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Gladia, MP

KENYA NATIONAL ASSEMBLY

ELEVENTH PARLIAMENT – FOURTH SESSION - 2016

REPORT OF THE DEPARTMENTAL COMMITTEE ON LANDS

THEREPORT ON LAND DISPUTES IN GACHEMBE, MUNENGI SETTLEMENT SCHEME, NAIVASHA LAKE CORRIDORS, KINUNGI AND ISAHAKIA AREAS IN NAKURU COUNTY

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1. CHAIRMAN'S FOREWORD

The Departmental Committee on Lands is one of the Departmental Committee's of the National Assembly established under the Second Schedule of the Standing Orders and is responsible in dealing with matters of Lands and Settlement.

The Committee wishes to record its appreciation to the Offices of the Speaker and the Clerk of the National Assembly for facilitating its work with a view to fulfill its Mandate. The Committee is also grateful to all the witnesses who appeared and adduced evidence before it. Further, the grateful to the staff of Parliament, the State Department for Lands, the National Lands Commission, the Governor, Nakuru County and the County Commissioner for Nakuru for the services they rendered to the Committee. It is their Commitment and dedication to duty that made the work of the Committee and production of this report possible.

On behalf of the members of the departmental committee on lands, I beg to present the **Report on land disputes in Gachembe, Munengi Settlement Scheme, Naivasha Lake Corridors, Kinungi and Isahakia areas in Nakuru County** to the house pursuant to the provisions of standing order 199(6).

HON. ALEX M. MWIRU, MP

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CHAIRPERSON

2.EXECUTIVE SUMMARY

The Committee held twelve sittings in which it closely examined and heard from witnesses. The Minutes of the Committee are hereto annexed to the report. In addition, the records of evidence adduced, documents and notes received by the Committee form the basis of the Committee's Observations and recommendations as outlined in the Report.

These Observations and recommendations, if taken into account and implemented, will go a long way into solving the problems faced various by various persons and communities embodied by land disputes in Nakuru County, and who are living in the following areas within the County; Munengi, Kinungi, Gachembe, Isahakia and Naivasha Corridors.

In addition it is hoped that the observations and recommendations will go long way in solving perceived Historical Land Injustices that have persisted close to a century.

3. MANDATE OF THE COMMITTEE

The Committee is 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 effectiveness of the implementation;
- c) Study and review all legislation referred to it;
- d) Study, assess and analyze 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 they 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) Make reports and recommendations to the House as often as possible, including recommendations on proposed legislation.

3.1 Oversight

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.

3.2 Members of the Committee

The Committee comprises of the following Members:-

Chairperson	The Hon. Alex Mwiru, M.P.
Vice Chairperson	The Hon. Moses Ole Sakuda, M.P.
Members	The Hon. Onesmas Ngunjiri, M.P.
	The Hon. Mutava Musyimi, M.P.
	The Hon. John Kihagi, M.P.
	The Hon. Francis W. Nderitu, M.P.
	The Hon. Francis Njenga, M.P.
	The Hon. Athman Shariff, M.P.
	The Hon. Eusilah Jepkosgei, M.P.
	The Hon. Benard Bett, M.P.
	The Hon. Kipruto Moi, M.P.
	The Hon. Oscar Sudi, M.P.
	The Hon. Hellen Chepkwony, M.P.
	The Hon. Sarah Korere, M.P.
	The Hon. Julius Ndegwa, M.P.
	The Hon. Benson Mbai, M.P.
	The Hon. Kanini Kega, M.P.
	The Hon. Esther Murugi, M.P.
	The Hon. Hezron Awiti Bollo, M.P.
	The Hon. Suleiman Dori Ramadhani, M.P.
	The Hon. George Oner Ogalo, M.P.
	The Hon. Lekidime L. Mathew, M.P.
	The Hon. Shakila Abdallah, M.P.
	The Hon. Paul Otuoma, M.P.
	The Hon. Thomas Mwadeghu, M.P.
	The Hon. Magwanga Joseph Oyugi, M.P.
	The Hon. Aburi Lawrence Mpuru, M.P.
	The Hon. King'ola Patrick Makau, M.P.

3.3 Secretariat

First Clerk Assistant:-	Mr. James Ginono
Third Clerk Assistant:-	Ms. Ruth Mwihaki
Third Clerk Assistant:-	Mr. Emmanuel Muyodi

4. LIST OF RECOMMENDATIONS

4.1 Gachembe (Bahati Women Group)

1. The Government through the Ministry of Interior and Coordination of National Government (Provincial Administration) initiates investigations on the matter with a view to establish the rightful leadership and settle the people in harmony.
2. The State Department for Lands in conjunction with the Criminal Investigation Department should carry out a forensic audit to determine the original owners of Gachembe women Group and the original title deed in possession by the two claimant groups.

4.2 Isahakia and Mithuri Settlement

1. The State Department of Lands and the National Lands Commission looks at a way of settling Member's of Naivasha Isahakia community and Mithuri Squatters (preferably on LR No. 27404, which is un-alienated government land neighbouring the area they already occupy as squatters.
2. National Lands Commission looks at other ways of compensating the Community for the hardships they have endured over the years.

4.3 KwaMunengi

1. That LR No. 12762 should be sub – divided with a view of hiving off 259.9 Ha for human settlement in accordance to (section 27 of the forest Act) and the boundary of the forest be varied under the same section;
2. The Ministry of Lands Housing and Urban Development and National Land Commission to initiate the process of delineation.

4.4 Kinungi

1. That State Department in Charge of Co-operative appoints a new liquidator who should be instructed to work with a local committee agreed upon by members of the Kinungi Farmers' Cooperative Society Limited to assist in the process of liquidating the farm;
2. The Criminal Investigation Department to probe the activities of the liquidator who commenced work in Kinungi around 1993;
3. The National Lands Commission to identify public land in Kinungi shopping Centre with a few to reinstating them for the public purposes it was set aside for.

4.5 Naivasha Lake Corridors

1. The Ministry of Lands Housing and Urban Development and the National Land Commission should identify all corridors and ensure they are opened up for public access to the lake;
2. The Ministry of Lands Housing and Urban Development and the National Land Commission should identify and revoke all title deeds issued within the riparian land around Lake Naivasha.

5. INTRODUCTION

The Member of Parliament for Naivasha Constituency, the Hon. John Kihagi, M.P who is also a Member of the Committee presented his concerns regarding various land disputes in Nakuru County, which included among others; In Munengi, Kinungi, Gachembe, Isahakia and Naivasha Corridors. He further tabled documents in support of his claims.

The Committee having carefully considered the matters presented before it by the Member for Naivasha Constituency resolved pursuant to provisions of Standing Order 216 (5) to conduct an investigation into the matter and report to the House in the form of a Report pursuant to Standing order 199(6).

The Committee Commenced its findings by holding various Sittings within the Precinct of Parliament with Various stakeholders who included the Cabinet Secretary in charge of the State Department for Lands, the Cabinet Secretary for Environment and Natural Resources and The Chairpersons of the National Lands Commission and in addition the Committee undertook an inspection visit to the said areas in Nakuru with a view to appraise itself with the matters on the ground and try to resolve/seek to determine solutions to the problems; The following Members comprised a delegation of the Committee which undertook the inspection visit: -

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. John Kihagi, M.P.
5. The Hon. Benard Bett, M.P.
6. The Hon. Athman Shariff, M.P.
7. The Hon. Kanini Kega, M.P.
8. The Hon. Eusilah Jepkosgei, M.P.
9. The Hon. Shakila Abdallah, M.P.
10. The Hon. Kipruto Moi, M.P.
11. The Hon. George Oner Ogalo, M.P.

5.1 Submission From The Cabinet Secretary, Ministry of Lands, Housing and Urban Development on Naivasha Lake Corridors

On 2nd September 2015, Dr. Fred Matiang'i, the Acting Cabinet Secretary, Ministry of Lands Housing and Urban Development, informed the Committee as follows:-

- 1) The Ministry had identified two corridors around Lake Naivasha as follows:-
 - a) Corridor from Naivasha Town to the lake- This was provided for in the physical development plan of the area to allow free public access to the lake. The Ministry has not received any complaint regarding blockage of the access;
 - b) Corridor from Hells Gate National Park -This was planned to allow wildlife access to the lake.

- 2) The Ministry was aware that some private developers were blocking the corridor therefore the Ministry constituted a team of Surveyors to visit the area, identify and map all the corridors with a view to revoking any allocations to private developers under Section 14 of National Land Commission Act 2012 in order to pave way for reopening of the corridors the team had following terms of reference;
 - a. The team of Surveyors would establish all the details regarding the private developers by 30th September, 2015;
 - b. Details of any acquisition of land and transfers and title deed held by private individuals/developers be established after completion of the exercise by the surveyors;
 - c. The corridor at Karagita was among those that the team of Surveyors would establish and determine its status;
 - d. The Ministry would work with the National Land Commission to identify and map all the corridors and use the provisions of the National Land Commissions Act to revoke any allocations to private individuals.
- 3) The ministry would interrogate officers who had given evidence in court indicating that the corridor at Karagita was private property, with a view to institute disciplinary measures.

5.2 Submissions from the Cabinet Secretary for Environment and Natural Resources on Munengi Settlement Scheme.

On Tuesday 24th November 2015, Prof. Judi Wakhungu, Cabinet Secretary Ministry of Environment and Natural resources informed the Committee as follows:-

- 1) The land LR 12762 was a gazetted forest known as Kijabe Hill Forest having been gazetted vide Legal Notice No. 184 of 1980 (copy provided);
- 2) The reason for the gazettment as per the records was that Kijabe Hill Forest was originally part of Government land, which was eventually sub-divided into L.R. Nos. 11827 and 1548/R. However, in 1976, the Commissioner of Lands, who is the custodian of Government Land, requested the then Chief Conservator of Forests to gazette L.R. No. 1548/R as an addition to Kikuyu Escarpment Forest. The boundaries of L.R. No. 1548/R were not well defined to the South along the old railway line and thus making it difficult to gazette it without a clear boundary. This led to a survey of LR No. 1548/R in this section being carried out in 1978. This culminated in the registration of a new survey plan F/R 143/60 and a new L.R. No. 12762, which covered an area of approximately 706.4 hectares, that was eventually gazetted as a Forest Reserve as per Legal Notice No. 184 of 1980;
- 3) Prior to the gazettment of Kijabe Hill Forest some communities which were squatting in this forest, used to entertain the former President, the late Mzee Jomo Kenyatta, in State House Nakuru. They requested him for a settlement scheme to be carved out of Kijabe Hill Forest. The former President directed that they be allocated land for settlement scheme to be carved out of Kijabe Hill Forest. The former President directed that they be allocated land for settlement. In 1975, the District Officer of Naivasha Division

allocated family heads with land. This settlement came to be known as Munengi Settlement Scheme;

- 4) The area is fully settled at the moment and has developed since 1975. From the gazetted area of 706.4 hectares the remaining forested area is 386.1 hectares as shown on the Kijabe Hill Forest;
- 5) L.R. No. 12762 (shown on the attached F/R/ 143/60 and B.P. No. 175/220) is Kijabe Hill Forest in its current state, since no excision to settle the squatters had been carried out to date;
- 6) The committee was further informed that while due process was followed in the gazetting, it has not been the intention of the Kenya Forest Service to evict the settlers as evidenced by the action of Kenya Forest Service for allowing them to remain in the land;
- 7) That the Degazetting process is prescribed in the forest act and must start with a proposer.

5.3 Submission from the National Land Commission On Naivasha Lake Corridors

On 1st October 2015 and 15th October 2015, Dr. Mohammed Swazuri, Chairman, National Land Commission informed the Committee as follows:-

- 1) The National Land Commission identified two (2) corridors and not 17 corridors. The Corridors identified were:
 - a. Corridors from Naivasha Township to the lake, this was provided from the initial planning of the area to allow public free access to the lake. The NLC had not received any complaint regarding the blockage of the corridor;
 - b. The Corridors from Hells Gate National Park was planned to allow game animal's free access to the lake water. The Commission was aware that some allocations were done blocking the same and the matter was a subject under aiming at review with a view of nullifying the allocations under Section 14 of National Land Commission Act;
- 2) All the Corridors were supposed to be public Land;
- 3) The National Land Commission was in the process of identifying private developers who could have invaded the 2 said corridors and any other hence was not in a position to give the accurate details of the private developers until investigations were complete;
- 4) The Commission had instructed County Land management Board to conduct an inspection of the shores of Lake Naivasha to establish if there is grabbing of the purported 17 corridors;
- 5) The Commission was putting all the necessary effort to ensure all public land invaded by the private developers country wide, access to Lake Naivasha included are all reinstated to the original status.

5.4 Submission from Nakuru County Government

The Committee paid a courtesy call to Nakuru County Governor, H.E Kinuthia Mbugua who informed as follows, that:

5.4.1 Isahakia Land

- Committee had visited the area on 2nd May 2014 and addressed the Isahakia community in a baraza. The Committee had then promised to address the issue by way of facilitating the formalization of their settlement. The same was yet to be accomplished.

5.4.2 Munengi Farm (Degazetment)

- The Committee was expected to present its report on the visit done on 2nd May 2014 where it was agreed that since the area was gazzeted through error, the Committee would recommend for the degazetment of the areas so that the settlers can be issued with their land titles;
- The County government undertook to carry out an environmental Impact Assessment to support the degazetment process.

5.4.3 Access Corridors to Lake Naivasha

- 1) Seventeen (17) corridors had been provided for access to the lake. Currently only 2 corridors are available;
- 2) The Committee was able to facilitate the opening of one access corridor near Marina but the owner has sued the County Executive and area Member of Parliament. The matter is still in court though the access is still open;
- 3) The County Government recommends that the report done for the visit on 2nd May 2014 be availed and the determination of the access corridors be executed by both the County and National Government (Ministry of Lands, Housing and Urban Development). The lake is a national water body that has seriously been encroached.

5.4.4 Kinungi Farmers' Cooperative Society

- The report on Kinungi farmers' Cooperative Society is still awaited to hasten solving the Current crisis in the farm. Issues raised include Double allocation and grabbing of Public Utilities;

5.4.5 Gilgil Sub County

a) Oljorai Settlement Scheme

- The Ministry of Lands, Housing and Urban Development need to address the issue of double allocation and cater for the disenfranchised groups;

b) Nyakinyua Land/ SolaiRuyobei Land Exchange

- The same needs to be concluded and the communities facilitated to take up what is legally theirs;
- The National Land Commission visited the area in January 2014 but they are yet to act.

c) Nakuru West Sub - County

Prisons Land

- Fifty (50) acres were to be excised for a solid waste management site for the county. The same has not been actualized.

d) Njoro, Molo, Kuresoi North and South Sub Counties

- 1) The sub counties are part of Eastern and South Eastern Mau Complex;
- 2) Chepakundi versus Kapsita crisis is yet to be resolved by the National Lands Committee;
- 3) The suit filed in Arusha by the Ogiek claiming absolute ownership and historical injustices that needed to be addressed. The Committee is requested to engage the National Government to address the matter with an out of court settlement option as would be agreed by the parties;
- 4) The title deeds in the Mau block are still placed under caveat. The same has negatively affected economic growth, as most activities require titles to use a guarantee for funding. The caveats can be lifted but restrictions placed for environmental conservation.

5.5 Munengi Settlement Scheme

The Committee visited Munengi Settlement Scheme and was informed as follows:-

- 1) The scheme is home to nearly 500 families who settled on the land in 1965 and issued with allotment letters around 1975 signed by various District Officers stationed in Naivasha Division;
- 2) The land has been gazzeted (LR. No12762) Munengi Settlement Scheme Naivasha;
- 3) The land belonged to a white Settler but was abandoned after independence and left vacant. The Late President Jomo Kenyatta decreed in 1975 that the land be allotted to Nyakinyua and men who used to welcome him in the rift valley province. This was to go hand in hand with Longonot Haraka Scheme;
- 4) Within 40 years, Munengi settlers have developed the land, constructed permanent residential Houses, permanent water tanks, planted trees along the boundaries of their small shambas, each parcel measuring about three acres;
- 5) The area has a public primary school established in 1986 which requires more land for expansion;
- 6) The school doesn't have a title deed since it is situated within the scheme while the Ministry of Education has sent many Circulars demanding the title deed of the School but that can only be availed after the land is degazzeted;
- 7) A disagreement between the then Chief of Longonot Location and the residents culminated in the Chief requesting the Forest Department to take over the land without minding the welfare of the families already Settled there. The land was then declared forest area vide legal notice no.184 of the Forest Act cap 385 in 1980;
- 8) No trees were planted after the gazzetment nor any vegetation planted by the forest department. The land is bare grassland and no trees will be affected by the degazzetment;
- 9) This happened in 1980 after Jomo Kenyatta's death and the residents came to know

- about it after they received a letter from one Mr. GithingiKariuki, in charge of Kijabe hill forest stating that they were illegal squatters;
- 10) The residents are requesting that the governments assist them by organizing government survey of the said land LR No.12762, and its degazetment.

5.6 Gachembe (Bahati) Women Company - LR No.8669/1

The Committee visited the farm in Molo and was informed as follows;

- 1) That Gachembe is their name because they used to plough farms as a group of women using hoes (gichembe in Kikuyu) as a profession as a group and they transformed their group into a land buying company;
- 2) That the Bahati women Company bought the said land in 1983 from Urumwe group;
- 3) The farm was approximately 800 Ha;
- 4) That as a homogeneous women group they were very cooperative until their former chairperson Mrs. Lucy WanjiruMuratha introduced men in the group which was a contravention of their understanding resulting into that problems and disunity in the group;
- 5) That the men who were introduced came up with plans to sub-divide and sell the partition of land to outsiders;
- 6) That Mrs. Lucy WanjiruMuratha has children in the United States of America and contacts at the attorney General Office together with the provincial administration in the area and she used this contacts to intimidate members of Gachembe Women groups who opposed her plans;
- 7) In 1998, the group finished the procedural requirements and acquired land with title deed issued in respect to Bahati Women Company (Gachembe);
- 8) In 2000, Mrs. Lucy WanjiruMuratha together with Mr. Joseph MathengeMuturi and Mr. David MuchaiWanganga took over the administrative duties of the group and commenced e selling portions of Gachemebe farm and issuing title deeds, this activities continued for 9 years;
- 9) In 2009, the group elected new leaders who were Mrs. Elizabeth Kimani, Mrs. ConsolataWangechi and Mrs. Grace Mwangi amongst others and the former leaders i.e. Mrs. Lucy WanjiruMuratha, Mr. Joseph MathengeMuturi and Mr. David MuchaiWanganga sought court orders barring the later from taking over the group management and asked the Court to declare them as the real owners of the land that was collectively owned by the group, further they sought recognition as the leaders and agents whereby any transaction in regard to the land would be done through them;
- 10) The three later colluded with the Officer Commanding Police Division, Njoro, Mr. Charles Owino in harassing and intimidating members of the group by encouraging the sale of the land without reference to the group members and oversaw the destruction of food crops that had been planted on the said land;
- 11) Mrs. Lucy WanjiruMuratha, Mr. Joseph MathengeMuturi and Mr. David MuchaiWanganga have issued verbal threats asking the women to stay away from the land;

- 12) The Women Mrs. Elizabeth Kimani, Mrs. Consolata Wangechi and Mrs. Grace Mwangi amongst others are seeking assistance to have the land revert back to them; Further, a report was read to the committee compiled by the panel appointed by the provincial commissioner Nakuru on Bahati women company (Gachembe) -LR No.8669/1.
- 13) Bahati Women group was formed by a group of women from various villages in Bahati Division of Nakuru District in 1968 for the purpose of buying land to settle its members. Members of the group were meant to be exclusively women. Their Directors were; Alice Wairimu Kinyara-Chairlady, Lucy Wanjiru Muratha-Secretary, Nduta Kungu -Trasurer, Wakanyi Gichini, Wangari Kaboga, Medrine Wambui, Wambui Kairuri, Muthoni Ihugo and Mary Wambui Ndiangui.
- 14) Leadership Wrangles arose in the group that led to two factions arising. A panel was appointed by the Provincial Commissioner Nakuru on 22/7/2003 to study the management problems of the group and make recommendations on how to best allocate the land to the group's members;
- 15) In 2000, it was discovered that the said company was registered as if their members owned it. They had decided to convert it into a public Company at an AGM purported to have been held on 3/4/2000 at Sheria house between Lucy Wanjiru Muratha and Ms. Alice Wahito of the registrar's general's office. The following Directors were appointed; Lucy Wanjiru Muratha-Secretary, Wairimu Kinyara, Mary Wambui Ndiangui, David Muchai Wanganga, Lucy Wambui Gachau, Emily Nyambura, Joseph Mathenge, Peter O Obwagi, Veronica Wanjiku and Jacinta Njeri Mwangi;
- 16) And a further AGM held on 15/8/2000 at Mau Narok Primary School, Joseph Mathenge was elected Chairman, David Muchai Secretary and Lucy Wanjiru Muratha Treasurer;
- 17) This contradicts the articles of association of the Company which gives the directors term two years and as at the time of the purported AGM, the term of the directors above as had elapsed and had no mandate to call an AGM;
- 18) In 1998, the group led by Alice Wairimu Kinyara subdivided the disputed land into 834 plots which included portion of 160 acres which was to be sold as approved by directors and to refund the money to shareholders who could not complete full payment of their shares;
- 19) The plot sizes ranged from 0.4 hectares for members;
- 20) In 2003, a group led by Mr. Joseph Mathenge reentered the same land and proposed subdivision of the same farm into 834 plots for Members. The size of the plots in this subdivision was smaller than the original ones. In effect, the plots occupied by the members in their original subdivision were made smaller hence superimposing plots arose; this caused some plots to be allotted twice or more times. As a result of this double allocation, there is a lot of hostility between the old and the new allottees which is likely to cause bloodshed;
- 21) The panel recommends that the original allocation in which members have settled should be left intact;
- 22) The first allocation catered for public utilities, was paid up in full and members balloted

- before settling on the farm;
- 23) The portion of the land measuring 160 acres which was to be sold to refund the money paid by non-paid up members was also subdivided in the second subdivision and allocated to members denying the purchaser his legal rights;
 - 24) Neither of the groups had proper books of accounts to prove and to indicate the total amount collected from the sale of shares. It is therefore difficult to say how much money was collected on top of the money used to buy the land. No accounting records were produced for the years 2001 to 2003 while it is also notable that the company had no bank account;
 - 25) The Kinyara group collected about 16,000,000 for the purchase of land and other uses but no documents except for copies of AFC receipts point to that expenditure;
 - 26) Most of the women in the group were illiterate and therefore in 1996, they co-opted Mr. Muturi and Mr. Nguyo to assist them in scrutinizing the sale of wheat to repay an AFC loan;
 - 27) In 1997, Mr. Nguyo withdrew from the group and was replaced by Mr. M Wanganga. These men were invited due to the fact that their wives were members of the company;
 - 28) The Company bought the Land LR/8669/1 at Mau Narok in 1991 for 10,000,000/=.

5.7 Kinungi Land Tussle

The Committee held a meeting in Kinungi shopping Centre and was informed as follows:-

- 1) In a letter to the committee, the co-operative society gave a brief history of the genesis of the land tussle, which began when the liquidator appointed in 1991, selected his own committee Members to assist in liquidating the farm in 1993;
- 2) The members of the co-operative accuse the liquidator, that in 1994, he started selling public utilities;
- 3) The members state that in trying to seek interventions to stop the selling of these utilities, they approached different offices from 1994 to date, efforts which according to them have not only been fruitless since the public utilities continue to be sold, but also expensive;
- 4) The members note that they have suffered economically by losing property and physically due to illness as a result of high stress levels caused by land tussle;
- 5) The members have also suffered socially, since they were defamed by the whole land tussle;
- 6) The members place the cost of losses incurred from the land tussle at Kshs 106 million, due to various trips to different offices in Naivasha and Nairobi in the span of ten years, in an effort to stop the sale of the properties;
- 7) Some of the offices visited are Nakuru, Naivasha and Nairobi including the Criminal Investigation Departments (CID) in Naivasha and Nakuru, the Liquidator in Nakuru and Naivasha, the Physical Planning officer in the Ministry of Cooperatives, CID headquarters, Lands Registrar in Nairobi, Attorney General among others;
- 8) The members are seeking compensation of the funds used this far amounting to Kshs 106 million;

- 9) The land tussle at Kinungi Trading Centre in Naivasha and Nakuru County began in 1991 when the Sub – County Co-operative Officer was appointed to liquidate the Kinungi Farmers’ Cooperative Society Limited. In 1993, he appointed and unanimously selected his own committee to assist in the process of liquidating the farm;
- 10) The members of Kinungi Farmers’ Co-operative Society Limited accuse the liquidator Mr. Naftal M. Omari, that in 1994, he sold public utilities in Kinungi Trading Centre.
- 11) Vide a letter dated 21st March, 2014 tabled before the Committee addressed to the National Lands Commission Chairman, the Ministry of Lands, Housing and Urban Development confirmed that Plot nos. 15, 59 -72, 77,78 and 92 in Kinungi Trading Centre were not public utilities as alleged;
- 12) The letter further stated that, from the Registry Index Map, it was indicated that the public utilities were four (4) churches, one (1) health center, one (1) nursery school, one (1) open air market, one(1) disposal site and seventy eight(78) PCR plots of 0.045 hectares;
- 13) In the letter, the ministry stated that the quoted land was private property and their leases were obtained after allotment by the commissioner of lands;
- 14) Similarly, in a letter dated 5th March 2014, to the Chairman of the National Land Commission, the District Co-operative Office in Naivasha stated that as at the time of taking over as the liquidator of the society (File no 48515) Plot nos. 15, 59 -72, 77,78 and 92 in Kinungi trading center were not public utilities and that they belonged to individuals, and still do;
- 15) The letter further states that the sub division development plan of 29th December 1995, authenticated by the Director of Survey on 12th January 1996 is clear of the fact that the land is not public utility;
- 16) The Sub-County co-operative Officer, Mr. N.M. Omari, whose office was the liquidator of the Kinungi Co-operative Society further denies selling any public utility to any individual or group as alleged by the members of Kinungi Co-operative Society.

5.8 Naivasha Isahakia Community Land Tussle

The Committee visited the area on 2nd May 2014 and was informed as hereunder:-

- 1) The Isahakia Community is the majority clan family in Somaliland formerly British Somaliland. In 1896, the British Lord Delamere (1870-1931), set out a caravan with Isahaki as and 200 camels intending to enter the British East Africa from the North, From Hergesia in Somaliland, to the lush green highlands surrounding Naivasha, they made a more than 2000km long journey;
- 2) In 1897, Delamere and the Isahakia arrived in the lush green highlands surrounding Naivasha, central Kenya. The Isahakia served in the British Somaliland camel corp and in 1941 they helped defeat the Italians from Somalia, who blocked the camel corpse in Ethiopia on their way to Northern Kenya. They also helped defeat the Germans in Tanganyika. In the 1st and 2nd World Wars, the Isahakia served in the King’s African Rifles;

- 3) A school named Naivasha Somali Boarding School was opened by the acting Governor Sir. Richard Tomboth in Naivasha in 1950s, the Isahakia supported the Mau Mau rebellion against the British and were therefore evicted from their land by the British. The Governor evicted 12,000 families by the order of Princess Elizabeth in 1935. In the 1960s, after independence, President Jomo Kenyatta promised to return the land to the Isahakia for their patriotic efforts, however this was never done;
- 4) The Naivasha Isahakia Self Help group is registered under the Ministry of Gender, Children and Social development under Certificate no: 147653 No.NKU/DSS/SHG/17208. The communities have the names of the Isahakia Community who are beneficiaries of the LR.NO.1144/R;
- 5) The group claims legal ownership of land parcel no.11517, 5211, 5210, 5212 and have all the legal documents issued by the Ministry of Lands, Nakuru County Government and other Government agencies;
- 6) During the time of the eviction the Isahakia Community were 5,500 families. Inside the said parcel of land there are still houses which were built in 1887 by the community's fore fathers as well as the Naivasha Somali Boarding School, which was constructed by the fore fathers in 1960 and renamed Naivasha Boarding Primary School and similarly taken over by the Government;
- 7) A foreign developer namely Homegrown Growers and Exporters claims it leased part of plot 5211 from the Kenya Agricultural Research Institute (KARI), who are embroiled in an ownership tussle with the Isahakia Community. However Homegrown gave notice of termination of the lease to KARI on 1st February 2010 to vacate by 30th April 2010 in accordance with the provisions of the lease agreement;
- 8) The Kenya Agricultural Research Institute (KARI) on May 28th 2012 made an application to the High Court in Nakuru for the eviction of occupants of land on LR 5210 and 5211 as well as structures on the land. On Monday 27th May 2014, KARI invaded the said pieces of land with tractors and bulldozers and began ploughing the land, terrifying the Isahakia community on the land which was in contempt of court, since the case was still in court;
- 9) Similarly Isahakia Community LR 5212, which borders LR 5211 was occupied by Panda farm and has since been used for horticulture. The land owing to the heavy discharge of chemicals used in floriculture, the Isahakia has been left to bear the brunt of pollution in their environment;
- 10) The community through the self-help group hired a consultancy firm i.e. Mashariki Environmental Management Consultancy to carry out an Initial Environmental Examination (IEE) for LR 5211, previously occupied by Homegrown;
- 11) From the Initial Environmental Examination, it was observed that the land had been used for horticultural production over time and that the lessee didn't carry out decommissioning of the site or decommissioning was partially or grossly undertaken. The consultant also observed that there are a number of hazardous waste material and housekeeping issues on site which need urgent attention to avoid pollution and land degradation;

- 12) In terms of sound environmental management, the consultant identified areas which are likely to be susceptible to soil erosion and therefore need grassing and afforestation and areas with potential soil, ground water contamination and public health concerns;
- 13) The National Assembly Committee on Land visited the Isahakia Community in Naivasha on 2nd May 2014, where they directed the Nakuru County Executive for Land Rachael Maina to immediately mobilize Surveyors and Physical Planners to embark on an exercise of profiling the area occupied by the community, with exception of that land occupied by public institutions to pave way for resettlement, and the community to submit names of the Isahakia Community who are beneficiaries of the L.R. NO.1144/R.
- 14) Vide a letter dated 5th August 2014 to the Chairman Lands Committee, the Isahakia Welfare Association of Kenya chairman Mr. J Abdi indicates that the community set up the Isahakia Community Naivasha Land Trust at a meeting held on 20th March 2010 in Nairobi to handle all matters related to the Naivasha Land (Ref. no 19447/XXIII AND 19447/XXIV/35). It covers land parcels LR Nos 5210, 5211, 5212, 11517 (bordering Karati river all the way to KambiyaSamaki on the lake edge) and LR 1144 (bordering Nodia Farm to the east and delimited by Karati Road to South and South East);

The Isahakia community requested the committee to intervene in the following areas:

- 1) The resettlement of 5500 poor and displaced families back into their only ancestral land. The evictees were heavily penalized for hiding Mau Mau and subsequently unfairly implicated in the shifta movement;
- 2) The Isahakia were there the richest Africans, who bred high breed cattle which were all sold for 3 shillings each for helping Mau Mau;
- 3) They request the government intervention in securing their ancestral graves which are adjacent to kambi Somali;
- 4) The county government has shown sympathy to the community's plight and has returned some part of our ancestral land. They request the committee to help them acquire all the remaining ancestral land;
- 5) The community categorically states that they have no issues with fellow Kenyans who have already settled on their ancestral land.

5.9 Naivasha Lake Corridors

The committee conducted a visit to the area and met fishermen and local residents affected by the closure of the Naivasha Lake Corridors. The Committee was informed as follows:-

- 1) The land around the lake initially had 17 corridors which were used to access the lake however There is no complete map to show the lake Naivasha corridors; Both public and animal corridors have been blocked causing problems in accessing the lake; this is as a result of land owners near the lake having planted thorns to block the path leading to the lake;
- 2) There is no public beach in Lake Naivasha and due to developments which have encroached into the Public Land near/in the beaches of the Lake;
- 3) The land owners near the lake have put up a gate and residents from Karagita&Mirera

- cannot access the lake unless they go through Naivasha town;
- 4) The committee should recommend the land stop moving the beacon as the lake dries up as is currently the case;
 - 5) The residents are always in conflict with the land owner who have taken them to court for trespass;
 - 6) Kenya Wildlife Service charges the cattle grazers Shs. 400 per animal for trespass if found accessing the lake;
 - 7) The corridor in Karagita was closed in 2012. Karagita is one of the largest informal settlements in Kenya and has a public primary school called Mirera primary school. Most people living there work in the flower firms;
 - 8) The original owner Mr. Gaku gave access to the people to access the Lake and pass this but the buyer didn't change it to be public land;
 - 9) The Government department's i. e Fisheries & Kenya Wildlife Service have also been denied access to the lake making it difficult for them to undertake their duties;
 - 10) Private developer land fenced off the land with a stone wall thus children are forced to walk five kilometers to get to their school and fishermen are not able to access beaches in the Lake. Local residents also used to earn a living through domestics tourism from their small businesses but the closure of the Corridors led to loss of business;
 - 11) The Nakuru County government set up a committee to look into the corridors issue and managed to acquire a map that shows four corridors along the Lake which includes; south lake one near Kamere, YMCA, near Marina and Kioto which are in the most recent map;
 - 12) The fisheries department own land in Karagita near the lake but the land was grabbed by private developer and they lack access to the lake. The land is owned by a Mr. Peter Szapeary;
 - 13) There is no any available public recreation facility while implementation of the maps is a problem;
 - 14) The closure of the corridors has led to increased fishing at night and fishing at random; There are so many forums that are held to discuss this issue of the corridors but no suitable solution has been identified.

5.10 Golf Club Dispute

During its visit to the site Mr. AthenusJapolo and other fishermen informed the Committee as hereunder;

- 1) Mr. AthenusJapolo was representing the proprietor claimed that there was a map that had been drawn during a meeting by District Officer, Surveyor, planner and the owner of Golf club, to show how the road will be allocated and the budget to be allocated for the road to be created;
- 2) Some of the fishermen who have been there since 1989 said that they have suffered losses due to the closed road;

- 3) The land surveyor informed the committee that there was a meeting with all the stakeholders and a bypass measuring 36.58m and had been given a corridor for compensation;
- 4) There was a court order to stop the proprietor from construction although the construction is still going on;

6. FINDINGS

6.1 Gachembe (Bahati Women Group)

1. LR NO.8669/1 was bought by a group of women laborers from Bahati Area in Nakuru calling themselves Gachembe (Bahati) Women group out of the proceeds acquired from farm labour.
2. There exists a conflict amongst persons within Gachembe farm, which are divided into two groups each claiming leadership of the group however the first group comprises of women who claim to be original members of Bahati Women group whereas the other has men in its midst and claims to be bonafide heirs of their mothers shares in Bahati Women group;
3. There existed an original title deed, which was purportedly lost, and a rival group applied and was issued with another title deed;
4. There exist two title deeds for the same piece of land each held by a different rival group of Directors

6.2 Isahakia and Mithuri Settlement

1. That the members of the Isahakia community were carrier corps for the Lord Daramere who recruited them from Somaliland and settled with them in Naivasha in the early 1890's.
2. During the state of emergency the Isahakia community was evicted from the vicinity of Naivasha prison for allegedly collaborating with the Mau - Mau freedom fighters and the land they occupied was thereafter annexed and became government land, which included among others Kenya Agricultural Research Institute (KARI) and Naivasha Prison.
3. The Isahakia community is currently existing in informal settlement referred to as Mithuri which is a hilly land unsuitable for human settlement;
4. That KETRACO compensated some of the Mithuri Settlement squatters for their structures in 2012 so as to give way for the construction of Kisumu - Lessos - Suswa Transmission line. However, the said squatters were not given alternative land for settlement.

6.3 KwaMunengi

1. Previously the land belonged to a settler and the community who were workers of the settler. Permanently settled in the land in 1974 and constructed permanent structures and public utilities e.g. Munengi Primary School.
2. The land was gazetted as forest land on 10th November 1980 vide legal notice no. 184 despite people/community occupying the said land;
3. The Ministry of Lands, Housing and Urban Development through various correspondences recognizes Munengi Settlement Scheme and had initiated the settlement programme as part of LR No. 12762 (259.9 Ha) of the 706.4 Ha
4. The entire land is gazetted as part of Kijabe Hill Forest.

6.4 Kinungi

1. The land belonged to a co-operative society which subdivided the land amongst its members and provided for adequate public utilities some of which have since been allocated to private individuals;
2. There is a controversy on how the liquidator is conducting business in the area;

6.5 Naivasha Lake Corridors

1. Survey maps dating as early as 1920s provide for numerous access corridors to the lake;
2. Several corridors are currently blocked by private developers;
3. There is actual Community agitation for the opening up of the said corridors.

7. LIST OF RECOMMENDATIONS

7.1 Gachembe (Bahati Women Group)

1. The Government through the Ministry of Interior and Coordination of National Government (Provincial Administration) initiates investigations on the matter with a view to establish the rightful leadership and settle the people in harmony.
2. The State Department for Lands in conjunction with the Criminal Investigation Department should carry out a forensic audit to determine the original owners of Gachembe women Group and the original title deed in possession by the two claimant groups.

7.2 Isahakia and Mithuri Settlement

1. The State Department of Lands and the National Lands Commission looks at a way of settling Member's of Naivasha Isahakia community and Mithuri Squatters (preferably on LR No. 27404, which is un-alienated government land neighbouring the area they already occupy as squatters.
2. National Lands Commission looks at other ways of compensating the Community for the hardships they have endured over the years.

7.3 KwaMunengi

1. That LR No. 12762 should be sub – divided with a view of hiving off 259.9 Ha for human settlement in accordance to (section 27 of the forest Act) and the boundary of the forest be varied under the same section;
2. The Ministry of Lands Housing and Urban Development and National Land Commission to initiate the process of delineation.

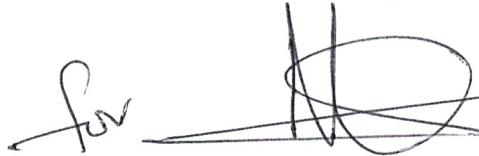
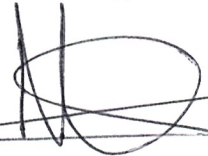

7.4 Kinungi

1. That State Department in Charge of Co-operative appoints a new liquidator who should be instructed to work with a local committee agreed upon by members of the Kinungi Farmers' Cooperative Society Limited to assist in the process of liquidating the farm;
2. The Criminal Investigation Department to probe the activities of the liquidator who commenced work in Kinungi around 1993;

3. The National Lands Commission to identify public land in Kinungishopping Centre with a few to reinstating them for the public purposes it was set aside for.

7.5 Naivasha Lake Corridors

1. The Ministry of Lands Housing and Urban Development and the National Land Commission should identify all corridors and ensure they are opened up for public access to the lake;
2. The Ministry of Lands Housing and Urban Development and the National Land Commission should identify and revoke all title deeds issued within the riparian land around Lake Naivasha.

for   

SIGNED:
(HON. ALEX M. MWIRU, MP)

DATE: 28/4/2016
CHAIRPERSON

MINUTES

MINUTES OF THE 3RD SITTING OF THE DEPARTMENTAL COMMITTEE (K) ON LANDS HELD ON THURSDAY 4TH FEBRUARY 2016 HELD IN THE KARIBU CONFERENCE ROOM, TRAVELLERS BEACH HOTEL 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. John Kihagi, M.P.
4. The Hon. Bernard Bett, M.P.
5. The Hon. Hellen Chepkwony, M.P.
6. The Hon. Benson Mbai, M.P.
7. The Hon. Hezron Awiti Bollo, M.P.
8. The Hon. Onesmus Ngunjiri, M.P.
9. The Hon. George Oner, M.P.
10. The Hon. Thomas Mwadeghu, M.P.
11. The Hon. Joseph Oyugi Magwanga, M.P.
12. The Hon. A. Shariff, M.P.
13. The Hon. Francis Njenga Kigo, M.P.
14. The Hon. Shakila Abdallah, M.P.
15. The Hon. Dr. Paul Otuoma, M.P.
16. The Hon. Gideon Mung'aro, M.P.
17. The Hon. Suleiman Dori, M.P.
18. The Hon. Mathew L. Lempurkel, M.P.
19. The Hon. Mpuru Aburi, M.P.
20. The Hon. Sarah Korere, M.P.
21. The Hon. Julius Ndegwa, M.P.
22. The Hon. Francis W. Nderitu, M.P.
23. The Hon. Eusilah Ngeny, M.P.
24. The Hon. Kipruto Moi, M.P.
25. The Hon. Oscar Sudi, M.P.

ABSENT WITH APOLOGIES:

1. The Hon. Mutava Musyimi, M.P.
2. The Hon. Kanini Kega, M.P.
3. The Hon. Esther Murugi, M.P.
4. The Hon. Patrick Makau, M.P

IN ATTENDANCE:

KENYA NATIONAL ASSEMBLY

- | | |
|---------------------------|---------------------|
| 1. Mr. James Ginono | Clerk Assistant I |
| 2. Mr. Emmanuel Muyodi | Clerk Assistant III |
| 3. Mr. Joshua K. Ondari | Clerk Assistant III |
| 4. Ms. Christine Odhiambo | Legal Counsel |
| 5. Ms. Rehema Chepkurui | Audio Officer |

MINUTE NO. DCL/LN/2016/12

PRELIMINARIES

The Chairperson called the meeting to order at 2.10 p.m. followed by a word of prayer.

MINUTE NO. DCL/LN/2016/13

AGENDA ADOPTION

The agenda of the meeting was adopted as hereunder after being proposed by the Hon. Dr. Paul Otuoma, M.P. and seconded by the Hon. Eusilah Ngeny, M.P.

AGENDA

1. Prayers
2. Communication from the Chair
3. Confirmation of Minutes
4. Matters Arising
5. Bills
6. Petitions
7. Papers
8. Statements

9. Substantive Agenda:- Consideration and adoption of Report on Land Disputes in Nakuru County in the Following Areas:- Gachembe, Munengi Settlement Scheme, Naivasha Lake Corridors, Kinungi and Isahakia

10. Any Other Business

11. Date of the Next Sitting

MINUTE NO. DCL/LN/2016/14

REPORT ON LAND DISPUTES IN NAKURU COUNTY IN THE FOLLOWING AREAS:- GACHEMBE, MUNENGI SETTLEMENT SCHEME, NAIVASHA LAKE CORRIDORS, KINUNGI AND ISAHAKIA

The Committee Considered and adopted the report after being proposed by the Hon. Francis W. Nderitu, M.P and seconded by Hon. Benson Mbai, M.P. as follows:

The Committee made the following observations, That:

1. In Gachembe

There exists a conflict amongst members of Gachembe (Bahati) women's group which has two parallel sprinter groups claiming ownership of the farm.

2. In Isahakia and Mithuri Settlement

1. That the members of the Mithuri /Isahakia community were carrier corps for Delamere and during the state of emergency they were evicted from the vicinity of Naivasha prison for allegedly collaborating with the Mau- Mau freedom fighters. The land they occupied was therefore annexed and became government land, which included Kenya Agricultural Research Institute (KARI) and Naivasha Prison.
2. That Mithuri/Isahakia youths were allocated land by the government of president Moi in the 1980's for quarrying and the title deed for the land is in the name of Naivasha Youth Quarry limited.
3. That KETRACO compensated Methuri Settlement squatters for their structures in 2012 so as to give way for the construction of Kisumu – Lessoss – Suswa Transmission line. However, the said squatters were not compensated for the land they occupied.

3. In Kwa Munengi

1. Previously the land belonged to a settler and the community who were workers of the settler permanently settled in the land in 1974 and constructed permanent structures and public utilities e.g. Munengi Primary School.

2. The land was gazetted as forest land on 10th November 1980 vide legal notice no. 184 despite people/community occupying the said land;
3. The Ministry of Lands, Housing and Urban Development through various correspondences recognizes Munengi Settlement Scheme and had initiated the settlement programme as part of LR No. 12762 (259.9 Ha) of the 706.4 Ha
4. The entire land is gazetted as part of Kijabe Hill Forest.

4. In Kinungi

1. There is a controversy on how the liquidator is conducting business in the area
2. The land belongs to a co-operative society, which had adequate public utilities;
3. Public utilities were provided for in the initial plan;

5. Naivasha Lake Corridors

1. The maps dating as 1920s provide for numerous access corridors to the lake;
2. Several number of corridors are currently blocked by private developer;
3. There is actual Community agitation for the opening of the corridors.

The Committee made the following recommendations, That,:

1. In Gachembe

The Government through the Ministry of Interior and Coordination of National Government (Provincial Administration) initiates investigations on the matter with a view to settle the people in harmony;

2. Isahakia and Mithuri Settlement

1. That member's of this community be settled on LR No. 27404 which is unalienated and is government land, and the same land be used to settle squatters in Methuri. The Lands Secretary to facilitate and oversee the planning and subdivision of the land to Mithuri, Isahakia and other needy cases in the regions;
2. The National land Commission and the County Government of Nakuru together to oversee the alienation of the land;

3. Kwa Munengi

1. That LR No. 12762 should be sub – divided with a view of hiving off 259.9 Ha for human settlement in accordance to (section 27 of the forest Act) and the boundary of the forest be varied under the same section and this be done by the Ministry of Environment and Natural Resources;

2. The Ministry of Lands Housing and Urban Development and National Land Commission to initiate the process of delineation;

4. Naivasha Lake Corridors

1. The Ministry of Lands Housing and Urban Development, National Land Commission and the County government of Nakuru should identify all corridors and ensure they are opened;
2. National Land Commission review title deeds for all riparian land around Lake Naivasha.

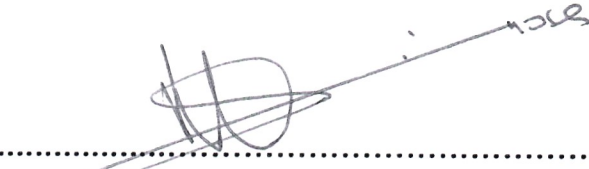
MINUTE NO. DCL/LN/2016/15

ADJOURNMENT & DATE OF THE NEXT

SITTING

There being no any other business, and the time being 3.50 p.m. the Chair adjourned the sitting.

SIGNED


.....

(CHAIRPERSON)

DATE

..... 3/3/2016

MINUTES OF THE SITTING OF THE DEPARTMENTAL COMMITTEE (K) ON LANDS HELD ON FRIDAY 2ND MAY 2014, IN NAIVASHA LAKE CORRIDORS AREA AT 11.00 A.M.

PRESENT:

- 1) The Hon. Alex Mwiru, M.P. - Chairperson
- 2) The Hon. Moses Ole Sakuda, M.P. - Vice Chairperson
- 3) The Hon. Kipruto Moi, M.P.
- 4) The Hon. Hellen Chepkwony, M.P.
- 5) The Hon. Sarah Korere, M.P.
- 6) The Hon. Kanini Kega, M.P.
- 7) The Hon. Onesmus Ngunjiri, M.P.
- 8) The Hon. John Kihagi, M.P.
- 9) The Hon. Mathew L. Lempurkel, M.P.
- 10) The Hon. A. Shariff, M.P.
- 11) The Hon. Joseph Magwanga, M.P.
- 12) The Hon. Eusilah Ngeny, M.P.
- 13) The Hon. Bernard Bett, M.P.

ABSENT WITH APOLOGY

- 1) The Hon. Gideon Mung'aro, M.P.
- 2) The Hon. Suleiman Dori, M.P.
- 3) The Hon. Shakila Abdallah, M.P.
- 4) The Hon. Dr. Paul Otuoma, M.P.
- 5) The Hon. Francis Kigo Njenga, M.P.
- 6) The Hon. Julius Ndegwa, M.P.
- 7) The Hon. Benson Mbai, M.P.
- 8) The Hon. Francis W. Nderitu, M.P.
- 9) The Hon. Esther Murugi, M.P.
- 10) The Hon. Thomas Mwadeghu, M.P.
- 11) The Hon. Mutava Musyimi, M.P.
- 12) The Hon. Hezron Awiti Bollo, M.P.
- 13) The Hon. Oscar Sudi, M.P.
- 14) The Hon. Mpuru Aburi, M.P.
- 15) The Hon. George Oner, M.P.
- 16) Hon. Patrick Makau, M.P.

IN ATTENDANCE

NATIONAL ASSEMBLY

1. Mr. James Ginono Clerk Assistant I
2. Ms. Rehema Chepkurui Audio Recorder

The Chairman called the meeting to order at 11.20 a.m. with a word of prayer.

Thereafter the Chairman, advised the people present on the rules of engagement as hereunder:
That,

1. That the proceedings will be conducted in a similar manner as the normal proceedings of a parliamentary Committee meeting;
2. That speakers will have to be given an opportunity to speak through the Chairperson and they will use a cordial language and be respectful
3. That while speaking speakers if possible they should present evidence to support their claims.

Public Hearings with area residents

The committee conducted a visit to the area on and met the fishermen and local residents affected by the closure of the Naivasha Lake Corridors. The Committee was informed as follows, that:

1. The land initially had 17 corridors which were used to access the lake;
2. The land owners near the lake have planted thorns to block the path leading to the lake;
3. There is no complete map to show the lake Naivasha corridors;
4. Both public and animal corridors have been blocked causing problems in accessing the lake;
5. There is no public beach in Lake Naivasha and due to developments which have encroached into the Public Land near/in the beaches of the Lake;
6. The land owners near the lake have put up a gate and residents from Karagita & Mirera cannot access the lake unless they go through Naivasha town;
7. The committee should recommend the land stop moving the beacon as the lake dries up as is currently the case;
8. The residents are always in conflict with the land owner who have taken them to court for trespass;
9. Kenya Wildlife Service charges the cattle grazers Shs. 400 per animal for trespass if found accessing the lake;
10. The corridor in Karagita was closed in 2012. Karagita is one of the largest informal settlements in Kenya and has a public primary school called Mirera primary school.

Most people living there work in the flower firms;

11. The original owner Mr. Gaku gave access to the people to access the Lake and pass this but the buyer didn't change it to be public land;
12. The Government department's i. e Fisheries & Kenya Wildlife Service have also been denied access to the lake making it difficult for them to undertake their duties;
13. Private developer land fenced off the land with a stone wall thus children are forced to walk five kilometers to get to their school and fishermen are not able to access beaches in the Lake. Local residents also used to earn a living through domestics tourism from their small businesses but the closure of the Corridors led to loss of business;
14. The Nakuru County government set up a committee to look into the corridors issue of the and managed to acquire a map that shows four corridors; south lake one near Kamere, YMCA, near Marina and Kioto which are in the most recent map;
15. The fisheries department own land in Karagita near the lake but the land was grabbed by private developers and they lack access to the lake. The land is owned by a Mr. Peter Szapeary;
16. There is no any available public recreation facility while implementation of the maps is a problem;
17. The closure of the corridors has led to increased fishing at night and fishing at random;
18. There are so many forums that are held to discuss this issue of the corridors but no suitable solution has been identified.

Comments from the Committee

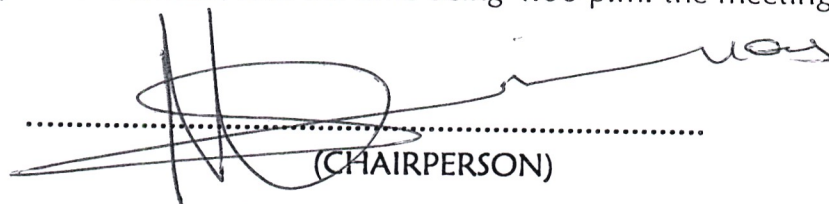
1. Survey maps dating as early as 1920s provide for numerous access corridors to the lake;
2. Several corridors are currently blocked by private developers.

MINUTE NO. DCL/LN/2014/54

ADJOURNMENT

There being no any other business, and the time being 4.00 p.m. the meeting was adjourned.

SIGNED


.....
(CHAIRPERSON)

DATE:

.....
20/5/2014
.....

**MINUTES OF THE SITTING OF THE DEPARTMENTAL COMMITTEE (K) ON LANDS HELD
ON SATURDAY 3rd MAY 2014, IN GACHEMBE FARM, MAU NAROK AT 11.00 A.M**

PRESENT

- 1) The Hon. Alex Mwiru, M.P. - Chairperson
- 2) The Hon. Moses Ole Sakuda, M.P. - Vice Chairperson
- 3) The Hon. Kipruto Moi, M.P.
- 4) The Hon. Hellen Chepkwony, M.P.
- 5) The Hon. Sarah Korere, M.P.
- 6) The Hon. Kanini Kega, M.P.
- 7) The Hon. Onesmus Ngunjiri, M.P.
- 8) The Hon. John Kihagi, M.P.
- 9) The Hon. Mathew L. Lempurkel, M.P.
- 10) The Hon. Atman Shariff, M.P.
- 11) The Hon. Joseph Magwanga, M.P.
- 12) The Hon. Eusilah Ngeny, M.P.
- 13) The Hon. Bernard Bett, M.P.

ABSENT WITH APOLOGY

- 1) The Hon. Gideon Mung'aro, M.P.
- 2) The Hon. Suleiman Dori, M.P.
- 3) The Hon. Shakila Abdallah, M.P.
- 4) The Hon. Dr. Paul Otuoma, M.P.
- 5) The Hon. Francis Kigo Njenga, M.P.
- 6) The Hon. Julius Ndegwa, M.P.
- 7) The Hon. Benson Mbai, M.P.
- 8) The Hon. Francis W. Nderitu, M.P.
- 9) The Hon. Esther Murugi, M.P.
- 10) The Hon. Thomas Mwadeghu, M.P.
- 11) The Hon. Mutava Musyimi, M.P.
- 12) The Hon. Hezron Awiti Bollo, M.P.
- 13) The Hon. Oscar Sudi, M.P.
- 14) The Hon. Mpuru Aburi, M.P.
- 15) The Hon. George Oner, M.P.
- 16) Hon. Patrick Makau, M.P.

IN ATTENDANCE

NATIONAL ASSEMBLY

1. Hon. Ng'ang'a, Joseph Kiuna, M.P – Member of Parliament Njoro Constituency
2. Mr. James Ginono Clerk Assistant I
3. Ms. Rehema Chepkurui Audio Recorder

MINUTE NO. DCL/LN/2014/55

PRELIMINARIES

The Chairman called the meeting to order at 11.30 a.m. with a word of prayer.

Thereafter the Chairman requested the Hon. Ng'ang'a, Joseph Kiuna, M.P Member of Parliament Njoro Constituency to introduce the Committee Members and handed over the leadership of the Meeting to the Chairperson who advised the people present on the rules of engagement as hereunder: That,

1. That the proceedings will be conducted in a similar manner as the normal proceedings of a parliamentary Committee meeting;
2. That speakers will have to be given an opportunity to speak through the Chairperson and they will use a cordial language and be respectful
3. That while speaking speakers if possible they should present evidence to support their claims.

MINUTE NO. DCL/LN/2014/56

**SUBMISSIONS FROM BAHATI WOMEN COMPANY
(GACHEMBE) - LR NO.8669/1**

The Committee was informed as follows: That,

1. That Gachembe is their name because they used to use a hoe to till land as a profession as a group and they transformed their group into a land buying company;
2. That the group Bahati women Company bought the said land in 1983 from urumwe group;
3. The farm was over 800 Hacters;
4. That as a homogeneous women group they were very cooperative until their former chairperson Mrs. Lucy Wanjiru Muratha introduced men in the group which was contrary to their understanding that problems and disunity commenced in the group;
5. That the men who were introduced came up with plans to sub-divide and sell the partition of land to outsiders;
6. That Mrs. Lucy Wanjiru Muratha has children in the United States of America and contacts at the attorney General Office together with the provincial administration in the area and therefore had contacts which she used to intimidate members of Gachembe who opposed her plans;
7. In 1998, the group had finished with all the procedural requirements and acquired the land with the title deed issued in respect to Bahati Women Company (Gachembe);
8. In 2000, Mrs. Lucy Wanjiru Muratha together with two men namely Mr. Joseph Mathenge Muturi and Mr. David Muchai Wanganga took over the administrative duties of the group and commenced the selling portions of gachemebe farm and issuing title deeds this activities continued for 9 years;
9. In 2009, the group elected new leaders who were Mrs. Elizabeth Kimani, Mrs. Consolata Wangechi and Mrs. Grace Mwangi amongst others and the former leaders i.e. Mrs. Lucy Wanjiru Muratha, Mr. Joseph Mathenge Muturi and Mr. David Muchai Wanganga went to court seeking orders from the Court declare them as the real owners of the land that was collectively owned by the group and seeking to be recognized as the leaders and agents whereby any transaction in regard to the land would be done through them;
10. The three later colluded with the Officer Commanding Police Division, Njoro, Mr. Charles

Owino in harassing and and intimidating members of the group by encouraging the sale of the land without reference to the group members and oversaw the destruction of food crops that had been planted on the said land;

11. Mrs. Lucy Wanjiru Muratha, Mr. Joseph Mathenge Muturi and Mr. David Muchai Wanganga have issued verbal threats asking the women to stay away from the land;
12. The Women Mrs. Elizabeth Kimani, Mrs. Consolata Wangechi and Mrs. Grace Mwangi amongst others are seeking assistance to have the land revert back to them.

Comments from the Committee

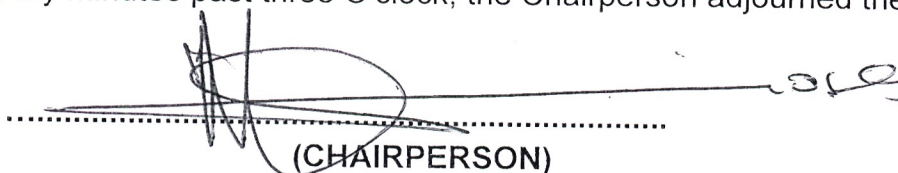
1. There exists a conflict amongst members of Gachembe women's group with two parallel sprinter groups claiming ownership of the farm;
2. The Members of Gachembe to observe peace as they had done since 1983 while the government tries to resolve the dispute.

MINUTE NO. DCL/LN/2014/ 57

ADJOURNMENT

And the time being Fifty Minutes past three O'clock, the Chairperson adjourned the Sitting.

SIGNED

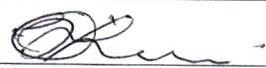
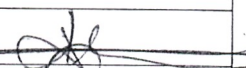



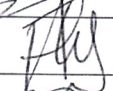
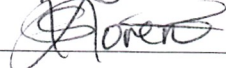
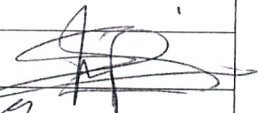
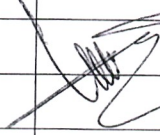
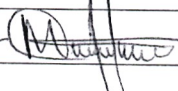
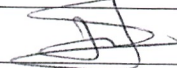
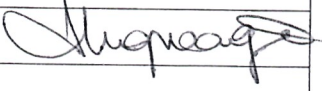

.....
(CHAIRPERSON)

DATE:

.....
20/5/2014

ADOPTION LIST

DEPARTMENTAL COMMITTEE ON LANDS
 ADOPTION OF REPORT ON LAND ADJUDICATION ISSUES IN NAKURU COUNTY
 VENUE: TRAVELERS BEACH RESORT AND SPA, MOMBASA. DATE: 04/2/2016

NO.	NAME	TITLE	SIGNATURE
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.	m.	
4.	The Hon. Mutava Musyimi, M.P.		
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.		
10.	The Hon. Benard Bett, M.P.	Member	
11.	The Hon. Kipruto Moi, M.P.		
12.	The Hon. Oscar Sudi, M.P.		
13.	The Hon. Hellen Chepkwony, M.P.	Member	
14.	The Hon. Sarah Korere, M.P.	member	
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.	Member	
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.	Member	
28.	The Hon. Aburi Lawrence Mpuru, M.P.		
29.	The Hon. King'ola Patrick Makau, M.P.		

SUBMISSIONS

Mburugu



OFFICE OF THE SECRETARY/CEO

Telegrams: "MINILANDS", Nairobi
Telephone: Nairobi 2718050
When replying please quote

ARDHI HOUSE
NGONG ROAD
P.O. Box 44417
NAIROBI

REF: NLC/1/7/13 VOL.II

Date: 28th September 2015

Justin Bundi
Clerk of the National Assembly
Parliament Buildings
NAIROBI

Dear Sir:

REPLY TO PARLIAMENTARY PETITIONS

Your letter Ref. KMA/DCL/CORR/2015(169) of 7th July 2015 refers.

Forwarded herewith are answers to the petitions received by the National Land Commission for action.

We shall furnish you with more details for petition 4 and 5 in due course.

Kindly feel free to liaise with us for any clarifications.

Thank you

Yours

Signature

CHAVANGI AZIZ TOM
SECRETARY/CEO

Encls

PETITION NO. 3

Petition by the residents of Chuka Igambangombe Constituency on alleged grabbing of public land belonging to the Township Primary School

- a) Provide a history of the land and the L.R. No.
- b) Provide information regarding the acreage and current status of the land occupied by Chuka Township Primary School.
- c) Provide the Physical Plan for the school and the original Town Development Plans showing the school initial allocation.
- d) Provide details of subsequent divisions, sale and or transfer of the land and the beneficiaries thereof.
- e) Efforts by the Commission to ensure that public land is secured and title deeds are issued to public schools such as Chuka Township Primary School.
- f) Provide any other information as may be relevant to the enquiry and as it relates the land.

Answer

- a) The land occupied by Chuka Township Primary School in Chuka Igambangombe Constituency is within the gazetted boundaries of Chuka Township. The township boundaries were set during the Adjudication of the area and all the unalienated land including where the Township School is situated is under Meru South County Council (today County Government of Tharaka Nithi).

The land is unsurveyed, hence no land reference number, but according to Development Plan of 20th May 1988 Plan No. M350/85/3 the land measures approximately 2.01 Ha(4.966 Acres).

- b) Land occupied by Chuka Township Primary School measures approximately 2.01 Ha, it is unsurveyed, and the school has no ownership documents.
- c) Plan showing the location of the school is attached herewith.

- d) Chuka Primary School occupies Zone 2₄ on the attached plan and Chuka family life centres occupies part of zone marked 4₃.
- e) When appropriate plans have been prepared for public institutions and survey done and the said information is received by the National Land Commission, allocation to the public institution is immediately done or reservation depending on the nature of the land.

PETITION NO NO. 4

Petition by Residents of Kajiado West Constituency, Kajiado County on the Inquiry on the Compulsory Acquisition of Land Reference No. Ngong/Ngong/1959

We have checked our records and we confirm that the land reference No. Ngong/Ngong/1959 has never been compulsorily acquired by the Government. Hence there is no list of beneficiaries.

PETITION NO. 5

Petition by Residents of Mavoko Constituency regarding alleged Compulsory Acquisition of Land in Mavoko Constituency L.R. 10029/2

We have checked our records and we confirm that the land reference No. 10029/2 has never been compulsorily acquired by the Government. Hence there is no list of beneficiaries.

PETITION NO 6.NAIVASHA LAKE CORRIDORS

The Committee also considered the matter of access corridors to Lake Naivasha which have been allegedly closed by private developers thereby denying fishermen and the general public access to the land and requests the following information:

- a) History and current status of the 17 corridors leading to Lake Naivasha

- b) Information as to whether the land is public or private
- c) Provide details of the alleged private developers
- d) Provide details of acquisition and transfer of the land and title deeds held by the private individuals
- e) History and current status of the corridor at Karagita
- f) Provide survey maps for the corridors; and
- g) Efforts by the NLC to ensure that fishermen and the general public can access the lake without hindrance from any private individuals; and
- h) Any other information as it relates to the corridors which may be relevant to the Committee

Reply

- a) From available records, we are only able to identify 2 corridors and not 17 corridors.
 - i) Corridors from Naivasha Township to the lake (see attached map) this was provided from the initial planning of the area to allow public free access to the lake. We have not received any complaint regarding blockage of the corridor.
 - ii) Corridor from Hells Gate National Park (see attached map). This was planned to allow game animals free access to the lake water. The Commission is aware that some allocations were done blocking the same and the matter is subject to review with a view of nullifying the allocations under Section 14 of National Land Commission Act.
- b) All the corridors were supposed to be public land.
- c) National Land Commission is in the process of identifying private developers who could have invaded the said 2 corridors and any other, hence not in a position to give the accurate private developers on the corridors at the moment.
- d) Answer as provided under Item C.

- e) National Land Commission has instructed County Land Management Board to do an inspection of the shores of Lake Naivasha to establish if there is grabbing of the purported 17 corridors.
- f) Cadastral and toposheet for the only 2 identified corridors are attached herewith.
- g) National Land Commission is putting all the necessary effort to ensure all public land invaded by the private developers country wide, access to Lake Naivasha included are all reinstated to the original status.

69



**MINISTRY OF ENVIRONMENT, NATURAL RESOURCES AND
REGIONAL DEVELOPMENT AUTHORITIES**

**Ministerial response concerning the degazettement of
LR No. 12762 known as Munengi Settlement Scheme**

16th September, 2015

MINISTERIAL RESPONSE TO THE PARLIAMENTARY (NATIONAL ASSEMBLY) QUESTIONS

Question

The Committee has been enquiring into the matter of the degazettement of LR No. 12762 known as Munengi Settlement Scheme. During its sitting held on 3rd September 2015, the Committee resolved to invite the Cabinet Secretary for a meeting on Tuesday 29th September, 2015 to respond to the following issues:-

- a) Whether the land is forest land
- b) Status of the land before gazettement.

Response

a) Whether the land is forest land

Hon. Chair, I wish to confirm that the land L.R No 12762 is a gazetted forest known as Kijabe Hill Forest, having been gazetted vide Legal Notice No.184 of 1980, a copy of which is hereby attached.

b) Status of the land before gazettement and reasons for the gazettement

Hon. Chair, the status of the land before gazettement and reasons for the gazettement as per the records in this office is that Kijabe Hill Forest was originally part of Government land which was eventually sub-divided into L.R. Nos. 11827 and 1548/R. However,

in 1976, the Commissioner of Lands, who is the custodian of Government Land, requested the then Chief Conservator of Forests to gazette L.R. No. 1548/R as an addition to Kikuyu Escarpment Forest. The boundaries of L.R. No. 1548/R were not well defined to the south along the old railway line and thus making it difficult to gazette it without a clear boundary. This led to a survey of L.R. No. 1548/R in this section being carried out in 1978. This culminated in the registration of a new survey plan F/R 143/60 and a new L.R. No. 12762, which covered an area of approximately 706.4 hectares, that was eventually gazetted as a Forest Reserve as per Legal Notice No. 184 of 1980.

Hon. Chair, prior to the gazettelement of Kijabe Hill Forest some communities which were squatting in this forest, used to entertain the former President, the late Mzee Jomo Kenyatta, in State House, Nakuru. They requested him for a settlement scheme to be carved out of Kijabe Hill Forest. The former President directed that they be allocated land for settlement. In 1975, the District Officer of Naivasha Division allocated family heads with land. This settlement came to be known as Munengi Settlement Scheme. This area is fully settled at the moment and has developed since 1975. From the gazetted area of 706.4 hectares the remaining forested area is 386.1 hectares as shown on the attached Kijabe Hill Forest Map.

I confirm that L.R. No. 12762, shown on the attached F/R 143/60 and B.P No. 175/220 is Kijabe Hill forest in its current state,, since no excision to settle the squatters has been carried out to date.



Prof. Judi W. Wakhungu
Cabinet Secretary
Ministry of Environment, Natural Resources and
Regional Development Authorities

706.4
386.1
320.3 Enroachment!

$3 \times 2 = 6 + 5 = 11 \times 50 = 550$
 $\begin{array}{r} 2315 \\ 1765 \\ \hline 353 \\ 3 \end{array}$

**THE COMMITTEE
MUNENGI SETTLEMENT SCHEME
P.O. BOX 1599
LONGONOT
NAIVASHA**

Date

**THE HON. MEMBER OF NATIONAL ASSEMBLY
NAIVASHA CONSTITUENCY.**

Dear Sir

**RE: MEMORANDUM OF THE DEGAZETEMENT OF LR NO.12762 KNOWN AS
MUNENGI SETTLEMENT SCHEME:**

We are proud to inform you that all the residents of the above settlement scheme are happy with the way **JUBILEE** Government is tirelessly working for the betterment of their lives.

We are solidly behind **JUBILEE** in its efforts to steer this county to greater development and economic levels. Together we can attain a working nation. We however ,regret to have to report the following to your office **Hon. Member of the National Assembly**.

- That Munengi Settlement Scheme is the home to nearly 500families
- That we settled on this land in 1965.
- That ten years later (1975) on the strength of a decree by the founding father of this nation, we were issued with letters of allotment signed by various D.Os stationed in Naivasha Division.
- The land in question belonged to a white settler. After Independence it was abandoned and left vacant. When our fate was brought to the attention of the founder of our nation, Mzee Jomo Kenyatta in 1975, he decreed the same to be allocated to Nyakinyua and men who used to welcome him in the Rift Valley Province. This was to go , hand in hand with Longonot Haraka Scheme who are today about to get Title Deeds of 8 acres per parcel of land
- Within a span of over 40 years now, Munengi settlers have developed this land tremendously. They have constructed many permanent residential houses, permanent water tanks in almost every homestead and planted trees along the boundaries of their small shambas.
- The shambas are truly small, because each parcel has three acres
- Another notable development is that of a permanent primary school, with classes 1-8. It was established in 1986, as a matter of fact and urgency, this school needs a bigger area for expansion including playing fields. This problem will be solved after,

**THE COMMITTEE
MUNENGI SETTLEMENT SCHEME
P.O. BOX 1599
LONGONOT
NAIVASHA**

Date

**THE HON. MEMBER OF NATIONAL ASSEMBLY
NAIVASHA CONSTITUENCY.**

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- The shambas are truly small, because each parcel has three acres
- Another notable development is that of a permanent primary school, with classes 1-8. It was established in 1986, as a matter of fact and urgency, this school needs a bigger area for expansion including playing fields. This problem will be solved after,

degazettement of the Land Register No. 12762 and subsequent surveying. Despite the school's beautiful buildings, it doesn't have a Title Deed since it is situated within Munengi Settlement Scheme. The ministry of Education has on many occasions sent circulars demanding title Deed of the school but this can only be available after degazettement of Land RegisterNo.12762. A disagreement between the then chief-Longonot location and the residents in 1980 culminated in the chief requesting the Forest Department to take over the land without minding the welfare of the families already settled there. The land was then declared a forest area Vide legal notice No, 184 of the Forest Act (Cap)385 in 1980 (see attached).

- This happened after President Kenyatta's death and remained unknown to us until the year 2002 when we received a letter from SGT incharge of Kijabe Hill Forest . Mr. Gathingi Kariuki stating that we were illegal squatters.

Through your office, **Hon. Member of the National Assembly**, we are appealing to the current administration line up to help us by organizing government surveying of the said LR12762, its degazettement and other relevant issues touching on it because right now, it is still held by the Ministry of Environments and Natural Resources Vide Legal Notice No. 184 of the Forest Act (Cap 385) of 1980 Laws of Kenya.

The residents are aware of the sensitivity of anything to do with degazettement of any size of land from forest Department but have a strong conviction that the **JUBILEE** government is run by highly qualified leaders who will not hesitate to use their vast wisdom and sound judgement when sought. We need your support, **Hon. Member of the National Assembly** on this issue and request the **JUBILEE** Government to assist us.

It is noteworthy too, that although LR12762 was gazetted as a forest area in 1980, no trees were planted or any vegetation. It is a bare grassland and no trees will be effected by the degazettement.

It is against this background that through our **Hon. Member of the National Assembly**, the said residents appeal to you kindly to facilitate the degazettement of the said LR12762.

We look forward to supplying more and finer details regarding this memorandum if and when required to do so,

Yours, Faithfully,

George Mwangi Ndirangu

Secretary

For and on behalf of residents of Munengi Settlement Scheme.

LEGAL NOTICE No. 184

THE FORESTS ACT

(Cap. 385)

DECLARATION OF A FOREST AREA

IN EXERCISE of the powers conferred by section 141 of the Forests Act, the Minister for Environment and Natural Resources declares that the area described in the Schedule shall be a forest area.

SCHEDULE

KIDURU HILL FOREST

An area of land of approximately 706.4 hectares, being L.R. No. 12762, adjoining the western boundary of the Kikuyu Escarpment Forest, situated approximately two kilometres north-west of Kijabe Town, in Nakuru District, Rift Valley Province, the boundaries of which are more particularly delineated, edged green, on Boundar Plan No. 175/220 which is signed and deposited in the Survey Records Office, Survey of Kenya Nairobi, and a copy of which may be inspected at the office of the Divisional Forest Officer, Forest Department, Muguga.

Dated the 10th November, 1980.

A. J. OMANGA,
Minister for Environment and Natural Resources.

LEGAL NOTICE No. 185

THE FORESTS ACT

(Cap. 385)

THE FORESTS (GENERAL) RULES, 1969

(L.N. 153 of 1969)

IN EXERCISE of the powers conferred by rule 8 of the Forests (General) Rules, 1969, the Minister for Environment and Natural Resources having consulted, through the Chief Conservator of Forests, such persons as appear to him to be representative of the timber industry has, for the purposes of determining the unsawn value of the species of timber specified in columns 1 and 2 of the Schedule, determined, for the period which has elapsed since the previous average selling prices were fixed, the average selling prices of those species to have been those shown in column 3 of the Schedule.



KINUNGI FARMERS COOPERATIVE SOCIETY LIMITED

P.O. BOX 1437, NAIVASHA

CELL: 0720 728 060 or 0728 545 577 or 0723 846 030



To The Chairman,
National House/Land Oversight Committee,
National Assembly,
Parliament buildings,
Nairobi.

Dear Sir,

REF: REFUND OF OUR WASTED MONEY FROM 1994 TO 2014

The genesis of this problem dates back to 1991 when the liquidator Mr. Naftal M. Omari – Cooperative Officer Naivasha, was appointed to liquidate the farm of which he did not do it. In 1993 he appointed his own committee to help him liquidate the farm. But instead of liquidating, in 1994 he started selling public utilities and that's when we started blowing the whistle to stop him from doing that. He however did not stop the action which has subsequently led to these expenses.

Below is a breakdown of the incurred expenses: -

1. Naivasha trips from Kinungi to the government offices.

S/no	Destination	Trips	Persons	Cost per person	Total Cost
1	D.C. District Commissioner	40	7	1000	280,000
2	Registered Lands	5	7	1000	35,000
3	Municipal Council	10	7	1000	70,000
4	Liquidator to Nakuru	10	7	2000	140,000
5	Liquidator to Naivasha	30	7	1000	210,000
6	C.I.D. Naivasha	10	7	1000	70,000
Total					805,000

2. The change of office: Kinungi to Nakuru /Nakuru to Naivasha

S/no	Destination	Trips	Persons	Cost per person	Total Cost
1	P.C. Provincial Commissioner	10	7	2000	140,000
2	Liquidator Nakuru	10	7	2000	140,000
3	Physical Planner	10	7	2000	140,000
4	District Commissioner Nakuru	5	7	2000	70,000
Total					490,000

3. Kinungi to Nairobi

S/no	Destination	Trips	Persons	Cost per person	Total Cost
1	Ministry of Cooperatives	8	7	3000	168,000
2	Permanent Secretary	3	7	3000	63,000
3	C.I.D. Headquarters	5	7	3000	105,000
4	Attorney General	3	7	3000	105,000
5	Mbunge (Parliament) MPs	6	7	3000	126,000
6	Registrar Nairobi	3	3	3000	27,000
7	Legal fees paid to the registrar				4000
Total					598,000

4. Office Meetings/ Sitting Allowances

Sittings	Members	Allowances	Total
480	12	1000	5,760,000

5. Damages/Trespass

Cutting down our indigenous trees (Red Cider)

23 huge trees costs - 300,000

6. Trespass

Trespassing into Kinungi soil and damaged our property which costs 10 million.

7. Development Damages

The liquidator and his team grabbed the said land and started selling in cheap prices then defamed the name of Kinungi Farmers Cooperative Limited. These halted the development as the public had "feared to develop" which costs 50 million.

8. Damages Diseases

Some members were intimidated by the liquidator and his team's harassment which resulted to sickness i.e. high blood pressure, diabetes e.t.c. which cost death to our members. So, these cost the Kinungi community Kshs. 10 million and some are still lying on the beds.

9. Destruction on economy and wasted time

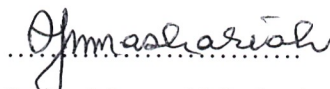
We have been keen following this matter since 1994 until now 2014 without doing any other job. These have cost us wasted time, energy, making calls to relevant offices and very expensive trips from office to office which cost 8 million.

The total amount is approximately 106 million.

Please find attached is a list of members of Kinungi Farmers Cooperative Society.

We kindly request the chairman of the Land Oversight Committee and his committee members to facilitate refund of our money. Our greatest achievement is the return of our public utility plots and the conclusion of our case with the grabbers. We the members of Kinungi Cooperative Society are grateful to the eleventh parliament for the good work they have done to us.

Yours faithfully,



Julius Mwangi Macharia

On behalf of Kinungi Farmers.

C.C. County Commissioner Nakuru County,

The Governor, Nakuru County,

Sub-County Commissioner,

County Cooperative Officer,

Sub-County Cooperative Officer.

KWUNDA Co-OPERATIVE SOCIETY

MEMBERS:

Julius Mwangi Njoroge - 0123 846080 ~~0123~~
Eusebius Kiragu Karani - 0790 664597 Kijige
Mbugua Mbio - 0107813420 Mbio
Wanjau Kiragu - 0120725060 Kiragu
Mwachau Gicheha - 0133 244289 Gicheha
Michael Mbugua Njoroge - 0728 545577 Mbugua
Peter Mwangi Njoroge - 071281911 Mwangi
John Mwachau - 0727 442906 Mwachau
Kathu Gicheha - 0721746308 Gicheha
Peter Mbugua Njoroge - 0720131907 Peter
Mbugua Njoroge - Mbugua
Michael Kabera Kibe - 0734 615766 Kabera
PETER KIRAGU KARANI - 0723808605 Kiragu
PETER NJENJANGA - 0720446321 Njoroge
SILVANO NJENGA KARANI - 0729074387 Njoroge

0722 592347

MINISTRY OF LANDS, HOUSING AND URBAN DEVELOPMENT

Telegrams: LANDS
Telephone: NAIVASHA 050-2030450
When replying please quote:

DEPARTMENT OF LANDS,
P.O. BOX 2070
NAIVASHA

RE:NSA/LND/CORRES/7/1/VOL.1/3



Date: 21st March, 2014

The Chairman,
National Land Commission



RE: KINUNGI TRADING CENTRE
PLOT NOS: 15,59,72,76,77,78 & 92

I refer to the above parcels of lands and your letter of ref:CF/21/8 dated 3rd December 2013.

Kindly note that the quoted parcels of land are not public utilities as alleged. From the R.I.M, it is clearly indicated that public utilities are four churches, one health centre, one nursery school, one open air market, one disposal site and seventy eight PCR plots of 0.045 hectares.

The quoted parcels of land are private properties. Their leases were obtained after allotment by the Commissioner of Lands. Also refer to the letter by the liquidator dated 5th March 2014. Copy enclosed for ease of reference.

G. O. Nyangweso
G. O. NYANGWESO
DISTRICT LAND REGISTRAR
NAIVASHA

Cc:
Sub County Cooperative Officer
NAIVASHA.

REPUBLIC OF KENYA

THE REGISTERED LAND ACT

(CAP 300)

CERTIFICATE OF OFFICIAL SEARCH

TITLE NO.: KINUNGI TOWNSHIP 68 SEARCH NO. 394/2/14

On the 13TH day of FEB 20 14 the following were the subsisting entries on the register of the above-mentioned title:

PART A - Property Section (Easements, etc)

Nature of Title: LEASEHOLD

Approximate area: 0.047HA ZERO DECIMAL ZERO FOUR ONE SEVEN(HA) FROM: 1/4/96

PART B - Proprietorship Section

Name and Address of the Proprietor:-

- 1. 23/9/96 PETER MAINA KWERI
2. 23/9/96 CERTIFICATE OF LEASE ISSUED

Inhibitions, Cautions and Restrictions: -

NIL

PART C - Encumbrances section (Leases, Charges, etc)

NIL

The following applications are pending:

NIL

The certified copies requested are attached.

The minimum fee KSh. 500 (Five hundred only)

Dated this 13TH day of FEBRUARY 20 14

Handwritten signature and stamp of the Land Registrar.

Land Registrar

To: The Land Registrar, NAIVAHITA District Land Registry,

P. O Box:

KSh. attached hereto.

Signature of the applicant or his advocate

TO BE SUBMITTED IN DUPLICATE



REPUBLIC OF KENYA

MINISTRY OF CO-OPERATIVE DEVELOPMENT AND MARKETING

Tel:Naivasha 050-2030148

When replying please quote
Ref: CS/1325/VOL.II (155)

And date

DISTRICT CO-OPERATIVE OFFICE,
NAIVASHA DISTRICT,
P.O. BOX 573-20117,
NAIVASHA.

5th March 2014

The Chairman,
National Land Commission
P.O. Box 41777
NAIVASHA

ATT; Mwangi G.


Dear Sir

RE: KINUNGI TRADING CENTRE PLOT NOS 15, 59-72, 76, 77, 78, AND 92:

This has reference to a copy of your letter: cf 21/8 of 3rd December 2013 addressed to the District Land Registrar, Naivasha, regarding the above subject matter.

As at the time of taking over as the liquidator of the society (File no. 48515) the above said pieces of land at Kinungi Trading Centre were not public utilities. They belong to individuals and they still do. The sub-division development plan of 29th December, 1995 authenticated by the Director of survey on 12th January, 1996 is clear on this position.

I have not sold any public utility land to any individual or group of individuals as alleged.


(N. M. OMARI)
SUB - COUNTY CO-OPERATIVE OFFICER
(LIQUIDATOR - KINUNGU F.C.S. LTD.)

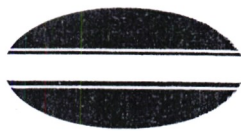
c.c.
The Chairman,
Kinungi Farmers Co-op Society Ltd.,
P.O. Box 101,
NAIVASHA.

MIRUNGU/GIWONO.

Pls deal

FA

12/8



ISAHAKIA WELFARE ASSOCIATION OF KENYA
P.O. BOX 47069, TEL/FAX 254-020-251151
NAIROBI - KENYA

Commitment to social equity

THE NATIONAL ASSEMBLY
RECEIVED
12 AUG 2014
DIRECTOR COMMITTEE SERVICE

5th August, 2014

The Chairman,
Parliamentary Land Committee
C/o The Clerk Kenya National Assembly,
Parliament Buildings,
P.O. Box 41842-00100
NAIROBI.

Dear Chairman,

Re: Isahakia Community Land in Naivasha – Ref. No. 19447/XXIII & 19447/XXIV/35

I write to you on the above subject matter in my capacity as Chairman of the Isahakia Welfare Society, a legally established body standing for the interest of the Isahakia Community in Kenya. You are no doubt aware and appraised of the community's long standing pursuit of their ancestral land in Naivasha. In the course of this pursuit, various interest groups of the community have engaged local and national government offices on the matter. It is on this issue on community representation that I want to provide clarification so that your office is made aware of the legitimate group representing the interest of Isahakia Community as regards the Naivasha land.

As a community we have resolved to entrust our faith and support in a community appointed group to be charged with this matter of the Naivasha Land. Recognizing the need for a structured, well coordinated and legally grounded institution to handle the community's Naivasha land claim in an open, transparent and fair manner to ensure that the interests of each member of the Isahakia community (now dispersed all over Kenya) is protected, the community agreed to set up the Isahakia Community Naivasha Land Trust at a meeting held on 20th March 2010 in Nairobi. This endorsement and support for the Trust was reiterated at subsequent meetings held on 13th June 2010 and 5th July 2014. The community has full confidence in and support for the Isahakia Community Naivasha Land Trust which it has charged with handling all matters related to the Naivasha Land on its behalf.

I want therefore to inform your office that this Trust is the only legitimate body that the community has mandated to pursue recovery of the community's Naivasha Land.

Yours faithfully,

M. J. Abdi
CHAIRMAN

Mr Cunno
Please deal
from

13/8

220

929

ISAHAKIA COMMUNITY NAIVASHA LAND TRUST

Braham Court, State House Road
P.O. Box 76204-00508
Nairobi

14 July 2014

The Chairman
Parliamentary Land Committee
c/o The Clerk Kenya National Assembly
Parliament Buildings
P.O. Box 41842-0100
Nairobi

① D/Committee

② MIRUNGU
pls deaf
SA

16/7

Dear Chairman,

Re: Isahakia Community Land in Naivasha Ref. No. 19447/XXIII & 19447/XXIV/35

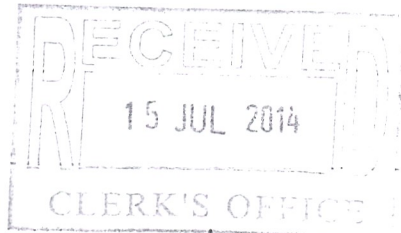
We write to you on two accounts. The first is to draw your attention to the Isahakia community's long-standing claim and pursuit of their land rights in Naivasha which remains to be resolved. This claim has a long and well documented history that government organs at various levels are well aware of. The claim concerns the following land parcels described by the original LR numbers: LR 5210, LR 5211, LR 5212, LR 11517 (bordering Karati River all the way to Kambi ya Samaki on the lake edge), and LR 1144 (bordering Nodia Farm to the east and delimited by Karati Road to south and south-east). We are glad and want to thank you and your committee for recently taking up this matter.

The second is to inform your office that the Isahakia Community Naivasha Land Trust is the sole legitimate organization that the community has chosen to represent their interest in the matter of the recovery and management of the afore-stated community land. In the days to come, we shall be seeking audience with you and other relevant government offices at the sub-county, county and national levels that are alive on the matter at hand.

We wish to thank you for your indulgence and trust that with your support, the community shall soon be rewarded for the long struggle to recover their communal land.

Yours faithfully,

Dr. Rashid Aman
Trustee
Isahakia Community Naivasha Land Trust



Mr Amos
to wife
Pmm, 16/7

789

IBRAHIM, ISSACK & COMPANY
Advocates, Notaries Public & Commissioners for Oaths

Fred K. Athuok
Ali R. Haji
M. Faisal Dubow

Tel: 020-2013626, 020-2013866, 020-2013867
Mobile: 0722 512 697
E-mail: info@braissac.com
website:www.braissac.com

8th Floor
Hughes Building
Kenyatta Avenue
P.O. Box 66975-0200
Nairobi, Kenya

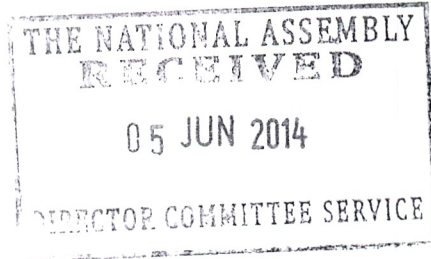
When replying please quote **Our Ref: 551/312/2011** **Your Ref:**

Date: 28th May, 2014

The Deputy Registrar,
High Court at Nakuru.,
NAKURU

Dear Sir,

VERY URGENT



RE: CIVIL SUIT NO. 23 OF 2011: KENYA AGRICULTURAL RESEARCH INSTITUTE (K.A.R.I) VS. FARAH ALI, CHAIRMAN, ISAHAKIA SELF HELP GROUP & THE COMMISSIONER OF LANDS

We refer to the above matter in which **KENYA AGRICULTURAL RESEARCH INSTITUTE (KARI)** made an Application dated 28th May 2012 in which they sought the following Orders:-

- I. **THAT** the 1st Defendants whether by themselves in the High Court at Nakuru, their members, or as the case may be, servants, officials, agents, representatives or any body, person or authority acting for and/or on their behalf be evicted from Land Reference Nos. L. R. 5210 and LK. R. No. 5211 situate in Naivasha, Nakuru County and/or any structures thereon.
- II. **THAT** the eviction Order be enforced by the Officer Commanding Naivasha Police Station (OCS).
- III. **THAT** the Orders of this Court herein be served on the Officer Commanding Police Division (OCPD) and Officer Commanding (OCS), Naivasha Police Station (OCS).
- IV. **THAT** the costs of the eviction be borne by the 1st Defendants.
- V. **THAT** the Court be at liberty to issue any other Orders it may deem fit and just to grant in the circumstances of this matter.
- VI. **THAT** costs of this Application be provided."

The above Application was filed by KARI on 28th May 2012 and they have not argued it to date. It is still pending in the High Court at Nakuru and the status quo on the property was maintained.

It is disturbing that on Monday 27th May 2014, KARI unlawfully took the law into their hands and invaded the subject property with tractors and bulldozers and began ploughing this land and

Mr. Anono
Ple note the contents
of conclusion in the
report on KARI land
"11

terrifying the Defendants members, children and women at their residences.

KARI has basically abandoned their application in Court and taken the law into their own hands. This is not acceptable and amounts to serious contempt of Court and breach of the peace. We therefore wish to take out contempt of Court proceedings against KARI officials.

We request that the matter be accorded an urgent Mention date before the scheduled hearing date of 4th July, 2014.

In the meantime, we hereby request the OCS Naivasha Police Station and the OCPD Naivasha Police Division and the OCS Naivasha Police Station to ensure peace is maintained in the subject property and that KARI does not interfere with the peaceful occupation of the suit property by the Isahakiah Community members until the suit is finalized.

Please note that the Isahakiah Community issue is being handled both by the Court, the National Land Commission/Ministry of Lands and the Parliamentary Commission on Land. KARI should desist from using force against the helpless Isahakiah Members to disrupt all these lawful processes.

Yours sincerely

IBRAHIM ISSACK & COMPANY


FRED K. ATHUOK

fred@braissac.com.

- c.c. The OCS,
Naivasha Police Station
NAIVASHA
- c.c. The OCPD
Naivasha Police Division
NAIVASHA
- c.c. The Chairman, National Land Commission,
Arthi House 1st Floor
NAIROBI
- c.c. ✓ The Parliamentary Committee on Land
Ardhi House,
NAIROBI
- c.c. Mumma & Kanjama Advocates
Maendeleo House, 3rd Floor,
NAIROBI
- c.c. The Hon. Attorney General,
Attorney General's Chambers,
NAIROBI

/ea



MEMORANDUM

FROM : NAIVASHA ISHAKIA COMMITTEE

TO: THE PARLIAMENTARY LAND COMMITTEE

INTRODUCTION

Naivasha Ishakia Community is thankful to the current parliamentary committee for their visit to Naivasha to address our historical injustices. Naivasha Ishakia are grateful they have shared their day with the less privileged members of our society. We know of your busy daily schedule inserving this nation, so this is a great honor to Naivasha Ishakia community.

We are grateful that both the current county government and national government have shown eagerness and the zeal to settle our community.

Previous three governments had all approved our historical injustices but lacked the boldness and the zeal to finalize and settle our community.

We are happy to know that the current parliamentary committee are leaders who are sympathetic to our plight and historical injustices.

THE ISSUES TO BE RESOLVED

- The resettlement of 5500 poor and displaced families back into their only ancestral land, whom were heavily penalized for hiding Mau Mau and subsequently unfairly being implicated with shifta movement.
- We were the richest Africans who had high breed cattles which were all sold for 3 shillings each for helping the maumau.
- We request your intervention in securing our ancestral graves which is adjacent to kambi Somali.
- The county government has shown sympathy to our plight and has already returned one part of our ancestral land. We request the committee to help us acquire all the remaining ancestral land.
- We have no issues with our fellow Kenyans who have already settles in our ancestral lands.

FACTOR THAT SUPPORT OUR CLAIM

We are the first community to settle in Naivasha including hosting the late lord Delamere who settled on land from Longonot to Njoro in 1887.

Both Isakiah and lord Delamere were subsequently settled in Naivasha by the Legico.

This facts have been agreed and approved by three previous governments.

The current Naivasha boding school was built by our ancestors, the foundation stone to date bares the names of our founder members Ali Farah, Mohamed Farah, Bille Ali.

The Nema report has proved our ancestral houses built in the late 1800's, and our cultural presence is in the discovery of Hina (decorating of women) and miraa both still growing on the land to date.

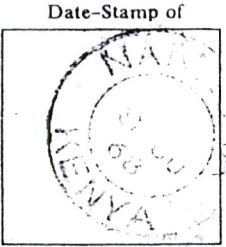
CONCLUSION:

We Naivasha Ishakia community pray to this Parliamentary lands committee to put an end to over 50 year of injustice to our community.



E.A.P. & T. TO BE RETAINED BY THE REMITTER MOA27

1 0042400



Received from: Name Mohamed Hassan
Address Box 31
NAIVASHA?

The following charges (in figures)		
Amount of Order	Sh.	<u>72</u> cts.
Commission	Sh.	<u>1</u> cts.

In respect of a Money Order to be paid to: Name Dept of Lands box 30089
At NAIROBI Post Office.

[Signature]
Signature of Issuing Officer

Lands Department,
P.O. Box 30089,
NAIROBI.

Date 14th Sept. 1972

Sir/ ~~Sir/Madam~~

COURT SECTION
L.R.NO.T.O.L. 11 Somali Location Naivasha

The Government views with the greatest concern the fact that a sum of K. Shs. 256/- in respect of .. rent and penalty for the above mentioned property is now long outstanding. It is the Government's intention to take all necessary action to recover all outstanding land rent arrears and your immediate remittance of the sum due will be greatly appreciated. Failure to meet your land rent liabilities within (30) thirty days of the date of this letter will result in legal proceedings being taken against you.

2. If by the time you receive this letter you have paid the arrears of rent please return it to this office and quote the relevant receipt number.

I have the honour to be,
Sir/ ~~Sir/Madam~~,
Your obedient servant,

[Signature]
(D.J.OKECH MAKALWAL)
FOR COMMISSIONER OF LANDS.

DJOM/JW:

REPUBLIC OF KENYA

LAND RENT

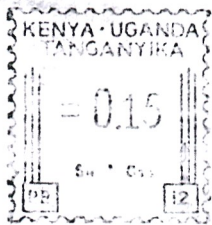
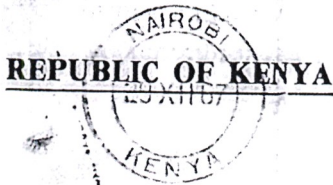
DEPARTMENT OF LANDS
P.O. Box 30089
NAIROBI

Please Return This Notice Intact When Making Payment

Land Rent as shown below is due on 1st January. Payment may be made at the Land Office, Harambee Avenue (behind the President's Office), Nairobi, from 9.30 a.m. to 12.30 p.m. and 2.00 to 3.30 p.m.; Saturdays 9.00 to 11.30 a.m., or by post. All cheques, Postal Orders, etc., should be made payable to the Commissioner of Lands and crossed. Please print your full name on the reverse of the cheque.

If payment is not received in this office by the 31st May a penalty of 10 per cent of the rent due or Sh. 10, whichever is the greater, will be incurred in accordance with the Government Lands Act.

[Signature]
for Commissioner of Lands



1308
11/1

To:—

MOHAMED HASSAN, ESQ.,
P.O. NAIVASHA.

L.R. No. T.O.L 11 (Som-Loc)

MOHAMED HASSAN, ESQ.,
L.R.NO. 11 T.O.L.(SOM-LOC.)

1 ST. JAN. 19 68

Sh. 72.00

Area .. 82.00

Total .. 154.00

← SUM DUE

Please Return This Notice Intact When Making Payment

RECEIPT COUNTERFOIL

AMOUNT RECEIVED →



County Council of Naivasha

NAIVASHA URBAN DISTRICT COUNCIL

In consideration of receiving the sum of Shs 5/- for the purpose of administrative control, the Naivasha Urban District Council hereby grants

to Khadijah Ali of NAIVASHA

Plot No 261 of the Council's allotments, NAIVASHA during the year 1963


~~Mr~~/Mrs Khadijah Ali hereinafter

called "The Tenant", covenants with the Naivasha Urban District Council that during the period of his/her occupation of the Plot he/she to:-

- (a) Keep the land free of weeds and rubbish
- (b) Cultivate the land in accordance with the directions of the Council's Agricultural Adviser.
- (c) TO GROW ROOT CROPS ONLY
- (d) Not to erect any buildings on the land
- (e) Deliver up the plot at the end of the tenancy period to the Council.
- (f) Deliver up the land during the year, if for any reason the land is required for building or for any other purpose of the Crown or the Council, for which no compensation for crops will be payable.
- (g) To maintain in good order the boundaries of the plot allocated.
- (h) Not to transfer the plot to any other person without the permission of the Council.
- (i) Not to keep any stock on the land or keep any poultry on the land.

In the event of the tenant failing to observe any of the covenants listed the Council reserve the right to evict the tenant and such eviction shall be executed by serving written notice to quit on the tenant giving him/her one month's notice to quit the occupation of the plot.

Signed by the Tenant



Receipt number 13.523.45

Date 14/3/63

..... *Boyle*

..... *Wms*

In the presence of



County Council of Naivasha

NAIVASHA URBAN DISTRICT COUNCIL

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to Khadijah Ali. of NAIVASHA
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Signed by the Tenant



Receipt number B.523.45.....

Date 14/3/63.....

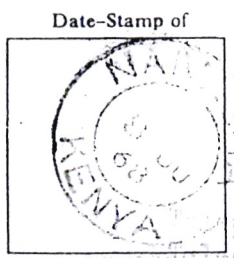
..... *W. J. G. G.*

..... *W. J. G. G.*

In the presence of

E.A.P. & T. TO BE RETAINED BY THE REMITTER MCA27

1 0042400



Receiver from: Name: Mohamed Hassan
Address: Box 21, NAIVASHA

The following charges (in figures)		
Amount of Order	Sh.	72 cts.
Commission	Sh.	1 cts.

Lands Department,
P.O. Box 30089,
NAIROBI.

Date 14th Sept. 1972

In respect of a Money Order to be paid to: Name: Dept of Lands box 30089
At: NAIROBI Post Office.

Signature of Issuing Officer

P.O. Box 21, NAIVASHA

Sir/ ~~XXXXXXXXXX~~ Sir/Madam,

COURT SECTION
L.R.NO. T.P.L. 11 Somali Location Naivasha

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FOR COMMISSIONER OF LANDS.

DJOM/JW:

REPUBLIC OF KENYA

LAND RENT

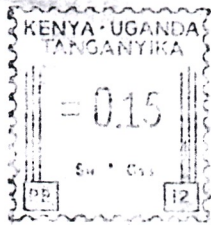
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[Signature]
for Commissioner of Lands



[Faint stamp]
NAIROBI
KAM

To:—

MOHAMED HASSAN, ESQ.,
P.O. NAIVASHA.

L.R. No. T.O.L 11 (Som-Loc)

MOHAMED HASSAN, ESQ.,
L.R.NO. 11 T.O.L.(SOM-LOC.)

1 ST. JAN. 19 68

Sh.	72.00
Area	82.00
Total	154.00

← SUM DUE

Please Return This Notice Intact When Making Payment

RECEIPT COUNTERFOIL

AMOUNT RECEIVED →



MEMORANDUM

FROM : NAIVASHA ISHAKIA COMMITTEE

TO: THE PARLIAMENTARY LAND COMMITTEE

DATE: 2ND MAY, 2014

INTRODUCTION

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FACTOR THAT SUPPORT OUR CLAIM

We are the first community to settle in Naivasha including hosting the late lord Delamere who settled on land from Longonot to Njoro in 1887.

Both Isakiah and lord Delamere were subsequently settled in Naivasha by the Legico.

These facts have been agreed and approved by three previous governments.

The current Naivasha boarding school was built by our ancestors, the foundation stone to date bares the names of our founder members Ali Farah, Mohamed Farah and Bille Ali.

The Nema report has proved our ancestral houses built in the late 1800's, and our cultural presence is in the discovery of Hina (decorating of women) and miraa both still growing on the land to date.

CONCLUSION:

We Naivasha Ishakia community pray to this Parliamentary lands committee to put an end to over 50 year of injustice to our community.



NAIVASHA ISAHAKIA SELF
HELP GROUP
P.O BOX 1315
NAIVASHA
CELL: 0726 603202

12TH JUNE 2008

"PRIVATE & CONFIDENTIAL"

**COMMISSIONER OF LAND
P.O BOX 30450
NAIROBI**

**Thro'
The Social Development Assistant
NAIVASHA**

Forwarded
16/6/08
NAIVASHA SELF HELP GROUP

**Thro'
The District Commissioner
NAIVASHA**

Forwarded
17/6/08
**DISTRICT COMMISSIONER
NAIVASHA DISTRICT**

Dear Sir/Madam

RE: ACCESS TO CORRESPONDENCE

I wish to bring to your attention over the above named subject; the same refers.

Sir/Madam, I wish you to note with concern that the Naivasha Isahakia Self Help Group is a community based organization based in Naivasha and registered with the department of social services and has been following the Isahakia land issue with your Ministry for the last fifteen (15) years; and there are persons posing to be members who come to the Ministry of lands enquiring to pursue or be shown the same.

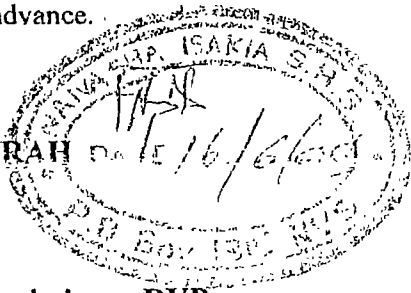
I wish to inform your esteemed office not to allow any persons to access any issue as pertains the same. In affirmment, the only authorized person(s) is **Mr. Ahmed Ali Farah**, the chairman of the group or any other person authorized by him in writing. No other person is allowed to transact on behalf of the organization unless otherwise authorized by the chairman and or members through a resolution passed through a board meeting.

Hoping for your co-operation on this matter.

Thanking you in advance.

Yours faithfully,

**AHMED A. FARAH
CHAIRMAN**



**CC
Provincial Commissioner RVP
P.O BOX 28
NAKURU**

