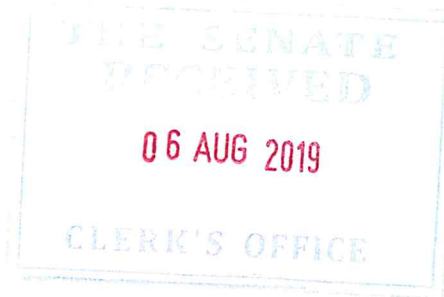


Mr. Ochieng
please process
201
06-08-19



August 5, 2019

The Clerk of the Senate

Parliament Buildings

P.O. Box 41842 - 00100

NAIROBI

Email: cSenate@parliament.go.ke

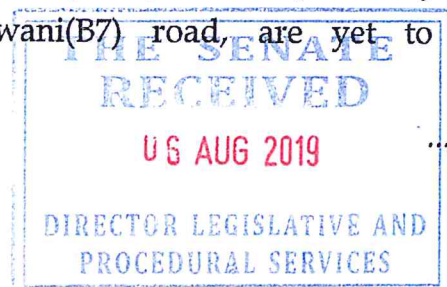
**RE: PETITION TO THE SENATE CONCERNING COMPENSATION TO
LANDOWNERS AFFECTED BY CONSTRUCTION OF THE KIBWEZI -
KITUI - KABATI - MIGWANI (B7) ROAD**

We, the undersigned citizens of the Republic of Kenya, and residents of Kikumbulyu North and South Wards, Kibwezi West Constituency in Makueni County;

On our own behalf and on behalf of over 400 landowners affected by construction of the Kibwezi-Kitui-Kabati-Migwani(B7) road in Makueni and Kitui Counties;

DRAW the attention of the Senate to the following:

1. THAT, in December 2016, the Government of Kenya commissioned construction of the 192-kilometer Kibwezi-Kitui-Kabati-Migwani(B7) to an international trunk road standard. The road begins near Kibwezi town on the Nairobi - Mombasa highway and runs in a northward direction *via* Ikutha, Mutomo, Kitui, Kabati and ends at Migwani.
2. THAT, Article 40(3) of the Constitution, as read together with Sections 111 and 115 of the Land Act (No. 6 of 2012) oblige the Government, whenever it exercises its power to compulsorily acquire land, to compensate the affected landowners in a *prompt, full and just manner*.
3. THAT, Section 125(1) of the Land Act further requires the Government, through the National Land Commission, to as '*soon as is practicable, before taking possession, pay full and just compensation to all persons interested in the land*'.
4. THAT, despite these express provisions of the Constitution and the law, over 400 landowners whose parcels of land were compulsorily acquired to pave way for construction of the Kibwezi-Kitui-Kabati-Migwani(B7) road, are yet to be compensated by the National Land Commission.



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Petition to the Senate concerning compensation to landowners affected by construction of the Kibwezi - Kitui - Kabati - Migwani (B7) Road

5. THAT, the affected landowners fall under three general categories, namely; -
 - a) landowners whose details were captured in the list of Project-Affected-Persons (PAPs) prepared by the National Land Commission and the Kenya National Highways Authority (KeNHA);
 - b) landowners whose details were captured in the said list but have since been amended or revised without following due procedure; and
 - c) landowners whose details are altogether omitted from the list of Project-Affected-Persons (PAPs).
6. THAT, while construction of the road is over 50% completed as at the date of this Petition, there is no indication as to when the affected landowners will be compensated. This is particularly distressing to the landowners as no funds have been set aside in the budget for the FY2019/2020 towards their compensation.
7. THAT, we have made the best efforts to have these matters addressed by the relevant authorities all of which have failed to give a satisfactory response.
8. THAT, none of these issues raised in this Petition is pending in any court of Law, Constitutional or any other legal body.


WHEREFORE, your humble petitioners pray that the Senate urgently intervenes in this matter including and, particularly, that the Senate resolves: -

- a) that the National Land Commission avails a list of all the persons who have been issued with Award letters in respect of the said project, including the valuation for the acquired parcels of land;
- b) that the National Land Commission avails details of all variations that have been made to the original Award letters issued in respect of the project, together with the explanations thereon;
- c) that the National Land Commission promptly includes all affected landowners in the list of Project-Affected-Persons eligible for compensation for their parcels of land; and
- d) that, pursuant to the cited provisions of the Constitution and the Land Act, the National Land Commission compensates the affected landowners promptly, justly and in full.

Petition to the Senate concerning compensation to landowners affected by construction of the Kibwezi - Kitui - Kabati - Migwani (B7) Road

AND your Petitioners will ever pray.

Dated this 5th day of August, 2019.

No	NAME	ADDRESS	I.D. No.	SIGNATURE
1.	John Paul Masai	P.O. Box 23, Kibwezi	5335784	
2.	Daniel Kasyoki Mwanzia	P.O. Box 21, Kibwezi	0034652	