. The Hon. Hellen Chepkwony, M.P.
8. The Hon. Benson Mbai, M.P.
9. The Hon. Sarah Korere, M.P.
10. The Hon. Thomas Mwadeghu, M.P.
11. The Hon. Mathew L. Lempurkel, M.P
12. The Hon. Patrick Makau, M.P
13. The Hon. Gideon Mung'aro, M.P.
14. The Hon. Hezron Awiti Bollo, M.P.
15. The Hon. Francis Njenga Kigo, M.P.
16. The Hon. Francis W. Nderitu, M.P
17. The Hon. Joseph Oyugi Magwanga, M.P.
18. The Hon. Onesmus Ngunjiri, M.P.
19. The Hon. A. Shariff, M.P.
20. The Hon. Dr. Paul Otuoma, M.P.
21. The Hon. Suleiman Dori, M.P.
22. The Hon. Mutava Musyimi, M.P.
23. The Hon. Julius Ndegwa, M.P.
24. The Hon. Kanini Kega, M.P.

**ABSENT WITH APOLOGIES:**

1. The Hon. Shakila Abdallah, M.P.
2. The Hon. Esther Murugi, M.P.
3. The Hon. Kipruto Moi, M.P.

**ABSENT WITHOUT APOLOGIES:**

1. The Hon. Mpuru Aburi, M.P.
2. The Hon. Oscar Sudi, M.P



## IN ATTENDANCE:

### KENYA NATIONAL ASSEMBLY

1. Mr. James Ginono - Clerk Assistant I
2. Ms. Ruth Mwhaki - Clerk Assistant III
3. Mr. Emmanuel Muyodi - Clerk Assistant III
4. Ms. Christine Odhiambo - Legal Counsel II
5. Mrs. Farida Ngasura - Audio Supervisor II
6. Mr. Yakub Ahmed - Media Relations Officer III

### STAKEHOLDERS

1. Ministry of Lands, Housing and Urban Development
2. Ministry of Agriculture, Livestock and Fisheries
3. The National Land Commission
4. Commission for the Implementation of the Constitution
5. Kenya National Commission on Human Rights
6. Council of Governors
7. Transition Authority
8. Institution of Surveyors of Kenya
9. Kenya Institute of Planners
10. Kenya Forest Service
11. Kenya Forest Research Institute
12. Law Society of Kenya
13. County Land Management Board
14. National Environmental Management Authority
15. Kenyatta University- Njoro Campus
16. Kenya Land Alliance
17. Land Development and Governance Institute
18. Reconcile
19. Katiba Institute
20. World Wildlife Fund
21. Act Change Transform
22. Economic and Social Rights Centre-Haki Jamii
23. Oxfam GB
24. Action aid

### MINUTE NO. DCL/LN/2015/693

### PRELIMINARIES

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

### MINUTE NO. DCL/LN/2015/694

### COMMUNITY LAND BILL, 2015

The meeting was informed that the main object of the Community Land Bill, 2015 is to provide for a legislative framework to give effect to Article 63 of the Constitution and to provide for the recognition, protection, management and administration of community land. The Bill proposes an institutional framework through which community land shall be owned, registered, managed and administered.

Further, that there was a Community land Bill in consideration in the senate but being a money Bill, the Community land Bill ought to originate from the National Assembly. The Bill was properly before the Committee.

## **Submissions on the Bill were made as follows:**

### **Ministry of Lands, Housing and Urban Development**

The representatives of the Ministry of Lands, Housing and Urban Development as hereunder, that:-

1. The Bill was formulated pursuant to the provisions of Article 63(5) of the constitution;
2. There is no legislation providing for the parameters of public participation, however various county assemblies have passed legislation providing for public participation. Development of the Bill was consultative;
3. The Bill recognizes the role of County Governments in management of registered community land. The role of county govt is provided for in clause 20 in land use and development planning of community land;
4. The Bill deals with registration of community land and not registration of the communities themselves. Registration of communities is to be governed under the societies Act in order to take care of peculiar circumstances of communities. A community must however prove that they have been in occupation of a particular piece of land for them to be entitled to register it as their own;
5. The Bill provides for functions and powers of registered communities, conversion of land i.e communities shall make decisions on the conversion of their land, provides for alternative dispute resolution methods in resolving disputes(clause 40), recognition of customary land rights (clause 5), conservation of natural resources(clause 21);
6. Governance structures were omitted because each community should develop their own.

### **National Land Commission**

The representatives of the National Commission submitted as hereunder, that:-

1. The Bill differs significantly from the Bill prepared by the taskforce set up to come up with legislation governing community land, and which was submitted to the Cabinet Secretary in January 2014;
2. This new version of the Bill was therefore developed without the participation of the public and/or stakeholders thus its validity can be challenged as it does not comply with Article 10 of the constitution;
3. Any proposed Community Land Bill should address the land question around the former trust land, by prescribing and formulating mechanism in dealing with the following identified issues raised by the public in the Bill formulation process;
  - i. Appreciation of customary land rights not deemed to amount to ownership and communal rights to clan land i.e. family interest in Community Land;
  - ii. Reversion of former government land along the coast to communities after planning and alienation of land for public use;
  - iii. The process of communal holding and/or individualization of tenure i.e. land adjudication and eventual registration of community land;
  - iv. Empowering traditional resource management institution;



- v. Create a framework of securing community land by i.e. governing the grant to, and regulation of user rights to members' and non-members.
4. Article 63 of the Constitution recognizes and protects community land by vesting it to the communities and issuing a moratorium at Article 63(4) that no dealings' on community land until the passing of this Bill. Unregistered community land is therefore held in trust by the County Government for the communities and the land commission is an agent of the County Government. The Bill has a limitation in that it arbitrarily compels communities' to be registered in accordance with the law of societies CAP 108. CAP 108 is not an adequate yard stick since it defines a "Society to "include any club, company, partnership or other association of ten or more persons whatever its nature or object established in Kenya;
5. The Bill provides for the determination of the extent of the boundaries by the Cabinet Secretary and conditional registration by the Registrar. This is in conflict with the Constitution Part 2 function 8 that states boundaries, land surveying and mapping as a devolved function of the County Governments. Conditional registration will be susceptible to manipulation by the registrar once boundaries are established certificate of reservation ought to be issued as of right.
6. Recommendation – boundaries identification has to be done in consultation with the County Government and the commission as agents of the County Government;
7. Registration of community land- the Constitution at Article 67(2) (c ) states that the commission has a role in the developing of a comprehensive adjudication program for the whole country. Introduction of section 6 A as a new section in the Land registration Act of 2012 reintroduces the cabinet Secretary and the national government in the land administration and management. By reintroducing the CS in the adjudication and registration of community land as the lead and sole institution is an indication of reversing the gains and opening up community land for individualization and allocation as opposed to how the Constitution envisaged communal land holding for posterity;
8. Article 60(3) provides that community land vests in the communities. There is need to come up with a registration process that is in line with the Constitution. The Bill limits this registration to be done under the Societies Act- this Act is old and does not adequately cater for the communities' needs;
9. Nature of community title- overriding interest (customary trust) has been removed in Land Laws Amendment Bill and doing so this justifies continuous alienation of community land;
10. The Bill is silent on community land holding by non-citizen;
11. Administration and management of community land has been left to be determined under regulations. There are no time frames for the regulations.
12. Recommendation-There is a need to provide in substantive legislation the community structures. There should be a community assembly, community board and community committee to administer and manage the community land. The Bill refers to a 'registered community'. This might not be practical to have all the members of a registered community to make decisions;
13. There is need to repeal the Land Adjudication Act ,Land Consolidation Act, Trust Land Act, Land Group representative Act, Land Control Act;



14. Regulation following this Bill needs a timeline
15. Schedules on converting coastal land from public land ought to be retained;
16. Settlement of disputes relating to community land-clause 40 provides for alternative dispute resolution mechanisms but does not provide for the structures. Clause 42 provides for appeals to the registered community but fails to prescribe the institution of the registered community;
17. Clause 29(6) provides the only remedy a community may get from illegal occupation on its land is a fine of 100,000 shillings-the penalty is too small considering that the land may have been illegally occupied for twenty years

### **Council of Governors**

The representatives of the Council of Governors submitted as hereunder, that:-

1. Introduction- the Bill has not clearly articulated the role of County Governments in relation to unregistered land. It “provides that the County Government will hold unregistered community land in trust” it is not clear what this entails in terms of transactions. Can County Government lease community land on behalf of communities? What is the extent/boundary of their dealing with community land?
2. The following words should be defined; Certificate of reservation, Organized Group and Registered Community;
3. Art 60 and 10 of the Constitution of Kenya gives a good foundation for guiding principles. However, there is needed to make provisions for the specific elements for the avoidance of doubt;
4. There is need to provide specific functions to be performed by County Governments as trustee of unregistered community land. This will help avoid any conflict that may arise regarding the meaning or the implication of “holding in trust” .The role of County Governments in registration of communities and community land should be stated clearly.
5. Registration of Communities- The societies’ framework doesn’t give the members equal rights in decision making on the governance and management of the entity
6. The Societies Law doesn’t make the community a body corporate thus exposes the community land to elite capture. Appropriate registration process other than societies should therefore be considered to provide for a legal framework of registering communities in a way that makes it a body corporate.
7. The Cabinet Secretary has been given the sole discretion to determine the extent of boundaries on community land, yet boundaries are an issue determined by Senate.
8. There should be provisions detailing the procedures or guidelines for the boundary identification before the issuance of the certificate of reservation.
9. There is need to determine whose role it is to develop an adjudication program.
10. There is need to provide for structures for community land management and administration, and the need to separate the governance framework from the management
11. The CS is being given too much powers Administration and Management Of Community Land yet the practice has been to devolve power and promote good governance. These



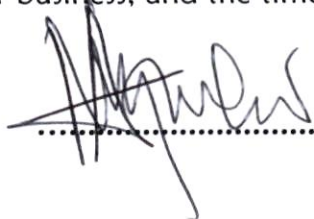
- regulations should be made in the parent Act and not wait for the Cabinet Secretary to make subsequently.
12. The term a registered community is amorphous. Specific structures/institutions for governance and land management e.g. institutions like community assembly and community Land Management Committees are not provided for.
  13. Conversion of Community land- 50% of the vote doesn't constitute the majority. Moreover it has the potential of dividing the community in the middle thus fuelling conflict. The threshold should be placed at two thirds of members present in a special meeting convened for that purpose;
  14. Compulsory acquisition should be in accordance with the Community Land Bill version of the taskforce and can only be for a public purpose. Further compensation must be promptly paid.
  15. Dispute resolution mechanism- There is need clarity and specifying with organ will establish the dispute resolution mechanism leaving it as amorphous as the Bill does create an interpretation conflict and implementation impossibility
  16. Arbitration- There is need to ensure that dispute resolution is in line with Article 159 of the constitution make it clear and provide for guidelines of its application in the substantive law not leaving this and/or other roles for regulation and rules to be made by the CS.
  17. The Land Adjudication Act, The Land Consolidation Act, The Land Control Board Act should be repealed by the act.
  18. Saving and Transitional Provisions- has the potential of legalizing the illegalities, and regularizing the irregularities committed between August 27<sup>th</sup> , 2010 to date.
  19. The Bill should have a schedule providing for conversion of coastal land from public to community.

MINUTE NO. DCL/LN/2015/695

ADJOURNMENT & DATE OF THE NEXT SITTING

There being no any other business, and the time being 1.28 p.m. the meeting was adjourned.

SIGNED

  
.....  
(CHAIRPERSON)

DATE

13<sup>th</sup> October 2015

MINUTES OF THE 195<sup>TH</sup> SITTING OF THE DEPARTMENTAL COMMITTEE (K) ON LANDS  
HELD ON THURSDAY 17<sup>TH</sup> SEPTEMBER 2015 AT THE JUMBO CONFERENCE ROOM  
TRAVELLERS BEACH RESORT AND SPA AT 2.00 P.M

**PRESENT:**

1. The Hon. Alex Mwiru, M.P. - Chairperson
2. The Hon. Moses Ole Sakuda, M.P. - Vice - Chairperson
3. The Hon. George Oner, M.P.
4. The Hon. Eusilah Ngeny, M.P.
5. The Hon. John Kihagi, M.P.
6. The Hon. Bernard Bett, M.P.
7. The Hon. Hellen Chepkwony, M.P.
8. The Hon. Benson Mbai, M.P.
9. The Hon. Sarah Korere, M.P.
10. The Hon. Thomas Mwadeghu, M.P.
11. The Hon. Mathew L. Lempurkel, M.P
12. The Hon. Patrick Makau, M.P
13. The Hon. Gideon Mung'aro, M.P.
14. The Hon. Hezron Awiti Bollo, M.P.
15. The Hon. Francis Njenga Kigo, M.P.
16. The Hon. Francis W. Nderitu, M.P
17. The Hon. Joseph Oyugi Magwanga, M.P.
18. The Hon. Onesmus Ngunjiri, M.P.
19. The Hon. A. Shariff, M.P.
20. The Hon. Dr. Paul Otuoma, M.P.
21. The Hon. Suleiman Dori, M.P.
22. The Hon. Mutava Musyimi, M.P.
23. The Hon. Julius Ndegwa, M.P.
24. The Hon. Kanini Kega, M.P.

**ABSENT WITH APOLOGIES:**

1. The Hon. Shakila Abdallah, M.P.
2. The Hon. Esther Murugi, M.P.
3. The Hon. Kipruto Moi, M.P.

**ABSENT WITHOUT APOLOGIES:**

1. The Hon. Mpuru Aburi, M.P.
2. The Hon. Oscar Sudi, M.P



## IN ATTENDANCE:

### KENYA NATIONAL ASSEMBLY

1. Mr. James Ginono - Clerk Assistant I
2. Ms. Ruth Mwihaki - Clerk Assistant III
3. Mr. Emmanuel Muyodi - Clerk Assistant III
4. Ms. Christine Odhiambo - Legal Counsel II
5. Mrs. Farida Ngasura - Audio Supervisor II
6. Mr. Yakub Ahmed - Media Relations Officer III

### STAKEHOLDERS

1. Ministry of Lands, Housing and Urban Development
2. Ministry of Agriculture, Livestock and Fisheries
3. The National Land Commission
4. Commission for the Implementation of the Constitution
5. Kenya National Commission on Human Rights
6. Council of Governors
7. Transition Authority
8. Institution of Surveyors of Kenya
9. Kenya Institute of Planners
10. Kenya Forest Service
11. Kenya Forest Research Institute
12. Law Society of Kenya
13. County Land Management Board
14. National Environmental Management Authority
15. Kenyatta University- Njoro Campus
16. Kenya Land Alliance
17. Land Development and Governance Institute
18. Reconcile
19. Katiba Institute
20. World Wildlife Fund
21. Act Change Transform
22. Economic and Social Rights Centre-Haki Jamii
23. Oxfam GB
24. Action aid

### MINUTE NO. DCL/LN/2015/696

### PRELIMINARIES

The Chairperson called the meeting to order at 2.30 pm, followed by a word of prayer.

### MINUTE NO. DCL/LN/2015/697

### COMMUNITY LANDS BILL, 2015

Submissions on the Bill were made as follows:

#### **Economic and Social Rights Centre- Haki Jamii**

The representatives of Economic and Social Rights Centre- Haki Jamii submitted as hereunder, that:-

1. The Bill did not undergo public proper public participation and the taskforce Bill of 2013 should have been adopted since it had incorporated public views;
2. Registered community should be defined as land whose ownership is vested in a community that has fulfilled the registration process and is recognised under this act

3. Clause 6 is not clear on the role of County Government holding unregistered community land in trust for the communities. The exact powers of the county government holding unregistered land in trust must be expressed in detail to ensure clarity and accountability;
4. Clause 15 gives the cabinet Secretary too much discretion in the manner of registration of community land;
5. Clause 31 on non-discrimination is not clear on discrimination as provided for in the constitution and should be in line with Article 27 of the constitution;
6. Community land has been put as one category of controlled land in Land Laws Amendment Bill 2015 which is wrong;
7. Procedures on evictions need to be provided for( need for clear guidelines);
8. Various laws should be repealed i. e Land Adjudication Act (s.45) and Land Consolidation Act;
9. Application for Registration Issue:- The requirement for communities to be registered as societies is problematic because the registration process for societies is too bureaucratic and complicated and will frustrate the process of registration of communities;
10. All public land in the coastal region should be converted to community land as proposed in the taskforce Bill.
11. Conversion of Community land- The threshold of 50% of members present in a special meeting required to approve the conversion of community land does not constitute the majority of the registered members of the community. It is likely to cause division between members of the community;
12. The Bill does not contain provisions limiting the protection of any right, interest, title, or power accrued or established irregularly before the coming into force of this act. This has the effect of legalizing illegalities relating to community land.

### **Constitutional Implementation Commission**

The representatives of Constitutional Implementation Commission submitted as hereunder, that:-

1. The Bill is different from the one presented to the CIC in 2014;
2. The long title had been restricted to Article 63(5) yet the entire Article prescribes for Community land. The Article clearly prescribes for registration therefore it is unnecessary to restate it. The only role that County governments play is to hold unregistered community land in trust for the Community;
3. The definition of community in the Bill should be realigned to the definition in the Constitution. For instance 'Community of interest' in the Bill is meant to be similar to ethnicity in the constitution which is not the case. There is therefore need to define community, similarity or ethnicity or culture to remove any ambiguities that might be brought into the definition;
4. There is need to clearly define the steps and roles of the County Government as custodians of unregistered community land in clause 6 of the Bill;
5. The role of the County Governments in the Initial stages of adjudication in clause 8 needs to be factored in;



6. Clause 27 provides for the setting aside of land for public purposes- this however does not change the land from community land to public land. There is also need for clarity on what constitutes public purpose under clause 27;
7. Boundaries:- The Bill does not take cognizance of the function of County Governments in boundaries, land surveying and mapping in accordance with part 2 of the Fourth Schedule to the Constitution. County Governments should be involved in the process of identification of boundaries on community land;
8. Transitional provisions that safeguard transactions in unregistered community land should cover the period before Aug 27, 2010;
9. Conversion of public land to community land:- there is need for the law to provide for conversion;
10. The Bill should provide for the processes and conditions that must be met for land to be registered under a particular community;
11. The Bill is silent on revenue collected from the community Land by the county government;
12. There is need to distinguish between land use and the category of land;
13. Conversion of community land to private land:- The Constitution provides compulsory acquisition while the Bill provides for a gazzeted notice. This has the risk of allowing the Commission to identify parcels that can become community land by virtue of a gazette notice and does not make reference to the consent of either National or County Government.
14. Non-discrimination as provided for in clause 31(5) might not make sense since for instance a man might not take up the community membership of the community too which the wife belongs;
15. Unalienated land and community land need to be clarified in the Bill;
16. The Bill does not provide a structure under which communities register yet they are required to register;

### **Reconcile**

Reconcile, representing the civil society organizations working group on community land law whose membership include Action Aid, Kenya Land Alliance, Kenya Human Rights Commission, Pamoja Trust, MPIDO, Natural Justice, FIDA, WWF, EAWLS, Oxfam Gb Kenya, Narok County Natural Resource, and KENRA submitted as hereunder, that:-

1. The Community Land Bill of 2014 was developed after a very participatory process and should not be discarded in totality;
2. There are significant changes in the roles of the Ministry, National Land Commission and County governments in the Bill. Some of these changes are premised on the proposed Land Laws Amendment Bill 2015. The bill over concentrates power in the Cabinet Secretary.;
3. There is need to introduce the objectives of the Bill to enhance the focus of the law;
4. The bill should determine whether county governments should have a role in registration of communities for the purposes of community land;
5. Definition of terms and words:- words such as vest, organized groups, certificate of reservation and just compensation should be defines for clarity and avoidance of any doubt;



6. The Bill should clearly articulate that community land shall be owned by communities. The term vest which is used in the Bill has some connotation of trusteeship which brings issues of being temporal in view;
7. The Bill has not provided for community structures that would be critical in the management and administration of Community Land;
8. Registration: - The proposed registration of communities under law of societies is limiting and bureaucratic and exposes the community land to the problems group ranches have suffered in the hands of elites and unscrupulous leaders. The Bill should prescribe the process of registering communities;
9. Dealing in community land that is illegally acquired-any transaction before 27th Aug 2010 should be protected and dealt with under historical injustices;
10. Community land title:-Should be in the name of the community and not individuals and should make reference to the community land register;
11. Transitional Clauses:- The Bill should have provisions for dealing with community land irregularly acquired .The current transitional clause is an attempt to legalize and regularize certain titles which need to be investigated;
12. Women and youths should be given a voice in the management and administration of community land;
13. The registered community in the Bill has no structures on how it's going to work;
14. Registration of communities be separated from the registration of community land;
15. Role of County Governments in administering Community Land:-It is not clear what transactions can take place on unregistered community land by the County Governments to avoid conflicts with communities once registration is done.

#### **Land Development and Governance Institute**

The representatives of Land Development and Governance Institute submitted as hereunder, that:-

1. The Bill does not provide for application of community land law within the meaning of "community of interests" as contemplated by the Constitution – and focuses overwhelmingly on community land arising within the parameters of 'ancestral land.'
2. There is a significant divergence with the Senate Bill – as the latter Bill is keen on defining the actual community structures – while the current Bill defers this to the Societies Act, entirely
3. The Bill, while making reference to customary law – does not make an attempt to reconcile customary law principles with statute and constitutional provisions – event though the Bill is about formalization rather that codification of customary aspects of community land
4. The Ministry divests itself of administrative roles – by deferring the administrative structures to the Societies Act
5. The Bill does not provide for application of community land law within the meaning of "community of interests" as contemplated by the constitution and focuses mainly on community land arising within the parameters of ancestral land;
6. The Bill does not define community structures and defers the registration of communities to the societies Act;



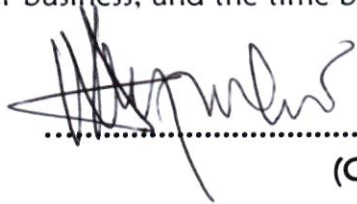
- 7. The Ministry divests itself of its administrative roles by deferring the administrative structures to the societies act;
- 8. The Bill while making reference to customary law does not make an attempt to define customary law principles with statute and constitutional Provisions;
- 9. Register of community land-registration after five years makes assumptions on the nature of communities. There should be provision for the intermittent updating of the register;
- 10. Registration of communities:-There are specific and peculiar aspects relating to communities that may not be addressed by societies legislation;
- 11. Conversion of community land:- the threshold for community approval should be higher than 50% of the members present in a meeting;
- 12. The Bill should provide for transitional mechanisms on how group ranches will transition;
- 13. Ethnic profiling on matters land- the law must allow integration of communities in the use of land;
- 14. The Bill assumes that county governments have the interest of communities at heart. Need to separate county governments from communities.

MINUTE NO. DCL/LN/2015/698

ADJOURNMENT & DATE OF THE NEXT SITTING

There being no any other business, and the time being 17.55 p.m. the meeting was adjourned.

SIGNED



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(CHAIRPERSON)

DATE

13<sup>th</sup> October 2015  
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