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*Paper laid by
Hon. Alex Mwiru
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Chumbi:*

ELEVENTH PARLIAMENT

THE NATIONAL ASSEMBLY

(FIRST SESSION)

RESPONSE TO A STATEMENT REQUESTED BY THE HON. MATTHEW LEMPURKEL
FROM THE CHAIRPERSON OF THE DEPARTMENTAL COMMITTEE (K) ON LANDS.

25th September, 2013.



RESPONSE TO A STATEMENT REQUESTED BY THE MEMBER FOR LAIKIPIA NORTH, HON. MATHEW LEMPURKEL FROM THE CHAIRPERSON OF THE DEPARTMENTAL COMMITTEE (K) ON LANDS

Mr. Speaker Sir,

On Wednesday 5th June 2013, the Hon Member for Laikipia North, Hon. Mathew Lempurkel requested a Ministerial statement from the Chairperson of the Departmental Committee on Lands, on the eminent eviction of the people living in Lekiji area that comprised about 400 families. In his request, he stated that the community had faced multiple evictions over the last ten years where one eviction attempt two years earlier had seen the death of one man while others sustained injuries.

He further stated that the matter was in to court and that the community, being poor was in vulnerable condition and needed urgent government intervention. He also stated that the community had settled on the 1,142 acres for the last fifty years and had even built a school with a capacity of three hundred pupils. In view of the foregoing, he appealed to the Chairman of the Committee on Lands to visit the area to establish the facts on the ground and further clarify what action the Government would take to resolve the matter.

Mr. Speaker Sir,

The Committee undertook the inspection tour of Lekiji on Wednesday 31st July and Thursday 1st August, 2013 and held a total of three sittings in Laikipia to consider the matter. The Committee held meetings with the Laikipia County Commissioner, the Deputy Governor Laikipia, the County Lands Officials, county leaders and local security leaders and thereafter toured the Lekiji area. The Committee also invited the owner of the farm, Mr. Nigel Trent who appeared before the Committee and gave a chronology of efforts made towards evicting the community from his land L.R. No. 2747.

Mr. Trent informed the Committee that he and his brother Christopher Francis Trent

bought the said parcel of land on 19th October 1995 from Machamuka Farmers Co. Ltd. and that prior to that, the latter had obtained judgment in Nyahururu SRMCC No. 371 of 1994 against individuals who had trespassed on his land. The respondents thereafter moved to court to forestall eviction and their application was dismissed in court on 23rd September, 1999. The community continued filing counter claims in court to no avail and on 10th July 2012, the court directed them to vacate the land within 90 days, failure to which they would be evicted.

The Member for Laikipia North also appeared before the Committee and gave evidence on the Lekiji settlement and their dire need for resettlement.

The Committee also invited the Minister for Lands, Housing and Urban Development who appeared before the Committee twice to answer the Members request and address Members concerns over the issue.

Mr. Speaker Sir,

I wish to report to the House as follows:

Request by the Member for the Committee to tour the Lekiji area

The Committee toured the farm in which the community lives. Members toured the Lekiji Primary school which was largely built of mud and thatch. One structure however, was built of stone while the residential area comprised of mud and thatch huts where the villagers lived. The school was built through community effort, church and government funding through the Constituency Development Fund, while Impala Ranch in the neighborhood also contributed towards the buildings in the school.

The school has a population of 361 pupils and seven teachers, six of whom are posted by the Teachers Service Commission. A chief's camp also exists within the farm.

The residents claimed to have lived in the ranch for over fifty years and appeared destitute.

Action being taken by the Government to resolve the matter

Mr. Speaker Sir,

- i. The country lacks legislation to deal with forced evictions as the Constitution guarantees fundamental rights and required Parliament to enact laws to protect these rights;
- ii. The National Land Policy Sessional Paper No. 9 of 2009 provides for development of an appropriate legal framework on evictions which should be based on internationally acceptable guidelines;
- iii. The Ministry was working on a draft Evictions and Resettlement Bill which sets out appropriate procedures applicable to evictions, to provide protection, prevention and redress against eviction of all occupiers of land including unlawful occupiers. The Bill would be submitted to Parliament in October 2013 and would resolve all matters to do with eviction once enacted. The Cabinet Secretary assured the Committee that she would look into the issue of resettling the community.

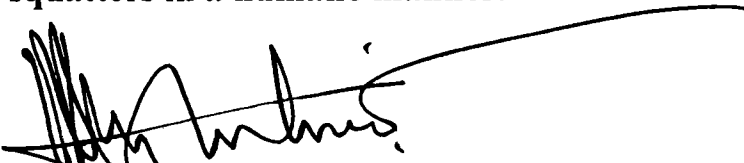
MEMBER'S CONCERNS

Members were concerned that despite the land belonging to private individuals and there being court orders on eviction of the villagers from the land, the community had established a Primary School, fully equipped with six teachers posted by the Teachers Service Commission, and even built with the assistance of the Government a Chief's office. The Committee noted that the school had been built largely on community effort and that over three hundred pupils were in attendance, under the watch of the government which provided teachers and security.

While appreciating that eviction from the land was eminent, the Committee noted the need for the Cabinet Secretary to move urgently to resolve the matter.

The Committee recommends that the Cabinet Secretary negotiates with the owners of the farm Mr. Nigel Trent and Christopher Trent for compensation to enable the Ministry settle the community in the farm.

The Committee further recommends that in cases where people have settled for long periods of time in a private property, a mechanism be provided for evicting squatters in a humane manner.



The Hon. Alex Mwiru, M.P.

Chairperson, Departmental Committee (K) on Lands

① — 99 yrs lease / free hold

① City

② Non residents (Expats)

③ Identity of title owners.

④ disappearance of many acres